

BZA-04-25-00857

Exhibit 7

**FOIA Request Documents
Attachments**



4045 Bridge View Drive
North Charleston, SC 29405
Phone: (843) 202-7200
Fax: (843)202-7222

Permit

Permit #: **ZONE-03-25-22114**

Permit Type: **Zoning Permit**

Work Class: **Bldg. - Commercial**

Permit Status: **ACTIVE**

Issue Date: **03/24/2025**

Expires:

Project Address

Parcel Number

District

**1184 BEES FERRY RD, 103 UNIT
JOHNS ISLAND, SC 29455**

3010000809
Flood Zone: **X - 0**

St. Andrews PSD/SAPP
Tax District #: **T.D. 6-2**

Applicant Information

Address

Phone

Cell

SADDAM ADLAILAM

**810 E MAIN ST
LAURENS, SC 29360**

Contractor(s)

Address

Phone

Contractor Type

Invoice #

Paytype

Total Fees

Amount Paid

Amount Due

01218216

Credit Card

\$50.00

\$50.00

\$50.00

\$0.00

Proposed Construction / Details

ZONING APPROVAL FOR INTERIOR UPFIT ONLY FOR "CHILLAXE VAPOR"; RETAIL SALES WILL INCLUDED VAPE JUICES, VAPE DISPOSABLES, VAPE PODS, VAPE CBD, VAPE DEVICES SUCH AS VARIOUS CARTRIDGES, CBD GUMMIES, INCIDENTAL POINT OF SALE OFFERING SNACKS, NON ALCOHOLIC DRINKS, CANDY, STICKERS, MAGNETS AND T-SHIRTS. NO TOBACCO PRODUCTS WILL BE SOLD. NO SMOKING OF ANY KIND WILL BE ALLOWED ON THE PREMISES. APPLICANT MUST OBTAIN ZONING PERMIT TO ESTABLISH BUSINESS FOLLOWING ISSUE OF CERTIFICATE OF OCCUPANCY FROM BIS AND PRIOR TO OPERATIONS. NO WINDOW SIGNS OR DISPLAYS ARE ALLOWED. WALL SIGNAGE REQUIRES SEPARATE REVIEW/PERMIT. BUILDING SERVICES PERMIT IS REQUIRED. OK PER J. EVANS/A.MELOCIK-WHITE.

Valuation: **\$0.00**

Total Sq Ft: **0.00**

THIS WORK WILL BE DONE BY ME, THE OWNER, BY MEMBERS OF MY IMMEDIATE FAMILY OR BY A FULL TIME REGULAR EMPLOYEE NOT HIRED FOR THIS PARTICULAR JOB. WORK DONE BY OTHER THAN ABOVE IS A VIOLATION OF THE LAW AND WOULD VOID THIS PERMIT AND COULD RESULT IN PROSECUTION.

IT IS UNDERSTOOD AND AGREED BY THE UNDERSIGNED THAT THE APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE A PRIVILEGE TO VIOLATE THE ORDINANCES OF THE COUNTY OF CHARLESTON; AND THAT ANY ALTERATION OR CHANGE FROM THIS APPLICATION WITHOUT THE APPROVAL OF THE BUILDING OFFICIAL SHALL CONSTITUTE SUFFICIENT GROUNDS FOR THE REVOCATION OF ANY PERMIT. THIS PERMIT IS EXPRESSLY CONDITIONED UPON THE ACCURACY OF THE INFORMATION SUBMITTED BY THE APPLICANT. PERMIT WORK WILL BE VOIDED IF WORK IS NOT STARTED WITHIN SIX (6) MONTHS OR IF WORK IS STOPPED FOR A PERIOD OF SIX (6) MONTHS.

DATE: 03/24/2025

SIGNATURE OF OWNER, CONTRACTOR, AGENT

Jael H. Evans

APPROVED BY: PLANNING OFFICIAL

Monday, March 24, 2025



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\$50.00

\$0.00

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DATE: 03/24/2025

SIGNATURE OF OWNER. CONTRACTOR, AGENT

Joel H. Evans

APPROVED BY: PLANNING OFFICIAL

Monday, March 24, 2025

South Carolina General Assembly
125th Session, 2023-2024

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A38, R46, H3681

STATUS INFORMATION

General Bill

Sponsors: Reps. West, Long, Rutherford, Bannister, Bradley, Chumley, Hiott, Hixon, Atkinson and Kilmartin

Companion/Similar bill(s): 414, 3483

Document Path: LC-0123VR23.docx

Introduced in the House on January 12, 2023

Introduced in the Senate on April 6, 2023

Last Amended on May 3, 2023

Currently residing in the House

Summary: Omnibus Tobacco Enforcement Act of 2023

HISTORY OF LEGISLATIVE ACTIONS

| Date | Body | Action Description with journal page number |
|-------------|-------------|------------------------------------------------------------------------------------------------------------------------------|
| 1/12/2023 | House | Introduced and read first time (House Journal-page 335) |
| 1/12/2023 | House | Referred to Committee on Medical, Military, Public and Municipal Affairs (House Journal-page 335) |
| 3/30/2023 | House | Committee report: Favorable Medical, Military, Public and Municipal Affairs (House Journal-page 15) |
| 4/3/2023 | | Scrivener's error corrected |
| 4/5/2023 | House | Member(s) request name added as sponsor: Atkinson, Kilmartin |
| 4/5/2023 | House | Read second time (House Journal-page 212) |
| 4/5/2023 | House | Roll call Yeas-90 Nays-2 (House Journal-page 212) |
| 4/6/2023 | House | Read third time and sent to Senate (House Journal-page 30) |
| 4/6/2023 | House | Roll call Yeas-98 Nays-4 (House Journal-page 31) |
| 4/6/2023 | Senate | Introduced and read first time (Senate Journal-page 36) |
| 4/6/2023 | Senate | Referred to Committee on Medical Affairs (Senate Journal-page 36) |
| 4/27/2023 | Senate | Polled out of committee Medical Affairs (Senate Journal-page 8) |
| 4/27/2023 | Senate | Committee report: Favorable Medical Affairs (Senate Journal-page 8) |
| 5/2/2023 | Senate | Debate adjourned (Senate Journal-page 34) |
| 5/2/2023 | Senate | Roll call Ayes-32 Nays-9 (Senate Journal-page 34) |
| 5/3/2023 | Senate | Amended (Senate Journal-page 183) |
| 5/3/2023 | Senate | Read second time (Senate Journal-page 183) |

| Date | Body | Action Description with journal page number |
|-----------|--------|--------------------------------------------------------------------------------------------------|
| 5/3/2023 | Senate | Roll call Ayes-26 Nays-16 (Senate Journal-page 183) |
| 5/4/2023 | Senate | Read third time and returned to House with amendments (Senate Journal-page 47) |
| 5/4/2023 | | Scrivener's error corrected |
| 5/10/2023 | House | Concurred in Senate amendment and enrolled (House Journal-page 32) |
| 5/10/2023 | House | Roll call Yeas-95 Nays-5 (House Journal-page 33) |
| 5/11/2023 | | Ratified R 46 |
| 5/16/2023 | | Signed By Governor |
| 5/25/2023 | | Effective date See Act for Effective Date |
| 5/25/2023 | | Act No. 38 |

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VERSIONS OF THIS BILL

[1/12/2023](#)

[3/30/2023](#)

[4/3/2023](#)

[4/27/2023](#)

[5/3/2023](#)

[5/4/2023](#)

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

(A38, R46, H3681)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION [44-95-45](#) SO AS TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, OR TOBACCO PRODUCTS AND TO PROVIDE THAT SUCH LAWS, ORDINANCES, AND RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THE PREEMPTION IMPOSED BY THIS ACT; BY AMENDING SECTIONS [16-17-500](#), [16-17-501](#), [16-17-502](#), [16-17-503](#), [16-17-504](#), AND [16-17-506](#), RELATING TO THE PREVENTION OF YOUTH ACCESS TO TOBACCO AND OTHER NICOTINE PRODUCTS, SO AS TO CHANGE THE DEFINITION OF "TOBACCO PRODUCT" AND ADD DEFINITIONS FOR "TOBACCO RETAIL ESTABLISHMENT" AND "TOBACCO RETAILER"; TO PROHIBIT MINORS FROM ENTERING A TOBACCO RETAIL ESTABLISHMENT; TO CHANGE CERTAIN PENALTIES FOR TOBACCO RETAILER VIOLATIONS; TO REQUIRE TOBACCO RETAILERS TO SECURE AND DISPLAY A TOBACCO RETAIL SALES LICENSE FROM THE DEPARTMENT OF REVENUE AND TO ESTABLISH AN ASSOCIATED FEE AND PENALTY FOR VIOLATIONS; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES; BY AMENDING SECTION [59-1-380](#), RELATING TO THE MANDATORY PUBLIC SCHOOL TOBACCO-FREE CAMPUS POLICY, SO AS TO MAKE CONFORMING CHANGES; AND BY ADDING SECTION [12-36-511](#) SO AS TO REQUIRE RETAILERS TO PROVIDE THE DEPARTMENT OF REVENUE CERTAIN TOBACCO-RELATED INFORMATION IN THEIR RETAIL LICENSE APPLICATIONS.

Be it enacted by the General Assembly of the State of South Carolina:

Citation

SECTION 1. This act may be cited as the "Omnibus Tobacco Enforcement Act of 2023".

Preemption

SECTION 2. Chapter 95, Title 44 of the S.C. Code is amended by adding:

Section 44-95-45.(A) Political subdivisions of this State may not enact any laws, ordinances, or rules pertaining to ingredients, flavors, or licensing, beyond a general business license, related to the sale of the following products:

(1) cigarettes, as defined in Section 12-21-620;

(2) electronic smoking devices, e-liquid, vapor products, or tobacco products, each as defined in Section 16-17-501; or

(3) any other product containing nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any means.

(B) Nothing in this section shall be construed to interfere with a political subdivision's authority to determine its own public-use policies relating to any of the products referenced in this section.

Preemption exemptions

SECTION 3. Laws, ordinances, or rules enacted by political subdivisions of this State prior to December 31, 2020, pertaining to ingredients, flavors, or licensing, related to the sale of cigarettes, electronic smoking devices, e-liquid, vapor products, tobacco products, or any other products containing nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any means, and municipal code amendments to said laws, ordinances, or rules, are exempt from the preemption imposed by this act. Nothing in this act shall be construed to interfere with a political subdivision's authority to determine its own public-use policies relating to any of the products referenced in this act.

Land use regulation, local authority

SECTION 4. Nothing in this act shall be construed to interfere with a political subdivision's authority under Chapter 29, Title 6, including, without limitation, with respect to land use regulation, land development regulation, zoning, or permitting.

Tobacco product sale prohibitions, minors

SECTION 5. Section [16-17-500](#) of the S.C. Code is amended to read:

Section [16-17-500](#). (A) It is unlawful for an individual to sell, furnish, give, distribute, purchase for, or provide a tobacco product to a minor under the age of eighteen years.

(B) It is unlawful to sell a tobacco product to an individual without a demand of proper proof of age. Failure to demand identification to verify an individual's age is not a defense to an action initiated pursuant to this subsection. Proof that is demanded, is shown, and reasonably is relied upon for the individual's proof of age is a defense to an action initiated pursuant to this subsection.

(C) A person engaged in the sale of tobacco products made through the Internet or other remote sales methods shall perform an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the individual during the ordering process that establishes the individual is eighteen years of age or older and shall use a method of mailing, shipping, or delivery that requires the signature of a person at least eighteen years of age before a

tobacco product will be released to the purchaser, unless the Internet or other remote sales methods employ the following protections to ensure age verification:

(1) the customer creates an online profile or account with personal information including, but not limited to, name, address, social security information, and a valid phone number, and that personal information is verified through publicly available records; or

(2) the customer is required to upload a copy of his government-issued identification in addition to a current photograph of the customer; and

(3) delivery is made to the customer's name and address.

(D) It is unlawful to sell a tobacco product through a vending machine.

(E)(1) An individual who knowingly violates a provision of subsections (A), (B), (C), (D), or (J) in person, by agent, or in any other way is guilty of a misdemeanor and, upon conviction, must be:

(a) for a first offense, fined not less than two hundred dollars and not more than three hundred dollars;

(b) for a second and subsequent offense, fined not less than four hundred dollars and not more than five hundred dollars, imprisoned for not more than thirty days, or both.

(2) In lieu of the fine, the court may require an individual, at the expense of the tobacco retailer or tobacco retail establishment, to successfully complete a Department of Alcohol and Other Drug Abuse Services-approved merchant tobacco enforcement education program.

(3) A tobacco retailer who knowingly violates or permits an employee to violate a provision of subsections (A), (B), (C), (D), or (J) in the tobacco retail establishment is subject to an administrative penalty as follows:

(a) for a first violation, issued a warning;

(b) for a second violation within a thirty-six-month period, fined not less than three hundred dollars;

(c) for a third violation within a thirty-six-month period, fined not less than six hundred dollars;

(d) for a fourth and subsequent violation within a thirty-six-month period, fined not less than one thousand two hundred dollars and the tobacco retailer is prohibited from selling or distributing tobacco products for a period of at least seven days and no greater than thirty days. For purposes of this subsection, a tobacco retailer that knowingly sells or distributes during the period that the tobacco retailer is prohibited from selling or distributing is subject to a fine of not more than two hundred dollars and is prohibited from selling or distributing tobacco products for an additional period of seven days; and

(e) A tobacco retailer or tobacco retail establishment may request a contested case hearing for the fine or for the prohibition from selling or distributing tobacco products in front of the South Carolina Administrative Law Court, pursuant to the South Carolina Administrative Procedures Act, Section [1-23-310](#) et, seq.

(4) In lieu of the fine and prohibition from selling or distributing tobacco products, the court may require the tobacco retailer or tobacco retail establishment's employees, at the expense of the tobacco retailer or tobacco retail establishment, to successfully complete a Department of Alcohol and Other Drug Services-approved merchant tobacco enforcement education program.

(5) Failure to require identification for the purpose of verifying a person's age is prima facie evidence of a violation of this section.

(6) Local law enforcement and the State Law Enforcement Division may enforce subsections (A), (B), (C), (D), (E), or (J). The Department of Revenue must administer the provisions of subsection (E)(3) and the State Law

Enforcement Division may enforce subsection (E)(3).

(7) A violation of subsection (A), (B), (C), (D), or (J) is prima facie evidence of a violation of subsection (E)(3). The Department of Revenue is authorized to present evidence of a violation of subsection (A), (B), (C), (D), or (J) to establish the violation of subsection (E)(3). Evidence of compliance with a merchant tobacco enforcement education program is an affirmative defense to subsection (E)(3)(a) and (b).

(F)(1)(a) A minor under the age of eighteen years must not present or offer proof of age that is false or fraudulent for the purpose of purchasing or possessing these products.

(b) A minor under the age of eighteen years is prohibited from entering a tobacco retail establishment that has as its primary purpose the sale of tobacco products, unless the minor is actively supervised and accompanied by an adult.

(c) The provisions of this subsection do not apply to a minor under the age of eighteen who is recruited and authorized by a law enforcement agency to test an establishment's compliance with laws relating to the unlawful transfer of tobacco products. The testing must be conducted under the direct supervision of a law enforcement agency, and the law enforcement agency must have the consent of a parent or legal guardian of the minor.

(2) A minor who knowingly misrepresents his age to purchase or attempt to purchase a tobacco product commits a noncriminal offense and is subject to a civil fine of twenty-five dollars.

(3) In lieu of the civil fine, the court may require a minor to successfully complete a Department of Health and Environmental Control-approved smoking cessation or tobacco prevention program, a South Carolina Department of Alcohol and other Drug Abuse Services tobacco prevention program, or to perform not more than five hours of community service for a charitable institution.

(4) A violation of this subsection is not a criminal or delinquent offense and no criminal or delinquent record may be maintained. A minor may not be taken into custody, arrested, placed in jail or in any other secure facility, committed to the custody of the Department of Juvenile Justice, or found to be in contempt of court for a violation of this subsection or for the failure to pay a fine, successfully complete a smoking cessation or tobacco prevention program, or perform community service.

(5) A violation of this subsection is not grounds for denying, suspending, or revoking an individual's participation in a state college or university financial assistance program including, but not limited to, a Life Scholarship, a Palmetto Fellows Scholarship, or a need-based grant.

(6) The uniform traffic ticket, established pursuant to Section [56-7-10](#), may be used by law enforcement officers for a violation of this subsection, including civil penalties and warnings. A violation of subsection (F) does not constitute a criminal offense. A law enforcement officer issuing a uniform traffic ticket pursuant to this subsection must immediately seize the tobacco product.

(G) This section does not apply to the possession of a tobacco product by a minor working within the course and scope of his duties as an employee or participating within the course and scope of an authorized inspection or compliance check.

(H) Jurisdiction to hear a violation of this section is vested exclusively in the municipal court and the magistrates court. A hearing pursuant to subsection (F) must be placed on the municipal or magistrates court's appropriate docket for traffic violations, and not on the court's docket for civil matters. For the purposes of contesting a tobacco retailer being fined or prohibited from selling or distributing tobacco products under subsection (E)(3), the jurisdiction is vested in the South Carolina Administrative Law Court.

(I) A retail establishment must train all tobacco retail sales employees regarding the unlawful distribution of tobacco products to minors.

(J)(1) A tobacco retail establishment that has as its primary purpose the sale of tobacco products must prohibit minors under the age of eighteen years from entering the tobacco retail establishment, unless the minor is actively supervised and accompanied by an adult, and shall determine whether a person is at least eighteen years of age by requiring proper proof of age in accordance with subsection (B), prior to the sale of a tobacco product.

(2) A tobacco retail establishment described in item (1) must conspicuously post on all entrances to the establishment the following:

(a) a sign in boldface type that states "NOTICE: It is unlawful for a person under eighteen years of age to enter this store, unless the minor is actively supervised and accompanied by an adult. Age will be verified prior to sale.";

(b) a sign printed in letters and numbers at least one-half inch high that displays a toll free number for assistance to callers in quitting smoking, as determined by the Department of Health and Environmental Control.

(3) For purposes of this section, whether a tobacco retail establishment has as its primary purpose the sale of tobacco products must be based on the totality of the circumstances. Facts that must be considered, but not be limited to, are the tobacco retail establishment's business filings, business name and signage, marketing and other advertisements, and the percentage of revenue and inventory directly related to the sale of tobacco products.

(K) Notwithstanding any other provision of law, a violation of this section does not violate the terms and conditions of an establishment's beer and wine permit and is not grounds for revocation or suspension of a beer and wine permit.

Definitions

SECTION 6. Section [16-17-501](#) of the S.C. Code is amended to read:

Section [16-17-501](#). As used in this section and Sections [16-17-500](#), [16-17-502](#), [16-17-503](#), [16-17-504](#), and [16-17-506](#):

(1) "Distribute" means to sell, furnish, give, provide, or attempt to do so, whether gratuitously or for any type of compensation, tobacco products, including tobacco product samples, cigarette paper, or a substitute for them, to the ultimate consumer.

(2) "Distribution" means the act of selling, furnishing, giving, providing, or attempting to do so, whether gratuitously or for any type of compensation, tobacco products, including tobacco product samples, cigarette paper, or a substitute for them, to the ultimate consumer.

(3) "Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance, including e-liquid, to the person inhaling from the device including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. "Electronic smoking device" includes any component, part, or accessory of the device, and also includes any substance intended to be aerosolized or vaporized during the use of the device whether or not the substance includes nicotine. "Electronic smoking device" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(4) "E-liquid" means a substance that:

(a) may or may not contain nicotine;

(b) is intended to be vaporized and inhaled using an electronic smoking device; and

(c) is a legal substance under the laws of this State and the laws of the United States.

"E-liquid" does not include cannabis or CBD as defined under the laws of this State and the laws of the United States unless it also contains nicotine.

(5) "Proof of age" means a driver's license or identification card issued by this State or any other state or a United States Armed Services identification card.

(6) "Sample" means a tobacco product distributed to members of the general public at no cost for the purpose of promoting the products.

(7) "Sampling" means the distribution of samples to members of the general public in a public place.

(8) "Tobacco product" means:

(a) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;

(b) any electronic smoking device as defined in this section and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or

(c) any component, part, or accessory of subitem (a) or subitem (b), whether or not any of these contains tobacco or nicotine including, but not limited to, filters, rolling papers, blunt or hemp wraps, and pipes. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(9) "Tobacco retail establishment" means any place of business where tobacco products are available for sale to the general public. The term includes, but is not limited to, grocery stores, tobacco product shops, kiosks, convenience stores, gasoline service stations, bars, and restaurants.

(10) "Tobacco retailer" means any person, partnership, joint venture, society, club, trustee, trust association, organization, or corporation who owns, operates, or manages any tobacco retail establishment. Tobacco retailer does not mean the nonmanagement employees of any tobacco retail establishment.

Tobacco product samples

SECTION 7. Section [16-17-502](#) of the S.C. Code is amended to read:

Section [16-17-502](#). (A) It is unlawful for a person to distribute a tobacco product sample to a person under the age of eighteen years.

(B) A person engaged in sampling shall demand proof of age from a prospective recipient if an ordinary person would conclude on the basis of appearance that the prospective recipient may be under the age of eighteen years.

(C) A person violating this section is subject to the penalties set forth in Section [16-17-500](#)(E).

(D) A tobacco retail establishment violating this section is subject to administrative penalties as provided in Section [16-17-500](#)(E)(3).

Enforcement

SECTION 8. Section [16-17-503](#) of the S.C. Code is amended to read:

Section [16-17-503](#). (A) The State Law Enforcement Division may conduct unannounced compliance checks for violations of Sections [16-17-500](#), [16-17-502](#), and [16-17-506](#). A person under the age of eighteen may be recruited and authorized by the State Law Enforcement Division to test the tobacco retail establishment's compliance with Sections [16-17-500](#), [16-17-502](#), and [16-17-506](#). The testing must be under direct supervision of

a law enforcement agency and with the consent of the person's parent or guardian. The State Law Enforcement Division must notify the Department of Revenue of violations under Section [16-17-500](#)(E)(3). The results of compliance checks resulting in a tobacco retailer being prohibited from selling or distributing tobacco products must be published by the Department of Revenue annually and made available to the public upon request. Penalties collected pursuant to Sections [16-17-500](#), [16-17-502](#), and [16-17-506](#) must be used to offset the costs of enforcement.

(B) The Director of the South Carolina Department of Alcohol and Other Drug Abuse Services shall conduct random, unannounced inspections at locations where tobacco products are sold and at locations that have notified the Department of Revenue under Section [12-36-511](#) that the tobacco retailer sells or distributes tobacco products. A person under the age of twenty-one may be recruited and authorized by a law enforcement agency on behalf of the Department of Alcohol and Other Drug Abuse Services to test a tobacco retail establishment's compliance with federal laws relating to the unlawful sale of tobacco to minors for the purposes of federal reporting requirements. The Director of South Carolina Department of Alcohol and Other Drug Abuse Services shall provide for the preparation of and submission annually to the Secretary of the United States Department of Health and Human Services the report required by Section 1926 of the federal Public Health Service Act (42 U.S.C. 300x-26) and otherwise is responsible for ensuring the state's compliance with that provision of federal law and implementing regulations promulgated by the United States Department of Health and Human Services.

Enforcement

SECTION 9. Section [16-17-504](#) of the S.C. Code is amended to read:

Section [16-17-504](#). (A) Sections [16-17-500](#), [16-17-502](#), [16-17-503](#), and [16-17-506](#) must be enforced to ensure the eligibility for and receipt of federal funds or grants the State receives or may receive relating to the sections. Any laws, ordinances, or rules enacted pertaining to tobacco products may not supersede state law or regulation. Nothing in this section affects the right of any person having ownership or otherwise controlling private property to allow or prohibit the use of tobacco products on the property.

(B) Smoking ordinances in effect before the effective date of this act are exempt from the requirements of subsection (A).

E-liquid containers

SECTION 10. Section [16-17-506](#) of the S.C. Code is amended to read:

Section [16-17-506](#). (A) For purposes of this section, "container" means a bottle or other container of any kind that contains e-liquid and is offered for sale, sold, or otherwise distributed, or intended for distribution to consumers, but that does not include a cartridge that is prefilled and sealed by the manufacturer and not intended to be opened by the customer.

(B) It is unlawful to sell, hold for sale, or distribute a container of e-liquid unless:

- (1) the container satisfies the requirements of 21 C.F.R. 1143.3, if applicable, for the placement of labels, warnings, or any other information upon a package of e-liquid that is to be sold within the United States;
- (2) the container complies with child-resistant effectiveness standards under 16 C.F.R. 1700.15(b)(1) when tested in accordance with the requirements of 16 C.F.R. 1700.20; and
- (3) the container complies with federal trademark or copyright laws.

(C) A person who knowingly sells, holds for sale, or distributes e-liquid containers in violation of subsection (B) is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than three years or fined not more than one thousand dollars, or both.

(D) In addition to the other penalties provided by law, law enforcement may seize and destroy or sell to the manufacturer, for export only, any containers in violation of this section.

(E) Any tobacco retailer or tobacco retail establishment that permits an employee to violate or knowingly violates subsection (B) is subject to the penalties in Section [16-17-500](#)(E)(3).

Tobacco-free school campus policy

SECTION 11. Section [59-1-380](#) of the S.C. Code is amended to read:

Section [59-1-380](#). (A) Every local school district in the State shall implement and enforce a written policy prohibiting at all times the use of any tobacco product by any person in school buildings, in school facilities, on school campuses, and in or on any other school property owned or operated by the local school administrative unit. The policy also must prohibit the use of any tobacco product by persons attending a school-sponsored event at a location not listed in this subsection when in the presence of students or school personnel or in an area where smoking or other tobacco use is otherwise prohibited by law.

(B) The policy must include at least all of the following elements:

- (1) adequate notice to students, parents or guardians, the public, and school personnel of the policy;
- (2) posting of signs prohibiting at all times the use of tobacco products by any person in and on school property; and
- (3) requirements that school personnel enforce the policy, including appropriate disciplinary action.

(C) Disciplinary actions for violating the policy may include, but not be limited to:

- (1) for students: administrator and parent or legal guardian conference, mandatory enrollment in tobacco prevention education or cessation programs, community service, in-school suspension, suspension for extracurricular activities, or out-of-school suspension;
- (2) for staff: verbal reprimand, written notification in personnel file, mandatory enrollment in tobacco prevention education, voluntary enrollment in cessation programs, or suspension;
- (3) for contract or other workers: verbal reprimand, notification to contract employer, or removal from district property; and
- (4) for visitors: verbal request to leave district property or prosecution for disorderly conduct for repeated offenses.

(D) The local school district shall collaborate with the Department of Health and Environmental Control, the Department of Alcohol and Other Drug Abuse Services, and the South Carolina Department of Education, as appropriate, to implement the policy, including as part of tobacco education and cessation programs and substance use prevention efforts.

(E) The policy may permit tobacco products to be included in instructional or research activities in public school buildings if the activity is conducted or supervised by the faculty member overseeing the instruction or research and the activity does not include smoking, chewing, inhaling, or otherwise ingesting the tobacco product.

(F) For purposes of this section "tobacco product" has the same meaning as defined in Section [16-17-501](#).

Disclosure, sale of tobacco products by retailer

SECTION 12. Chapter 36, Title 12 of the S.C. Code is amended by adding:

Section [12-36-511](#). A retailer must submit whether it sells tobacco, tobacco products, including electronic smoking devices or e-liquid, as defined in Section [16-17-501](#)(3) and (4), or any other product used for smoking with its retail application. A retailer not previously designated as a tobacco retail establishment, as defined in Section [16-17-501](#), shall notify the department in the manner prescribed by the department prior to selling tobacco products. For the purposes of this section, tobacco retailers and tobacco retail establishments that have a retail license must supplement their retail license application to notify the department that they sell or distribute tobacco or tobacco products. For the purposes of this section, a retailer that sells tobacco, tobacco products, or any other product used for smoking that does not disclose on their initial retail application or supplement their retail license application is subject to a fine of not more than two hundred dollars and must file within fifteen days of notification of a failure to file. A retailer that fails to file within fifteen days after the notification is subject to a fine of two thousand dollars.

Time effective

SECTION 13. This act takes effect ninety days after approval by the Governor except SECTION 2, SECTION 3, and SECTION 4 which take effect upon approval by the Governor.

Ratified the 11th day of May, 2023.

Approved the 16th day of May, 2023.

This web page was last updated on June 14, 2023 at 3:55 PM



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Ross@mklawsc.com

March 7, 2025

VIA E-MAIL ONLY

Joel Evans
Charleston County Planning and Zoning Director
4045 Bridge View Dr.
North Charleston, SC 29405-7464
JEvans@charlestoncounty.org

**Re: 1184 Bees Ferry Road, Suite 103 / Johns Island, SC 29455
Legal Support for Letter of Intent Submitted on February 21, 2025**

Dear Joel:

I hope this finds you well. My firm represents Hunt Club Medical, LLC (“HCM”), the owner of 1184 Bees Ferry Road, Johns Island, SC 29455 (TMS No. 301-00-00-809) (the “Property”). This letter supports the Letter of Intent submitted for the Property on February 21, 2025 (the “LOI”).

The LOI proposes a retail vape store *that will not engage in any tobacco retail sales of any kind*. Therefore, the use cannot be considered a “Tobacconist” use.¹ Rather, it would fall under the “Retail Sales or Services, General” use category, which is permitted by-right under the Hunt Club PD, as amended.

There is ample legal and factual support for staff to conclude that a vape store is a permitted use under the Hunt Club PD, as amended. Please consider the following:

- Zoning ordinances must be strictly construed in favor of the free exercise of property. *Helicopter Solutions, Inc. v. Hinde*, 414 S.C. 1, 13, 776 S.E.2d 753, 759 (Ct. App. 2015) (citing *Purdy v. Moise*, 223 S.C. 298, 302, 75 S.E.2d 605, 607 (1953)).
- Neither the Hunt Club PD nor the ZLDR specifically prohibit vape stores as a primary use.

¹ HCM does not concede that “Tobacconist” is a prohibited use under the Hunt Club, PD, as amended, and reserves all rights.

- Tobacco and vape products are fundamentally different because *the latter, by definition, contains no tobacco*. Article 12.2 of the ZLDR provides that terms not specifically defined shall have their meaning governed by the Merriam-Webster's Collegiate Dictionary, 11th Edition.
 - The dictionary defines "tobacconist" as "a dealer in tobacco especially at retail." <https://www.merriam-webster.com/dictionary/tobacconist>
 - E-cigarettes, also known as "vapes," sometimes contain nicotine, *but never contain tobacco*. <https://www.cancer.org/cancer/risk-prevention/tobacco/e-cigarettes-vaping.html>

Since vapes are not tobacco, a "Tobacconist" should be read to apply to tobacco products exclusively – not vapes.

- There are several jurisdictions in SC that either specifically address vape stores as a distinct use or explicitly distinguish vaping from tobacco. Please consider the enclosed authorities from other jurisdictions in South Carolina.
 - Myrtle Beach
 - **TOBACCO AND TOBACCO RELATED PRODUCTS.** Items, including but not limited to cigarettes and any product containing, made, or derived from nicotine or tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including by vaping, or any component, part, or accessory of a tobacco product; cigars; pipe tobacco, cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; dipping tobaccos; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.
 - City of Columbia:
 - **SMOKE OR VAPE SHOP.** Any retail store located within the City of Columbia, with more than an incidental or ancillary use, that displays, sells, distributes, delivers, offers, furnishes or markets one or more of the following: 1) alternative nicotine products; 2) vape products; 3) tobacco products; 4) cigarettes, cigars, dried or shredded plant material, flowers, smoking blends, and similar products that are smoked or inhaled and contain Cannabis or Synthetic Cannabinoids; or 5) smoking paraphernalia.
 - Goose Creek
 - **Tobacco/Hookah/Vaping Establishments.** An establishment whose primary business, in terms of gross floor area or sales, is related to the sale

of tobacco products or related accessories, hookah products or related accessories, other smoking products or related accessories, CBD, or electronic nicotine delivery systems or related accessories, for on- or off-premise use.

- Seneca
 - Section 531.4(a) (prohibiting “Vape/alternative tobacco, CBD shops” in the Downtown Overlay District)
- Since neither the Hunt Club PD nor the ZLDR specifically address vapes – one way or the other – under the rule of strict construction in *Helicopter Solutions, Inc. v. Hinde*, our position is a vape store primary use would be allowed under the Hunt Club PD, as amended, as a “Retail Sales or Services, General” use.

HCM reserves all rights. If you have any questions, please do not hesitate to contact me.

Respectfully,

McCULLOUGH KHAN APPEL



Ross A. Appel

Enclosures

CITY OF SENECA
SOUTH CAROLINA

CITY COUNCIL

Mr. Daniel Alexander – Mayor
Mr. Ronnie O’Kelley – Mayor Pro Tem

Ms. Lekesha Benson
Mr. WC Honeycutt Jr.
Mr. Ernest E. Riley
Mr. Joel Ward

Mr. Scott Durham
Mr. Dana Moore
Mr. Denise Rozman

PLANNING COMMISSION

Mr. Barry Duvall – Chairman

Mr. Matthew Durham
Mr. Keith Hart
Mr. Gregg O’Kelley

Mr. John Gillespie
Mr. Drew Merck
Mr. Kyle Nicholson

Mr. Bo Bowman, City Attorney
Mr. Scott Moulder, City Administrator
Mrs. Danielle Smith, Finance Director
Ms. Kathy Wilkes, Municipal Clerk
Mr. Ronald Butts, City Building Official
Ms. Tracy Chapman, Zoning Administrator
Ms. Heather Strother, Administrative Assistant

Produced By:

The Planning Commission
of the
City of Seneca

REVISED ZONING ORDINANCE

CITY OF SENECA

ORDINANCE NO. 99-07

AN ORDINANCE TO REPEAL ORDINANCE NO. 92-07 IN ITS ENTIRETY AND TO ADOPT AND ENACT A REVISED ZONING ORDINANCE FOR THE CITY OF SENECA, SOUTH CAROLINA, TO REGULATE THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, AND THE DENSITY AND DISTRIBUTION OF THE POPULATION; TO CREATE DISTRICTS FOR SAID PURPOSES AND TO ESTABLISH THE BOUNDARIES THEREOF, TO DEFINE CERTAIN TERMS USED HEREIN; TO PROVIDE FOR A METHOD OF ADMINISTRATION AND AMENDMENT, TO PROVIDE FOR A BOARD OF APPEALS; AND TO PROVIDE FOR THE IMPOSITION OF PENALTIES FOR VIOLATION OF PROVISIONS THEREOF.

THE ORDINANCE SHALL BECOME IN FULL FORCE AND EFFECT UPON ITS ADOPTION BY THE MAYOR AND COUNCIL OF THE CITY OF SENECA.

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ARTICLE I

LEGAL AUTHORITY AND STATUS

SECTION 100 AUTHORITY AND ENACTMENT CLAUSE

In pursuance of authority conferred by the General Statutes of South Carolina, 1976 Code of Laws, Title VI, Chapter 29, and for the purpose of promoting the health, safety, morals or general welfare of the community; lessening congestion in the streets, securing safety from fire; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewage, schools, parks, and other public improvements, protecting scenic areas, and protecting areas subject to periodic flooding against development, in accordance with a comprehensive plan, and being recommended by the Seneca Planning Commission, the City Council of the City of Seneca does ordain and enact into law the following articles and sections:

SECTION 101 LEGAL STATUS PROVISIONS

101.1 Conflict with other laws. Whenever the regulations of this Ordinance require more restrictive standards than are required in or under any other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

101.2 Validity. Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

101.3 Repeal of conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

101.4 Effective date. This Ordinance shall take effect and be in force from and after April 27, 1999.

101.5 Conflict with Private Agreements. Whenever the regulations of this ordinance conflict with lawfully adopted and formally recorded agreements, regulations, easements, covenants, conditions, or restrictions on the use of land, the more restrictive shall apply. The city shall not be responsible for identification, administration or enforcement of such private agreements for use of land.

ARTICLE II

SHORT TITLE

This Ordinance may be known and may be cited as the
"Official Zoning Ordinance of the City of Seneca, South Carolina".

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS AND
RULES FOR THE INTERPRETATION OF DISTRICT BOUNDARIES

SECTION 300 ESTABLISHMENT OF DISTRICTS

For the purpose of this Ordinance the City of Seneca is hereby zoned and divided into the following zoning districts:

| | | | |
|-------|---------------------------------|----|---------------------------|
| R-20 | Residential-Single Family | OC | Office Commercial |
| R-15 | Residential-Single Family | NC | Neighborhood Commercial |
| R-10 | Residential-Single Family | HC | Highway Commercial |
| R-6 | Residential-Single Family | GC | General Commercial |
| RG | Residence General | CC | Core Commercial |
| RM-8 | Residential-Multi Family | RO | Residence Office |
| RM-16 | Residential-Multi-Family | CP | Conservation Preservation |
| MHP | Mobile Home Park Residential | BI | Basic Industrial |
| PD-R | Planned Development Residential | LI | Limited Industrial |
| PD-C | Planned Development Commercial | | |
| PD-MU | Planned Development Mixed Use | | |
| PD-U | Planned Development Undeveloped | | |

SECTION 301 DISTRICT BOUNDARIES

The boundaries of the above zoning districts are hereby established as shown on the Official Zoning Map of the City of Seneca, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. If two (2) or more zoning classifications are present on one (1) parcel, there shall be no access to or from any use on that parcel except through that portion of the parcel that is under the zoning classification applicable to the use on that portion of the parcel.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the Seal of the City under the words: "Official Zoning Map, City of Seneca, South Carolina", together with the date of the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance and South Carolina 1976 Code of Laws, Title VI, Chapter 29, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly by the Zoning Administrator within seven (7) days after the amendment has been approved by the City Council. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change has been made on said map.

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind of person or persons shall be considered a violation of this Ordinance and punishable by law. The City of Seneca shall not be bound by any unauthorized change to the Official Zoning Map.

Regardless of the existence of copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Zoning Administrator

shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

SECTION 302 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 302.1 Boundaries indicated as approximately following the center or right-of-way lines of streets, highways, alleys, or public utility easements shall be construed to follow such lines.
- 302.2 Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.
- 302.3 Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- 302.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 302.5 Boundaries indicated as approximately following the center mean high water mark or shoreline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such lines or marks.
- 302.6 Boundaries indicated as approximately following topographic elevations shall be construed to follow such elevations.
- 302.7 Boundaries indicated parallel to, or extensions of, features indicated in sub-sections 1 through 6 above shall be so construed. Where distances are not specifically indicated on the Official Zoning Map, or in other circumstances not covered by the above sub-sections, then the Board of Appeals shall interpret the district boundaries.
- 302.8 Boundaries indicated as paralleling a roadway at a given distance shall be interpreted to mean that distance from the right-of-way of the roadway, or the rear property line of lots fronting on the roadway, whichever is the least.

SECTION 303 ANNEXATION AND OTHER ADJUSTMENTS TO CITY LIMITS

Where City limit boundaries change by virtue of annexation or some other means, the following provisions shall apply:

- 303.1 Any new land areas incorporated or otherwise annexed into the City shall be classified appropriately by the City Council through normal amendment procedures as set forth in Article X of this Ordinance, in conjunction with the annexation process. Concurrent to annexation being finalized by City Council, the Planning Commission shall have reviewed and made recommendations to City Council pertaining to the newly incorporated areas. City Council shall then process and act upon the proposed amendment. Until such time as a zoning designation is determined, the entire area annexed shall be classified as requested by the property owner(s).

303.2 In all cases where additions or deletions in the City of Seneca's total land area require adjustments in the Zoning District boundaries, said adjustment shall be made on the Zoning Map.

ARTICLE IV

APPLICATION OF DISTRICT REGULATIONS

The regulations set forth by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided. Except where provisions for relief are set forth elsewhere in this Ordinance, the following general standards for enforcement of District Regulations shall apply:

SECTION 400 USE OF LAND OR STRUCTURES

400.1 No land or structure shall hereinafter be used or occupied and no structure or parts shall hereafter be constructed, erected, altered or moved, unless in conformity with all of the regulations herein specified for the district in which it is located.

400.2 No structure shall hereafter be erected or altered:

- a) with greater height, size, bulk or other dimensions;
- b) to accommodate or house a greater number of families;
- c) to occupy a greater percentage of lot area;
- d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.

400.3 No part of a yard, or other open space, off-street parking or loading required about, or in connection with, any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building, except as otherwise provided herein.

400.4 Right-of-way easements for street and roads shall not be considered a part of a lot or open space, or front, rear or side yard for the purpose of meeting yard requirements.

400.5 No subdivision of property shall be legally recorded with the Oconee Register of Deeds until it has been reviewed by the Zoning Administrator and approved with stamp and signature as having met the minimum standards of this Ordinance.

SECTION 401 LOT REDUCTION PROHIBITED

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance except as provided in Section 402.

SECTION 402 USE OF SUBSTANDARD LOTS OF RECORD

Where, at the time of the adoption of this Ordinance, an existing lot of record that was recorded in compliance with all regulations in effect at the time it was recorded does not conform to the dimensional requirements of this Ordinance, it may nonetheless be used as a building site and the Zoning Administrator is authorized to issue a Certificate of Zoning Compliance for the use of the property. The

Zoning Administrator shall establish setbacks to conform as closely as possible to the dimensional requirements of this Ordinance, but so as not to prohibit reasonable use of the parcel. If any of two (2) or more adjoining lots under the same ownership does or do not conform to the dimensional requirements of this Ordinance, then the lots must be combined for the issuance of a Certificate of Zoning Compliance.

ARTICLE V

REQUIREMENTS BY DISTRICT

SECTION 500 CP CONSERVATION PRESERVATION DISTRICT

500.1 Purpose: The intent of the CP Zoning District is to preserve and control development within certain land and/or water areas of the City of Seneca which have any or all of the following characteristics:

- a) Serve as wildlife refuges;
- b) Possess great natural beauty;
- c) Are utilized for outdoor recreational purposes;
- d) Provide needed open space for the health and general welfare of the City's inhabitants;
- e) Are environmentally sensitive.

Uses and activities in the district shall be restricted so as to not destroy or impair the natural flora, fauna, watercourses, or topography of the area.

The regulations which apply within the district are designed to reserve such areas for the purposes outlined and to discourage any encroachment by dense residential, commercial, industrial, or other uses capable of adversely affecting the relatively undeveloped character of the district.

500.2 Permitted Uses: The following uses shall be permitted in any CP Zoning District:

- a) Private boat dock or boat house.
- b) Public utility line, fire or water tower, or sub-station.
- c) Publicly owned and/or operated park, open space, recreational facility or use along with equipment necessary for servicing users.
- d) Swimming beach.
- e) Boat marina.
- f) Timber and/or forestry areas.
- g) Water retention ponds.
- h) Shoreline protection areas.
- i) Agricultural and horticultural farming (livestock not permitted).
- j) Wildlife refuge, including one-family dwelling unit of caretaker employed to maintain and protect the refuge.

500.3 Conditional Uses: The following uses shall be permitted in any CP Zoning District on a conditional basis, subject to conditions set forth in Section 805:

- a) Cemetery, with or without chapel, provided that such use consists of at least five (5) acres; has a ten (10) foot wide planted buffer strip around its entire perimeter which is kept free of any use except access; includes no crematorium or dwelling unit other than for a caretaker; has a front yard setback of twenty (20) feet from the street right-of-way line. Such use is permitted to display one (1) non-illuminated sign no greater than thirty (30) square feet in area and ten (10) feet in height.
- b) Single-family residential dwelling units, provided a minimum lot size of at least 87,120 square feet (2 acres).

500.4 Other Requirements: Uses permitted in CP Zoning Districts shall conform to the standards set forth in Section 522.

SECTION 501 R-20 ONE-FAMILY RESIDENTIAL DISTRICT

501.1 Intent of District: It is the intent of this Section that the R-20 Zoning District be developed and reserved for low-density one-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots of at least twenty thousand (20,000) square feet and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

501.2 Permitted Uses: The following uses shall be permitted in any R-20 Zoning District:

- a) Single family dwelling unit (other than mobile home).
- b) Publicly owned building, facility or land, except those included in Section 501.3.
- c) Unlighted golf course, excluding miniature golf and driving range, unless as a component of a golf course.
- d) Non-commercial horticulture activities.
- e) Public parks and recreation areas.
- f) Customary home occupation, as provided in Section 710.
- g) Accessory use, as provided in Sections 711 and 712.
- h) Automobile parking lot, as provided in Section 718.
- i) Temporary use, as provided in Section 805.

501.3 Conditional Uses: The following uses shall be permitted in any R-20 Zoning District on a conditional basis, subject to the conditions set forth in Section 805. All Conditional Uses within R-20 Zoning Districts shall be subject to the Buffer provisions, as set forth in Section 730.

- a) Churches, synagogues, temples, and other places of worship, along with related schools, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 20,000 square feet in area; and
 - 3) exterior lights do not reflect into adjoining residential properties.
- b) Facilities for the use of civic associations, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 40,000 square feet in area; and
 - 3) exterior lights do not reflect into adjoining residential properties.
- c) Public utility substation or sub-installation including water towers, provided that:
 - 1) such use is enclosed by a wall or chain-link fence of at least six (6) feet in height above finished grade;
 - 2) there is no office or commercial operation on site; and
 - 3) there is no equipment or vehicle storage on site.

d) Cemetery, provided that:

- 1) such use consists of a site of at least five (5) acres;
- 2) such use includes no crematorium;
- 3) a minimum front yard setback of fifty (50) feet; and
- 4) not more than one sign be utilized. Such sign to be of a maximum thirty (30) square feet in area, and to be non-illuminated.

e) Educational facilities of the State of South Carolina or the Oconee County School System, private schools - grades K-12, and nursery schools, provided that such uses are located on a lot of at least 40,000 square feet in area.

f) Bed and Breakfast Inn, provided that:

- 1) such use is located on a lot of at least 40,000 square feet in area;
- 2) no more than eight (8) guest rooms are provided;
- 3) required paved parking be provided to the rear of the principal structure; and
- 4) such use is a part of a dwelling unit with a resident owner or manager.

h) Short-term rental units, provided that such use complies with the requirements of Section 740.

501.4 Other Requirements: Uses permitted within the R-20 Residential Districts shall be required to conform to the standards set forth in Section 522.

SECTION 502 R-15 ONE-FAMILY RESIDENTIAL DISTRICT

502.1 Intent of District: It is the intent of this Section that the R-15 Zoning District be developed and reserved for low density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots having an area of at least fifteen thousand (15,000) square feet, and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district.

502.2 Permitted Uses: The following uses shall be permitted in any R-15 Zoning District:

- a) Single family dwelling unit (other than mobile home).
- b) Publicly owned building, facility or land, except those included in Section 502.3.
- c) Unlighted golf course, excluding miniature golf and driving range, unless as a component of a golf course.
- d) Non-commercial horticulture activities.
- e) Public parks and recreation areas.
- f) Customary home occupation, as provided in Section 710.
- g) Accessory use, as provided in Sections 711 and 712.
- h) Automobile parking lot, as provided in Section 718.
- i) Temporary use, as provided in Section 805.

502.3 Conditional Uses: The following uses shall be permitted in any R-15 Zoning District on a conditional basis, subject to the conditions set forth in Section 805. All Conditional Uses within R-15 Zoning Districts shall be subject to the Buffer provisions, as set forth in Section 730.

a) Churches, synagogues, temples, and other places of worship, along with related schools, provided that:

- 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
- 2) such use is located on a lot of not less than 20,000 square feet in area; and
- 3) exterior lights do not reflect into adjoining residential properties.

b) Facilities for the use of civic associations, provided that:

- 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
- 2) such use is located on a lot of not less than 40,000 square feet in area; and
- 3) exterior lights do not reflect into adjoining residential properties.

c) Public utility substation or sub-installation including water towers, provided that:

- 1) such use is enclosed by a wall or chain-link fence of at least six (6) feet in height above finished grade;
- 2) there is no office or commercial operation on site; and
- 3) there is no equipment or vehicle storage on site.

d) Cemetery, provided that:

- 1) such use consists of a site of at least five (5) acres;
- 2) such use includes no crematorium;
- 3) that a minimum front setback of fifty (50) feet be maintained; and
- 4) not more than one sign be utilized. Such sign to be of a maximum thirty (30) square feet in area, and to be non-illuminated.

e) Educational facilities of the State of South Carolina or the Oconee County School System, private schools -

grades K-12, and nursery schools, provided that such uses are located on a lot of at least 40,000 square feet in area.

f) Bed and Breakfast Inn, provided that:

- 1) such use is located on a lot of at least 40,000 square feet in area;
- 2) no more than eight (8) guest rooms are provided;
- 3) required paved parking be provided to the rear of the principal structure; and
- 4) such use is a part of a dwelling unit with a resident owner or manager.

g) Cellular towers, as per Section 735.

h) Short-term rental units, provided that such use complies with the requirements of Section 740.

502.4 Other Requirements: Uses permitted within the R-15 Residential District shall be required to conform to the standards set forth in Section 522.

SECTION 503 R-10 ONE-FAMILY RESIDENTIAL DISTRICT

503.1 Intent of District: It is the intent of this Section that the R-10 Zoning District be developed and reserved for low-to-medium density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots having an area of at least ten thousand (10,000) square feet, and are to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

503.2 Permitted Uses: The following uses are permitted in any R-10 One-Family Residential District:

- a) Single family dwelling unit (other than mobile home).
- b) Publicly owned building, facility or land, except those included in Section 503.3.
- c) Unlighted golf course, excluding miniature golf and driving range, unless as a component of a golf course.
- d) Non-commercial horticulture activities.
- e) Public parks and recreation areas.
- f) Customary home occupation, as provided in Section 710.
- g) Accessory use, as provided in Sections 711 and 712.
- h) Automobile parking lot, as provided in Section 718.
- i) Temporary use, as provided in Section 805.

503.3 Conditional Uses: The following uses shall be permitted in any R-10 Zoning District on a conditional basis, subject to conditions set forth in Section 805. All Conditional Uses within R-10 Zoning Districts shall be subject to the Buffer provisions, as set forth in Section 730.

- a) Churches, synagogues, temples and other places of worship, along with related schools, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 20,000 square feet in area; and
 - 3) exterior lights do not reflect into adjoining residential properties.
- b) Facilities for the use of civic associations, provided that:
 - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
 - 2) such use is located on a lot of not less than 40,000 square feet in area; and
 - 3) exterior lights do not reflect into adjoining residential properties.
- c) Public utility substation or sub-installation including water towers, provided that:
 - 1) such use is enclosed by a wall or chain-link fence of at least six (6) feet in height above finished grade;
 - 2) there is no office or commercial operation on site; and
 - 3) there is no equipment or vehicle storage on site.

d) Cemetery, provided that:

- 1) such use consists of a site of at least five (5) acres;
- 2) such use includes no crematorium;
- 3) a minimum front setback of fifty (50) feet be maintained; and
- 4) not more than one sign be utilized. Such sign to be of a maximum thirty (30) square feet in area, and to be non-illuminated.

e) Educational facilities of the State of South Carolina or the Oconee County School System, private schools - grades K-12, and nursery schools, provided that such uses are located on a lot of at least forty thousand(40,000) square feet in area.

f) Bed and Breakfast Inn, provided that:

- 1) such use is located on a lot of at least 40,000 square feet in area;
- 2) no more than eight (8) guest rooms are provided;
- 3) required paved parking be provided to the rear of the principal structure; and
- 4) such use is part of a dwelling unit with a resident owner or manager.

g) Cellular towers, as per Section 735.

h) Short-term rental units, provided that such use complies with the requirements of Section 740.

503.4 Other Requirements: Uses permitted within the R-10 Residential District shall be required to conform to the standards set forth in Section 522.

SECTION 504 R-6 ONE-FAMILY RESIDENTIAL DISTRICT

504.1 Intent of District: It is the intent of this Section that the R-6 Zoning District be developed and reserved for medium-density one-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots of at least six thousand (6,000) square feet; and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

504.2 Permitted Uses: The following uses shall be permitted in any R-6 Zoning District:

- a) Single family dwelling unit (other than mobile home).
- b) Publicly owned building, facility or land, except those included in Section 504.3.
- c) Unlighted golf course, excluding miniature golf and driving range, unless as a component of a golf course.
- d) Non-commercial horticulture activities.
- e) Public parks and recreation areas.
- f) Customary home occupation, as provided in Section 710.
- g) Accessory use, as provided in Sections 711 and 712.
- h) Automobile parking lot, as provided in Section 718.
- i) Temporary use, as provided in Section 805.

504.3 Conditional Uses: The following uses shall be permitted in any R-6 Zoning District on a conditional basis, subject to conditions set forth in Section 805. All Conditional Uses within R-6 Zoning Districts shall be subject to the Buffer provisions, as set forth in Section 730.

a) Churches, synagogues, temples and other places of worship, along with related schools, provided that:

- 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
- 2) such use is located on a lot of not less than 20,000 square feet in area; and
- 3) exterior lights do not reflect into adjoining residential properties.

b) Facilities for the use of civic associations, provided that:

- 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
- 2) such use is located on a lot of not less than 40,000 square feet in area; and
- 3) exterior lights do not reflect into adjoining residential properties.

c) Public utility substation or sub-installation including water towers, provided that:

- 1) such use is enclosed by a wall or chain-link fence of at least six (6) feet in height above finished grade;
- 2) there is no office or commercial operation on site; and
- 3) there is no equipment or vehicle storage on site.

d) Cemetery, provided that:

- 1) such use consists of a site of at least five (5) acres;
- 2) such use includes no crematorium;
- 3) a minimum front setback of fifty (50) feet be maintained; and
- 4) not more than one sign be utilized. Such sign to be of a maximum thirty (30) square feet in area, and to be non-illuminated.

e) Educational facilities of the State of South Carolina or the Oconee County School System, private schools - grades K-12, and nursery schools, provided that such uses are located on a lot of at least 40,000 square feet in area.

f) Bed and Breakfast Inn, provided that:

- 1) such use is located on a lot of at least 40,000 square feet in area;
- 2) no more than eight (8) guest rooms are provided;
- 3) required paved parking be provided to the rear of the principal structure; and
- 4) such use is a part of a dwelling unit with a resident owner or manager.

g) Cellular towers, as per Section 735.

h) Short-term rental units, provided that such use complies with the requirements of Section 740.

504.4 Other Requirements: Uses permitted within the R-6 Residential District shall be required to conform to the standards set forth in Section 522.

SECTION 505 RM-8 RESIDENTIAL DISTRICT

505.1 Intent of District: It is the intent of this Section that the RM-8 Zoning District be developed and reserved for high density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for such dwellings and to discourage unwarranted encroachment of commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

505.2 Permitted Uses: The following uses shall be permitted in the RM-8 Zoning District:

- a) Multi-family dwelling units.
- b) Publicly owned buildings, facilities or land, except those included in Section 505.3.
- c) Unlighted golf course, excluding miniature golf and driving range, unless as a component of a golf course.
- d) Non-commercial horticultural activities.
- e) Public parks and recreation areas.
- f) Customary Home Occupation, as provided in Section 710.
- g) Accessory use, as provided in Sections 711 and 712.
- h) Automobile parking lot, as provided in Section 718.
- i) Temporary use, as provided in Section 805.

505.3 Conditional Uses: The following uses may be permitted in any RM-8 Zoning District on a conditional basis, subject to the conditions set forth in Section 805. All Conditional Uses within RM-8 Zoning Districts shall be subject to the Buffer provisions, as set forth in Section 730.

a) Churches, synagogues, temples and other places of worship, along with related schools, provided that:

- 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
- 2) such use is located on a lot of not less than 20,000 square feet in area; and
- 3) exterior lights do not reflect into adjoining residential properties.

b) Facilities for the use of civic associations, provided that:

- 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
- 2) such use is located on a lot of not less than 40,000 square feet in area; and
- 3) exterior lights do not reflect into adjoining residential properties.

c) Public utility substation or sub-installation including water towers, provided that:

- 1) such use is enclosed by a wall or chain-link fence of at least six (6) feet in height above finished grade;
- 2) there is no office or commercial operation on site; and
- 3) there is no equipment or vehicle storage on site.

d) Cemetery, provided that:

- 1) such use consists of a site of at least five (5) acres;
- 2) such use includes no crematorium;
- 3) a minimum front setback of fifty (50) feet be maintained; and
- 4) not more than one sign be utilized. Such sign to be of a maximum thirty (30) square feet in area, and to be non-illuminated.

e) Educational facilities of the State of South Carolina or the Oconee County School System, private schools - grades K-12, and nursery schools, provided that such uses are located on a lot of at least 40,000 square feet in area.

f) Bed and Breakfast Inn, provided that:

- 1) is located on a lot of at least 40,000 square feet in area;
- 2) no more than eight (8) guest rooms are provided;
- 3) that required paved parking be provided to the rear of the principal structure; and
- 4) such use is a part of a dwelling unit with a resident owner or manager.

g) Single family dwelling unit, except mobile homes, provided that:

- 1) such use is located on a lot of at least 12,500 square feet;
- 2) a minimum width of 75 feet is provided; and
- 3) minimum setbacks of front-30 feet, side-15 feet, rear-20 feet are maintained.

h) Day care centers, children or adult, provided that such uses are located on a lot of at least 40,000 square feet in area.

i) Community residential care facilities, provided that:

- 1) such use is located on a lot of at least one (1) acre;
- 2) that paved parking is provided to the rear of the front line of the principal building to accommodate at least two (2) staff persons, plus one (1) space per two (2) residents at full capacity;
- 3) no more than ten (10) residents be accommodated;
- 4) no building or structure be greater than two (2) stories above grade; and
- 5) such use is approved by the Zoning Board of Appeals as being compatible with the surrounding area and appropriate for the requested site.

j) Cellular towers, per Section 735.

k) Short-term rental units, provided that such use complies with the requirements of Section 740.

505.4 Other Requirements: Uses permitted within the RM-8 Districts shall be required to conform to the standards set forth in Section 522.

SECTION 506 RM-16 RESIDENTIAL DISTRICT

506.1 Intent of District: It is the intent of this Section that the RM-16 Zoning District be developed and reserved for high density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment of such dwellings and to discourage un-warranted encroachment of commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

506.2 Permitted Uses: The following uses shall be permitted in the RM-16 Zoning District:

- a) Multi-family dwelling units.
- b) Publicly owned buildings, facilities, or land, except those included in Section 506.3.
- c) Unlighted golf course, excluding miniature golf and driving range, unless as a component of a golf course.
- d) Non-commercial horticultural activities.
- e) Public parks and recreation areas.
- f) Customary Home Occupation, as provided in Section 710.
- g) Accessory use, as provided in Sections 711 and 712.
- h) Automobile parking lot, as provided in Section 718.
- i) Temporary use, as provided in Section 805.

506.3 Conditional Uses: The following uses may be permitted in any RM-16 Zoning District on a conditional basis, subject to the conditions set forth in Section 805. All Conditional Uses within RM-16 Zoning Districts shall be subject to the Buffer provisions, as set forth in Section 730.

a) Churches, synagogues, temples, and other places of worship, along with related schools, provided that:

- 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
- 2) such use is located on a lot of not less than 20,000 square feet in area; and
- 3) exterior lights do not reflect into adjoining residential properties.

b) Facilities for the use of civic associations, provided that:

- 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
- 2) such use is located on a lot of not less than 40,000 square feet in area; and
- 3) exterior lights do not reflect into adjoining residential properties.

c) Public utility substation or sub-installation including water towers, provided that:

- 1) such use is enclosed by a wall or chain-link fence of at least six (6) feet in height above finished grade;
- 2) there is no office or commercial operation on site; and
- 3) there is no equipment or vehicle storage on site.

d) Cemetery, provided that:

- 1) such use consists of a site of at least five (5) acres;
- 2) such use includes no crematorium;

- 3) a minimum front setback of fifty (50) feet be maintained; and
- 4) not more than one sign be utilized. Such sign to be of a maximum thirty (30) square feet in area, and to be non-illuminated.

e) Educational facilities of the State of South Carolina or the Oconee County School System, private schools - grades K-12, and nursery schools, provided that such uses are located on a lot of at least 40,000 square feet in area.

f) Bed and Breakfast Inn, provided that:

- 1) is located on a lot of at least 40,000 square feet in area;
- 2) no more than eight (8) guest rooms are provided;
- 3) that required paved parking be provided to the rear of the principal structure; and
- 4) such use is a part of a dwelling unit with a resident owner or manager.

g) Single family dwelling unit, except mobile homes, provided that:

- 1) such use is located on a lot of at least 12,500 square feet;
- 2) a minimum width of 75 feet is provided; and
- 3) minimum setbacks of front-30 feet, side-15 feet, rear-20 feet are maintained.

h) Day care centers, children, or adult, provided that such uses are located on a lot of at least 40,000 square feet in area.

i) Community residential care facilities, provided that:

- 1) such use is located on a lot of at least one (1) acre;
- 2) that paved parking is provided to the rear of the front line of the principal building to accommodate at least two (2) staff persons, plus one (1) space per two (2) residents at full capacity;
- 3) no more than ten (10) residents be accommodated;
- 4) no building or structure be greater than two (2) stories above grade; and
- 5) such use is approved by the Zoning Board of Appeals as being compatible with the surrounding area and appropriate for the requested site.

j) Cellular towers, as per Section 735.

k) Short-term rental units, provided that such use complies with the requirements of Section 740.

506.4 Other Requirements. Uses permitted within the RM-16 Districts shall be required to conform to the standards set forth in Section 522.

SECTION 507 RG RESIDENCE GENERAL DISTRICT

507.1 Purpose: It is the intent of this section that the RG zoning district be developed and reserved for medium density one-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy, environment for one-family dwellings situated on lots of ten thousand (10,000) square feet or more, and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

507.2 Permitted Uses: The following uses are permitted in any RG Zoning District:

- a) Single family dwelling unit of at least 1200 square feet of heated floor space.
- b) Publicly owned building, facility or land, except those included in Section 507.3.
- c) Unlighted golf course, excluding miniature golf and driving range, unless as a component of a golf course.
- d) Non-commercial horticultural activities.
- e) Public parks and recreation areas.
- f) Customary Home Occupation, as provided in Section 710.
- g) Accessory use, as provided in Sections 711 and 712.
- h) Automobile parking lot, as provided in Section 718.
- i) Temporary use, as provided in Section 805.
- j) Mobile homes, as a single family dwelling unit, in compliance with square footage requirements included in Section 507.2.a, and in compliance with the Mobile Home Standards included in Section 731.

507.3 Conditional Uses: The following uses shall be permitted in any RG Zoning District on a conditional basis, subject to conditions set forth in Article VIII, Section 805. All conditional uses within the RG Zoning Districts shall be subject to the Buffer provision, as set forth in Section 730.

a) Churches, synagogues, temples and other places of worship, along with related schools, provided that:

- 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
- 2) such use is located on a lot of not less than 20,000 square feet in area; and
- 3) exterior lights do not reflect into adjoining residential properties.

b) Facilities for the use of civic associations, provided that:

- 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
- 2) such use is located on a lot of not less than 40,000 square feet in area; and
- 3) exterior lights do not reflect into adjoining residential properties.

c) Public utility substation or sub-installation including water towers, provided that:

- 1) such use is enclosed by a wall or chain-link fence of at least six (6) feet in height above finished grade;
- 2) there is no office or commercial operation on site; and
- 3) there is no equipment or vehicle storage on site.

d) Cemetery, provided that:

- 1) such use consists of a site of at least five (5) acres;
- 2) such use includes no crematorium;
- 3) a minimum front setback of fifty (50) feet be maintained; and
- 4) not more than one sign be utilized. Such sign to be of a maximum thirty (30) square feet in area, and to be non-illuminated.

e) Educational facilities of the State of South Carolina or the Oconee County School System, private schools - grades K-12, and nursery schools, provided that such uses are located on a lot of at least 40,000 square feet in area.

f) Bed and Breakfast Inn, provided that:

- 1) it is located on a lot of at least 40,000 square feet in area;
- 2) no more than eight (8) guest rooms are provided;
- 3) required paved parking be provided to the rear of the principal structure; and
- 4) such use is a part of a dwelling unit with a resident owner or manager.

g) Cellular towers as per Section 735.

h) Short-term rental units, provided that such use complies with the requirements of Section 740.

507.4 Other Requirements. Uses permitted within the RG Districts shall be required to conform to the standards set forth in Section 522.

SECTION 508 MHP MOBILE HOME PARK DISTRICT

508.1 Purpose: The intent of the MHP Mobile Home Park District is to provide a sound and healthy high density residential environment sufficient to meet the unique needs of inhabitants living in mobile homes, to protect mobile home parks from encroachment by incompatible uses, and to encourage the consolidation of mobile homes into mobile home parks. Any mobile home park within the City of Seneca shall henceforth be located in conformance with the regulations set forth herein.

508.2 General Provisions: Unless otherwise set forth herein, mobile home parks shall be permitted only in an officially approved MHP District. Uses permitted in MHP Districts shall include mobile homes, as well as other uses which may be required to serve the residents of that particular MHP District.

508.3 Definitions: For definitions of the terms "Mobile Home", "Mobile Home Park", "Mobile Home Space", "Camper", "Trailer", and "House Trailer", see Article XI.

508.4 Park Plan: Mobile home parks permitted in MHP Districts shall conform to the following requirements:

- a) Each park shall be no less than two (2) acres in size, and shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water;
- b) Each mobile home park shall not contain more than eight (8) mobile home units per net acre;
- c) Mobile home spaces shall be provided consisting of an average of not less than 4,000 square feet of area, each space to be at least forty (40) feet wide and clearly defined;
- d) Mobile homes shall be situated on each space so as to provide:
 - 1) A minimum of fifteen (15) feet of clearance between any two (2) mobile homes or a mobile home and any property line bounding the park; and
 - 2) A minimum of fifteen (15) feet of clearance between any mobile home and any building located within the park.
- e) Mobile homes shall be harbored on each space so that there will be a minimum front yard setback of not less than fifteen (15) feet between the mobile home and any abutting drive;

f) Each mobile home park shall have a minimum area of ten thousand (10,000) square feet set aside as a common open space or amenity area; if a park is larger than two (2) acres, or if a park is expanded, one hundred (100) square feet of common open space shall be added for each mobile home unit after the twentieth (20th) unit. The common area may be maintained as open space, or may include recreational facilities, such as, but not limited to, playground equipment, a swimming pool, tennis courts, or a clubhouse;

g) All mobile home spaces shall abut upon a paved drive of not less than twenty (20) feet in width, which shall have unobstructed access to a street and be maintained in good condition; all mobile home spaces shall be serviced with a concrete sidewalk of not less than three (3) feet in width and maintained in good condition;

h) A greenbelt planting strip shall be located along all property lines bounding the park but not bordering a street. The planting strip shall be:

1) Not less than twenty (20) feet in width where the property line abuts a residential district; such strip shall be composed of two (2) or more rows of greenery spaced not more than six (6) feet apart and which grow to a height of seven (7) feet or more after two (2) full growing seasons; the planting rows shall be offset so as to produce a dense compact planting screen; and

2) Not less than five (5) feet in width where the property line abuts any Zoning District other than a Residential District; such strip shall be composed of greenery which possesses growth characteristics of such a nature as to produce a dense compact planting screen not less than seven (7) feet in height after two (2) full growing seasons.

i) Off-street parking, loading and other requirements shall conform to the standards set forth in Article VII;

j) The site plan for a MHP District must be reviewed by the Oconee County Health Department in the event that the district will be serviced by a septic system, which shall advise the Planning Commission of its findings prior to the Planning Commission making any recommendation on the proposal. The Planning Commission shall be restricted from making a favorable recommendation unless the Oconee County Health Department determines that all state regulations, codes, and standards governing health, safety and environmental sanitation in Mobile Home Parks have been met by the applicant(s). A site plan shall be submitted to the Planning Commission with each MHP rezoning request, indicating the general circulation pattern, mobile home space locations, open park space, etc., to assist the Planning Commission and the City Council in reaching a decision. The site plan must present the proposal in precise terms, indicating mobile home space dimensions, and must show that the plan complies with the regulations and standards in this section; and

k) Signs permitted in MHP Zoning Districts, including the conditions under which they may be located, are set forth in Article VI.

508.5 Mobile Home Subdivision: If spaces for mobile homes are to be offered for sale, lots proposed for sale must be recorded according to the requirements in effect in the City of Seneca and Oconee County for subdivision developments. Application for subdivision may be processed in conjunction with the administrative review procedure required under this Ordinance to obtain authorization for development within a MHP Zoning District. Whether spaces are proposed for sale, rental, or lease, the design of the park shall comply with the standards set forth in this section, or, if in subdivision form, must meet requirements under Section 522.

508.6 *Reserved.*

508.7 Posting of Certificate of Occupancy. The Certificate of Occupancy shall be conspicuously posted in the office or on the premises of each MHP District.

508.8 Each mobile home within a mobile home park shall be required to conform within the following standards:

- a) The mobile home shall bear a label or seal of compliance with Federal Mobile Home Construction and Safety Standards approved by the Department of Housing and Urban Development of the United States of America;
- b) Permanent steps made of either precast concrete, mortar, brick, wood, or metal are to be installed with a minimum width of 36 inches;
- c) If steps are over 30 inches in height, handrails are to be installed;
- d) All corners and axles are to be supported by double blocked piers and additional piers are to be spaced no greater than ten (10) feet apart;
- e) All corner piers and all other piers of at least 40 inches in height are to have minimum length and width dimensions of 16" x 16", are to be composed of interlocking masonry, and are to be capped with a minimum four inch thick solid masonry unit;
- f) All piers are to be set in a concrete base of at least 16" x 16" x 4";
- g) Either over-the-top or frame based tie-downs, of at least three per side, are to be installed and maintained;
- h) Solid skirting of wood, brick, vinyl, metal or masonry is to be installed, and is to be painted, unless composed of brick or stone;
- i) Skirting is to be constructed and maintained in a manner so as not to create a fire hazard or to harbor trash or rodents;
- j) Skirting material is to be maintained in a sound state of repair, is to be vented, and is to have an access door; and
- k) Each mobile home site is to be equipped with a paved driveway to accommodate two vehicles.

508.9 Other Requirements: Uses permitted within the Mobile Home District shall be required to conform to the standards set forth in Section 522.

508.10 Existing Mobile Home Parks: Existing mobile home parks not in conformance with the provisions of this section shall be considered as non-conforming uses, and shall be governed by the provisions regulating such uses under Section 708.

SECTION 509 RO RESIDENCE OFFICE DISTRICT

509.1 Purpose: The intent of the RO zoning district is to provide for the transition of areas from residential to office and limited commercial activities which do not generate large volumes of traffic, noise, or other harmful effects, and which are compatible with residential uses. The regulations which apply within this district are designed to encourage conservation and preservation of structurally sound residences in transitional neighborhoods.

509.2 Permitted Uses. The following uses shall be permitted in any RO Zoning District:

- a) Professional offices.
- b) Medical offices, clinics.

- c) Off-street automobile parking lots.
- d) Single family dwelling units.
- e) Customary home occupation, as provided in Section 710.
- f) Accessory use, as provided in Sections 711 and 712.
- g) Automobile parking lot, as provided in Section 718.
- h) Temporary use, as provided in Section 805.

509.3 Conditional Uses: The following uses shall be permitted in any RO Zoning District on a conditional basis, subject to the conditions set forth in Section 805. All Conditional Uses within RO Zoning Districts shall be subject to the Buffer provisions, as set forth in Section 730.

a) Churches, synagogues, temples, and other places of worship, along with related schools, provided that:

- 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
- 2) such use is located on a lot of not less than 20,000 square feet in area; and
- 3) exterior lights do not reflect into adjoining residential properties.

b) Facilities for the use of civic associations, provided that:

- 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
- 2) such use is located on a lot of not less than 40,000 square feet in area; and
- 3) exterior lights do not reflect into adjoining residential properties.

c) Public utility substation or sub-installation, including water towers, provided that:

- 1) such use is enclosed by a wall or chain-link fence of at least six (6) feet in height above finished grade;
- 2) there is no office or commercial operation on site; and
- 3) there is no equipment or vehicle storage on site.

d) Educational facilities of the State of South Carolina or the Oconee County School System, private schools – grades K-12, and nursery schools, provided that such uses are located on a lot of at least 40,000 square feet in area.

e) Bed and Breakfast Inn, provided that:

- 1) such use is located on a lot of at least 40,000 square feet in area;
- 2) no more than eight (8) guest rooms are provided;
- 3) required paved parking be provided to the rear of the principle structure; and
- 4) such use is part of a dwelling unit with a resident owner or manager.

f) Cellular Towers as per Section 735.

g) Short-term rental units, provided that such use complies with the requirements of Section 740.

509.4 Other requirements: Except for off-street parking and other authorized outdoor uses, all commercial sales and service activities shall be within completely enclosed buildings; and there shall be

no unenclosed displays of merchandise. Uses permitted within the RO District shall be required to conform to the standards set forth in Section 522.

SECTION 510 OC OFFICE COMMERCIAL DISTRICT

510.1 Purpose: The intent of the OC Zoning District is to develop and reserve land for business office, institutional, public, semi-public, and limited group residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a quiet, compatible and uncongested environment for office type business or professional firms and certain public or semi-public uses; and to discourage any encroachment by unrestricted retail and/or wholesale business establishments, industrial concerns, or other uses capable of adversely affecting the specialized commercial, institutional and housing character of the district.

510.2 Permitted Uses: The following uses shall be permitted in any OC Zoning District:

- a) Professional offices.
- b) Medical offices, clinics.
- c) Banks and other financial institutions.
- d) Pre-Schools, day care centers, adult and child.
- e) Cultural and community centers, including libraries, neighborhood recreation centers, churches and other religious facilities.
- f) Public utility facilities, including offices, electric transformer stations, gas regulator stations, telephone switching stations, etc., but excluding transmission towers.
- g) Proprietary schools, offering instruction in art, music, dance, skills, business, and technical schools.
- h) Nursing homes, convalescence homes, personal care homes, community residential care facilities.
- i) Veterinary offices and accessory kennels.
- j) Funeral homes, mortuaries.
- k) Off-street automobile parking lots.
- l) Commercial printers.
- m) Facilities of city, county, state, or federal government, except those provided for in Section 510.3.
- n) Facilities of the Oconee County Public School System.
- o) Facilities of public service districts, except those provided for in Section 510.3.
- p) Accessory uses, as provided in Section 711 and 712.
- q) Temporary uses, as provided in Section 805.

510.3 Conditional Uses: The following uses shall be permitted in any OC Zoning District on a conditional basis, subject to the conditions set forth in Section 805.

- a) Pharmacy, drug stores, as an accessory use to a medical office, clinic, or group residential care facility.
- b) Public utility sub-station or sub-installation, including water towers, provided that:
 - 1) such use is enclosed by a chain link fence or wall of at least six (6) feet in height above finished grade;
 - 2) there is no office or commercial operation on-site; and
 - 3) there is no equipment or vehicle storage on-site.
- c) A residential use as an accessory activity to any use permitted within the zoning district.
- d) Cellular Towers as per Section 735.

510.4 Other Requirements: Uses permitted within the Office Commercial District shall be required to conform to the standards set forth in Section 522.

SECTION 511 NC NEIGHBORHOOD COMMERCIAL DISTRICT

511.1 Purpose: It is the intent of this Section that the NC Zoning District be developed and reserved for local or neighborhood oriented business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy, and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping and service facilities; reduce traffic and parking congestion; avoid the development of "strip" business districts; and discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district.

511.2 Permitted Uses: The following uses shall be permitted in any NC Zoning District:

- a) General retail stores, provided no external storage of machinery, parts, inventory or equipment.
- b) Service businesses, including, but not limited to, plumbers, beauticians, repair services, photographers, etc., provided all services take place within an enclosed building and there is no external storage of inventory, parts, machinery, or equipment.
- c) Professional offices.
- d) Restaurants, delicatessens, excluding drinking establishments, as defined herein.
- e) Retail food stores, including general groceries, produce stands, bakeries, meat markets (without slaughtering on-site), etc.
- f) Food preparation establishments for off-premise delivery.
- g) Medical offices, clinics.
- h) Banks and other financial institutions.
- i) Pre-school, day care centers, adult and child.
- j) Cultural and community centers, including libraries, neighborhood recreation centers, churches and other religious facilities.
- k) Public utility facilities, including offices, transformer stations, gas regulators, telephone switching stations, etc., but excluding transmission towers.
- l) Proprietary schools, offering instruction in art, music, dance, skills, business and technical schools.
- m) Nursing homes, convalescent homes, personal care homes, community residential care facilities.
- n) Veterinary offices with no external runs.
- o) Coin operated laundry, dry cleaning - excluding dry cleaning plants.
- p) Funeral homes, mortuaries.
- q) Off-street automobile parking lots.
- r) Commercial printers.
- s) Facilities of city, county, state or federal government, except those provided for in Section 511.3.
- t) Facilities of the Oconee County Public School System.
- u) Facilities of public service districts, except those provided for in Section 511.3.
- v) Accessory uses, as provided in Section 711 and 712.
- w) Temporary uses, as provided in Section 805.

511.3 Conditional Uses: The following uses shall be permitted in any NC Zoning District on a conditional basis, subject to the conditions set forth in Section 805.

- a) Automobile service stations, provided all operations involving major repairs, body and fender work, painting or the sale or rental of new or used cars, trucks, trailers (of any type) or boats, are not

conducted on the premises; provided further that all pumps are set back at least twenty-five (25) feet from the right-of-way line of all abutting streets, and all fuel tanks are installed underground.

b) Retail bakery, provided all goods sold at retail.

c) Public utility sub-station or sub-installation including water towers, provided that:

1) such use is enclosed by a chain-link fence or wall of at least six (6) feet in height above finished grade;

2) provided there is no office or commercial operation on site; and

3) there is no equipment or vehicle storage on-site.

d) A residential use as an accessory activity to any use permitted within the zoning district.

e) Cellular Towers as per Section 735.

511.4 Other Requirements: Uses permitted within the NC District shall be required to conform to the standards set forth in Section 522.

SECTION 512 HC HIGHWAY COMMERCIAL DISTRICT

512.1 Purpose: It is the intent of this Section that the HC Zoning District be developed and reserved for general business purposes and with particular consideration for the automobile-oriented commercial development existing or proposed along major thoroughfares. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, service, and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential, or other uses considered capable of adversely affecting the basic commercial character of the district.

512.2 Permitted Uses: The following uses shall be permitted in any HC Zoning District:

a) General retail stores, provided any external storage of machinery, parts, inventory, or equipment is completely enclosed by a six foot solid wall (composed of brick, finished concrete, mortar, wood, stone, masonry units, or a combination of the above), stockade fence (composed of wood and solid in appearance), or a chain link fence with slats and a six foot high continuous, uninterrupted, opaque evergreen vegetation screen extending along the external length of the fence. All fence or wall types shall be properly maintained and shall not be allowed to deteriorate into a dilapidated or unstable condition. The chain link fence with slats is to be maintained in proper condition so as no slat is missing or broken or in need of repair in any way so as to remain opaque. The chain link fence is to be maintained so that no rust, decay, chipping or peeling of paint, or unevenness of the chain link is visible (present). The vegetation is to be maintained and given proper care so as to retain a healthy and neat condition. Slats are to consist of earth tone colors (such as dark green, brown, tan, beige, rust, or gray). A chain link fence with slats is to have only one color, where there is no intermixing of more than one color on the same fence. Fence is not to impede vision at intersections or drives.

b) Service businesses, including, but not limited to, plumbers, beauticians, repair services, photographers, etc., provided all services take place within an enclosed building and there is no external storage of inventory, parts, machinery or equipment.

c) Professional offices.

d) Restaurants, delicatessens, drinking establishments.

e) Retail food stores, including general groceries, produce stands, bakeries, meat markets (without slaughtering on-site), etc.

f) Food preparation establishments for off-premise delivery.

- g) Medical offices, clinics.
- h) Banks and other financial institutions.
- i) Pre-school, day care centers, adult and child.
- j) Cultural and community centers, including libraries, neighborhood recreation centers, churches and other religious facilities.
- k) Public utility facilities, including offices, transformer stations, gas regulators, telephone switching stations, etc., but excluding transmission towers.
- l) Proprietary schools, offering instruction in art, music, dance, skills, business and technical schools.
- m) Nursing homes, convalescent homes, personal care homes, community residential care facilities.
- n) Veterinary offices with no external runs.
- o) Coin operated laundry, dry cleaning - excluding dry cleaning plants.
- p) Funeral homes, mortuaries.
- q) Off-street automobile parking lot.
- r) Commercial printers and similar.
- s) Radio or television studios.
- t) Car wash.
- u) Automobile, boat, recreational vehicle dealership.
- v) Commercial recreational facilities.
- w) Theaters, single screen and multi-plex.
- x) Hotels and Motels.
- y) Facilities of city, county, state or federal government, except those provided for in Section 512.3.
- z) Facilities of the Oconee County Public School System.
 - aa) Facilities of public service districts, except those provided for in Section 512.3.
 - bb) Accessory uses, as provided in Section 711 and 712.
 - cc) Temporary uses, as provided in Section 805.

512.3 Conditional Uses: The following uses shall be permitted in any HC Zoning District on a conditional basis, subject to the conditions set forth in Section 805.

- a) Automobile service station provided all operations involving major repairs, body and fender work, painting or the sale or rental of new or used cars or trucks, trailer of any type, or boats are not conducted on the premises. Provided further that all pumps are set back at least twenty-five (25) feet from the right-of-way line of all abutting streets, and all fuel tanks are installed underground.
- b) Garage for the repair and servicing of motor vehicles, provided all operations are conducted within a fully enclosed building, that there is no storage of wrecked vehicles, and that any storage of dismantled parts, machinery, or equipment be fully enclosed by a solid wall or stockade fence of at least six (6) feet in height.
- c) Electronic, mechanical, or similar repair service, provided that all activity is conducted within a fully enclosed building, and that there is no external emissions of any type including sound. Further provided that there is no external storage of parts, machinery, inventory, or equipment.
- d) Public utility substation or sub-installations including water towers, provided that:
 - 1) such use is enclosed by a wall or chain link fence of at least six (6) feet in height above finished grade;
 - 2) there is no office or commercial operation on-site; and
 - 3) there is no equipment or vehicle storage on-site.
- e) Newspaper publishing plant provided that the requirements for parking, loading, and unloading conform to those for Industrial activities, as set forth in Article VII.
- f) Animal hospital and/or boarding facility provided all boarding arrangements are indoor, and no noise is audible beyond the premises.

- g) Truck terminals, provided an acceleration/deceleration lane of at least ten (10) feet in width and fifty (50) feet in length is provided at the main entry/exit points for trucks.
- h) A residential use as an accessory activity to any use permitted within the zoning district.
- i) Flea markets, open lots for the sale or rental of materials or equipment, excluding salvage materials or junk, provided that such use is in compliance with all requirements listed below:

1) Permitting and Licensing Requirements:

- a) No flea market shall be operated unless a Flea Market permit has been granted by the City Council of Seneca. (Procurement of a Flea Market Permit in no way relieves compliance with all other provisions of this ordinance, as well as all other applicable ordinances of the City of Seneca).
- b) Applications for Flea market permits shall be administered the same way as petitions for rezones, with the Planning Commission holding a duly advertised public hearing and issuing a recommendation for final action by City Council.
- c) Applications for Flea Market permits shall include the name of the owner, operator, or promoter of the flea market, the location of the flea market, the maximum number of booths, stalls, sales display areas, and vendors permitted at any one time, a detailed plot plan of the flea market site indicating sales areas, parking areas, restroom facilities, and all other structures. Notes indicating how electrical, water, and wastewater treatment shall be provided are also required. A description of all perimeter landscaping shall be included. Said plot plan shall show the area of the parcel, shall include scale and north arrow, and shall show any portion of the parcel that is in any 100 year flood plain. The plot plan shall be completed by a surveyor, architect, or engineer licensed by the State of South Carolina, and shall bear the seal of that surveyor, architect, or engineer.
- d) The City Council of Seneca is authorized to adopt a fee schedule for Flea Market permits.
- e) Flea Market permits are valid for a period of twelve months, but may be suspended or revoked by the Zoning Administrator or City Council upon a finding that any portion of this or other applicable ordinances are violated.
- f) The City Council of the City of Seneca shall issue a Flea Market Permit only upon concluding that the activity shall present no significant adverse affects upon the surrounding area, that no significant traffic congestion or safety problems will be produced, that no nuisance as defined by South Carolina statutory or case law would result, that the quiet enjoyment of surrounding properties would not be affected, and that all provisions of this and other applicable ordinances can be upheld by the flea market operator for the subject parcel.
- g) The City Council of Seneca shall not issue a Flea Market permit to any owner, operator, or promoter who has previously had a Flea Market permit revoked within the past ten (10) years for noncompliance with this or any other applicable ordinance of the City of Seneca, or who, at the time of application, has a Flea Market permit under suspension, or who has been convicted of a felony by a court of law within the previous three (3) years, or who has pleaded guilty or no contest to a felony charge in a court of law within the past three (3) years.
- h) The finding of any inaccurate information given on an application for a Flea Market permit shall be cause for immediate revocation of said permit, except that if such inaccurate information is determined purely accidental on the part of the applicant and to be of little significance, the City Council for the City of Seneca shall have the authority to waive this provision.
- i) Flea Market permits are not transferable and are valid only for the specific site for which applied.
- j) It shall be unlawful for any person or entity to conduct a flea market business or for any flea market promoter, operator or owner to operate, or allow the operation of, such a business

or for any flea market vendor to display or sell wares of any kind at a flea market without a valid business license issued by the City of Seneca.

k) The owner, operator, or promoter of a flea market must secure a separate business license for each flea market site operated.

l) A business license issued to any flea market vendor shall be valid for operation from any duly permitted and licensed flea market operated in the City of Seneca.

m) It shall be unlawful for any flea market owner, operator or promoter to provide or rent space or to allow any vendor to use any sales area within a flea market unless the vendor has a valid business license issued by the City of Seneca. Failure to verify that each vendor has a valid business license could subject the promoter, owner or operator of the flea market to penalties contained herein, including the suspension or revocation of the operator's Flea Market Permit and/or business license.

n) The business license of the flea market, as well as each individual vendor, shall be conspicuously displayed during all hours of business operation.

2) General Regulations:

a) Compliance with any provision of this ordinance is in no way intended to relieve mandatory compliance with any other portion of this ordinance or any other applicable ordinance of the City of Seneca.

b) Each flea market shall provide on-site paved parking. No parking, or parking space, shall be permitted on any public right-of-way. It shall be the responsibility of the owner, operator, or promoter to ensure that no vehicle of any vendor, customer, patron, visitor, guest, or invitee is parked on any public right-of-way, or on any private property without the permission of that property owner. Violations of this clause, as with any portion of this ordinance, could result in the suspension or revocation of the Flea Market Permit.

c) No individual parking space shall have direct access to a public road.

d) No sales or other business activity shall be made from any shed, structure, or building of any kind, unless said shed, structure or building shall comply with all building and related codes adopted and enforced by the City of Seneca. For any shed, structure, or building in use, the flea market owner, operator, or promoter shall produce a Certificate of Occupancy upon demand by the authorized Zoning Administrator or Building Inspector of the City of Seneca. (Note: Flea Market sheds, structures, and buildings are classified as Group M, Mercantile Occupancy in the Southern Standard Building Code).

e) No temporary restroom facilities shall be utilized.

f) No person shall camp overnight at a flea market site. This provision does not prohibit the employment and usage of a reasonable number of overnight security personnel.

g) No animal, fish, fowl, or insect of any kind shall be sold, traded, housed, caged, bartered, swapped, or given away at any flea market.

3) Records Required:

a) Each Flea Market owner, operator, or promoter shall maintain accurate records for each day of operation, to include the name, permanent address, and business license number of each vendor conducting business from the flea market.

b) Each flea market vendor shall maintain two copies of accurate records indicating the vendor's name, permanent address, business license number and total revenue collected for each day of operation.

c) At the end of each sales day, each vendor shall furnish one copy of the records from paragraph 3.b to the flea market owner, operator, or promoter, who shall maintain said records, along with required records from paragraphs 3.a.

d) All records required in paragraphs 3.a, 3.b, and 3.c must be maintained for a minimum period of 24 months and must be made available for inspection upon demand by any authorized agent or employee of the City of Seneca, Oconee County Sheriff's Department, South Carolina Law Enforcement agency, South Carolina Tax Official, or authorized agent or employee of the U.S. Internal Revenue Department.

4) Non-conforming Use Clause: Any flea market legally in existence and operating prior to the adoption of this ordinance, which does not meet all the provisions and requirements for this ordinance, may continue in operation for a period of up to twelve (12) months from the effective date of this ordinance, so long as the operation or size is not increased beyond what had been existing as of the effective date of this ordinance. Any and all flea markets shall be brought into full compliance with the requirements and provisions of this ordinance on or before twelve (12) months from the effective date of this ordinance.

j) Self-storage or mini-warehouse facilities, subject to all requirements listed below:

- 1) Storage bays, parking areas, loading areas, required setback areas, and buffer areas shall not be used to manufacture, fabricate, or process goods or services, or repair vehicles, boats, small engines, or electrical equipment or to conduct similar repair activities, conduct garage sales, wholesale activities, or retail sales of any kind.
- 2) No storage bays, parking areas, loading areas, required setback areas, or buffer areas shall be used as, or converted into, an apartment or dwelling unit, except that one dwelling unit for a resident manager or security guard and immediate family members may be provided.
- 3) No storage bays, parking areas, loading areas, required setback areas, or buffer areas shall be used as, or converted into, an office, nor shall be considered a premise for assigning a legal address in order to obtain an occupational license or other governmental permit to conduct business. This provision does not prohibit a mini-warehouse from having an on-site office.
- 4) The facility shall be enclosed by a continuous, solid fence or wall of a minimum of six feet in height. Any fence paralleling or fronting a public right of way shall be constructed of either brick, stone, masonry units, or wood, except that a swinging gate may be constructed of chain link or cyclone fencing material. Side and rear portions of fences shall be constructed of either brick, stone, masonry units, wood or chain link or cyclone fencing material. Said fence shall meet the following setback requirements.

Front: 30 feet

Sides: 10 feet

Rear: 10 feet

The side or rear fence setback shall be zero (0), and the landscaping requirement in section 512.3 (j) (13) shall be waived, if solid fence of either brick, stone, masonry units, or wood is used.

A climate controlled storage facility, where all storage doors are contained within a completely enclosed building, shall be exempt from the front fence contained in this section. No storage bays shall have direct access to parking areas, driveways, loading areas, or other exterior areas.

- 5) Except as provided herein, all materials stored on site shall be entirely within enclosed buildings. Storage of flammable liquids, highly combustible or explosive materials, or hazardous materials or chemicals is prohibited.
- 6) The minimum lot size for a self-storage or mini-warehouse facility shall be one (1) acre.
- 7) Open storage of recreational vehicles and dry storage of pleasure boats shall be permitted, provided that:

- a) Such storage takes place only within a designated area that is clearly delineated upon the site;
- b) The storage area shall not exceed 25% of the total area enclosed by the fence required in paragraph 4;
- c) All storage takes place within the area enclosed by the wall or fence required in paragraph 4;
- d) No vehicle maintenance, washing, or repair shall occur on site; and
- e) No dry stacking of boats shall take place.

8) Individual buildings must be separated from any other building by a distance of at least ten (10) feet.

9) Storage buildings must be located and situated so that overhead access doors are not visible from any public right-of-way or from any other parcel.

10) The maximum size of any storage bay shall be no greater than four hundred (400) square feet.

11) The exterior facade of all buildings or structures shall be composed of either brick, stone, masonry units, vinyl, or aluminum. This requirement does not apply to the fence described in paragraph 4, or to overhead storage bay doors, so long as such doors shall meet the requirements of paragraph 9.

12) A minimum of five (5) parking spaces shall be provided at the facility office. If a dwelling unit for a manager or watchman is constructed, two (2) additional parking spaces shall be provided.

13) The following landscape requirements shall be met and maintained:

a) A detailed landscape plan shall be submitted with development plans to secure a Certificate of Zoning Compliance. Landscaping shall be provided in the areas between property lines and the wall or fence required in paragraph 4 of this section. Landscaping shall be designed, placed, and maintained in such a manner so as not to interfere with traffic visibility. A landscape strip of at least twenty (20) feet shall be provided along all street frontages. A landscape strip of at least ten (10) feet shall be provided along all other property lines.

b) A minimum of one tree shall be planted for each twenty (20) feet in the perimeter landscape area.

c) Trees shall reach a height of at least ten (10) feet within 120 days of the issuance of a Certificate of Occupancy for the self-storage or mini-warehouse facility.

d) Dumpsters and other trash receptacles are to be located inside the wall or fence required in paragraph 4 of this section and must be screened so that they cannot be seen from any public right-of-way or neighboring property.

14) No exterior loudspeakers or paging systems shall be utilized.

15) The provisions of this section are in no way intended to relieve compliance with provisions of any other portions of the zoning ordinance or any other ordinance of the City of Seneca.

16) All driveways shall be paved.

17) All driveways must have a width of at least twenty-four (24) feet.

k) Mobile Home Dealerships, provided that such use is in compliance with all requirements listed below:

1) All mobile homes stored on site shall comply with the following setbacks:

Front: 40 Feet Sides: 10 Feet Rear: 10 Feet

2) A maximum of 8 mobile homes per acre shall be permitted on site at any one time.

3) No mobile homes shall ingress or egress the property during the following hours:

7:00 am to 9:00 am

11:30 am to 1:30 pm

3:00 pm to 7:00 pm

- 4) All drives shall be paved with asphalt, brick, or concrete.
- 5) A detailed landscape plan shall be submitted with development plans to secure a Certificate of Zoning Compliance. Landscaping shall be designed, placed, and maintained in such a manner so as not to interfere with traffic visibility. A landscape strip of at least twenty (20) feet shall be provided along all street frontages. A landscape strip of at least ten (10) feet shall be provided along all other property lines. A minimum of one tree for each twenty (20) feet in the perimeter landscape area.
- 6) Units within ninety (90) feet of the street right-of-way shall be underpinned on all sides visible from the street. A deck 14 feet in length and 8 feet in width shall be maintained. Said deck shall meet all requirements of the Standard Building Code 1997.
- 7) The minimum lot size for a mobile home dealership shall be one (1) acre.
- 8) Curb cuts and access points must be a minimum of 30 feet wide.
- 9) There shall be a minimum of ten (10) feet of clearance between any two mobile homes and a minimum of ten (10) feet clearance between any mobile home and any building located on the property.

l) Cellular Towers per Section 735.

m) Plant Nurseries and Landscape Supply Dealers, provided that such use is in compliance with all requirements listed below:

1. A minimum lot size on one (1) acre is required and such use is strictly prohibited as an accessory use;
2. External storage of rock intended for immediate sale must be bundled and placed on pallets. The pallets may front no less than ten feet from the right of way and be no more than two rows wide. All other bundled inventory must be behind the front line of the principal structure;
3. All plants and landscape material, intended for retail or wholesale distribution, must be no less than ten feet from the right of way;
4. Piles of unbundled and/or loose rock, stone, dirt, mulch or other landscape material closest to the right of way must be screened from view by a six foot solid wall or stockade fence, corral, or other screening device as approved by the zoning administrator. Such material must be behind the principal use structure.

n) Tattoo facilities, provided that:

- 1) In accordance with state law, such use is not located within one thousand (1000) feet of:
 - a) a church;
 - b) a public or private elementary or secondary school;
 - c) a playground
- 2) such use is not located within one thousand (1000) feet (as measured from the property lines) of another licensed tattoo facility.
- 3) the applicant for a tattoo facility conditional use shall submit to the zoning administrator an application for a tattoo facility conditional use permit; the application shall include: a zoning amendment filing fee; a site plan in accordance with Section 801 of the Zoning Ordinance, the addresses of any established churches, schools, playgrounds, existing licensed tattoo facilities or drinking establishments within ¼ mile of the proposed site. Notice of the conditional use shall be published in a paper of local circulation for two (2) weeks. Upon review of the application, the zoning administrator shall furnish a letter to the applicant stating whether the use is in compliance with the city's zoning laws; a letter stating that the

use is in compliance with the city's zoning laws may be used to obtain licensing from the Department of Health and Environmental Control (DHEC).

- 4) the applicant shall submit a copy of the DHEC license for the proposed location before a certificate of zoning compliance may be issued.

512.4 Other Requirements. Uses permitted within the HC District shall be required to conform to the standards set forth in Section 522.

a) In addition: To minimize congestion at business access points, the following limitation shall apply to all major thoroughfares in the District.

- 1) There shall be no more than two (2) access points on a major thoroughfare in the HC District.
- 2) If a primary access to an establishment is available on an intersecting roadway, then access on the major thoroughfare shall be limited to one (1) access per establishment.
- 3) Such access on a major thoroughfare is granted only provided that there is a minimum of eighty (80) feet from such access to the right-of-way of an intersection roadway. This shall apply regardless of whether the establishment is granted one or two access points by subsections 1 or 2 above.
- 4) There shall be no more than one (1) access point granted within a given fifty (50) feet of frontage.
- 5) Where one-way driveways are used, a minimum distance of 40 feet between the edges of the entrance driveway and the exit driveway shall be permitted and directional arrows shall be painted on ground.

SECTION 513 GC GENERAL COMMERCIAL DISTRICT

513.1 Purpose. It is the intent of this Section that GC Zoning Districts be developed and reserved for general business purposes. The regulations which apply within these districts are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial character of the district.

513.2 Permitted Uses: The following uses shall be permitted in any GC Zoning District.

- a) General retail stores and rental stores, provided any external storage of machinery, parts, inventory, or equipment is completely enclosed by a six foot solid wall (composed of brick, finished concrete, mortar, wood, stone, masonry units, or a combination of the above), stockade fence (composed of wood and solid in appearance), or a chain link fence with slats and a six foot high continuous, uninterrupted, opaque evergreen vegetation screen extending along the external length of the fence. All fence or wall types shall be properly maintained and shall not be allowed to deteriorate into a dilapidated or unstable condition. The chain link fence with slats is to be maintained in proper condition so as no slat is missing or broken or in need of repair in any way so as to remain opaque. The chain link fence is to be maintained so that no rust, decay, chipping or peeling of paint, or unevenness of the chain link is visible (present). The vegetation is to be maintained and given proper care so as to retain a healthy and neat condition. Slats are to consist of earth tone colors (such as dark green, brown, tan, beige, rust, or gray). A chain link fence with slats is to have only one color, where

there is no intermixing of more than one color on the same fence. Fence is not to impede vision at intersections or drives.

- b) Service businesses, including, but not limited to, plumbers, beauticians, repair services, photographers, etc., provided all services take place within an enclosed building and there is no external storage of inventory, parts, machinery or equipment;
- c) Professional offices;
- d) Restaurants, delicatessens, drinking establishments;
- e) Retail food stores, including general groceries, produce stands, bakeries, meat markets (without slaughtering on-site), etc.;
- f) Food preparation establishments for off-premise delivery;
- g) Hospitals, medical offices, clinics;
- h) Banks and other financial institutions;
- i) Pre-school, day care centers, adult and child;
- j) Cultural and community centers, including libraries, neighborhood recreation centers, churches and other religious facilities;
- k) Public utility facilities, including offices, transformer stations, gas regulators, telephone switching stations, etc., but excluding transmission towers;
- l) Proprietary schools, offering instruction in art, music, dance, skills, business and technical schools;
- m) Nursing homes, convalescent homes, personal care homes, community residential care facilities;
- n) Veterinary offices with no external runs;
- o) Coin operated laundry, dry cleaning - excluding dry cleaning plants;
- p) Funeral homes, mortuaries;
- q) Off-street automobile parking lots;
- r) Commercial printers and similar;
- s) Radio or television studios;
- t) Car wash;
- u) Automobile, boat, recreational vehicle dealership;
- v) Commercial recreational facilities;
- w) Theaters, single screen;
- x) Hotels and Motels.
- y) Facilities of city, county, state or federal government, except those provided for in Section 513.3;
- z) Facilities of the Oconee County Public School System;
- aa) Facilities of public service districts, except those provided for in Section 513.3;
- bb) Accessory uses, as provided in Section 711 and 712;
- cc) Temporary uses, as provided in Section 805.

513.3 Conditional Uses. The following uses shall be permitted on a conditional basis in any GC Zoning District, subject to the conditions set forth in Section 805.

- a) Automobile service station provided all operations involving major repairs, body and fender work, painting or the sale or rental of new or used cars or trucks, trailer of any type, or boats are not conducted on the premises. Provided further that all pumps are set back at least twenty-five (25) feet from the right-of-way line of all abutting streets, and all fuel tanks are installed underground.
- b) Garage for the repair and servicing of motor vehicles, provided all operations are conducted within a fully enclosed building, that there is no storage of wrecked vehicles, and that any storage of dismantled parts, machinery, or equipment be fully enclosed by a solid wall or stockade fence of at least six (6) feet in height.
- c) Electronic, mechanical, or similar repair service, provided that all activity is conducted within a fully enclosed building, and that there is no external emissions of any type including sound. Further provided that there is no external storage of parts, machinery, inventory, or equipment.
- d) Public utility substation or sub-installations including water towers, provided that:

- 1) such use is enclosed by a wall or chain link fence of at least six (6) feet in height above finished grade;
- 2) there is no office or commercial operation on-site; and
- 3) there is no equipment or vehicle storage on-site.

e) Newspaper publishing plant provided that the requirements for parking, loading, and unloading conform to those for Industrial activities, as set forth in Article VII.

f) Animal hospital and/or boarding facility provided all boarding arrangements are indoor, and no noise is audible beyond the premises.

g) Truck terminals, provided an acceleration/deceleration lane of at least ten (10) feet in width and fifty (50) feet in length is provided at the main entry/exit points for trucks.

h) A residential use as an accessory activity to any use permitted within the zoning district.

i) Flea markets, open lots for the sale or rental of materials or equipment, excluding salvage materials or junk, provided that such use is in compliance with all requirements listed below:

1) Permitting and Licensing Requirements:

a) No flea market shall be operated unless a Flea Market permit has been granted by the City Council of Seneca. (Procurement of a Flea Market Permit in no way relieves compliance with all other provisions of this ordinance, as well as all other applicable ordinances of the City of Seneca).

b) Applications for Flea market permits shall be administered the same way as petitions for rezones, with the Planning Commission holding a duly advertised public hearing and issuing a recommendation for final action by City Council.

c) Applications for Flea Market permits shall include the name of the owner, operator, or promoter of the flea market, the location of the flea market, the maximum number of booths, stalls, sales display areas, and vendors permitted at any one time, a detailed plot plan of the flea market site indicating sales areas, parking areas, restroom facilities, and all other structures. Notes indicating how electrical, water, and wastewater treatment shall be provided are also required. A description of all perimeter landscaping shall be included. Said plot plan shall show the area of the parcel, shall include scale and north arrow, and shall show any portion of the parcel that is in any 100 year flood plain. The plot plan shall be completed by a surveyor, architect, or engineer licensed by the State of South Carolina, and shall bear the seal of that surveyor, architect, or engineer.

d) The City Council of Seneca is authorized to adopt a fee schedule for Flea Market permits.

e) Flea Market permits are valid for a period of twelve months but may be suspended or revoked by the Zoning Administrator or City Council upon a finding that any portion of this or other applicable ordinances are violated.

f) The City Council of the City of Seneca shall issue a Flea Market Permit only upon concluding that the activity shall present no significant adverse affects upon the surrounding area, that no significant traffic congestion or safety problems will be produced, that no nuisance, as defined by South Carolina statutory or case law would result, that the quiet enjoyment of surrounding properties would not be affected, and that all provisions of this and other applicable ordinances can be upheld by the flea market operator for the subject parcel.

g) The City Council of Seneca shall not issue a Flea Market permit to any owner, operator, or promoter who has previously had a Flea Market permit revoked within the past ten (10) years for noncompliance with this or any other applicable ordinance of the City of Seneca, or who, at the time of application, has a Flea Market permit under suspension, or who has been convicted of a felony by a court of law within the previous three (3) years, or who has pleaded guilty or no contest to a felony charge in a court of law within the past three (3) years.

- h) The finding of any inaccurate information given on an application for a Flea Market permit shall be cause for immediate revocation of said permit, except that if such inaccurate information is determined purely accidental on the part of the applicant and to be of little significance, the City Council for the City of Seneca shall have the authority to waive this provision.
 - i) Flea Market permits are not transferable and are valid only for the specific site for which applied.
 - j) It shall be unlawful for any person or entity to conduct a flea market business or for any flea market promoter, operator, or owner to operate, or allow the operation of, such a business or for any flea market vendor to display or sell wares of any kind at a flea market without a valid business license issued by the City of Seneca.
 - k) The owner, operator, or promoter of a flea market must secure a separate business license for each flea market site operated.
 - l) A business license issued to any flea market vendor shall be valid for operation from any duly permitted and licensed flea market operated in the City of Seneca.
 - m) It shall be unlawful for any flea market owner, operator, or promoter to provide or rent space or to allow any vendor to use any sales area within a flea market unless the vendor has a valid business license issued by the City of Seneca. Failure to verify that each vendor has a valid business license could subject the promoter, owner, or operator of the flea market to penalties contained herein, including the suspension or revocation of the operator's Flea Market Permit and/or business license.
 - n) The business license of the flea market, as well as each individual vendor, shall be conspicuously displayed during all hours of business operation.
- 2) General Regulations:
- a) Compliance with any provision of this ordinance is in no way intended to relieve mandatory compliance with any other portion of this ordinance or any other applicable ordinance of the City of Seneca.
 - b) Each flea market shall provide on-site paved parking. No parking, or parking space, shall be permitted on any public right-of-way. It shall be the responsibility of the owner, operator, or promoter to ensure that no vehicle of any vendor, customer, patron, visitor, guest, or invitee is parked on any public right-of-way, or on any private property without the permission of that property owner. Violations of this clause, as with any portion of this ordinance, could result in the suspension or revocation of the Flea Market Permit.
 - c) No individual parking space shall have direct access to a public road.
 - d) No sales or other business activity shall be made from any shed, structure, or building of any kind, unless said shed, structure or building shall comply with all building and related codes adopted and enforced by the City of Seneca. For any shed, structure, or building in use, the flea market owner, operator, or promoter shall produce a Certificate of Occupancy upon demand by the authorized Zoning Administrator or Building Inspector of the City of Seneca. (Note: Flea Market sheds, structures, and buildings are classified as Group M, Mercantile Occupancy in the Southern Standard Building Code).
 - e) No temporary restroom facilities shall be utilized.
 - f) Prohibit the employment and usage of a reasonable number of overnight security personnel.
 - g) No animal, fish, fowl, or insect of any kind shall be sold, traded, housed, caged, bartered, swapped, or given away at any flea market.

3) Records Required:

- a) Each Flea Market owner, operator, or promoter shall maintain accurate records for each day of operation, to include the name, permanent address, and business license number of each vendor conducting business from the flea market.
- b) Each flea market vendor shall maintain two copies of accurate records indicating the vendor's name, permanent address, business license number and total revenue collected for each day of operation.
- c) At the end of each sales day, each vendor shall furnish one copy of the records from paragraph 3.b to the flea market owner, operator, or promoter, who shall maintain said records, along with required records from paragraphs 3.a.
- d) All records required in paragraphs 3.a, 3.b, and 3.c must be maintained for a minimum period of 24 months and must be made available for inspection upon demand by any authorized agent or employee of the City of Seneca, Oconee County Sheriff's Department, South Carolina Law Enforcement agency, South Carolina Tax Official, or authorized agent or employee of the U.S. Internal Revenue Department.

4) Non-conforming Use Clause: Any flea market legally in existence and operating prior to the adoption of this ordinance, which does not meet all the provisions and requirements for this ordinance, may continue in operation for a period of up to twelve (12) months from the effective date of this ordinance, so long as the operation or size is not increased beyond what had been existing as of the effective date of this ordinance. Any and all flea markets shall be brought into full compliance with the requirements and provisions of this ordinance on or before twelve (12) months from the effective date of this ordinance.

j) Self-storage or mini-warehouse facilities, subject to all requirements listed below:

- 1) Storage bays, parking areas, loading areas, required setback areas, and buffer areas shall not be used to manufacture, fabricate, or process goods or services, or repair vehicles, boats, small engines or electrical equipment or to conduct similar repair activities, conduct garage sales, wholesale activities, or retail sales of any kind.
- 2) No storage bays, parking areas, loading areas, required setback areas, or buffer areas shall be used as, or converted into, an apartment or dwelling unit, except that one dwelling unit for a resident manager or security guard and immediate family members may be provided.
- 3) No storage bays, parking areas, loading areas, required setback areas, or buffer areas shall be used as, or converted into, an office, nor shall be considered a premise for assigning a legal address in order to obtain an occupational license or other governmental permit to conduct business. This provision does not prohibit a mini-warehouse from having an on-site office.
- 4) The facility shall be enclosed by a continuous, solid fence or wall of a minimum of six feet in height. Any fence paralleling or fronting a public right of way shall be constructed of either brick, stone, masonry units, or wood, except that a swinging gate may be constructed of chain link or cyclone fencing material. Side and rear portions of fences shall be constructed of either brick, stone, masonry units, wood or chain link or cyclone fencing material. Said fence shall meet the following setback requirements:

Front: 30 feet

Sides: 10 feet

Rear: 10 feet

The side or rear fence setback shall be zero (0), and the landscaping requirement in section 513.3 (j) (13) shall be waived, if solid fence of either brick, stone, masonry units, or wood is used. A climate-controlled storage facility, where all storage doors are contained within a completely enclosed building, shall be exempt from the front fence contained in this section. No storage bays shall have direct access to parking areas, driveways, loading areas, or other exterior areas.

5) Except as provided herein, all materials stored on site shall be entirely within enclosed buildings. Storage of flammable liquids, highly combustible or explosive materials, or hazardous materials or chemical is prohibited.

6) The minimum lot size for a self-storage or mini-warehouse facility shall be one (1) acre.

7) Open storage of recreational vehicles and dry storage of pleasure boats shall be permitted, provided that:

a) Such storage takes place only within a designated area that is clearly delineated upon the site.

b) The storage area shall not exceed 25% of the total area enclosed by the fence required in paragraph 4.

c) All storage takes place within the area enclosed by the wall or fence required in paragraph 4.

d) No vehicle maintenance, washing, or repair shall occur on site.

e) No dry stacking of boats shall take place.

8) Individual buildings must be separated from any other building by a distance of at least ten (10) feet.

9) Storage buildings must be located and situated so that overhead access doors are not visible from any public right-of-way or from any other parcel.

10) The maximum size of any storage bay shall be no greater than four hundred (400) square feet.

11) The exterior facade of all buildings or structures shall be composed of either brick, stone, masonry units, vinyl, or aluminum. This requirement does not apply to the fence described in paragraph 4, or to overhead storage bay doors, so long as such doors shall meet the requirements of paragraph 9.

12) A minimum of five (5) parking spaces shall be provided at the facility office. If a dwelling unit for a manager or watchman is constructed, two (2) additional parking spaces shall be provided.

13) The following landscape requirements shall be met and maintained:

a) A detailed landscape plan shall be submitted with development plans to secure a Certificate of Zoning Compliance. Landscaping shall be provided in the areas between property lines and the wall or fence required in paragraph 4 of this section. Landscaping shall be designed, placed, and maintained in such a manner so as not to interfere with traffic visibility. A landscape strip of at least twenty (20) feet shall be provided along all street frontages. A landscape strip of at least ten (10) feet shall be provided along all other property lines.

b) A minimum of one tree shall be planted for each twenty (20) feet in the perimeter landscape area.

c) Trees shall reach a height of at least ten (10) feet within 120 days of the issuance of a Certificate of Occupancy for the self-storage or mini-warehouse facility.

d) Dumpsters and other trash receptacles are to be located inside the wall or fence required in paragraph 4 of this section and must be screened so that they cannot be seen from any public right-of-way or neighboring property.

14) No exterior loudspeakers or paging systems shall be utilized.

15) The provisions of this section are in no way intended to relieve compliance with provisions of any other portions of the Zoning Ordinance or any other ordinance of the City of Seneca.

16) All driveways shall be paved.

17) All driveways must have a width of at least twenty-four feet.

k) Sexually Oriented Businesses per Section 734.

l) Cellular Towers per Section 735.

m) Plant and Landscape Supply Dealers, provided that such use is in compliance with all requirements listed below:

1. A minimum lot size of one (1) acre is required and such use is strictly prohibited as an accessory use;
2. External storage of rock intended for immediate sale must be bundled and placed on pallets. The pallets may front no less than ten feet from the right of way and be no more than two rows wide. All other bundled inventory must be behind the front line of the principal structure;
3. All plants and landscape material, intended for retail or wholesale distribution, must be no less than ten feet from the right of way;
4. Piles of unbundled and/or loose rock, stone, dirt, mulch or other landscape material closest to the right of way must be screened from view by a six-foot solid wall or stockade fence, corral, or other screening device as approved by the zoning administrator. Such material must be behind the principal use structure.

513.4 Other Requirements. Uses permitted within the GC Districts shall be required to conform to the standards set forth in Section 522.

SECTION 514 CC CORE COMMERCIAL DISTRICT

514.1 Purpose. The intent of the CC District is to encourage the maintenance of a centrally located trade, commercial, and community service area.

514.2 Permitted Uses. The following uses shall be permitted in any CC District:

- a) General retail stores provided there is no external storage, excluding tobacco shops, alternative tobacco shops, vapor shops and cannabidiol and CBD shops.
- b) Service businesses provided all services take place within an enclosed building with no external storage, excluding piercing facilities.
- c) Professional offices;
- d) Restaurants, delicatessens;
- e) Retail food stores, including general groceries, produce stands, bakeries, meat markets (without slaughtering on-site), etc.;
- f) Food preparation establishments for off-premise delivery;
- g) Hospitals, medical offices, clinics;
- h) Commercial banks and other financial institutions, excluding businesses of credit intermediation which includes payday lending and check cashing, and excluding consumer cash lending secured by personal property which includes title loans and pawn shops, where such uses are not part of a commercial bank or credit union.
- i) Pre-schools, day care centers, adult and child;
- j) Cultural and community centers, including libraries, neighborhood recreation centers, churches and other religious facilities;
- k) Public utility offices;
- l) Proprietary schools, offering instruction in art, music, dance, skills, business and technical schools;
- m) Nursing homes, convalescent homes, personal care homes, community residential care facilities;
- n) Veterinary offices and accessory kennels;
- o) Coin operated laundry, dry cleaning - excluding dry cleaning plants;
- p) Funeral homes, mortuaries;
- q) Off-street automobile parking lots;
- r) Commercial printers and similar;

- s) Radio or television studios;
- t) Automobile, boat, recreational vehicle dealership;
- u) Commercial recreational facilities;
- v) Theaters, single screen;
- w) Residential units;
- x) Facilities of the city, county, state or federal government, except those provided for in Section 514.3;
- y) Facilities of the Oconee County Public School System;
- z) Facilities of public service districts, except those provided for in Section 514.3;
- aa) Accessory uses, as provided in Section 711 and 712;
- bb) Temporary uses, as provided in Section 805.

514.3 Conditional Uses. The following uses shall be permitted on a conditional basis in any CC Core Commercial District, subject to the conditions set forth in Section 805:

- a) Automobile service stations, provided no operations involving major repairs, body and fender work, painting or the sale or rental of new or used cars or trucks, trailers of any type, or boats, are conducted on the premises. Provided further that all pumps are set back at least twenty-five (25) feet from the right-of-way line of all abutting streets, and all fuel tanks are installed underground.
- b) Animal hospital or boarding facility, provided all board arrangements are indoor, and no noise is audible beyond the premises.
- c) Short-term rental units, provided that such use complies with the requirements of Section 740 and does not occur on the first floor of the building. The first floor shall be determined by the property's main access to the street or streets on which the building fronts. No short-term rental units shall be permitted on the first floor of a building in this District. The resident requirements found in this Section 740 shall not apply to short-term rental units in this district.

514.4 Other Requirements. Uses permitted within the CC District shall be required to conform to the standards set forth in Section 522.

SECTION 515 LI LIMITED INDUSTRIAL DISTRICT

515.1 Purpose. The intent of the LI Zoning District is to provide areas for limited industrial purposes which are not significantly objectionable in terms of noise, odor, fumes, etc., to surrounding properties. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for uses generally classified to be limited industrial in nature; to protect and reserve undeveloped areas in the City of Seneca which are suitable for such industries; and to discourage encroachment by those residential, commercial, or other uses capable of adversely affecting the basic industrial character of the district.

515.2 Permitted Uses: The following uses shall be permitted in any LI Zoning District:

- a) Research or experimental laboratory;
- b) Transportation terminal, excluding truck terminals which shall be permitted as conditional uses, subject to the requirements of Section 515.3 (f);
- c) Public building, facilities, or land other than a school, playground, hospital, clinic, care home, or cultural facility;
- d) Public utility installation;
- e) Agricultural farm;
- f) Horticultural farm;
- g) Radio and/or television station and/or transmission tower, subject to Section 735;

- h) Office building and/or offices for governmental, business, professional or general purposes;
- i) Commercial trade or vocational school;
- j) Certain commercial uses which would be of benefit to industrial workers, to include:
 - Restaurants, delicatessens, and other eating establishments.
 - Food preparation establishments for off-premise delivery.
 - General merchandise stores not to exceed 15,000 square feet of floor area.
 - Convenience stores not to exceed 15,000 square feet of floor area.
- k) Off-street parking lot or garage, as well as off-street parking or storage area for customer, client, or employee owned vehicles;
- l) Accessory uses, as provided in Section 711 and 712;
- m) Temporary uses, as provided in Section 805.

515.3 Conditional Uses. The following uses shall be permitted on a conditional basis in any LI Zoning District, subject to the conditions set forth in Section 805.

- a) Warehouse or other storage facility, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.
- b) Wholesale business outlet, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.
- c) Automobile service stations and garages for the repair and servicing of motor vehicles, provided that all pumps are setback at least twenty-five (25) feet from any public right-of-way provided that all operations are conducted within a fully enclosed building, provided that there is no storage of wrecked vehicles, and provided that any storage of dismantled parts, machinery or equipment is fully enclosed by a solid wall or stockade fence of at least six (6) feet in height.
- d) Animal hospital and/or boarding facility provided all boarding arrangements are maintained within an enclosed building.
- e) Retail business provided such business is incidental to a permitted use; is located on the same premises as a permitted use; and involves no open storage of junk or salvage materials of any type in conjunction with the operations.
- f) Truck terminal provided that paved acceleration and deceleration lanes at least twelve (12) feet in width and fifty (50) feet in length, respectively, are furnished and maintained where trucks enter or leave terminal sites located adjacent to major streets and provided no open storage of any type is conducted in connection with the operation.
- g) Watchman or caretaker's one-family dwelling provided that such a dwelling is located on the premises of a permitted use; and provided that a member of the household is employed by the industry as a watchman or caretaker.
- h) Dwelling incidental to a permitted agricultural or horticultural use, provided that such related dwellings are occupied only by persons employed directly on the premises.
- i) Garage or shop for the repair and servicing of motor vehicles, equipment, or machine parts, provided any open yard storage, incidental to such an operation, is completely enclosed by a solid wall or stockade type fence of at least six (6) feet in height; and provided no sound, vibration, heat glare or electrical disturbance is created which creates a nuisance beyond the premises.
- j) Open yard use for the sale, rental and/or storage of materials or equipment excluding junk or other salvage, provided such use is completely enclosed by a solid wall or stockade type fence of at least six (6) feet in height.
- k) Flea markets and jockey lots, provided that such uses are in full compliance with all conditions listed below:

1) Permitting and Licensing Requirements:

- a) No flea market shall be operated unless a Flea Market permit has been granted by the City Council of the City of Seneca. (Procurement of a Flea Market Permit in no way relieves compliance with all other provisions of this ordinance, as well as all other applicable ordinances of the City of Seneca).
- b) Applications for Flea market permits shall be administered the same way as petitions for rezones, with the Planning Commission holding a duly advertised public hearing and issuing a recommendation for final action by City Council.
- c) Applications for Flea Market permits shall include the name of the owner, operator, or promoter of the flea market, the location of the flea market, the maximum number of booths, stalls, sales display areas, and vendors permitted at any one time, a detailed plot plan of the flea market site indicating sales areas, parking areas, restroom facilities, and all other structures. Notes indicating how electrical, water, and wastewater treatment shall be provided are also required. A description of all perimeter landscaping shall be included. Said plot plan shall show the area of the parcel, shall include scale and north arrow, and shall show any portion of the parcel that is in any 100-year flood plain. The plot plan shall be completed by a surveyor, architect, or engineer licensed by the State of South Carolina, and shall bear the seal of that surveyor, architect, or engineer.
- d) The City Council of Seneca is authorized to adopt a fee schedule for Flea Market permits.
- e) Flea Market permits are valid for a period of twelve months but may be suspended or revoked by the Zoning Administrator or City Council upon a finding that any portion of this or other applicable ordinances are violated.
- f) The City Council of the City of Seneca shall issue a Flea Market Permit only upon concluding that the activity shall present no significant adverse affects upon the surrounding area, that no significant traffic congestion or safety problems will be produced, that no nuisance as defined by South Carolina statutory or case law would result, that the quiet enjoyment of surrounding properties would not be affected, and that all provisions of this and other applicable ordinances can be upheld by the flea market operator for the subject parcel.
- g) The City Council of the City of Seneca shall not issue a Flea Market permit to any owner, operator, or promoter who has previously had a Flea Market permit revoked within the past ten (10) years for noncompliance with this or any other applicable ordinance of the City of Seneca, or who, at the time of application, has a Flea Market permit under suspension, or who has been convicted of a felony by a court of law within the previous three (3) years, or who has pleaded guilty or no contest to a felony charge in a court of law within the past three (3) years.
- h) The finding of any inaccurate information given on an application for a Flea Market permit shall be cause for immediate revocation of said permit, except that if such inaccurate information is determined purely accidental on the part of the applicant and to be of little significance, the City Council for the City of Seneca shall have the authority to waive this provision.
- i) Flea Market permits are not transferable and are valid only for the specific site for which applied.
- j) It shall be unlawful for any person or entity to conduct a flea market business or for any flea market promoter, operator, or owner to operate, or allow the operation of, such a business or for any flea market vendor to display or sell wares of any kind at a flea market without a valid business license issued by the City of Seneca.
- k) The owner, operator, or promoter of a flea market must secure a separate business license for each flea market site operated.
- l) A business license issued to any flea market vendor shall be valid for operation from any duly permitted and licensed flea market operated in the City of Seneca.
- m) It shall be unlawful for any flea market owner, operator, or promoter to provide or rent space or to allow any vendor to use any sales area within a flea market unless the vendor has

a valid business license issued by the City of Seneca. Failure to verify that each vendor has a valid business license could subject the promoter, owner, or operator of the flea market to penalties contained herein, including the suspension or revocation of the operator's Flea Market Permit and/or business license.

n) The business license of the flea market, as well as each individual vendor, shall be conspicuously displayed during all hours of business operation.

2) General Regulations:

a) Compliance with any provision of this ordinance is in no way intended to relieve mandatory compliance with any other portion of this ordinance or any other applicable ordinance of the City of Seneca.

b) Each flea market shall provide on-site paved parking. No parking, or parking space, shall be permitted on any public right-of-way. It shall be the responsibility of the owner, operator, or promoter to ensure that no vehicle of any vendor, customer, patron, visitor, guest, or invitee is parked on any public right-of-way, or on any private property without the permission of that property owner. Violations of this clause, as with any portion of this ordinance, could result in the suspension or revocation of the Flea Market Permit.

c) No individual parking space shall have direct access to a public road.

d) No sales or other business activity shall be made from any shed, structure, or building of any kind, unless said shed, structure or building shall comply with all building and related codes adopted and enforced by the City of Seneca. For any shed, structure, or building in use, the flea market owner, operator, or promoter shall produce a Certificate of Occupancy upon demand by the authorized Zoning Administrator or Building Inspector of the City of Seneca. (Note: Flea Market sheds, structures, and buildings are classified as Group M, Mercantile Occupancy in the Southern Standard Building Code).

e) No temporary restroom facilities shall be utilized.

f) No person shall camp overnight at a flea market site. This provision does not prohibit the employment and usage of a reasonable number of overnight security personnel.

g) No animal, fish, fowl, or insect of any kind shall be sold, traded, housed, caged, bartered, swapped, or given away at any flea market.

3) Records Required:

a) Each Flea Market owner, operator, or promoter shall maintain accurate records for each day of operation, to include the name, permanent address, and business license number of each vendor conducting business from the flea market.

b) Each flea market vendor shall maintain two copies of accurate records indicating the vendor's name, permanent address, business license number and total revenue collected for each day of operation.

c) At the end of each sales day, each vendor shall furnish one copy of the records from paragraph 3.b to the flea market owner, operator, or promoter, who shall maintain said records, along with required records from paragraphs 3.a.

d) All records required in paragraphs 3.a, 3.b, and 3.c must be maintained for a minimum period of 24 months and must be available for inspection upon demand by an authorized agent or employee of the City of Seneca, Oconee County Sheriff's Department, South Carolina Law Enforcement agency, South Carolina Tax Official, or authorized agent or employee of the U.S. Internal Revenue Department.

4) Non-conforming Use Clause: Any flea market legally in existence and operating prior to the adoption of this ordinance, which does not meet all the provisions and requirements for this ordinance, may continue in operation for a period of up to twelve (12) months from the effective

date of this ordinance, so long as the operation or size is not increased beyond what had been existing as of the effective date of this ordinance. Any and all flea markets shall be brought into full compliance with the requirements and provisions of this ordinance on or before twelve (12) months from the effective date of this ordinance.

- l) Manufacturing establishments, provided there are no emissions generated in the manufacturing process, and provided any externally stored parts, inventory, or machinery are stored behind the front line of the principal building or structure, and are enclosed by a solid wall or fence of at least six (6) feet in height.
- m) Cellular Towers as per Section 735.

515.4 Other Requirements.

- a) Uses permitted in the LI Districts shall be required to conform to the standards set forth in Section 522.
- b) A buffer in compliance with Section 730 shall be required for any use in an LI Zoning District which adjoins a parcel zoned for residential uses.

SECTION 516 BI BASIC INDUSTRIAL DISTRICT

516.1 Purpose. The intent of the BI District is to promote the development and continued use of land for basic or primary industrial purposes which involve extensive manufacturing, processing, or assembly operations; and to preserve undeveloped sizable tracts of land with potential for industrial use.

516.2 Permitted Uses. The following uses shall be permitted in any BI Zoning District:

- a) Research or experimental laboratory;
- b) Transportation terminal, excluding truck terminals which shall be permitted as conditional uses, subject to the requirements of Section 516.3 (f);
- c) Public building, facilities, or land other than a school, playground, hospital, clinic, care home, or cultural facility;
- d) Public utility installation;
- e) Agricultural farm;
- f) Horticultural farm;
- g) Radio and/or television station and/or transmission tower;
- h) Office building and/or offices for governmental, business, professional or general purposes;
- i) Commercial trade or vocational school;
- j) Certain commercial uses which would be of benefit to industrial workers, to include:
 - Restaurants, delicatessens, and other eating establishments.
 - Food preparation establishments for off-premise delivery.
 - General merchandise stores not to exceed 15,000 square feet of floor area.
 - Convenience stores not to exceed 15,000 square feet of floor area.
- k) Off-street parking lot or garage, as well as off-street parking or storage area for customer, client, or employee owned vehicles;
- l) Accessory uses, as provided in Section 711 and 712;
- m) Temporary uses, as provided in Section 805.

516.3 Conditional Uses. The following uses shall be permitted on a conditional basis in any BI Zoning District, subject to the conditions set forth in Section 805.

- a) Warehouse or other storage facility, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.
- b) Wholesale business outlet, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.
- c) Automobile service station provided that all pumps are set back at least twenty-five (25) feet from the right-of-way line of any street; and provided that there is no open storage of dismantled parts in conjunction with the operation.
- d) Animal hospital and/or boarding facility provided all boarding arrangements are maintained within an enclosed building.
- e) Retail business provided such business is incidental to a permitted use; is located on the same premises as a permitted use; and involves no open storage of junk or salvage materials of any type in conjunction with the operations.
- f) Truck terminal provided that paved acceleration and deceleration lanes at least twelve (12) feet in width and fifty (50) feet in length, respectively, are furnished and maintained where trucks enter or leave terminal sites located adjacent to major streets and provided no open storage of any type is conducted in connection with the operation.
- g) Watchman or caretaker's one-family dwelling provided that such a dwelling is located on the premises of a permitted use; and provided that a member of the household is employed by the industry as a watchman or caretaker.
- h) Dwelling incidental to a permitted agricultural or horticultural use, provided that such related dwellings are occupied only by persons employed directly on the premises.
- i) Garage or shop for the repair and servicing of motor vehicles, equipment or machine parts, provided any open yard storage, incidental to such an operation, is completely enclosed by a solid wall or stockade type fence of at least six (6) feet in height; and provided no sound, vibration, heat glare or electrical disturbance is created which creates a nuisance beyond the premises.
- j) Open yard use for the sale, rental and/or storage of new, used or salvaged materials or equipment excluding junk or other salvage, provided such use is conducted on a site of no less than one (1) acre in size, and provided no burning of materials or products is conducted on the premise except by means approved by the Fire Chief or Fire Inspector; and if open storage of used or salvaged materials and/or equipment is used, such use shall be completely enclosed by a solid wall or stockade type fence of at least six (6) feet in height above finished grade.
- k) Flea markets and jockey lots, provided that such uses are in full compliance with all conditions listed below:

1) Permitting and Licensing Requirements:

- a) No flea market shall be operated unless a Flea Market permit has been granted by the City Council of the City of Seneca. (Procurement of a Flea Market Permit in no way relieves compliance with all other provisions of this ordinance, as well as all other applicable ordinances of the City of Seneca).
- b) Applications for Flea market permits shall be administered the same way as petitions for rezones, with the Planning Commission holding a duly advertised public hearing and issuing a recommendation for final action by City Council.
- c) Applications for Flea Market permits shall include the name of the owner, operator, or promoter of the flea market, the location of the flea market, the maximum number of booths, stalls, sales display areas, and vendors permitted at any one time, a detailed plot plan of the flea market site indicating sales areas, parking areas, restroom facilities, and all other structures. Notes indicating how electrical, water, and wastewater treatment shall be provided are also required. A description of all perimeter landscaping shall be included. Said plot plan shall show the area of the parcel, shall include scale and north arrow, and shall show any portion of the parcel that is in any 100-year flood plain. The plot plan shall be completed by a

surveyor, architect, or engineer licensed by the State of South Carolina, and shall bear the seal of that surveyor, architect, or engineer.

d) The City Council of Seneca is authorized to adopt a fee schedule for Flea Market permits.

e) Flea Market permits are valid for a period of twelve months but may be suspended or revoked by the Zoning Administrator or City Council upon a finding that any portion of this or other applicable ordinances are violated.

f) The City Council of the City of Seneca shall issue a Flea Market Permit only upon concluding that the activity shall present no significant adverse affects upon the surrounding area, that no significant traffic congestion or safety problems will be produced, that no nuisance as defined by South Carolina statutory or case law would result, that the quiet enjoyment of surrounding properties would not be affected, and that all provisions of this and other applicable ordinances can be upheld by the flea market operator for the subject parcel.

g) The City Council of the City Seneca shall not issue a Flea Market permit to any owner, operator, or promoter who has previously had a Flea Market permit revoked within the past ten (10) years for noncompliance with this or any other applicable ordinance of the City of Seneca, or who, at the time of application, has a Flea Market permit under suspension, or who has been convicted of a felony by a court of law within the previous three (3) years, or who has pleaded guilty or no contest to a felony charge in a court of law within the past three (3) years.

h) The finding of any inaccurate information given on an application for a Flea Market permit shall be cause for immediate revocation of said permit, except that if such inaccurate information is determined purely accidental on the part of the applicant and to be of little significance, the City Council for the City of Seneca, shall have the authority to waive this provision.

i) Flea Market permits are not transferable and are valid only for the specific site for which applied.

j) It shall be unlawful for any person or entity to conduct a flea market business or for any flea market promoter, operator, or owner to operate, or allow the operation of, such a business or for any flea market vendor to display or sell wares of any kind at a flea market without a valid business license issued by the City of Seneca.

k) The owner, operator, or promoter of a flea market must secure a separate business license for each flea market site operated.

l) A business license issued to any flea market vendor shall be valid for operation from any duly permitted and licensed flea market operated in the City of Seneca.

m) It shall be unlawful for any flea market owner, operator, or promoter to provide or rent space or to allow any vendor to use any sales area within a flea market unless the vendor has a valid business license issued by the City of Seneca. Failure to verify that each vendor has a valid business license could subject the promoter, owner or operator of the flea market to penalties contained herein, including the suspension or revocation of the operator's Flea Market Permit and/or business license.

n) The business license of the flea market, as well as each individual vendor, shall be conspicuously displayed during all hours of business operation.

2) General Regulations:

a) Compliance with any provision of this ordinance is in no way intended to relieve mandatory compliance with any other portion of this ordinance or any other applicable ordinance of the City of Seneca.

b) Each flea market shall provide on-site paved parking. No parking, or parking space, shall be permitted on any public right-of-way. It shall be the responsibility of the owner, operator, or promoter to ensure that no vehicle of any vendor, customer, patron, visitor, guest, or

invitee is parked on any public right-of-way, or on any private property without the permission of that property owner. Violations of this clause, as with any portion of this ordinance, could result in the suspension or revocation of the Flea Market Permit.

c) No individual parking space shall have direct access to a public road.

d) No sales or other business activity shall be made from any shed, structure, or building of any kind, unless said shed, structure or building shall comply with all building and related codes adopted and enforced by the City of Seneca. For any shed, structure, or building in use, the flea market owner, operator, or promoter shall produce a Certificate of Occupancy upon demand by the authorized Zoning Administrator or Building Inspector of the City of Seneca. (Note: Flea Market sheds, structures, and buildings are classified as Group M, Mercantile Occupancy in the Southern Standard Building Code).

e) No temporary restroom facilities shall be utilized.

f) No person shall camp overnight at a flea market site. This provision does not prohibit the employment and usage of a reasonable number of overnight security personnel.

g) No animal, fish, fowl, or insect of any kind shall be sold, traded, housed, caged, bartered, swapped or given away at any flea market.

3) Records Required:

a) Each Flea Market owner, operator, or promoter shall maintain accurate records for each day of operation, to include the name, permanent address, and business license number of each vendor conducting business from the flea market.

b) Each flea market vendor shall maintain two copies of accurate records indicating the vendor's name, permanent address, business license number and total revenue collected for each day of operation.

c) At the end of each sales day, each vendor shall furnish one copy of the records from paragraph 3.b to the flea market owner, operator, or promoter, who shall maintain said records, along with required records from paragraphs 3.a.

d) All records required in paragraphs 3.a, 3.b, and 3.c must be maintained for a minimum period of 24 months and must be available for inspection upon demand by an authorized agent or employee of the City of Seneca, Oconee County Sheriff's Department, South Carolina Law Enforcement agency, South Carolina Tax Official, or authorized agent or employee of the U.S. Internal Revenue Department.

4) Non-conforming Use Clause: Any flea market legally in existence and operating prior to the adoption of this ordinance, which does not meet all the provisions and requirements for this ordinance, may continue in operation for a period of up to twelve (12) months from the effective date of this ordinance, so long as the operation or size is not increased beyond what had been existing as of the effective date of this ordinance. Any and all flea markets shall be brought into full compliance with the requirements and provisions of this ordinance on or before twelve (12) months from the effective date of this ordinance.

l) Manufacturing establishments, provided there are no emissions generated in the manufacturing process, and provided any externally stored parts, inventory, or machinery are stored behind the front line of the principal building or structure, and are enclosed by a solid wall or fence of at least six (6) feet in height.

m) Any industrial use which may produce significant noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other objectionable conditions provided such conditions do not constitute a nuisance to adjoining properties; provided a buffer in compliance with Section 730 is installed and maintained.

- n) Landfills. Provided such use is located on a lot of at least three (3) acres and a buffer in compliance with Section 730 is installed and maintained.
- o) Cellular Towers per Section 735.

516.4 Other Requirements.

- a) Uses permitted in BI Basic Industrial Zoning Districts shall be required to conform to the standards set forth in Section 522.
- b) A buffer in compliance with Section 730 shall be required for any use in a BI zoning district which adjoins a parcel zoned for residential uses.

SECTION 517 PD-R PLANNED DEVELOPMENT - RESIDENTIAL DISTRICT

517.1 Purpose of District: The purpose of Planned Development-Residential district is to derive the benefits of efficiency, economy and flexibility provided by the unified development of large residential sites, while also obtaining the advantages of creative site design, improved appearance, compatibility with adjacent uses, optimum service of community facilities, open space amenities, and the improved functioning of vehicular access and circulation. It is the intent of this section to allow development on large sites subject to specific regulations concerning permitted uses, but subject to regulations concerning lot area, building coverage and yard spaces only insofar as the Planning Commission and City Council shall deem appropriate to fulfill the intent of this section, upon presentation of certification from the owners, developers, or other parties of interest in the development of such sites that they will adhere to development policies which will fulfill the intent of this section.

The PD-R district is based upon the premise that increased site size will allow proper design including functional interrelationships, buffer treatments, separation of uses with potentially incompatible characteristics of use, design of access patterns, and relationships of uses within Planned Development with uses in adjacent districts. It is the intent of this section that such design and planning features be incorporated properly into any PD-R District hereafter created, and that the Planning Commission and City Council shall consider the existence and appropriateness of such features before any amendment to the Zoning Map is adopted to create such a district.

517.2 Permitted Uses. Within the PD-R District a building or premise shall be used for the following purposes:

- a) Dwelling, single-family;
- b) Dwelling, two-family;
- c) Dwelling, single-family attached, townhouse;
- d) Dwelling, cluster;
- e) Accessory building or use, including approved recreation facilities.

517.3 Uses and Structures permitted on review: No review actions by the Zoning Board of Appeals are required to establish any use specifically permitted.

517.4 Minimum lot area: The minimum site size to accommodate a PD-R district shall be no less than three (3) acres.

517.5 Minimum lot width, minimum yard requirements and maximum lot coverage: A buffer strip of natural or landscaped vegetation, with a width of not less than ten (10) feet, shall be maintained along all external lot lines of any planned development. No building or structure shall be erected within this buffer

strip. Buffer landscaping is to be installed by the developer and transferred to the neighborhood association upon completion of the PUD, Planned Unit Development. Minimum lot width, minimum yard sizes and maximum lot coverage are as defined in Section 522 Table A for PD-R Districts. Approval of a PD-R district is subject to compliance with the goals of this provision, as well as with compliance with minimum requirements. Meeting minimum regulations in no way obligates the City of Seneca to approve applications for a PD-R zone.

517.6 Location of Planned Development - Residential Districts: Any planned development district shall have direct frontage on a collector street or major thoroughfare.

517.7 Streets: All streets or drives within the planned development shall be designed and built in compliance with the road standards of the City of Seneca, with the exception of a minimum right-of-way width requirement which shall be a minimum width of twenty-four (24) foot paved surface for two (2) lane traffic and twelve (12) foot paved surface for one (1) lane traffic.

517.8 All public utilities within a planned unit development shall be installed underground.

517.9 Minimum Off-Street Parking: Off-street parking requirements as set forth in Article VII, Section 713 of this ordinance, shall be met for all structures.

517.10 Signs: Signs are permitted in the PD-R District only in accordance with the provision of Article VI.

517.11 Common Open Space: At least five (5) percent of the area covered by a final development plan shall be usable, common open space, or amenity area, owned and operated by the developer or dedicated to a homeowner's association or similar group. The common area may include recreational facilities, including, but not limited to, playground equipment, a swimming pool, a clubhouse, or tennis courts. Multiple-family portions of a PD-R district shall require ten (10) percent of the site area for beautification and open space use and buffering. In addition, five (5) percent of the site area shall be devoted to developed recreation facilities such as swimming pools, playing fields, tennis courts, racquetball courts, etc. for the use of all occupants of the entire site area.

SECTION 518 PD-C PLANNED DEVELOPMENT - COMMERCIAL DISTRICT

518.1 Purpose of District: The purpose of Planned Development-Commercial districts is to derive the benefits of efficiency, economy and flexibility by encouraging unified development of large commercial sites, while also obtaining the advantages of creative site design, improved appearance, compatibility with adjacent uses, optimum service by community facilities, open space amenities, and improved functioning of vehicular access and circulation. It is the intent of this section to allow development of large sites subject to specific regulations concerning permitted uses, but subject to regulations concerning lot area, building coverage and yard spaces only insofar as the Planning Commission and City Council shall deem appropriate to fulfill the intent of this section, upon presentation of certification from the owners, developers, or other parties of interest in the development of such sites that they will adhere to development policies which will fulfill the intent of this section.

The PD-C District is based upon the premise that increased site size will allow proper design including functional interrelationships, buffer treatment for the separation of uses with potentially incompatible characteristics of use, design of access patterns, and relationships of uses within such planned developments with uses in adjacent districts. It is the intent of this section that such design and planning features be incorporated properly into any PD-C District hereafter created, and that the Planning

Commission and City Council shall consider the existence and appropriateness of such features before any amendment to the Zoning Map is adopted to create a Planned Commercial district.

518.2 Permitted Uses: Within the PD-C District, a building or premise shall be used only for the following purposes:

- a) Any use permitted in HC, GC, OC, NC, or CC Districts.
- b) Accessory land uses and buildings customarily incidental to any of the above uses.

518.3 Uses and Structures Permitted on Review: No review actions by the Zoning Board of Appeals are required to establish any use specifically permitted.

518.4 Minimum Lot Area: No minimum lot area is required for any specific structure; however, the minimum site size to accommodate a planned development shall be no less than three (3) acres.

518.5 Buffer Requirements, Minimum Lot Width, Minimum Yard Requirements and Maximum Lot Coverage: A buffer strip of natural or landscaped vegetation, a width not less than ten (10) feet, shall be maintained along all external lot lines of any planned development, with the exception that when any external lot line of a planned development abuts any residential zoning district, the buffer strip shall be a width of thirty (30) feet. No building or structure shall be erected within this buffer strip. Minimum lot width, minimum yard sizes and maximum lot coverage are subject to the regulations included in Section 522 of this ordinance. The Planning Commission and City Council shall ascertain that the characteristics of building siting shall be appropriate as related to structures within the planned development and otherwise fulfill the intent of this Ordinance.

518.6 Streets: All streets or drives within the planned development shall be designed and built in compliance with the road standards of the City of Seneca, with the exception of a minimum right-of-way width requirement which shall be a minimum width of twenty-four (24) foot paved surface for two (2) lane traffic and twelve (12) foot paved surface for one (1) lane traffic.

518.7 Minimum Off-Street Parking: Off-street parking requirements are set forth in Section 713 shall be met for all structures.

518.8 Signs: Signs are permitted in the PD-C District only in accordance with the provisions of Article VI.

SECTION 519 PD-MU PLANNED DEVELOPMENT - MIXED USE DISTRICT

519.1 Purpose of District: The purpose of Planned Development-Mixed Use districts is to derive the benefits of efficiency, economy and flexibility by encouraging unified development of large mixed land use sites, while also obtaining the advantages of creative site design, improved appearance, compatibility with variety of adjacent uses, optimum service of community facilities, open space, amenities, and improved functioning of vehicular access and circulation. It is the intent of this section to allow development of large sites subject to regulations concerning lot area, building coverage and yard spaces only insofar as the Planning Commission and City Council shall deem appropriate to fulfill the intent of this section, upon presentation of certification from the owners, the developers, or other parties of interest in the development of such sites that they will adhere to development policies which will fulfill the intent of this section. It is further intended that PD-MU development shall provide mutually supporting

residential, commercial, and office uses that are scaled, balanced, and located to reduce general traffic congestion and the need for private automobiles by providing housing close to principal destinations and convenient pedestrian circulation systems.

The PD-MU District is based upon the premise that increased site size will allow proper design including functional interrelationships, buffer treatments, and the separation of uses with potentially incompatible characteristics of such planned developments with uses in adjacent districts. It is the intent of this section that such design and planning features be incorporated properly into any PD-MU Districts hereafter created, and that the Planning Commission and City Council shall consider the existence and appropriateness of such features before any amendment to the Zoning Map is adopted to create such district.

519.2 Permitted Uses: Within the PD-MU District a building or premise shall be used only for the following purposes:

- a) Any use permitted in R (except RG), RM, HC, GC, OC, NC, or CC Districts.
- b) Accessory land uses and buildings customarily incidental to any of the above uses.

519.3 Uses and Structures Permitted on Review: No review actions by the Zoning Board of Appeals are required to establish any use specifically permitted.

519.4 Minimum Lot Area. The minimum site size to accommodate a planned development shall be no less than three (3) acres.

519.5 Buffer Requirements, Minimum Lot Width, Minimum Yard Requirements and Maximum Lot Coverage: A buffer strip of natural or landscaped vegetation, to have a width of not less than ten (10) feet shall be maintained along all external lot lines of any planned development. No building or structure shall be erected within this buffer strip. Minimum lot width, minimum yard size and maximum lot coverage are subject to the regulations included in Section 522 of this ordinance within PD-MU Districts. The Planning Commission and City Council shall ascertain that the characteristics of building siting shall be appropriate as related to structures within the planned development and otherwise fulfill the intent of this Ordinance.

519.6 Streets: All streets or drives within the planned development shall be designed and built in compliance with the road standards of the City of Seneca, with the exception of a minimum right-of-way width requirement which shall be a minimum width of twenty-four (24) foot paved surface for two (2) lane traffic and twelve (12) foot paved surface for one (1) lane traffic.

519.7 Minimum Off-Street Parking: Off-street parking requirements as set forth in Section 713, shall be met for all structures.

519.8 Signs: Signs are permitted in the PD-MU District only in accordance with the provisions of Article VI.

SECTION 520 PD-U PLANNED DEVELOPMENT – UNDEVELOPED

520.1 Purpose of District: The purposes of the Planned Development - Undeveloped district is to derive the benefits of efficiency, economy, and flexibility by encouraging unified development of large scale residential, office, commercial, or mixed use sites, while obtaining the advantages of creative site design,

improved appearance, compatibility with adjacent uses, optimum service of community facilities, amenities, and improved functioning of vehicular access and circulation.

The PD-U district is intended to reserve land, at the parcel owner's request, for a Planned Unit Development. A parcel owner may request, and the Planning Commission and City Council may consider granting, PD-U zoning if the parcel owner intends to submit a Planned Unit Development proposal, consistent with the regulations of Section 520 of this ordinance, at some time in the future, but is not prepared to submit a detailed site and development plan at the time zoning is requested.

520.2 Permitted Uses: Because the PD-U zoning classification is intended to reserve land, at the parcel owner's request, for future development under the PD-R, Planned Development-Residential, PD-C, Planned Development-Commercial, or PD-MU, Planned Development-Mixed Use, zoning categories, no uses are permitted within a PD-U district until plan is approved or reclassified as provided below.

520.3 Minimum Lot Area. The minimum site size for a planned development shall be three (3) acres.

520.4 Procedure to Have a PD-U District Reclassified.

520.4.1 Reclassification to a PD-R, PD-C, or PD-MU Zoning District: At the time a parcel owner is prepared to submit a detailed development plan, the parcel may be converted to either the PD-R, PD-C, or PDMU classification in accordance with the procedure established in Section 520 of this ordinance.

520.4.2 Reclassification to a NON-PD Zoning District: Should, at any time, the owner of a parcel which has been classified as possessing the PD-U zoning category, shall determine that it is no longer feasible to develop the parcel in accordance with the rules and regulations of the Planned Unit Development provision of this ordinance, Section 517, 518, 519, 520, and 521, that parcel owner shall have the right to petition the City of Seneca to have the zoning designation changed to the most appropriate zoning category, in accordance with the procedure as set forth herein:

- a) The parcel owner, or an agent of the parcel owner, shall submit a completed Application Form for Zoning Amendment to the Zoning Administrator. The survey included in the original application for PD-U zoning may serve as the survey for the rezone application as well.
- b) The standard zoning amendment application fee shall be waived.
- c) Upon receipt of a completed rezone application, the Zoning Administrator shall place the application on the first Planning Commission meeting agenda subsequent to twenty-one (21) days from the date the completed application is received. The Zoning Administrator shall submit all legal advertisement as required by this Ordinance and shall transmit all records related to the application to the Planning Commission for review.
- d) The Planning Commission shall review the application for rezoning, conduct a public hearing, and issue a recommendation to City Council as to the most appropriate zoning category for the subject parcel. Although the applicant may request a specific zoning category, the Planning Commission is obligated to only consider that request. The recommendation to Council is to be for the most appropriate zoning classification. Upon mutual agreement between the Planning Commission and the parcel owner, the Planning Commission may put off issuing a recommendation to City Council until a later meeting. Otherwise, the Planning Commission shall issue a recommendation at the meeting at which the application appears on the agenda.
- e) Upon receipt of a recommendation from the Planning Commission, the City Council shall review the report issued by the Planning Commission, determine the most appropriate zoning category for the parcel, and rezone the parcel to that category through two (2) consecutive readings of an ordinance to rezone the parcel.

SECTION 521 ADMINISTRATIVE APPLICATION AND REVIEW PROCEDURES FOR PD-R, PD-C, AND PD-MU DISTRICTS

521.1 General: The establishment of PD-R, PD-C, and PD-MU Districts shall be by amendment to the Zoning Map accompanied by certain sureties that the development will be in harmony with the intent of this Ordinance and that the public interest in adequate site design, access, community facilities and amenities will be defended. Application for amendment to establish a PD-R, PD-C or PD-MU Districts shall be subject to the provisions of Article X, and in addition, the procedures described below shall apply. It is the intent of this section that the public interest will be served not only by consideration of those specific criteria set forth herein, but also by consideration of the total anticipated effect of the planned development upon the community at large. The provisions of the PD-R, PD-C, or PD-MU Districts represent a relaxation of specific site design requirements as applied to other districts herein, and in return for the design flexibility granted thereby, the applicant for amendment to PD-R, PD-C, or PDMU District classification, by requesting the PD-R, PD-C, or PD-MU Designation and making application therefore shall agree to furnish information about the proposed development, and later to abide by certain conditions and safeguards as may be imposed by the Seneca Planning Commission (subject to City Council approval) in establishing such developments. To that end the regulations set forth herein are minimum requirements and it is the intent of this section that the City Council may impose conditions and safeguards in excess of, or in addition to, the specific requirements set forth herein, and that meeting the minimum requirements set forth herein does not per se create an indication that an applicant should be entitled to such an amendment, and notice is hereby given to that effect.

521.2 Pre-application Conference. The applicant shall communicate his intentions to establish a planned development, and the proposed characteristics thereof, to the Planning Commission in the form of a sketch plan prior to initiating a request for zoning amendment in order to avoid undue delay in the review process after initiating such application, and in order to facilitate review of materials which may be in preliminary form, and in order to avoid unnecessary expense in preparation of materials in final form which may later be found to be unacceptable or incomplete. This sketch plan shall include:

1. The proposed number, location, and types of residential or commercial units or structures;
2. A proposed traffic, parking and circulation plan;
3. Legal description of proposed development boundaries;
4. A proposed drainage and utility plan;
5. A topographical survey;
6. Description of open spaces;
7. Existing buildings, if any, presently on the site; and
8. Other information as may be deemed reasonably appropriate for Planning Commission review.

521.3 Application for Amendment: The applicant shall make application for an amendment to a PD-R, PD-C, PDMU classification as specified by Article X herein.

521.4 Site Development Plans to be Submitted to Planning Commission for Review: The applicant shall submit site development plans to the Planning Commission for review, showing:

1. The use and height, bulk, and location of commercial, residential and other buildings;
2. The density of land use proposed for various components of the site;
3. The location and width of proposed streets, other public ways, and private drives with provisions for parking vehicles; and
4. Other information as may be deemed reasonably appropriate for Planning Commission Review.

521.5 Descriptive Statement to be submitted to the Planning Commission for Review: The applicant shall also submit a descriptive statement describing the proposed planned development. The Descriptive Statement shall generally include, but not be limited to, the following:

1. Legal description of proposed development boundaries;
2. Total number of acres in the development area;
3. Number of dwelling and commercial units of various types and overall density thereof;
4. Number of off-street parking spaces as needed to satisfy the requirements of individual buildings as required by Section 713;
5. Any indication of economic feasibility, justification and impact;
6. Description of open space uses and areas proposed, adequacy thereof to serve anticipated demand, and if dedication of open space is proposed, procedures and conditions thereof in detail;
7. If a homeowners association or other group maintenance or group ownership features are to be included, a detailed description of the proposed procedures and operation thereof;
8. An outline of development phasing indicating the timing of development of all proposed facilities, and justification of development phasing with respect to residential and commercial facilities;
9. Design standards, administrative procedures, and other characteristics which will guarantee the development of the project as an integrated, functionally operable, well planned community;
10. Plan showing complete drainage of the entire site;
11. Minimum lot setbacks;
12. Minimum and maximum house sites;
13. A preliminary landscape plan for common areas and subdivision entrances;
14. Other such information or descriptions as may be deemed reasonably appropriate for Planning Commission Review.

521.6 Public Hearing: A public hearing shall be held in accordance with procedures set forth in Article X.

521.7 Planning Commission Recommendation: The Planning Commission shall make a recommendation upon the proposal in accordance with the provisions of Article X.

521.8 City Council Action: The City Council may, after fulfilling all applicable requirements of this section and all applicable requirements of Article X, act to either approve or disapprove the Application for Amendment. In acting to approve the amendment, the City Council may impose certain conditions or limitations on the development plan, as agreed to by the applicant, in order to ensure compatibility with surrounding uses and protection of public welfare.

521.9 Issuance of Zoning or Building Permits: The Zoning Administrator shall not issue any Zoning Compliance, and the Building Inspector shall not issue any Building Permit, or Certificate of Occupancy within any PD-R, PD-C, or PD-MU District until the applicant for amendment which established such district shall have been:

1. Filed with the Zoning Administrator's Office and recorded with the Clerk of Court of Oconee County plats showing all proposed features of the planned development as approved by the City Council, which approval shall be certified by the Zoning Administrator's office;
2. Completed and recorded deed covenant agreement with the Zoning Administrator's Office and with the Clerk of Court of Oconee County;
3. Recorded with the Clerk of Court of Oconee County all required deed restrictions or other restrictive covenants as required by the City Council upon approval of the amendment establishing the planned development district;

4. Recorded with the Zoning Administrator's Office and with the Clerk of Court of Oconee County the descriptive statements as approved by the City Council setting forth and committing the developer to certain design standards, development phasing schedules, and other pertinent matters; and
5. Completed the posting of a bond or giving of other surety in an amount not to exceed 125% of the project cost as submitted.

521.10 Changes of Plans for Planned Development: Any change in boundary of such districts shall be accomplished only by following procedures as set forth in Article X herein. Changes in the approved characteristics or agreements relating to a PD-R, PD-C, or PD-MU District, but not involving changes in the boundary thereof, shall be classified as either major changes or minor changes and shall be approved or disapproved as follows:

- a) Minor Changes: Revisions of minor characteristics of the planned developments may be authorized by the Zoning Administrator, provided that such authority is granted to the Zoning Administrator by the approved and recorded descriptive statement concerning development of the planned district. If the Zoning Administrator fails to approve a request for a minor change, the developer or other party of interest may then seek a change by the regular amendment process as outlined below for major changes.
- b) Major Changes: Major changes which would materially affect the characteristics of the planned development shall follow the same procedural requirements as for the amendment originally establishing the planned district, including the Planning Commission review, Public Hearing, and the City Council determination, as set forth in Article X herein.
- c) It shall be the duty of the Zoning Administrator to determine whether any specific request shall be considered a major change or a minor change, provided, however, that the applicant for change shall have the right to have any request for change processed as a major change.
- d) The Zoning Administrator shall issue no Zoning Compliance in connection with any action related to such changes until such changes have been duly recorded as for the original document recorded.

521.11 Failure to Begin, Failure to Complete, or Failure to Make Adequate Progress: The Descriptive Statement, as approved by City Council and duly recorded, shall set forth the development schedule for the project, including phasing of residential units, commercial units, etc., if proposed. The City Council shall require the posting of a bond with a corporate surety to guarantee that the schedule as set forth in the Descriptive Statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for rectification of improper development characteristics such as failure to develop areas designated as common open spaces. If there is failure to begin, complete, or make adequate progress as agreed to in the Descriptive Statement, the City Council may enforce and collect upon such bonds or sureties as described above, or may change the district classification of the planned development in accordance with provision for Article X, and thus terminate the right of the applicant to continue development, or may initiate action to charge the developers with specific violation of the Zoning Ordinance subject to penalties set forth in Article VIII, or any appropriate combination of the above remedies may be taken.

SECTION 522 DISTRICT DIMENSIONAL AND OTHER REQUIREMENTS

Except for the use of substandard lots of record as of the effective date of this Ordinance (which shall be subject to the conditions set forth in Section 402) and other relief that may be provided elsewhere in this Ordinance, the following general requirements shall prevail, as described below and enumerated in Table A.

522.1 Minimum Lot Area. Table A.

- 522.2 Minimum Lot Area per Dwelling Unit. Table A.
522.3 Maximum Dwelling Units per Net Acre. Table A.
522.4 Minimum Lot Width, measured at the building line. Table A.
522.5 Planned Development Requirements. Table A.
522.6 Setbacks. Table A.

- a) Minimum front yards: measured from the nearest abutting street right-of-way. For exceptions to this requirement, see Sections 705 and 706.
b) Minimum side yard: measured at the front building line from the side building line perpendicularly to the side yard line.
c) Minimum rear yard: measured from the rear building line to the rear property line. For rear yard requirements pertaining to double frontage lots, see Section 705.

522.7 Maximum building height: as measured upward from the point of lowest ground level elevation of said building. Height limitations may be exceeded only after approval of the Fire Chief. For other exceptions to the height regulations, see Section 722.

522.8 Uses permitted shall meet all standards set forth in Article VII pertaining to off-street parking, loading, and other requirements; except that all off-street parking and loading requirements shall be waived within the CC District.

TABLE A
Dimensional Requirements

| | R-20 | R-15 | R-10 | R-6 | PD-R(2) | PD-C(7) | RM-8 | RM-16 | RG |
|-----------------------------|-------|--------|--------|--------|----------|---------|-----------|-----------|-------|
| MINIMUM LOT AREA | 20000 | 15000 | 10000 | 6000 | 7000(3) | 10000 | 1 AC (8) | 2 AC (8) | 10000 |
| MINIMUM LAND AREA | 20000 | 15000 | 10000 | 6000 | 7000(4) | N/Z | 5400 SF | 2700 SF | 10000 |
| MAX D.E./NET ACRE | 2 | 2.75 | 4 | 7 | 14 | N/A | 8 | 16 | 4 |
| MINIMUM LOT WIDTH | 90 | 80 | 70 | 50 | 50-20(5) | 75 | 100 (8) | 100 (8) | 70 |
| MINIMUM FRONT YARDS | 40 | 30 | 25 | 15 | 20 | 20 | 40-20 (9) | 40-20 (9) | 25 |
| MINIMUM SIDE YARDS | 15 | 15 | 10 | 5 (1) | 5 (6) | 15 | 30-10(10) | 30-10(10) | 10 |
| MINIMUM REAR YARDS | 25 | 20 | 15 | 15 | 20 | 30 | 40-20(11) | 40-20(11) | 15 |
| MAXIMUM BLDG HEIGHT | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 |
| | RO | OC | NC | HC | GC | CC | LI | BI | CP |
| MINIMUM LOT AREA | 10000 | 20000 | 20000 | 25000 | 25000 | 6000 | 20000 | 1 AC | 6000 |
| MINIMUM LAND AREA/DU | 10000 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2 AC |
| MINIMUM LOT WIDTH | 75 | 75 | 75 | 75 | 100 | 40 | 100 | 100 | 50 |
| MINIMUM FRONT YARDS | 25 | 25 | 25 | 40 | 50 | 0 | 30 | 50 | 20 |
| MINIMUM SIDE YARDS | 10 | 15(12) | 15(12) | 20(12) | 15(12) | 0 | 15 | 50 | 10 |
| MINIMUM REAR YARDS | 25 | 25 | 25 | 30 | 30 | 0 | 40 | 40 | 15 |
| MAXIMUM BLDG HEIGHT | 35 | 35 | 35 | 60 | 60 | 60 | 60 | 60 | 35 |

FOR A MIXED USE PLANNED DEVELOPMENT (PD-MU) RESIDENTIAL COMPONENTS SHALL BE SUBJECT TO THE STANDARDS SET FORTH WITHIN THE PD-R PROVISION; COMMERCIAL COMPONENTS SHALL BE SUBJECT TO THE STANDARDS SET FORTH WITHIN THE PD-C PROVISION.

- 1) The minimum setback does not apply to zero lot line development, which is permitted in the R-6 zoning district.
- 2) See Minimum Area Provision, Section 517.4; Buffer Provision, Section 517.5; and Open Space Requirement, Section 517.11.
- 3) The seven thousand (7,000) square foot minimum lot size applies to single family units only.
- 4) The seven thousand (7,000) square foot minimum land area per dwelling unit applies to single family units only.
- 5) A fifty (50) foot width is required for detached units. A twenty (20) foot width is required for attached units.
- 6) Applies to detached units and end units of attached housing only.
- 7) See Minimum Area Provision, Section 518.4; and Buffer Provisions, Section 518.5.
- 8) Applies to RM developments, not individual units within a RM development.
- 9) Non-Single family attached townhouse complexes shall have a forty (40) foot setback from the public right-of-way. Single family attached townhouse units shall have a twenty (20) foot front setback.
- 10) Non-Single family attached townhouse complexes shall have a thirty (30) foot side setback from adjoining parcels. Single family attached townhouse units shall have a ten (10) foot side setback, unless zero lot line development or a common wall is utilized.
- 11) Non-Single family attached townhouse complexes shall have a minimum forty (40) foot rear setback from adjoining parcels. Single family attached townhouse units shall have a minimum twenty (20) foot rear setback.
- 12) The side setback is reduced to zero (0) feet if a common wall is utilized.

SECTION 523

CF COMMUNITY FACILITIES DISTRICT

523.1 Purpose: The intent of the CF Zoning District is to provide for areas that serve the community through various public purposes.

The regulations which apply within the district are designed to exist in connection with other zoning districts while ensuring the proper provision of public services, amenities, utilities that are provided for public use. It is intended that this district be applied to major community facilities and that some community facilities serving public utilities shall be permitted in other districts.

523.2 Permitted Uses: The following uses shall be permitted in any CF Zoning Districts:

- a) Publicly-owned building, facility, structure or land for purpose of providing public utilities (including but not limited to electrical, sewer wastewater and water).
- b) Publicly-owned building, facility, structure or land for purpose of providing public services (including but not limited to courts, fire, police, sanitation, transportation).

- c) Publicly-owned building, facility, structure or land for purpose of providing public recreation (including but not limited to sports fields, buildings and play structures).
- d) Publicly-owned building, facility, structure or land for purpose of providing public amenities (including but not limited to museums, libraries, cemeteries, art galleries, performance halls and outdoor performance venues).
- e) Publicly-owned building, facility or land for purpose of providing government services.
- f) Publicly-owned building, facility or land for purpose of providing education services of the state of South Carolina or School District of Oconee County, or privately-owned schools pre-k and above provided such use is on one (1) acre or more of land.
- g) Private Cemetery, without a chapel, provided that such use includes no crematorium.
- h) Churches, synagogues, temples, and other places of worship, along with related schools and accessory uses.
- i) Private health care facilities such as hospitals and clinics.
- j) Cellular towers, as per Section 735, including setbacks established therein.
- k) Accessory uses as defined in Section 711.

SECTION 524-529 *RESERVED*

SECTION 530 OVERLAY DISTRICTS

530.1 Purpose: The purpose is to provide overlay districts for a certain geographic areas of the city with additional provisions and restrictions in order to respond more quickly to trends in culture land use, architectural, and aesthetics, to develop mechanisms to target investments, incentives, and other economic development tools, to promote local businesses and to improve vibrancy and aesthetics of defined areas for purposes of economic development and public enjoyment.

530.2 Scope: The scope of each Overlay District will be expressly defined by streets, rail and utility rights of way, property lines, and offsets of the aforementioned features. The scope shall apply to all zoning districts contained fully or partially within the scope, but shall not apply to areas outside of the defined Overlay Districts

530.3 Uses: Additional provisions and restrictions shall be expressly listed as either permitted, prohibited, or conditionals shall be permitted in Downtown Overlay District:

- a) Uses in existence within a district at the time of passage of that district's boundaries shall be deemed existing, non-conforming uses and shall be allowed to continue under the requirements of Sections 707 and 709.
- b) Additional uses shall extend to only those areas within the district; such uses shall apply to all zoning districts unless specifically restricted in certain zoning districts or categories

(e.g. “residential”).

- c) Additional design criteria shall be stated in each Overlay District where applicable.

SECTION 531 DOWNTOWN OVERLAY DISTRICT

531.1 Purpose: The purpose is to provide a geographic overlay district for downtown with restrictions and provisions in order to target investments, incentives, and other economic development tools and to improve vibrancy and aesthetics for benefit of economic development and public enjoyment.

531.2 Scope: The scope of the downtown overlay district begins at a point 250 feet north of centerline of North 2nd Street and 250 feet west of centerline of Oak Street, thence south parallel to Oak Street to a point 250 feet south of the centerline of South 2nd Street, thence east parallel to South 2nd Street to a point 250 feet east of centerline of Walnut Street, thence north parallel to Walnut Street to a point 250 feet south of centerline of Railroad Street, thence east and north parallel to Railroad and Cherry Streets to a point 250 feet east of centerline of Mimosa/Cherry Street and 250 feet north of centerline of North 2nd Street, thence parallel to North 2nd Street to the point of beginning.

531.3 Permitted Uses: The following uses shall be permitted in any Downtown Overlay District:

- a) Short term rental allowed in commercial and multifamily zoning operating as a conditional use subject to Section 740 of this ordinance;
- b) Freight containers in commercial; also known as shipping container, intermodal container, and ISO container; Must be maintained in good condition painted, with no rust, damage, or distortion; Non stacked, on a single level; One square foot of container area per 5 square feet of lot area: setback 3 foot to property lines; standard size containers 20 foot to 40 foot length and 8 foot in width, 8 foot 6 inch in height.

531.4 Prohibited Uses: The following uses shall be prohibited in any Downtown Overlay District:

- a) Vape/ alternative tobacco, CBD shops;
- b) Payday, title lending, and pawn shops;
- c) Open car lots;
- d) Liquor stores;
- e) Regional and national wholesale or retail stores with greater than 250 locations;
- f) Regional and national chain restaurants and franchises;
- g) Tattoo facilities

531.5 Prohibited Signage: The following signage and display is prohibited in any Downtown Overlay District:

- a) Digital display signs on exterior, in windows or as freestanding signs;

- b) Flashing, strobe or similar lights, with exception of Holiday decorations installed from November 1st until January 15th;
- c) Inflatable displays; wind feathers; balloons; pennant strings at the front of buildings or within rights of ways; national flags are exempt;

ARTICLE VI

SIGN REGULATIONS

The regulations herein shall apply and govern in all Zoning Districts. No sign, intended for view from any public right-of-way, shall be erected or maintained unless it is in compliance with the regulations of this Article, except a non-conforming sign which shall comply with the provisions set forth in Article VII.

SECTION 600 GENERAL PROVISIONS

The following regulations shall apply to all permitted signs in the City of Seneca:

600.1 A sign permit is required for the erection, alteration, or reconstruction of any sign unless otherwise noted herein, and shall be issued by the Zoning Administrator in accordance with Article VIII of this Ordinance.

600.2 Signs and awnings must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.

SECTION 601 PROHIBITED SIGNS

The following signs are prohibited in the City of Seneca.

601.1 Signs Imitating Warning Signals: No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any sign use the words "stop", "danger", or any other word, phrase, symbol, or character in a manner that might mislead or confuse a vehicle driver.

601.2 Signs Within Street or Highway Rights-of-Way: Except as herein provided, no sign whatsoever, whether temporary or permanent except traffic signs, signals and information signs erected by a public agency, is permitted within any street or highway right-of-way. Signs within a street or highway right-of-way are subject to removal by the Zoning Administrator.

601.3 Certain Attached and Painted Signs: Signs painted on or attached to trees, fence posts, and telephone or other utility poles or signs painted on, or attached to, rocks or other natural features or painted on the roofs of buildings are prohibited.

601.4 Roof Signs: Roof signs are prohibited, however, for the purposes of this ordinance, a sign mounted onto or attached to a mansard roof shall be considered a wall sign, provided the sign is located beneath the top of the mansard roof.

SECTION 602 SIGNS FOR WHICH A PERMIT IS NOT REQUIRED

A permit is not required for the following types of signs in any Zoning District:

602.1 Traffic, directional, warning, or information signs authorized by any public agency.

602.2 Official notices issued by any court, public agency, or officer.

602.3 One non-illuminated "For Sale", "For Rent", or "For Lease" sign, not exceeding four (4) square feet in area, in residential districts and twenty (20) square feet in other than residential districts and located not less than ten (10) feet back from the street right-of-way line, unless attached to the front wall of a building. "For Sale", "For Rent", or "For Lease" signs exceeding four (4) square feet in area are expressly prohibited in residential districts.

602.4 One permitted home occupation sign, provided it is non-illuminated. The sign is to be no larger than four (4) square feet, and shall be mounted against a wall of the principal building.

602.5 Entrance, exit and instructional signs, so long as they do not exceed four (4) square feet in area, are no higher than three (3) feet above the pavement or ground level, and contain no advertisement.

602.6 Identification signs indicating the name and street number of owner or occupant of a parcel, so long as such signs do not exceed five (5) square feet of copy area.

602.7 Bulletin boards, which are defined as permanent signs which primarily display the name of a noncommercial place of public assembly and announce the upcoming events of that organization. In order to not require a permit, such a sign shall not exceed thirty-six (36) square feet of copy area or five (5) feet in height. Signs of this type shall be restricted to one per parcel.

602.8 Signs identifying projects under construction which denote the name of the project, the architect, engineer, contractor, owner, etc., so long as such signs do not exceed twelve (12) square feet of copy area in residential districts, or one hundred (100) square feet of copy area in non-residential zones, are not illuminated, and are removed within seven days of completion of the project.

602.9 Signs attached or integrated into a gasoline pump, automatic bank teller machine, or drive-thru component of a fast food restaurant, which give operational instructions to users, the price of the product, the brand name of the product or descriptive information about the product.

602.10 Awnings: Awning or canopy structure projecting from the wall of any building or structure. Awnings must be at least eight feet above sidewalk level and fourteen feet above vehicle accessible frontages. Awning signs must not exceed six and one-half (6 ½) feet from the surface of the attached wall and may be no closer than eighteen (18) inches to a vertical plane at the street curb line.

SECTION 603 REGULATIONS APPLYING TO SPECIFIED TYPES OF SIGNS

603.1 Wall Signs: Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:

a) Signs on the Front Surface of a Building: The total area of signs on the exterior front surface of a building shall not exceed twenty (20) percent of the front surface of the building, so long as the total area of all signs does not exceed the total amount of sign area permitted within the Zoning District where the sign or signs are to be located. Wall Signs may not extend above the roof line of the building.

b) Signs on the Side and Rear Surface of a Building: The total area of signs on a side or rear surface of a building shall not exceed twenty-five (25) percent of the exterior side or rear surface of the building respectively, so long as the total area of all signs on the parcel does not exceed the total

amount of sign area permitted within the Zoning District in which the sign or signs are to be located. Wall Signs may not extend above the roof line of the building.

c) Projecting Signs: Wall signs attached flat against a wall may extend not more than twenty-four (24) inches from the wall. Signs projecting from a wall may extend outward from the wall of a building not more than six and one-half (6-1/2) feet and may be located not closer than eighteen (18) inches to a vertical plane at the street curb line. A projecting sign shall not extend above the roof line more than five (5) feet. In no case shall signs project beyond property lines, except that signs may project over public sidewalks in Core Commercial Districts provided that the minimum height above grade or sidewalk level of such signs shall be no less than ten (10) feet.

d) Awning Signs: Signs attached, hanging from, painted, or otherwise inscribed upon an awning or canopy structure must be at least eight feet above sidewalk level and fourteen feet above vehicle accessible frontages. Awning signs must not exceed six and one half (6 1/2) feet from the surface of the attached wall and may be no closer than eighteen (18) inches to a vertical plane at the street curb line.

603.2 Subdivision Entrance Signs, to indicate the name of a residential subdivision development, are permitted at each entrance to a subdivision. Such signs shall be set back not less than ten (10) feet from the right-of-way of any street or from any boundary line of the subdivision. Such signs may be put in place upon the initiation of lot sales within a subdivision and may remain in place for as long as the sign is maintained, including after all lots are sold. Each such sign shall have a copy area of not in excess of forty (40) square feet and shall have a maximum height of eight (8) feet above the ground. If two (2) signs are located at a subdivision entrance, the maximum combined copy area shall be forty (40) square feet. If a subdivision sign is to be illuminated, only indirect lighting shall be permitted, and only one (1) color of illumination shall be permitted. Portable signs are prohibited for use as subdivision signs.

603.3 Private Directional Signs: Signs indicating the location and direction of premises available for sale, or in the process of development, but not erected upon such premises, may be erected and maintained, provided:

- a) The size of any such sign is not in excess of six (6) square feet in area, and not in excess of four (4) feet in length.
- b) Written permission for the temporary rights to the appropriate land is obtained from any or all owners of such land, whether public or private, prior to the erection of such a sign.
- c) Not more than one (1) such sign is erected along each five hundred (500) feet of street frontage.
- d) Portable signs are prohibited for use as subdivision signs.

603.4 Portable Signs: All portable signs shall be set back no less than ten (10) feet from the street right-of-way line. All portable signs are subject to all regulations, restrictions, and specifications included in this ordinance. Portable signs are subject to the same regulations as all other free standing or detached signs.

603.5 Election Campaign Signs: Election campaign signs are permitted in the City of Seneca, subject to the following conditions:

- a) An election campaign sign shall be permitted upon the qualification of a candidate or the approval of an issue to be placed on the ballot, through a period to not exceed seven (7) days after the election.
- b) Election campaign signs shall not be placed on public property, the public right-of-way, utility post, or trees.
- c) A permit, issued by the City is required to use election campaign signs.

d) Issuance of a permit shall allow campaign signs to be placed on any privately owned parcel in the City and such signs shall not count against the total number of signs permitted for that parcel.

603.6 Displays: Temporary or permanent outdoor placement of inventory intended for immediate sale and used to advertise or promote the interests of any persons when placed in view of the general public, traveling along a public street right-of-way.

a) In addition to a freestanding sign, a business may use a display with a valid sign permit. The display must be set ten feet back from the right-of-way with five foot side yard setbacks, and be no more than fifteen (15) feet in height. Surface area of the display is measured on the largest face and must not exceed 150 square feet. Multiple displays may be used provided that they conform to the required setbacks and height limitations and the cumulative square footage does not exceed 150 square feet.

b) Displays that are not intended for immediate sale and/or do not meet the guidelines of this ordinance will be considered outdoor storage of inventory.

c) Temporary Displays are displays that are only used during business operating hours. After business operating hours, temporary displays must be placed indoors or behind a solid six-foot stockade fence. Temporary displays do not require a valid sign permit.

d) Permanent Displays are defined as a display that is used during business hours as well as after business hours. Permanent displays may be accompanied, in lieu of the required fencing, by a ten (10) feet wide vegetative strip placed along the right of way. The vegetative strip must consist of one tree for every twenty (20) feet of road frontage. Required trees may be replaced by shrubs at a ratio of 3:1.

e) There are no off-premise displays allowed except for vacant lots (no improvements). Off –premise displays must obtain a valid sign permit and shall be the only sign and/or improvement permitted in the vacant property.

603.7 Temporary Signs: During any one year period, a business may obtain a permit for a temporary sign structure.

a) Temporary signs shall be freestanding banners, flags (other than national, state, or local), pennants, fluttering ribbons, or other fluttering devices. Portable signs shall not be classified as a temporary sign.

b) The permitted copy area of a temporary sign is forty (40) square feet. Such temporary sign shall be set back no less than ten (10) feet from any street right-of-way line. The maximum height is ten (10) feet.

c) A temporary sign may be displayed at various times, but the permit must state the start and end dates of the temporary signage, and not exceed 30 cumulative days in a year.

d) The cost of a temporary sign permit shall be \$20.00 per year and must be renewed before placement in consecutive years. In addition, the applicant must post a \$50.00 bond to insure compliance to the permit guidelines. Failure to comply with the temporary sign permit shall result in forfeiture of the full bond amount. After forfeiture of bond, if the applicant remains out of compliance, this will be a violation of the zoning ordinance and subject to action accordingly.

SECTION 604 SIGN ILLUMINATION

Illumination devices shall be so placed and so shielded that rays there from or from the sign itself will not be directly cast into any adjacent property or public right-of-way.

SECTION 605 HEIGHT RESTRICTIONS

No signs, except as otherwise provided, shall exceed the height limit of the district in which they are located.

SECTION 606 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

606.1 Permitted Signs and Conditions: The following types of signs are permitted in R-20, R-15, R-10, R-6, RG, RM, and RO Districts:

- a) Signs for which permits are not required;
- b) For multiple family dwellings, hotels, group dwellings, and for buildings other than dwellings, a single nonilluminated business identification sign not exceeding twenty-four (24) square feet in area. Such sign or bulletin board shall be set back not less than ten (10) feet from any street right-of-way line. In addition, such uses shall be permitted entrance, exit and directional signs, so long as such signs contain no more than four (4) square feet of copy area each, are no higher than three (3) feet above the ground or pavement, contain no advertisement, and are contained on the same parcel as the activity to which they pertain;
- c) Subdivision signs and temporary private directional signs, under the provisions of Subsection 603.3 and 603.4.

SECTION 607 SIGNS PERMITTED IN COMMERCIAL & INDUSTRIAL DISTRICTS

607.1 Permitted Signs and Conditions: The following type of signs are permitted in OC and NC Districts:

- a) All signs permitted in residential districts are permitted in OC and NC districts;
- b) On any occupied lot in an Office Commercial or Neighborhood Commercial District, one (1) free standing or detached sign is permitted for each three hundred (300) feet of road frontage, except for parcels with less than three hundred (300) feet of road frontage is permitted one (1) such sign. The permitted copy area of free standing or detached signs is fifty (50) square feet per sign. Such free standing or detached sign shall be set back not less than ten (10) feet from any street right-of-way line. The maximum height permitted is thirty (30) feet from pavement;
- c) Attached wall signs are permitted in compliance with Sections 603.1 and 603.2 of this ordinance;
- d) Signs may be illuminated in accordance with Section 604 of this ordinance.

607.2 The following types of signs are permitted in HC, GC, LI, and BI Districts:

- a) All signs permitted in residential districts are permitted in HC, GC, LI, and BI Districts;
- b) On any occupied zoning lot in a Highway Commercial, General Commercial, Light Industrial, or Basic Industrial district, one (1) free standing or detached sign is permitted for each three hundred (300) feet of road frontage, except for parcels with less than three hundred (300) feet of road frontage one (1) such sign is permitted. The permitted copy area of a free standing or detached sign is one hundred fifty (150) square feet per sign permitted. The maximum height permitted is thirty (30) feet from pavement. Such free standing or detached sign shall be set back not less than ten (10) feet from any street right-of-way line. For the purposes of this ordinance, portable signs are considered free standing and detached signs;
- c) Attached wall signs are permitted in compliance with Sections 603.1 of this ordinance;
- d) On any vacant lot in a commercial or industrial district, on which no business enterprise is located, free-standing sign structures having a sign area not exceeding four hundred (400) square feet are

permitted, provided such signs are located no closer than three hundred (300) linear feet from any other sign of the class requiring a permit on the same side of the street. Such free standing or detached sign shall be set back not less than ten (10) feet from any street right-of-way line;

- e) Signs in any commercial or industrial district may be illuminated.
- f) Displays, as defined in Section 603.3.

607.3 The following types of signs are permitted in CC Districts:

- a) All signs permitted in Section 607.1.
- b) The following type signs are expressly prohibited in the CC, Core Commercial, zone:
 - 1) Portable signs;
 - 2) Signs mounted on roof tops.

SECTION 608 SIGNS PERMITTED IN CONSERVATION - PRESERVATION DISTRICTS

608.1 Permitted Signs and Conditions: The following types of signs are permitted in CP Districts:

- a) One (1) non-illuminated business identification sign, not exceeding twenty (20) square feet in area, may be erected for each use permitted in Conservation - Preservation Districts;

SECTION 609 SIGNS PERMITTED IN MOBILE HOME PARK DISTRICTS

609.1 Permitted Signs and Conditions: The following types of signs are permitted in MHP Districts:

- a) One (1) non-illuminated professional or business name plate not exceeding four (4) square feet in area mounted flat against the wall of a building which there is conducted a permitted home occupation.
- b) Identification signs, illuminated or non-illuminated, not to exceed forty (40) square feet per entrance and shall have a maximum height of six (6) feet above ground. If two (2) signs are located at an entrance, the maximum combined copy area shall be forty (40) square feet. If a sign is to be illuminated, only indirect lighting shall be permitted, and only one (1) color of illumination shall be permitted.

ARTICLE VII

GENERAL PROVISIONS

SECTION 700 WATER AND AIR POLLUTION

All uses must be in satisfactory compliance with the requirements of the State Department of Health and Environmental Control and the Oconee County Health Department regarding the protection of waterways from pollution by waste materials and the protection of the atmosphere from pollution by dust, smoke, or other waste materials.

SECTION 701 ROAD CLASSIFICATION AND DESIGN STANDARDS

Before any private connections to public water and or sewer infrastructure for new construction are made, all street improvements shall have been completed and approved in accordance with the design standards as set forth in this section and in accordance with SCDOT and AASHTO guidelines. Such approval shall be set forth in writing by the Zoning Administrator stating that said improvements are located within the corporate limits of a municipality and were completed in accordance with standards and specifications.

701.1 Roadway Classifications

For the purpose of this Ordinance, all streets within the City of Seneca, South Carolina shall be classified based upon the projected traffic volume on the street. These classifications and the required Design Standards for each are included in the table below and further detailed in following descriptions.

| Classification | Pavement Width (feet) | Maximum Design Speed | Vehicles Per Day | Minimum Pavement Section | Minimum Right of Way (feet) |
|-------------------------------------------------------|-----------------------|----------------------|------------------|----------------------------------------------|-----------------------------|
| Arterial and Minor Arterial | Per SCDOT | Per SCDOT | > 4,000 | Per SCDOT | 120 |
| Major Collector | Per SCDOT | Per SCDOT | > 4,000 | Per SCDOT | 100 |
| Minor Collector | 26 | 40 mph | 1,250-4,000 | 1.5" Top; 2.5" Base; 6" Stone Sub base | 80 |
| Residential Sub-collector | 24 | 35 mph | 400-1,250 | 1.5" Top; 2.5" Base; 6" Stone Sub base | 50 |
| Residential Local | 24 | 25 mph | < 400 | 1.5" Top; 2.5" Base; 6" Stone Sub base | 50 |
| Commercial or Industrial | 28 | 40 mph | N/A | 2" Top; 4" Base; 6" Stone Sub Base | 80 |
| Private Responsibility of Landowner, Developer or HOA | 24 | AS DESIGNED | N/A | 2" Top; 6" Stone Sub Base | 50 |

In cases where access will serve subdivisions of not more than four lots, unless greater dimensions and standards are otherwise required by the adopted International Fire Code or lesser standard is allowable and approved by the Fire Marshall, the access may be provided by a shared driveway/street having a minimum 50 foot wide ingress/egress easement with a minimum road width of 20 feet, with such road width having at least a 6 inch stone base, and adequate storm drainage provided within the ingress/egress easement. The driveway/street shall be no longer than 500 feet in length. The developers must require and receive a hold harmless agreement and indemnification agreement signed by each landowner. These agreements shall be presented to and approved by the Zoning Administrator prior to final platting and shall operate to relieve the city of any liability of responsibility arising from the construction and use of the private street and/or drainage facility. This release shall be in favor of the city from any harm which may result from the use of the private street by adjoining landowners, visitors, or any user of the road, including the public at large. Each signed agreement will be recorded with the plat and reference shall be made as to the character of the road on the plat.

701.2 Roadway Design Standards

Street and road design shall comply with the following design standards as reviewed and approved by the Zoning Administrator and Seneca Fire Department based on the most recently adopted edition of the International Fire Code by the S.C. Building Codes Council, and those appendices that have been adopted by Seneca City Council. To ascertain standards applying to any specific classification, refer to the design standards chart. In all instances where reference is made to a section of the South Carolina Department of Transportation (SCDOT) specifications for highway construction (SCDOT specifications), it is the most recent edition.

- a) Right-Of-Way and Roadway Cross Section – A proposed right-of-way shall be of sufficient width to accommodate the required street cross section, but in no case shall the right-of-way be less than that required in the design standards chart. In instances where construction of maintenance may necessitate going beyond the normal right-of-way, a temporary right-of-way will be required to be given by easement.

Pavement width shall be sufficient to serve the projected traffic on and use of the street, but in no instance shall the pavement width be less than that required in the Design Standards Chart.

- b) Grades – The minimum vertical tangent grade on any proposed curbed street shall not be less than on-half (0.5) percent and the maximum grade shall not exceed five (5) percent.

All proposed street grades when intersecting an existing street or highway shall be constructed as to meet the same horizontal grade of the existing intersection and shall have a maximum approach grade of four (4) percent for a distance of 100 feet from the gutter line elevation of the existing street to which the proposed connection is being.

- c) K Factors/Vertical Curves – All vertical curve design shall be in accordance with the most current AASHTO Policy of Geometric Design and SCDOT standards.
- d) Horizontal Curves – Where a deflection angle in the alignment of the street occurs, the right-of-way shall be curved. The minimum horizontal radius of curvature at the centerline of proposed street rights-of-way in all areas shall be designed in accordance with the most current AASHTO Policy of Geometric Design and SCDOT standards.

At subdivision entrances there should be a minimum of 50-foot tangent prior to the start of any horizontal curve.

- e) Signs – All signs and speed limit designations shall be in accordance with the most current Manual of Uniform Traffic Control Devices (MUTCD).
- f) Reverse Curves – Reverse curves in the street rights-of-way shall be connected by tangents of not less than 100 feet for all roadway classifications with the exception on non-residential which shall be a minimum of 150 feet.
- g) Intersecting Streets – Minor Collector, Residential Sub collector, Residential Local and Nonresidential streets shall be laid out so as to intersect other streets at right angles whenever possible. No street shall intersect any other street at an angle less than 75 degrees.
- h) Street Offsets – Where there is an offset in the alignment of a street across an intersection, the minimum offset of the centerline shall be as shown in the following chart:

| SPEED LIMIT ON MAIN THROUGH STREET | OFFSET IN FEET |
|------------------------------------|----------------|
| 25 MILES PER HOUR | 125 FEET |
| 35 MILES PER HOUR | 150 FEET |
| 45 MILES PER HOUR | 175 FEET |
| 55 MILES PER HOUR | 200 FEET |

- i) Cul-de-sac Streets – Cul-de-sac streets are defined as those streets designed to be terminated. Cul-de-sacs shall have a minimum length of 125 feet and a maximum length of 1,200 feet.

701.3 General Survey Standards

In order to maintain and improve Oconee County land records, general survey standards must be followed. Land parcels subject to the requirements specified herein, are required to be referenced by South Carolina State Plane Coordinates, as defined in the SC Code of Laws, (The South Carolina Coordinate Act, as amended), either by Global Positioning System (GPS) Surveys or Terrestrial Surveys. Additionally, digital files shall be submitted in a standard format, in addition to standard printed documents required by this Article. These files consist of a copy of the CAD drawing containing all applicable layers and an ASCII text file describing the technical parameters and contact information for the CAD file (metadata).

701.4 Guaranty of Maintenance

Where the development of subdivision is to be served by private roads, the mechanism for the perpetual maintenance of private roads and the collection of funds for future maintenance shall be explicitly documented before the planning commission at the time of submission and recorded with the approved plat allowing lot sales in the form of restrictive covenants. All transactions involving properties accessed by said private road shall contain a copy of the private road maintenance provisions contained in the restrictive covenants. At a minimum, a process for collecting or creating a fund for future maintenance shall be documented in the covenants and restrictions affecting the parcels to use the private roads, and

the planning commission shall require a property or homeowners association be formed and restrictive covenants and by-laws adopted and filed or record before issuing final approval for the subdivision and/or sale of lots. Included in the submission to the Planning Commission shall be an estimate provided by a licensed South Carolina Professional Engineer of the maintenance costs for the roads, including the estimated cost of resurfacing/refurbishing after the expected life of the initial pavement not to exceed a period of ten (10) years; the fund for future maintenance shall be designed as to create a fund of no less than 125% of the estimated costs at time of resurfacing refurbishing, as well as ongoing fund to provide periodic maintenance and repair when predicted to be needed. Nothing contained herein shall be construed or interpreted as creating a responsibility or liability of the city for the adequacy of the mechanism and/or amounts to be collected for maintenance.

701.5 Guaranty of Workmanship/Materials

- a) The subdivider/developer shall guaranty the completed roadways and drainage system improvements against defect in function, workmanship, and materials for two years following acceptance of such improvements under warranty.
- b) The subdivider/developer shall furnish a cash bond, letter of credit, or other acceptable security with the city guaranteeing the maintenance of the improvements and/or correction of deficiencies during the warranty period.
- c) The warranty period security shall be in an amount equal to 20 percent of the cost of the completed roadway and drainage system improvements.
- d) The security shall empower the city to draw on the posted funds to correct deficiencies which the subdivider/developer does not correct in a timely manner.

701.6 Noncompliance

Failure to comply with any of the conditions of site plan approval subsequent to the receipt of a Plat Approval, Construction Permit or Certificate of Occupancy, as the case may be, shall be construed to be a violation of this chapter and shall be grounds for the revocation of any Construction Permit or Certificate of Occupancy, as the case may be. If the Zoning Administrator and/or Building Official finds that any conditions of site plan approval have not been met, the Planning and Development department shall give the applicant ten (10) days written notice to comply with said conditions, and failure to comply within this ten-day period shall result in revocation of the Zoning Permit, Construction Permit, Certificate of Occupancy or Certificate of Temporary Occupancy, as the case may be.

SECTION 702 CORNER LOTS

On lots having frontage on more than one street at an intersection, the minimum front yard requirement may be reduced to one-half the regulated distance on the portion of the lot fronting on the street, or streets, with the less intense classification. If the streets are designated as being of equal intensity, then the property owner can choose the street along which he wishes to reduce his front yard requirement. However, in no case, shall the setback be reduced to less than fifteen (15) feet. The minimum front yard, for the portion of the lot fronting on the street of highest intensity, shall be provided in accordance with the provisions established by the Ordinance for the district in which the lot is located.

SECTION 703 LOCATION OF BUILDINGS ON LOTS AND RESIDENTIAL LIMITATIONS

Every building or use hereafter erected or established shall be located on a Lot or Lots of Record. In all cases, the principal building on a lot shall be located within the area formed by the building setback lines and, in no case, shall such a building infringe beyond the building setback lines into the respective front, side, rear yard setbacks required for the District in which the lot is located.

SECTION 704 DOUBLE FRONTAGE LOTS

On lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this Ordinance on at least two of the street frontages. Minimum side yard requirements for the zoning district in which located shall apply to the other streets fronted.

SECTION 705 FRONT YARD REQUIREMENTS

The setback requirements of this Ordinance shall not apply to any lot where the average setback on already built upon lots located wholly or in part within one hundred (100) feet on each such lot and within the block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. However, in no case, shall setbacks be less than fifteen (15) feet.

SECTION 706 MEASUREMENT OF FRONT, SIDE, REAR YARDS: DETERMINATION OF BUILDABLE AREA

The required front, side and rear yards for individual lots, as set forth for the particular Zoning District within which a given lot is located, shall be measured inward toward the center of said lot and at right angles from all points along the respective front, side and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as "Buildable Area".

SECTION 707 NONCONFORMING BUILDINGS OR USES

Non-conforming buildings or uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. However, to avoid undue hardship, the lawful use of any building or land uses at the time of the enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance except that the non-conforming building or land use or portions thereof, shall not be:

- 1) changed to another non-conforming use;
- 2) reused or reoccupied after discontinuance of use or occupancy for a period exceeding twelve (12) consecutive months;
- 3) re-established, reoccupied, or replaced with the same or similar building, or land use after physical removal or relocation from its specific site location at the time of passage of this Ordinance;

- 4) repaired, rebuilt, or altered after damage or destruction. Unless reconstruction or repair is permitted by the issuance of a building permit within six (6) months after damage is incurred and completed within twelve (12) months thereafter;
- 5) enlarged or altered in a way which increases its nonconformity.

Nothing in this section shall be meant to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official lawfully charged with protecting the public safety, upon order of such official.

SECTION 708 EXCEPTION TO NON-CONFORMING BUILDINGS OR USE REQUIREMENTS

A non-conforming mobile home may be replaced with another non-conforming mobile home, provided that the new mobile home is located on the site within 120 days after the non-conforming mobile home is removed. The new mobile home must also be made to comply with all requirements included within Section 731 of this ordinance.

SECTION 709 NON-CONFORMING BUILDING OR USE DISCONTINUANCE

Notwithstanding other provisions of this Ordinance, certain non-conforming buildings, or land uses, after this Ordinance is enacted into law, shall be discontinued, and/or shall be torn down, altered, or otherwise made to conform with this ordinance within the periods of time set forth below.

| <u>Non-conformities</u> | <u>To Be Discontinued or Brought Into Compliance Within</u> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (1) Wrecking, junk, scrap or salvage yards and other open uses of land, off-premise outdoor advertising structures, automotive storage yards or outdoor storage yards for lumber, building materials, parts, or equipment, except that outdoor storage yards for lumber, builders materials, parts, or equipment that are an accessory use may be extended past the two year termination period if a solid stockade-type wall of at least six (6) feet in height is constructed and maintained to completely enclose the use. | Two (2) years |
| (2) Portable Signs and Signs related to uses which have gone out of business. | Ninety (90) days |

SECTION 710 HOME OCCUPATION

A home occupation shall be permitted in any residential district provided that such occupation:

- a) Is conducted either wholly or in part, by no other persons than members of the household residing on the premises;
- b) Utilizes not more than twenty-five (25) percent of the total combined floor area of the principal and accessory building;

- c) Produces no alteration or change in the character or exterior appearance of the principal or accessory buildings from that of a dwelling;
- d) No display of products shall be visible from the street;
- e) Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition;
- f) Is not visibly evident from outside the dwelling, except for a sign of four (4) square feet or smaller in size mounted against a wall of the principal building is permitted.
- g) Tattoo facilities are not eligible for home occupation.

SECTION 711 ACCESSORY USES

In addition to the principal uses, each of the following uses is considered to be a customary accessory use, and as such, may be situated on the same lot with the principal use or uses to which it serves as an accessory.

711.1 Uses Customarily Accessory to Public Uses, Building or Activities: There shall be no limitation regarding accessory uses to any use, building or activity operated within the public domain except that such uses, building or activities must be directly related and subordinate to the principal public use.

711.2 Uses Customarily Accessory to Dwellings:

- a) Private garage not to exceed the following storage capacities: One or two family dwelling - 4 automobiles; Multiple family dwelling - 2 automobiles per dwelling unit; group dwelling - 1.5 automobiles per sleeping room.
- b) Open storage space or parking area for motor vehicles, including recreational vehicles, provided that such space does not exceed the maximum respective storage capacities listed under Subsection 711.2 (a) above; and provided that such space shall not be used for more than one (1) commercial vehicle licensed as one ton or less in capacity per family residing on the premises.
- c) Shed or tool room for the storage of equipment used in grounds or building maintenance.
- d) Private kennel for no more than three (3) dogs or three (3) cats, four (4) months of age or older.
- e) Private swimming pool, bath house or other recreational facility customarily accessory to dwelling units.
- f) Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
- g) Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight (8) feet in height.
- h) A satellite receiving dish. Such dish shall not be located closer than ten (10) feet from any lot line.

711.3 Uses Customarily Accessory to Church Building:

- a) Religious education or activity buildings;
- b) Parsonage, pastorium or parish house, together with any use accessory to a dwelling as listed under Section 711.2;
- c) Off-street parking area for the use without charge of members and visitors to the church.

711.4 Uses Customarily Accessory to retail businesses, office uses and commercial recreation facilities.

- a) Off-street parking or storage area for customers, clients or employee owned vehicles;
- b) Completely enclosed building for the storage of supplies, stock, or merchandise;
- c) Private airfields or airstrips, together with subordinate uses;

- d) Sheds or tool rooms for the storage of equipment used in operations or maintenance;
- e) Boat marina;
- f) Private docks, boat houses;
- g) Public port and docking facilities;
- h) Private swimming pools, bath houses, or cabanas;
- i) Swimming beach;
- j) Bait house;
- k) Golf Course;

711.5 Freight Container as an Accessory Use.

- a) Any freight container, box, or crate designed for multiple modes of transportation, either domestic or overseas, and used for transportation and temporary or permanent storage is an accessory use in Highway Commercial, General Commercial, Light Industrial and Basic Industrial zoning districts. This includes all containers with ribbed or flat walls and is built to rest flat on the ground, stacked, or attached to a mobile chassis for interstate transportation.
- b) Freight containers are prohibited in Neighborhood Commercial, Office Commercial, Core Commercial and all residential zoning districts.
- c) Freight containers must be placed in the rear of the property. If the rear of the property borders a street, an eight feet tall evergreen buffer shall be installed.

SECTION 712 SETBACK AND OTHER YARD REQUIREMENTS FOR ACCESSORY USE

Accessory uses shall be located in compliance with setbacks listed. No accessory use shall be located in front of the front line of the principal use located on any lot.

| ZONING DISTRICT | MINIMUM SIDE SETBACK | MINIMUM REAR SETBACK |
|-----------------|----------------------|----------------------|
| R-20 | 10' | 10' |
| R-15 | 5' | 10' |
| R-10 | 5' | 5' |
| R-6 | 5' | 5' |
| PD-R | 5' | 5' |
| PD-C | 15' | 10' |
| PD-MU | (1) | (1) |
| RM-8 | (2) | (2) |
| RM-16 | (2) | (2) |
| RG | 5' | 5' |
| RO | 5' | 5' |
| OC | 15' | 10' |
| NC | 15' | 10' |
| GC | 15' | 15' |
| HC | 15' | 15' |
| CC | n/a | n/a |
| LI (3) | 15' | 15' |
| BI (3) | 15' | 15' |
| CP | 15' | 15' |

1) Residential portions of PD-MU districts shall be subject to PD-R regulations. Commercial portions of PDMU districts shall be subject to PD-C regulations.

2) Within non-single family attached townhouse complexes, the required rear setback for accessory uses shall be forty (40) feet; the minimum side setback shall be thirty (30) feet. Within single family attached townhouse developments, the minimum rear setback for accessory uses shall be five (5) feet and the minimum side setback shall be two (2) feet.

3) No manufacturing activities permitted within accessory structures.

SECTION 713 OFF-STREET PARKING

Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all zoning districts, except in the Commercial Core Zoning Districts, at the time of the initial construction of any principal building producing an increase in dwelling units, guest rooms, floor area, seating or bed capacity, or when a conversion in use occurs. Such off-street parking areas shall have direct access to a street or alley, and shall be provided and maintained in accordance with the following requirements.

| <u>USE</u> | <u>PARKING SPACES REQUIRED</u> |
|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Automobile Repair Garages | 1 space per 150 square feet of net floor area |
| Automobile Sales Lots customer and employee parking | 1 space per 50 square feet of net floor area for |
| Automobile Service Stations | 3 spaces for each service bay, with minimum of 5 spaces required / Self-service gasoline sales: Minimum of 2 permanent spaces |
| Business & Professional Offices | 1 space per 200 square feet of net floor area |
| Boarding & Lodging Houses | 1 space per bedroom, plus 3 additional spaces |
| Churches & Other Places of Worship | 1 space per 3 seats in main auditorium |
| Clinics & Similar Operations | 1.25 space per 200 square feet of net floor area |
| Day Care Centers | 8 spaces |
| Dwellings (Single & 2-family) | 2 spaces per dwelling unit |
| Food Stores, equal to or less than 3,500 square feet | 1 space per 50 s.f. of net floor area |
| Food Stores, greater than 3,500 square feet | 1 space per 200 s.f. of net floor area |
| General Business, commercial or personal service establishments catering to retail trade, but not including food stores | 1 space per 200 s.f. of net floor area |
| Homes for the aged, rest homes, personal care homes, and similar institutional uses | 1 space per 3 beds, plus 3 spaces |

| | |
|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hospitals, sanitariums and nursing homes | 1 space per 2 beds, plus 3 spaces |
| Lodges, Fraternal or Social Organizations | 1 space per 200 s.f. of net floor area |
| Motels, Hotels, Tourist Homes and Transient Hotels | 1.25 spaces per unit |
| Mobile Homes | 2 spaces per each mobile home lot |
| Multi-family Apartment and Condominium Communities | 1.75 parking spaces for each dwelling unit |
| Fee-Simple Dwelling Units, attached or detached | 2 spaces per dwelling unit |
| Self-storage, Mini-warehouse | 5 spaces, plus 2 spaces if a residential manager's apartment is included |
| Shopping Centers | 1 space per 200 s.f. of net floor area |
| Schools, elementary | 2 spaces per classroom |
| Schools, secondary | 5 spaces per classroom |
| Schools, College, Trade or Vocational | 8 spaces per classroom |
| Community Recreation Centers, Swimming Pools, Golf Courses and similar uses | 20 spaces |
| Auditoriums, Funeral Homes, Gymnasiums, Stadiums and other places of assembly | 1 space per 4 seats |
| Theaters, Movie, Single screen | 1 space per 4 seats, plus 5 spaces |
| Theaters, Movie, Multi-plex | 1 space per 5 seats, plus 9 spaces |
| Wholesale, Warehousing Operations | 1 space per 200 s.f. of net area devoted to sales or display. 1 space per 500 s.f. of net manufacturing area. 1 space per 5,000 s.f. of net floor area devoted to storage. |
| Manufacturing Facilities | 1 space per 200 s.f. of net area devoted to sales or display. 1 space per 500 s.f. of net manufacturing area. 1 space per 5,000 of net floor area devoted to storage. |
| Any Use Not Otherwise Listed | 1 space per 200 feet of net floor area. |

Shrubs: 10 or

Trees: 2 (minimum of a 2 inch caliper at planting)

Such landscaped areas shall be separated from parking spaces, driveways, and maneuvering areas by a curb at least six inches in height designed to minimize damage by vehicles to plants located in the landscaped area.

Any trees under utility lines shall be of small size in accordance to the recommended tree list. All vegetation shall be given proper care to retain a healthy and neat condition.

*A list of recommended trees will be kept on file in the Seneca Department of Planning and Development.

SECTION 715 LOCATION ON OTHER PROPERTY

If the required automobile parking space cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property provided such property lies within four hundred (400) feet of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner.

SECTION 716 COMMON OFF-STREET PARKING AREAS

Two or more principal uses may utilize a common area in order to comply with off-street requirements, provided that the total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of this section, and provided that the owner of said lot relinquish his development rights over the property until such time as parking space is provided elsewhere.

SECTION 717 USE OF PUBLIC RIGHTS-OF-WAY FOR MANEUVERING

When determining parking area requirements for individual uses, portions of the public rights-of-way may not be considered as permissible for maneuvering incidental to parking. Parking facilities shall provide space outside the public rights-of-way for maneuvering incidental to parking.

SECTION 718 EXTENSION OF PARKING SPACE INTO A RESIDENTIAL DISTRICT

Required parking spaces may extend up to sixty-four (64) feet into a residential zoning district, provided that (1) the parking space adjoins a commercial or industrial district, (2) has its only access to or fronts upon the same street as the property in the commercial or industrial district for which it provides the required parking space, and (3) is separated from abutting properties in the residential district by a buffer strip as provided in Section 730.

SECTION 719

OFF-STREET LOADING AND UNLOADING SPACES

Except in the Core Commercial District every lot on which a business, trade, or industry is hereafter established, shall provide space as indicated herein for the loading and unloading of vehicles off the street. Such space shall have access to an alley or if there is no alley, to a street. For the purpose of this section, an off-street loading space shall have minimum dimensions of twelve (12) feet in width, by forty (40) feet in length, and be clear and free of obstructions at all times. Required space shall be considered as follows:

- a) Retail Business: One (1) space for each five thousand (5,000) square feet of gross floor area.
- b) Wholesale, industrial, governmental, and institutional uses, including public assembly places, hospitals and educational institutions; One (1) space for the first twenty-five thousand (25,000) square feet of total floor area. For anything in excess of twenty-five thousand (25,000) square feet, such uses shall provide loading spaces according to the following schedule:

| AREA | NO. OF SPACES |
|-------------------|---------------|
| 25,001 - 100,000 | 2 |
| 100,001 - 160,000 | 3 |
| 160,001 - 240,000 | 4 |
| 240,001 - 350,000 | 5 |

One (1) additional space shall be required for each 100,000 square feet of floor area over 350,000 square feet.

- c) Multi-family residences with ten (10) or more dwelling units: One (1) space.

SECTION 720

VISIBILITY AT STREET INTERSECTIONS

In all zoning districts established by this Ordinance, except the Core Commercial District, no fence, wall terrace, sign, shrubbery, planting or other structure or object capable of obstructing driver vision, between the heights of three (3) and ten (10) feet above the finished street level, shall be permitted on a corner lot within twenty five (25) feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound said lot.

SECTION 721

**VISIBILITY AT PRIVATE DRIVES AND ENTRANCES
INTERSECTING WITH PUBLIC STREETS**

At the intersection of any private drive or entrance or exit of a common parking area with a public street, no fence, wall, hedge, sign or other structure or planting forming a material impediment to visibility over a height of two and one-half (2-1/2) feet shall be erected, planted, placed or maintained within ten (10) feet of the point formed by the intersection of the private drive and public street.

SECTION 722

EXCEPTIONS TO HEIGHT LIMITS

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, silos,

chimneys, smokestacks, conveyors, roof signs, flag poles, masts and aerals, provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport approach zones or flight patterns.

SECTION 723 PARKING, STORAGE OR USE OF CAMPERS OR OTHER MAJOR RECREATIONAL EQUIPMENT

No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or is parked behind the nearest portion of a building to a street; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. Such equipment shall be parked in accordance with all setbacks, yard and other requirements for accessory uses set forth within the residential districts in which they are located. No such equipment shall be continuously used for residential purposes when parked on a residential lot, or in any location not approved for such use, except that such use of this equipment shall be permitted for a period not to exceed seven (7) consecutive days, nor more than ten (10) days total in any ninety (90) day period.

SECTION 724 PARKING AND STORAGE OF CERTAIN VEHICLES

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any parcel zoned residential or commercial, other than in a carport or enclosed building. Inoperable automobiles shall not be parked or stored on any parcel zoned residential unless in a completely enclosed building. Automotive Dealerships and Automotive Service Stations operating in compliance with all regulations contained in this ordinance are exempt from this provision. The above pertains only to automotive vehicles and trailers requiring license plates by the South Carolina Department of Highways and Public Transportation.

SECTION 725 CURB CUTS AND ACCESS POINTS

Ingress-egress openings in concrete, asphalt, rock or other street curbing provisions, commonly referred to as "curb cuts", as well as other means of vehicular access to and from private property, shall be regulated in the zoning districts established by this ordinance in accordance with the following requirements:

725.1 Size and spacing of curb cuts and other access points. In no case shall a curb cut or other access point be less than nine (9) feet nor more than fifty (50) feet in length. No two curb cuts or other access points shall be closer than twenty (20) feet from each other except in residential zoning districts. (Special requirements for HC Zoning District in Section 512.4 (a)).

725.2 Location of curb cuts and other access points. At street intersections no curb cuts or other access points shall be located closer than 1) twenty (20) feet from the intersecting point of the two street right-of-way or property lines involved (or such lines extended in case of a rounded corner); or 2) twenty-five (25) feet from the intersection of the two curb lines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive. (Special requirements for HC Zoning District in Section 512.4 (a)).

725.3 Access points in the vicinity of interchanges. In no case shall any curb cut, point of access or other means of vehicular ingress and egress from private property onto a public street be permitted closer than

one hundred (100) feet to the intersecting point of that street's right-of-way line with the right-of-way line of any portion of an interchange involving grade separations with that road and any limited access highways; said interchange to include all portions of all ramps, acceleration and deceleration lanes, merge lanes, and other facilities specifically designed to facilitate traffic movement onto and off the limited access highway.

725.4 Access on a parcel for any use permitted must be through the zoning district in which the use is permitted. When an abutting zoning district is of the same general zoning category as the district in which a use is permitted, it may be used to access the use. The general zoning categories referenced in Section 1002.1 are Residential, Commercial, and Industrial.

SECTION 726 ON STREET PARKING OR STORAGE

No major equipment or trucks used for commercial purposes, either public or private, shall be parked or stored on a public street right-of-way in a residential district; nor shall the above equipment or trucks be parked or stored on a residential lot except in a carport or enclosed building or parked behind the portion of a principal building nearest to the street; not more than one (1) such vehicle is permitted on any residential lot; however, such equipment, trucks or vehicles may be parked in the prohibited areas for a period not to exceed twenty-four (24) hours in a given ten (10) day period. During such hours, said equipment or trucks or vehicles shall be parked in accordance with the minimum setbacks, yard and other requirements for accessory uses set forth for the residential district in which they are located.

SECTION 727 PARKING OF TRANSFER TRAILERS, BUSES, AND DUMP TRUCKS

The parking of large trucks (over one ton), transfer trailers, and buses shall be permitted in Limited Industrial and Basic Industrial zoning districts. The parking of these vehicles shall be permissible as an accessory use only in Highway Commercial and General Commercial zones; provided that such use is accessory; provided that not more than three (3) of these type vehicles are parked on any one (1) lot; provided that a paved, all weather surface is provided; and provided that the parking area is located behind the front wall of any principal building or structure; parking of these type vehicles shall be in accordance with all setbacks of the applicable zoning category.

SECTION 728 MODULAR BUILDING STANDARDS

Any modular building, as defined in Section 1100 of this ordinance, in use in the City of Seneca shall be in compliance with the standards set forth in the South Carolina Modular Buildings Construction Act of 1984, and shall bear the certification seal of the South Carolina Building Code Council.

SECTION 729 FACILITIES OF THE U.S. MILITARY AND S.C. NATIONAL GUARD

Facilities of the military of the U.S. Government or the S.C. National Guard shall be permitted in any zoning district, subject to the setback, height, density, and parking requirements of that district.

SECTION 730

BUFFER PROVISIONS

Buffers are intended to separate different land uses from each other to eliminate or minimize potential impacts such as dirt, litter, noise, glare of lights, signs, and unsightly building or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions. Buffers shall be installed and maintained in compliance with all of the regulations included herein.

730.1 Buffer Composition. The buffer shall be composed of a solid fence or wall and/or densely planted vegetation as required to extend along the external length of the fence or wall.

- a) The fence or wall may be composed of brick, finished concrete, mortar, wood, stone, masonry units, or a combination of the above. The wall shall have a solid appearance.
- b) Vegetation may include a mixture of evergreen trees and shrubbery that will form a continuous vegetative screen within two (2) years of installation and reach the height as required herein below within twelve (12) months of installation.

730.2 Buffer Height. Buffer height requirement shall be determined by ascertaining the buffer yard requirement in the table so named and shown in Section 730.3A. The Buffer yard type required shall be required in the table shown in Section 730.3B. Where more than one buffer yard type is allowed, the applicant shall have a choice, and must designate that choice on the site plan.

730.3 Buffer Width. Buffer width requirement shall be determined by ascertaining the buffer yard requirement in the table so named and shown in Section 730.3A. The Buffer yard type required shall be required in the table shown in Section 730.3B. Where more than one buffer yard type is allowed, the applicant shall have a choice, and must designate that choice on the site plan.

- a) Buffer Yard Requirements:

| PROPOSED LAND USE | EXISTING LAND USE | | | | | | |
|--------------------------------------------------------------|--------------------------|-----------------------------|------------------|------------------------------|------------|---------------------|---------------------------|
| | Single Family | Duplexes or Mobile Homes | Multi- family | Commercial/ Institutional | Industrial | Vacant ¹ | All Other ¹ |
| Single Family Detached | * | * | * | * | * | * | * |
| Two Family Detached Dwelling (Duplexes & Mobile Homes) | A | * | * | * | * | * | * |
| Multi-Family Dwelling | | | | | | | |
| 1-3 Units PGA | A | * | A | A | A | A | A |
| 4-11 Units PGA | B | A | B | B | B | B | B |
| 12+ Units PGA | C | B | C | C | C | C | C |
| Mobile Home Parks or Courts | C | B | C | C | C | C | C |
| Commercial/Industrial | C | C | C | * | * | C/A | C/A |
| Limited Industrial | D | D | D | C | * | C/A | C/A |
| Basic Industrial | E | E | E | D | * | D/B | D/B |

¹ Use first letter if property zoned residential; if other zoning, use second letter.

² Mobile Home Parks or Courts must meet requirements set forth in Section 508.4(h).

*No buffer required. (PGA) = Per gross acre

b) Buffer yard types:

| TYPE OF BUFFER | VEGETATION HEIGHT ₁ | BUFFER WIDTH ₂ | WALL HEIGHT |
|----------------|--------------------------------|---------------------------|-------------|
| A | 4' | 5' | * |
| B | 6' | 10' | * |
| C | 4' | 10' | 6' WOODEN |
| | 6' | 15' | * |
| D | 6' | 10' | 8' WOODEN |
| | 8' | 35' | * |
| E | 6' | 15' | 8' MASONRY |
| | 8' | 45' | * |

1 Vegetation shall include a mixture of evergreen trees and shrubbery that will form a continuous vegetative screen within two years of installation.

2 The buffer width shall be measured within the setback from the property line toward the center of the lot.

*No wall required.

NOTE: All values represent minimums

730.4 General Buffer Requirements.

- a) The front line of any side yard buffer strip shall begin at the point where the private property line and public right-of-way intersect, and shall extend back to the rear lot line, except that the buffer requirements shall apply to all property lines of a landfill;
- b) No development, parking areas, structures or accessory buildings, except landscaping and the required fence or wall shall be placed in a buffer area;
- c) Buffer areas shall be properly maintained. The fence or wall shall not be allowed to deteriorate into a dilapidated condition. Vegetation shall be given proper care to retain a healthy and neat condition;
- d) Required setbacks, as set forth in Section 522.6 shall be measured from internal buffer area borders. The buffer strip is in addition to required setbacks;
- e) A required buffer must be completely installed prior to the issuance of a Certificate of Occupancy, except that if the installation of a planting screen is impractical at the time of construction, the

property owner may post bond, the amount of which is to be determined by the Building Inspector subject to approval by City Council, to ensure the planting screen will be installed within a specified period of time. Forfeiture of bond does not preclude the City from taking any other action necessary, as provided herein, to enforce the regulations included in this ordinance.

730.5 There shall be no buffer requirement for Core Commercial Districts.

SECTION 731 MOBILE HOME STANDARDS

731.1 All mobile homes brought into the City of Seneca or relocated within the City subsequent to the adoption of this ordinance, whether placed in a mobile home park or on an individual parcel, shall be required to be in compliance with each of the requirements listed in Section 731.3 of this ordinance. In addition, all mobile homes located in the City prior to the adoption of this ordinance shall be brought into compliance with Section 731.3 within twenty-four (24) months of the adoption of this ordinance.

731.2 No Certificate of Occupancy shall be issued for any mobile home originally brought into the City of Seneca or relocated within the City subsequent to the adoption of this ordinance unless it shall have been determined by the Building Inspector that the mobile home is in full compliance with each requirement included in Section 731.3, below.

731.3 Mobile Home Requirements:

- a) Permanent steps, composed of either precast concrete, mortar, brick, wood, or metal are to be installed.
- b) If steps are thirty (30) inches or greater in height, permanent handrails are to be installed.
- c) All corners are to be supported by double piers, and additional piers are to be spaced no greater than ten (10) feet apart.
- d) Corner piers and all other piers of at least forty (40) inches in height are to have minimum length and width dimensions of 16" x 16", are to be composed of interlocking masonry units, and are to be capped with a minimum of four (4)-inch thick solid masonry unit.
- e) All piers are to be set in a concrete base with dimensions of at least 16" x 16" x 4".
- f) Either over-the-top or frame-based tie-downs are to be installed and maintained.
- g) Solid skirting of either wood, brick, vinyl, metal, or masonry is to be installed, and is to be painted, unless composed of brick or stone.
- h) Skirting is to be constructed and maintained in a manner so as not to create a fire hazard or to harbor trash or rodents.
- i) Skirting material is to be maintained in a sound state of repair, is to be vented, and is to have an access door.

SECTION 732 PROHIBITION AGAINST JUNK, GARBAGE, TRASH, SALVAGE MATERIAL AND SCRAP MATERIAL

It shall be unlawful to store any junk, garbage, trash, salvage material, scrap material, debris, or any other matter deleterious to good health and public sanitation on any lot in the city, except as specifically provided within this ordinance.

DEFINITIONS:

Occupant: A resident of a dwelling unit who is unrelated by blood, marriage, adoption, or guardianship to other occupants in such dwelling unit.

SECTION 734 SEXUALLY ORIENTED BUSINESSES

a) Books, magazines, periodicals, or other printed matter, or photographs, films, motion picture, video cassettes, or video reproductions, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”; or

b) Instruments, devices, or paraphernalia designed for use in connection with “specified sexual activities”. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical area”.

Adult cabaret means nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- a) Persons who appear in a state of nudity; or
- b) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
- c) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical area”.

Adult motel means a hotel, motel, or similar commercial establishment which:

- a) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
- b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Establishment means and includes any of the following:

- a) The opening or commencement of any sexually oriented business as a new business;

- b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- c) The additions of any sexually oriented business to any other existing sexually oriented business; or
- d) The relocation of any sexually oriented business.

Nude model studio means any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity or a state of nudity means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

Permittee and/or licensee means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

Person means individual, proprietorship, partnership, corporation, association, or other legal entity.

Semi-nude means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual encounter center means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Sexually oriented business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Specified anatomical areas means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified sexual activities means and includes any of the following:

- a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c) Masturbation, actual or simulated; or
- d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

Substantial enlargement of a sexually oriented business means the increase in floor area occupied by the business by more than twenty-five (25) percent.

Transfer of ownership or control of a sexually oriented business means and includes any of the following:

- a) The sale, lease, or sublease of the business;

- b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- c) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

734.3 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.

734.4 PERMIT REQUIRED.

- 1) A person commits a misdemeanor if he operates a sexually oriented business without a valid permit issued by the city 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 designated 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 who 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 an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a ten (10) percent or greater interest in the corporation must sign the application for a permit as applicant.
- 5) The fact that a person possesses other types of state, county, or city permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business permit.

734.5 ISSUANCE OF PERMIT AND FEE.

- 1) The City 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 or her payment to the city of taxes, fees, fines, or penalties assessed against him or her or imposed upon him or her 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 on the applicant form.

- d) An applicant is 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 or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
- e) The premises to be used for the sexually oriented business has not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.
- f) The permit fee required by this ordinance has not been paid.
- g) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this Section.
- h) 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.

- 2) The annual fee for a sexually oriented business permit is five hundred dollars (\$500.00).

734.6 INSPECTION. An applicant or permittee shall permit representatives of the police department, health department, fire department, or other city 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 unlawful to refuse to permit such inspection of the premises at any time it is occupied or open for business.

734.7 EXPIRATION OF PERMIT.

- 1) Each permit shall expire one year from the date of issuance and may be renewed only by making application as provided herein. Application for renewal should be made at least thirty (30) days before the expiration date, the expiration of the permit will not be affected except for good cause shown.
- 2) When the zoning administrator denies renewal of a permit, the applicant shall not be issued a permit for one year from the date of denial. If, subsequent to denial, the zoning administrator finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit.

734.8 SUSPENSION OF PERMIT. The zoning administrator may suspend a permit for a period not to exceed thirty (30) days if he determines that a permittee or an employee of a permittee 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 Section 734.6;
- 4) Knowingly permitted gambling by any person on the sexually oriented business premises.

734.9 REVOCATION OF PERMIT.

- 1) The zoning administrator shall revoke a permit if a cause for suspension in Section 734.8 occurs and a permit has been suspended within the preceding twelve (12) months for willful and knowing violation of this ordinance.
- 2) The zoning administrator shall revoke a permit if he determines that

- a) A permittee knowingly gave false or misleading material information in the application submitted to the zoning department during the application process;
- b) A permittee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- c) A permittee or an employee has knowingly allowed prostitution on the premises;
- d) A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
- e) A permittee 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; or
- f) A permittee is delinquent in payments to the city, county, or state for any taxes or fees past due related to the sexually oriented business.

3) When the zoning administrator revokes a permit, the revocation shall continue for one year, and the permittee shall not be issued a sexually oriented permit for one 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 ninety (90) days have elapsed since the date the revocation became effective.

734.10 PERMIT. A permittee shall not transfer his permit to another, nor shall a permittee operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.

734.11 LOCATION OF SEXUALLY ORIENTED BUSINESSES.

- 1) *Reserved.*
- 2) A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business outside of a designated General Commercial (GC) zoning district. All sexually oriented businesses shall be located within a General Commercial (GC) zoning district.
- 3) A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within five hundred (500) feet of:
 - a) A church;
 - b) A public or private elementary or secondary school;
 - c) A boundary of any residential zoning district;
 - d) A boundary of any Conservation Preservation (CP) zoning district;
 - e) A public park adjacent to any residential zoning district;
 - f) The property line of a lot devoted to residential use; or
 - g) A day care facility.
- 4) A person commits a misdemeanor if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of sexually oriented business within five hundred (500) feet of another 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, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
- 6) For the purpose of Section 734.11, 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 a part of the premises where a 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 zoning district, residential lot or Conservation Preservation zoning district.

7) For purposes of subsection (4) of Section 734.11, 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 at the time of passage of this Section that is in violation of subsection (1) through (7) of this Section 734.11 shall be deemed a non-conforming use. The nonconforming use will be permitted to continue for a period not to exceed two (2) years, 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 a conforming use. If two (2) or more sexually oriented businesses are within five hundred (500) feet of one another and otherwise is a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is non-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 park or private elementary or secondary school, public park, residential district, residential lot or a Conservation Preservation zoning district within five hundred (500) 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.

734.12 ADDITIONAL REGULATIONS FOR ADULT MOTELS.

1) Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than 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 if, 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, he rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he 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.

734.13 REGULATIONS FOR EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS.

1) A person who operates or causes to be operated a sexually oriented business, other than 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 video reproduction which depicts specified sexual activities shall be subject to the following specified requirements:

a) Upon application for a sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof 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 architect’s 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 a designated scale or with 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 was previously submitted and certifies 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 at all times that any patron is present inside the premises.
- e) The interior of the premises shall be configured in such a manner that there is an unobstructed 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, then 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 one of the manager's stations. The view required in this subsection must be by direct line of sight from 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 any walls, merchandise, display racks or other materials or videos, as defined in subsection (a) of this section, and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in 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 footcandle as measured at the floor level.
- i) 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 illumination described above, is maintained at all times that 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.

734.14 EXEMPTIONS. It is a 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, or university supported entirely or partly by taxation;
- 2) By a private college or university which maintains and operates educational 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 no other advertising that indicates a nude person is available for viewing; and
 - b) Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - c) Where no more than one nude model is on the premises at any one time.

SECTION 735

COMMUNICATIONS TOWER AND ANTENNA

735.1 DEFINITIONS

- A. "Communications tower" as used in this ordinance shall mean a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free standing, guyed, or on a building.
- B. "Telecommunications," as defined in the Federal Telecommunications Act of 1996, means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
- C. "Antenna" means a device, dish or array used to transmit or receive telecommunications signals.
- D. "Height of a communication tower" is the distance from the base of the communication tower to the top of the communication tower.
- E. "Stealth Tower" is a communication tower designed and installed in a manner such that the antennae, supporting apparatus and associated structures are aesthetically and architecturally appropriate with respect to existing structures or the immediate environment in which the communication tower is located. Examples include antennae on church steeples, utility poles, bell towers, flag poles, and water towers.

735.2 COMMUNICATIONS TOWER AND ANTENNA PERMITTED AS CONDITIONAL USE

- A. Districts in which conditional uses are permitted; height limitations.

DISTRICTS

PERMITTED HEIGHT

(Free standing or guyed tower)

Residential

40 feet (only stealth towers are permitted in these districts).

Commercial

180 feet

Industrial

225 feet

Planned Development

Tower with height specified in approved plan is permitted under conditions set forth in plan.

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 SC Code § 6-29-800.

B. Other Height Limitations: Towers and/or antennae 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.

C. Application requirements: The applicant for a conditional use Certificate of Zoning Compliance for construction of a communications tower or placement of a commercial telecommunication antenna on 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 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 the design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property; (Site plan not required if antenna is to be mounted on an approved existing structure.)
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 City;
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/EIA/TIA 222 (latest revision) 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 written agreement to remove the tower and/or antenna within 180 days after cessation of use;
9. Evidence that applicable conditions in subsection C. are met; and
10. Additional information required by the Zoning Administrator for determination that all applicable zoning regulations are met.

D. Conditions: The following conditions shall be met before the Zoning Administrator grants a conditional use providing for a communication tower.

- 1) Tower Illumination - Communication towers shall be illuminated only as required by the Federal Communications Commission (FCC) and/or the Federal Aviation Administration (FAA).
- 2) Tower Color - Communication towers shall be light gray such as properly maintained, unpainted, galvanized steel, unless otherwise required by the Federal Aviation Administration with the exception of stealth towers.
- 3) Signage - A single sign, a maximum of two (2) square feet in size which includes the name(s) of the company(ies) operating the equipment and a phone number for emergencies shall be displayed in a visible location on or near the communication tower. No advertising of any type may be attached to a communication tower.
- 4) Security - A freestanding communication tower and associated structures shall be secured by a masonry wall or fence measuring eight (8) feet in height with the exception of stealth towers.
- 5) Landscaping - Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five (5) feet shall be planted with a maximum spacing of five (5) feet around the immediate perimeter of the security wall or fence surrounding the communication tower and associated structures. Plants shall be at least three (3) gallon container plants or 24 inches tall at the time of planting. At least one row of evergreen trees with a minimum caliper of 1.75 inches at the time of planting shall be installed at a maximum spacing of 25 feet within a 50 foot radius of the communication tower. Landscaping will leave an area eight (8) feet in width to allow for driveway access to the tower.
- 6) A Certificate of Occupancy shall not be issued until the required landscaping is completed. When the occupancy of a structure is desired prior to the completion of the required landscaping, a certificate of occupancy may be issued only if the owner(s) or developer(s), provide(s) to the City a form of surety satisfactory to the City Council and in an amount equal to one hundred twenty-five percent (125%) of the costs of planting. The council shall require the posting of a bond with a corporate surety to guarantee that the landscaping as set forth by this section will be

materially adhered to and to allow for rectification of improper planting characteristics. All required landscaping must be installed and approved by the first planting season following issuance of the Certificate of Occupancy or the bond will be forfeited to the City of Seneca.

7) The owners and their agents shall be responsible for providing, protecting, and maintaining all required landscaping material in healthy condition, replacing unhealthy or dead plant materials within one year or by the next planting season, whichever comes first. Replacement material shall comply with the approved landscape plan.

8) Antenna Capacity - Wind Load. The communication tower shall be designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest version) standards. Certification from a structural engineer registered in South Carolina shall constitute proof that such standards have been met.

9) License - The owners of a communication tower shall possess a valid FCC license for the proposed activity.

10) Co-Location - A new communication tower shall be designed to accommodate additional antennae equal in number to applicant's present and reasonably anticipated future requirements.

11) Distance from Existing Tower - A permit for a proposed communication tower site within 1,300 feet of an existing communication tower shall not be issued unless the applicant certifies that the existing communication tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.

12) Safety Codes Met - A communication tower shall comply with all applicable health, nuisance, noise, fire, building and safety code requirements.

13) Setbacks - Respective zoning district setbacks shall apply, except that in residential districts setbacks equal to 150% of applicable setbacks shall apply. On sites bordering residential uses, the bordering side of such sites shall observe setbacks equal to 150% of applicable district setbacks.

14) Historic and Architecturally Significant Properties - A communications tower must be a minimum distance equal to one-half the height of the tower from property designated historic or architecturally significant, and it must then be set back from all other lot lines distances equal to the district setback requirements or 25% of the tower height, whichever is greater, on the property in which it is placed.

E. 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 setback requirements in this section, but not from any other conditions in this section.

SECTION 736

DRIVEWAYS

Single family detached residences, single family attached duplexes and single family attached townhouses shall have paved driveways of concrete or asphalt with base material of crushed limestone or other suitable material. Such driveways shall at a minimum extend from the right-of-way line of the adjacent public street to the front yard setback, in accordance with Sections 522.8, 702, 704, and 705. Driveways shall be a minimum of nine (9) feet wide and paved areas shall be no less than two (2) feet from a side property line. Driveways shall terminate at the right-of-way so as to allow for an apron to be added from the existing public street pavement to the driveway as needed.

SECTION 737-739

RESERVED

SECTION 740

SHORT TERM RENTALS

Short-term rental units operating as conditional uses within each of the established residential districts and the core commercial district, including Districts R-20, R-15, R-10, R-6, RG, RO, RM-8, RM-16, and CC, are subject to the following requirements:

740.1 Purpose:

It is the intent of this section that resident property owners in residential districts, as well as all property owners in the core commercial district, within the city limits be provided with a procedure to utilize their property as a short-term rental unit subject to the provisions contained herein.

740.2 Definitions

Resident. For the purpose of this Section 740, the term “Resident” shall mean the record owner of the property who (1) physically resides at the subject property at least 183 days each year and (2) has designated the subject property as his/her legal voting address and the address of his/her driver’s license. In addition, the subject property must be assessed at the four percent homeowner’s assessment ratio according to the records of the Oconee County Assessor’s Office.

Local Management Agent. A property manager located within twenty (20) miles of the City of Seneca, or the resident property owner, who is responsible for the requirements and duties outlined in this Section 740.

Short-term Rental. An accommodation for transient guests where, in exchange for compensation, a residential dwelling unit, or any portion of a residential dwelling unit, is provided for lodging for a period of time not to exceed twenty-seven (27) consecutive days. Periods greater than 27 days shall not be considered short-term. Distinguishing characteristics of a short-term rental are: 1) it has all the attributes of a typical dwelling unit including cooking, living, sanitary, and sleeping facilities, and 2) short-term rental uses typically advertise through an online platform, or media, for transient occupancy, accommodations, or lodging of guests paying a fee or other compensation. For the purposes of this definition, a residential dwelling unit shall include one-family dwellings, two-family dwellings (duplexes), and townhouses and shall exclude hotels, motels, bed and breakfast establishments, or inns that are subject to and compliant with the city’s business license requirements and other applicable Cod of Ordinances and Revised Zoning Ordinance requirements.

Short-term Rental Unit. A residential dwelling unit that complies with the provisions of this Section 740 and other applicable sections of the Official Zoning Ordinance of the City of Seneca, South Carolina, and which has accepted application for conditional use as a short-term rental.

740.3 Application and Restrictions.

Short-term rental units are permitted as conditional uses in Districts R-20, R-15, R-10, R-6, RG, RO, RM-8, RM-16, and CC subject to the following restrictions.

- a) An application for a short-term rental conditional use may only be submitted by the resident owner(s) of the property sought to be used in any residential district and by the owner(s) of record of the property sought to be used in the core commercial district.

- b) The applicant for a short-term rental conditional use shall submit to the zoning administrator an application for a short-term rental unit. The application shall include:
 - 1) The applicant's name;
 - 2) The address of the proposed short-term rental unit;
 - 3) For all properties in residential districts, proof of the applicant's resident status at the subject property as well as proof of the subject property's tax assessment at the four percent homeowner's assessment ratio;
 - 4) Contact information, including a telephone number and address, of the local management agent responsible for management of the short-term rental unit; and
 - 5) The applicant's tax identification number.
- c) The maximum total rental occupancy of a short-term rental unit shall be two (2) guests per bedroom, and in no case shall the total rental occupancy of a short-term rental unit exceed twelve (12) guests total.
- d) Paved parking for one vehicle per bedroom shall be provided onsite, with additional improved parking onsite as needed. The street right-of-way shall not be considered for paved or improved parking.
- e) The property shall have a local management agent available twenty-four hours per day, seven days per week. A property manager acting as a local management agent shall be required to have a business license from the City, either individually or as part of a professional agency. A resident property owner acting as a local management agent for their own property shall not be required to have a business license from the City. The local management agent shall be responsible for ensuring that accommodations taxes are collected and remitted.
- f) The local management agent is responsible for ensuring that any garbage left by renters is properly disposed of. Garbage bags shall be required to be disposed of in appropriate containers as approved by the City of Seneca Sanitation, Recycling, and Street Department. Garbage containers shall not be placed on the curb for collection more than forty-eight (48) hours prior to collection. Garbage containers shall be removed from the curb within twenty-four (24) hours after collection.
- g) Property owners and the local management agent should be aware of the impacts that their rental activities may have on neighboring properties. Neighboring properties have an expectation of peace and quiet enjoyment of the property free from unlawful disturbances. It shall be the responsibility of the local management agent to be aware of all local laws that may affect the peaceful enjoyment of neighboring properties, including, but not limited to, Chapter 18 Sections 66 and 67 of the City of Seneca, South Carolina's Code of Ordinances. The local management agent shall be responsible for ensuring that persons renting property on a short-term basis are aware of these laws.
- h) No property used as a short-term rental may display a sign advertising said rental.
- i) Should any homeowner's association for any neighborhood situated within the city limits of Seneca impose regulations or provisions more restrictive than those contained herein, the more restrictive regulations or provisions shall prevail as provided for by state and federal law. It is the responsibility of the resident property owner to ensure that the property sought to be used as a short-term rental is not subject to a covenant or restriction preventing such use.

ARTICLE VIII
ADMINISTRATION, ENFORCEMENT, APPEAL, COMPLAINTS, AND REMEDIES

SECTION 800 ADMINISTRATION AND ENFORCEMENT

It shall be the duty of the Zoning Administrator, who is hereby given the authority, to administer and enforce the provisions of this Ordinance. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, the Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering action necessary for correction. The Administrator shall order the discontinuance of any use of land, buildings, or structures that is not in compliance with the provisions of this ordinance. The Administrator is hereby authorized to utilize the remedies provided herein to enforce and to ensure the compliance of this ordinance.

SECTION 801 CERTIFICATE OF ZONING COMPLIANCE

The Zoning Administrator shall be responsible for the issuance of, and shall have authority over, Certificates of Zoning Compliance. A Certificate of Zoning Compliance shall be required for the construction of a new building or structure, or the alteration of an existing building or structure. All applications for a Certificate of Zoning Compliance shall be in accordance with the requirements contained within this provision.

801.1 Application for a Certificate of Zoning Compliance for the construction of a new building or structure or for the alteration of an existing building or structure. All applications for a Certificate of Zoning Compliance for the construction of a new building or structure, or for the alteration of an existing building or structure, except for those listed in Section 801.1.1 below, shall be accompanied by two (2) copies of a site plan drawn by a licensed surveyor, architect, engineer, or land planner, to bear the seal of the preparer. Plans are to be drawn to scale, and must include each of the following:

- a) Scale;
- b) North arrow;
- c) Street address of the subject parcel;
- d) Current zoning classification of subject property and all adjacent properties;
- e) Names of all abutting streets;
- f) All parcel lines of the subject parcel, with dimensions shown, and any intersecting property lines of adjacent parcels;
- g) Setback and buffer areas required under provisions of this ordinance;
- h) The exact location of all existing buildings and structures, accessory buildings and structures, and signs, with footprint dimensions of all buildings and structures shown;
- i) The exact location of all proposed buildings and structures, accessory buildings and structures, and signs, with footprint dimensions of all buildings and structures shown;
- j) The exact location of all parking lots, driveways, entrances, exits, and loading zones, with the width of each driveway shown, and the dimensions of parking spaces indicated;
- k) The number of parking spaces to be installed is to be indicated;
- l) The exact location of any lakes, ponds, retention areas, rivers, bodies of water, or 100 year floodplain areas; and
- m) Any legally recorded easements and/or rights-of-way.

801.1.1 Exceptions to Application Requirements for Certificates of Zoning Compliance.

a) New Construction or Alteration of Buildings or Structures within the Core Commercial Zoning District. No sketch is required to accompany an application for a Certificate of Zoning Compliance for parcels located within the Core Commercial (CC) Zoning District, except that applications for Certificates of Zoning Compliance for signs shall be subject to the provisions of Section 803 (6) below.

b) Single Family Dwellings and Accessory Structures. All applications for a Certificate of Zoning Compliance for the new construction or placement of a Single Family Dwelling or the new construction and placement of an Accessory Structure, as defined in Section 711 of this ordinance, shall be accompanied by two (2) copies of a sketch of the subject parcel drawn to scale, to include each of the following:

- 1) Scale;
- 2) Street address of the subject parcel;
- 3) All parcel lines, with dimensions shown;
- 4) Names of all abutting streets; and
- 5) The exact location and footprint dimensions of the proposed accessory structure or structures.

801.2 Fees Authorized for Certificates of Zoning Compliance. The City of Seneca is hereby authorized to establish a reasonable application fee, to be established by the City Council of the City of Seneca, to cover the administrative costs of reviewing applications for zoning compliance. The acceptance of an application fee by the City of Seneca in no way acknowledges approval of an application or obligates the City to approve an application. A Certificate of Zoning Compliance is not valid until issued by the Zoning Administrator.

SECTION 802 CERTIFICATE OF ZONING COMPLIANCE REQUIRED

No building permit for any construction, alteration, or modification of any building, structure, or sign shall be issued unless a Certificate of Zoning Compliance shall first have been issued by the Zoning Administrator. Nothing in this provision is intended in any way to limit the authority of the Zoning Administrator to enforce the provisions of this ordinance.

SECTION 803 SIGN PERMITS

All applications for a sign permit shall be accompanied by two (2) copies of sketches of the subject parcel drawn to scale, to include each of the following:

- 1) Scale;
- 2) Street address of subject parcel;
- 3) If for a free standing sign, the exact location of all existing free standing signs, and the exact location of the proposed sign;
- 4) If for a free standing sign, a sketch of the sign frame and structure, to include dimensions;
- 5) If for a wall, facia, or facade sign, an elevation of the side of the building (to include dimensions) for which the sign is to be placed, to show the exact location and dimensions of all existing and proposed signs;
- 6) For a sign to be located within the Core Commercial, (CC) zoning district, a complete sketch of the sign shall be required, to include an indication of copy size and colors; and
- 7) Written authorization from the property owner for the sign installation.

SECTION 804

CERTIFICATES OF OCCUPANCY FOR NEW OR ALTERED USES

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in use or structure unless a Certificate of Occupancy shall have been issued by the Building Inspector. No Certificate of Occupancy shall be issued unless the Zoning Administrator shall have first approved the new construction, alteration, modification, or enlargement, as being consistent with information provided on the application for the Certificate of Zoning Compliance issued to obtain a building permit for said construction, alteration, modification, or enlargement.

Nothing in this provision is intended in any way to prohibit or limit the City's authority to mitigate zoning violations as they are discovered by the Zoning Administrator. A Certificate of Occupancy can be revoked at any time should it be discovered that any construction, alteration, modification, or enlargement of a building or structure is not consistent with the information provided on the application for a Certificate of Zoning Compliance issued to obtain a building permit for the construction, alteration, modification, or enlargement of any structure on the subject parcel.

SECTION 805

CONDITIONAL AND TEMPORARY USES

Conditional uses, as set forth in Article V of this Ordinance, are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the district within which they are proposed for location.

805.1 General Requirements: Conditional uses shall be permitted subject to a determination by the Zoning Administrator that they conform to all regulations set forth herein, with particular reference to those requirements established for those districts in which they are proposed for location.

805.2 Conditional Use Administration and Duration: Applications for permission to build, erect, or locate a conditional use shall be submitted and processed in accordance with the regulations set forth herein, prior to the issuance of any permits.

805.3 Temporary Uses: The Zoning Administrator is authorized to issue a temporary Certificate of Zoning Compliance for temporary uses, as follows:

- a) Carnival or circus for a period not to exceed twenty-one (21) days, subject to the approval of City Council.
- b) Religious meetings in a tent or other temporary structure in GC, HC, LI, and BI Districts, for a period not to exceed sixty (60) days.
- c) Open lot sale of Christmas trees, pumpkins, or fireworks in the NC, OC, GC, CC, HC, LI, and BI Districts for a period not to exceed forty-five (45) days.
- d) Real estate sales office, in any district, for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.
- e) Contractor's office and equipment sheds, in any district, for a period of one (1) year, provided that such office be placed on the property to which it is appurtenant.
- f) Those uses the Zoning Administrator finds compatible, not to exceed sixty (60) days.
- g) All temporary Certificates of Zoning Compliance may be renewed provided that they are clearly of a temporary nature, will cause no traffic congestion, and will not create a nuisance to surrounding uses.
- h) Yard sales, garage sales or rummage sales including open storage and display of merchandise and/or display tables or display devices shall not exceed two consecutive days per week. When said

ARTICLE IX

BOARD OF ZONING APPEALS

SECTION 900 ESTABLISHMENT OF THE BOARD OF ZONING APPEALS

A Board of Zoning Appeals is hereby established. Said Board shall consist of five (5) members, a majority of which constitutes a quorum, who shall be appointed by the Seneca City Council for overlapping terms of three (3) years, provided, however, no member shall serve more than two (2) consecutive terms and will not be eligible for reappointment for an additional one (1) year period. Initial appointments shall be as follows: Two (2) board members for a term of three (3) years, two (2) members for a term of two (2) years, and one (1) member for a term of one (1) year. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board. Members cannot hold any other public office or position in the City of Seneca.

Prior to appointing members for each term, as described above, the City shall run a public notice two (2) consecutive weeks in a newspaper with a general circulation in the City of Seneca.

SECTION 901 PROCEEDINGS OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until re-elected or until their successors are elected. The Board of Zoning Appeals shall appoint a secretary, who may be a City officer, an employee of the City, a member of the Planning Commission or a member of the Board of Zoning Appeals. The Board of Zoning Appeals shall adopt rules and by-laws in accordance with the provisions of this Ordinance and of the Code of Laws of South Carolina, Title 6, Chapter 29. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board of Zoning Appeals may determine. All meetings of the Board of Zoning Appeals shall be open to the public.

SECTION 902 DECISIONS OF THE BOARD OF ZONING APPEALS

The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation of this Ordinance. The Board of Zoning Appeals 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 of Zoning Appeals and shall be a public record. On all appeals, applications, and matters brought before the Board of Zoning Appeals, the Board of Zoning Appeals shall inform in writing all the parties involved of its decisions and the reasons therefore.

SECTION 903 APPEALS, HEARING, AND NOTICE

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality or county. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Zoning Appeals by filing with the officer from whom the

appeal is taken and with the Board of Zoning Appeals notice of appeal specifying the ground thereof. The Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals the entire record upon which the action appealed from was taken.

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 of Zoning Appeals, after the notice of appeal shall have 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 such case, proceedings shall 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.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, or other matter referred to it, and give at least fifteen days' public notice of it in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same with a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

In exercising the above power, the Board of Zoning Appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board of Zoning Appeals, in the execution of the duties specified in this chapter, may subpoena witnesses and, in case of contempt, may certify this fact to the circuit court having jurisdiction.

All final decisions and orders of the Board of Zoning Appeals must be in writing and be permanently filed in the office of the Board of Zoning Appeals as a public record. All finding of fact and conclusions of law must be separately stated in final decisions or orders of the Board of Zoning Appeals which must be delivered to parties of interest by certified mail.

SECTION 904 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following powers and duties:

904.1 To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Zoning Administrator in the enforcement of this zoning ordinance.

904.2 To hear and decide appeals for variance from the requirement of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing the following findings:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- b) Such conditions are peculiar to the particular piece of property involved and do not generally apply to other property in the vicinity;
- c) Because of these conditions, the application of the Ordinance on this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
- d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
- e) The board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a non-conforming use of land, or

to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

904.3 To decide on other such matters where a decision of the Board of Zoning Appeals may be specifically required by the provisions of the Ordinance.

SECTION 905 APPEALS FROM DECISION OF BOARD OF ZONING APPEALS

Any person who may have a substantial interest in any decision of the Board of Zoning Appeals or an officer or agent of the appropriate governing authority may appeal any decision of the Board of Zoning Appeals to the Circuit court in and for the County of Oconee by filing with the Clerk of such court a petition in writing setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the Board is rendered.

ARTICLE X
AMENDMENTS

SECTION 1000 AUTHORITY

This Ordinance, including the Official Zoning Map of Seneca, South Carolina, may be amended from time to time by the City Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days from public hearing date, within which to submit its report. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

SECTION 1001 REQUIREMENTS FOR CHANGE

When the public necessity, convenience, general welfare, or good zoning practice justify such action, and after the required review and report by the Planning Commission, the City Council may undertake the necessary steps to amend the Zoning Ordinance.

SECTION 1002 LIMITATIONS TO PARCELS TO BE REZONED

There shall be no limitation to the shape or quality of any parcel that City Council may consider for amendment to the Zoning Ordinance provided the requested district is contiguous to the parcel under consideration.

1002.1 Limitations to the Creation of New Zoning Districts: There shall be no limitation on the shape or quality of any parcel subject to the creation of a new and separate zoning district, except that a minimum of two (2) contiguous acres shall be required. This requirement shall not apply for an application for a less intense classification of the same general category of an abutting zone, as indicated on the table below, such that RM-8 may be requested adjoining a RM-16 district, OC or NC may be requested adjoining a GC, HC, or CC district, and LI may be requested adjoining a BI district.

GENERAL ZONING CATEGORIES*

| <u>RESIDENTIAL</u> | <u>COMMERCIAL</u> | <u>INDUSTRIAL</u> |
|--------------------|-------------------|-------------------|
| RM-16 | HC | BI |
| RM-8 | GC | LI |
| RO | CC | |
| RG | NC | |
| R-6 | OC | |
| R-10 | RO | |
| R-15 | | |
| R-20 | | |

*Intensity level listed from highest to lowest.

SECTION 1003

PROCEDURE FOR AMENDMENTS

Requests to amend the Zoning Ordinance shall be processed in accordance with the following requirements:

1003.1 Initiation of Amendments. A proposed amendment to the Zoning Ordinance may be initiated by the City Council, the Planning Commission or by application filed with the Planning Department by the owner or owners of the property proposed to be changed, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property, or any part thereof, and requesting the same change in district classification by a property owner or owners more often than once every twelve (12) months. Initiation commences upon payment of an application fee to be established by the City Council of the City of Seneca, and the submission of a completed application form with all required attached documents.

1003.2 Application Procedure. Application forms for amendment requests shall be obtained from the Zoning Administrator. Completed forms, together with an application fee to cover administrative costs, plus any additional information the applicant feels to be pertinent, will be filed with the Zoning Administrator. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the form required.

1003.3 Hearing by the Planning Commission. All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Planning Commission by the Zoning Administrator. The Planning Commission, at its regular meeting, shall review and prepare a report, including its recommendation, for transmittal to the City Council. All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person, or by agent, or by attorney. No member of the Planning Commission shall participate in a matter in which he has any pecuniary or special interest. Following action by the Planning Commission, all records and data pertinent to the application shall be transmitted to the City Council for final action.

1003.4 Public Hearing by the City Council. Before enacting an amendment to this Ordinance, the City Council shall hold a public hearing thereon at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the municipality. Fifteen (15) days prior to the date of the public hearing, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property.

The City Council may, at its discretion, delegate the power and responsibility to hold the required public hearing to the Planning Commission for any or all amendments. In such cases as the Planning Commission conducts the Public Hearing, the City Council shall not be required to hold another before acting on the recommendation. This is permissive, however, and expressly does not preclude the City Council from conducting its own public hearing on the amendment.

1003.5 Changes in the Zoning Map. Following final action by the City Council, any necessary changes shall be made in the Zoning Map. A written record of the type and date of such change shall be maintained by the Zoning Administrator. Until such change is made, no action by the City Council on map amendments to the Zoning Ordinance shall be considered official, unless the Zoning Administrator fails to make the change within seven (7) days after formal action by the City Council. In the latter event, action by the City Council shall be considered official seven (7) days after the date of the action even if the Zoning Administrator has failed to make the appropriate changes.

ARTICLE XI

DEFINITIONS OF TERMS USED IN THIS ORDINANCE

SECTION 1100 INTERPRETATION OF CERTAIN WORDS

Except when definitions are specifically included in the text, words in the text or tables of the Ordinance shall be interpreted in accordance with the definitions set forth in this section. When words are not defined, standard dictionary definitions shall prevail. In every case, the Zoning Administrator shall have the authority to define any word or interpret any definition in order to fulfill the intent and purpose of this Ordinance. For the purpose of this Ordinance, certain words or terms used herein are defined as follows:

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular:

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" included the word "plot" or "parcel".

The word "structure" includes the word "building".

The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended", "arranged", or designed to be used or occupied.

The word "map" or "zoning map" shall mean the Official Zoning Map of the City of Seneca, South Carolina.

The term "Zoning Administrator" refers to that person or persons so designated by the City Council to administer this Ordinance.

The term "Planning Commission" refers to the Seneca Planning Commission.

The term "Council", "City Council", or "Mayor and Council", refer to the legally constituted and elected governing body of the City of Seneca.

The term "Board of Adjustments and Appeals" or "Board of Adjustments" or "Board of Appeals" refers to the Zoning Board of Appeals of the City of Seneca.

Where circumstances may not clearly conform to the standards or definitions herein, then the Board of Appeals shall interpret such standards or definitions.

Abandoned Vehicle. Any vehicle found or left on a public street, parking lot, or wrecker lot for which the owner cannot be identified and/or located with a period of seven (7) days.

Accessory. A use or building subordinate to the principal building on a lot and used for purposes customarily incidental to the main or principal use or building and located on the same lot therewith.

All Weather Surface. This surface shall meet one of the following criteria:

- a) Shall consist of at least a four (4) inch layer of coarse aggregate, such as crushed stone, slag or gravel, over thoroughly compacted sub-layer of clay or other firm sub-soil; or
- b) Shall be at least a four (4) inch layer of coarse concrete over an intermediate layer of coarse aggregate at least two (2) inches thick when compacted, and both layers over a thoroughly compacted sub-layer as above; or
- c) Shall be at least a three (3) inch layer of Bituminous asphalt over an intermediate layer and sub-layer as above.

Alley. A secondary way which affords access to the side or rear of abutting property.

Alteration of Building. Any change in the supporting members of a building (such as bearing walls, columns, or girders), any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.

Automobile Service Station. Buildings and premises on any parcel or lot where gasoline, oils, grease, batteries, tires, and limited automobile accessories may be supplied, dispensed or installed. No part of the premises may be used for storage or dismantled parts or major automotive repairs.

Boarding House. A house at which board, or board and lodging, may be obtained for payment, especially on a weekly or monthly basis.

Buildable Area. That portion of any lot which may be used or built upon in accordance with regulations governing the given zoning district within which the particular lot is located once the various front, side, and rear yard requirements required for the district have been subtracted from the total lot area. For instructions related to the determination of Buildable Area, See Section 707.

Building. A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced by an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support or enclosure of persons, animals, or property of any kind.

Building, Principal A building in which is conducted the principal use of the lot on which said building is situated.

Building Line. That line which represents the distance a building or structure must be set back from a lot boundary line or a street right-of-way line or a street centerline according to the terms of this Ordinance. In all cases the building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from street right-of-way liens, street center lines or other lot boundary lines.

Bulletin Board. A permanent sign which primarily displays the name of a non-commercial place of public assembly and announces the upcoming events of a civic or community organization.

Camper. A mobile home, tent, trailer, or other self-contained vehicle or structure designed for recreational or moving purposes, of metal or other materials, mounted or designed for mounting on one or more wheels and/or jacks or similar supports, and either self-propelled or rigged for towing or transporting,

provided such structure or vehicle is less than thirty (30) feet in length and is not used for residential purposes in the City of Seneca (in other than an established campgrounds.)

Car Wash, Automobile Laundry. Buildings and premises on any lot where the cleaning of an automobile is operated automatically, manually, or by coin. No part of the premise shall be used for the storage of dismantled or wrecked vehicle parts nor shall any automobile repairs or accessory sales take place.

Care Home. A rest home, nursing home, convalescent home, home for the aged, or similar use established and operated on a profit or nonprofit basis to provide lodging and/or meals and/or domicile care for aged, infirm, chronically ill or convalescent persons.

Clinic. An establishment where medical or dental patients, who are not lodged overnight, are admitted for examination or treatment.

Condominium, Condo. (See Dwelling, Condominium).

Contiguity. A series of things in continuous connection.

Customary Home Occupation. For the purpose of this ordinance, the term "Customary Home Occupation" shall be interchangeable with the term "Home Occupation," as defined in Article XI.

Day Care Center, Adult. Any center, agency, or place, however styled, where adults not related to the operator are received for custodial care for compensation on a regular basis.

Day Care Center. Any center, agency, or place, however styled, where children not related to the operator are received for custodial care apart from their parents for compensation on a regular basis.

Day Care, Home. Any home center which regularly provides child day care for 1 to 6 children unattended by parent or legal guardian in a residential setting.

Deck Line of a Mansard Roof. The point where the upper and lower slopes of a mansard roof meet.

Density, Gross. The number of dwelling units per acre of the total acreage developed or used.

Density, Net. The number of dwelling units per acre of land developed or used for residential purposes exclusive of land utilized for streets, alleys, parks, playgrounds, or other public uses. Unless otherwise stated, density requirements in this Ordinance are expressed in units per net acre.

District. The term applied to various geographical areas of the City of Seneca for the purpose of interpreting the provisions of this Ordinance. The Districts are designated with the use of symbols on the Official Zoning Map. Regulations controlling land use in the various districts within the City of Seneca are set forth in Article V of this Ordinance. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this Ordinance.

Drinking Establishment. Any establishment including cocktail lounges, taverns, bar, social hall, pool room, billiard parlor, etc., however named, whose primary function is the sale of alcoholic beverages for consumption on the premises and cannot be licensed as a restaurant under state ABC regulations.

Dwelling. A building or portion of a building arranged or designed to provide living and/or sleeping quarters for one or more families. The term "dwelling" and "residence" shall be interchangeable.

Dwelling, Cluster. The grouping of dwelling units, frequently on lots of different sizes and shape, surrounded by a large expanse of open space with the streets and utilities customized to the needs of the individual cluster.

Dwelling, Condominium. A building or series of buildings on the same lot or portions thereof containing more than one dwelling unit under private or separate ownership, joint ownership of common open spaces.

Dwelling, One-Family. A detached dwelling other than a mobile home designed for or occupied exclusively by one family on a single lot.

Dwelling, Two-Family. A dwelling arranged or designed to be occupied by two (2) families in separate dwelling units living independently of each other on a single lot.

Dwelling, Group. A building or portion of building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families. The term "group dwelling" includes, but not limited to, the terms room house, Y.M.C.A., or Y.W.C.A. A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined.

Dwelling, Multiple-Family. A building or series of buildings on the same lot, portions thereof used or designed as dwellings for two (2) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. The terms "multiple-family" and "multi-family" are synonymous and are used interchangeably throughout this Ordinance.

Dwelling, Single-Family Attached, Townhouse. A single family dwelling unit constructed in a series or group of attached units with property lines separating such units. Firewalls separating each dwelling unit shall extend from the foundation through the roof.

Dwelling Units. One or more rooms connected together and constituting a separate, independent housekeeping establishment with provisions for cooking, eating, and sleeping, and physically set apart from any other rooms or dwelling units in the same structure or another structure.

Drive-In. A retail or service enterprise oriented to automobile driving patrons wherein service is provided to the consumer on the outside and/or inside of the principal building. The term "drive-in" includes drive-in restaurants, and dairy bars, theaters, banks, laundries, food stores, car washes, or other similar retail service activities.

Family. One or more persons occupying a single dwelling unit.

Garage, Private. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.

Garage, Public. Any garage other than a private garage which is used for storage, minor repair, rental, servicing, washing, adjusting or equipping of automobiles or other vehicles.

Garage, Repair. Buildings and premises designed or used for purposes indicated under "automobile service station" and/or major commercial repairs provided that body work and painting shall be conducted within fully enclosed buildings and provided further that self-propelled vehicles in process of repair shall be stored in a fully enclosed and secluded area.

Home Occupation. Any use in a residential area, conducted solely by the occupants of a dwelling, and contained entirely within the dwelling or serving as a base of operation or office. This use shall be clearly incidental to the residential purpose, and it shall not change the character thereof. Only residents of the dwelling shall be employed in connection with this activity. No more than 25% of the total floor space of any structure may be used in a home occupation.

Hotel. A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, which is open to transient or permanent guests. The word "hotel" includes the terms "motel" and "tourist court".

Junk or Salvage Yards. The use of any part of a lot, whether inside or outside of a building, for the storage, keeping, abandonment, sale or resale of junk, salvage, or scrap materials; or the dismantling, demolition or abandonment of automobiles and other vehicles, machinery, equipment or parts thereof.

Kindergarten, Nursery. Any public or private school, operated on a profit or nonprofit basis for preschool children, wherein a specific curriculum is prepared and presented by qualified instructors for educational purposes, but specifically excluding Day Care Centers.

Landscaped Strip. A greenery space consisting of a year-round planted groundcover, properly maintained, and having an appropriate selection of bushes or shrubs placed at least every five (5) feet of the strip length.

Loading Space, Off-Street. Space logically and conveniently located for pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Lot, Lot of Record. An area designated as a separate and distinct piece of land on a legally recorded subdivision plat or in a legally recorded deed, as filed in the official records of Oconee County, as maintained in the Oconee County Courthouse.

The terms "lot", "plot", "lot of record", "property", or "tract" whenever used in this Ordinance, are interchangeable.

Lot, Corner. A lot located at the intersection of two or more streets.

Lot, Double Frontage. A lot which has frontage on more than one street, provided, however, that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three or more streets.

Lot, Interior. A lot, other than a corner lot, which has frontage on only one street other than an alley.

Lot Depth. The mean horizontal distance between front and rear lot lines.

Lot Width. The distance between side lot lines measured at and along the front building line.

Mansard Roof. A roof having two slopes on all sides with the lower slope steeper through the upper slope.

Mobile Homes. Any structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation. A mobile home shall bear the label or seal of compliance with the Federal Mobile Home Construction and Safety standards approved by the Department of Housing and Urban Development of the United States of America.

Mobile Home Park. Premises where two or more mobile homes at the time this Ordinance comes into effect, are parked for living or sleeping purposes, or where spaces are set aside or offered for sale or rent for use for mobile homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants of mobile homes on such premises.

Mobile Home Space. A plot of ground within a mobile home park designed for the accommodation of one mobile home.

Modular Building. Shall mean a building manufactured off site and transported to the point of use for installation as a finished building not designed for removal to another site. A modular building shall comply with the standards set forth in the South Carolina Modular Buildings Construction Act of 1984 and bear the certification seal of the South Carolina Building Code Council.

Motel. A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, which is open to transient or permanent guests. The word "motel" includes the terms "hotel" and "tourist court".

Net Acre. The amount of land devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, or other public uses. (See Density, Net).

Non-conforming Use. A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this Ordinance or as the result of subsequent amendments to this Ordinance.

Open Space, Improved. Those changes which will enhance the utilization of the property other than the existence of natural flora.

Open Space, Unimproved. Those areas left in their natural state.

Parcel. (See Lot).

Parking Lot. Any public or private open area used for the express purpose of parking automobiles and other vehicles, with the exception of areas on the premises of single-family dwellings used for parking purposes incidental to the principal use. Otherwise, parking lots may be the principal use on a given lot or an accessory use to the principal use on a given lot.

Parking Space. A space within a parking lot or on a single-family dwelling lot expressly provided for purposes of parking an automobile or other vehicle.

Plot. An area designated as a separate and distinct parcel or land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of Oconee County, as maintained in the Oconee county Courthouse.

Preschool. A school or nursery for preschool children.

Residence. A building or portion of a building arranged or designed to provide living and/or sleeping quarters for one or more families.

The terms "dwelling" and "residence" shall be interchangeable.

Restaurant. Any establishment including drive-ins, however designated, whose primary function is the sale of food for consumption on the premises and includes any establishment which has been licensed by the state ABC board as a restaurant.

Service Station. See definition of "Automobile Service Station".

Setback. The depth or width of any required yard. The minimum linear distance from any designated property line or right-of-way to a structure on a lot.

Sign. The "Sign" shall mean and include every sign, billboard, poster panel, freestanding ground sign, roof sign, projecting sign, pylon sign, illuminating sign, sign painted on a wall, window, marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise or promote the interests of any persons when the same is placed in view of the general public, traveling along a public street right-of-way.

- a) Free-Standing Sign Structure. A free-standing sign structure may contain a sign or signs on one side only or it may be an A-shaped structure or one containing signs back to back. A free-standing sign structure is one sign. A free-standing sign may be a pole mounted sign, monument sign or a portable sign.
- b) Sign Area. The area of a sign is the area of the face of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. The area of a free-standing sign structure is the area of the face or faces on one side only.
- c) Business Identification Sign. A business identification sign is a sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.
- d) Business Identification Pylon Sign. A business identification pylon sign is a sign that contains the name of the business enterprise located on the same premises as the sign erected on single pole or multiple poles which contains only the name or the nature of the business conducted in the premises on which it is located.
- e) Illuminated Signs. When artificial illumination techniques are used in any fashion to project the message on a sign, that sign shall be an illuminated sign.
- f) Portable Sign. A moveable sign placed on a temporary or permanent basis on a lot, such sign being attached to a chassis with wheels or to a vehicle or designed to be transported from one location to another for uses generally accorded to signs.

Social Organization. An incorporated or unincorporated association for civic, cultural, religious, literary, political, recreational or like activity operated for the benefit of the members and not generally open to the public.

Special Exception. A use so specifically designated in this Ordinance, that would not be appropriate for location generally or without restriction throughout a given zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would in the opinion of the Board of Appeals, promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

Spot Zoning. Describes an illegal action, a rezoning that is:

- a) inconsistent with existing zoning patterns,
- b) for the benefit of the landowner,
- c) detrimental to neighborhood, and
- d) without any substantial public purpose.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

Street. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Street Centerline. That line surveyed and monumented by the governing body shall be the centerline of a street; or in the event that no centerline has been so determined, it shall be that line running midway between, and parallel to the general direction of, the outside right-of-way lines of such streets.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground. A "building", as defined in Article XI, is a "structure."

Subdivision. "Subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes re-subdivision and, where appropriate, to the process of subdivided provided, however, that the following exceptions are included within this definition only for the purpose of requiring that the local Planning Commission be informed and have record of such subdivisions:

- a) the combination or recombination of portions or previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority.
- b) the division of land into parcels of four (4) acres or more where no new street is involved.

Suitable Planting Screen. A properly planted strip composed of evergreen greenery which possesses growth characteristics of such a nature as to produce a dense, compact mass, i.e., opaque barrier, that is suitable for blocking or impeding vision to such an extent that images are not generally distinguishable from one side of the mass to the other. This term shall also include "evergreen buffer strip."

Theater - Multi-Screen or Multi-Plex. A building containing a minimum of three (3) auditoriums designed for the screening of movies and/or cinematic productions.

Tract. (See Lot).

Trailer. Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flat beds or other carriers, which is designed or utilized to:

- a) provide temporary or permanent quarters;
- b) serve as a carrier of people, new or used goods, products or equipment;
- c) be used as a selling, advertising or display device.

For purpose of this Ordinance, the term "trailer" shall not include the terms "camper", "mobile home," or "house trailer."

Trailer, House. The term "house trailer," for purposes of this Ordinance, shall be interchangeable with the term "mobile home," as defined in Article XI.

Use, Accessory. Purpose for which a lot is occupied and used when criteria is met and approved.

Variance. A modification of the strict terms of this Ordinance granted by the Board of Appeals where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not as the result of any action on the part of the property owner, a literal enforcement of the Ordinance would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

Yard. A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

Yard, Front. A yard situated between the rear building line and the front lot line extending the full width of the lot.

Yard, Rear. A yard situated between the rear building line and the front lot line extending the full width of the lot.

Yard, Side. A yard situated between a side building line and a side lot line and extending from the front yard to the rear yard.

Zoning District. (See District).

ARTICLE XII

DESIGN REVIEW

SECTION 1201 TITLE

The title of this article shall be the City of Seneca Design Review Ordinance.

SECTION 1202 PURPOSE

The purpose this section is:

- a) To protect, preserve and enhance the distinctive architectural and cultural heritage of the City of Seneca;
- b) To promote the educational, cultural, economic and general welfare of the people of the City of Seneca;
- c) To foster civic pride;
- d) To encourage harmonious, orderly and efficient growth and development of the City of Seneca;
- e) To strengthen the local economy; and
- f) To improve property values.

It is the hope of the City of Seneca that by encouraging a general harmony of style, form, proportion and material between buildings of historic design and those of contemporary design, the City of Seneca historic buildings and historic districts will continue to be a distinctive aspect of the City of Seneca and will serve as visible reminders of the significant historical and cultural heritage of the City of Seneca and State of South Carolina. This section is part of the zoning ordinance of the City of Seneca and is enacted pursuant to the South Carolina Code of Laws, Section 6-29-710 and Section 6-29-870 et sequitur.

SECTION 1203 DEFINITIONS

Alteration: A change in the external architectural features of any historic structure or in the interior of any such structure if the interior feature is specifically included in the historic designation; a change in the landscape features of any historic site or place; or work having an adverse effect upon designated archaeological resources.

Certificate of Appropriateness: Document issued by the Board of Architectural Review, following a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property or the historic district.

Design Review District: An area, designated by the City of Seneca City Council, upon the recommendations of the Board of Architectural Review and pursuant to the provisions of this section.

Historic Property: Any place (including an archaeological site or the location of a significant historical event), building, structure, work of art, fixture or similar object that has been individually designated by the City of Seneca City Council or designated as a contributing property within a historic district.

Public Space within a building: Spaces designed for use by the public, such as auditoriums, courtrooms, lobbies, entrance halls, etc. These spaces are usually gathering places as opposed to corridors for public use.

Substantial Hardship: Hardship, caused by unusual and compelling circumstances, based on one or more of the following:

- a) The property cannot reasonably be maintained in the manner dictated by the ordinance,
- b) There are no other reasonable means of saving the property from deterioration or collapse, or
- c) The property is owned by a nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.

SECTION 1204

ARCHITECTURAL REVIEW BOARD ESTABLISHED

1204.1 Creation. To implement the provisions of this section, there is hereby established a Board of Architectural Review, hereinafter referred to as the Board, for the City of Seneca consisting of 5 members. Members shall be appointed by the City of Seneca City Council.

1204.2 Composition and Qualifications. All members of the Board shall have a demonstrated interest in historic preservation and architectural review. If available in the community, the Board should have at least one member who is qualified as:

- a) A historian, knowledgeable in local history,
- b) An architect or if an architect is not available to serve, someone knowledgeable in building design and construction,
- c) A real estate agent, lawyer, engineer, or representative of the historical society.

No members shall hold any other City of Seneca office (SC Code 6-29-870(C)). Members shall assume their duties at the first regular meeting after their appointment. Members shall serve without compensation except for reimbursement for authorized expenses attendant to the performance of their duties.

1204.3 Terms of Office. The term of office for each member shall be two years. Any person who has served as a member of the Board for three consecutive terms shall not be eligible for reappointment for at least one year. A term of less than one year shall not be counted in determining eligibility for reappointment.

Membership shall be identified by place numbers 1 through 5. Terms of office for members in the odd numbered places shall expire in odd numbered years; terms for even numbered members shall expire in even numbered years, provided, however, that each member shall serve until his successor is appointed and installed.

1204.4 Removal. Any member of the Board may be removed upon confirmation of the City Council, for repeated failure to attend meetings of the Board or for any other cause deemed sufficient by the City Council.

1204.5 Appointment to Fill a Vacancy. If any place on the Board becomes vacant due to resignation, removal, or for any reason, the City Council shall appoint a replacement within 60 days for the remainder of the unexpired term.

1204.6 Conflicts of Interest. Any member of the Board who has a personal or financial interest, either directly or indirectly, in any property which is the subject of, or affected by, a decision of the Board shall be disqualified from participating in the decision of the Board concerning the property.

1204.7 Liability of Members. Any member of the Board acting within powers granted by the ordinance shall be relieved from personal liability for any damage and held harmless by the City of Seneca. Any suit brought against any member of the Board shall be defended by a legal representative furnished by the City of Seneca until the termination of the proceedings.

1204.8 Rules of Procedure. Reference Section 1210.

SECTION 1205

POWERS AND DUTIES

The responsibility of the Board is to promote the purposes and objectives of individual historic properties and historic districts, and to review plans and applications, as hereinafter provided, for all construction within historic districts and construction or demolition pertaining to or affecting duly designated historic properties. The Board shall have the power to approve, approve with modifications, or deny approval for such applications in accordance with the prescribed procedures and guidelines.

SECTION 1206

HISTORIC PROPERTY INVENTORY

The Board shall maintain a local inventory of buildings, structures, objects, and sites more than fifty years old. These records shall be available to the public.

SECTION 1207

DESIGNATION OF HISTORIC PROPERTIES

1207.1 Criteria for Historic Designation. The Board shall review the local inventory and make recommendations for historic designation(s) to the City of Seneca City Council based on the following criteria.

A property may be designated historic if it:

- a) Has significant inherent character, interest, or value as part of the development or heritage of the community, state, or nation; or
- b) Is the site of an event significant in history; or
- c) Is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation; or
- d) Exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation; or
- e) Individually, or as collection of resources, embodies distinguishing characteristics of a type, style, period, or specimen in architecture or engineering; or
- f) Is the work of a designer whose work has influenced significantly the development of the community, state, or nation; or
- g) Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
- h) Is part of or related to a square or other distinctive element of community planning; or
- i) Represents an established and familiar visual feature of the neighborhood or community; or
- j) Has yielded, or may be likely to yield, information important in pre-history or history.

1207.2 Owner Notification. Owners of properties proposed to be designated historic shall be notified in writing thirty days prior to consideration by City Council. Owners may appear before the City of Seneca City Council to voice approval or opposition to such designation.

1207.3 Identification of Historic Properties and Districts. All locally designated historic properties and historic districts shall be clearly shown on an official map to be placed in the office of the Zoning Administrator and available for public review.

1207.4 Opposition to Designation. Any property owner may object to the decision by the City of Seneca City Council to designate his property as historic by filing suit against the City of Seneca before the Courts of the State of South Carolina. (Note: This suit must be based on procedural nonconformities in the designation process or on the misapplication of the criteria for designation as specified in the City of Seneca's ordinance or under SCCL 6-29-870.0, not simply on the desire not to be included in the locally designated district. In the case of individual landmarks, the basis for challenging designation is the same.)

SECTION 1208 JURISDICTION OF THE BOARD OF ARCHITECTURAL REVIEW

The jurisdiction of the Board, in general, is the City of Seneca City Limits. The jurisdiction of the Board for the recommendation of properties to be designated historic is the City of Seneca City Limits. The jurisdiction of the Board for the review of proposed alteration to exteriors of buildings, new construction, and demolition is the individual properties and areas that have been designated by the City of Seneca City Council as historic.

SECTION 1209 NOMINATIONS TO THE NATIONAL REGISTER OF HISTORIC PLACES

The Board may conduct first review and evaluation of all proposed nominations for the National Register of Historic Places for properties that are within its jurisdiction, prior to consideration by the State Board of Review.

The Board may send their recommendations to the State Historic Preservation Office for consideration at the meeting of the State Board of Review. The Board shall not nominate properties directly to the National Register; only the State Board of Review shall have this final review authority unless expressly authorized by federal statute.

SECTION 1210 CERTIFICATE OF APPROPRIATENESS

A Certificate of Appropriateness is required before a building permit can be issued for the demolition, new construction, exterior alteration, modification, or addition to a designated historic property. Any building permit not issued in conformity with this ordinance shall be considered void. Application for a Certificate of Appropriateness must be signed by the owner or his authorized representative and the form must be signed by the chairman or vice-chairman of the Board stating its approval, denial, or approval with conditions and the reasons for the decision.

1210.1 Required Procedure. An application for a Certificate of Appropriateness shall be obtained from the City of Seneca Department of Planning and Community Development and, when completed, filed with the appropriate administrative official as designated by the Board.

1210.2 Time Limits. Applications for a Certificate of Appropriateness shall be considered by the Board at its next regular meeting, provided they have been filed at least fifteen (15) calendar days before the regularly scheduled meeting of the Board. If the Board fails to take action upon any application within 45

days after the complete application is received, the application shall be considered approved, except in cases where the Board has postponed an application to demolish a structure under the provisions contained in this ordinance.

1210.3 Board Action on Application. The Board shall review the application, using the design guidelines appearing in Section 11 of this ordinance to make findings of fact to decide whether or not the applicant's plans are appropriate. The decision of the Board, along with the reasons for each decision, will be recorded in the minutes and will be available upon request as a public reference for preservation procedures.

1210.4 Contents of Application. The Board shall, in its Rules of Procedure, require data as are reasonable and necessary to determine the nature of the application. An application shall not be considered complete until all the required data have been submitted.

1210.5 Notification of Affected Property Owners. Prior to the issuance of an approval or denial of a Certificate of Appropriateness, the Board shall inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard.

1210.6 Submission of a New Application. If the Board determines that a Certificate of Appropriateness should be denied, a new application affecting the same property may be submitted only if substantial change is made in the plans for the proposed work.

1210.7 Maintenance, Repair, and Interior Projects. Nothing in this document shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of structures designated as historic when that repair does not involve a change in design, material, color, or outer appearance of the structure. The Board shall not consider the interior arrangements or alterations to the interior of a building unless the interior of a public building or the public space of a private building is specifically described and designated as historic. The Board may authorize a staff member to approve minor projects involving repairs and ordinary maintenance that do not alter design, materials, color or the outer appearance of a structure or interior projects not subject to design review.

1210.8 Fines and Penalties. The system of fines applied by the City of Seneca for violation of the zoning ordinance will apply to violations of this ordinance.

1210.9 Substantial Hardship. In the event a Certificate of Appropriateness is denied, the property owner may apply for an exemption based on the substantial hardship of maintaining the property according to the design guidelines for historic properties. Substantial hardship is to be considered by the Board where one or more of the following unusual and compelling circumstances exist:

- a. the property cannot reasonably be maintained in the manner dictated by the ordinance,
- b. there are no other reasonable means of saving the property from deterioration, or collapse, or
- c. the property is owned by a nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.

The owner may be required to submit documents to show that he cannot comply with the design guidelines and earn a reasonable rate of return on his investment in the property. Information required may include:

- a. costs of the proposed development with and without modification needed to comply with the design guidelines as determined by the Board,
- b. structural report and/or a feasibility report,

- c. market value of the property in its present condition and after completion of the proposed project,
- d. cost of the property, date purchased, relationship, if any, between seller and buyer, terms of financing,
- e. for the past two years, annual gross income from the property with operating and maintenance expenses, depreciation, and annual cash flow before and after debt service during that time, and
- f. other information considered necessary by the Board to determine whether or not the property may yield a reasonable return.

1210.10 Demolition. If the Board denies, or postpones for 180 days, a request to demolish a historic building, the Board shall work closely with the owner to find an appropriate use for the property, to help find a buyer or to obtain funding for rehabilitation, including low interest loans or grants. The Board shall inform the community concerning the threat to the building, its value as part of the fabric of the community and, through publicity and contacts with civic groups, seek to provide assistance in preserving the property.

SECTION 1211

DESIGN GUIDELINES

1211.1 Intent. It is the intent of this ordinance to ensure, insofar as possible, that properties designated as historic shall be in harmony with the architectural and historical character of the City of Seneca. In granting a Certificate of Appropriateness, the Board shall take into account the architectural and historical significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.

1211.2 Seneca Design Review Guidelines. When considering an application for a Certificate of Appropriateness for new construction, alteration, repair, or restoration, the Board shall use the Seneca Design Review Guidelines dated June 2009, as hereby adopted by reference as though they were copied herein fully, in making its decisions. These guidelines serve as the basis for determining the approval, approval with modifications, or denial of an application.

SECTION 1212

APPEALS

Any person may appeal a decision of the Board to the Courts of South Carolina pursuant to the South Carolina Code of Laws, Section 6-29-900 et sequitur.

APPENDIX A

PERMITTED USES

ZONING CLASSIFICATIONS

Agricultural Uses:

| | |
|-----------------------------------------------------------------------|-----------------------------------------------|
| Agricultural farm, livestock not permitted | CP |
| Agricultural farm, livestock permitted | LI, BI |
| Horticultural activities, non-commercial | R-20, R-15, R-10, R-6, RM-8, RM-16, RG, PD-MU |
| Horticultural farm | LI, BI |
| Horticultural farm, livestock not permitted | CP |
| Kennels, as accessory to a veterinarian office, without external runs | NC, GC, HC, PC-MU, PD-C |

Residential Uses:

| | |
|--------------------------------------------------|-----------------------------------------------------|
| Accessory uses to residential dwellings | R-20, R-15, R-10, R-6, RG, RM-8, RM-16, PD-MU, PD-R |
| Customary Home Occupation | R-20, R-15, R-10, R-6, RG, RM-8, RM-16, PD-MU |
| Mobile Homes | RG, MHP |
| Multi-family dwellings, town homes, condominiums | RM-8, RM-16, PD-R |
| Single family dwelling units | R-20, R-15, R-10, R-6, RG, PD-MU, PD-R |
| Two-family dwelling units | RM-8, RM-16, PD-R |

Commercial, Professional, Office Uses:

| | |
|--------------------------------------------------------------|---------------------------------------------------------------------------------|
| Automobile parking lots | R-20, R-15, R-10, R-6, RG, RM-8, RM-16, OC, NC, GC, HC, CC, LI, BI, PD-MU, PD-C |
| Automobile, boat, recreational vehicle sales and rental lots | HC, GC, CC, LI, BI, PD-MU, PD-C |
| Banks and other financial institutions | NC, GC, CC, OC, HC, PD-MU, PD-C |
| Car washes | GC, HC |

PERMITTED USES

ZONING CLASSIFICATIONS

| | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------|
| Coin laundries, dry cleaning without dry cleaning plant | NC, GC, HC, CC, PD-MU, PD-C |
| Convenience stores | LI, BI |
| Drinking establishments | GC |
| Food preparation establishments for off-premise delivery | NC, GC, CC, HC, LI, BI, PD-MU, PD-C |
| Food stores, including general grocery, delicatessen, bakery, meat, poultry, fish, vegetable, etc. | NC, GC, CC, HC, PD-MU, PD-C |
| Funeral homes | NC, GC, CC, OC, HC, PD-MU, PD-C |
| General retail stores, without external storage of inventory, parts, machinery, or equipment | NC, GC, CC, HC, LI, BI, PD-MU, PD-C |
| Printers, commercial | NC, GC, CC, HC, OC, PD-MU, PD-C |
| Professional offices | NC, GC, CC, OC, HC, LI, BI, PD-MU, PD-C |
| Restaurants, delicatessens, bakeries, diners, without drive-in facilities | NC, GC, CC, HC, LI, BI, PD-MU, PD-C |
| Service businesses | NC, GC, CC, HC, PD-MU, PD-C |
| Transportation terminals, not including truck terminals | LI, BI |
| Medical, Health, Personal Care Related Uses: | |
| Clinics | GC, NC, CC, HC, OC, PD-MU, PD-C, CF |
| Community residential care facility | OC, NC, HC, CC, GC, CF |
| Hospitals | |
| Nursing homes | GC, NC, CC, HC, OC, PD-MU, PD-C, CF |

PERMITTED USES

ZONING CLASSIFICATIONS

Offices of medical professionals, including doctors, dentists
chiropractors, physical therapists, psychologists,
psychiatrists, etc.

GC, NC, CC, OC, HC, LI, BI,
PD-MU, PD-C

Personal care homes

GC, NC, CC, HC, OC, PD-MU,
PD-C

Research or experimental laboratories

LI, BI

Veterinarian offices, without external runs

GC, NC, HC, PD-MU, PD-C

Veterinarian offices and accessory kennels

CC, OC, PD-MU, PD-C

Educational Uses:

Commercial trade or vocational schools

LI, BI, CF

Day care centers

GC, NC, CC, HC, OC, PD-MU,
PD-C

Proprietary schools offering instruction in art, music,
dance, skills, business, and technical schools

GC, NC, CC, HC, OC, PD-MU,
PD-C, CF

Educational facilities of the Oconee County School System

GC, NC, CF, CC, HC, OC, PD-
MU, PD-C

Preschools

GC, NC, CC, HC, OC, PD-
MU, PD-C

Industrial Uses:

Radio, television, or communication towers

LI, BI, CF

Transportation terminal, excluding truck terminals

LI, BI

Radio or television studios

GC, CC, HC, PD-MU, PD-C

Recreational Uses:

Golf courses, not lighted

R-20, R-15, R-10, R-6, RG,
RM-8, RM-16, PD-MU

Golf driving ranges, as accessory to golf course

R-20, R-15, R-10, R-6, RM-8,
RM-16, RG, PD-MU

Neighborhood recreation centers

OC, NC, HC, GC, CC, PD-MU,
PD-C

PERMITTED USES

ZONING CLASSIFICATIONS

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Parks or recreational area operated by the United States government, State of South Carolina, Oconee County, or City of Seneca | CP, R-20, R-15, R-10, R-6, RM-8, RM-16, RG, PD-MU, CF |
| Commercial recreational facilities | GC, CC, HC, PD-MU, PD-C |
| Private boat dock or boat house | CP |
| Swimming beach | CP |
| Community, Public, Semi-Public, Cultural Uses: | |
| Churches, synagogues, temples, or other places of Worship, to include facility offices | OC, HC, GC, CC, NC, PD-MU, PD-C, CF |
| Community and cultural centers | OC, NC, GC, CC, HC, PD-MU, PD-C |
| Public building, facilities, or land | LI, BI, CF |
| Public utility installation | LI, BI, GC, CF |
| Facilities and buildings of the federal government, government of the State of South Carolina, County of Oconee, or City of Seneca. Facilities of any federal, state, county, or City chartered organization or district. | OC, NC, HC, CC, GC, LI, BI, R-20, R-15, R-10, R-6, RM-8, RM-16, RG, PD-MU, PD-C, CF |
| Facilities of public service districts | OC, NC, GC, CC, HC, PD-MU, PD-C, CF |
| Libraries | OC, NC, GC, CC, HC, PD-MU, PD-C, CF |
| Theaters, single screen | CC, GC, HC, CF |
| Theaters, multi-plex | HC, CF |
| Utility substations, switching stations | NC, GC, CC, CP, OC, HC, LI, BI, PD-MU, PD-C, CF |
| Wildlife refuge | CP |

APPENDIX B

CONDITIONAL USES

ZONING CLASSIFICATIONS

Agricultural Uses:

Animal hospital and/or boarding facility HC, GC, CC, LI, BI

Dwelling incidental to agricultural or horticultural use LI, BI

Residential Uses:

Accessory residential use OC, NC,, HC, GC

Bed and Breakfast Inn R-20, R-15, R-10, R-6, RM-8, RM-16, RG

Single family CP, RM-8, RM-16

Watchman or caretaker dwelling LI, BI

Commercial, Professional, Office Uses:

Accessory retail business LI, BI

Automobile service stations NC, HC, GC, CC, LI, BI

Automobile repair garage HC, GC, LI, BI

Flea market, outdoor sales HC, GC, LI, BI

Repair services (electronic, mechanical)
no external emissions HC, GC

Retail bakery NC

Tattoo facilities HC

Truck terminals HC, GC, LI, BI

Wholesale business outlet LI, BI

Medical, Health, Personal Care Related Uses:

Community residential care facility RM-8, RM-16

Pharmacy or drug store as an accessory to medical
office, clinic, or group residential care facility OC

CONDITIONAL USES

ZONING CLASSIFICATIONS

Educational Uses:

| | |
|-------------------------------------------------------------------------|---------------------------------------------|
| Day care centers | RM-8, RM-16 |
| Education facilities of the State of South Carolina Or Oconee County | R-20, R-15, R-10, R-6, RG, RM-8 RM-16 |

Industrial Uses:

| | |
|--------------------------------------------------------------------------|-------------------------------------------------------------|
| Landfill | BI |
| Manufacturing establishments, no emissions | BI, LI |
| Newspaper publishing plant | HC, GC |
| Public utility substation or sub-installation, Including water towers | R-20, R-15, R-10, R-6, RM-8, RM-16 RG, OC, NC, HC, GC |
| Self-storage or mini warehouses | HC, GC |
| Warehouse or other storage facility | LI, BI |

Community, Public, Semi-Public, Cultural Uses:

| | |
|---------------------------------------------------------------|---------------------------------------------------|
| Cemetery | R-20, R-15, R-10, R-6, RM-8, RM-16, RG, CP, CF |
| Churches, synagogues, temples, and other places of worship | R-20, R-15, R-10, R-6, RG, RM-8, RM-16, CF |
| Facilities for civic associations | R-20, R-15, R-10, R-6, RG, RM-8, RM-16, CF |

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ZONING ORDINANCE

OF THE

CITY OF FOREST ACRES

ADOPTED DECEMBER 20, 1999
EFFECTIVE JANUARY 1, 2000
Revised May 12, 2005
Revised May 9, 2006
Revised May 15, 2007
Revised May 15, 2009
Revised November 1, 2014
Revised June 9, 2015
Revised August 9, 2016
Revised April 13, 2021

Zoning Ordinance of the City of Forest Acres

Chapter 21 Zoning

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Editor's note -- Ord. No. 86-180, §1, adopted June 10, 1986, transferred the provisions of former Appendix A to Ch. 21 of the code. The basic arrangement of the ordinance has been retained, the major change being that the sections have been renumbered in the style of the code. The section numbers as they appear in the ordinance are included in the history note accompanying each section as well as in the Code Comparative Table at the end of this volume. Prior to the adoption of Ord. No. 86-180, the zoning ordinance as formerly set out in Appendix A derived from an ordinance enacted October 10, 1972, as amended by the following legislation:

| Ord. No. | Section | Date | Ord. No. | Section | Date |
|----------|---------|----------|----------|---------|----------|
| | | 2-12-74 | 80-52 | 1 | 2-12-80 |
| | | 6-11-74 | 80-65 | 1 | 10-14-80 |
| | | 7-12-74 | 80-69 | 1 | 11-11-80 |
| | | 10-8-74 | 81-83 | 1 | 6-9-81 |
| | | 1-13-76 | 81-86 | 1 | 9-8-81 |
| 76-6 | | 10-14-76 | 81-88 | 1 | 12-8-81 |
| 77-12 | | 1-11-77 | 82-89 | 1 | 3-8-82 |
| 77-17 | | 4-25-77 | 82-96 | 1 | 3-8-83 |
| 78-26 | 1 | 2-14-78 | 83-100 | 1 | 3-8-83 |
| 78-29 | 1 | 5-9-78 | 84-114 | 1 | 11-9-84 |
| 78-35 | 1-3 | 10-10-78 | 85-122 | 1 | 6-11-85 |
| 78-36 | 1 | 12-12-78 | 85-123 | 1 | 6-11-85 |

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| 79-39 | 1 | 2-13-79 | 85-135 | 1 | 10-8-85 |
|-------|---|---------|--------|---|---------|

Ordinance No. 99-595, adopted December 20, 1999, effective January 1, 2000, substantially changed and renumbered Chapter 21. Such changes being too numerous to set out herein above or to be added following the sections and subsections changed.

Ordinance No. 05-03, adopted May 12, 2005, effective May 12, 2005, created a new Sec.21.152 – 21.157, Tree Ordinance.

Ordinance No. 05-06, adopted May 12, 2005, effective May 12, 2005, created a new Sec.21.128 – 21.130, Planned Development Ordinance.

Ordinance No. 06-03, adopted May 9, 2006, effective May 9, 2006, rewrote the Parking and Storage Requirements of 21.7.2.

Ordinance No. 06-08, adopted August 8, 2006, effective August 8, 2006, repealed the Cluster Housing Regulations section 21.141 (21-141.1-21.141.3) in its entirety.

Ordinance No. 07-14, adopted May 15, 2007, effective May 15, 2007, rewrote the Garage Sales Requirements section 21.148, by amending (4), (5) and (6) and adding (7).

Ordinance No. 09-05, adopted March 10, 2009, effective March 10, 2009, rewrote the Minimum Land Area Requirements for Change in a Zoning District or Creation of a New Zoning District requirements of section 21-272 by providing for additions of less than two (2) acres to certain commercial zoning districts.

Ordinance No. 09-07, adopted April 14, 2009, effective April 14, 2009, amended section 21-165.5 by adding subsection (5); added section 21-165.6 providing for Digital Message Boards; and amended section 21-166, Prohibitions by revising (7) and (11) adding (12) and (13).

Ordinance No. 09-10, adopted July 14, 2009, effective July 14, 2009, amended section 21-272 by rewriting the section and adding (1), (2), (3) and (4).

Ordinance No. 11-01, adopted October 11, 2011, effective October 11, 2011, amended section 21-62 by adding (13).

Ordinance No. 12-01, adopted January 10, 2012, effective January 10, 2012, created the Commercial Enterprise/Redevelopment Zone (C-5), sections 21.131-21.135.

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|----------------------------------|---------------------------------------------------------------------------|---------|---------|
| Communication Towers | <u>May 12, 2005</u> <u>Revision</u> 21-212 J | 9-10-96 | |
| Tree Ordinance | 21.152.2 | 11-8-05 | 2005-10 |
| Tattoo Parlors | 21.120, 21.121 | 2-14-06 | 2006-01 |
| | 21.92, 21.102 | | |
| Parking and Storage Requirements | 21.7.2, 21.7.4 | 5-9-06 | 2006-03 |
| Tree Ordinance | <u>May 9, 2006</u> <u>Revision</u> 21.3.2, 21-152 | 5-12-06 | 2005-03 |
| PDD | 21-128,129,130 | 5-12-06 | 2005-06 |
| Cluster Housing | <u>May 15, 2007</u> <u>Revision</u> 21.141, 21.42(1), | 8-8-06 | 2006-08 |
| | 21.52(1), 21.82(1), 21.92(1), 21.136 Note 4 | | |
| Garage Sales | 21.148(4)(5)(6)(7) | 5-15-07 | 2007-14 |
| Minimum Land Area | <u>May 15, 2009</u> <u>Revision</u> 21.272(1)-(4) | 3-10-09 | 2009-05 |
| Sign Regulations | 21.165.5(5) a-f 21-165.6 (1)-(4) 21.166(7), (11), (12) & (13) | 4-14-09 | 2009-07 |

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November 1, 2014 Revision

| | | | |
|------------------------------------------|----------------------------------------|----------|----------|
| Minimum Land Area | 21.272(3)-(5) | 7-14-09 | 2009-10 |
| Communication Towers P-1 Zoning District | 21-62 (13) | 10-11-11 | 2011-1 |
| C-5 Zoning District | 21.131, 21.132, 21.133, 21.134, 21.135 | 1-10-12 | 2012-1 |
| C-4 Zoning District Temporary Shelters | 21.120 | 5-14-13 | 2013-4.1 |

Ordinance No. 2015-4, adopted June 9, 2015, effective June 9, 2015, amended section 21.215 to add Water Quality Buffer Requirements.

Ordinance No. 2016-7, adopted August 9, 2016, effective August 9, 2016, amended section 21.152.2 Tree

Ordinance adding (4) to section 21.152.2 Requirements; adding (7) to section 21.152.2 Exceptions; adding 21.152.7

Expiration of Permits; and renumbering 21.152.7 to 21.152.8 and 21.152.8 to 21.152.9.

April 9, 2021 Revision

| | | | |
|----------------------------------------------------------------------|-------------------------|------------|---------|
| Nonconformities Standards for Placement of Small Wireless Facilities | 21.6 (f) | 6/12/2018 | 2018-3 |
| Accessory Structure Definitions | 21.248 | 7/14/2020 | 2020-15 |
| Permitted Uses | 21.3.2 (4, 5, 7, and 8) | 11/10/2020 | 2020-21 |
| Prohibited Uses | 21.3.2 | 11/10/2020 | 2020-21 |
| Permitted Uses | 21.82 (24) | 11/10/2020 | 2020-21 |
| Permitted Uses | 21.83 (7 and 8) | 11/10/2020 | 2020-21 |
| Permitted Uses | 21.92 (22-25) | 11/10/2020 | 2020-21 |

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| | 21.93 (7 and | | |
| Prohibited Uses | 8) | 11/10/2020 | 2020-21 |
| Permitted Uses | 21.102 (12-16) | 11/10/2020 | 2020-21 |
| | 21.103 (7 and | | |
| Prohibited Uses | 8) | 11/10/2020 | 2020-21 |
| Permitted Uses | 21.111 (21-32) | 11/10/2020 | 2020-21 |
| Prohibited Uses | 21.112 (1-15) | 11/10/2020 | 2020-21 |
| Permitted Uses | 21.120 (29-36) | 11/10/2020 | 2020-21 |
| Prohibited Uses | 21.121 (1-12) | 11/10/2020 | 2020-21 |
| Purpose | 21.131 | 11/10/2020 | 2020-21 |
| Permitted Uses | 21.132 (6-21) | 11/10/2020 | 2020-21 |
| Prohibited Uses | 21.133 (1-15) | 11/10/2020 | 2020-21 |
| District | | | |
| Regulations | 21.134 | 11/10/2020 | 2020-21 |
| Wall Signs | 21.135 | 11/10/2020 | 2020-21 |
| Planned | | | |
| Development | | | |
| District | Article XIII | 11/10/2020 | 2020-21 |
| Area, Yard, and | | | |
| Height | | | |
| Requirements | Article XIV | 11/10/2020 | 2020-21 |
| Minimum Land | | | |
| Area | 21.272 (6) | 3/9/2021 | 2021-6 |
| Nonconformities | 21.6. (c) | 4/12/2021 | 2021-7 |

Zoning Ordinance of the City of Forest Acres

ARTICLE I. GENERAL

Sec. 21.1 Preamble and enactment clause.

21.1.1 Authority: Pursuant to authority conferred by The Code of Laws of South Carolina, Title 6, Chapter 29 of the General Assembly of South Carolina entitled "The South Carolina Local Government Comprehensive Planning Enabling Act of 1994", S. C. Code 6-29-310, et seq. (1994 supp) 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 peculiar suitability for particular uses, and with a view to promoting desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of land and buildings, and encouraging the most appropriate use of land, the city enacts into law 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 size of yards, courts and other open spaces; the density and distribution of population; uses of buildings, structures and land for trade, residence, recreation, water supply, sanitation, protection against floods, public activities; and furthermore provides for the method of administration and amendment of these regulations, defines the powers and duties of the board of zoning appeals with respect to these regulations, defines certain terms used herein, and provides penalties for violation of these regulations. This ordinance is intended to implement the City of Forest Acres Comprehensive Plan.

21.1.2 Title. These regulations shall be known and may be cited as the "Zoning Ordinance for the City of Forest Acres, South Carolina." (Ord. No. 86-180, Art. I, 6-10-86)

Sec. 21.2 Area of applicability.

This chapter shall apply to all land located within the boundaries of the City of Forest Acres, South Carolina. (Ord. No. 86-180, Art. II, 6-10-86)

Sec. 21.3 Definition of terms used in this chapter.

21.3.1 Interpretation of certain terms and words.

The following rules of construction and interpretation shall apply to the text of this ordinance:

Words used in this ordinance shall have their customary meaning as defined in a standard dictionary unless they are specifically defined in this ordinance. Words used in the present tense include the future tense. Singular words include the plural, and plural words include the singular. The word "shall" indicates a mandatory statement; the word "may" indicates a discretionary statement. The word "lot" includes the word "plat" or "parcel". The word "structure" includes the word "building" and "dwelling", and the words "building", "dwelling", or "structure" include any part thereof. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other entity usually defined in legal usage as a person. The words "used" or "occupied" as applied to land or buildings, shall be construed to include the words "intended", "arranged", or "designed" to be used or occupied. The word "contiguous" as applied to lots or districts shall be interpreted as meaning sharing a common boundary of ten (10) feet or more in length.

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21.3.2 Definitions:

Accessory Structure. A noninhabitable structure, the use of which is subordinate to and serves the principal structure which is:

- (1) located on the same lot as the principal structure;
- (2) located between the rear of the principal structure and the rear lot line;
- (3) located not closer than six (6) feet to the principal structure;
- (4) limited to fifteen (15) feet in height measured from the finished ground level to pinnacle of the roof but in no event greater than the height of the principal structure. For any Accessory Structure exceeding a height of fifteen (15) feet, the setback requirements for the principal structure shall apply;
- (5) not to exceed the maximum coverage of the lot for both the principal structure and accessory structure or structures for the zoning district;
- (6) not to exceed the maximum coverage of the lot for both the principal structure and accessory structure or structures for the zoning district;
- (7) limited to seven hundred fifty (750) square feet for all Accessory Structures on the lot; for any single Accessory Structure larger than seven hundred fifty (750) square feet, the side setback requirements for the principal structure shall apply; (Ord. No. 88-265, § 1, 3-15-88)
- (8) Set back requirements set forth in Section 21.136(C)(5).
(Ord. No. 20-21 § 21.3.2 (4, 5, 7 and 8), 11-10-20)

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 Building. 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.

Buildable Area. That portion of a site, exclusive of the minimum required yard areas and the building site, on which a structure, or building may be erected as established in the zoning ordinance of the city for respective zoning district classifications. (Ord. No. 87 238, § 2, 6-9-87)

Building. Any structure, except manufactured housing, 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.

Building official. Party designated by City Administrator to conduct building inspections, issue permits and assist in enforcement of the Zoning Ordinance.

Building, principal. A building in which is conducted the main use of the lot on which the building is located.

Building, site. That portion of a lot which is occupied by a building or that portion of a site which is proposed to be occupied by a building and for which a building permit has been issued. (Ord. No. 87-238, §2, 6-9-87)

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.

Caliper. The diameter of the trunk of a nursery-grown tree as measured at six inches (6") above the top of the root mass. (Ord. No.2005-3, 5-12-05)

Cannabis Product. A product originating from the species Cannabis Sativa L., excluding marijuana as defined in S.C. Code Ann Sec 44-53-110 (27), and shall include all forms of Cannabis or low-THC Cannabis

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product (CBD) to be consumed or applied. (Ord. No. 20-21 § 21.3.2, 11-10-20)

Clearing. Removal and proper disposal of exposed objectionable matter from an area. This may include but is not limited to trees, roots, grass, underbrush, rubble, any type of structures, etc. (Ord. No.2005-3, 5-12-05)

Club, Lodge, Civic or Fraternal Organization. An incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, but not including shooting clubs, operated for the benefit of its members and not open to the public, provided it is a non-profit organization duly registered with the Secretary of State.

Critical Root Zone. An area on the ground and adjacent to a significant tree that encompasses six (6") inches of space for every one (1) inch of the tree DBH measured outward from the base of the tree in all directions. (Ord. No.2005-3, 5-12-05)

Customary Home Occupation. An occupation, profession or trade customarily carried on by an occupant in a dwelling unit as a secondary use which is clearly incidental to the dwelling unit for residential purposes, and which meets with conditions defined in section 21.146.

Cutting. The detaching or separating of any limb, branch, or root from a tree. (Ord. No.2005-3, 5-12-05)

Dead Tree. A tree that does not contain sufficient live tissue to sustain the entire tree system. (Ord. No.2005-3, 5-12-05)

Developed Property. Property upon which a building has been placed or in which a building permit has been issued. (Ord. No. 87-238, § 2, 6-9-87)

Diameter at Breast-Height (DBH). The standard measure of tree diameter for trees existing on a site. The tree trunk is measured at a height of four and one-half (4.5) feet above the ground. If a tree splits into multiple trunks below 4.5 feet, measure the trunk at its most narrow point beneath the split. (Ord. No.2005-3, 5-12-05)

Diameter, Tree. The diameter of a tree measured as follows: 1) for existing or trees to be preserved, at a point 4.5 feet above the ground; 2) for new replaced/planted trees, at a point 6 inches above the ground. (Ord. No.2005-3, 5-12-05)

Dwelling, Dwelling Unit or Unit. One (1) room or rooms connected constituting a separate, independent housekeeping establishment physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities, but excluding lodging units located in motels.

Single-family dwelling. A detached building containing one (1) dwelling unit only.

Two-family dwelling. A detached building containing two (2) dwelling units only.

Multifamily dwelling. A detached building containing three (3) or more dwelling units.

Family. One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over three (3) persons, but further provided that domestic servants employed on the premises may be housed within the single dwelling unit without being counted as a separate family or families.

Fence. A barrier or screening structure composed of wood, metal parts, wire mesh, electric fencing, invisible fencing, chain link or masonry used as a boundary or means of protection, confinement, separation, or buffering. The definition of a fence is also inclusive of a wall or walls. See section 21.150 for provisions relating to fences and walls.

Floor Area, Residential. The gross horizontal areas of the several floors of a dwelling, exclusive of carport, garages, basement, storage areas with only outside access and open porches (measured from the exterior faces of the exterior walls of a dwelling).

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Genus. A category of tree classification and the first part of the common or scientific tree name (i.e., oak is the common genus name, *Quercus* is the scientific genus name). (Ord. No.2005-3, 5-12-05)

Grading. Altering the shape of the ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling & shaping or any combination thereof and shall include the land in its cut or filled condition. (Ord. No.2005-3, 5-12-05)

Height of Building. The vertical distance measured from the mean finished ground level adjoining the building to the eaves or the base of the roof.

Hemp. The plant *Cannabis s Sativa L.* and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, within a delta-9 THC concentration of not more than .3 percent of a dry weight basis as set forth in S.C Code Ann. Sec 46-55-10(6) and (8). (Ord. No. 20-21 § 21.3.2, 11-10-20)

Hotel or Motel. A hospitality business providing rental units for transient habitation (less than thirty (30) days per sojourn); said business occupying a structure or structures not greater than three (3) stories having rental units accessed from interior, enclosed hallways.

Junkyard. Any use involving the storage or disassembly of wrecked automobiles, trucks or other vehicles or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, the keeping, abandonment, sale or resale of junk, including scrap metal, used paper or other scrap materials, salvaged house wrecking and structural steel materials and equipment, storage, baling or otherwise dealing in bones, animal hides, cloth or rags, used plumbing fixtures, appliances, furniture, and used brick, wood or other building materials. Such uses shall be considered junkyards whether all or part of such operations are conducted inside a building or in conjunction with, in, addition to, or accessory to other uses of the premises.

Land Disturbance Activity. Any activity involving the clearing or cutting of trees in combination with other activities, including but not limited to, dredging, grading, or filling of land, which may result in soil erosion from water or wind and the movement or relocation of sediments. (Ord. No.2005-3, 5-12-05)

Land Disturbance Permit. Permit issued giving authorization to begin land disturbance activities. (Ord. No.2005-3, 5-12-05)

Landscaping. Landscaping shall consist of any of the following or a combination thereof: materials, such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees, or palms; and nonliving durable material commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

Lot. A piece, parcel, or plat of land which may consist of one (1) or more platted lots in one (1) ownership, either an individual or a partnership, occupied or intended to be occupied by one (1) principal building and its accessory building, including the open space required under this chapter.

Lot Width. The distance between the side lot lines measured at the front building setback line.

Manufactured Housing, Mobile Home, or Trailer. A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. (Not to be confused with a single-family dwelling.)

Mature Tree. Any tree which has attained the maximum capability of growth, flowering and reproducing. (Ord. No.2005-3, 5-12-05)

Modular Home. A manufactured single-family dwelling or an integral part over thirty-five (35) feet in length, or over eight (8) feet in width, so constructed that it may be transported from one site to another, permanently

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affixed to real estate, made up of one (1) or more components, and constructed with the same or similar electrical, plumbing, heating, and sanitary facilities as on-site constructed housing. (Not to be confused with a single-family dwelling.)

Non-conforming Use. The use of a building, structure, or land existing at the time of enactment of this chapter or subsequent amendment, which does not conform to the regulations for the district in which it is located on the official zoning map.

Official Street Tree Planting Plan and Program. A plan and program adopted for the planting of trees along public streets, parks, and other public places. (Ord. No.2005-3, 5-12-05)

Off-Street Loading Space. The area required to load or unload goods or other material plus the necessary driveways and maneuvering area.

Off-Street Parking Space. The area required to park one (1) automobile plus the necessary driveways and maneuvering area.

Perimeter Planting Strip. Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized. (Ord. No.2005-3, 5-12-05)

Planting Season. The time or season during which newly planted trees will have the best opportunity for survival. The planting season begins on November 1st and ends on March 31st. (Ord. No.2005-3, 5-12-05)

Pruning. The elimination of live and/or dead branches from a tree's crown to improve tree structure, visibility, and/or maintain safety. All pruning shall follow the American National Standards Institute for Tree Pruning (ANSI A300 (Part 1 - 2001 Pruning). (Ord. No.2005-3, 5-12-05)

Removal of Trees. Any intentional or negligent act which will cause a tree to decline and die within a period of one (1) year, including but not limited to such damage inflicted upon the root system of a tree by application of toxic substances, the operation of machinery, the change of natural grade by excavation or filling above the root system or around the trunk of a tree, and damages from injury or fire inflicted on trees which result in or permit pest infestation. (Ord. No. 87-238, §2, 6-9-87) **Repair Garage.** A business engaged in major engine repairs of automobiles, trucks, boats, heavy equipment of all sorts consisting of but not limited to one (1) or more of the following: spray or other manner of painting; body, fender, clutch, transmission, differential, axle, spring or frame repair; engine overhaul requiring, but not limited to, removal there from of cylinder head or crankcase pan; repair of radiators requiring removal thereof; major engine tune-ups, brake relining, front end alignment.

Replacement Tree. A new tree planted on a site after development. The minimum planting size of large maturing trees shall not be less than three (3") inches caliper, medium maturing trees shall not be less than two and one half (2 1/2") inches caliper, and small maturing trees not less than two (2") inches caliper. (Ord. No.2005-3, 5-12-05)

Setback Line, Building Setback Line. The distance of a line beyond which no foundation or wall of any building shall project unless specified exceptions are made elsewhere in these regulations. Standard overhangs, steps, bay windows without under support and exterior chimneys are not normally considered in the setback requirements.

Shrub. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. (Ord. No.2005-3, 5-12-05)

Significant Tree. Any healthy and structurally sound tree which has a diameter at breast height twelve (12") inches and larger including the specific list and size of trees below:

| <u>Botanical Name</u> | <u>Common Name</u> | <u>DBH</u> |
|----------------------------|--------------------|------------|
| <i>Magnolia virginiana</i> | Sweet Bay | 4 inches |
| <i>Cercis canadensis</i> | Eastern Redbud | 4 inches |
| <i>Ilex opaca</i> | American Holly | 4 inches |
| <i>Cornus florida</i> | Flowering Dogwood | 4 inches |

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Oxydendrum arboreum Sourwood 6 inches
(Ord. No.2005-3, 5-12-05)

Site Plan. A plan that reflects existing and proposed conditions on a site that is intended for construction. Including but is not limited to topography, structures and/or additions, grading, drainage, erosion control measures, trees to be saved or planted to comply with the requirements of this Ordinance, best management practices, parking requirements, streets, and other type improvements. (Ord. No.2005-3, 5-12-05)

Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground. (See section 21.150 for exceptions regarding fences.)

Subdivision. The division of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, as defined in the subdivision regulations of the city (chapter 17). (Ord. No. 87-238, § 2, 6-9-87).

Topping. The severe cutting back of branches to a stub, bud, or a lateral branch not large enough to assume the terminal role. (Ord. No.2005-3, 5-12-05)

Tree. A usually tall, woody plant, distinguished from a shrub by having comparatively greater size and longevity and, characteristically, defined as:

- (1) Large Maturing - Single trunk whose canopy dimensions have the potential to reach at least 45 feet tall and 25 feet wide at maturity (List of Large Maturing trees set forth in Appendix D).
- (2) Medium Maturing - Single trunk whose canopy dimensions have the potential to reach at least 25 feet tall and 20 feet wide at maturity (List of Medium Maturing trees set forth in Appendix D).
- (3) Small Maturing - Single trunk or multi-stem whose canopy dimensions have the potential to reach at least 15 feet tall and 15 feet wide at maturity (List of Small Maturing trees set forth in Appendix D). (Ord. No.2005-3, 5-12-05)

Tree Permit. That consent given in writing by the city to a person or private firm or agency to maintain, remove or do any work requiring a permit involving any tree within the public right-of-way or other public property. (Ord. No.2005-3, 5-12-05)

Tree Planting Standards: The standards and specifications adopted for replacement tree material and the installation thereof. Appendix C. (Ord. No.2005-3, 5-12-05)

Tree Protection and/or Planting Plan. A plan that identifies the critical root zone where significant trees are to be protected and preserved, and replacement trees planted on a property to meet minimum requirements, as well as methods of tree protection to be undertaken on the site and other pertinent information. See Appendix B-Requirements. (Ord. No.2005-3, 5-12-05)

Tree Survey. A schematic property plan showing the physical location, DBH and genus of all significant trees. (Ord. No.2005-3, 5-12-05)

Utility. Any publicly, privately, or cooperatively owned line, facility, or system for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, steam, waste, storm water, and other similar services and commodities including publicly owned fire and police and traffic signals and lighting systems, which directly or indirectly serve the public or any part thereof (Ord. No. 87-238, §2, 6-9-87)

Utility Easement. The right-of-way acquired by a utility or governmental agency or private agency to locate utilities, including all types of pipelines, television cable, telephone, and electric cables. (Ord. No.2005-3, 5-12-05)

Vines. are plants which normally require support to reach mature form.

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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 Area. That portion of any site covered by the front, side and rear yard areas as established by the minimum setback requirements in this chapter for respective zoning district classifications.

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 the 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 sideline.

Zoning Administrator. The City Administrator or his designee.

Sec. 21.4 Establishment of districts.

21.4.1 Division of area into districts: For the purposes of this chapter, the area described in section 21.2 of this chapter is divided into twelve (12) districts as follows:

| | |
|------|-----------------------------------------------------------------------|
| R1 | Low-Density Residential (Single-Family) |
| R-1a | Low-Density Residential (Single-Family) |
| R-2 | Medium Density Residential (Two-Family and Single-Family) |
| R-3 | High-Density Residential (Multifamily, Two-Family, and Single-Family) |
| P-1 | Public or Semipublic |
| P-2 | Institutional |
| C-1 | Office and Limited Commercial |
| C-2 | Neighborhood Commercial |
| C-2a | Service Commercial Districts |
| C-3 | General Commercial |
| C-4 | Concentrated Commercial District |
| C-5 | Commercial Enterprise/Redevelopment Zone |
| PDD | Planned Development District |

21.4.2 Zoning Map and district boundaries: The boundaries of the districts listed in 21.4.1 are hereby established as shown on the map entitled "Zoning Map of the City of Forest Acres, South Carolina", dated as of the effective date of this chapter or any subsequent major amendments hereto. The zoning map described above is made a part of this chapter. An official copy of the zoning map shall be kept on file in the office of the building official. Facsimiles may be produced from time to time and distributed; however, the sole official zoning district determination shall be made from the official copy of the zoning map.

21.4.3 Rules for determining boundaries: Where reasonable uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the building official shall decide the location of the boundaries, and in so doing shall be guided by the following rules:

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

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

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21.4.3.3 Where district boundaries are so indicated that they are approximately parallel to the centerline of streets, highways or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and such distance therefrom as indicated on the zoning map. If some distance is given, such dimension shall be determined using the scale shown on the zoning map.

21.4.3.4 Where a district boundary line as appearing on the zoning map divides a lot in single ownership at the time of this enactment, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof; provided that such extensions shall not include any part of such a lot more than twenty-five (25) feet beyond the district boundary line.

21.4.3.5 For purposes of determining minimum size for any separate zoning district or square footage calculations for purposes of zoning, only actual property lines will be utilized for the district boundaries, excluding any area covered by streams and lakes, or the right-of-way of highways, roads or railroads.

(Ord. No. 86-180, Art. IV, 6-10-86; Ord. No. 89-298, §1, 6-29-89; Ord. No. 97-519, §3, 10-28-97)

Sec. 21.5 Application of regulations.

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

21.5.1 Zoning affects every building and use: No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

21.5.2 Height and density: No building or other structure shall hereafter be created or altered:

- a. to exceed the height; or
- b. to house a greater number of families or occupy a smaller lot area per family or occupy a greater percentage of lot area; or
- c. to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required or in any other manner be created or altered to be contrary to the provisions of this chapter.

21.5.3 Yard service to one building: No part of a yard, or other open space, or off-street parking, or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

21.5.4 One principal building to a residential lot: Only one (1) principal building and its customary accessory buildings may hereinafter be erected on any lot zoned R (residential) except as otherwise provided by this chapter (see section 21.140 for exceptions permitting group housing projects).

21.5.5 Reduction of lot area: No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in size so that the lot width or depth, front, side, or rear yard lot area per family, or other requirements of this chapter are not maintained. This section shall not apply when a portion of a lot is acquired for public purposes.

21.5.6 Street frontage: No principal building shall be erected on any lot which does not have immediate frontage on at least one (1) public or private street for a distance of not less than twenty-five (25) feet if such lots are on a cul-de-sac. All other lots must meet the lot width provision of article XIV (see sections 21.140 and 21.141 for exceptions). Flag lots are specifically prohibited.

21.5.7 Corner lots: Minimum side yards for corner lots in residential districts shall meet the minimum front yard requirements on the sides adjacent to a street.

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21.5.8 Double frontage lots: On each double frontage lot, front yard, and rear yard requirements, as stated in article XIV, shall be observed for principal and/or accessory buildings on each street depending on which street the principal building fronts.

21.5.9 Inspection of required buffers: In the event a screen, wall, fence, planted dividing strip, or any other type of buffer is required by this chapter for any use or is required by the zoning board of appeals, such screen, wall, etc., will be subjected to periodic inspections by the building official to determine that such required walls, fences, etc., are being properly maintained. In the case of landscaping, all planted material shall be maintained in a healthy, growing condition, neat and orderly in appearance. Failure to maintain such required walls, fences, etc. to an acceptable standard may be deemed a violation of this chapter.

21.5.10 Lots of record.

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

b. 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 chapter 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 minimum permitted size, and the lot or lots in one (1) ownership shall be subject to the requirements of this chapter.

21.5.11 Exceptions for front yard setbacks for dwellings: The setback requirements of this chapter for dwellings shall not apply to any lot where the average existing setback line on lots located wholly or in part within one hundred (100) feet on each side of such lot, within the same block and zoning district and fronting on the same side of the street or road as such lot, is less than the minimum setback required. In such cases the setback on such lots may be less than the required setback, but no less than the average setbacks on the aforementioned lots, and in no case less than ten (10) feet from the street or roadright-of-way.

21.5.12 Yard requirements, existing buildings: The minimum yard requirements set forth in article XIV shall not be construed as prohibiting the conversion of an existing building which does not meet such yard requirements to another permitted use, so long as no further encroachment is made into the existing yards and provided the land use is allowed in that zoning district.

21.5.13 Side and rear yard setbacks for residential districts: Parking facilities or driveways shall not be permitted closer than two (2) feet from the side or rear property line of lots of record in residential districts.

21.5.14 Required buffer between commercial and residential lots: When the rear or side lot line of a lot used for commercial purposes adjoins the rear or side lot line of a lot used for residential purposes, a visual screen or buffer shall be provided at the rear or side lot used for commercial purposes. This buffer may consist of vegetative screening designed to be at least five (5) feet tall, or an equivalent buffer as authorized by the building official.

21.5.15 Vision clearance: In any zoning district on any corner lot, no fence, sign or other structure, planting, or other obstruction to vision between two and one-half (2 ½) and ten (10) feet above the established street grades shall be erected or maintained within the line connecting points on the street lot line twenty (20) feet distance from the corner.

21.5.16 Height limits: The height limitations of this chapter shall not apply to:

a. Church spires, belfries, cupolas, and domes not intended for human occupancy in public and semi-public districts (P-1) and institutional zoning districts (P-2).

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b. Special exceptions as authorized by the zoning board of appeals for the following structures: church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, communication towers (as defined in Sec. 21.244), conveyors, flagpoles, chimneys, masts, aerials, and similar structures located in Public and Semi-Public Districts (P-1), Institutional Districts (P-2), Office and Limited Commercial Districts (C-1), Neighborhood Commercial Zoning Districts (C-2), Service Commercial Zoning Districts (C-2a), General Commercial Zoning Districts (C-3), and Concentrated Commercial Zoning Districts (C-4).

(Ord. No. 86-180, Art. V, 6-10-86; Ord. No. 95-398, § 4, 9-12-95; Ord. No. 96-437, § 5, 4-9-96; Ord. No. 97-519, § 4, 10-28-97)

Sec. 21.6 Non-conforming Uses.

21.6.1 The lawful use of any building or structure of land existing at the time of the enactment (June 10, 1986) or subsequent amendment to this chapter may be continued, subject to the restrictions contained in this chapter even though such does not conform with the provisions of this chapter, except that the non-conforming 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 chapter. Nonconforming single-family residential structures may be enlarged or extended in any zoning district provided that the new additions or alterations: (1) conform to all provisions and requirements in the zoning district in which such structures or uses are located; (2) conform to subdivision restrictions of record duly noticed to the city; and (3) do not increase or enlarge the existing nonconformity;

Example 1

For example, a structure that has a five-foot side yard setback where the Ordinance requires a 10-foot side yard setback cannot be enlarged so as to further encroach into the side yard setback such as by extending the building an additional two feet towards the setback line.

Example 2

This also means that a structure with a five-foot side yard setback where the Ordinance requires a 10-foot side yard setback cannot be expanded further along that plane of the structure, such that a larger portion of building area is now nonconforming.

- (d) re-established after vacancy or discontinuance for one (1) year;
- (e) rebuilt, altered, or repaired, except in conformity with this chapter, after damage exceeding seventy-five (75) percent of the fair market value of the improvement as determined from the tax assessor's records of Richland County, provided, however, this provision shall not apply to owner occupied dwellings; or
- (f) repair or alteration to an extent exceeding fifty (50%) percent of the fair market value of the existing improvements as determined from the tax assessor's records of Richland County within any period of twelve (12) consecutive months. Work may be done on ordinary repairs, provided that the cubic content of the building as it existed at the time the non-conforming use was established shall not be increased, and that the costs and time limits set by this section are not exceeded.

(Ord. No. 18-3, § 21.6 (f), 06-12-2018, Ord. No. 21-7, §21.6 (c) 4-12-21)

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Sec. 21.7 Off-Street Automobile Parking and Storage

21.7.1 Off-street automobile parking and storage space shall be provided on every lot on which any of the uses mentioned in this section are hereafter established. Such automobile parking or storage space shall be provided with vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific uses as set forth below. Each automobile parking space, along with its necessary maneuvering space, shall have an area of at least three hundred (300) square feet. If the required automobile parking or storage space cannot be provided on the same lot on which the principal use is located, the zoning board of appeals may permit such space to be provided on other off-street property; provided such space is within five hundred (500) feet of such principal use and in the same zoning district. Such spaces shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. Off-street automobile parking and storage spaces shall be so arranged so that vehicles will not be required to back onto a public right-of-way when leaving the premises. Off-street automobile parking and storage spaces shall be equal in number to at least the minimum requirements for the specific uses set forth below:

- a. Churches, synagogues, or other places of worship: One (1) space for every four (4) seats in the main assembly room or sanctuary.
- b. Filling stations. Three (3) spaces for each grease rack or similar facility, plus one (1) space for each employee on the shift with highest employment.
- c. Hospitals, nursing homes, extended care facilities, assisted care facilities or similar institutions: One (1) space for every two (2) beds intended for patients, not including bassinets, plus one (1) space for every three (3) employees on the shift with highest employment.
- d. Offices, including banks. One (1) space for every three hundred (300) square feet of gross floor area.
- e. Places of public assembly, fraternal organizations. One (1) space for every four (4) seats of maximum seating capacity in the main assembly room.
- f. Restaurants or similar eating establishments: One (1) space for every four (4) seats provided for patron use and one (1) additional space for each two (2) employees on the shift with highest employment.
- g. Residences: Two (2) spaces for each dwelling unit.
- h. Retail and service businesses: One (1) space for every three hundred (300) square feet of sales floor area.
- i. Schools, public and private. One (1) space for every four (4) seats in the main auditorium or assembly room.
- j. Shopping centers. One (1) space for every two hundred (200) square feet of gross leasable area.

21.7.2 Parking and Storage Requirements.

- a. All Districts, Prohibitions. The following are prohibited in all zoning districts:
 - 1. Shipping containers, cargo containers, storage units, storage facilities, trash or debris dumpsters, or other containers or like items, with or without logo or name, are prohibited except when: (1) utilized in conjunction with an active construction project, duly permitted, and located on the construction site, provided such container(s) are removed within six (6) months of the date located on any property within the City unless otherwise permitted for a longer period of time as a result of the duration of the construction project; (2) utilized in conjunction with relocating or moving to or from the site for the purposes of packing or

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unloading due to shipping for the purpose of relocation, provided any such container is removed within two (2) weeks of the date first located on any property; or (3) located in the back yard of residential property for the purpose of storage of yard equipment and household goods.

2. Tractor trailers and semi-trailers except for the purpose of loading or unloading merchandise not to exceed a period of three (3) days and not for any type of storage.

3. Automobiles, trucks, tractors, buses or other motor vehicles, boats, campers or trailers of any kind or type, not in normal operating condition, without current license or permit, or deemed abandoned as defined in section 10-6 of the City Code of Ordinances are prohibited other than in a building fully enclosed on at least three sides.

b. Residential Districts, Prohibitions. The following are prohibited in all residential zoning districts:

1. Any vehicle, truck, or trailer used for a business or commercial purpose over nineteen (19') feet in length;

2. Campers, recreational vehicles, boats, and trailers in the front yard, except in cases in which the geographical layout of the property or improvements thereon make backyard parking physically impossible, dangerous, or impractical;

3. Any motor vehicle in the front or side yard except in a driveway or parking area surfaced with gravel, rock, concrete, or asphalt, not to exceed thirty percent (30%) of the total front or side yard, except by special exception; and

4. Commercial solid waste dumpsters except for properties containing four (4) or more housing units.

(Ordinance No. 2006-03, 5-9-06, rewrote this section)

21.7.3 Definitions: The following words and phrases shall have the meaning set opposite them for purposes of this subsection:

a. *Encroachment* is defined as any protrusion of a vehicle outside of a parking space, display area or access way into landscape area

b. *Shrubs and hedges*. A self-supporting, non-deciduous species of plants as normally grown in the City of Forest Acres.

c. *Trees*. Self-supporting woody plants of species which normally grow to an overall height of a minimum of fifteen (15) feet. Palms are included as trees and are defined as trees of tropical or subtropical species commonly marked by a simple stem and terminal crown of large leaves.

21.7.4 Landscaping and Parking designations.

a. Landscaping of off-street parking areas in general: The provisions of this subsection shall be the minimum requirements to promote the public health, safety, and general welfare by providing, for installation and maintenance of certain landscaped areas; to protect the character and stability of residential, business and institutional areas and to conserve the value of land and building on surrounding properties and neighborhoods. The provisions of this subsection shall not be applicable to single-family dwellings and the property of such dwellings, regardless of zoning classifications, so long as such property is used for single family purposes. (Refer to subdivision regulations for additional landscaping requirements.)

b. Parking lots or areas shall be designed as follows: Authorized parking designated by white markings; unauthorized parking designated by yellow markings; fire zone parking designated by red markings and/or otherwise designated by words or symbols; handicapped parking designated by blue markings and/or otherwise designated by words or symbols; and loading or unloading spaces

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designated by yellow markings and further designated by words or symbols.
(Ordinance No. 2006-03, 5-9-06, rewrote this section)

21.7.5 Minimum requirements: Landscaping of off-street parking and other vehicular use areas shall conform to the minimum requirements hereinafter provided.

a. Installation. The owner, tenant and/or agent, if any, shall be jointly and severally responsible for installing landscaped areas according to accepted commercial planting procedures with the quality of plant materials as hereinafter described. All elements of landscaping shall be installed so as to meet all other applicable ordinances and code requirements of the City of Forest Acres. Landscaped areas shall require protection from vehicular encroachment as herein provided in 21.8.2.3 and 21.8.3.6. Qualified representatives of the City of Forest Acres shall inspect all landscaping, and no certificates of occupancy or similar authorization shall be issued prior to landscaping conforming to the requirements herein provided.

b. Maintenance. The owner, tenant and/or agent, if any, shall be jointly and severally responsible for maintaining such landscaping in a healthy, neat, and orderly condition. The owner shall provide each landscaped area with a readily available water supply with a minimum of one (1) outlet within one hundred fifty (150) feet of all plant material to be maintained.

c. Plant material.

1. Quality. Plant materials used in conformance with provisions of this subsection shall be of good quality.

2. Trees: Trees shall be species of average mature spread or crown greater than fifteen (15) feet and trunk(s) which can be maintained in a clean condition with over seven (7) feet of clear wood. Trees having an average mature spread or crown less than fifteen (15) feet may be substituted by grouping the same to create the minimum fifteen (15) feet of crown spread. Trees shall be a minimum of ten (10) feet overall in height immediately upon planting. Trees of species providing roots known to cause damage to public roadways or other public works shall not be planted closer than twelve (12) feet to such public works, unless the tree root system is completely encased with container for which the minimum interior dimensions shall be five (5) feet square and five (5) feet deep.

3. Shrubs and hedges: Shrubs shall be a minimum of two (2) feet six (6) inches in height immediately upon planting. Hedges shall be of non-deciduous species and planted and maintained to form a continuous, unbroken, solid, visual screen within a maximum of one (1) year after planting.

4. Vines: Vines shall be a minimum of twelve (12) inches in height immediately upon planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.

5. Ground covers. Ground covers used in lieu of grass shall be planted in such manner as to present a finished appearance and reasonably complete coverage within three (3) months after planting.

6. Lawn grass. Grass shall be species normally grown as permanent lawns in the City of Forest Acres. Grass areas may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales or other areas subject to erosion and providing that in areas where other than solid sod grass seed is used, nurse-grass seed shall be sown for early coverage with protection until coverage is otherwise achieved.

(Ordinance No. 2006-03, 5-9-06, renumbered this subsection from 21.7.4 to 21.7.5)

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Sec. 21.8 Landscaping

21.8.1 Minimum standards for landscaping adjacent to public rights-of-way, including streets and walks. The owner, tenant and/or agent of an off-street parking or other vehicular use area shall landscape between such area and any adjacent public street, walk or right-of-way as provided below. Prior to issuance of a certificate of occupancy by the building inspector, this landscaping shall be installed as follows:

1. A landscaped strip at least five (5) feet wide.
2. One (1) tree planted within each forty (40) lineal feet or fraction thereof in a planting area of at least twenty-five (25) square feet with the minimum dimension of at least five (5) feet.
3. A hedge, wall, or other durable landscape screen at least two (2) feet six (6) inches in height except as provided in paragraph (2) of this section.
4. If the durable screen is of nonliving material, one (1) shrub or vine shall be planted abutting the screen for each ten (10) feet but not necessarily evenly spaced ten (10) feet apart. Such shrubs or vines shall be planted along the street side of the screen or of sufficient height at the time of planting to be readily visible over the top of the screen.
5. The remainder of the required landscaped areas shall be landscaped with grass, ground cover or other landscape material.
6. All ground between the right-of-way and off-street parking or other vehicular use area shall be landscaped.

21.8.2 Minimum standards for perimeter landscaping adjacent to abutting properties: The owner, his tenant and/or agent, of an off-street parking or other vehicular use area shall landscape between such area and the abutting property as provided below. Prior to the issuance of a certificate of occupancy by the building inspector, this landscaping shall be installed as follows:

1. A wall, hedge, or other durable landscaped screen at least five (5) feet in height between the common lot line and the off-street parking or other vehicular use area.
2. Live screening materials shall be planted in a strip not less than two and one-half (2 1/2) feet in width, and shall be landscaped with grass, ground cover or other landscape material.
3. Perimeter landscaped areas shall be protected from vehicular encroachment using curbing or wheel stops.
4. Where the abutting property is zoned or used for nonresidential purposes, only the tree provisions with its planting area as prescribed in this subsection shall apply to the rear and sides, but all perimeter requirements shall apply to the front setback area. A minimum of one (1) tree shall be planted within and for each seventy-five (75) lineal feet or fraction thereof and in an area of at least twenty-five (25) square feet with a minimum dimension of at least five (5) feet.
5. A minimum of one (1) tree shall be planted within and for each forty (40) lineal feet or fraction thereof and in an area of at least twenty-five (25) square feet with a minimum dimension of at least five (5) feet.

21.8.3 Landscaping the interior of off-street parking and vehicular-use areas: The owner, tenant and/or agent of an off-street parking or other vehicular use area shall landscape the interior of these areas to define aisles and other vehicular use areas and to provide relief from the expense of paving. Prior to issuance of a certificate of occupancy by the building inspector, this landscaping shall be installed as follows:

1. Off-street parking areas: At least ten (10) square feet of interior landscaping for each parking space, excluding those spaces abutting a perimeter for which landscaping is required, and excluding all

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parking spaces which are directly served by an aisle abutting and running parallel to this perimeter.

2. Other vehicular use areas: At least one (1) square foot of landscaping for each one hundred (100) square feet of paving over two thousand, four hundred (2,400) square feet.

3. If the property contains both parking and other vehicular use areas, the two (2) areas may be prorated to determine the landscaping required by this subsection for other vehicular use area by multiplying the total number of parking spaces by three hundred (300) and subtracting the resulting figure from the total square footage of the paved area.

4. Each separate landscaped area shall be a minimum of fifty (50) square feet with a minimum dimension of five (5) feet and shall include at least one (1) tree. The remaining area shall be fully landscaped with shrubs, ground cover or other authorized landscaping material.

5. There shall be not less than one (1) tree for each one hundred (100) square feet of the interior landscaped area or fraction thereof.

6. All planting areas except those abutting the perimeter of a parking lot shall be raised and curbed.

21.8.4 Sight distance for landscaping adjacent to public rights-of-way and points of access: No landscaping, tree, fence, wall, or similar item shall be maintained in the vicinity of any corner, street, intersection or access way intersecting a public right-of-way that the building official or his designee determines is an obstruction to visibility, extends into sight lines, or is a traffic hazard.

21.8.5 Existing plant material: The building official or his designee may adjust the application of the above standards, in part or in whole, to allow credit for healthy plant material on a site prior to its development if, in his opinion, such an adjustment is consistent with the intent of this section.

21.8.6 Other applicable regulations: The provisions of this section shall be subject to other applicable regulations where such regulations are more restrictive and not otherwise inconsistent with the provisions of this section.

21.8.7 Off-street loading and unloading space: Every building or structure used for business trade or industry shall provide space as indicated herein for the loading and unloading of vehicles off a street or public alley. Such space shall have access to an alley or to a street. Such space shall be so arranged that no vehicle is required to back onto a public street, road, or highway in order to leave the premises.

Retail business and service: One (1) space ten (10) feet by twenty-five (25) feet for every twenty thousand (20,000) square feet of total floor area or fraction thereof.

Sec. 21.9 Annexed property

21.9.1 For property annexed by ordinance the zoning district classification shall be designated as follows:

a. City 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.

b. 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 city council specifying the reasons for the planning commission recommendation. In such event, the city council 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 21-275 of the Forest Acres Code of Ordinances and hearings conducted as set forth in section 21-274 of the City of Forest Acres Code of Ordinances.

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

21.9.2. For property annexed by petition and referendum, the zoning district classification shall be designated as follows:

- a. When a petition is submitted for annexation of an area, the planning commission will be requested to prepare a proposed zoning plan for the area.
- b. The proposed zoning plan will be made public at a meeting of city council prior to the referendum.
- c. If the referendum is successful, the city council will establish the proposed zoning plan as a part of the ordinance ratifying the referendum and taking the area into the city limits.
- d. The building official will institute zoning amendment procedures to confirm the classification for the annexed area.

Sec. 21.10 Motor fuels.

21.10.1 All gasoline, diesel fuel, gasohol or other fuels used to operate motor vehicles (collectively "motor fuels") shall be stored in and pumped, dispersed or in any way dispensed solely from underground storage tanks/facilities duly registered, approved, authorized, and permitted/licensed by the department of health and environmental control. The pumping, dispersing, or dispensing of motor fuels from any type of mobile unit to a motor vehicle, tank or other containers is expressly prohibited, except residential or emergency use in five (5) gallon containers or less; duly permitted construction sites; and underground tanks. (Ord. No. 86-180, Art. VI, 10-86; Ord. No. 88-263, § 1, 3-15-88; Ord. No. 88-288, § 1, 11-15-88; Ord. No. 88-289, §1, 10-11-88; Ord. No. 96-415, § 1, 2-13-96; Ord. No. 96-417, § 1, 2-13-96)

Secs. 21.11--21.20. Reserved.

ARTICLE II. USE REQUIREMENTS FOR SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)

Sec. 21.21 Purpose.

The purpose of the R -1 district is to establish a quiet low density residential area and to protect property in the district from the depreciating effects of incompatible land uses. The principal use of land is for single family dwellings. The regulations for this district are intended to discourage any use which because of its character, would interfere with the development of or be, detrimental to the quiet residential nature of the area included in the zone. (Ord. No. 86-180, §7-1, 6-10-80)

Sec. 21.22. Permitted uses.

The following uses are permitted in the R-1 district:

- (1) Single-family dwellings.
- (2) Accessory buildings and uses of structures customarily incidental to any permitted use.
- (3) Signs subject to the provisions of Article XVI.
- (4) Home occupations subject to the provisions of section 21-146.
- (5) Reserved.

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(6) Public utilities, transformer stations, electrical transmission and telephone lines and poles, telephone exchanges with no vehicles or equipment stored on the premises subject to the height requirements of section 21.136. All district yard requirements must be met, and all electric power substations, transformer substations or relay substations must be enclosed by a vision restricted fence at least eight (8) feet high and suitably landscaped.

(7) Accessory apartments for the elderly subject to the provisions of section 21.149.

(8) Garage sales subject to the provisions of section 21.148.
(Ord. No. 86-180, § 7-2, 6-10-86; Ord. No.96-437, §4-9-96)

Secs. 21.23--21.30. Reserved.

ARTICLE III. USE REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1a)

Sec. 21.31. Purpose.

The purpose of the R-1a district is to establish a quiet low-density residential area similar to residential district R-1 but requiring smaller minimum lot sizes and to protect property in the district from the depreciating effects of incompatible land uses. The principal use of the land is for single family dwellings. The regulations for this district are intended to discourage any use which, because of its character, would interfere with the development of or be detrimental to the quiet residential nature of the area included in the zone. (Ord. No. 86-180, § 7(a)-1, 6-10-86)

Sec. 21.32. Permitted uses.

The following uses are permitted in the R-1a district:

(1) Single-family dwellings.

(2) Accessory buildings and uses of structures customarily incidental to any permitted use.

(3) Signs subject to the provisions of article XVI.

(4) Home occupations subject to the provisions of section 21.146.

(5) Reserved.

(6) Public utilities, transformer stations electrical transmission and telephone lines and poles, telephone exchanges with no vehicles or equipment stored on the premises, subject to the height requirements of section 21.136. All district yard requirements must be met, and all electric power substations, transformer substations or relay substations must be enclosed by a vision restricted fence at least eight (8) feet high and suitably landscaped.

(7) Garage sales subject to the provisions of section 21.148.
(Ord. No. 86-180, § 7(a)-2, 6-10-86; Ord. No. 96-437, § 2, 4-9-96)

Secs. 21.33--21.40. Reserved.

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ARTICLE IV. USE REQUIREMENTS FOR DUPLEX RESIDENTIAL DISTRICT (R-2)

Sec. 21.41. Purpose.

The purpose of the R-2 district is to provide a slightly higher population density but with basic restrictions similar to those in residential district R-1. The principal use of land is for single family and two-family dwellings. The regulations for this district are intended to discourage any use which, because of its character, would interfere with the development of or be detrimental to the quiet residential nature of the area included in the zone. (Ord. No. 86-180, § 8-1, 6-10-86)

Sec. 21.42. Permitted uses.

The following uses are permitted in the R-2 district:

- (1) Single-family and two-family dwellings on single lots, or in group housing projects subject to the provisions of section 21.140. (Ord. No. 06-08 repealed Cluster Hosing Regulations).
- (2) Accessory buildings and uses customarily incidental to any permitted uses, and accessory apartments for the elderly.
- (3) Home occupations, subject to the provisions of section 21.146.
- (4) Signs subject to the provisions of article XVI.
- (5) Public utilities, transformer stations, electrical transmission and telephone lines and poles, telephone exchanges with no vehicles or equipment stored on the premises, subject to the height requirements of section 21.136. All district yard requirements must be met, and all electric power substations, transformer substations or relay substations must be enclosed by a vision restricted fence at least eight (8) feet high and suitably landscaped.
- (6) Garage sales subject to the provisions of section 21.148.
(Ord. No. 86-180, § 8-2, 6-10-86; Ord. No. 96-437, § 3, 4-9-96)

Secs. 21.43--21.50. Reserved.

ARTICLE V. USE REQUIREMENTS FOR MULTIFAMILY RESIDENTIAL DISTRICT (R-3)

Sec. 21.51. Purpose.

The purpose of the R-3 district is to provide for a medium population density. The principal use of land is for single-family, two-family, and multi-family dwellings. The regulations for this district are intended to discourage any use which, because of its character, would interfere with the development of, or be detrimental to, the quiet residential nature of the area included in the zone. (Ord. No. 86-180, § 9-1, 6-10-86)

Sec. 21.52. Permitted uses.

The following uses are permitted in the R-3 district:

- (1) Single-family, two-family, and multi-family dwellings on single lots, or in group housing projects, subject to the provisions of section 21.140. (Ord. No. 06-08 repealed Cluster Hosing Regulations).
- (2) Accessory buildings and uses customarily incidental to any permitted use, and accessory apartments for the elderly.
- (3) Home occupations, subject to the provisions of section 21.146.
- (4) Signs subject to the provisions of article XVI.

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(5) Public utilities, transformer stations, electrical transmission and telephone lines and poles, telephone exchanges with no vehicles or equipment stored on the premises, subject to the height requirements of section 21.136. All district yard requirements must be met, and all electric power substations, transformer substations or relay substations must be enclosed by a vision restricted fence at least eight (8) feet high and suitably landscaped.

(6) Garage sales subject to the provisions of section 21.148.

(7) Small group homes for the handicapped and developmentally disabled sheltering nine (9) or fewer such persons are permitted when required by the terms of section 6-7-830 of the South Carolina Code of Laws of 1976, as amended.

(Ord. No. 86-180, § 9-2 6-10-86; Ord. No. 96-437, § 4, 4-9-96)

Secs. 21.53--21.60. Reserved.

ARTICLE VI. USE REQUIREMENTS FOR PUBLIC AND SEMIPUBLIC DISTRICT (P-1)

Sec. 21.61. Purpose.

The purpose of the P-1 district is to establish a public area for religious and recreational facilities and governmental institutions. The nature of these facilities requires location in areas with good access and near the residential areas served. (Ord. No. 86-180, § 10-1, 6-10-86; Ord. No. 87-213, § 2, 1-13-87)

Sec. 21.62. Permitted uses.

The following uses are permitted in the P-1 district:

- (1) Public recreational facilities and uses not operated for profit, which may include parks, playgrounds, country clubs, community centers, and neighborhood buildings.
- (2) Churches, including Sunday school or educational buildings and other places of worship, including nonprofit nursery and kindergarten schools conducted in church facilities, provided all state requirements are met, and subject to the provisions of section 21.147.
- (3) Signs subject to the provisions of article XVI.
- (4) Ash gardens or other area for burial or retention of cremated human remains, provided the area must be part of a fully functional church; not to exceed seven hundred fifty (750') square feet; be located at least fifty (50') feet from any boundary of church property.
- (5) Libraries.
- (6) Single-family dwellings.
- (7) Accessory buildings and uses of structures customarily incidental to any permitted use.
- (8) Home occupations subject to the provisions of section 21.146
- (9) Public utilities, transformer stations, water tanks and towers, electrical transmission lines and towers, telephone exchanges with no vehicles or equipment stored on the premises, subject to the height requirements of sections 21.5.16 and 21.136. All district yard requirements must be met, and all electric power substations, transformer substations or relay substations must be enclosed by a vision restricted fence at least eight (8) feet

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high and suitably landscaped.

(10) Garage sales subject to the provisions of section 21.148.

(11) Municipal buildings and functions.

(12) Children's homes, or orphanages, not to include penal facilities or any kind.

(13) Communication Towers located on municipal owned property, property leased solely for municipal functions or property solely associated with municipal functions; subject to the following conditions: (a) no tower shall exceed a height of one hundred sixty feet (160); (b) no tower shall be located within one hundred twenty (120) feet (as measured from the base line of the tower) of any main public right-of-way or twenty-five (25) feet (as measured from the base line of the tower) of any secondary public right of way; (c) no tower shall be located within one hundred twenty (120) feet (as measured from the base line of the tower) from any dwelling located in a residential zoning district; and (4) subject to the provisions of Sections 21.244, 21.245.1, 21.245.3, 21.245.4, 21.245.5, 21.245.6, and 21.245.7. The provisions of sections 21.245.2, 21.245.8 and 21.246 shall not apply. (Ord. No. 2011-1, 10-11-11).

(Ord. No. 86-180, § 10-2, 6-10-86; Ord. No. 87-213, § 2, 1-13-87; Ord. No. 90 -308, § 1, 4-10-90; Ord. No. 95-402, § 1 9-12-95; Ord. No. 2011-1, §13 10-11-11)

Secs. 21.63--21.70. Reserved.

ARTICLE VII. USE REQUIREMENTS FOR INSTITUTIONAL DISTRICT (P-2)

Sec. 21.71. Purpose.

The purpose of the P-2 district is to establish a public or semi-public area for health, educational, and governmental institutions. The nature of these institutions requires location in areas with good access and relatively near the residential areas served. All references to and requirements for the P-1 district in this chapter shall likewise apply to the P-2 district except as set out in this section and section 21-72. (Ord. No. 86-180) § 10-3, 6-10-86; Ord. No. 87-213, § 2, 1-13-87)

Sec. 21.72. Permitted uses.

The following uses are permitted in the P-2 district:

(1) Public and private schools offering general educational courses.

(2) Public and semipublic recreational facilities and uses not operated for profit, which may include parks, playgrounds, country clubs, community centers, neighborhood buildings.

(3) Reserved

(4) Signs subject to the provisions of article XVI.

(5) Reserved.

(6) Hospitals and medical treatment facilities.

(7) Governmental buildings and uses except for penology.

(8) Libraries.

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(9) Nursery and kindergarten schools operated for profit, provided all state requirements are met and subject to the provisions of section 21.147.

(10) Single-family dwellings.

(11) Accessory buildings and uses of structures customarily incidental to any permitted use.

(12) Home occupations subject to the provisions of section 21.146.

(13) Public utilities, transformer stations, water tanks and towers, electrical transmission lines and towers, telephone exchanges with no vehicles or equipment stored on the premises, subject to the height requirements of sections 21.5.16 and 21.136. All district yard requirements must be met, and all electric power substations, transformer substations or relay substations must be enclosed by a vision restricted fence at least eight (8) feet high and suitably landscaped.

(14) Garage sales subject to the provisions of section 21.148.

(15) Small group homes for the handicapped and developmentally disabled sheltering nine (9) or fewer such persons are permitted when required by the terms of section 6-7-830 of the South Carolina Code of Laws of 1976, as amended.

(Ord. No. 86-180, § 10-4, 6-10-86; Ord. No. 87-213, § 2, 1-13-87)

Secs. 21.73--21.80. Reserved.

ARTICLE VIII. USE REQUIREMENTS FOR OFFICE AND LIMITED COMMERCIAL DISTRICT (C-1)

Sec. 21-81. Purpose.

21.81.1. The purpose of the Office and Limited Commercial Districts to develop and reserve land for business, office, institutional specified public, semipublic, and residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a quiet, compatible, and uncongested environment for office type business or professional firms intermingled with dwellings and certain public or semipublic uses, and to discourage any encroachment by unrestricted retail and/or other uses capable of adversely affecting the specialized commercial, institutional, and housing character of the district.

21.81.2 Commercial districts should have access from major traffic arteries; however, it is not the intent of this chapter 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 can lead to the eventual formation of commercial slums, damage the traffic-carrying capacity of streets, and increase congestion. It is often incompatible with adjacent residential uses, frequently leads to depreciation of property values in adjacent residential areas, encourages undue saturation of commercial facilities to the inconvenience of the public, and creates disproportionate costs in the provision of governmental services.

21.81.3 Extensions of commercial zoning via amendments to this chapter 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 other land is available which is already zoned for commercial use.

(Ord. No. 86-180, § 11-1, 6-10-86)

Sec. 21.82. Permitted uses.

The following uses are permitted in the C-1 district:

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- (1) Single-family and two-family dwellings on single lots, or in group housing projects, subject to the provisions of section 21.140. (Ord. No. 06-08 repealed Cluster Hosing Regulations).
- (2) Accessory buildings and uses customarily incidental to any permitted use.
- (3) Home occupations.
- (4) Public and private schools offering general educational courses.
- (5) Public and semipublic recreational facilities and uses not operated for profit, which may include parks, playgrounds, country club's community enters, neighborhood buildings.
- (6) Churches, including Sunday school or educational buildings and other places of worship.
- (7) Nursing or convalescent homes.
- (8) Private, nonprofit clubs and lodges.
- (9) Hospitals and medical treatment facilities.
- (10) Governmental buildings and uses except those relating to penology.
- (11) Libraries.
- (12) Nursery and kindergarten schools provided all state requirements are met and subject to the provisions of section 21.147.
- (13) Public utilities, transformer stations, water tanks and towers, electrical transmission lines and towers, telephone exchanges with no vehicles or equipment stored on the premises, subject to the height requirements of sections 21.5.16 and 21.136. All district yard requirements must be met, and all electric power substations, transformer substations or relay substations must be enclosed by a vision restricted fence at least eight (8) feet high and suitably landscaped.
- (14) Banks and other financial institutions.
- (15) Professional and business offices.
- (16) Medical, dental or chiropractic or other medically oriented office, clinic and/or laboratory.
- (17) Business schools.
- (18) Studios for teaching art, music, dancing, etc.
- (19) Signs subject to the provisions of article XVI.
- (20) Garage sales subject to the provisions of section 21.148.
- (21) Canteens contained in office buildings where the service of food is not the main or principal use of the building; consisting of an area of not more than 1,200 square feet; limited in hours of operation from 8:00 a.m. to 5:30 p.m., Monday through Friday; without drive-up or walk-up facilities; no preparation of food on the premises requiring frying or grilling; and no advertising or signs on the exterior of the building.
- (22) Styling salons, barber, and beauty shops.
- (23) Any establishment engaged in the merchandising and sale of products containing hemp, hemp-derived Cannabidiol (CBD), CBD oils, Cannabis Product, or vaping product of alternative consumable matter

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other than tobacco meant to be smoked, vaped or ingested orally in any fashion, provided such merchandising and sale is ancillary to the primary use of the establishment as a medical, dental chiropractic or other medically oriented office, clinic and/or laboratory, and this activity is restricted to no more than twenty percent (20%) of the total square footage of the business, not to exceed five hundred (500) square feet, whichever is less.

(Ord. No. 86-180, § 11-2, 6-10-86; Ord. No. 89-293, § 1, 1-10-89; Ord. No. 90-322, § 1, 12-11-90; Ord. No. 20-21 §, 11-10-20)

Sec. 21.83. Prohibited uses.

The following are examples of specific uses, consisting of but not limited to the uses set out herein below, prohibited in the C-1 district:

- (1) Wholesale sales and service.
- (2) Eating and drinking establishments except as provided in subsection 21-82(21).
- (3) Commercial recreational facilities.
- (4) Amusement centers, billiard parlors, pool halls and establishments sponsoring devices for engaging in billiards, pocket billiards, or pool, and tattoo parlors.
- (5) Automotive service stations and retailers of gasoline, diesel fuel and other related petroleum products.
- (6) Service and repair establishments for gasoline or diesel engines of any designated horsepower rating.
- (7) Any business engaged in the merchandising and sale of products containing hemp, hemp derived Cannabidiol (CBD), CBD oils, Cannabis Product, or vaping product of alternative consumable matter other than tobacco meant to be smoked, vaped or ingested orally in any fashion, except as set forth in 21.82 (24).
- (8) Storage yards, warehouses, mini-warehouses, distribution and fulfillment centers, and other storage facilities.

(Ord. No. 86-180, § 11-3, 6-10-86; Ord. No. 89-293, § 2, 1-10-89; Ord. No. 20-21 § 11-10-20)

Secs. 21.84--21.90. Reserved.

ARTICLE IX. USE REQUIREMENTS FOR NEIGHBORHOOD COMMERCIAL DISTRICT (C-2)

Sec. 21.91. Purpose.

The purpose of the Neighborhood Commercial District is to provide for small shopping areas primarily designed to serve nearby residential areas. The district is usually located on a major street and contains businesses that sell such items as groceries and drugs as well as businesses that furnish personal services. Because the neighborhood commercial zone is closely related to adjacent residential areas, the surrounding residential property must be protected. The statements of intent about formation of "strip" commercial developments as set forth in section 21.81.2, and 21.81.3 also apply to C-2 commercial areas. (Ord. No. 86-180, § 12-1, 6-10-86)

Sec. 21.92. Permitted uses.

The following uses are permitted in the C-2 district:

- (1) Single-family and two-family dwellings on single lots, or in group housing projects, subject to the provisions of section 21.140. (Ord. No. 06-08 repealed Hosing Regulations).

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- (2) Accessory buildings and uses customarily incidental to any permitted use.
- (3) Home occupations.
- (4) Public and private schools offering general educational courses.
- (5) Public and semipublic recreational facilities and uses not operated for profit which may include parks, playgrounds, country clubs, community centers, neighborhood buildings.
- (6) Churches, including Sunday school or educational buildings, and other places of worship.
- (7) Nursing or convalescent homes.
- (8) Private, nonprofit clubs and lodges.
- (9) Hospitals and medical treatment facilities.
- (10) Governmental buildings and uses.
- (11) Libraries.
- (12) Nursery and kindergarten schools provided all state requirements are met and subject to the provisions of section 21.147.
- (13) Public utilities, transformer stations, water tanks and towers, electrical transmission lines and towers, telephone exchanges with no vehicles or equipment stored on the premises, subject to the height requirements of sections 21.5.16 and 21.136. All district yard requirements must be met, and all electric power substations, transformer substations or relay substations must be enclosed by a vision restricted fence at least eight (8) feet high and suitably landscaped.
- (14) Banks and other financial institutions.
- (15) Professional and business offices.
- (16) Medical, dental or chiropractic or other medically oriented office, clinic and/or laboratory.
- (17) Business schools.
- (18) Studios for teaching art, music, dancing, etc.
- (19) Signs subject to the provisions of article XVI.
- (20) Garage sales subject to the provisions of section 21.148.
- (21) Retail establishments of five thousand (5,000) square feet or less of interior floor space.
- (22) Retail establishments wherein no more than twenty percent (20%) of the total square footage of the business, not to exceed one thousand (1,000) square feet, whichever is less, is engaged in the merchandising and sale of products containing hemp, hemp- derived Cannabidiol (CBD), CBD oils, Cannabis Products, or vaping products of alternative consumable matter other than tobacco meant to be smoked, vaped, or ingested orally in any fashion.
- (23) Personal service establishments, including, but not limited to, barber and beauty shops, post office substations, shoe repair shops, dry cleaning and laundry pickup stations, garment making, tailoring and garment repair shops, excluding tattoo facilities and parlors.
(Ordinance No. 2006-01, 2-14-06, added “excluding tattoo facilities and parlors”)

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(24) Service and repair establishments, including, but not limited to, radio, television, business machines, and household appliances without gasoline engines.

(25) Canteens contained in office buildings where the service of food is not the main or principal use of the building; consisting of an area of not more than 1,200 square feet; limited in hours of operation from 8:00 a.m. to 5:30 p.m., Monday through Friday; without drive-up or walk-up facilities; no preparation of food on the premises requiring frying or grilling; and no advertising or signs on the exterior of the building.

(Ord. No. 86-180, § 12-2, 6-10-86; Ord. No. 88-261, § 1, 3-8-88; Ord. No. 89-293, § 1, 1-10-89; Ord. No. 20-21 §, 11-10-20)

Sec. 21.93. Prohibited uses.

The following are examples of specific uses, consisting of but not limited to the uses set out herein below, prohibited in the C-2 district:

- (1) Wholesale sales and service.
- (2) Eating and drinking establishments except as provided in subsection 21.92(24).
- (3) Commercial recreational facilities.
- (4) Amusement centers, billiard parlors, pool halls and establishments sponsoring devices for engaging in billiards, pocket billiards or pool, and tattoo parlors.
- (5) Automotive service stations and retailers of gasoline, diesel fuel and other related petroleum products.
- (6) Service and repair establishments for gasoline or diesel engines of any designated horsepower rating.
- (7) Adult and/or sexually oriented businesses, adult arcades, adult bookstores, adult video stores, adult cabarets, adult motion picture theaters, adult theaters, nude model studios, and any and all other adult and/or similar sexually oriented activity.
- (8) Storage yards, warehouses, mini-warehouses, distribution and fulfillment centers, and other storage facilities.

(Ord. No. 86-180, § 12-3, 6-10-86; Ord. No. 89-293, § 3, 1-10-89; Ord. No. 20-21 §, 11-10-20)

Secs. 21.94–21.100. Reserved.

ARTICLE X. USE REQUIREMENTS FOR SERVICE COMMERCIAL DISTRICT (C-2a)

Sec. 21.101 Purpose.

The purpose of the Service Commercial District is to provide for hotels and small shopping areas primarily designed to serve nearby residential areas and smaller business providing services to the local area. The district is usually located on a major street and contains businesses that furnish personal services and temporary housing. Because the service commercial zone is closely related to adjacent residential areas, the surrounding residential property must be protected. The statements of intent about formation of "strip" commercial developments as given in section 21.81.1 and 21.81.2 also apply to C-2a commercial areas. (Ord. No. 87-233 § 1(13a-1), 5-12-87)

Sec. 21.102. Permitted uses.

The following uses are permitted in the C-2a district:

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- (1) Public and semipublic recreational facilities and uses not operated for profit, which may include parks, playgrounds, country clubs, community centers, neighborhood buildings.
- (2) Governmental buildings and uses except relating to purposes of penology.
- (3) Libraries.
- (4) Public Utilities, transformer stations, water tanks and towers, electrical transmission lines and towers, telephone exchanges with no vehicles or equipment stored on the premises, subject to the height requirements of sections 21.5.16 and 21.136. All district yard requirements must be met and all electric power substations, transformer substations or relay substations must be enclosed by a vision restricted fence at least eight (8) feet high and suitably landscaped.
- (5) Banks and other financial institutions.
- (6) Professional and business offices.
- (7) Medical, dental or chiropractic or other medically oriented office, clinic, and/or laboratory.
- (8) Studios for teaching art, music, dancing, etc.
- (9) Signs subject to the provisions of article XVI.
- (10) Video and computer games provided that no more than four (4) games are operated at anyone(1) location or premises.
- (11) Retail establishments of twenty-five hundred (2,500) square feet or less of interior floorspace.
- (12) Retail establishments wherein no more than twenty percent (20%) of the total square footage of the business, not to exceed five hundred (500) square feet, whichever is less, is engaged in the merchandising and sale of products containing hemp, hemp- derived Cannabidiol (CBD), CBD oils, Cannabis Products, or vaping products of alternative consumable matter other than tobacco meant to be smoked, vaped, or ingested orally in any fashion.
- (13) Personal service establishments, including but not limited to barber and beauty shops, post office substations, shoe repair shops, dry cleaning and laundry pickup stations, garment making, tailoring and garment repair shops, excluding tattoo facilities and parlors.
(Ordinance No. 2006-01, 2-14-06, added “excluding tattoo facilities and parlors”)
- (14) Hotel or motel.
- (15) Inns, bed and breakfast facilities or similar establishments none of which shall exceed eight (8) rental units or rooms. No rental unit or rooms shall be offered for rent or allowed to be sub rented for a period of less than ten (10) hours or greater than thirty (30) days.
- (16) Restaurants.
(Ord. No. 87--233, §1 (13a-2), 5-12-87; Ord. No. 20-21 §, 11-10-20)

Sec. 21.103. Prohibited uses.

The following are examples of specific uses, consisting of but not limited to the uses set out herein below, prohibited in the C-2a district:

- (1) Wholesale sales and services.
- (2) Commercial recreational facilities

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- (3) Amusement centers, billiard parlors, pool halls and establishments sponsoring devices for engaging in billiards, pocket billiards or pool, and tattoo parlors.
 - (4) Automotive service stations and retainers of gasoline, diesel fuel and other related petroleum products.
 - (5) Service and repair establishments for gasoline or diesel engines of any designated horsepower rating.
 - (6) Drive-in restaurants with curb service.
 - (7) Adult and/or sexually oriented businesses, adult arcades, adult bookstores, adult video stores, adult cabarets, adult motion picture theaters, adult theaters, nude model studios, and all other adult and/or similar sexually oriented activity.
 - (8) Storage yards, warehouses, mini-warehouses, distribution and fulfillment centers, and other storage facilities.
- (Ord. No. 87-233 § 1 [13a-3] 5-12-87; Ord. No. 20-21 §, 11-10-20)

Secs. 21.104--21.109 Reserved

ARTICLE XI. USE REQUIREMENTS FOR GENERAL COMMERCIAL DISTRICT (C-3)

Sec. 21.110 Purpose.

The purpose of the General Commercial District is to provide for and promote concentrated development of retail establishments and personal and business services to supply the needs of the residents as well as a large market area. The statements of intent about formation of “strip” commercial developments as set forth in section 21.81.1 and 21.81.2 also apply to C-3 commercial areas. (Ord. No. 86-180, § 13-1, 6-10-86)

Sec. 21.111 Permitted uses.

The following uses are permitted in the C-3 district:

- (1) Reserved.
- (2) Accessory buildings and uses customarily incidental to any permitted use.
- (3) Reserved.
- (4) Signs subject to the provisions of article XVI.
- (5) Public utilities, transfer stations, water tanks and towers, electrical transmission lines and towers, telephone exchanges with no vehicles or equipment stored on premises, subject to the height requirements of sections 21.5.16 and 21.136. All district yard requirements must be met, and all electric power substations, transformer substations or relay substations must be enclosed by a vision restricted fence at least eight (8) feet high and suitably landscaped.
- (6) Public and private schools offering general educational courses.
- (7) Public and semipublic recreational facilities and uses not operated for profit, which may include parks playgrounds, country clubs, neighborhood community buildings and community centers.
- (8) Churches including Sunday school or educational buildings and other places of worship.
- (9) Nursing or convalescent homes.

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- (10) Private, non-profit clubs and lodges not engaging in activities set forth in Article XXII.
- (11) Hospitals, medical treatment facilities, and emergency medical services.
- (12) Governmental buildings, services, and uses except relating to purposes of penology.
- (13) Libraries.
- (14) Nursery and kindergarten schools provided all state requirements are met and subject to the provisions of section 21.147.
- (15) All banks and other financial institutions.
- (16) Professional and business offices.
- (17) Medical, dental or chiropractic or other medically oriented office, clinic and/or laboratory.
- (18) Business schools.
- (19) Studios for teaching art, music, dancing, etc.
- (20) Retail establishments.
- (21) Retail establishments wherein no more than twenty percent (20%) of the total square footage of the business, not to exceed one thousand (1,000) square feet, whichever is less, is engaged in the merchandising and sale of products containing hemp, hemp- derived Cannabidiol (CBD), CBD oils, Cannabis Product, or vaping product of alternative consumable matter other than tobacco meant to be smoked, vaped or ingested orally in any fashion.
- (22) Restaurants.
- (23) Commercial recreational uses such as theaters, miniature golf courses, driving ranges and the like.
- (24) Veterinarian establishments provided that all animals shall be kept inside soundproof, air conditioned buildings.
- (25) Parks public and semipublic grounds, for games and sports, country clubs, recreational and community centers or neighborhood buildings and activities operated for profit.
- (26) Repair garages for small engines and automobiles.
- (27) Video and computer games.
- (28) Reserved
- (29) Inns, bed and breakfast facilities or similar establishments none of which shall exceed eight (8) rentals units or rooms. No rental unit or room shall be offered for rent or allowed to be sub rented for a period of less than ten (10) hours or greater than thirty (30) days.
- (30) Automotive service stations provided that the storage of gasoline or other flammables shall be accomplished in underground tanks.
- (31) Yard and garden services and (plant) nurseries.
- (32) Emergency Medical Services. The requirements of sections 11-1 through 11-4 shall not apply.

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(33) Automobile leasing consisting of passenger automobiles and vans with seating capacity not exceeding fifteen (15) people provided no more than fifteen (15) vehicles are present on the premises at any time, except as limited by section 10-5 of the Code of Ordinances.

(Ord. No. 86-180, § 13-2, 6-10-86; Ord. No. 90-307, § 1, 4-10-90; Ord. No. 97-519, § 1, 10-28-97; Ord. No. 20-21 §, 11-10-20)

Sec. 21.112 Prohibited uses.

The following are examples of specific uses, consisting of but not limited to the uses set out herein below, prohibited in the C-3 district:

- (1) Bulk fuel storage or distribution.
- (2) Manufacturing and/or processing.
- (3) Storage yards, warehouses, mini-warehouses, distribution and fulfillment centers and other storage facilities.
- (4) Automobile or truck sales (new or used).
- (5) Major construction equipment sales.
- (6) Truck terminals.
- (7) Drive-in restaurants with curb service.
- (8) Dance halls.
- (9) Outdoor theaters.
- (10) Mortuaries.
- (11) Industrial operations of any kind.
- (12) Amusement centers, billiard parlors, video poker parlors, pool halls and establishments sponsoring devices for engaging in billiards, pocket billiards or pool, and tattoo parlors.
- (13) Bars, lounges, taverns, beer and wine gardens or parlors and tasting rooms, except as operating in a full-service restaurant permitted by the South Carolina Department of Revenue.
- (14) Hotels, motels, boarding houses, and rooming houses.
- (15) Wholesale sales and service.
- (16) Adult and/or sexually oriented businesses, adult arcades, adult bookstores, adult video stores, adult cabaret, adult motion picture theaters, adult theaters, nude model studios, and all other adult and/or similar sexually oriented activity.

(Ord. No. 86-180, § 13-3, 6-10-86; Ord. No. 97-519, § 2, 10-28-97; Ord. No. 20-21 §, 11-10-20)

Secs. 21.113--21.118. Reserved

ARTICLE XII. USE REQUIREMENTS FOR CONCENTRATED COMMERCIAL DISTRICTS (C- 4)

Sec. 21.119 Purpose.

The purpose of the Concentrated Commercial District is to provide for and promote a more concentrated development of

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retail establishments and personal business services to supply the needs of the residents as well as a large market area and to provide for limited warehousing, vehicular sales and overnight accommodations. (Ord. No. 97-519, § 6, 10-28-97)

Sec. 21.120 Permitted uses.

The following uses are permitted in the C-4 district:

- (1) Accessory buildings and uses customarily incidental to all permitted use.
- (2) Signs subject to the provisions of article XVI.
- (3) Public utilities, transfer stations, water tanks and towers, electrical transmission lines and towers, telephone exchanges with no vehicles or equipment stored on premises, subject to the height requirements of sections 21.5.16 and 21.136. All district yard requirements must be met, and all electric power substations, transformer substations or relay substations must be enclosed by a vision restricted fence at least eight (8) feet high and suitably landscaped.
- (4) Public and private schools offering general educational courses.
- (5) Public and semipublic recreational facilities and uses not operated for profit which may include parks, play grounds, country clubs, community centers, neighborhood buildings.
- (6) Churches, including Sunday school or education buildings and other places of worship.
- (7) Nursing or convalescent homes.
- (8) Private, nonprofit clubs or lodges, not engaging in activities set forth in Article XXII.
- (9) Hospitals and medical treatment facilities.
- (10) Governmental buildings and uses, except relating to purposes of penology.
- (11) Libraries.
- (12) Nursery and kindergarten schools provided all state requirements are met and subject to the provisions of section 21.147.
- (13) Banks and other financial institutions.
- (14) Professional and business offices.
- (15) Medical, dental or chiropractic or other medically oriented office, clinic and/or laboratory.
- (16) Business schools.
- (17) Studios for teaching art, music, dancing, etc., and not engaging in activities set forth in Article XXII.
- (18) Retail establishments.
- (19) Restaurants.
- (20) Clubs, lodges, fraternal and social organizations, not engaging in activities set forth in Article XXII.
- (21) Commercial recreational uses such as theaters, miniature golf courses, driving ranges and the like.
- (22) Veterinarian establishments provided that all animals shall be kept inside soundproof, air conditioned buildings.

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- (23) Parks, public and semipublic grounds for games and sports, country clubs, recreational and community centers or neighborhood buildings and activities operated for profit.
- (24) Repair garages for small engines and automobiles.
- (25) Video and computer games.
- (26) Reserved
- (27) Automotive service stations provided that the storage of gasoline or other flammables shall be accomplished in an underground tank.
- (28) Mobile home parks.
- (29) Warehouses, mini warehouses, distribution and fulfillment centers, or other enclosed storage facilities.
- (30) Rental, leasing and sale of passenger automobiles, vans with a seating capacity not exceeding fifteen (15) people, and trucks with a capacity not exceeding one and one-half tons.
- (31) Inns, bed and breakfast facilities or similar establishments none of which shall exceed eight (8) rental units or rooms each. No rental unit or room shall be offered for rent or allowed to be sub rented for a period of time less than ten (10) hours or greater than thirty (30) days.
- (32) Communication towers by special exception as set forth in sections 21.244 - 21.246.
- (33) Tattoo facilities, parlors or establishments engaging in the tattooing business or practice of marking the skin with patterns, pictures, designs, legends, or other markings, as permitted by state law and regulation. (Ordinance No. 2006-01, 2-14-06, added subsection 35)
- (34) Establishments primarily engaged in providing (1) short term emergency shelter for victims of domestic violence, sexual assault, or child abuse and/or (2) temporary residential shelter for homeless individuals or families, runaway youth, and patients and families caught in medical crisis. (Ordinance No. 2013-4.1, 5-14- 2013, added subsection 36)
- (35) Businesses engaging in the retail merchandising and sale of products containing hemp, hemp derived Cannabidiol (CBD), CBD oils, Cannabis Products, or vaping products of alternative consumable matter other than tobacco meant to be smoked, vaped, or ingested orally in any fashion.
- (36) Adult and/or sexually oriented businesses, adult arcades, adult bookstores, adult video stores, adult cabarets, adult motion picture theaters, adult theaters, nude model studios, and all other adult and/or similar sexually oriented activity as set forth in sections 21.250 - 21.262. (Ord. No. 86-180, § 13-3, 6-10-86; Ord. No. 97-519, § 2, 10-28-97)
(Ord. No. 20-21 §, 11-10-20)

Sec. 21.121 Prohibited uses.

The following are examples of specific uses, consisting of but not limited to the uses set out herein below, prohibited in the C-4 district:

- (1) Bulk fuel storage or distribution.
- (2) Manufacturing and/or processing.
- (3) Storage yards or other outside storage.
- (4) Major construction equipment sales.

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- (5) Truck terminals.
- (6) Outdoor theaters.
- (7) Mortuaries.
- (8) Industrial operations of any kind.
- (9) Amusement centers, billiard parlors, pool halls and establishments sponsoring devices for engaging in billiards pocket billiards or pool.
(Ordinance No. 2006-01, 2-14-06, deleted tattoo parlors)
- (10) Bars, night clubs, lounges, taverns, beer and wine gardens or parlors and tasting rooms, except as operating in a full-service restaurant permitted by the South Carolina Department of Revenue.
- (11) Boardinghouses and rooming houses.
- (12) Wholesale sales and service.
(Ord. No. 97-519, § 6, 10-28-97; Ord. No. 20-21 §, 11-10-20)

Secs. 21.122--21.127 Reserved

ARTICLE XIII A. USE REQUIREMENTS FOR COMMERCIAL ENTERPRISE/REDEVELOPMENT ZONE (C-5)

Sec. 21.131 Purpose.

The purpose of the Commercial Enterprise/Redevelopment Zone District is to provide for and promote compatible development of commercial and retail establishments, personal and business services, and residential uses within the district to supply the needs of the residents as well as a large market area. The District is usually located on a major street and must contain a minimum site area of 5 contiguous acres and minimum developed space of 250,000 square feet. The regulations which apply within this district are designed to encourage the formation and continuance of large developments containing a compatible environment for retail, office, professional, residential uses, hotels, convention centers, call centers and governmental institutions. The statements of intent about formation of “strip” commercial developments as set forth in section 21.81.1 and 21.81.2 also apply to C-5 commercial areas. It is highly likely, if not inevitable, that redevelopment of property or properties with the acreage and existing development necessary to qualify for this District will involve proximity to a variety of surrounding commercial and/or residential areas outside of the District and, further, will materially impact the City’s fiscal resources, the demand for public services and infrastructure, and the existing community character. The potential for redevelopment to impact surrounding areas and the City is heightened by the flexibility provided for within the District with regard to maximum building height and other development standards, which flexibility is not available in other commercial districts. Accordingly, the regulation of permitted uses within the District is based upon, in addition to the other factors set forth in Section 2.1.1, consideration of the City’s desire to facilitate the creation of a convenient, attractive and harmonious community; to avoid undue concentration of population and increased congestion in the streets; to facilitate the adequate provision or availability of transportation, police and fire protection, water, and sewer to secure economy in governmental expenditures; to minimize increased levels of noise and other environmental factors incompatible with existing and anticipated future uses in surrounding areas; and to conserve the value of land and buildings and sustain the stability of neighborhoods.

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Sec. 21.132 Permitted uses.

The following uses are permitted in the C-5 district:

- (1) Multi-family residences
- (2) Signs subject to the provisions of subsection 21.134 District Regulations.
- (3) Public utilities transfer stations, water tanks and towers, electrical transmission lines and towers, telephone exchanges with no vehicles or equipment stored on premises, subject to the height requirements of sections 21.5.16 and 21.136. All district yard requirements must be met, and all electric power substations, transformer substations or relay substations must be enclosed by a vision restricted fence at least eight (8) feet high and suitably landscaped.
- (4) Public and private recreational facilities and uses, which may include parks and playgrounds.
- (5) Churches including Sunday school or educational buildings and other places of worship.
- (6) Any combination, whether adjoining or separate facilities, of: (1) governmental buildings, services, and uses except relating to purposes of penology; (2) medical treatment facilities; (3) hospitals; (4) other medically oriented offices, clinic and/or laboratory; (5) assisted living, nursing, or convalescent homes (limited to 50,000 square feet), provided the total of all such uses shall be limited to 250,000 square feet (measured from the exterior face of the exterior walls) of the total development in the district.
- (7) Nursery and kindergarten schools provided all state requirements are met and subject to the provisions of section 21.147.
- (8) All banks and other financial institutions.
- (9) Professional and business offices.
- (10) Dental and chiropractic offices.
- (11) Studios for teaching art, music, dancing, etc.
- (12) Retail establishments.
- (13) Retail establishments wherein no more than twenty percent (20%) of the total square footage of the business, not to exceed one thousand (1,000) square feet, whichever is less, is engaged in the merchandising and sale of products containing hemp, hemp derived Cannabidiol (CBD), CBD oils, Cannabis Product, or vaping product of alternative consumable matter other than tobacco meant to be smoked, vaped or ingested orally in any fashion.
- (14) Restaurants.
- (15) Commercial recreational uses such as theaters and auditoriums.
- (16) Personal service establishments, including but not limited to barber and beauty shops, post office substations, shoe repair shops, dry cleaning and laundry pickup stations, garment making, tailoring and garment repair shops, excluding tattoo facilities and parlors.
- (17) Open air markets.
- (18) Call centers
- (19) Veterinarian establishments, to include boarding facilities for medical purposes only, provided that all animals shall be kept inside soundproof, airconditioned buildings.
- (20) Amusement centers containing games, facilities, and activities for children and video and computer games.
- (21) Hotels, inns, conference and convention center facilities or similar establishments.

Sec. 21.133 Prohibited uses.

The following are examples of specific uses, consisting of but not limited to the uses set out herein below, prohibited in the C-5 district:

- (1) Bulk fuel storage or distribution.
- (2) Manufacturing and/or processing.
- (3) Storage yards, warehouses, mini-warehouses, distribution and fulfillment centers and other storage facilities.
- (4) Major construction equipment sales.

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- (5) Truck terminals.
- (6) Restaurants with drive-in service.
- (7) Outdoor theaters.
- (8) Mortuaries.
- (9) Industrial operations of any kind.
- (10) Billiard parlors, pool halls and establishments sponsoring devices for engaging in billiards, pocket billiards or pool, and tattoo parlors.
- (11) Bars, lounges, taverns, beer and wine gardens or parlors, except as operating in a full-service restaurant permitted by the South Carolina Department of Revenue, excluding festivals or public events where wine, beer or alcoholic beverages are served or offered for sale.
- (12) Tattoo facilities, parlors or establishments engaging in the tattooing business or practice of marking the skin with patterns, pictures, designs, legends, or other markings, as permitted by state law or regulations.
- (13) Boardinghouses and rooming houses.
- (14) Wholesale sales and service.
- (15) Adult and/or sexually oriented businesses, adult arcades, adult bookstores, adult video stores, adult cabarets, adult motion picture theaters, adult theaters, nude model studios, and any and all other adult and/or similar sexually oriented activity. (Ord. No. 86-180, § 13-3, 6-10-86; Ord. No. 97-519, § 2, 10-28-97)

Sec. 21.134 District regulations. All requirements and provisions of the Zoning Ordinance and Code of Ordinances of the City shall apply to the Commercial Enterprise/Redevelopment District, except as set forth herein below, conflicting provisions in the zoning ordinance to the contrary notwithstanding:

- (1) Maximum building height within a Commercial Enterprise/Redevelopment District shall be 65 feet.
- (2) Minimum Yard setback: Front 0, Side 10, and Rear 20.
- (3) Off-street automobile parking and storage spaces in the district shall be equal in number to at least the minimum requirements of one space for each 300 square feet of developed space.
- (4) Private streets are allowed provided such streets comply with the standards for public streets.
- (5) Signage:
 - a. The Commercial Enterprise/Redevelopment District shall be allowed signage as approved for a major shopping center in Sec. 21.165 (5)(c).
 - b. The signage allowed in Section 21.165(5)(c) for each Commercial Enterprise/Redevelopment District may include the following:
 - i. A sign may contain a digital display and contain parts that move, change, or operate by light emitting diodes (LEDs), change static message or copy by electronic means, or capable of changing displaying words or figures that can be electronically changed by remote or automatic means, subject to the following restrictions and requirements:

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1. Message Display Intervals or Dwell Time. Each message appearing on a digital sign face shall remain fixed for a minimum of six (6) seconds, and message changes shall be accomplished in one second or less.
 2. Malfunction Display Lock. Digital signs shall contain a default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down.
 3. Illustration. Display brightness shall be adjusted as ambient light levels changes and shall be subject to review and regulation by the City.
 4. The digital sign may not display light of such intensity or brilliance to cause glare or otherwise impair driver vision or result in a nuisance to any driver.
- ii. Such signs may display Bonafide business conducted, or products sold at its location.
- c. The use of a Commercial Enterprise/Redevelopment District Sign shall not in any manner limit the availability of other signage contained in Sec 21-165 of the Zoning Ordinance and Code Ordinances of the City.

Sec. 21.135 Wall signs. Wall signs are permitted on the primary building façade, and architecturally finished secondary facades. Building rears or sides that do not meet the architectural standards described below do not qualify for wall signs. No space greater than twelve (12) inches shall exist between the surface of the wall and the interior edge of the sign. For shopping centers and similar multi-tenant buildings with individual entrances, wall sign area shall be calculated independently for each distinct tenant space. Wall sign area is permitted as follows:

- a. Wall Sign Area - Primary Façade. The maximum wall sign face area shall be one square foot per building front foot, or five percent (5%) of the façade area, whichever is greater. The maximum sign area for any building façade shall be four hundred (400) square feet, and the maximum size of any single wall sign shall be three hundred (300) square feet.
- b. Wall Sign Area - Secondary Facades. For parcels with secondary facades facing streets or primary drive aisles, that are architecturally finished with similar materials, details and window patterning, the wall sign area shall be the same as the primary façade. The maximum sign area shall be four hundred (400) square feet, and the maximum size of any single wall sign shall be three hundred (300) square feet. For secondary facades that are architecturally finished with similar materials and details, but not similar window treatments, the maximum wall sign area shall be one-half (1/2) square foot per building front foot, or two and one half per cent (2.5%) of the façade, whichever is greater. The maximum sign area shall be two hundred (200) square feet, and the maximum size of any single wall sign shall be one hundred fifty (150) square feet.
- c. Wall Sign Vertical Dimension. Wall Sign vertical dimension shall be a maximum of fifty percent (50%) of the height of the first-floor façade, or ten (10) feet, whichever is less. An additional two feet may be allowed for a logo figure, capital letter or letter ascender or descender of a registered trademark.

(Ord. 2012-1, 1-10-12 created new Article)

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ARTICLE XIII. PLANNED DEVELOPMENT DISTRICT (PDD)

Section 21.128 Purpose.

Planned Development Districts are intended to allow flexibility in the design and development of land while fostering innovative site planning techniques, resulting in improved character and quality of the built and natural environment. A planned development district is characterized by unified site design incorporating at least one residential and one commercial use but may also incorporate compatible institutional and industrial uses. The district should include preservation of natural and scenic areas and utilization of open space, buffering, screening, and vehicular and pedestrian circulation. The flexibility allowed is intended to result in a wider choice in the type of environment and living units available to the public, more open space, a creative approach to the use of land and related physical development, and an efficient use of land resulting in less extensive networks of utilities and streets. Planned Development Districts are also intended to encourage flexible and creative planning and property development, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts. The site plan and descriptive statement, approved by ordinance, constitutes the zoning district map and district regulations for a particular planned development.

A PDD may only be established in one of the following circumstances:

1. The land is in close proximity to established residential neighborhoods where conventional zoning classifications may not adequately address neighborhood concerns regarding the quality or compatibility of the adjacent development, and where it may be desirable to the neighborhood, the developer or the City to develop and implement mutually agreed, enforceable development standards;
2. The land, or adjacent property that would be impacted by the development of the land, has sensitive or unique environmental features requiring a more flexible approach to zoning and clustering of uses, or special design standards, to afford the best possible protection of the unique qualities of the site or the adjacent property;
3. The land serves as transition between different and seemingly incompatible land uses;
4. The land is of such a character that it is in the community's best interest to encourage high quality development through flexible development standards to further the goals and objectives of the City's Comprehensive Plan; and
5. The land consists of unusually configured parcels that cannot be developed efficiently under traditional zoning district standards.

Each PDD shall be established as an independent district. Development in a PDD must be consistent with a Site Development Plan that is incorporated as part of the district by the adopting ordinance for the PDD.

No PDD shall be established for a gross contiguous area less than the following:
Mixed residential and nonresidential uses: two (2) acres.

Criteria for Approval

The following criteria will be used by the City in deciding whether to approve, approve with modifications, or deny an application for a PDD:

1. The extent to which the land covered by the proposed PDD fits one or more of the circumstances in warranting a PDD classification.
The extent to which the proposed PDD furthers the policies of the City's adopted Comprehensive Plan (as amended) and other formally adopted City planning documents.
2. The extent to which the proposed PDD will result in a superior development that could not be achieved through conventional zoning classifications.
3. The extent to which the proposed PDD will resolve or mitigate any compatibility issues with surrounding development.
4. The extent to which proposed uses and the configuration of uses depicted in the Site Development Plan are compatible with existing and planned adjoining uses;
5. The extent to which the proposed development is consistent with adopted public facilities plans, including those related to water, wastewater, transportation, drainage and other public facilities; and
6. The extent to which the proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.

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Conditions for Approval

The City Council may establish conditions to the PDD regulations and Site Development Plan as are necessary to assure that the purpose of the PDD is implemented. The PDD document attached to the ordinance presented at the public hearing and first reading of the ordinance shall reflect all changes and recommendations made by the Planning and Zoning Commission and City Council.

Section 21.129 District Regulations. All requirements and provisions of the Zoning Ordinance and Code of Ordinances of the City shall apply to the Planned Development District, except as set forth herein below, conflicting provisions in the zoning ordinance to the contrary notwithstanding:

Permitted Uses. Set forth in approved plan.

Prohibited Uses. As set forth in approved plan to include all prohibited uses set forth in Section 21.121, Prohibited Uses for General Commercial Districts (C-3), excluding hotels.

Minimum lot width, internal setbacks, and internal landscaping and buffering. Set forth in the approved plan to include requirements set forth in Section 21.152 Tree Protection and Land Disturbance Activity.

Minimum external (i.e., bordering any perimeter street or property not in the PDD) setbacks. Set forth in the approved plan but must, at a minimum, meet all setback requirements of the zoning district immediately adjacent to or across the street from any given area within the PDD, but in no event less than five (5') feet from any structure.

Minimum external (i.e., bordering any perimeter street or property not in the PDD) landscaping and buffering. Set forth in the approved plan but must meet, at a minimum, the requirements set forth in Sections 21.8.1 and 21.8.2.

Maximum number of residential units per acre. Set forth in the approved plan but not to exceed 21 residential units per acre. May vary from area to area within the approved plan.

Maximum structure height. Set forth in approved plan, but not exceeding five (5) stories or sixty-five (65') feet in height, provided the building along any perimeter street or residential area shall not exceed two (2) stories or thirty-five (35') feet in height.

Off-street parking and loading requirements. Set forth in the approved plan.

Signs. Set forth in approved plan, but not to conflict with Sign Regulations set forth in Sections 21.160-173

Streets, public or private. Private streets may be permitted, provided such streets comply with standards for public streets. Public Streets shall comply with all standards for public streets in accordance with all guidelines, regulations, and requirements established by S. C. Department of Transportation.

Infrastructure bonding, plat approvals, and site plan approvals. Set forth in approved plan but shall not conflict with existing Land Development Regulations adopted by the City of Forest Acres.

Section 21-130 Neighborhood Character Policy.

It is the policy of Forest Acres in considering proposed planned development districts to balance responsible growth with preservation of neighborhood and community character, including but not limited to the forested characteristics that give the City its name. Furthermore, the City finds that innovation and flexibility in site planning techniques may at times be appropriately balanced with additional measures to prevent impacts to the character of neighboring residential areas and public thoroughfares. Accordingly, the City encourages applicants to consider site design and district regulation that would:

- (i) Provide effective buffering for single-family and two-family residential uses outside the district using setbacks, landscaping, and other measures within the district appropriate to meaningfully preserve existing community character, but in no event less than five (5) feet;
- (ii) Provide innovative site layout techniques and/or district restrictions intended to prevent impacts from outdoor lighting and noise on residential properties outside the district;
- (iii) Tailor limitations on specific non-residential uses based on proximity to existing residential areas, considering the compatibility of specific uses with residential areas (for example, a restaurant use could have a greater impact than a professional office use on a neighboring residential property); and
- (iv) Preserve to the greatest extent possible significant trees, as defined in section 21.3.2, located at trunk

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center within fifty (50) feet of the district perimeter abutting any existing residential use or public street.

The Planning Commission shall adopt (and as it deems warranted from time to time, amend) a form designed to elicit PDD applicant information relevant to this policy, including the design factors specified above. The form, once approved by the Planning Commission, shall be a component of an application to establish a PDD district.

Section 21.131 Planned Development District Application and review procedures. The following procedures shall apply to the establishment of a PDD district, other provisions in this ordinance to the contrary notwithstanding:

Pre-Application Conference. An applicant for PDD zoning is required to contact the Zoning Administrator prior to submission of a PDD application. The Zoning Administrator will provide information and a review of regulations and procedures applicable to the proposed plan and descriptive statement.

Application Submission. PDD districts are established by amendment to the zoning ordinance in the manner prescribed for rezoning. Official initiation of a PDD amendment shall be by submission of a rezoning application form with required attachments. This application form and corresponding instructions will be provided by the Zoning Administrator or can be accessed through the City's website. All property owners or authorized agents must sign the completed application.

Site Development Plan. A site development plan is a required attachment to the application for the PDD amendment. The site development plan shall indicate the following:

1. The shape and dimensions of the zoning lot(s);
2. The size and location of all existing buildings;
3. The general location and orientation of any proposed buildings that shall be erected, altered, or moved;
4. The locations of any building setback line;
5. The heights of all proposed buildings and parts thereof;
6. The existing and proposed use of each building and part thereof;
7. The number of families or dwelling units in each existing building and the number that each proposed building is intended to accommodate;
8. The size and location of all proposed points of ingress/egress to the property, interior driveways, off-street loading areas, and off-street parking areas containing more than six parking spaces;
9. Finished first floor elevation above mean sea level requirement and the flood hazard zone designation if in a special flood hazard zone;
10. Clear illustration of proposed development phasing boundaries; and
11. Such other reasonable and pertinent information concerning the lot or neighboring lots as the Zoning Administrator may find necessary for the enforcement of this Ordinance.

Descriptive Statement. A thorough descriptive statement is a required attachment to the application for the PDD amendment. It shall address the regulations in Section 21.129 and shall indicate the characteristics and standards to be used for development of the site, and shall include at least the following items:

1. Legal description of site boundaries, and total area of the site;
2. Area and location of each type of use;
3. Number and density of dwelling units by type;
4. Description of open space locations, uses, and proposed dedication for public use;
5. Ownership and maintenance of streets, and proposed dedication to public use;
6. Methods for dealing with parking and the impact on projected traffic related to the uses on the site and adjacent districts and streets;
7. Steps proposed to comply with landscape and buffering regulations;
8. Steps proposed to comply with sediment control and storm drainage regulations;
9. Outline for development phasing with anticipated time frames;
10. Design standards, procedures and methods demonstrating that development will result in an integrated-use district, functional and compatible with the area;
11. Proposed restrictive covenants to be recorded to assure future compliance with the standards of the plan;

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12. Phasing Schedule; and
13. Such other information as may be appropriate for review.

Checklist. Completion of a checklist, as an attachment to the application, is required to allow staff and the Planning Commission to ascertain whether and how the applicant intends to address concerns related to the multiple uses and varying densities associated with planned development districts.

Planning Commission Review. Upon determination that the application meets the above requirements, the Zoning Administrator shall forward the application to the Planning Commission for review and recommendation to City Council as set forth in Section 21.273.

City Council Action. Upon receipt of the Planning Commission recommendation, the City Council shall conduct a public hearing as required for zoning amendments, and may approve, approve with modifications accepted by the applicant, or disapprove the proposed amendment.

Zoning and Building Permits. Zoning and building permits shall not be issued until the zoning is approved by the City Council; approved plats, the approved descriptive statement and all restrictive covenants are filed for record with the City Clerk and the Clerk of Court for Richland County; and all required bonds are posted with the Zoning Administrator.

District Regulations. The applicable regulations provided for in Section 21.129, and those in the approved plan and descriptive statement, shall constitute the PDD district regulations for the site.

District Map. The site development plan approved by the City Council shall be the zoning district map for the PDD and shall be the basis for decisions by the Zoning Administrator and issuance of zoning and building permits.

Section 21.132 Changes to Previously Approved PDD Plan.

Major Changes.

Changes proposed in writing by the applicant which alter district boundaries, or which materially affect the characteristics of the PDD shall be submitted under normal zoning amendment procedures applicable to the establishment of the PDD, including review by the Planning Commission and approval by City Council. Such major changes, which materially affect the characteristics of the PDD, include:

1. Boundary Changes;
2. Decrease in Open Space;
3. Change in External Screening and Buffering (>10% decrease in height, width, or area of buffering; or change in materials used to provide screening or buffering);
4. Increase or Decrease in number of access points;
5. Increase in Lighting;
6. Changes to more intensive land uses (e.g., from residential to commercial) within any given area of the PDD;
7. Changes to any component of the plan that was previously expressly limited by reference to any other section of the City's Zoning Ordinance or Code of Ordinances;
8. Any change that may alter the character of the PDD or that may have an adverse impact upon neighboring property owners; or
9. Increase or decrease in any building size, not to include height, of more than five per cent (5%).

Minor Changes.

Changes proposed in writing by the applicant which involve revision of minor characteristics of the PDD. Such minor changes, which do not materially affect the approved plan concept or violate any applicable regulations, may be approved by the Zoning Administrator. The decision of the Zoning Administrator is subject to review by the Planning Commission and by the Zoning Board of Appeals if the applicant or any party whose property is adversely affected files a written appeal pursuant to Section 2126.2. An applicant may submit a rejected change by the Zoning Administrator or Planning Commission to City Council as an amendment to the plan under the normal zoning amendment procedures.

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Permits.

No zoning or building permits involving a minor or major change of the PDD descriptive statement or map shall be issued until the written change is approved and filed with the City Clerk and recorded in the RMC office for Richland County.

Section 21.134 Failure to Begin, Failure to Make Adequate Progress, or Failure to Complete

If the responsible party fails to begin, fails to progress, or fails to complete development as agreed in the descriptive statement and/or ordinance amendment, the City Council may charge the developer with violation of the zoning ordinance, may enforce bonds posted for compliance, may rezone the property, or may take any combination of these actions. In any event, if construction of the planned development is not initiated within 2 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.

Expiration

Progress toward development of the Site Development Plan shall occur within the following time periods:

1. An application for approval of a Site Development Plan, subdivision plat or site plan, as may be required, shall be submitted for approval within two years of the date of establishment of the PD District, unless otherwise provided in the adopting ordinance. If a Site Development Plan for all or a phase of the development depicted in the Site Development Plan is not submitted within such period, the authority to submit such development and all subsequent site development plans or required permits for the PDD shall be suspended.
2. If the land within the PDD is to be developed in phases, a Site Development Plan or other development application shall be submitted for the next phase within two (2) years from approval of a Site Development Plan or other development application for the preceding phase, or as otherwise provided in the phasing schedule for the PDD. If a subsequent Site Development Plan or other development application is not submitted within such period, the authority to submit such Site Development Plan application for that portion of the property and any subsequent site development plans or other development applications for the PDD shall be suspended.
3. Expiration of an approved Site Development Plan or other development application shall result in suspension of the authority to submit a new Site Development Plan or other development application for that portion of the property and for subsequent phases of development within the district for which a Site Development Plan or other development application has not been approved.
4. An approved Site Development Plan shall expire if a preliminary plat application for single-family residential projects, or a site plan for any other project, is not approved within two years of the date of approval of the Site Development Plan.

Expiration of the approved preliminary plat or site plan subsequently shall result in expiration of the associated Site Development Plan. If the preliminary plat or site plan is reinstated, the Site Development Plan shall be deemed to be reinstated as well.

(Ord. No. 20-21 §, 11-10-20 replaced article)

Secs. 21.131--21.135 Reserved

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Article XIV Area, Yard, and Height Requirements

| District | Minimum Lot Area (Sq Ft) | | | Min. Lot Width | | Minimum Setbacks | | | | | | Maximum Height (f) | Maximum Coverage of Lot by Building (%) |
|----------|--------------------------|-------------|---------------------------------|-----------------------|------------------------|--------------------|-----------------------|-------------------|-------------------------|-----------|-------------------------------------------------------------|--------------------|-----------------------------------------|
| | First Unit | Second Unit | Additional Units Over Two Units | At Front Setback Line | At Street Frontage (a) | Front Yard Setback | Side Yard Setback (b) | Rear Yard Setback | Accessory Structure (d) | Driveways | All sides bordering any public highway, street, or road (e) | | |
| R-1 | 15,000 | NP | NP | 90 | 70 | 35 | 10 | 20 | 5 | 2 | 35 | 35 | 25 |
| R-1a | 12,000 | NP | NP | 85 | 70 | 35 | 10 | 20 | 5 | 2 | 35 | 35 | 30 |
| R-2 | 10,000 | 5,000 | NP | 70 | 70 | 35 | 10 | 20 | 5 | 2 | 35 | 35 | 35 |
| R-3 | 10,000 | 5,000 | 3,500 | 70 | 70 | 35 | 10 | 20 | 5 | 2 | 35 | 35 | 40 |
| P-1/P-2 | 10,000 | 5,000 | 3,500 | 90 | 70 | 25 | 10 | 20 | 3 | NA | 25 | 35 | 60 |
| C-1 | 7,500 | 7,500 | 3,500 | 70 | 70 | 25 | 10 | 20 | 3 | NA | 25 | 35 | 60 |
| C-2/C-2a | 7,500 | 7,500 | 3,000 | 70 | 70 | 25 | 10 | 20 | 3 | NA | 25 | 35 | 60 |
| C-3 | 7,500 | 7,500 | 3,000 | 70 | 70 | NA | 10 (c) | 20 | 3 | NA | 25 | 35 | NA |
| C-4 | 7,500 | 7,500 | 3,000 | 70 | 70 | NA | 10 (c) | 20 | 3 | NA | 25 | 35 | NA |
| C-5 | 7,500 | 7,500 | 3,000 | 70 | 70 | NA | 10 (c) | 20 | 3 | NA | 25 | 35 | NA |

TABLE NOTES

NP = Not Permitted

NA = Not Applicable

(a) Twenty-five (25) feet if such lots are on a cul-de-sac

(b) Minimum side yards for corner lots in residential districts shall meet the minimum front yard requirements on the sides adjacent to a street.

(c) No yard setback required if building is built to lot line, except when any side adjoins or borders any public highway, street, or road. (Also see Section 21.5.15 Vision Clearance)

(d)

(e) Not to exceed an accumulative total of seven hundred fifty (750) square feet for all Accessory Structures on the lot; for any single Accessory Structure larger than seven hundred fifty (750) square feet, the side setback requirements for the principal structure shall apply. See Section 21.3.2 Definitions: Accessory Structures

(f) Residential corner lots see Section 21.5.7

(g) No structure shall be more than three (3) stories in height. See Section 21.5.16 for exceptions.

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Secs. 21.137--21.139 Reserved

ARTICLE XV GENERAL AND SPECIAL PROVISIONS

Sec. 21.140 Group housing projects

Group housing projects consist of more than one (1) residential structure (single-family, duplex, or multifamily) on a single lot in permitted districts. Prior to issuance of a building permit by the building official or his designee, all group housing projects proposals shall be reviewed and approved by the planning commission. In no instance shall the planning commission approve any group housing project which does not meet the following minimum standards:

(1) Lot size: A group housing project shall not be permitted on a lot having an area of less than one (1) acre.

(2) Street access: Any building established in connection with such group housing project which cannot properly be served by emergency or service vehicles from an abutting street shall be made accessible to such vehicles by a paved driveway having a roadbed width of not less than twenty (20) feet, exclusive of parking spaces.

(3) Off street parking facilities: Off street parking facilities established in connection with such developments shall be of such design, location and arrangement that will not interfere with the efficient flow of traffic through the area and that will not interfere with the access of emergency or service vehicles.

(4) Minimum spacing (in feet) between principal buildings:

| | |
|--------------------|--------------------|
| Front to front: 30 | Front to side: 20 |
| Side to side: 15 | Rear to front: 100 |
| Rear to side: 20 | Rear to rear: 20 |

(5) Setback requirements: Unless otherwise provided by this chapter, all buildings and structures established in connection with such development shall be placed not closer than twenty (20) feet from any property line. Parking facilities on streets shall not be permitted within ten (10) feet of any perimeter property line.

(6) Street design and construction standards: All streets and roads, whether public or private, must meet requirements and specifications as provided by South Carolina Department of Transportation and those in Richland County.

(7) Density calculation: A group housing project shall conform to the minimum lot area per dwelling unit for the district in which it is located.

(8) Screening. Group housing projects shall be effectively screened along the side and rear property line by a planting of trees or shrubs designed at least five (5) feet high-and four (4) feet deep, or a solid wall or fence at least five (5) feet high, or an equivalent screen approved by the building official.

(Ord. No. 86-180, § 15-1, 6-10-86)

Sec. 21.141 Reserved

(Ord. No. 86-180, § 15-2, 6-10-86, Ord. No. 99-577, § 21-122, 6-15-99)

(Ord. No. 06-08, § 21-141 (21.141.1-21.141.3) repealed Cluster Housing Regulations.

Sec. 21.142 Manufactured housing, mobile homes and mobile home parks.

21.142.1 Mobile homes are permitted only in mobile home parks.

21.141.2 Mobile home parks are permitted only in zoning district C-4 and shall comply with the regulations

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and standards in Article XV of this Code of Ordinances. No mobile home park shall be allowed, continued or constructed in flood hazard areas which consist of floodways and floodplains as set forth in article XVII. (Ord. No. 86-180, §15-3, 6-10-86; Ord. No. 97-519 § 7, 10-28-97)

Sec. 21.143--21.145. Reserved.

Sec. 21.146 Home occupations

Home occupations shall meet the following requirements:

- (1) The occupation, profession or trade is carried on wholly within the principal building.
- (2) Not more than twenty (20) percent of the floor area of the principal building is used for the conduct of the home occupations.
- (3) No merchandise or articles are displayed for advertising purposes, nor are displayed in such a way as to be visible from outside the dwelling.
- (4) No merchandise or articles are stored other than inside the principal building.
- (5) There is no alteration of the residential character of the building or premises.
- (6) Only persons residing on the premises may be employed and/or work with the home occupation.
- (7) No traffic shall be generated by such home occupation in greater volumes 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.

(Ord. No. 86-180, § 15-5, 6-10-86)

Sec. 21.147 Day nurseries and kindergartens

Day nurseries and kindergartens shall comply with standards promulgated by the South Carolina Department of Social Services and the South Carolina Fire Marshal's office.

- (1) No play equipment shall be closer than twenty (20) feet to any residential lot line.
- (2) A solid masonry wall with vegetative screening shall be provided along property lines to buffer the day nursery or kindergarten from adjoining residential use or residential zoning districts.

(Ord. No. 86-180, § 15-6, 6-10-86)

Sec. 21.148 Garage sales.

A permit for a garage sale must be obtained from city hall for each sale, and the permit must be posted on the site of the sale. The maximum period for each permit is two (2) days consecutively. The maximum number of permits allowed per year is two (2) per residence or dwelling.

- (1) Under no circumstances shall new or used merchandise, furniture, etc. be purchased or brought to the premises for sale.
- (2) All merchandise must be that of the family or families conducting the sale.

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(3) Only one (1) sign may be posted not larger than two (2) square feet in size advertising the sale, and the sign must be placed on the private property of the person conducting the sale. The hours of the sale shall not be before sunrise or after sunset. No Sunday sales will be allowed.

(4) Any sign permitted by this section or any nonpermitted garage sale sign shall be removed within twenty-four (24) hours of the conclusion of the sale.

(5) No public address system, amplification system, megaphone or similar amplification device shall be utilized at any garage sale.

(6) No alcoholic beverages or beer of any type shall be served or given away on or near the premises of the sale.

(7) If upon inspection by the premises, it is determined that any sale is being conducted in violation of this section, the person to whom the permit is issued or in the event no permit was obtained, the owner(s) of the property or the tenant(s) on the property shall be issued a citation for violation of this section and/or the right to continue the sale terminated. Any person found to be in violation of this section shall be punishable by a fine not to exceed \$50.00 for the first offense and \$100.00 for any subsequent offense.

(Ord. No. 86-180, § 15-7, 6-10-86)

(Ord. No. 07-14, § 21-148, 5-15-07 revised (4), (5) and (6) and added (7).

Sec. 21.149 Accessory apartments for the elderly.

21.149.1 Intent. It is the intent of this section to provide elderly housing apartments for those aged sixty (60) and over. Such housing apartments shall consist of accessory apartments attached to a principal dwelling unit on a lot in an R-1 zoning district. Such accessory apartment may have a separate entrance and separate cooking facilities for the occupant. It shall not have separate water, sewer, gas, or electric meters.

21.149.2 Conditions. The building official shall review requests for accessory apartments for the elderly. The building official may grant or deny such requests subject to the following conditions:

(1) Compliance with all conditions of this section is mandatory.

(2) The dwelling unit, of which the accessory apartment is a part, shall be owner-occupied.

(3) The accessory apartment tenant shall be a family member of the owner of the dwelling unit.

(4) The floor space of the accessory apartment shall not exceed twenty-five (25) percent of the floor space of the dwelling unit.

(5) Construction or creation of an accessory apartment shall not change the single-family appearance of the dwelling unit. The applicant shall submit a plan showing proposed construction and site plan.

(6) Adequate off-street parking shall be provided.

(7) The building official shall secure assurance from the applicant stating that the accessory apartment will be leased or rented to the tenant named in the application.

(8) Declaration of covenants restricting the use to be filed with the Office of the Register of Deeds.

21.149.3 Expiration, Renewal of Permit.

(1) Expiration of permit:

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- a. The permit shall expire one (1) year from the date of issuance.
- b. The permit shall expire when the accessory apartment becomes vacant.
- c. The permit shall expire at the time of sale of property on which the dwelling unit and accessory apartment are located.
- d. The permit shall expire if the dwelling unit is not owner-occupied.

(2) Renewal of permit

- a. The applicant may request a renewal of the permit in writing within ten (10) days before expiration. The request shall be addressed to the building official.
- b. The building official shall review the conditions under which the permit was issued. If the applicant follows the stated conditions, the building official shall renew the permit. If the applicant is not in compliance with the conditions under which the permit was issued, the building official shall not renew the permit.

(Ord. No. 86-180, § 15-8, 6-10-86)

Sec. 21.150 Fences and walls.

21.150.1 Fences and walls no taller than eight (8) feet may be in the required yards of all zoning districts in the City of Forest Acres subject to the provisions of section 21.5.15.

21.150.2 No fence or wall in a R (residential) district shall be constructed of concrete blocks or cement bricks. Where walls or fences are used for retention or support as in holding back earth or in damming water, this provision shall not apply. 21.150.3 Fences or walls as described in this section and in section 21.3 may be built to the lot line of any required yard. See sections 21.5.13 and 21.5.15 for requirements for visibility at intersections.

21.150.4 Chain link or wire mesh fences shall not be permitted in the required front yards of any zoning district.

(Ord. No. 86-180, § 15-9, 6-10-86)

Sec. 21.151 Satellite receiver dishes for television signal reception (yard placement).

Satellite receiver dishes for television signal reception are permitted only in the rear yards of principal structures in R-1, R-1a, R-2, R-3, P-1, and P-2 zoning districts, and no portion of the dish shall be nearer than five (5) feet from any side or rear property line. In all other zoning districts, no satellite dish shall be permitted within the front yard setback requirements. (Ord. No. 86-180, § 15-10, 6-10-86)

Sec. 21.152 Tree protection.

21.152.1 Policy. It is the policy of Forest Acres to maintain the forested characteristics that gives the city its name, "Forest Acres". The objective of this section is the protection and replacement of trees consistent with economic, environmental, and healthful enjoyment of the community. It is not the intent of this section to cause unnecessary hardship to any individual, entity, or public agency. It is intended to provide reasonable conservation of existing trees and/or require planting of additional trees after development.

21.152.2 General Requirements, Permit. In any zoning district within the City of Forest Acres a tree permit is required to cut or otherwise remove:

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- (1) any significant tree, which consist of any healthy and structurally sound tree having a diameter at breast height (DBH) twelve (12") inches or larger, which shall also include the following: Sweet Bay with a DBH of 4 inches or greater; Eastern Redbud with a DBH of 4 inches or greater; American Holly with a DHH of 4 inches or greater; Flowering Dogwood with a DBH of 4 inches or greater; and Sourwood with a DBH of 6 inches or greater.
- (2) any tree located within twenty-five (25) feet of the right-of-way of Forest Drive, Trenholm Road or Beltline Blvd; or
- (3) any tree or shrub located within the five (5) foot required buffer zone between residential and commercial property as provided for in Section 21.5.14.
- (4) Trees preventing a reasonable site configuration including the establishment of a lawn, provided however, that no more than fifty (50%) percent of the number of significant trees are removed in the lawn area, otherwise, the requirements for a planting plan as set forth in 21.152.3 (1) shall apply. [Ord. No. 2016-7, 8-9-2016, added section (4)]

Except that, in zoning districts R-1 and R-1a any tree removal service(s) or person(s) employed to remove or assist in removal of any significant tree(s) shall be responsible for obtaining a tree permit, in the failure to do so, the landowner, occupant or tenant must obtain a permit prior to removal.

An application for a tree permit shall be a conditional use. In considering such a request for a tree permit, the Zoning Administrator or his designee shall take into consideration and consider the following as exceptions:

- (1) Dead or dying trees.
- (2) Structurally unstable trees posing a safety hazard to nearby buildings, utility lines, pedestrian, or vehicular traffic.
- (3) Trees preventing essential grade changes or reasonable utility installations.
- (4) Trees preventing a reasonable site configuration including the establishment of a lawn.
- (5) Trees preventing a reasonable means by which building, zoning, subdivision, health, public safety, or other municipal requirements can be met.
- (6) Storm damage where fifty (50%) percent or more of the canopy is broken or damaged. [Ordinance No. 2005-10, 11-8-05, added subsection (6)]
- (7) Written requirement by the corporate office of an insurance company affording hazard insurance coverage to the property requiring tree removal as a condition for continuing insurance coverage. [Ord. No. 2016-7, 8-9-2016, added section (7)]

21.152.3 Land Disturbance Activity. In any zoning district within the City of Forest Acres, any land disturbance activity, not covered by an approved plan, involving the clearing, or cutting of trees in combination with other activities, including but not limited to, dredging, grading, or filling of land, which may result in soil erosion from water or wind and the movement or relocation of sediments is prohibited without a land disturbance permit. Application for such a permit must be accompanied by:

- (1) a tree survey of the property showing the location, DBH and genus of all significant trees. In all zoning districts except R-1 and R-1a, the tree survey shall also indicate the critical root zone of all such trees proposed to be saved;
- (2) a statement of the purpose of the proposed land disturbance activity;

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- (3) the location and number of all significant trees proposed to be removed;
- (4) a planting plan, which may be a part of any required landscaping plan, showing the number, location, species, and caliper of the replacement trees. The number of replacement trees shall equal at least fifty (50%) percent of the number of significant trees removed and shall consist of not less than fifty (50%) percent large maturing trees. The planting plan shall conform to the Tree Planting Standards, Appendix C; and
- (5) written statement setting forth the specific necessity for removal of each significant tree.

21.152.4 Commercial Construction or Improvement, to include public, non-profit, institutional and residential development other than single family.

- (1) Building Permit Application. An application for a building permit shall include, in addition to the other requirements of this ordinance, the following supporting materials:
 - a. A tree survey of the property showing the location, DBH and genus of all significant trees. The critical root zone for all significant trees proposed to be preserved shall be shown on the tree survey;
 - b. A grading plan showing the number and location of significant trees that will be removed along with a statement as to why the tree(s) could not be saved;
 - c. A planting plan, which may be a part of any required landscaping plan, showing the number, location, species, and caliper of the replacement trees. The number of replacement trees shall equal at least fifty (50%) percent of the number of significant trees removed and shall consist of not less than fifty (50%) percent large maturing trees. The planting plan shall conform to the Tree Planting Standards, Appendix C; and
 - d. A sketch plan for marking all trees to be retained and a description of protective barriers to be installed around all trees to be retained, as set forth in the Tree Protection and Planting Plan Requirements, Appendix B.

21.152.5 Single Family Residential Construction or Improvement

- (1) Building Permit Application: An application for a building permit shall include, in addition to the other requirements of this ordinance, the following supporting material:
 - a. A tree survey of the area of the lot ten feet (10') outside of the site improvement area (house and all accessory uses) showing the location of all significant trees, designating all significant trees proposed to be removed.
 - b. In considering such a request for a building permit, the Zoning Administrator shall take into consideration the following:
 - 1. Dead or dying trees.
 - 2. Structurally unstable trees posing a safety hazard to nearby buildings, utility lines or pedestrian or vehicular traffic.
 - 3. Trees preventing essential grade changes or reasonable utility installations.

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4. Trees preventing a reasonable site configuration including the establishment of a lawn, provided however, that no more than fifty (50%) percent of the number of significant trees are removed in the lawn area, otherwise, the requirements for a planting plan as set forth in section 21.152.3 (1) shall apply.

5. Trees preventing a reasonable means by which building, zoning, subdivision, health, public safety or other municipal requirements can be met.

21.152.6 Exemptions and Exceptions

(1) The following are exempted from the tree protection requirements:

- a. Underground utility construction within a utility easement;
- b. The pruning (or cutting) of large maturing trees required to protect overhead utility lines;
- c. Large and medium maturing trees planted within ten (10) feet of overhead utility easements; (Ordinance No. 2005-10, 11-8-05, deleted subsections c and d)

Sec. 21.152.7 Expiration of Permits.

Any tree or land disturbance permit shall be valid for a period of not to exceed six (6) months from date of issue. A new application must be completed, and a new permit issued for any tree(s) not removed under an expired permit. (Ord. No. 2016-7, 8-9-2016, added this subsection)

Sec. 21.152.8 Violations

Any title holder(s), homeowner(s), business owner(s), managing person(s), partner(s), renter(s), lessor(s), lessee(s), landlord(s) or tenant(s) of the property; tree service company(s), tree removal company(s), their officers and/or employees; or any combination thereof, violating any of the tree protection provisions shall be guilty of a misdemeanor and shall be punished by a fine of not more than two hundred fifty (\$250.00) dollars or imprisonment of for not more than thirty (30) days or both. The removal of each significant tree in violation of this ordinance shall be considered and constitute a separate offense.

Section 21.152.9 Appendixes

Tree Protection During Construction Standards (Appendix A), Tree Protection and Planting Requirements (Appendix B), Tree Planting Standards (Appendix C), and Recommended Large, Medium and Small Maturing Tree Planting List (Appendix D) and all subsequent amendments and editions are hereby adopted by reference and fully set forth in the Appendixes to the Zoning Ordinance as requirements in all zoning districts except R-1 and R-1a wherein such appendixes shall be recommendations only.

(Ord. No. 87-238, § 1, 6-9-87, Ord. No. 2005-03, 5-12-2005, replaced Tree Ordinance provisions sections 21-152 through 21-158)

Secs. 21.153- 21.159. Reserved.

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ARTICLE XVI SIGN REGULATIONS

Sec. 21.160 Definitions.

In addition to the definitions set forth in section 21.3 of this chapter, the following definitions relate to signs:

Alter. Change the size, shape or outline, or type of sign, or replace parts or materials of the sign.

Erect. Build, construct, attach, hang, place, suspend or fix.

Major Arterial Street. Those four-lane thoroughfares that carry the highest traffic volumes and serve the major centers of activity in the City of Forest Acres; specifically, Forest Drive, Beltline Boulevard and Trenholm Road.

Sign. Any sign, poster, billboard, marquee, pictorial, picture, trademark, letter, figure, character, mark, design, reading matter or device which shall be so constructed, placed, attached, painted, erected, installed, fastened or manufactured in any manner whatsoever, so that the same shall be intended or used for the attraction of the public, or the attention of the public, to any place subject, person, firm, corporation, public performance, article, object or merchandise whatsoever and which is displayed in any manner whatsoever out-of-doors, whether permanently or temporarily.

Sign, Freestanding. A sign which is permanently affixed to the ground and which is not a part of a building or other structure.

Sign, Projecting. Any sign, other than a wall or window, which projects from and is supported by a building; such sign cannot project more than ten (10) feet from a building.

Sign, Temporary. A wall or window mounted sign that is mounted or affixed for a period of ten (10) days or less.

Sign, Wall. Any sign attached flat or parallel to the exterior wall or surface of a building or other structure and which projects not more than six (6) inches from that wall or surface.

Sign, Window. Any sign attached to a window or windows of a building, regardless of internal or external display, with the purpose of attracting the attention of the public.

(Ord. No. 86-180, § 6-10-86)

Sec. 21.161 Sign permit requirements.

21.161.1 Except as hereinafter exempted, no sign shall hereafter be erected, constructed, installed, or altered except as provided in this chapter and until:

- (1) a permit has been applied for by the prospective owner or other person desiring the same;
- (2) the permit has been approved by the building official or other official designated by the city; and;
- (3) the fee specified in section 21.162 hereinbelow has been paid.

21.161.2 When applying for a permit, the applicant shall make written application on the prescribed form supplied by the City of Forest Acres and shall provide completed plans and specifications, including a plot plan, showing size, location, lettering, design, picture, symbol or device, construction, method of support, materials used, illumination, invoice, contract or other evidence of cost or value, and any and all other information deemed pertinent or desirable by the building official or designated city official.

21.161.3 Any applicant receiving a permit for the erection, construction, installation or alteration of a sign shall notify the building official of completion of the work in order to provide a final inspection of the sign to ensure it meets the standards and requirements as specified in this chapter.

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(Ord. No. 86-180, § 16-2, 6-10-86)

Sec. 21.162 Fees.

No permit for the erection, construction, installation, or alteration of a sign, except those hereinafter excluded, shall be issued until the applicable fee, as set out hereinbelow, shall have been paid by the owner or the responsible person desiring the same.

(1) Where the valuation of the work, installed and in place, does not exceed twenty-five hundred dollars (\$2,500.00), the fee shall be twenty-five dollars (\$25.00).

(2) Where the valuation of the work, installed and in place exceeds twenty-five hundred dollars (\$2,500.00), the fee shall be ten dollars (\$10.00) per one thousand dollars (\$1,000.00) or a fraction thereof.

(Ord. No. 86-180, §16-3, 6-10-86)

Sec. 21.163 Permit expiration.

All sign permits expire after six (6) months from the date of issuance. All work authorized under a sign permit must be completed prior to expiration of the permit. The sign permit may be revoked for cause at any time prior to its expiration. All rights and privileges acquired under the provisions of this article or any amendments thereto are mere licenses revocable at any time by the city council, and all such permits shall contain this provision.

(Ord. No. 86-180, §16-4, 6-10-86)

Sec. 21.164 Signs exempted from permit.

The following signs are exempted from obtaining the required sign permit; however, such signs as hereinbelow enumerated must meet the requirements of this chapter for erection, construction, installation, alteration, or time allowed for display, except as hereinbelow enumerated:

(1) Street name signs, traffic or other regulating signs maintained by an authorized governmental agency, which may be located on a highway right-of-way.

(2) Nonpermanent political signs which do not exceed three (3) square feet in area. Such signs shall not be posted on any public property. Political signs shall not be posted more than forty-five (45) days prior to the election to which the sign relates and shall be removed by the candidate within five (5) days following the election to which the sign relates.

(3) Occupational signs denoting only the name and profession, of an occupant in a commercial, public, office or institutional building shall be allowed only in P-1, P-2, C-1, C-2, C-2a, C-3 and C-4 zones. Such signs shall not exceed three (3) square feet in area. Such signs may not extend above the roof line of any building and shall be surface mounted.

(4) Memorial signs or tablets, names of buildings and dates of erection when cut into a masonry surface or when constructed of bronze or other noncombustible material must be attached to the appropriate building. Such signs or tablets are allowed only in P-1, P-2, C- 1, C-2, C-2a, C-3 and C-4 zones.

(5) Flags, emblems and insignia of the United States and federal agencies and offices, and flags, emblems, and insignia of any state or local government body, decorative displays for holidays or legal public demonstrations which do not contain advertising and are not used as such.

(6) Non-permanent construction signs denoting the architect, engineer, contractor, subcontractor and/or financier and temporary signs denoting the future location of a particular business, retail center or institution, provided that such uses are limited to one (1) sign not exceeding four (4) square feet in area on one (1) side, and provided such signs do not extend above six (6) feet in height measured from the ground, provided such signs

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are located on the premises where construction or location being advertised is or will be occurring. Such a freestanding sign shall be located a minimum of twenty (20) feet from the highway right-of-way. Such signs shall only be erected after a building permit has been issued and may remain standing for the life of the permit or the completion of the structure, whichever occurs first. Should construction be halted, or the sign remain standing for an unreasonable length of time, the building official or the designated city official may order removal of the sign.

(7) Real estate signs advertising the sale, rental, or lease of the premises upon which the signs are located only, provided the sign shall not exceed four (4) square feet in area. The number of such signs shall be limited to one (1) per lot or complex except where such lot or complex abuts more than one (1) dedicated public street, in which event one (1) additional sign shall be allowed for each additional public street.

(8) Signs designating sites used by public, charitable, educational, or religious institutions in P-1, P-2, C-I, C-2, C-2a, C-3, and C-4 districts, provided such signs shall not exceed twenty-four (24) square feet in area and exceed six (6) feet in height, provided such signs are an integral part of the site architecture or landscaping. Such signs may be freestanding or attached to features such as decorative screen walls and landscape planters. No site shall be allowed more than one (1) such sign

(9) Signs prohibiting trespassing or other warning signs not exceeding two (2) square feet in area are allowed; such signs shall not contain any words, phrases, logos, emblems other or device advertising a business enterprise or activity.

(10) Window signs may be located on a window externally or internally, but in no case will be allowed to obscure more than fifty (50) percent of the visible window area available.

(11) Signs or banners of a nonpermanent nature used as advertising for public, charitable, educational, or religious events are allowed, provided such signs and banners shall not be displayed for more than fifteen (15) days.

(12) No exempt sign shall be posted or otherwise displayed in any manner upon any utility pole, traffic signal/directional sign pole, street sign pole, or upon the public right-of-way within the city, except as specifically permitted in section 21.164(13). Any exempt sign so displayed may be summarily removed, without notice, by the building official or his/her designee.

(13) Temporary signs or banners affixed to privately (non-utility) owned utility poles advertising special events, new tenants or special pricing shall be allowed in C-1, C-2, C-2a, C-3, and C-4 zones, provided such signs or banners shall not exceed twenty (20) inches width and forty-eight (48) inches in length, the bottom of which shall be at least nine (9) feet above ground level and shall be set back from the highway/road right-of-way for a distance of at least forty (40) feet. No more than one (1) such sign or banner shall be permitted for any property containing less than five thousand (5,000) square feet of improved space, plus an additional sign or banner for each ten thousand (10,000) square feet thereafter. No sign or banner shall be displayed for more than one hundred twenty (120) days.

(Ord. No. 95-395, §1, 3-14-95; Ord. No. 97-519, §8, 10-28-97; Ord. No. 98-558 §§1, 2, 10-13-98)

(14) Signs or banners used in governmental sports facilities located in a P-1 or P-2 district, provided such signs shall not exceed fifty (50) square feet in area, not exceed six (6) feet in height above ground level, and constitute an integral part of the sports facility. Such signs or banners shall not be freestanding, shall be attached to the interior side of facility walls and fences, and shall not be generally visible from the roadway. (Ord. No.2002-626, 4-9-02

Sec. 21.165 Sign design requirements.

21.165.1 Freestanding Signs: Any freestanding signs erected, constructed installed or maintained in the City of Forest Acres must comply with the following size, height and other regulations as follows:

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- (1) Maximum height of freestanding sign: twenty-five (25) feet.
- (2) Surface area:
 - a. Lot frontage greater than one hundred (100) feet, maximum area of eighty (80) square feet in freestanding sign on one (1) side;
 - b. Lot frontage less than one hundred (100) feet, maximum area of sixty (60) square feet on one (1) side of freestanding sign.
- (3) Maximum dimension: ten (10) feet vertical and twelve (12) feet horizontal.
- (4) No more than one (1) freestanding sign shall be erected upon the premises of a business, enterprise or activity; but in no case will more than one (1) sign be allowed for each building or lot, whichever is greater, except as provided in (5) below.
- (5) Shopping center signs: Retail shopping centers shall comply with the requirements of this section regarding size and number of signs with the following exceptions:
 - a. All shopping center, plaza, or signs for more than one business shall provide reasonable space for all tenants or occupants to advertise in a manner proportional to the premises occupied. Such space shall be provided within the size limitations as set out herein. Minor or major shopping centers or plazas shall be comprised of at least one (1) retail establishment containing a minimum of twenty-five thousand (25,000) square feet and two (2) additional retail establishments each containing a minimum of twenty-five hundred (2,500) square feet.
 - b. Minor shopping centers under 100,000 square feet: One (1) freestanding sign for each street frontage; but each sign not over one hundred twenty (120) square feet in complete display area; ten (10) feet vertical, and twelve (12) feet horizontal dimensions.
 - c. Major shopping centers over 100,000 square feet: One (1) freestanding sign for each street frontage; but each not over three hundred (300) square feet in complete display area; twenty (20) feet vertical and twenty-five (25) feet horizontal.
- (6) Non-permanent signs
 - a. Nonpermanent construction signs not exceeding twenty-four (24) square feet in area on one (1) side and meeting all requirements of section 21.164 (6), except as to size
 - b. Real estate signs not exceeding eighteen (18) square feet in area in zoning districts R-3, P-1, P-2, C-1, C-2, C-2a, C-3 and C-4 only and meeting all requirement of section 21.164 (7), except as to size. Real estate sign permits, provided for under this item, shall be issued for a twelve-month period.
 - c. Public, charitable, educational, or religious institutional signs not exceeding twenty-four (24) square feet in area and meeting all requirements of section 21.164 (8), except as to size.

21.165.2 Wall Signs or Projecting Signs:

- (1) cumulative maximum display area: one hundred twenty (120) square feet.
- (2) maximum vertical dimensions: ten (10) feet.
- (3) maximum horizontal dimension: forty (40) feet or two-thirds of the building, whichever is less.

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A business, enterprise or activity may have no more than six (6) wall or projecting signs, providing the total area of all wall mounted or projecting signs does not exceed one hundred twenty (120) square feet however, additional temporary signs may be mounted or affixed. Additionally, no such sign, whether mounted or painted, may exceed twenty-five (25) feet in height measured from the ground floor level of the building at the street entrance. In the event of a multistory building, the sign shall not exceed a height projecting two-thirds the height of the building or twenty-five (25) feet whichever is greater.

21.165.3. General Provisions. All signs shall comply with the following provisions:

- (1) All signs erected, constructed, installed, or maintained in Forest Acres shall not conflict with any provisions of this chapter or any ordinance of the City of Forest Acres.
- (2) All signs shall be erected, constructed, installed, or maintained in a manner to prevent extension into, over, or beyond a minimum of twenty (20) feet from the highway right-of-way, except as set out in section 21.165.4(3). See section 21.5.15 for additional requirements.
- (3) All signs erected, constructed, installed, or maintained in the City of Forest Acres must be located upon the premises occupied by the business enterprise or activities advertised thereby.

21.165.4 Directional Signs:

- (1) Maximum height: thirty (30) inches.
- (2) Maximum size: three (3) square feet.
- (3) Setback requirements: Five (5) feet from the highway right-of-way, otherwise as set out in section 21.165.3(2).

Directional signs shall not contain any words, phrases, logos, emblems, or other device advertising a business, enterprise or activity.

21.165.5 Signs on Interstate Highways.

Off Premise Free Standing Signs shall be permitted only in railroad rights-of-way, C-3 or C-4 zoning districts, provided such signs are located within one hundred and twenty-five feet (125') of the right-of-way of any interstate highway that is part of the United States Interstate Highway System. Such signs shall comply with the following size, height, and other restrictions:

- (1) Surface area: The maximum display area shall not exceed three hundred seventy-eight (378) square feet per side.
- (2) Dimensions: The maximum dimensions shall be ten feet six inches (10.6') vertical and thirty-six feet (36') horizontal.
- (3) Height: The maximum height shall be forty feet (40').
- (4) Spacing: No sign provided for in this section shall be permitted to locate within five hundred feet (500') from any other free-standing sign.
- (5) Such signs may be digital and contain parts that move, change, or operate by light emitting diodes (LEDs), change static message or copy by electronic means, or capable of changing displaying words or figures that can be electronically changed by remote or automatic means, subject to the following restrictions and requirements:

- a. Message Display Intervals or Dwell Time. Each message appearing on a digital

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sign face shall remain fixed for a minimum of six (6) seconds, and message changes shall be accomplished in one second or less.

b. Malfunction Display Lock. Digital signs shall contain a default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down.

c. Illumination. Display brightness shall be adjusted as ambient light levels change and shall be subject to review and regulation by the City.

d. The digital sign may not display light of such intensity or brilliance to cause glare or otherwise impair driver vision or result in a nuisance to any driver.

e. No Warning signs. The digital sign shall not be configured to resemble a warning or danger signal or to cause a driver to mistake the digital sign for a warning or danger signal.

f. Display. Displays or messages shall not be side by side or stacked. Only one depiction or message shall be displayed at any one time

21.165.6 Digital Message Boards. Free Standing Signs containing a total fixed display area of not more than thirty (30) square feet and a maximum height of ten (10) feet including any support poles or other structure, a portion of which may be digital consisting only of a message board no larger than twelve (12) square feet with parts that move, change or operate by light emitting diodes (LEDs), change static message or copy by electronic means, or capable of changing displaying words or figures that can be electronically changed by remote or automatic means. The message board shall be subject to the following restrictions and requirements:

(1) Message Display Intervals or Dwell Time. Each message appearing on a digital sign face shall remain fixed for a minimum of five (5) minutes, and message changes shall be accomplished in one second or less.

(2) Malfunction Display Lock. Digital signs shall contain a default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down.

(3) Illumination. The digital sign may not display light of such intensity or brilliance to cause glare or otherwise impair driver vision or result in a nuisance to any driver.

(4) No Warning signs. The sign shall not be configured to resemble a warning or danger signal or to cause a driver to mistake the digital sign for a warning or danger signal.

(Ord. No. 86-180, §16-6, 6-10-86; Ord. No. 90-306, §§1, 2, 4-10-90; Ord. No. 97-519, §9, 10-28-97; Ord. No. 99-584, 8-10-99); Ord. No. 09-07, §§ 21.165.5(5) a-f, 21.165.6 (1)-(4) 4-14-09.

Sec. 21.166 Prohibitions.

It shall be unlawful for any person to erect, cause to have erected, or allow to remain erected any sign or condition prohibited in this section and shall remove such sign or correct such condition immediately upon notice by the building official or other designated city official.

(1) No portion of any sign may be erected on or over public property, except where herein exempted.

(2) No sign shall be erected, constructed, installed, or maintained, which by reason of size, location, type, illumination, or otherwise, interferes with visibility upon and along the public right-of-way, interferes with the safe and smooth flow of traffic (either vehicular or pedestrian) thereon, or otherwise constitutes a hazard or danger to such traffic. Such signs include all those which present illusion of movement in any manner which may confuse, distract, or unduly defer attention.

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- (3) No advertising sign shall be erected, constructed, installed, or maintained which, by reason of design, legend, lettering, subject matter, or nature of illumination, shall in the opinion of the city council constitute an eyesore, contain any obscene, indecent, or immoral subject matter, or offend the public taste or conscience or be out of keeping with the character and traditions of the City of Forest Acres.
- (4) No person shall attach any sign, paper or other material or paint, stencil or write any name, number (except house numbers) or otherwise mark on any sidewalk curb, gutter, street, tree, tower, utility pole, public building, public fence, or public structure for advertising purposes.
- (5) No person shall erect, maintain, or permit the erection of a balloon or other floating device anchored to the ground or to any structure.
- (6) No cloth, paper, banner, flag, device, or other similar advertising matter shall be permitted to be attached, suspended from, or allowed to hang loose from any sign, building or structure, except as noted in section 21.164(11) and (13).
- (7) Advertising signs on or attached to moving or parked trucks, trailers, vans or other vehicles, on private or public property, visible from a public street, which has attached thereto or located thereon any sign or advertising device for the basic purpose of directing attention to products or business activity, sold on or off the premises upon which such vehicle is located, except those permanent signs on commercial vehicles or delivery vehicles regularly used in the normal course of business or other bona fide transportation activity.
- (8) Signs attached to or upon any vehicle shall be prohibited where such vehicle is allowed to remain parked in the same location, or in the same vicinity, at frequent or extended periods of time where the intent is apparent to be one of use of the vehicle and signs for purposes of advertising an establishment, services, or product.
- (9) A-frame signs and sandwich board signs as well as similar types of portable signs are prohibited.
- (10) No advertising signs shall be allowed in R-1, R-1a and R-2 zones except as allowed in section 21.164.
- (11) No flashing signs; signs with flashing or reflective disks; signs with flashing lights or lights changing degree of intensity or color; signs with trailing messages; signs containing electronically scrolled messages; signs with moving graphic displays; rotating signs; or signs containing visual effects as fading dissolves or graphics.
- (12) Signs capable of changing displaying symbols or images that can be electronically changed by remote or automatic means, or intermittent changeable digital display, video signs, except the movement of the hands of a clock or digital changes indicating time and temperature;
- (13) Signs having a part or parts which move, revolve, or operate by light emitting diodes (LEDs), change static message or copy by electronic means, or capable of changing or displaying words or figures that can be electronically changed by remote or automatic means, except as set forth in sections 21.165.5 and 21.165.6;

(Ord. No. 86-180, §16-71 6-10-86); Ord. No. 09-07, §21-166 (7), (11), (12), (13) 4-14-09.

Sec. 21.167 Non-conforming existing signs

Any sign not in conformance with these regulations, and lawfully in existence on June 9, 1981, may be repaired but not altered or moved unless it shall be made to conform with the provisions of this section. All signs in existence on the date of passage of this section shall be made to conform with these sign regulations within ten (10) years of the adoption of this chapter on June 9, 1981, by the City of Forest Acres, or upon a change in ownership, alteration or

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relocation of a sign, whichever occurs first. Any sign constructed after June 9, 1991, pursuant to a valid permit issued in compliance with section 21.161, shall be made to conform with the sign regulations within five (5) years of notice of violation of this chapter except as otherwise authorized by the Zoning Board of Appeals. (Ord. No. 86-180, 16-8, 6-10-86).

Sec. 21.168 Construction standards.

21.168.1 All signs shall be constructed of metal or other noncombustible materials conforming to the standards of the latest Standard Building Code in effect at the time concerned, and shall be safely or securely supported, stayed, bolted and/or anchored to the ground or other solid, secure structure or building. Upon request by the building official, the applicant shall provide a design plan or specifications by a registered structural engineer attesting to the soundness and safety of the proposed sign and all related supports, stays, bolts, guides, anchors, and other structures.

21.168.2 Any illumination or other electrical installation, materials, conduits, and connections shall comply with and conform to the latest National Electrical Code, as approved by the American Engineering Standards Association, in effect at the time concerned.

(Ord. No. 86-180, § 16-9, 6-10-86)

Sec. 21.169 Maintenance.

All signs, together with all their supports, braces, stays, guides, and anchors shall be kept in good repair to prevent the sign from falling into disrepair or creating an unsightly appearance. (Ord. No. 86-180, 1§ 16- 10,6-10-86)

Sec. 21.170 Inspection.

The building official or other designated city official shall have the authority, but is not required, to inspect, when necessary, each sign regulated by this chapter for the purposes of ascertaining whether the same is secure or insecure, whether it is still in conformance with this chapter, and whether it needs removal or repair. (Ord. No. 86-180, §16-11, 6-10-86)

Sec. 21.171 Removal of certain signs

21.171.1 Any sign existing which no longer advertises a bonafide, business conducted, or products sold at its location shall be removed by the owner, agent or person having the beneficial use of the building or structure. Such sign and supporting structure or structures shall be removed within sixty (60) days after it no longer advertises a bona fide business conducted or products sold at that location, and any removal expense incident thereto shall be paid by the owner of the land or building or structure to which such sign is attached or upon which it is erected.

21.171.2 Whenever it shall appear that any sign has been erected constructed, or installed, or is being maintained in violation of the terms of this section, except as set forth in section 21.171.4 or is unsafe or insecure, or is hazardous to pedestrians or vehicular traffic, or is otherwise detrimental to the welfare, safety and health of the public, such sign shall be made to conform in all respects to this section within twenty-four (24) hours after written notification by registered mail or personal service by the building official or other designated city official. In the event the sign is not made to conform in all respects with the provisions of this chapter, the permit for the sign, if one has been issued, shall be revoked by the building official and the sign shall be removed within twelve (12) hours after written notice thereof, by the persons to whom the permit was granted or the owner or lessor of the property. The building official may remove the sign at the expense of owner of the property upon which it is located. The building official shall refuse to issue a permit to any person or owner who refuses to pay costs so assessed. The building official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

21.171.3 The twenty-four-hour notice to conform may be waived by the zoning administrator or other designated city official when it shall appear that the purpose and intent of the sign is of a limited duration and

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that a twenty-four-hour notice would be unreasonable under the circumstances. In such situations, the building official or other designated official shall grant only a six-hour notice to conform; and if such sign is not removed or brought into conformity within two (2) hours thereafter, the building official or other designated city official shall remove the sign at the owner's expense.

21.171.4 Any sign installed after June 9, 1991, pursuant to a valid permit issued in compliance with section 21.161, not in compliance with these sign regulations shall be made to conform with these sign regulations within five (5) years of notice of violation of this chapter except as otherwise authorized by the Zoning Board of Appeals.

(Ord. No. 86-180, § 16-12, 6-10-86).

Sec. 21.172 Penalties for violations.

21.172.1 The owner or lessee of any sign erected, constructed, installed, or maintained in violation of this section, and any architect, builder, contractor or other person employed to assist in any such erection, construction, installation or maintenance in violation of this section, and any person who violates or fails to comply with any requirements or provisions of this chapter shall be guilty of a misdemeanor, with penalty as provided by law.

21.172.2 The owner or responsible person erecting a sign without a required permit shall pay a mandatory fee for such permit of three (3) times the normal fee for that category of sign as set out in section 21.162, such fee being in addition to any penalty provided by law.

(Ord. No. 86-180, § 16-13, 6-10-86)

Sec. 21.173 Appeals.

All appeals of the building official regarding this sign ordinance shall be to the Board of Zoning Appeals; such appeals must be made within fifteen (15) days of the building official's decision by filing a written notice of appeal stating the grounds for appeal. In considering appeals, the Board of Zoning Appeals shall consider the degree of variance, the reasons for variance requested, the duration of the requested variance, the effect on public safety, protection of neighborhood property, the degree of hardship or injustice involved, and the effect of the variance on the general plan for signs within the city.

Secs. 21.174--21.185 Reserved.

ARTICLE XVII FLOOD PROTECTION AREAS; FLOODWAY AND FLOODPLAIN

(Article VXII, Sections 21.186 -21.191.10 deleted and replaced with Chapter 22 of the Code of Ordinances, Ord. 2010-4, 7-14-10)

Sec 21.186-21.197 Reserved

ARTICLE XVIII EROSION AND SEDIMENT CONTROL*

Sec. 21.198 Purpose.

*Editor's note: The city's erosion and sediment control ordinance was adopted July 10, 1984, as Ch. 21, §§ 21-1-21-18 and are included as Art. XVIII, §§ 21.198 – 21.214. The sections of the ordinance as it was originally inserted as Ch. 21 have been included in the history note accompanying each section as well as in the Code Comparative Table at the end of this volume.

Chapter 21 Zoning Ordinance of the City of Forest Acres

In order to protect the general health, safety and welfare of the residents of the City of Forest Acres, South Carolina, and to protect the natural assets and resources of the City of Forest Acres for posterity, this article is enacted to protect all land and waters in the City from the effects of excessive soil erosion and sedimentation, to prevent siltation of streams and lakes, to prevent the clogging of drainage channels, and to prevent damages to the property of adjacent landowners. (Ord. of 7-10-84, § 1[21-1])

Sec. 21.199 Definitions.

The following definitions apply to words and terms used in this article. All other words shall have their customary meanings.

Construction: Any building or erection of a structure or any preparation for same.

Developer: Any person acting in his own behalf as a property owner, or as an agent for a property owner, who makes application for plan approval and a grading permit under the provisions of this article.

Drainage: A general term applied to the removal of surface or subsurface water from a given area, either by gravity via natural means, or by systems constructed to so remove water, commonly applied herein to surface water.

Drainage System: The surface and subsurface system for removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature; and the man-made elements such as improved open channels, culverts, retention facilities, and enclosed storm sewers.

Embankment of Fill: A deposit of soil, rock or other material placed by man.

Erosion: The general process by which soil and rock fragments are detached and moved by the action of wind, water, ice and gravity.

Erosion and Sediment Control Plan: A plan which adequately describes necessary land management practices and control measures, including a timetable or schedule for their installation, which will effectively minimize soil erosion and sedimentation; prepared and approved as provided herein for application to a particular land area.

Flood: A temporary rise in the level of water which results in the inundation of areas not ordinarily covered by water. For the purposes of this article, a flood shall be any inundation which has a return frequency of one hundred (100) years or less.

Grading. Any displacement of soil by stripping, excavating, filling, stockpiling or any combination thereof, and shall include the land in its excavated or filled state.

Grading Permit. A certificate issued to perform work pursuant to an approved erosion and sediment control plan prepared under the provisions of this article.

Land Disturbance: Any activity involving the clearing, grading, transporting, filling, and any other activity which causes the land to be exposed to the danger of erosion.

Runoff: The portion of the precipitation on the land which reaches the drainage system.

Sedimentation: The process which operates at or near the surface of the ground to deposit soil, debris and other material, either on other ground surfaces or in water channels.

Soil and Water Conservation District. The Soil and Water Conservation district for Richland County, as established by state statute.

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Structure. Anything constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground, including but not limited to tennis courts, swimming pools, fences and buildings.

Vegetation: All plant growth, including trees, shrubs, grasses, and mosses.
(Ord. of 7-10-84, § 1 [21-2])

Sec. 21.200 Approved plan and permit required for land disturbance.

A plan for the control of erosion and sedimentation approved by the City of Forest Acres and a grading permit are required for any land disturbance in the City of Forest Acres, but not including exemptions, outlined in section 21.201.
(Ord. of 7-10-84, § 1 [21-3])

Sec. 21.201 Exemptions.

The provisions of this article shall not apply to:

(a) Emergency repairs or maintenance of existing structures and facilities which require ground to be broken. The responsible persons shall notify the City of Forest Acres building official in writing within five (5) working days of such emergency repairs and maintenance actions.

(b) Ground disturbances for purposes of installing, repairing, and maintaining individual utility service lines to single lots.

(Ord. of 7-10-84, § 1[(21-4)])

Sec. 21.202 Application for plan approval and permit.

21.202.1 The developer shall apply in writing to the City for a grading permit to disturb or change land in the City of Forest Acres. Such application shall be accompanied by three (3) copies of an erosion and sediment control plan prepared in accordance with this article. The plan shall be certified by the applicant, and by a registered professional engineer, professional soil conservationist, or registered landscape architect.

21.202.2 The building official shall have the authority to waive any or all the required contents and certifications of the sediment and erosion control plan subject to the following conditions:

(1) Development shall be limited to construction of a single-family dwelling unit on a single-family lot.

(2) The building official shall determine that such construction will pose no significant sedimentation or erosion problems.

(3) The building official shall consider on-going or expected development in the surrounding area in waiving any requirements.

(4) The building official shall reserve the right to rescind any waiver if a significant sedimentation or erosion problem develops.

(Ord. of 7-10-84, § 1[21-5])

Sec. 21.203 Application fee.

Applications for plan approval and a grading permit shall be accompanied by a nonrefundable fee, payable to the City of Forest Acres. The amount of the application fee is as follows:

Acreage of Plan Coverage

1 acre or smaller \$50.00

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Each additional acre or increment thereof..... 20.00
(Ord. of 7-10-84, § 1 [21-6])

Sec. 21.204 Approval or disapproval of application.

21.204.1 The City shall forward a copy of the erosion and sediment control plan to the soil and water conservation district and a copy to the Richland County engineer. Upon receipt of written approval of the plan from the soil and water conservation district, and after the City building official determines that the plan conforms to this article, the City shall issue a grading permit to the applicant.

21.204.2 If the erosion and sediment control plan does not conform with the requirements of this article, the plan shall be disapproved, the city shall deny issuance of the grading permit, and written notification of denial of the permit, indicating the reason or reasons for plan disapproval, shall be forwarded to the applicant within ten (10) days after denial.

21.204.3 A decision on all erosion and sediment control plans shall be rendered within thirty (30) days from the date of submittal to the city. If at the end of the thirty-day period, a decision has not been rendered, the plan shall be deemed approved, and a grading permit issued on demand.

21.204.4 If an erosion and sediment control plan is disapproved and the grading permit denied, the applicant may elect to correct the indicated deficiencies in conformance with the provisions of this article and resubmit the application and plan. No additional application fee shall be assessed for such resubmission. (Ord. of 7-10-84, § 1 (21-7))

Sec. 21.205 Appeals.

Any person aggrieved by the decision of the City building official and/or the soil and water conservation district may appeal to the Forest Acres City Council within thirty (30) days. (Ord. of 7-10-84, § 1[21-8])

Sec. 21.206 Other authorizations or requirements.

Where any other authorization, bonds or other sureties are required by applicable laws, regulations, ordinances or decisions of the City pertaining to any part of the proposed work to be done under the erosion and sediment control plan, the applicant shall, upon request, furnish the City with satisfactory evidence that such requirements have been met before the commencement of work under an approved plan and grading permit. (Ord. of 7-10-84, § 1[(21-9)])

Sec. 21.207 Extension of time.

If the applicant is unable to implement the erosion control measures within the time specified in the approved plan, the applicant may, prior to the expiration of such time, present in writing a request to the City for an extension of time to implement erosion control measures, setting forth the reasons for the requested extension. The City shall approve or deny the request for an extension of time subject to such additional erosion and sediment control measures as may be reasonably required. (Ord. of 7-10-84, § 1 [21-10])

Sec. 21.208 Responsibility of applicant.

The applicant shall be responsible for carrying out the proposed work in accordance with the approved erosion and sediment control plan and grading permit, and in compliance with the requirements of this article. (Ord. of 7-10-84, § 1 [21-11])

Sec. 21.209 Guidelines for preparation of erosion and sediment control plans.

Erosion and sediment control plans shall be prepared according to the following guidelines, as applicable, prior to submission to the City. Plans shall include appropriate measures and practices for erosion and sediment control, installed in a timely sequence during the development process, and maintained to ensure their proper functioning.

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(a) Select land where the drainage pattern, topography and soils are favorable for the intended use. Tracts of land vary in suitability for different uses. Consider the major characteristics of the land area and the kinds of soil in identifying and evaluating potential erosion and sediment problems, and in selecting appropriate control measures and practices.

(b) Expose the smallest practical area for the least possible time during development.

(c) When feasible, retain and protect natural vegetation. Save topsoil, where practical, for replacing on graded areas.

(d) Use temporary plant cover, mulching, and/or structures to control runoff and protect areas subject to erosion during construction. See appendix (at the end of this article).

(e) Provide for handling the increased runoff caused by changed soil and surface conditions. Emphasis should be placed on conservation of existing on-site soil. Effective means include the use of diversion ditches, grassed or surfaced waterways and outlets, enlarged and protected drainage channels, grade control structures, and effective use of street gutters and storm sewers. All runoff water must be diverted away from all fill slopes or conveyed down the slope in a pipe or hard-surfaced flume. Water and discharge are to be in a protected channel or waterway. Pipe outlet must be protected to reduce velocity of water. Adjacent landowners must be protected from damage by discharge of storm water. Criteria for the above is found in Soil Conservation Service (SCS) Handbook, *Erosion and Sediment Control in Developing Areas*. All plans are to meet requirements contained therein.

(f) Use sediment basins or other forms of silt traps, where practical, to remove heavy sediment loads from runoff waters leaving the disturbed area.

(g) Install the permanent vegetative cover and the long-term erosion protection measures or structures as soon as practical in the development process. See appendix (at the end of this article).

(Ord. of 7-10-84, § 1 [21-12])

Sec. 21.210 Contents of plan and application.

The erosion and sediment control plan and application for grading permit shall include, but not be limited to, the following data as applicable:

(a) A vicinity map sufficient to locate the site and to show the relationship of the site to its general surroundings at a scale of not less than one (1) mile to one (1) inch.

(b) A site plan, drawn to a scale of not less than two hundred (200) feet to one (1) inch, and supporting specifications and schedules showing:

(1) The boundary lines of the site on which the work is to be performed, including the approximate acreage of the site.

(2) Existing contours with intervals of not more than five (5) feet.

(3) Proposed physical improvements on the site, including present development and future utilization, if known.

(4) All drainage provisions, flood protection provisions, erosion and sediment control measures, vegetative practices, or other protective devices to be utilized in connection with, or as a part of, the proposed work.

(5) Provisions for erosion control during construction (temporary) and during the life of the facility (permanent). Such provisions shall include a timing schedule and sequence of operations indicating

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the anticipated starting and completion dates of the particular development sequence, and the estimated time of exposure of each disturbed area prior to completion of effective erosion and sediment control measures. Specifications accompanying the plan shall include, as appropriate, seeding mixes and application rates, type of sod, seedbed preparation, lime, and fertilizer application, mulching and other related data.

(6) A complete and adequate grading plan for borrow pits and material processing facilities, where applicable, including provisions for adequate drainage in such areas.

(7) A general description of the predominant soil types on the site.

(8) The name and address of the owner, developer, and petitioner, and the individual responsible for satisfactory completion of the work described in the plan, if different from the above.

(9) Title, scale, north arrow, date, and name of the individual or organization preparing the plan, with seal when applicable.

(10) The plan and application shall be supported by such supplemental reports, specifications, data, and additional information as the City may reasonably require, including but not limited to, finished contours, elevations, dimensions, locations, slopes, storm drainage computations, and field investigation reports on soils, drainage and flooding.

(c) Applicant's certification statement:

"I (We) hereby certify that all clearing, grading, construction and/or development will be done pursuant to this plan."

Date

Permit Applicant

(d) Design certification statement:

"I hereby certify that this plan is designed to contain silt on the property concerned to the maximum extent feasible. Provisions for erosion and sediment control are in accordance with the City of Forest Acres Erosion and Sediment Control Ordinance."

Date

Registered Professional Engineer, Professional Soil
Conservationist, or Registered Landscape Architect

(Ord. of 7-10-84, § 1 [21-13])

Sec. 21.211 Inspection.

The City building official, or his designated representative shall periodically inspect the work done under the approved plan and grading permit, as deemed advisable. Upon completion of such work, he shall make a final inspection; and, if the work has been completed in accordance with the plan and permit, a letter of satisfactory completion shall be issued to the applicant.

(Ord. of 7-10-84 § 1 [21-14])

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Sec. 21.212 Enforcement.

If the applicant fails to conform to the approved plan, the City of Forest Acres building official may:

- (a) direct conformance to the plan via a written order;
- (b) issue a written order to suspend work;
- (c) revoke the permit issued;
- (d) seek redress through legal action;
- (e) withhold the release of permanent electric power to the site.

(Ord. of 7-10-84, § 1 [21-15])

Sec. 21.213 Violations and penalties.

Any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be imprisoned for not more than thirty (30) days or fined not more than five hundred dollars (\$500.00), or both. (Ord. of 7-10-84, 1[21-16]; Ord. No. 93-354, § 1, 8-10-93; Ord. No. 93-364, § 1, 10-19-93)

Sec. 21.214 Relationship with other laws, regulations, and ordinances

Whenever the provisions of this article impose more restrictive standards than are required in or under any other law, regulation or ordinance, the requirements contained in this article shall prevail. Whenever the provisions of any other law, regulation or ordinance require more restrictive standards than are required in this article, the requirements of such law, regulation or ordinance shall prevail. (Ord. of 7-10-84, § 1[(21-17)])

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APPENDIX

Vegetation Plan: Alternatives:

I. Summer

Fertilization

1,000 pounds of 10-10-10 per acre;
Two-ton lime per acre.

Permanent cover

Bahia grass

Pounds per acre, alone.....40
Pounds per acre, with mixture.....30

Bermuda grass, (hulled)

Pounds per acre, alone..... 8
Pounds per acre, with mixture..... 4

Bermuda sprigs, bushels per acre broadcast75

Sericea lespedeza (sacrificed)

Pounds per acre alone.....40
Pounds per acre in mixtures40

Lovegrass, weeping

Pounds per acre2
Plant in mixtures only

Temporary summer cover

Lespedeza, annual

Pounds per acre alone..... 40
Pounds per acre in mixture 7
Do not plant on sandy soils

Brown top millet

Pounds per acre alone..... 40
Pounds per acre in mixtures 10

II. Winter

A. Winter permanent soils.

- (1) Tall meadow fescue 40 pounds per acre from 1 September to 15 November only on fertile sandy clay or soils.
- (2) Plantings from 1 September to 15 February on sand must be temporary winter cover and then seeded to a permanent summer covers.

B. Winter temporary

Rye Grass, pounds per acre alone 50
Oats, pounds per acre alone 130
Rye, Pounds per acre alone..... 60
Pounds per acre in mixture 10

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Other plantings or seedlings as contained in the critical area stabilization section of SCS Handbook, *Erosion and Sediment Control in Developing Areas*, may be used provided all applicable specifications contained in said handbook are complied with. (Ord. of 7-10-84, § 1 [app.])

Sec. 21-215. Water Quality Buffer Requirements.

(a) **Purpose and applicability.** It is the intent of the City to establish minimal acceptable requirements for the design of buffers to protect the streams, wetlands, and floodplains of the City; to protect the water quality of watercourses, reservoirs, lakes, and other significant water resources; to protect riparian and aquatic ecosystems; and to provide for the environmentally sound use of the city's land resources.

(1) **Purpose.** A water quality buffer is an area of original or re-established vegetation that borders streams, rivers, ponds, lakes, wetlands, and seeps. Buffers are most effective when stormwater runoff is flowing into and through the buffer zone as shallow sheet flow, rather than concentrated flow such as channels, gullies, or wet weather conveyances. Therefore, it is critical that design of all development include management practices, to the maximum extent practical, that will result in stormwater runoff flowing into the buffer zone as shallow sheet flow. Water quality buffers provide numerous environmental protection and resource management benefits including:

- a. Restoring and maintaining the chemical, physical and biological integrity of the water resources,
- b. Removing pollutants delivered in urban stormwater,
- c. Reducing erosion and controlling sedimentation,
- d. Stabilizing stream banks,
- e. Providing infiltration of stormwater runoff,
- f. Maintaining base flow of streams,
- g. Contributing to the organic matter that is a source of food and energy for the aquatic ecosystem,
- h. Providing tree canopy to shade streams and promote desirable aquatic organisms,
- i. Providing riparian wildlife habitat, and
- j. Furnishing scenic value and recreational opportunity.

(2) **Applicability.** Water quality buffers are required along all perennial and intermittent streams, waterways, shorelines, and wetlands according to a USACE jurisdictional determination, to be submitted from the developer and approved by the Zoning Administrator or the designee of the Zoning Administrator (collectively the "Zoning Administrator") or as provided in an Intergovernmental Agreement. In addition, water quality buffers may be required to protect waters (such as isolated wetlands) pursuant to the S.C. Pollution Control Act, as determined by the Zoning Administrator.

(3) **This Section shall apply to the following:**

- a. All proposed development except for that development which meets the criteria for an exemption as set forth in subsection (b) and/or a waiver as set out in subsection (k).
- b. All surface mining operations to include active surface mining operations which are operating in compliance with an approved DEHC surface mining permit. A copy of the approved surface mining permit shall be provided to the Zoning Administrator.
- c. The construction of agricultural structures as provided by Richland County.
- d. These requirements shall, except as provided in subsections (b) Exceptions and (k) Waivers, apply to all parcels of land, structures and activities which are causing or contributing to:
 1. Pollution, including non-point pollution, of the waters of the City,
 2. Erosion or sedimentation of stream channels, or
 3. Degradation of aquatic or riparian habitat.

(b) **Exemptions.** The water quality buffer requirements shall not apply to the following:

- (1) Ephemeral streams, ditches, manmade ponds, and lakes, which are outside of natural hydrologic connectivity.
- (2) Any existing structure or structure under construction located within the buffer area, provided the landowner can document prior existence.
- (3) The addition or expansion to an existing structure, provided it does not result in an increase in the total impervious area within the buffer area.
- (4) Activities associated with emergency operations, such as hazardous materials removal, flood or fire control, evacuations, and storm damage clean up.
- (5) Single-family parcels of land, which exist as individual lots that are two (2) acres or less and are not part of a new subdivision development.
- (6) Entitled Property. Any property that has been subject to: (i) commencement of construction of a building or of any portion of a potable water distribution or transportation system, a sanitary sewer distribution or transportation

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system, a storm drainage system or a public road; or (ii) commencement of grading or other land disturbance activities in conformance with a valid permit; or (iii) the issuance of a permit to commence any of the foregoing activities; or (iv) approval of subdivision of the property, of planned development district zoning for the property, or of a sketch plan for development of the property. If any of the foregoing has occurred with respect to any property and such property was subsequently subdivided, or in the future is subdivided, by an approved subdivision plat, then all subdivided parcels that were part of the original property shall be considered Entitled Property. Provided, however, this exemption shall no longer be in effect after January 19, 2017. All entitled property shall comply with stormwater regulations that were in effect prior to January 19, 2010.

If any portion of a parcel proposed for development lies within an area designated on an officially adopted Conservation Easement as a proposed trail or greenway, the developer shall construct the designated improvements in accordance with county standards and dedicate such land to the City or its designee.

(c) **Stream Buffers.**

(1) Stream buffers shall be considered a “no disturb zone” along jurisdictional lines. Vegetation cannot be disturbed, removed, or replanted unless a buffer restoration plan has been approved by the Zoning Administrator. Subsection (g) provides requirements to expand the buffer widths depending on slopes, water pollution hazards, or other uses that may contribute to water quality degradation. The buffer width shall be calculated as follows:

a. Along jurisdictional perennial streams identified by the USACE, not associated with a floodplain or wetlands, the buffer shall be at least fifty (50) feet perpendicular from the jurisdictional line on each side of the waterway.

b. In areas where a floodway profile has been computed along a perennial stream (AE Zones) as part of an approved flood study, the buffer area shall be equal to the width of the floodway, but never less than fifty (50) feet.

c. In areas where a floodway profile has not been computed along a perennial stream (A Zones) the developer shall perform a flood study, determine the floodway, and follow the buffer requirements outlined above. As an alternative to preparing the flood study, the buffer limits shall extend to the delineated flood plain limits.

d. Along jurisdictional intermittent streams identified by the USACE, the buffer shall be at least fifty (50) feet perpendicular from the jurisdictional line on each side of the waterway. If these streams have associated floodway as described above, the same requirements would apply to have a total width of fifty (50) feet.

e. For delineated wetland areas associated with perennial streams, the buffer shall be at least fifty (50) feet perpendicular beyond the wetland edge. This buffer width is independent of any wetland offset requirements of the USACE.

f. For delineated wetland areas associated with intermittent streams, the buffer shall be at least fifty (50) feet perpendicular beyond the wetland edge. This buffer width is independent of any wetland offset requirements of the USACE.

g. For wetland areas not associated with perennial, intermittent streams, or floodway, the buffer shall be the extent of the wetland area plus an additional fifty (50) feet perpendicular beyond the wetland edge.

(2) Stream Buffer Management and Maintenance. The function of the stream buffer is to protect the physical and ecological integrity of the waterway, to reduce flooding potential, and to filter runoff from all development. The objective of a stream buffer is undisturbed native vegetation.

a. Management of the stream buffer includes specific limitations on alteration of the natural conditions. The following practices and activities are restricted within stream buffers, except with prior approval by the Zoning Administrator:

1. Clearing or grubbing of existing vegetation,
2. Clear cutting of vegetation,
3. Soil disturbance by grading, stripping, or other practices,
4. Filling or dumping,
5. Use, storage, or application of pesticides, herbicides, and fertilizers,
6. Conversion of vegetation from native to exotic species.
7. Motor vehicles are not permitted in stream buffers except during the installation of certain utilities permitted in the buffer zone or bank stabilization.

b. The following structures, practices, and activities are permitted in the stream buffer, subject to prior approval of the Zoning Administrator, and when specific design or maintenance features are adhered to:

1. Stream crossings and utilities:
 - [a] An applicant shall demonstrate that stream crossings are minimized;
 - [b] The right of way should be the minimum width needed to allow for maintenance access and installation;
 - [c] The angle of a crossing shall be as nearly perpendicular to the stream or buffer as practical in order to minimize clearing requirements; and
 - [d] The minimum number of crossings should be used within each development, and no more than one

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crossing is allowed for every one thousand (1,000) linear feet of buffer zone unless the applicant demonstrates to the Zoning Administrator the need for additional crossings. Where possible, the design of roadways and lots within a development should be aligned such that all streams are either to the rear or the side of individual lots, never along the front.

2. Transportation rights-of-way, pedestrian crossings, public access, boat ramps, docks, fishing platforms, unpaved paths (i.e., trails and greenways), and stream bank stabilization efforts.

3. Utilities are allowed; and shall be installed a minimum distance of twenty-five (25) feet measured perpendicular from the jurisdictional line within the buffer area.

c. To maintain the functional value of the stream buffer, indigenous vegetation may be removed as follows:

1. Dead, diseased, or dying trees that are in danger of falling and causing damage to dwellings or other structures may be removed with approval from the Zoning Administrator;

2. Debris in the buffer area that is caused by storm damage may be removed; and

3. Invasive plant species may be removed if they are replaced by native species that are equally effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff. A buffer restoration plan for removal of invasive species must be approved by the Zoning Administrator.

(d) ***Shoreline Buffers.***

(1) Shoreline buffers shall be considered an area of managed vegetation adjacent to shorelines with hydrologic connectivity (stream leading into/out of the pond/lake or obvious spring input). The shoreline buffer width shall be fifty (50) feet perpendicular from the jurisdictional line. For ponds and lakes, the buffer shall be a minimum of fifty (50) feet from the jurisdictional line.

(2) Shoreline Buffer Management and Maintenance. The function of the shoreline buffer is to protect the physical and ecological integrity of the water body by providing a functional distance to reduce flooding potential, reduce erosion, sedimentation, and filter runoff between development and the water body.

a. Management of the shoreline buffer includes specific limitations on alteration of the natural conditions. The following structures, practices and activities are restricted in the shoreline buffer unless prior approval is granted by the Zoning Administrator:

1. Septic systems;

2. Permanent structures;

3. Impervious cover, except for paths;

4. Soil disturbance by grading, stripping or other practice;

5. Filling or dumping;

6. Stormwater management facilities; and

7. Use, application, or storage of pesticides or herbicides except for the spot spraying of noxious weeds or other non-native species consistent with approved City or Richland County recommendations.

b. The following structures, practices, or activities are permitted in the shoreline buffer, subject to the prior approval of the Zoning Administrator:

1. Biking or hiking paths;

2. Recreational uses as approved by the Zoning Administrator; and

3. Limited tree or underbrush clearing with approval from the Zoning Administrator.

(e) ***Water Quality Buffer Plat Requirements.*** All preliminary, bonded, and final plats prepared for recording and all right-of-way-plats shall clearly:

(1) Show the extent of any stream or shoreline buffer on the subject property by metes and bounds;

(2) Label the stream and shoreline buffer;

(3) Provide a note to reference all buffers stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Zoning Administrator";

(4) Provide a note to reference any protective covenants governing all buffer areas stating: "Any buffer shown on the plat is subject to protective covenants which may be found in the land records and which restrict disturbance and use of these areas";

(5) If the buffer area will not be part of an individual lot, then ownership must be stated by identifying who is the responsible party; and

(6) Provide the location of permanent boundary marker signs.

(f) ***Design Requirements.***

(1) The buffer plan must be submitted in conjunction with the sediment and erosion control plan, Storm Water Pollution Protection Plan (SWPPP) document, and all applicable calculations for a land disturbance permit.

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(2) It is recommended that the buffer be marked off with a warning barrier (orange safety fence) to show that no disturbance is allowed in the buffer area.

(3) The following steps shall be taken during the site plan development and site construction process to protect water quality buffers during construction:

a. Water quality buffers must be clearly identified on all stormwater management plans and construction drawings and marked with the statement “Water Quality Buffer. Do Not Disturb”.

b. Water quality buffers cannot be encroached upon or disturbed during project construction, unless in accordance with Subsection (b), Subsection (k) or unless being established, restored, or enhanced in accordance with an approved Buffer Enhancement Plan.

c. Water quality buffers must be clearly marked with a warning barrier before the preconstruction conference. The marking shall be maintained until completion of construction activities. All contractors and others working on the construction site must be made aware of the existence of the buffer(s) and the restrictions on disturbing the buffer(s).

d. All areas of the water quality buffer, including stream banks, must be left in the existing condition upon completion of construction activities. Should construction activities associated with development cause degradation to stream banks, all eroding, bare or unstable stream banks shall be restored to existing conditions.

e. If any trees can be removed, the tree location shall be shown, and a note shall be provided stating that the tree must be hand cleared (See Tree protection Sec 21.152).

f. The location of all buffer signage must be clearly shown on plans.

g. A narrative stating the extent of the buffer areas, including any allowed disturbance in the buffer areas, must be included with the plans.

h. A double row of silt fence shall be shown on the upstream side of applicable buffer area(s) that are adjacent to a land disturbance.

i. The stream buffer shall be shown and labeled on the engineering plans, preliminary, bonded, and final plat.

j. If the stream buffers are dedicated to the City, placed in a conservation easement, or turned over to a Homeowners Association (HOA) or remain under private ownership, the buffers shall be maintained in accordance with the maintenance and inspection requirements for permanent storm water management structures.

1. If the buffer is dedicated to the City:

[a] All property lines shall terminate at the water quality buffer.

[b] Access easements shall be a minimum twenty (20) foot wide to allow maintenance of the buffer.

Access points for these easements will be coordinated with storm drainage easements during the plan review process.

2. If placed in a conservation easement or if the easement is held by a viable third party, such as a land trust, land management company, or utility, the organization shall:

[a] Have the legal authority to accept and maintain such easements;

[b] Be bona fide and in perpetual existence; and

[c] Have conveyance instruments that contain an appropriate provision for retransfer in the event the organization becomes unable to carry-out functions.

3. If given to an HOA, the following criteria must be met:

[a] Membership in the HOA is mandatory and automatic for all homeowners for the subdivision and their successors;

[b] The HOA shall have lien authority to ensure the collection of dues from all members; and

[c] The HOA assumes the responsibility for protecting, monitoring, and maintaining the area as an undisturbed natural area, in perpetuity.

k. It is recommended that the buffer be marked off with a warning barrier (orange safety fence) to show that no disturbance is allowed in the buffer area.

(4) Shoreline buffers shall be shown and labeled on the engineering plans. Shoreline buffers shall be maintained by the owner in accordance with the maintenance and inspection requirements for permanent storm water management structures outlined in this chapter. Shoreline buffers may be placed in a conservation easement, or given to the HOA as outlined in this subsection (f)(3) j.

(g) ***Water Quality Buffer Width Adjustments.*** Adjustments to the buffer width shall be made for the following conditions:

(1) If streams are on a current 303d list or with an approved TMDL, the buffer area shall be increased to one hundred (100) feet. [See also Subsection (g)(8)].

(2) If water bodies are on DHEC’S Outstanding National Resource Waters (ONRW) list, the buffer area shall be increased to one hundred (100) feet. [See also Subsection (g)(8)].

(3) If there are fifteen percent (15%) to twenty-four percent (24%) slopes within the required buffer area, the buffer width must be adjusted to include an additional ten (10) feet.

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(4) If there are twenty-five percent (25%) or greater slopes within the required buffer area width, the buffer width must be adjusted to include an additional twenty-five (25) feet.

(5) If the adjacent land use involves drain fields from on-site sewage disposal and treatment systems (i.e., septic systems) the buffer area width must be adjusted to include an additional twenty-five (25) feet.

(6) If the land use or activity involves raised septic systems or junkyards, the buffer area width must be adjusted to include an additional two hundred (200) feet. [See subsection (g)(8)].

(7) If all on-site stormwater runoff is captured and routed through a permanent water quality basin, and there is no sheet flow discharging into the buffer, the buffer area may be reduced to twenty-five (25) feet. This is intended to apply in limited situations, such as small commercial developments.

(8) If the applicant satisfactorily demonstrates that there will be no degradation of the receiving water body by implementing the proposed storm water quality controls, then the established buffer may be reduced on a case-by-case basis upon approval by the Zoning Administrator.

(h) **Water Quality Buffer Averaging.** This subsection outlines the criteria for buffer averaging on new and redevelopment sites. Buffer averaging can be utilized to adjust the required buffer width, allowing some flexibility for site development. Using buffer averaging, the width of the buffer can be varied with the criteria stated below, if a minimum average width of fifty (50) feet from the jurisdictional line are maintained.

(1) Requirements and policies. The following criteria must be met to utilize buffer averaging on a development site:

- a. Buffer averaging is required for water quality buffers that have stream crossings.
- b. An overall average buffer width of fifty (50) feet, depending on the water quality buffer requirement, must be achieved within the boundaries of the property to be developed.
- c. The average width must be calculated based upon the entire length of the stream bank or shoreline that is located within the boundaries of the property to be developed. When calculating the buffer length, the natural stream channel should be followed.
- d. Stream buffer averaging shall be applied to each side of a stream independently. If the property being developed includes both sides of a stream, buffer averaging can be applied to both sides of the stream but must be applied to each side of the stream independently.
- e. That portion of buffers more than one hundred (100) feet will not be credited toward the buffer averaging formula within the boundaries of the property to be developed. The total width of the buffer shall not be less than twenty-five (25) feet, or the width of the floodway at any location, except at approved stream crossings. Those areas of the buffer having a minimum width of twenty-five (25) feet (or less at approved stream crossings) can comprise no more than fifty percent (50%) of the buffer length.

(2) Areas where buffer averaging is prohibited. Buffer width averaging is prohibited when the result of averaging would allow any of the land uses listed below to exist within the pre-averaged buffer area:

- a. Developments or facilities that include on-site sewage disposal and treatment systems (i.e., septic systems);
- b. Commercial facilities that store and/or service motor vehicles;
- c. Commercial greenhouses or landscape supply facilities;
- d. Developments or facilities that have commercial or public pools;
- e. Animal care facilities, kennels, and commercial/business developments or facilities that provide short-term or long-term care of animals;
- f. Other land uses deemed by the Zoning Administrator to have the potential to generate higher than normal pollutant loadings.

(i) **Signage.** For subdivisions, permanent boundary marker signs are required for stream buffers prior to bonding of the subdivision and/or finalizing the subdivision with the intent to transfer property. Permanent boundary markers are required to ensure that property owners are aware of the buffer. Permanent boundary markers are recommended, but not required, in shoreline buffers. The Zoning Administrator has the authority to require the person or entity responsible for permanent maintenance of the buffer to replace boundary markers that have been removed or destroyed. The following general requirements shall apply to buffer boundary markers:

(1) Generally, buffer boundary markers shall be located on the landward edge of the buffer, and at other locations which will approximately delineate the buffer boundary. For commercial developments, markers shall be posted every one hundred (100) feet along the buffer boundary. For subdivisions where multiple lots are located along the buffer, it is recommended that a buffer boundary marker be located at the intersection of every other lot line with the landward edge of the buffer.

(2) Buffer boundary markers shall include the statement "Water Quality Buffer - Do Not Disturb".

(3) Where possible, the markers should be mounted to a tree larger than three (3) inches in diameter. Where it is not

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possible to mount the marker to a tree, a treated wood or metal signpost must be used. The post must extend below the ground surface at least twenty-four (24) inches.

- (4) The boundary markers must be mounted between four (4) and six (6) feet above the ground surface.
- (5) The boundary markers must be at least twelve by eighteen inches (12"x 18").

(j) ***Buffer Restoration and Enhancement Plans.*** Buffer restoration is required when a buffer is disturbed without prior approval from the Zoning Administrator. A developer or property owner may also wish to enhance a buffer to bring it closer to an optimal, undisturbed native forest condition. Prior to reestablishing or planting the buffer, a restoration or enhancement plan must be submitted to and approved by the Zoning Administrator. Buffer restoration and/or enhancement plans must include the following:

(1) A drawing or plan that shows the location of the buffer in relation to the existing or planned development and to the buffered waterway; the disturbance limits for the planned buffer restoration; direction of flow of runoff from the site and flow within the water feature; erosion prevention and sediment control measures to be installed to protect the waterway; any existing or proposed stream crossings; existing or proposed stream bank stabilization measures; access to a water source for the purposes of watering vegetation; and other pertinent information. For large scale restoration and enhancement projects the plan(s) must be stamped by a registered landscape architect.

(2) A visual plan and a narrative that describe the vegetation plan for the buffer: stream buffers must be planted with native trees, shrubs, and grasses that will not be mowed. Suitable native plants can be chosen from the recommended plant species, as listed in the "Stormwater Design Manual". Species of plants other than those listed on the pre-approved list shall be approved by the Zoning Administrator prior to planting.

(k) ***Waivers.***

(1) No waiver shall be granted to alter a buffer established pursuant to this section unless the Zoning Administrator determines that a hardship exists, and relief meets the general purpose and intent of this Section. Within Water Quality Protection Areas, no waiver shall be granted unless the applicant demonstrates that alternative protection measures can be provided that exceed the protection afforded by the established buffer. In no case will the buffer be reduced to less than twenty-five (25) feet from the jurisdictional line.

(2) In granting a request for a waiver, the Zoning Administrator may require site design, landscape planting, fencing, the placement of signs, and the establishment of water quality best management practices to reduce adverse impacts on water quality, streams, wetlands, and floodplains.

(3) Waiver requests shall only be considered if a request meets any of the criteria listed below.

- a. The project involves construction of:
 1. One single-family home for residential use by the owner of the property; and
 2. The property has an unusual shape or topography and there is no opportunity to develop under any reasonable design configuration.
- b. The project involves the construction or repair of a structure which, by its nature, must be located within the buffer:

1. Dams;
2. Docks, and boat launches;
3. Stabilization areas of public access to water;
4. Buffer intrusion is necessary to provide access to the property; or
5. Project will:
 - [a] Require a Wetland Permit from USACE for impacts to jurisdictional wetlands; and
 - [b] The USACE has approved a mitigation plan; and
 - [c] Implementation of the plan in a 404-permit condition.

(4) Buffer Waiver Submittal Requirements.

a. The applicant shall submit a written request for a waiver to the Zoning Administrator. The request shall include specific reasons justifying the waiver and any other information necessary to evaluate the proposed waiver request. The Zoning Administrator may require an alternative analysis that clearly demonstrates that no other feasible alternative exist and that minimal impact will occur as a result of the project or development.

b. The Zoning Administrator shall decide and decision concerning the waiver request. Any appeal shall be filed and heard by the Zoning Board of Appeals as set forth in sections 21-236 through 21-243.

(Ordinance No. 2015-4, 6-9-2015, added section 21-215 Water Quality Buffer Requirements)

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Secs. 21.216--21.220 Reserved

ARTICLE XIX BUILDING PERMITS, CERTIFICATES OF OCCUPANCY, AND ENFORCEMENT

Sec. 21.221 Zoning Administrator and building official.

Any interpretations of provisions of this chapter shall be performed by the zoning administrator, who shall also have the duty of referring variance requests and administrative appeals to the zoning board of appeals. The zoning administrator shall also be empowered to perform duties specified elsewhere in this chapter.

The building official as designated by the zoning administrator shall have the authority to issue and monitor progress on building permits. The building official shall also be responsible for the issuance of certificates of occupancy and shall maintain records of all issued building permits and certificates of occupancy. (Ord. No. 86-180, § 18-1, 6-10-86)

Sec. 21.222 Building permit required.

It shall be unlawful to commence clearing, grading, 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 building official has issued a building permit for such work. (Ord. No. 86-180, § 18-2, 6-10-86)

Sec. 21.223 Application for building permit.

(a) In applying to the building official for a building 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 shape, size, height, use and location of the buildings, 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 chapter are being observed.

(b) If the proposed excavation, filling, or construction, as set forth in the application, are in conformity with the provisions of this chapter and other city, county, state or federal regulations, then in force, the building official shall issue a building permit upon payment of any required fees. If a building permit is denied, the building official shall state such refusal in writing specifying the reason(s) for denial.

(c) Reserved.

(d) Before commencing clearing, grading, excavation or construction, the building permit (or copy) shall be placed conspicuously near the front property line herein described for the duration of the excavation or construction and in such a way that it is protected from the weather.

(Ord. No. 86-180, § 18-3, 6-10-86)

Sec. 21.224 Construction progress.

Any building permit shall become invalid unless the work authorized by it has been commenced within six (6) months of the date of issue of the permit, or if the work authorized by it is suspended or abandoned for a period of one (1) year. (Ord. No. 86-180, § 18-4, 6-10-86)

Sec. 21.225 Certificate of occupancy required.

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

- (1) any building, structure, land, or premises;
- (2) any building or structure hereafter erected or moved;

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- (3) any building hereafter altered, to affect the front, side or rear yards thereof, or its height;
- (4) any building, structure, or premises in which there is a change of the type of occupancy or use.

(b) Within three (3) 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 chapter, and if the building, as finally constructed, complies with the plans submitted for the building permit.

(Ord. No. 86-180, § 18-5, 6-10-86)

Sec. 21.226 Denial of certificate of occupancy.

A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this chapter, and all building codes enforced by the City and unless the building, as finally constructed, complies with the sketch or plan upon which the building permit was issued. The building official shall state in writing the reasons for denying such certificate of occupancy. (Ord. No. 86-180, § 18-6, 6-10-86)

Sec. 21.227 Records of applications and certificate.

Records of applications for building permits, records of plats and plans in connection with the permits, and records of all occupancy certificates and denials shall be kept on file in the office of the building official and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved. (Ord. No. 86-180, § 18-7, 6-10-86)

Sec. 21.228 Penalties for violation.

21.228.1 Any person violating, by act or omission, any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days, or both, at the discretion of the court.

21.228.2 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 or building official, each day during which such act or omission continues shall be deemed a separate violation.

21.228.3 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.

(Ord. No. 86-180, § 18-8, 6-10-86; Ord. No. 93-354, § 1, 8-10-93; Ord. No. 93-364, § 1, 10-19-93)

Sec. 21.229 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 chapter, the zoning administrator, building official, 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. (Ord. No. 86-180, § 18-9, 6-10-86)

Secs. 21-230--21-235 Reserved.

ARTICLE XX ZONING BOARD OF APPEALS

Sec. 21.236 Establishment, membership and proceedings of the board.

A zoning board of appeals is hereby established which shall consist of seven (7) members who are residents of

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the city and appointed by the city council. The term of office of the members of the board shall be three (3) years provided, however, that the initial board of appeals established under this chapter shall be appointed with terms as follows: Three (3) to serve for one (1) year; three (3) to serve for two (2) years; and one (1) for three (3) years; and their successors shall serve for three (3) years or until their respective successors are appointed. Members may be removed for cause by city council 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 the city.

21.236.1 Proceedings of the board of appeals. The board shall elect one of its members chairman, who shall serve for one (1) year or until he is re-elected, or his successor is elected and qualified. The board shall appoint a secretary. The board shall adopt rules in accordance with the provisions of this chapter. 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 acting 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 zoning administrator and shall be a public record.

21.236.2 Hearings, appeals and notices:

(1) Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the city affected by any decision of the zoning administrator or building official. Such appeal shall be taken within thirty (30) days 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.

(2) 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.

21.236.3 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 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 zoning administrator from whom the appeal is taken and due cause shown.

(Ord. No. 86-180, § 19-1, 6-10-86; Ord. No. 90-311, § 1, 7-10-90)

Sec. 21.237 Powers and duties of the board of appeals.

The board of appeals shall have the following powers and duties:

(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 building official in the enforcement of this chapter.

(2) Variances:

a. The board of appeals may authorize upon appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement to the provisions of this chapter would result in unnecessary hardship.

b. Procedures: A variance from the terms of this chapter shall not be granted by the board of Appeals unless and until a written application for a variance is submitted demonstrating:

1. That there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;

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2. that the application of this chapter to this particular piece of property would create an unnecessary hardship;
3. that such conditions are peculiar to the particular piece of property involved;
4. that relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter or the comprehensive plan; provided, however, no variance may be granted for a use of land or building or structure that is prohibited in each district by this chapter; and,
5. that no nonconforming 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.

c. Public Hearing: A public hearing shall be held at which time any party may appear in person or by agent or attorney.

d. Notice: 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.

e. In granting any variance, the board of appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under section 21.228.

f. With respect to uses of land, buildings and other structures, this chapter is declared to be a definition of the public interest by the city council, and the spirit of this chapter 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 chapter 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 chapter in said district.

g. Board findings:

1. The board of appeals shall make findings that the requirements of section 21.236.2 (1) 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 chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(3) Special exceptions

a. The board of appeals shall hear and decide only the applications for special exceptions as specifically authorized to pass upon by terms of this chapter; decide the questions as are involved in determining whether special exceptions should be granted; prescribe appropriate conditions and safeguards in conformity with this chapter; and deny special exceptions when not in harmony with the intent and purpose of this chapter.

b. Procedures in consideration of special exception applications.

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1. A written application for a special exception shall be submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.
 2. Notice of public hearing shall be posted on the property for which special exception is sought in the manner as set forth in section 21.275 and shall be published at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the City of Forest Acres.
 3. A public hearing shall be held at which time any party may appear in person, or by agent or attorney.
 4. The board of appeals shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception and that such exception will not adversely affect the public interest.
 5. The regulations of this chapter setting forth specific standards to be met prior to the establishment of any special exception shall be binding upon the board of appeals.
 6. The board of appeals may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both.
- c. Criteria for special exceptions. In addition to definitive standards in this chapter, the board of appeals shall consider the following:
1. traffic impact;
 2. vehicle and pedestrian safety;
 3. potential impact of noise, lights, fumes, or obstruction of air flow or view on adjoining property(s);
 4. adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view;
 5. orientation and spacing of improvements or buildings; and
 6. height of the structure.
- d. Effect of failure to meet conditions.
1. Violations of conditions and safeguards prescribed in conformity with this chapter when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter, punishable under the penalties established herein.
 2. Failure to begin or complete an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted, shall void the special exception.

Sec. 21-238 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 city, may present to the circuit court a petition, duly verified, setting forth that a decision of the board of appeals 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. (Ord. No. 86-180, §19-3, 6-10-86)

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Sec. 21.239 Functions of zoning administrator, board of appeals, city council and courts on interpretation, administration, and appeal.

21.239.1 It is the intent of this chapter 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 building official, and that recourse from the decisions of the board of appeals shall be to the courts as provided by law.

21.239.2 It is further the intent of this chapter that the function of the city council under this chapter shall not include hearing and deciding questions of interpretations and enforcement which may arise, but that the city council shall have only the responsibility for acting on proposals for amendment or repeal of this chapter, and for establishing a schedule of fees and charges.

21.239.3 Actions of board concerning appeals: In exercising the powers set forth above, the board may, in conformity with the provisions of this chapter, 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 building official from whom the appeal is taken.

(Ord. No. 86-180, § 19-4, 6-10-86)

Secs. 21.240--21.243 Reserved.

ARTICLE XXI COMMUNICATION TOWERS

Sec. 21.244 Definition

Communication tower is a tower or other structure that supports one (1) or more antennae utilized for radio or television broadcasting or for two-way radio, television, or telephone communication, but does not include any structure, or device that is less than ten (10) feet in height as measured from the base.

Sec. 21.245 Requirements.

The requirements that must be met consist of:

21.245.1 Height. Free-standing communication towers shall have a maximum height of one hundred sixty (160) feet. Towers located on buildings shall have a maximum height of twenty (20) feet above the roof line of the building.

21.245.2 Setback.

1. No communication tower shall be located within fifty (50) feet (as measured from the base of the tower) of a residential zoning district or within seventy-five (75) feet of a public right-of-way.

2. For communication towers over seventy-five (75) feet in height but less than one hundred twenty-five (125) feet in height, the fifty-foot setback from any dwelling located in a residential zoning district or seventy-five (75) foot setback from a public right-of-way, shall be increased by one (1) foot per one (1) foot of tower height as measured from the base of the tower, over seventy-five (75) feet.

3. For communication towers greater than one hundred twenty-five (125) feet in height, the setback from any dwelling located in a residential zoning district or public right-of-way shall increase by two (2) feet per one (1) foot of tower height in excess of one hundred twenty-five (125) feet, as measured from the base of the tower; such setback requirements are in addition to the setback requirements set forth in 1 and 2 above.

4. The setback requirements provided in section 21.244.2 (2 and 3) may be reduced to the minimum set forth in 21.244.2 (1) at the discretion of the board upon receipt of a written zoning waiver executed

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by the owner(s) of dwellings located within the setback requirements as established herein.

21.245.3 Landscaping and fencing. Eight-foot-high fencing shall be provided around the tower and any associated building. Outside of the fencing, at least one (1) row of evergreen shrubs forming a continuous hedge at least five (5) feet in height within individual plantings spaced no more than five (5) feet apart.

21.245.4 Illumination. No illumination is permitted except to the extent required by applicable federal or state statute or regulation.

21.245.5 Signage. No signage is permitted except as is required by applicable state or federal law, rule or regulation; signs for the purpose of identification warning, emergency function or contact may be placed as required by standard industry practice.

21.245.6 Abandonment. A tower that is no longer actively utilized for communication purposes must be removed within one hundred twenty (120) days of the date taken out of active service.

21.245.7 Collocation. The communication tower applicant shall provide satisfactory evidence that alternative towers, buildings, or other structures are not available for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria or provide a location free of interference from other communication towers. Further, such applicant must submit documentation citing specific reasons that it is not technically feasible to collocate the antenna on the closest existing or proposed tower whether inside or outside the city limits.

21.245.8 Amateur Radio Operators. Communication towers erected and maintained for the sole purpose of amateur radio operation by an amateur radio operator duly licensed by the Federal Communications Commission shall be exempt from the requirement of this section provided that any amateur radio tower shall: (1) not exceed a maximum freestanding height of eighty (80') feet or if located on a building will not exceed a maximum of twenty (20') feet above the roof line of the building and (2) shall not be located within fifty (50') from a public right-of-way.

Sec. 21.246 Special exception criteria.

1. In addition to the criteria for special exceptions set forth in section 21.237, the zoning board of appeals shall, in considering applications for special exceptions relating to communication towers, under the following factors:

(a) the proposed structure will not endanger the health and safety of residents, employees, or travelers, including, but not limited to, the likelihood of the failure of such structures;

(b) the proposed tower is in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties with additional consideration for properties designated as historic either locally or by listing in the National Register of Historic Places;

(c) the proposed tower is not located within two thousand (2,000) feet of another tower; and

(d) the proposed user has attempted to collocate on existing communication towers and is willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure.

2. A site plan, elevation drawing(s), photographs and other appropriate documentation must be submitted with the request for special exception which provide the following information:

(a) site plan must include the location of tower(s), guy anchors (if any), transmission building, and other accessory uses, parking access, fences, adjacent land use, landscaping and required buffering;

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(b) elevation drawings must clearly show the design of the tower and materials to be used;

(c) photographs must show the proposed site and the immediate area. Submittal of other detailed information, such as topography and aerial view, which supports the request are encouraged at the option of the applicant.

Secs. 21.247--21.249 Reserved

Section 21.248 Standards for Placement of Small Wireless Facilities in Covered Areas

Sec. 21.248.1. Definitions.

“Antenna” means communication equipment that transmits or receives electromagnetic radio frequency signals used in the provision of Wireless Services.

“Applicable Codes” means uniform building, energy, electrical, plumbing, mechanical, gas, and fire codes in Title 6, Chapter 9 of the South Carolina Code of Laws, local amendments to those codes authorized by state law, and local codes or ordinances which impose requirements defined in Section 5 of this Ordinance including objective design and concealment standards to regulate location, context, material, color, stealth and concealment standards on a uniform and nondiscriminatory basis.

“Applicant” means any person who submits an application to the City and is a Wireless Services Provider or a Wireless Infrastructure Provider.

“Application” means a request submitted by an Applicant for a permit to (i) Collocate Small Wireless Facilities; or (ii) construct, install, maintain, operate, replace, or modify a Utility Pole or Wireless Support Structure.

“Cable, Communications, Fiber or Electric Easement” means an easement, granted to a cable or video service provider, a communications service provider (including without limitation a telephone utility), a fiber optics cable services provider, or an electric services provider created or authorized by state law to provide such services, that runs parallel to and abuts or within a Right-of-Way and is occupied by existing Utility Poles or Wireless Support Structures carrying electric distribution lines, wires, cable, conduit, fiber optic cable for telecommunications, cable or electric service or supporting municipal street lights, or security lights. The term Cable, Communications, Fiber or Electric Easement excludes easements for service drops or lines connecting the customer’s premises to the cable, communications, fiber or electrical provider.

“City-Owned Pole” means (i) a Utility Pole owned or operated by the City in Covered Areas, including a Utility Pole that provides lighting or traffic control functions, or other law enforcement functions, including light poles, traffic signals, and structures for signage, and (ii) a pole or similar structure owned or operated by the City in a Covered Area that supports only Wireless Facilities. The term does not include a Utility Pole owned or operated by and accounted for as an asset of a municipal electric utility.

“Collocate” means to install, mount, maintain, modify, operate, or replace one or more Wireless Facilities on, under, within, or adjacent to an existing Wireless Support Structure or Utility Pole located in Covered Areas within the jurisdiction of the City. **“Collocation”** has a corresponding meaning.

“Covered Areas” means the surface of, and the space above and below, any public “Rights-of-Way,” “ROW,” “City Rights-of-Way,” “Public Rights-of-Way,” and/or “Cable, Communications, Fiber or Electric Easement” in the City as those terms are defined herein.

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“Day” means calendar day unless the last day for the City or an Applicant to take action under this Ordinance ends on a weekend, holiday, or time when all, but City emergency services are closed due to weather or some unforeseen situation.

“Decorative Pole” means a Utility Pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or a temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal practices.

“Design District” means an area that is zoned, or otherwise designated by municipal ordinance, and for which the City maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

“Fee” means a one-time charge.

“Historic District” means an area that is zoned or otherwise designated as a Historic District under municipal, state, or federal law and for which the City maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

“Micro Wireless Facility” means a Small Wireless Facility that meets the following qualifications: (i) is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height; and (ii) any exterior antenna is no longer than 11 inches.

“Person” means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the City.

“Rate” means a recurring charge.

“Rights-of-Way”, “Right-of-Way” or “ROW” or “City Rights-of-Way” or “Public Rights-of-Way” means that area on, below, or above a public roadway, highway, street, sidewalk, alley dedicated to, managed, or controlled by the City, County or the State of South Carolina, but not including a federal interstate highway, in the City.

“Small Wireless Facility” means a Wireless Facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of not more than six (6) cubic feet; and (ii) all other wireless equipment associated with the facility is cumulatively no more than twenty-eight (28) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

“Transmission Pole” means a pole or similar structure that is used in whole or in part to carry electric transmission (as opposed to distribution) lines.

“Underground District” means an area that is designated by ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing above ground structures in a Covered Area and for which the City maintains and enforces standards on a uniform and nondiscriminatory basis.

“Utility Pole” means a pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting, traffic control devices, traffic control or directional signage, or a similar function regardless of ownership, including City-Owned Poles. Such term shall not include structures supporting only Wireless Facilities, nor shall it include Wireless Support Structures.

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“Wireless Facility” means equipment at a fixed location that enables Wireless Services between user equipment and a communications network, including: (i) equipment associated with wireless communications; (ii) radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes Small Wireless Facilities. The term does not include the structure or improvements on, under, or within which the equipment is Collocated, wireline backhaul facilities, coaxial or fiber optic cable that is between Wireless Support Structures or Utility Poles or coaxial or fiber optic cable that is otherwise not immediately adjacent to, or directly associated with, an Antenna.

“Wireless Infrastructure Provider” means any Person including a Person authorized to provide telecommunications service in the State, that builds, installs, or maintains Utility Poles, wireless communication transmission equipment, Wireless Facilities or Wireless Support Structures.

“Wireless Services” means any services provided using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, delivered to the public using Wireless Facilities.

“Wireless Services Provider” means a Person who provides Wireless Services.

“Wireless Support Structure” means a freestanding structure, such as a monopole or, other existing or proposed structure designed to support or capable of supporting Wireless Facilities. Such term shall not include a Utility Pole.

Section 21.248.2. Purpose and Scope.

(a) The purpose of this Ordinance is to provide policies and procedures for the placement of Small Wireless Facilities in Covered Areas within the jurisdiction of the City.

(b) It is the intent of this Ordinance to establish uniform standards including, but not limited to:

- (i) Prevention of interference with the use of streets, sidewalks, alleys, parkways, traffic light poles or other light poles, and other public ways and places;
- (ii) Prevention of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (iii) Prevention of interference with other facilities and operations of facilities lawfully located in Covered Areas or public property;
- (iv) Preservation of the character of neighborhoods where facilities are installed;
- (v) Preservation of the character of historic structures, or historic neighborhoods, including but not limited to such structures or neighborhoods listed on the National Register of Historic Places, National Trust for Historic Preservation, or locally designated Historic Districts; and,
- (vi) Facilitation of the rapid deployment of Small Wireless Facilities to provide the citizens with the benefits of advanced Wireless Services.

Sec. 21.248.3. Permitted Use; Application Process and Fees.

- (a) **Permitted Use and Consent.** Collocation of a Small Wireless Facility on an existing Utility Pole or Wireless Support Structure, or a new or modified Utility Pole or Wireless Support Structure installed in a Covered Area shall be a permitted use, except in supplemental review districts where such facilities are a conditional use, subject to administrative review, conditions and other requirements in Section 5. In accord with Article VIII, Section 15 of the State Constitution and related municipal code and

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ordinance provisions, the City consents to the use of Public Rights-of-Way by permit holders acting in compliance with this Ordinance.

(b) **Permit Required.** No person shall place a Small Wireless Facility in a Covered Area without first filing a Small Wireless Facility Application and obtaining a permit, except as otherwise provided in this Ordinance.

(c) **Permit Applications.** All Small Wireless Facility Applications filed pursuant to this Ordinance shall be on a form, paper or electronic, as required by the City. The Applicant may designate portions of its Application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each page of such materials accordingly, and the City shall endeavor to protect materials so designated from public disclosure to the fullest extent permitted by state law.

(d) **Application Requirements.** The Small Wireless Facility permit Application shall be made by the Applicant, or its duly authorized representative as noted in a notarized statement from a Person with the Applicant with authority to make such an authorization, and shall contain the following:

- (i) The Applicant’s name, address, telephone number and e-mail address;
- (ii) Facility owner’s name, address, telephone number and email address, if different from Applicant;
- (iii) Intended facility use owner operated or owner leased capacity;
- (iv) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application;
- (v) A general description of the proposed scope of work for the Collocation of the Small Wireless Facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters, including but not limited to sub-surface utilities, likely to be affected or impacted by the work proposed;
- (vi) Identification of any consultant that is acting on behalf of the Applicant and that is authorized to speak with the City, or a designee of the City, on the area of consultation for the Applicant even if the Applicant cannot be available;
- (vii) Verification from an appropriate representative of the Applicant that the Small Wireless Facility shall comply with all Applicable Codes;
- (viii) Verification of payment of the annual municipal consent or administrative fee for telecommunications companies to use Public Rights-of-Ways pursuant to S.C. Code § 58-9-2230;
- (ix) Verification of local business license, if applicable;
- (x) Evidence the Applicant is duly authorized to do business in South Carolina;
- (xi) Evidence the Applicant has received any necessary certificate of public convenience and necessity or other required authority from the South Carolina Public Service Commission or the Federal Communications Commission or evidence that it is not required;
- (xii) A copy of an approved South Carolina Department of Transportation (SCDOT) encroachment permit and all documents required by SCDOT as part of the encroachment permit application, if the proposed location is within a SCDOT Right-of-Way; and,
- (xiii) If the proposed location is outside of a SCDOT Right-of-Way, a statement that the Applicant has a lease, attachment agreement or other authorization from the owner of the Utility Pole or structure proposed for Collocation.

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(e) **Routine Maintenance and Replacement.** An Application shall not be required for:

(i) Routine maintenance;

(ii) The replacement of a Small Wireless Facility with another Small Wireless Facility that is substantially similar or smaller in size, weight, and height; or

(iii) The installation, placement, maintenance, operation, or replacement of Micro Wireless Facilities that are strung on cables between existing Utility Poles and/or Wireless Support Structures in compliance with the National Electrical Safety Code by a Wireless Services Provider or a Wireless Infrastructure Provider that is authorized to occupy the Public Rights-of-Way and that is remitting a consent, franchise, or administrative Fee pursuant to S.C. Code § 58-9-2230.

(f) **Information Updates.** Any amendment to information contained in a permit Application shall be submitted in writing to the City within ten (10) business days after the change necessitating the amendment.

(g) **Consolidated Application.** An Applicant seeking to Collocate multiple Small Wireless Facilities may, at the Applicant's discretion, file a consolidated Application and receive a single permit for up to twenty (20) Small Wireless Facilities. Provided, however, the City's denial of any site or sites within a single Application shall not affect other sites submitted in the same Application. The City shall grant a permit for all sites in a single Application that it does not deny subject to the requirements of this Section.

(h) **Application Fees.** Unless otherwise provided by law, and except as to telecommunication companies exempted pursuant to S.C. Code § 58-9-2230, all Applications for permits pursuant to this Ordinance shall be accompanied by a Fee of \$300.00 for the first five Small Wireless Facility on existing poles in the same application and \$50.00 for each additional Small Wireless Facility on existing poles in the same application; \$250.00 for each Small Wireless Facility replacement pole; and \$1,000.00 for each Small Wireless Facility new pole. For clarity, any Applicant that pays either a franchise, consent Fee, or administrative Fee pursuant to the requirements of S.C. Code § 58-9-2230 shall not be required to pay any building permit Fee, zoning permit Fee, encroachment Fee, degradation Fee, or any other Fee assessed on a telecommunications provider for its occupation of or work within the ROW.

(i) **Interference with Public Safety Equipment.** A Small Wireless Facility shall be operated and maintained in a manner that does not interfere with public safety (police, traffic control, fire, and emergency services) equipment.

Sec. 21.248.4. Action on Permit Application.

(a) **Review of Small Wireless Facility Applications.** The City shall review the Application for a Small Wireless Facility permit for conformity with applicable requirements of this Ordinance, and shall issue a permit on nondiscriminatory terms and conditions subject to the following requirements:

(i) Within ten (10) days of receiving an Application, the City must determine and notify the Applicant whether the Application is complete; or if an Application is incomplete, the City must specifically identify the missing information.

(ii) Make its final decision to approve or deny the Application within sixty (60) days of submission of a completed Application.

(iii) Notify the Applicant in writing of its final decision, and if the Application is denied, specify the basis for a denial, including citations to federal, state or local code provisions and/or statutes on which

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the denial was based.

(iv) Notwithstanding an initial denial, the Applicant may cure the deficiencies identified by the City and resubmit the Application within thirty (30) days of the denial, and the City shall approve or deny the revised Application within thirty (30) days of receipt. The subsequent review by the City shall be limited to the deficiencies cited in the original denial.

(b) **Review Deadline.** If the City fails to act on an eligible Application within the sixty (60) day review period (or within the thirty (30) day review period for an amended Application), and the Applicant has provided written notice to the City after forty-five days from receipt of the Application but 10 days prior to the end of the 60 day period, that the time period for acting would lapse 10 days prior to the end of the 60 day period, the Application would then be deemed approved.

(c) **Review of Eligible Facilities Requests.** Notwithstanding any other provisions of this Ordinance, the City shall approve and may not deny Applications that constitute eligible facilities requests for modification of an eligible support structure that does not substantially change the physical dimensions of such structure as provided in 47 CFR 1.40001, within sixty (60) days according to the procedures established under 47 CFR 1.40001(c).

(d) **Compensation.** Subject to the limitations set forth in Section 3(h) herein, every permit shall include as a condition the Applicant's agreement to pay such lawful franchise Fees, business license taxes, administrative Fees and consent Fees as are permitted under applicable South Carolina and federal law. The Applicant shall also pay all applicable ad valorem taxes, service Fees, sales taxes, or other taxes and Fees as may now or hereafter be lawfully imposed on other businesses within the City. The city shall notify the Applicant of any taxes and fees due. The failure of the Applicant, or its assigns, to pay any such taxes and fees, after 15 days written notice from the City of the failure to make payment, shall result in the suspension of all permits.

Sec. 21.248.5. Requirements for Small Wireless Facilities in Covered Areas.

(a) **Administrative Review.** The City shall perform an administrative review of permit Applications including the location or installation of new, modified, or replacement Utility Poles and/or Wireless Support Structures and the attachment of Wireless Facilities and equipment on Utility Poles or Wireless Support Structures. Review factors, in addition to location, shall include the size, shape, color, texture, and materials of the structures and attachments.

(i) The City may require a proposed Wireless Facility be designed to not be significantly more readily apparent or plainly visible (to a reasonable person of ordinary sensibilities) from Covered Areas than existing utility structures, poles and equipment located within five hundred (500) linear feet on the same Covered Area as the subject Utility Pole or Wireless Support Structure.

(ii) Where Small Wireless Facilities are determined to be appropriate, the use of reasonable stealth and concealment treatments, low profile equipment and control boxes, and screening may be required to avoid significant negative impacts on the character and visual aesthetics of the area. However, such requirements may be waived by the City upon a showing that the particular location of a Small Wireless Facility does not warrant stealth or concealment treatments or imposes an excessive expense. The waiver shall be granted or denied within forty-five (45) days after the date of the request.

(iii) Small Wireless Facilities requiring the placement of new poles in residential districts shall be in front of the shared "side" property line between adjoining properties.

(iv) Prior to the placement of a new pole, the applicant shall demonstrate in writing that no opportunities

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for collocation on the existing pole(s) within other Small Wireless Facilities exist.

(v) Supplemental review districts identified in Section 21.248.5(c) and listed in Appendix A may be subject to a higher level of review.

(b) **Maximum Size of Permitted Use.**

(i) The height of an Antenna of a Small Wireless Facility shall be limited to the greater of ten (10) feet above (a) the height of an existing or modified Utility Pole or Wireless Support Structure; or (b) the height of a new Utility Pole or Wireless Support Structure as provided in (ii) below.

(ii) The height of a new or modified Utility Pole, or Wireless Support Structure is limited to the greater of (a) the tallest Utility Pole, excluding Transmission Poles, or Wireless Support Structure located in the same Covered Area, measured from grade, in place within five hundred (500) linear feet on the same Covered Area as the subject Utility Pole or Wireless Support Structure as of the effective date of this Ordinance; or (b) in the absence of any such Utility Pole or Wireless Support Structure, either (i) forty (40) feet in any area zoned exclusively for single family residential use, unless a waiver is granted for good cause shown, or (ii) fifty (50) feet in any other area, but in no event shall exceed a height of 50 feet.

(iii) Any associated equipment attached to or connected to any pole shall not exceed 28 cubic feet.

(iv) Collocation is not allowed on a Decorative Pole less than twenty (20) feet in height.

(c) **Supplemental Review Districts.** Collocated Small Wireless Facilities and new or modified Utility Poles or Wireless Support Structures located in supplemental review districts shall be a conditional use and subject to the design and aesthetic requirements and review processes for structures specified in this Ordinance establishing the supplemental review district(s) in addition to the requirement of this Ordinance, provided that the City will work in good faith with the Applicant to accommodate the installation of Collocated Small Wireless Facilities and new or modified Utility Poles or Wireless Support Structures in supplemental review districts to the fullest extent practicable. The City reserves its right to maintain and implement the following types of supplemental review districts.

(i) **Underground Districts.** A Wireless Services Provider or a Wireless Infrastructure Provider shall comply with nondiscriminatory requirements that prohibit electric utilities, telecommunications, or cable providers from installing above-ground structures in the Covered Area in these districts. Nothing in this section shall prohibit the use or replacement of existing Utility Poles or Wireless Support Structures in Underground Districts for the Collocation of Small Wireless Facilities subject to administrative review by the zoning administrator, appropriate design and concealment and a finding that such use does not increase the height by more than three (3) feet.

(ii) **Historic and Design Districts.** As a condition for approval of new Small Wireless Facilities or new Wireless Support Structure in a Historic District or a Design District, the City may require that a Wireless Services Provider or a Wireless Infrastructure Provider comply with the design and aesthetic standards of the Historic District or Design District to minimize the impact to the aesthetics in a Historic District or on a Design District's Decorative Poles. If design and concealment treatments are determined on review by the City to be insufficient to mitigate harm to the Historic District or Design District, the Application may be denied.

This section may not be construed to limit a municipality's authority to enforce historic preservation zoning regulations

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consistent with the preservation of local zoning authority under 47 U.S.C. Section 332(c)(7), the requirements for facility modifications under 47 U.S.C. Section 1455(a), or the National Historic Preservation Act of 1966 (54 U.S.C. Section 300101 et seq.), and the regulations adopted to implement those laws.

(d) **Appeals, Special Exceptions and Variance Requirements.**

Appeals of administrative decisions and requests for special exceptions and variances from the provisions of this Ordinance, when strict application would result in an unnecessary hardship or in the inability to deploy needed Small Wireless Facilities, shall be heard and decided by the Board of Zoning Appeals or equivalent board for architectural, design or historical district reviews. An applicant seeking a Special Exception to construct a new Decorative Pole, Utility Pole or other Wireless Support Structure to Collocate a Small Wireless Facility in an Underground District shall demonstrate, including certification through an engineer, that it has diligently attempted to locate the proposed Decorative Pole, Utility Pole, Wireless Support Structure, or Small Wireless Facility outside of the Underground District and that placement of the Decorative Pole, Utility Pole, Wireless Support Structure, or Small Wireless Facility within the Underground District is necessary to provide the needed wireless coverage or capacity, and one or more of the following conditions exist supporting a Special Exception:

- (i) No existing Utility Pole or Wireless Support Structure is located within the location search radius or to the extent a Utility Pole or Wireless Support Structure is located within the search radius, such Utility Pole or Wireless Support Structure:
 - a. Is not available for Collocation under commercially reasonable rates, terms, and conditions;
 - b. Cannot accommodate the Collocation of the Small Wireless Facility and meet the technical requirements necessary to deliver adequate wireless service coverage or capacity; or
 - c. Would require modifications exceeding the three (3) feet height limitation imposed in section 21.248.5(c)(i).
- (ii) The only available option to deliver adequate wireless service coverage or capacity in the search radius requires modifications to an existing Utility Pole or Wireless Support Structure exceeding the three (3) feet height limitation imposed in section 21.248.5(c)(i) or the installation of a new Utility Pole or Wireless Support Structure for Collocation of a Small Wireless Facility, or
- (iii) The applicant has demonstrated other circumstances that, in the reasonable discretion of the [board, etc.], warrant a special exception or variance.

The Applicant shall abide by the design, stealth and concealment treatments imposed as conditions of the special exception.

(e) **Existing Supplemental Review Districts.** Nothing in this Ordinance shall prohibit or otherwise limit the City from establishing additional supplemental review districts, provided however, that facilities and structures for which a permit was approved or deemed approved pursuant to this Ordinance prior to the establishment of the additional supplemental review district remain subject to the provisions of this Ordinance, including routine maintenance and replacement of those facilities and structures as set out in Section 21.248.3(e)(i) and (ii) of this Ordinance, and not to any provisions otherwise applicable to the additional supplemental review district. If a Wireless Services Provider or a Wireless Infrastructure Provider voluntarily replaces such facilities in a manner that does not comply with Section 21.248.3(e)(ii) of this Ordinance, or if a Wireless Services Provider or a Wireless Infrastructure Provider voluntarily relocates such facilities, such replacement or relocation is subject to the then-existing provisions and requirements of the

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additional supplemental review district.

(f) **Repair of Damage.** A Wireless Services Provider or a Wireless Infrastructure Provider shall repair all damage to a City Right-of-Way caused by the activities of the Wireless Services Provider or the Wireless Infrastructure Provider, while occupying, installing, repairing, or maintaining Wireless Facilities, Wireless Support Structures, City Utility Poles, or Utility Poles and to return the Right-of-Way to its functional equivalence before the damage. If the Wireless Services Provider or the Wireless Infrastructure Provider fails to make the repairs required by the City within forty-five (45) days after written notice, unless the City and the Wireless Services Provider or the Wireless Infrastructure Provider agree in writing to a longer time period, the City may undertake those repairs and charge the applicable party the reasonable and documented cost of the repairs and/or cancel any permit granted by the City. The City may maintain an action to recover the costs of the repairs.

Sec. 21.248.6. *Effect of Permit.*

(a) **Authority Granted: No Property Right or Other Interest Created.** A permit from the City authorizes an Applicant to undertake only certain activities in accordance with the Ordinance and does not create a property right or grant any authority whatsoever to the Applicant to impinge upon the rights of others who may already have an interest in the Covered Area.

(b) **Duration.** Unless construction has begun and is diligently pursued to completion at that point, no permit for construction issued under this Ordinance shall be valid for a period longer than twelve (12) months unless both City and Applicant agree to a reasonable extension and all required Fees are paid for the term regardless of construction. The inability of the Applicant to obtain electrical power or backhaul transport services to serve the Wireless Facility such that it is operational within the twelve (12) months due to the action or inaction of third-party utility providers shall not result in the invalidity of the permit.

Sec. 21.248.7. *Removal, Relocation or Modification of a Small Wireless Facility in the ROW.*

(a) **Notice.** Within ninety (90) days following written notice from the City, a Wireless Services Provider or a Wireless Infrastructure Provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any Wireless Facilities or Wireless Support Structures within the Rights-of-Way whenever the City, in its reasonable discretion, has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the Rights-of-Way.

(b) **Emergency Removal or Relocation of Facilities.** The City retains the right to cut or move any Wireless Facility or Wireless Support Structure located within its Rights-of-Way as the City, in its reasonable discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the City shall notify the Wireless Services Provider or the Wireless Infrastructure Provider and provide opportunity to move its own Wireless Facilities or Wireless Support Structure prior to the City cutting or removing a Wireless Facility or Wireless Support Structure and the City shall notify the Wireless Services Provider or the Wireless Infrastructure Provider after cutting or removing a Wireless Facility.

(c) **Abandonment of Facilities.** Upon abandonment of a Wireless Facility or Wireless Support Structure within the City Rights-of-Way, the Wireless Services Provider or the Wireless Infrastructure Provider shall notify the City within ninety (90) days of such abandonment. Following receipt of such notice the City may direct the Wireless

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Services Provider or the Wireless Infrastructure Provider to remove all or any portion of the Wireless Facility or Wireless Support Structure if the City, in its sole discretion, determines that such removal will be in the best interests of the public health, safety, and welfare.

(d) **Abandonment by Inaction.** At any point when a Wireless Services Provider or a Wireless Infrastructure Provider fails to pay any required Fee, or annual payment to the City, and fails to respond within sixty (60) days to a written inquiry from the City as to whether the Wireless Services Provider or the Wireless Infrastructure Provider intends to continue to operate a Wireless Facility or Wireless Support Structure, for whatever reason, the Wireless Facility shall be deemed abandoned, any permit suspended, and the City may, at its sole option, remove all or any portion of the Wireless Facility or Wireless Support Structure, or take other action as authorized by law, including recovery of actual costs incurred in removing the Wireless Facility or Wireless Support Structure.

Sec. 21.248.8. Attachment to City-Owned Utility Poles in the Covered Areas.

(a) **Annual Rate.** The rate to place a Small Wireless Facility on a City-Owned Pole in Covered Areas shall be one hundred fifty (\$150.00) dollars per year per wooden pole or two hundred (\$200.00) dollars per year for all other poles. This rate is in addition to reimbursement to the City for any expenses for make-ready work. The City reserves the right to require a pole attachment agreement to further define the terms and conditions of attachments to City-Owned Poles.

(b) **Cease Payment.** A Wireless Services Provider or a Wireless Infrastructure Provider is authorized to remove its facilities at any time from a City-Owned Pole in Covered Areas and cease paying the annual rate to the City as of the next due date for payment following the removal.

(c) **Make-Ready.** For City-owned Utility Poles in Covered Areas, the Applicant shall reimburse the City for expenses for any reasonable make-ready work. The City shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested Small Wireless Facility, including pole replacement if necessary, within sixty (60) days after receipt of a completed request. Make-ready work including any pole replacement shall be completed within sixty (60) days of written acceptance of the good faith estimate by the Wireless Services Provider or the Wireless Infrastructure Provider.

Sec. 21.248.9. Severability.

In the event any title, subtitle, section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase, or work of this Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the Ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this Ordinance.

(Ord. No. 20-21 §, 11-10-20 created article)

ARTICLE XXII ADULT OR SEXUALLY ORIENTED BUSINESSES

Sec. 21.250 Definitions

Adult arcade means any place to which the public is permitted or invited wherein coin operated or slug operated

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or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of "certain sexual activities" or "specified anatomical areas".

Adult bookstore or adult video store means a commercial establishment which, as one of its business purposes, offers for sale, rental, use or viewing any one or more of the following:

- (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (b) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as a adult bookstore or adult video store. Such other business purposes will not serve to except such commercial establishment from being categorized as an adult bookstore or adult video store so long as any business purpose is the offering for sale or rental for any consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas"; or

Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which features or allows:

- (a) Persons who appear in semi-nude; or
- (b) live performances which are characterized by persons appearing semi-nude; or
- (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and
- (d) it is further provided that nudity or state of nudity is specifically prohibited and that no physical contact whatsoever exists between the performers and the patrons.

Adult motion picture theater means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which features live performances characterized by persons appearing semi-nude.

Establishment means and includes one (1) of the following:

- (a) the opening or commencement of any sexually oriented business as a new business;
- (b) the conversion of an existing business, whether a sexually oriented business, to any sexually oriented business;
- (c) the additions of any sexually oriented business to any other existing sexually oriented business;
- (d) the relocation of any sexually oriented business.

Nude model studio means any place where a person who appears in a state of nudity or displays "specified anatomical area" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

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Nudity or state of nudity means actual nudity or the effect of what appears to be or the semblance of human bare buttocks, anus, male genitals, female genitals, or female breasts.

Permittee means a person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.

Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Semi-nude means a state of dress in which clothing covers only the genitals, pubic region, anus, and areolae of the female breast; the genital area and anus covered by a commercially obtainable bikini bottom.

Sexually oriented business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, adult theater, or nude model studio, or any other type of operation engaging in adult or sexually oriented activities not specifically set forth in this section, or any type of business defined in this section engaging in adult or sexually oriented activities not included in the definitions set out in this section, or activities limited by the definitions set out in this section. The quantity or duration of the sexually oriented material being immaterial.

Specified anatomical areas means the male genitals in a state of sexual arousal, and/or the vulva, or more intimate parts of the female genitals, buttocks, or anus.

Specified sexual activities means and includes any of the following:

- (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- (b) sex acts, normal or perverted, actual, or simulated, including intercourse, oral copulation, or sodomy;
- (c) masturbation, actual or simulated; or
- (d) excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

Substantial enlargement of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five (25) percent, as the floor areas exist on the date of adoption of Ordinance No. 97-519 (October 28, 1997.)

Transfer of ownership or control of a sexually oriented business means and includes any of the following:

- (a) the sale, lease, or sublease of the business;
- (b) The transfer of securities which constitutes a controlling interest in the business, whether by sale, exchange, or similar means; or
- (c) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Sec. 21.251 Classification. Sexually oriented businesses are classified as follows:

1. adult arcades;
2. adult bookstores or adult video stores;
3. adult cabarets;

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4. adult motion picture theaters;
5. adult theaters;
6. nude model studios.

Sec. 21.252 Permit.

1. An application for permit must be made on a form provided by the city. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including the total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
2. The applicants 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.
3. If a person who wishes to operate a sexually oriented business is an individual, such person must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit as applicant(s). If a corporation is listed as owner of a sexually oriented business, each individual having ten (10) percent, or greater interest in the corporation must sign the application for permit as applicant(s).
4. The fact that an applicant (s) possesses other types of state, county, or city permits and/or licenses does not exempt the applicant(s) from the requirement of obtaining a sexually oriented business permit.
5. All applicants must consent to and authorize a criminal records check.

Sec. 21.253 Issuance of permit and fee.

1. The city administrator shall approve the issuance of a permit to an applicant(s) within thirty (30) days after receipt of a properly completed application absent a finding of one or more of the following to be true:
 - (a) an applicant is under eighteen, (18) years of age;
 - (b) an applicant or applicant's spouse is overdue in payment(s) to the city for taxes, fees, fines, or penalties assessed against or imposed upon the applicant or spouse 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 on the applicant form.
 - (d) an applicant is 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 applicable laws and ordinances.
 - (f) the permit fee required by this article has not been paid.

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(g) an applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this article.

(h) an applicant has been convicted of a sex offense or crime punishable by a fine of one thousand dollars (\$1,000.00) or more or imprisonment for a period of sixty (60) days or more.

2. 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.

3. The annual fee for a sexually oriented business permit is five hundred dollars(\$500.00).

Sec. 21.254 Inspection.

The applicant(s)/permittee(s) shall permit representatives of the police department, zoning department, or other city departments or agencies, or other county or state agencies, acting on behalf of the city or on their behalf, 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 unlawful to refuse to permit such inspection of the premises at any time it is occupied or open for business.

Sec. 21.255 Expiration of permit.

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

2. When the city administrator denies renewal of a permit, the applicant shall not be issued a permit for one year from the date of denial. If, subsequent to denial, the city administrator finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit.

Sec. 21.256 Suspension of permit.

The city administrator may suspend a permit for a period not to exceed thirty (30) days if the city determines that a permittee or an employee of a permittee has:

1. violated or is not in compliance with any subsection of this article;
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.

Sec. 21.257 Revocation of permit.

1. The city administrator shall revoke a permit if:

- (a) a cause for suspension in section 21.256 occurs and the permit has been suspended within the preceding twelve (12) months for willful and knowing violation of this ordinance;
- (b) an applicant/permittee knowingly gave false or misleading material information in the application;
- (c) a permittee or an employee has knowingly allowed possession, use, or sale of controlled substance on the premises;

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- (d) a permittee or an employee knowingly allowed prostitution on the premises;
 - (e) a permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
 - (f) a permittee 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;
 - (g) a permittee is delinquent in payments to the city, county, or state for any taxes or fees past due related to the sexually oriented business.
2. The revocation of a permit shall continue for a period of not less than one (1) year, and the permittee shall not be issued a sexually oriented permit for any other location for one (1) year from the date revocation became effective.

Sec. 21.258 Transfer of permit.

A permittee(s) shall neither transfer a permit to another, nor shall a permittee(s) operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.

Sec. 21.259 Location of sexually oriented business.

1. No sexually oriented business shall be operated within nine hundred (900) feet of:
- (a) a church, synagogue, temple, or place of worship;
 - (b) a public or private elementary or secondary school;
 - (c) a public park;
 - (d) the property line of a lot devoted to residential use;
 - (e) the boundary line of any property zoned R-1, R-2, R-2a, R-3, P-1, or P-2, or PDD Residential;
 - (f) another sexually oriented business;
 - (g) a day care center or preschool.
2. All measurements 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 a part of the premises where a 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, prohibited district, or residential lot.
3. 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.
4. Any sexually oriented business lawfully operating on the effective date of Ordinance No. 97-519 (October 28, 1997) that is in violation of Sections 21.259 (1), (2), and (3) shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one (1) 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 a conforming use. If two (2) or more sexually oriented businesses are within one thousand (1,000) 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 use and the later-established business(es) is nonconforming.

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Sec. 21.260 Regulations for exhibition of sexually explicit films or videos.

1. A person who operates or causes to be operated a sexually oriented business, 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 sexual activities or specified anatomical areas, shall comply with the following requirements:

- (a) Upon application for a sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof 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 an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated scale or with 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 city 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(s).
- (c) It is the duty of the permittee(s), owner(s) and operator(s) of the premises to ensure that at least one employee is on duty and situated in each manager's station. No change in the configuration or location of the manager's station may be made without the prior approval of the city administrator.
- (d) The interior of the premises shall be configured in such a manner that there is an unobstructed 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 have two (2) 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 one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- (e) It shall be the duty of the permittee(s), owner(s) and operator(s), 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 (d) remains unobstructed by any walls, merchandise, display racks or other materials at all times and in every booth or room in which viewing of films or videos, as set forth in section 21.260.1, is taking place, the bottom of the door must be 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 in which patrons will not be permitted in the application filed pursuant to section.
- (f) No viewing room may be occupied by more than one (1) person at any time.
- (g) 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 five-foot candle as measured at floor level.
- (h) It shall be the duty of the permittee(s), owner(s) and any agents and employees present in the premises to ensure that the visibility and illumination described above, is always maintained that any patron is present in the premises.

Sec. 21.261 Exemptions

It is a 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

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

3. In a structure:

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

(b) where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and,

(c) where no more than one nude model is on the premises at any one time.

Sec. 21.262 Violations.

Any violations of this section or failure to comply with any of the requirements hereof shall be classified as a misdemeanor and shall be punishable by a fine and/or imprisonment as set forth in Section 1-8 of the Code. In addition, any person causing or permitting the operation, establishment, or transfer of ownership or control of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business; causes or permits the operation, establishing, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business; or operate a sexually oriented business without a valid permit issued by the city for this particular type of business shall be guilty of a misdemeanor and punishable as set out herein.

Secs. 21.263-269 Reserved.

ARTICLE XXIII AMENDMENTS

Sec. 21.270 Procedure.

In amending the text of this chapter or in amending the zoning map, the procedure shall be as prescribed in this article. (Ord. No. 86-180, § 21-1, 6-10-86)

Sec. 21.271 Initiation of proposals 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 building official, along with payment of a zoning amendment fee, which may be established by the city council. (Ord. No. 86-180, § 20-2, 6-10-86)

Sec. 21-272. Minimum land area requirements for change in a zoning district or creation of new zoning district.

No request from any party, other than city council subject to recommended by the planning commission, for a change in any zoning district or creation of a new separate zoning district shall be considered or created which involves an area of less than two (2) acres, except for the following exceptions:

- (1) The extension of the boundaries of an existing zoning district;
- (2) The addition of a C-1 zoning district to an existing C-2 or C-2a zoning district;
- (3) The addition of a C-1, C-2 or C-2a zoning district to an existing C-3 zoning district;
- (4) The addition of a C-1, C-2 or C-2a or C-3 zoning district to an existing C-4 zoning district; and
- (5) P-1 zoning district not less than one (1) acre.
- (6) The addition of an R-1a zoning district to an existing R-3 zoning district.

(Ord. No. 86-180, §20-3, 6-10-86; Ord. No. 96-452, §1, 8-13-96; Ord. No. 09-05, §21-272(1)-(4), 3-10-09; Ord. No. 09-10, §21-272(3)-(5), 7-14-09; Ord. No. 21-6, §21-272 (6), 3-9-21)

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Sec. 21.273 Planning commission study and report to the city council.

All proposed amendments shall be submitted to the City Administrator, who shall then refer the proposals for amendment to the planning commission. The Planning Commission shall have thirty (30) days within which to submit a report and recommendation to the city council. Such recommendation shall be advisory only. If the Planning Commission does not submit its report within the prescribed time, it is deemed to have approved the change or amendment. City Council may proceed to act on the proposed amendment. (Ord. No. 86-180, § 20-4, 6-10-86, Ord. No. 2017-4, § 21.273, 11-14-17)

Sec. 21.274 Public hearing on proposed amendment.

Before enacting an amendment to this chapter, the city council shall hold a public hearing thereon as required by section 6-7-30, 1976 Code of Laws of South Carolina, following the procedures thereby. (Ord. No. 86-180, § 20-5, 6-10-86)

Sec. 21.275 Posting of property.

When a proposed amendment affects the district classification of particular pieces of property, the Building Official shall cause to be conspicuously located on or adjacent to the property affected with at least one (1) such notice being visible from each public thoroughfare that abuts the property. 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.

At least ten (10) days' notice and an opportunity to comment on the proposed change must be given to the owner(s) of the adjoining property and other interested members of the public. (Ord. No. 86-180, § 20-6, 6-10-86, Ord. No. 2017-4, § 21.273, 11-14-17)

Sec. 21.276 Reconsideration of proposed amendment.

Action shall not be initiated for a zoning amendment affecting the same parcel of property within twelve (12) months after the date of final decision by the city council on the rezoning request or date of withdrawal of the case by the applicant. (Ord. No. 86-180, §20-7, 6-10-86)

Secs. 21.277--21.280. Reserved.

ARTICLE XXIV FEES AND CHARGES

Sec. 21.281 Schedule of fees and charges.

The city council may establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, certificates of zoning compliance, appeals, amendments, and other matters pertaining to these regulations. This schedule of fees shall be posted in the office of the building official and may be altered or amended only by the city council.

(Ord. No. 86-180, § 21-1, 6-10-86)

Sec. 21.282 No action until fees paid.

No permit, certificate or variance shall be issued or granted unless and until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proposed amendments or on proceedings before the board of appeals unless and until applicable charges and fees have been paid in full. (Ord. No. 86-180, § 20-4, 6-10-86)

Secs. 21.283--285. Reserved.

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ARTICLE XXV LEGAL STATUS

Sec. 21.286 Separability.

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. No. 86-180, § 21-1, 6-10-86)

Sec. 21.287 Conflicting ordinances repealed.

Any other ordinances, regulations or resolutions, or any portions thereof, which are inconsistent with the provisions herein contained, are hereby repealed. (Ord. No. 86-180, § 22-2, 6-10-86)

Sec. 21.288 Effective date.

This chapter shall take effect and be in force on January 1, 2000. (Ord. No. 86-180, § 22-3, 6-10-86)

Sec. 21.289 Adoption clause.

The foregoing zoning regulations were duly adopted by the Mayor and Council of the City of Forest Acres, South Carolina, in meeting duly assembled, on the 20th day of December 1999. This Chapter 21 of the Code of Ordinances of the City of Forest Acres supersedes all previous zoning ordinance text provisions of the City of Forest Acres adopted on the 10th day of June 1986 and all prior amendments thereto. (Ord. No. 86-180, § 22-4, 6-10-86)

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Appendix A

TREE PROTECTION CONSTRUCTION STANDARDS

The following standards shall apply to trees proposed to be preserved.

(1) Critical Root Zone.

To protect the tree and root zone, a critical root zone shall be established around each tree or group of trees to be retained prior to any land disturbance.

(a) Layout of the project site utility and grading plans shall avoid soil disturbance within in the critical root zone. Trenching shall not be allowed within the critical root zone, unless prior approval is received from the City building official.

(b) Construction site activities, including but not limited to parking, materials storage, concrete washout, and burn hole placement, shall not be allowed within the critical root zone.

(c) Root disturbance due to cuts or fill shall not be allowed within the critical root zone. All exposed roots one (1) inch and greater in diameter at the edge of the Tree Protection Area shall be pruned with a clean-cut flush to the soil edge.

(d) Soil compaction shall not be allowed within critical root zone.

(e) Erosion and sedimentation control measures shall be installed in a manner designed to prevent the accumulation of sediment within the critical root zone.

(2) Protective Barriers.

Tree protection devices shall be installed as shown on the sketch plans or otherwise surround the critical root zone.

(a) All tree protection fencing shall be installed prior to and maintained throughout the land disturbing and construction process and shall not be removed until final landscaping is installed.

(b) Tree protection fencing shall consist of chain link, orange laminated plastic, wooden post and two rail fencing, or other equivalent restraining material.

(3) Signage:

Posting "Tree Save Area" signs is recommended in addition to the required tree protection fencing. Signs requesting subcontractor cooperation and compliance with the tree protection standards are recommended for site entrances.

(4) Pruning:

Pruning of tree limbs to provide clearance for equipment and materials or for any other reason shall be done in accordance with standard arboricultural practices standards (ANSI A300 (Part 1)-2001 Pruning).

Appendix B

TREE PROTECTION AND PLANTING PLAN REQUIREMENTS

Tree Protection and Planting Plan Required - All applications for building development permits shall be accompanied by a Tree Protection and Planting Plan drawn to a standard scale and size which includes the following:

(1) A critical root zone plan for all significant trees to be preserved.

(2) A planting plan for all trees required to be planted under any of the provisions of this Ordinance on all property. This plan shall be approved prior to construction where street trees may be affected.

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(3) Tree replacement and protection - When trees retained or planted as required by this Ordinance die or are removed for any reason, except in single family residential lots, they must be replaced during the next suitable planting season in the same manner, quantity and size. Trees shall be allowed to grow to their natural height and form.

(4) Topping of any tree significant shall not be permitted.

Appendix C

TREE PLANTING STANDARDS

The following standards shall apply to all trees and shrubs proposed to be planted.

(1) Plant Material Specifications.

- (a) All plant material shall meet the most current version of American Standard of Nursery Stock standards.
- (d) Trees selected for planting must be free from injury, pests, disease, nutritional disorders, or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.
- (c) Large Maturing Tree species shall have a caliper of at least three (3) inches immediately after planting with a single trunk whose canopy dimensions have the potential to reach at least 45 feet tall and 25 feet wide at maturity. Suitable for areas with more than 200 square feet of total planting area, in a planting strip at least seven (7) feet wide, or in a place at least six (6) lateral feet from pavement or wall (See Appendix D: Recommended Large Maturing Tree Planting Lists for suitable species choices).
- (d) Medium Maturing Tree species shall have a caliper of at least two and a half (2 ½) inches immediately after planting with a single trunk whose canopy dimensions have the potential to reach at least 25 feet tall and 20 feet wide at maturity. Suitable for areas with 100 to 200 square feet of total planting space, or in a planting strip at least five (5) lateral feet wide, or in a place at least four (4) lateral feet from pavement or wall (See Appendix D: Recommended Medium Maturing Tree Planting Lists for suitable species choices).
- (e) Small Maturing Tree species shall have a caliper of at least two (2) inches immediately after planting with a single trunk or multi-stem whose canopy dimensions have the potential to reach at least 15 feet tall and 15 feet wide at maturity. Suitable for areas under utility lines, or in areas with less than 100 square feet of total planting area, or in a planting strip at least four (4) feet wide, or in a place at least two (2) lateral feet from pavement or wall (See Appendix D: Recommended Small Maturing Tree Planting Lists for suitable species choices).
- (f) No Large or Medium Maturing Tree species shall be planted within twenty (20) lateral feet of any utility easement.
- (g) All plantings that die or are destroyed must be replaced, during the next suitable planting season.

(2) Planting Specifications.

Plantings shall be installed to current nursery industry standards.

- (a) The dimensions of the planting hole shall be a minimum of two (2) times the width of and no deeper than the tree root ball or container.
- (b) The planting hole sidewalls shall be scored or roughened to eliminate the smooth, slick surface caused by

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the shovel or auger.

(c) If containerized material is to be planted, any circling roots shall be cut by slicing the root ball vertically from top to bottom in two to three well-spaced lines around the root ball with a sharp knife.

(d) The root ball shall rest on undisturbed soil in the planting hole with the top of the root ball level with the natural ground level or slightly raised (not to exceed a height of two (2) inches above the natural ground level).

(e) If balled and burlaped plant material is used, all straps and ties shall be removed and discarded, the top one-half (1/2) of all of the burlap shall be removed and discarded, and the top one-third (1/3) of the wire basket shall be removed and discarded.

(f) No tree shall be planted with the top of the root ball below natural ground level.

(g) The soil used to backfill around the root ball shall be native to the site, thoroughly watered after planting, and free of rocks, trash, and any construction debris.

(h) Organic mulch shall be evenly distributed over the planting area to a settled depth of, at least, two (2) inches. The mulch shall not touch or be pile against the tree trunk.

(i) Permanent built-in or temporary (hose, gator bag, bucket, etc.) irrigation systems shall be installed and used to ensure the plants will survive the critical establishment period.

(j) Out-of-season planting is discouraged.

Appendix D

RECOMMENDED LARGE, MEDIUM AND SMALL MATURING TREE PLANTING LIST

LARGE MATURING TREES: greater than 45 feet tall

| <u>Common Name</u> | <u>Scientific Name</u> |
|-----------------------|-----------------------------------------|
| Ash, green | (<i>Fraxinus pennsylvanica</i>) |
| Beech, American | (<i>Fagus grandifolia</i>) |
| Blackgum | (<i>Nyssa sylvatica</i>) |
| Cryptomeria, Japanese | (<i>Cryptomeria japonica</i>) |
| Cypress, Bald | (<i>Taxodium distichum</i>) |
| Cypress, Pond | (<i>Taxodium ascendens</i>) |
| Dawn redwood | (<i>Metasequoia glyptostroboides</i>) |
| Ginkgo | (<i>Ginkgo biloba</i>) |
| Katsura tree | (<i>Cercidiphyllum japonicum</i>) |
| Loblolly bay | (<i>Gordonia lasianthus</i>) |
| Magnolia, Southern | (<i>Magonlia grandiflora</i>) |
| Oak, Live | (<i>Quercus virginiana</i>) |
| Oak, Scarlet | (<i>Quercus coccinea</i>) |
| Oak, Shumard | (<i>Quercus shumardii</i>) |
| Oak, Southern red | (<i>Quercus falcata</i>) |
| Oak, White | (<i>Quercus alba</i>) |
| Oak, Swamp chestnut | (<i>Quercus michauxii</i>) |
| Pine, longleaf | (<i>Pinus taeda</i>) |
| Sweetgum | (<i>Liquidambar styraciflua</i>) |
| Sycamore, American | (<i>Platanus occidentalis</i>) |
| Tulip poplar | (<i>Liriodendron tulipifera</i>) |

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Zelkova, Japanese

(Zelkova serrata)

MEDIUM MATURING TREES: 25 ft – 50 ft. tall

| <u>Common Name</u> | <u>Scientific Name</u> |
|-------------------------------|-------------------------------------------|
| Chinese pistache | <i>(Pistacia chinensis)</i> |
| Crapemyrtle | <i>(Lagerstroemia faurei and hybrids)</i> |
| Elm, Chinese | <i>(Ulmus parvifolia)</i> |
| Goldenrain tree | <i>(Koelreuteria paniculata)</i> |
| Holly, American | <i>(Ilex opaca)</i> |
| Hophornbean, American | <i>(Ostrya virginiana)</i> |
| Hornbean, American | <i>(Carpinus caroliniana)</i> |
| Horbean, European | <i>(Carpinus betulus)</i> |
| Magnolia, sweetbay | <i>(Magnolia virginiana)</i> |
| Maple, hedge | <i>(Acer campestre)</i> |
| Maple, trident | <i>(Acer buergerianum)</i> |
| Oak, Chinese evergreen | <i>(Quercus myrsinifolia)</i> |
| Oak, overcup | <i>(Quercus lyrata)</i> |
| Persian perrotia | <i>(Parrotia persica)</i> |
| Redcedar, Eastern | <i>(Juniperus virginiana)</i> |
| Sassafras | <i>(Sassafras albidum)</i> |
| Silverbell, Carolina | <i>(Halesia Carolina)</i> |
| Stewardia, tall | <i>(Styrax japonicus)</i> |
| Yellowwood, American | <i>(Cladastris kentukea)</i> |

SMALL MATURING TREES: 15 ft. to 25 ft. tall

| <u>Common Name</u> | <u>Scientific Name</u> |
|-----------------------------|--------------------------------------------|
| Buckeye, red | <i>(Aesculus parvia)</i> |
| Chastetree | <i>(Vitex agnus-castus)</i> |
| Cherry, Okame | <i>(Prunus x incamp 'Okame')</i> |
| Chinese Flame tree | <i>(K. bipinnata)</i> |
| Crapemyrtle | <i>(Lagerstroemia indica and hybrids)</i> |
| Crabapple | <i>(Malus spp.)</i> |
| Dogwood, flowering | <i>(Cornus florida)</i> |
| Dogwood, Kousa | <i>(Cornus kousa)</i> |
| Fingetree | <i>(Chionanthus virginicus)</i> |
| Fringetree, Chinese | <i>(Chionanthus retusus)</i> |
| Holly, Foster's | <i>(Ilex x attenuate 'Fosteri')</i> |
| Holly, yaupon | <i>(Ilex vomitoria)</i> |
| Maple, Amur | <i>(Acer ginnala)</i> |
| Magnolia, star | <i>(Magnolia stellata)</i> |
| Magnolia, Little Gem | <i>(Magnolia grandiflora 'Little Gem')</i> |
| Redbud, Eastern | <i>(Cercis canadensis)</i> |
| Redbud, Oklahoma | <i>(Cercis reniformis)</i> |
| Redbud, Chinese | <i>(Cercis chinensis)</i> |
| Washington hawthorn | <i>(Crataegus phaenopyrum)</i> |
| Waxmyrtle | <i>(Myrica cerifera)</i> |

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TREES TO AVOID

Bradford pear

(Pyrus calleriana 'Bradford')

Chinaberry

Hybrid poplars and willows

(Populus and Salix hybrids)

Mimosa

(Albizia julibissin)

Royal Paulownia

Silver maple

(Acer saccharinum)

Tallowtree

Tree-of-Heaven

White pine

(Pinus strobus)



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BERKELEY CO. EST. 1961 SO. CAROLINA

THE CITY OF GOOSE CREEK

TITLE XV: LAND USAGE CHAPTER 151: ZONING

ADOPTED FEBRUARY 13, 2024

Chapter 151: Zoning

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Section One: Introductory Provisions

1.1: Title, Purpose, & Applicability

- (A) **Title.** This Ordinance shall officially be known and cited as “The City of Goose Creek Zoning Ordinance,” and hereinafter referred to as “this Ordinance.”
- (B) **Statutory Authority.** The City Council is authorized to adopt this Ordinance in accordance with the enabling authority in Sec. 6-29-310 et. seq S.C. Code of Laws, 1976, as amended, and including all provisions located elsewhere in the Code citing any applicable authority. Whenever any provision of this Ordinance refers to or cites a section of the Code of Laws of South Carolina and that section is later amended, this Ordinance shall be deemed amended to refer to the amended section.
- (C) **Purpose of this Ordinance.** The purpose and intent of this Ordinance is to guide development in accordance with the City’s Comprehensive Plan and existing and future needs of the City in order to protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare. This Ordinance is enacted and designed to exercise the full range of authority available to the City in accordance with state law to:
- (1) Provide for adequate light, air, and open space;
 - (2) Prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets;
 - (3) Facilitate the creation of a convenient, attractive, and harmonious community;
 - (4) Protect and preserve scenic, historic, or ecologically sensitive areas;
 - (5) Regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, water supply, sanitation, protection against floods, public activities, and other purposes in a way that maintains strong neighborhoods and protects their character, provides for a broad range of housing choices, and supports greater intensity of development at strategic locations;
 - (6) Facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements.
 - (7) Secure safety from fire, flood, and other dangers;
 - (8) Facilitate the harmonious, orderly, and progressive development of land within the City that maintains strong neighborhoods and protects their character;
 - (9) Encourage development of land within the City that renders it economically sound;
 - (10) Assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
 - (11) Assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments that support development patterns that are well connected and support multiple modes of travel;
 - (12) Assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes;

(13) Assure, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with official community plans for future development; and

(14) Carrying out such other purposes in the public interest as may be specifically cited in this Ordinance.

(D) Applicability. The provisions of this Ordinance apply to the development of any land within the City, unless expressly exempted by a specific section, subsection, or paragraph of this Ordinance. Development shall not occur except in accordance with the requirements of this Ordinance and all other applicable city, state, and federal ordinances, laws, statutes, and regulations. No development shall occur until the required development approvals and permits are obtained in accordance with the requirements of this Ordinance. Zoning permits are good for six months from the date of issuance and may be renewed on a case-by-case basis for good cause. Occupancy permits shall be issued upon approval of the Zoning Administrator and Building Official. Development undertaken without required development approvals and permits is a violation of this Ordinance.

(E) Activities Constituting Development. Unless expressly exempted by this Ordinance, the following activities shall be considered development subject to this Ordinance:

(1) Any construction, reconstruction, erection, installation, placement, relocation, demolition, or alteration in the size or external appearance of a structure;

(2) Any establishment, re-establishment, or change in a use of a structure or land;

(3) Any change in the intensity of the use of a structure or land, such as an increase in:

(a) The number of businesses, establishments, offices, dwelling units, or lodging units comprising the use.

(b) The number of parking spaces or amount of impervious cover.

(c) The number of products or services provided by the use.

(4) Any alteration of the natural topography of land, such as mining, grading, ditching, extracting earth materials, dredging, excavation, filling, or deposition of soil;

(5) Removal of vegetative cover, such as site clearing or the removal of specimen trees or significant stands of trees;

(6) The construction or extension of any utility service line or facility; or

(7) Any subdivision of land.

(F) Homes for the Handicapped Exemption. This Ordinance does not apply to a home providing 24-hour care to nine or fewer mentally or physically handicapped persons, approved and/or licensed, in accordance with Sec. 6-29-770(E), S.C. Code of Laws, 1976, as amended.

(G) Comprehensive Plan. This Ordinance is intended to ensure that all development within the City's jurisdiction is in substantial accordance with the Comprehensive Plan and implements the planning policies adopted as part of the Comprehensive Plan in furtherance of the general health, safety, and welfare of the City's citizens, pursuant to Sec. 6-29-510-540, S.C. Code of Laws, 1976, as amended.

(H) Relationship to Other Laws, Covenants, or Deeds.

- (1)** If a provision of this Ordinance is inconsistent or conflicts with another provision of this Ordinance or with a provision found in other adopted ordinances or codes of the City, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.
 - (2)** When there is a conflict between an overlay zoning district and an underlying base zoning district, the provisions of the overlay district shall control. When there is a conflict between provisions of two or more applicable overlay zoning districts, unless otherwise stated in this Ordinance, the more restrictive provision applies.
 - (3)** When it is possible to implement, administer, or construe a particular provision of this Ordinance in more than one way, it shall be implemented, administered, or construed in a way that eliminates or minimizes conflicts with other provisions of this Ordinance.
 - (4)** If the provisions of this Ordinance are inconsistent or conflict with the laws or regulations of the state or federal government, the more restrictive provision shall control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.
 - (5)** The City shall not be responsible for monitoring or enforcing private easements, covenants, deed restrictions, or other agreements between private parties. Private easements, covenants, and restrictions notwithstanding, all development, unless expressly exempted by this Ordinance, shall comply with or may exceed the minimum requirements of this Ordinance.
 - (6)** In accordance with State Law Sec. 6-29-1145, S.C. Code of Laws, 1976, as amended, application forms and/or instructions for land development permits or approvals other than those authorizing the building or placement of a structure on a tract or parcel of land shall inquire whether the subject tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the proposed activity. If the City has actual notice of such a restrictive covenant, whether from the application or other source, the City shall not issue approval of the permit unless the City receives written confirmation and proof from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders, or by court order. The issuance of a development approval or permit does not affect the applicant's obligations under any recorded covenants.
 - (7)** The City of Goose Creek shall notify the commander of the Naval Support Activity Charleston, as required by the Federal Defense Facilities Utilization Integrity Protection Act, as amended, prior to any public hearing regarding zoning and land development within 3,000 feet of the installation. The City shall supply public notice to the commander thirty (30) days prior to the public hearing along with a written report with the findings required in the Act.
- (I) Vested Rights.** A vested right is established in accordance with State Law, Sec. 6-29-1501-1560, S.C. Code of Laws, 1976, as amended, only upon the approval or conditional approval of a site-specific development plan in accordance with the standards and procedures of this Ordinance. A vested right established in accordance with this section is subject to the conditions and limitations

as prescribed by state law. A vested right for a site-specific development plan shall expire two years after vesting. No extensions of the vested right are authorized. Any requests for an extension of a vested right shall be denied. A vested site-specific development plan may be amended if the amendment conforms to or does not cause greater nonconformity with the current provisions of this Ordinance. Approval or conditional approval of an amendment to an established vested right does not reset its expiration period. No vested rights are established for phased development plans, including approved or conditionally approved phased development plans and including phased development plans applicable to property proposed for annexation. An approved or conditionally approved site-specific development plan is required prior to approval with respect to each phase of a phased development plan.

(J) Severability. It is the legislative intent of the City Council in adopting this Ordinance that all provisions shall be liberally construed to implement the City's Comprehensive Plan and guide development in accordance with the existing and future needs of the City as established in the Comprehensive Plan and this Ordinance and to promote the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the landowners and residents of the City. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity and continued enforcement of any other section, subsection, sentence, clause, or phrase of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and any section, subsection, sentence, clause, and phrase, thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid by a court of competent jurisdiction.

(K) Transitional Provisions.

(1) Effective Date of this Ordinance. This Ordinance was adopted on February 13, 2024, and repeals and replaces Chapter 151 of the Code of Ordinances. This Ordinance became effective on March 18, 2024.

(2) Violations Continue. Any violation of a provision of the Code of Ordinances replaced by this Ordinance shall continue to be a violation under this Ordinance unless the development complies with the express terms of this Ordinance.

(3) Application upon which no final Action Taken.

- (a)** Any development application submitted and accepted as complete before March 18, 2024, but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Section 7: Nonconformities & Enforcement.
- (b)** Completed applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames, it shall expire, and future development shall be subject to the requirements of this Ordinance.

- (c) An applicant with a pending application accepted before March 18, 2024, may opt to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending application and submitting a new application in accordance with the standards of this Ordinance.

(4) Approved Applications.

- (a) Any development approvals granted before March 18, 2024, shall remain valid until their expiration date. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired. If the prior approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall not occur until all required development approvals and permits are obtained in accordance with the procedures and standards of this Ordinance.
- (b) To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Section 7: Nonconformities & Enforcement.

1.2: Zoning Map

(A) Establishment & Maintenance.

- (1) Land subject to this Ordinance is divided into the various base and overlay zoning districts. The location and boundaries of the zoning districts are shown on the Official Zoning Map. The Official Zoning Map, including all its notations, is incorporated herein by reference and made part of this Ordinance. The Official Zoning Map shall be the final authority as to the status of the zoning district classification of land in the City.
- (2) The original and all revised versions of the Official Zoning Map shall be kept on file, in either hardcopy or digital form, in the office of the Zoning Administrator. The Official Zoning Map shall be made available for public inspection at the office of the Zoning Administrator during normal business hours.
- (3) The Zoning Administrator shall enter changes onto the Official Zoning Map within a reasonable period of time after a map amendment is adopted by the City Council. Where the ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the Zoning Administrator may enter on the Official Zoning Map notations reflecting the ordinance wording.

(B) Official Zoning Map. In order to carry out the purpose of this Ordinance and to allow a variety of uses in different districts which are appropriate in location, arrangement, and density to the character of the individual districts and the establishment of a well-considered pattern of development for the City of Goose Creek, all real property located within the corporate boundaries of the City of Goose Creek are hereby divided into districts as shown on the Official Zoning Map which, together with all explanatory matter, is incorporated by reference and declared to be a part of this Ordinance.

(C) Interpretation of the Official Zoning Map. The Zoning Administrator is authorized to determine the location of zoning district boundaries. Where uncertainty exists with respect to the boundaries of districts shown on the Official Zoning Map, the following rules shall apply to the interpretation of those boundaries:

- (1)** District boundaries indicated as approximately following the centerlines of streets, highways, alleys, or other public access ways shall be construed to follow those centerlines.
- (2)** District boundaries indicated as approximately following property lines shall be construed as following those property lines. If a subsequent minor adjustment (such as from a court ordered settlement of a boundary dispute or overlap) results in a property line moving ten feet or less, the zoning district boundary shall be interpreted as moving with the property line.
- (3)** District boundaries indicated as approximately following city limits shall be construed as following city limits.
- (4)** District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5)** District boundaries indicated as following centerlines of rivers, streams, or other watercourses shall be construed to follow those centerlines.
- (6)** District boundaries indicated as approximately parallel to, or extensions of features identified in subsections above shall be construed to be parallel to or extensions of such features.
- (7)** Insofar as some or all of the various districts may be indicated on the zoning map by patterns that, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of the rights-of-way.
- (8)** Where a discrepancy exists between the depictions on the Official Zoning Map and the text of a legal description accompanying an ordinance for zoning map change duly adopted by the City Council, the text of the legal description shall control.

(D) Newly Annexed Land. Any new land annexed into the City of Goose Creek shall be in accordance with a zoning map amendment, and shall be a city zoning district classification that the Planning Commission recommends is consistent with the proposed and existing land uses in the area, relevant Comprehensive Plan policies, and is in the best interest of the City of Goose Creek. The zoning district classification shall be specified in the annexation ordinance considered by the City Council and shall become effective on the effective date of the annexation.

1.3: Amendments.

Map or text amendments may be proposed by the City Council, Planning Commission, City Administrator, or Zoning Administrator. Property owners may request map amendments. If another person or entity is representing the property owner(s) in the amendment request, a notarized letter or affidavit of agency or Power of Attorney, must be submitted with the application.

(A) Application. An application for an amendment shall be filed with the Zoning Administrator, who shall transmit copies thereof to the Planning Commission and to the City Council. A fee established by the City Council shall accompany every application for an amendment. An application deadline

shall be established by the Zoning Administrator giving adequate time for public notice and case summary to be prepared.

(B) Review. Staff shall review the application for completeness, compose a Staff Report, and include a recommendation. The Planning Commission shall review and make recommendations to the City Council on proposed amendments to this Ordinance. The Commission shall make such recommendation within thirty (30) days of the receipt of the application. Upon the expiration of the 30-day time limit, if the Planning Commission has not made a recommendation, the City Council may proceed to act as it deems proper. The approval of an application or an amendment by Council shall be based on two readings via ordinance at least six (6) days apart.

(C) Public Hearing. A public hearing shall be held by the City Council before enacting or amending any zoning regulations or maps. Notices of such shall be handled as follows:

- (1)** The Zoning Administrator shall give notice in a newspaper of general circulation in the City of Goose Creek at least fifteen (15) days before the public hearing. If the proposed amendment is to the Zoning Maps, the notice shall specify the location, current zoning, and proposed zoning of the property involved.
- (2)** At least fifteen (15) days prior to the public hearing, the Zoning Administrator shall cause at least one sign to be posted on, or adjacent to, the property in question (if the application is a proposed map amendment). This sign shall contain the nature of the requested change and time, date, and place of the public hearing, and shall be located so that it is visible from each public thoroughfare that abuts the property. For proposed amendments that involve large areas (ex. corridors, overlay districts, mass re-zoning), the Zoning Administrator shall install multiple signs at strategic locations throughout the proposed amendment area; however, signs will not be placed on each property affected.
- (3)** If there is a list of groups that have expressed an interest in being informed of zoning proceedings, notice of such meetings must be mailed to these groups. Use of email, group postings, webpage may be utilized.

(D) Resubmittal. A map amendment request, which has been denied for the same property or substantially the same property, shall not be resubmitted within twelve months from the date of denial in the same form as previously submitted. This shall not prohibit resubmittal if new facts are uncovered, or a different zoning district requested.

Section Two: Administration

2.1: City Council

- (A) Powers and Duties.** To exercise its authority in accordance with state law, the City Council shall have the following powers and duties under this Ordinance:
- (1)** To review and decide text amendments, zoning map amendments, planned developments, and development agreements, and to accept or deny acceptance of rights-of-way, when required or voluntarily dedicated on plats or through written documents, prior to recording with the Register of Deeds Office.
 - (2)** To establish a schedule of fees and a collection procedure for applications for development approvals and permits reviewed under this Ordinance. The schedule of fees shall be available in the office of the Zoning Administrator and may be altered or amended only by the City Council.
 - (3)** To appoint and remove in accordance with state law and this section members of the Planning Commission and Board of Zoning Appeals. In the appointment of members, Council shall consider their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. Members shall represent a broad cross section of the interests and concerns within the City.
 - (4)** To carry out any other powers and duties delegated to it in accordance with state law.

2.2: Planning Commission

- (A) Establishment.** The Planning Commission is hereby established in accordance with state law under this Ordinance.
- (B) Powers and Duties.** The Planning Commission shall have the following powers and duties under this Ordinance:
- (1)** To entrust the review of minor/major subdivisions, land development and items outlined in S.C. Code §6-29-540 to the City Planner for approval or denial.
 - (2)** To review and make recommendations to the City Council on text amendments, zoning map amendments, Comprehensive Plan elements, planned developments, and development agreements.
 - (3)** To review and decide applications for street or road names and appeals of land development (subdivision) decisions/regulations.
 - (4)** To carry out any other powers and duties delegated to it in accordance with state law.
- (C) Membership and Terms.** The Planning Commission shall consist of seven (7) qualified electors appointed by the City Council. No member of the Planning Commission shall hold an elected public office in the City or in the County. Members shall be appointed for three-year terms. Members may continue to serve until their successors are appointed. Members of the Planning Commission on the date this Ordinance is adopted shall continue to serve until their respective terms expire according to the rules in place when they were appointed unless they are removed for cause. The City Council may remove a member of the Planning Commission for cause. Cause may include, but is not limited to, nonattendance at meetings, not maintaining required qualifications, or deemed to adversely affect the public interest. The determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause,

after discussion in executive session determining the existence of cause. Vacancies, for whatever reason, shall be filled by the City Council for the balance of an unexpired term.

(D) Officers, Rules of Proceeding, and Meetings. The Planning Commission shall elect one (1) of its members Chair and another Vice-Chair, each for a term of one year. The Planning Commission shall adopt rules for the conduct of business. The Planning Commission shall meet at the call of the Chair and at such regular times as the Commission may determine. Public notice of meetings of the Planning Commission shall be provided in accordance with state law and this Ordinance. A majority of the Planning Commission shall constitute a quorum for the conduct of business. The Chair shall preside over all Commission meetings. The Vice-Chair shall serve as acting chair and preside over Commission meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the Planning Commission shall vote to determine who shall serve as acting Chair for the meeting. The Chair, or, in the Chair's absence, the acting Chair, may administer oaths and compel the attendance of witnesses by subpoena. The Planning Commission shall keep minutes of its proceedings in accordance with state law, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep a record of its resolutions, findings, and determinations, which shall be a public record.

2.3: Board of Zoning Appeals

(A) Establishment. The Board of Zoning Appeals is hereby established in accordance with state law under this Ordinance.

(B) Powers and Duties. The Board of Zoning Appeals shall have the following powers and duties under this Ordinance.

(1) Administrative Appeal. To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance;

(2) Variance. To hear and decide appeals for variance from the requirements of this Ordinance when strict application of the provisions of this Ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a)** There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (b)** These conditions do not generally apply to other property in the vicinity;
- (c)** Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- (d)** The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

- (1)** The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact

that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by this Ordinance.

- (2) In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

(3) Special Exception. To permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in this Ordinance; and upon a finding that the following standards are met:

- (a) The proposed special exception will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety.
- (b) The proposed special exception will not have a substantial adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, odors, obstruction of air or light, and litter.
- (c) The proposed special exception will not have a substantial adverse impact on the aesthetic character of the area, to include a review of the orientation and spacing of buildings.
- (d) The proposed special exception will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public interest or conditions likely to result in increased law enforcement response.
- (e) The establishment of the proposed special exception does not create a concentration or proliferation of the same or similar types of special exception use, which concentration may be detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed.
- (f) The proposed special exception is compatible with the general character and purpose of the district and location in which it is proposed.
- (g) The proposed special exception use will comply with all applicable standards for development (municipal, state, federal) as applicable.

(4) To remand a matter to an administrative official, upon motion by a party or the Board's own motion, if the board determines the record is insufficient for review. A party's motion for remand may be denied if the Board determines that the record is sufficient for review. The board must set a rehearing on the remanded matter without further public notice for a time certain within sixty (60) days unless otherwise agreed to by the parties. The board must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing and notice of the rehearing must be mailed to these persons prior to the rehearing.

(5) To carry out any other powers and duties delegated to it by the City Council, in accordance with state law.

(6) Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality. The appeal must be taken within thirty (30) days from the date the appealing party has received actual notice of the action from which the appeal is taken by filing with the officer from whom the appeal is taken and with the Board of Appeals

notice of appeal specifying the grounds for the appeal. The officer from whom the appeal is taken must immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

- (7) 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 other 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.
 - (8) The Board must fix a reasonable time for the hearing of the appeal or other matter referred to the Board and give at least fifteen (15) days public notice of the hearing in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the appeal or matter within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.
 - (9) At least fifteen (15) days prior to the public hearing, the Zoning Administrator shall cause at least one sign to be posted on, or adjacent to, the property in question (if the application is a proposed variance or special exception). This sign shall contain the nature of the request and the time, date, and place of the public hearing, and shall be located so that it is visible from each public thoroughfare that abuts the property.
 - (10) In exercising the above power, the Board of Appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end, has all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in the execution of the duties specified in this chapter, may subpoena witnesses and in case of contempt may certify this fact to the Circuit Court having jurisdiction.
 - (11) All final decisions and orders of the Board must be in writing and be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to parties of interest by certified mail.
 - (12) A person who may have a substantial interest in any decision of the Board of Appeals or an officer or agent of the appropriate governing authority may appeal from a decision of the Board to the Circuit Court in and for the County, by filing with the Clerk of the 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 days after the decision of the Board is mailed.
 - (13) A request that has been denied cannot be resubmitted within 12 months after denial for the same request unless substantial changes or new information is submitted.
- (C) **Membership and Terms.** The Board of Zoning Appeals shall consist of five (5) qualified electors appointed by the City Council. No member shall hold any other public office or position in the City or County. Members shall be appointed for three-year terms. Members may continue to serve until their successors are appointed. Members of the Board of Zoning Appeals on the date this Ordinance is adopted shall continue to serve until their respective terms expire according to the rules in place when they were appointed unless they are removed for cause. The City Council may remove a member of the Board of Zoning Appeals for cause, after written notice and a public hearing. Cause may include, but is not limited to, nonattendance at meetings. Vacancies, for whatever reason, shall be filled by the City Council for the balance of an unexpired term.

(D) Officers, Rules of Proceeding, and Meetings. The Board of Zoning Appeals shall elect one (1) of its members Chair and another Vice-Chair, each for a term of one year. The Board of Zoning Appeals shall adopt rules for the conduct of business. The Board of Zoning Appeals shall meet at the call of the Chair and at such regular times as the Commission may determine. Public notice of meetings of the Board of Zoning Appeals shall be provided in accordance with state law and this Ordinance. A majority of the Board of Zoning Appeals shall constitute a quorum for the conduct of business. The Chair shall preside over all Board meetings. The Vice-Chair shall serve as acting chair and preside over Board meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the Board of Zoning Appeals shall vote to determine who shall serve as acting Chair for the meeting. The Chair, or, in the Chair's absence, the acting Chair, may administer oaths and compel the attendance of witnesses by subpoena. Public notice of all meetings shall be provided by publication in a newspaper of general circulation, and in cases involving variances or special exceptions, conspicuous notice shall be posted on or adjacent to the property affected. The Board of Zoning Appeals shall keep minutes of its proceedings in accordance with state law, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep a record of its official actions, findings, and determinations, which shall be a public record.

2.4: Staff

(A) Planning and Zoning Authority. The Planning and Zoning Department under the direction of Planning & Zoning Director (Zoning Administrator) is designated to administer, interpret, and enforce all provisions of this Ordinance. The Zoning Administrator may delegate any administrative, decision, or review authority under this Ordinance to any professional-level City Staff member. This Ordinance refers to the person or persons to whom these functions are assigned as the "Zoning Administrator" or "City Planner". The terms "Staff", "Administrator", "Planning Official", and "Planner" may be used interchangeably with the positions "Zoning Administrator" and "City Planner" for the purposes of this Ordinance. The City Administrator shall determine the departmental assignments of these positions.

(B) Powers and Duties. The Zoning Administrator shall have the jurisdiction, authority, and duties described below, including, but not limited to:

- (1)** Any powers and duties delegated to Staff by the Planning Commission per State Law.
- (2)** To enforce, interpret, and administer this Ordinance, receive and review all applications required by this Ordinance, and issue applicable permits.
- (3)** To keep the records of the planning department, including, without limitation, records of: applications; and, reports rendered. The Zoning Administrator shall maintain records of all final determinations, decisions, and recommendations of boards and commission.
- (4)** To maintain the Official Zoning Maps and designate on the Official Zoning Maps all map amendments granted under the terms of this Ordinance.
- (5)** To designate Staff to assist in the daily administration of the duties and responsibilities set forth in this Ordinance.
- (6)** When the interests of the City so require, make investigations in connection with matters referred to in this Ordinance and render action on the same.

- (7) To conduct preliminary consultations with potential applicants regarding development proposals regulated by this Ordinance.
- (8) To issue permits upon a determination that such permit application is in full compliance with all terms and provisions of this Ordinance.
- (9) To serve as Staff and render technical advice on all such matters requiring action by City Council and all boards and commission.
- (10) To review/approve for recording plats and subdivisions of land, and all commercial site plans, which meet all zoning requirements.
- (11) To perform such other duties as may be directed in accordance with the provisions of this Ordinance or the City Administrator.

2.5: Zoning Permit

- (A) **Applicability.** A Zoning permit shall be required prior to any change in use, land disturbance, building permit, construction, or expansion of any building, parking lot, or other facility for which a building permit is required, or placement of any signage.
- (B) **Site Plan.** The applicant shall demonstrate upon application for a zoning permit the ability and intent to meet all zonings standards and documentation requirements via submittal of a site development plan.

2.6: Certificate of Occupancy

- (A) **Applicability.** A developer or other applicant in receipt of a building permit and/or zoning permit shall obtain a certificate of occupancy prior to taking residence or commencing business in the structure for which the permit is received.
- (B) **Purpose.** Application for a certificate of occupancy signals to the Building Official and the Zoning Administrator that construction and site improvements specified in applications for a building permit and a zoning permit are complete or, where allowed, are financially guaranteed.

Section Three: Zoning Districts

(A) Intent

The following districts are hereby established for the corporate limits of the City of Goose Creek, and land within said areas shall be designated on the Official Zoning Map. The regulations set out the district's purpose, the intensity, and dimensional standards applicable in the district. Standards governing development in an overlay zoning district shall apply in addition to, or instead of, the standards governing development in the underlying base zoning district. If the regulations governing an overlay district expressly conflict with those governing an underlying base zoning district, the regulations governing the overlay district shall control, unless expressly stated to the contrary.

[C: Conservation District](#)

[RSF: Residential Single-Family District](#)

[RM: Residential Mixed District](#)

[VN: Village Node District](#)

[GC: General Commercial District](#)

[EC: Employment Campus District](#)

[LI: Light Industrial District](#)

[HI: Heavy Industrial District](#)

[PD: Planned Development District](#)

[NSAC: Naval Support Activity Charleston](#)

[RBD: Red Bank District Overlay](#)

[CCD: Central Creek District Overlay](#)

C: Conservation District

(1) Purpose

The purpose of the Conservation (C) District is to provide land that is undeveloped or developed at a very low density and to conserve land.

(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Section 4: Use & Standards.

(3) Intensity and Dimensional Standards

| Standard | All Uses |
|------------------------------------|----------|
| Lot Area, min. (acres) | N/A |
| Lot Width, min. (ft.) | N/A |
| Impervious Surface Ratio, max. (%) | 10% |
| Density, max. (du/acre) | N/A |
| Front Yard Setback, min. (ft.) | 30 |
| Side Yard Setback, min. (ft.) | 30 |
| Rear Yard Setback, min. (ft.) | 30 |
| Building Height, max. (ft.) | 40 |

RSF: Residential Single-Family District

(1) Purpose

The purpose of the Residential Single-Family (RSF) District is to provide lands that accommodate primarily single-family detached dwellings at moderate densities. The district also accommodates parks and recreation centers. District regulations discourage development that substantially interferes with the quiet residential nature of the district.

(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Section 4: Use & Standards.

(3) Intensity and Dimensional Standards

| Standard | All Uses |
|------------------------------------|----------|
| Lot Area, min. (acres) | 7,000 |
| Lot Width, min. (ft.) | 60 |
| Lot Depth, min. (ft.) | 80 |
| Impervious Surface Ratio, max. (%) | 45% |
| Density, max. (du/acre) | N/A |
| Front Yard Setback, min. (ft.) | 20 |
| Side Yard Setback, min. (ft.) | 8 |
| Rear Yard Setback, min. (ft.) | 15 |
| Building Height, max. (ft.) | 40 |

RM: Residential Mixed District

(1) Purpose

The purpose of the Residential Mixed District is to provide lands that accommodate a walkable, moderate-density mix of residential development that allows single-family, two-family, townhouse, scaled multi-family dwellings, parks/ recreation, and limited convenience uses.

(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Section 4: Use & Standards.

(3) Intensity and Dimensional Standards

| Standard | Single Family | Townhouse | Two-Family | Four Unit | Eight Unit | All Other Uses |
|--------------------------------|---------------|-----------------------|------------|-----------|------------|----------------|
| Lot Area, min. | 5,000 | 10,000[1] 2,000[2] | 7,500 | 12,000 | 12,000 | 5,000 |
| Lot Width, min. (ft.) | 50 | 75[1] 20[2] | 50 | 80 | 80 | 50 |
| Lot Depth, min. (ft.) | 70 | 100 | 80 | 80 | 80 | 70 |
| Impervious Surface Ratio, max. | 65% | 75% | 65% | 75% | 75% | 75% |
| Density, max. (du/acre) | N/A | N/A | 8 | 8 | 8 | N/A |
| Front Yard Setback, min. (ft.) | 15 | 15 | 15 | 15 | 15 | 15 |
| Side Yard Setback, min. (ft.) | 5 | 0/5/15[3] | 10 | 15 | 20 | 10 |
| Rear Yard Setback, min. (ft.) | 10 | 15 | 15 | 15 | 20 | 10 |
| Building Height, max. (ft.) | 40 | 40 | 40 | 40 | 40 | 40 |

[1] Applies to the development lot as a whole rather than individual lots under individual units.

[2] Applies to individual townhouse lots under individual units.

[3] Zero (0) feet minimum between internal units / five (5) feet minimum for each end unit / fifteen (15) feet minimum for each unit abutting any right-of-way.

VN: Village Node District

(1) Purpose

The purpose of the Village Node (VN) District is to provide lands that accommodate a broad range of pedestrian-oriented commercial development in an urban, mixed-use context. The district is intended to accommodate a wide range of residential, civic, and commercial development. Flexibility from conventional use and bulk requirements is provided to promote urban-density and mixed uses within a pedestrian oriented streetscape. Allowed uses include mixed-use, offices, personal services, retail sales and services, and restaurants.

(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Section 4: Use & Standards.

(3) Intensity and Dimensional Standards

| Standard | | All Uses |
|------------------------------------|------|----------|
| Lot Area, min. (acres) | | N/A |
| Lot Width, min. (ft.) | | N/A |
| Impervious Surface Ratio, max. (%) | | 85% |
| Density, max. (du/acre) | | N/A |
| Front Yard Setback, min. (ft.) | Min. | 10 |
| | Max. | 15 |
| Side Yard Setback, min. (ft.) | | N/A |
| Rear Yard Setback, min. (ft.) | | N/A |
| Building Height, max. (ft.) | | 50 |

GC: General Commercial District

(1) Purpose

The purpose of the General Commercial (GC) District is to provide lands that accommodate a broad range of nonresidential uses characterized primarily by retail, office, and service establishments. Development is primarily auto oriented, serving isolated commercial areas outside of the activity centers.

Allowed uses include personal services, retail sales, recreation/entertainment, commercial services, restaurants, visitor accommodation, and vehicle sales and services.

(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Section 4: Use & Standards.

(3) Intensity and Dimensional Standards

| Standard | All Uses |
|------------------------------------|----------|
| Lot Area, min. (acres) | N/A |
| Lot Width, min. (ft.) | N/A |
| Impervious Surface Ratio, max. (%) | 85% |
| Density, max. (du/acre) | N/A |
| Front Yard Setback, min. (ft.) | 20 |
| Side Yard Setback, min. (ft.) | N/A |
| Rear Yard Setback, min. (ft.) | 15 |
| Building Height, max. (ft.) | 50 |

EC: Employment Campus District

(1) Purpose

The purpose of the Employment Campus (EC) District is to provide lands that accommodate a mix of employment, research and development, and light industrial development, with an expectation of high-quality design, typically within a campus setting. Development allowed in the EC District includes office, institutional, light industrial, research, and similar employment uses. Allowed uses include trade schools, offices, research and medical laboratories, and medium-intensity manufacturing, as well as uses such as mixed-uses, restaurants, and retail sales and services that are supportive of principal employment-based uses.

(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use & Standards.

(3) Intensity and Dimensional Standards

| Standard | All Uses |
|------------------------------------|----------|
| Site area, min. (acres) | 5 |
| Lot Width, min. (ft.) | 75 |
| Impervious Surface Ratio, max. (%) | 95% |
| Density, max. (du/acre) | N/A |
| Front Yard Setback, min. (ft.) | 25 |
| Side Yard Setback, min. (ft.) | 25 |
| Rear Yard Setback, min. (ft.) | 25 |
| Building Height, max. (ft.) | 75 |

(4) General Provisions for Employment Campus District

(A) The EC District is established to provide an aesthetically attractive urban working environment intended to promote desirable economic development activities, including high-technology, research and development, testing, and specialized manufacturing establishments, as well as professional offices and business incubators. The district is also intended to:

- (1)** Encourage compact development, primarily with multi-story buildings.
- (2)** Encourage mixed-use development in appropriate locations.
- (3)** Provide readily accessible services for employees.
- (4)** Improve pedestrian, bicycle, and transit connections to and through employment campuses.
- (5)** Encourage building and site design that advances the City's sustainability goals.
- (6)** Maintain and improve the quality of the natural landscape within employment campuses.
- (7)** Provide appropriate transitions to surrounding land uses.
- (8)** Facilitate preservation, development, or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor, or special area plans.
- (9)** Facilitate development with multiple buildings.

(B) Outdoor storage shall be effectively screened with screening between six (6) and eight (8) feet in height. Storage shall not exceed the height of the screening. Storage and loading areas shall be screened from direct view from the street, including views down access driveways. All business activities shall be conducted within completely enclosed buildings, except:

- (1)** Off-Street parking and off-street loading
- (2)** Outdoor display and outdoor storage
- (3)** Temporary outdoor events
- (4)** Outdoor eating, cooking, and service areas associated with food and beverage establishments
- (5)** Solar energy systems and wind energy systems
- (6)** Bicycle-sharing facilities
- (7)** Farmer's markets
- (8)** Outdoor recreation
- (9)** Agricultural activities

(C) Parking Design

- (1)** Off-street parking shall not be located within front or street side yard setbacks but may be located within the rear yard and interior side yard setbacks and the building envelope.

(D) Master Plan. A master plan for each employment campus shall be prepared as part of any rezoning submittal. The plan must be approved by the Planning Commission and include the following:

- (1)** A site plan, including:
 - (1)** Conceptual plan showing lots and approximate building footprints, parking, and service areas.
 - (2)** Landscape plan and landscape design standards.
 - (3)** Street layout and street design standards.
 - (4)** Signage and street graphics standards.
 - (5)** Screening Plan
 - (6)** Stormwater management plan.
- (2)** Plan submittal and review procedures for individual site within the campus.
- (3)** A parking plan, meeting standards of this chapter for automobile and bicycle parking.

- (E)** Design Review. All buildings constructed within the EC District shall be reviewed and approved by Staff.
- (F)** Changes to the master plan. No alteration of an approved Master Plan shall be permitted unless approved by the Planning Commission, provided, however, the Zoning Administrator may approve minor alterations that are consistent with the concept approved by the Planning Commission.

LI: Light Industrial District

(1) Purpose

The purpose of the Light Industrial (LI) District is to provide lands that allow light industrial development. Development allowed in the LI District includes wholesaling, distribution, storage, processing, research and development, light manufacturing, and related development. The district also accommodates support uses such as office and limited commercial uses that primarily serve the principal industrial uses.

(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Section 4: Use & Standards.

(3) Intensity and Dimensional Standards

| Standard | All Uses |
|------------------------------------|----------|
| Site area, min. (acres) | 1 |
| Lot Width, min. (ft.) | N/A |
| Impervious Surface Ratio, max. (%) | 90% |
| Density, max. (du/acre) | N/A |
| Front Yard Setback, min. (ft.) | 25 |
| Side Yard Setback, min. (ft.) | 25 |
| Rear Yard Setback, min. (ft.) | 25 |
| Building Height, max. (ft.) | 75 |

HI: Heavy Industrial District

(1) Purpose

The purpose of the Heavy Industrial (HI) District is to provide lands that accommodate intense industrial development that generally requires large sites, as well as industrial uses that are important to the City's economic growth but may impact adjacent lands. The uses generally involve greater potential for adverse off-site impacts on the environment and surrounding development (e.g., from dust, fumes, smoke, odor, noise, or vibration, or due to extensive movement of vehicles, materials, and goods). Allowed uses include heavy manufacturing, warehouse distribution, wholesale sales, major utility facilities, and research laboratories. District regulations are intended to encourage the reuse of existing industrial development. District development is intended to include buffers and the use of mitigation techniques to ensure heavy industrial development mitigates potential impacts to surrounding neighborhoods.

(2) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Section 4: Use & Standards.

(3) Intensity and Dimensional Standards

| Standard | All Uses |
|------------------------------------|----------|
| Site area, min. (acres) | 2 |
| Lot Width, min. (ft.) | N/A |
| Impervious Surface Ratio, max. (%) | 100% |
| Density, max. (du/acre) | N/A |
| Front Yard Setback, min. (ft.) | 25 |
| Side Yard Setback, min. (ft.) | 25 |
| Rear Yard Setback, min. (ft.) | 25 |
| Building Height, max. (ft.) | 75 |

PD: Planned Development District

(1) Purpose

The purpose of the Planned Development (PD) District is to encourage integrated and well-planned mixed-use development in locations throughout the City. A range of residential and nonresidential uses are allowed, with the intent of providing a variety of housing options and mutually supportive nonresidential uses that serve the residents and the surrounding neighborhood. Substantial flexibility is provided, with an expectation that development quality will surpass what is otherwise achievable through the base zoning district. District standards shall support the efficient use of land and resources, protect natural features and the environment, promote greater efficiency in providing public facilities and infrastructure, and mitigate potential adverse impacts on surrounding development.

(2) Intensity and Dimensional Standards

| Standard | Requirements |
|-------------------------------------------|---------------------------------------------------------|
| Lot Area, min. (acres) | 2 acres |
| Lot Width, min. (ft.) | To be established in PD Plan and PD Agreement document. |
| Impervious Surface Ratio, max. (%) | |
| Density, max. (du/acre) | |
| Intensity, max. (sf) | |
| Front Yard Setback, min. (ft.) | |
| Side Yard Setback, min. (ft.) | |
| Rear Yard Setback, min. (ft.) | |
| Building Height, max. (ft.) | |
| Other intensity and dimensional standards | |

(3) General Provisions for All Planned Development (PD) Zoning Districts

The Purpose of Planned Development (PD) Zoning Districts is to encourage innovative and efficient land planning and physical design concepts. Planned Development (PD) Zoning Districts are intended to:

- (a)** Support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and provision of public services.
- (b)** Reduce the inflexibility of zoning district standards that sometimes results from strict application of the base district regulations, and development standards established in this Ordinance.
- (c)** Allow greater freedom and flexibility in selecting:
 - (1)** The form and design of development;
 - (2)** The ways by which pedestrians, cyclists, and vehicular traffic circulate;
 - (3)** How the development will be located and designed to respect the natural features of the land and the protect the environment;
 - (4)** How design amenities are to be applied; and
 - (5)** The location and integration of open space and civic space into the development.
- (d)** Preserve natural and scenic features.
- (e)** Encourage a greater mix of land uses within the same development, including a mix of nonresidential development, residential development, lot sizes, and densities and intensities.
- (f)** Allow more efficient use of land, with smaller networks of streets and utilities
- (g)** Provide pedestrian connection within the site, and to the public right-of-way
- (h)** Encourage the provision of centrally-located open space amenities on the site
- (i)** Promote development forms and patterns that respect the character of established surrounding neighborhoods and/or other types of land uses.
- (j)** Promote development form that respects and takes advantage of a site's natural and man-made features, such as rivers, lakes, wetlands, floodplains, trees, and historic resources.

(1) Minimum Size. The minimum size for a PD District shall be two (2) acres.

(2) Classification of Planned Development Zoning Districts. Land shall be classified into a PD zoning district only in accordance with the procedures for a map amendment.

(3) Organization of Planned Development Zoning District Regulations. The following general standards apply to all PD zoning districts, wherein a conflict with other sections occurs, the more restrictive shall apply.

(4) Standards for all Planned Development Zoning Districts

The application for the PD zoning district classification, as well as the PD Plan, PD Agreement, Development Phasing Plan, if any, and the Conversion Plan shall be incorporated into the final PD approval, and comply with the following standards:

(a) PD Plan

The PD Plan shall:

- (1)** Establish a statement of planning and development goals for the zoning district that is in accordance with the Comprehensive Plan and, as applicable, any adopted area, neighborhood, or corridor plans, as well as the purposes of the individual zoning district.
- (2)** Identify the specific principal, accessory, and temporary uses permitted in the zoning district. They should include a mix of uses, including both residential and nonresidential uses. Uses shall also be subject to applicable use specific standards identified in the PD plan, and any additional limitations or requirements applicable to the individual PD zoning district period.

- (3)** Establish the general location of each development area in the zoning district, its acreage, types and mix of land uses, number of residential units (by use type), residential density, and nonresidential intensity. Each residential density and nonresidential intensity shall be consistent with the purposes of the PD zoning district and the specific requirements of the individual PD zoning district.
- (4)** Establish the intensity and dimensional standards that apply in the individual PD zoning district. The intensity and dimensional standard shall be consistent with the requirements of the individual PD zoning district, and its purposes.
- (5)** Where relevant, established the standards and requirements that ensure development on the perimeter of the PD zoning district is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/ intensities, lot size and dimensions, building height, building mass and scale, form and design features, hours of operation, exterior lighting, and siting of service areas.
- (6)** Establish the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD zoning district.
- (7)** Identify the location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and indicate how protection of these lands will be assured consistent with the purposes of the individual PD zoning district and the requirements of this Ordinance.
- (8)** Identify the on-site pedestrian and bicyclist circulation systems, and how they will connect to off-site pedestrian and bicyclist systems in ways that are consistent with the purposes of the individual PD zoning district, and the requirements of this Ordinance.
- (9)** Identify the general design and layout of the on-site transportation circulation system, including the general location of all public streets, existing or protected transit corridors, and how they interface with the pedestrian circulation system (pedestrian and bicycle pathways, and trails), and connect to existing and planned city and regional systems and a manner consistent with the purposes of the individual PD zoning district, and the requirements of this Ordinance.
- (10)** Identify the general location of one site potable water and wastewater facilities, and how they will connect to existing and planned city and regional systems in a manner consistent with the purposes of the individual PD zoning district, and the requirements of this Ordinance.
- (11)** Identify the general location of on-site storm drainage facilities, and how they will connect to existing and planned city systems, and a manner consistent with the purposes of the individual PD zoning district, and the requirements of this Ordinance.
- (12)** Identify the general location and layout of all other on-site and off-site public facilities serving the development, and how they are consistent with the purposes of the individual PD zoning district. The other on-site and off-site public facilities considered shall include — but not limited to — parks, schools, emphasis cities for Fire Protection, police protection, emergency management, stormwater management, and solid wastewater management.
- (13)** Establish provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development.
- (14)** Established the development standards that will be applied to the development. The development standards shall be consistent with the requirements of the individual PD

zoning district and its purposes, and the requirements of this Ordinance, as appropriate at a minimum, the development standards shall address:

- (a) Mobility, circulation, and connectivity
- (b) Off street parking and loading, bicycle parking
- (c) Landscaping
- (d) Form and design standards
- (e) Fences and walls
- (f) Exterior lighting
- (g) Tree protection
- (h) Signs
- (i) Open space, and
- (j) Neighborhood compatibility

(b) PD Agreement

(1) A PD Agreement is a required component for the establishment of a PD District. A PD Agreement shall include, but not be limited to:

- (1) Conditions related to approval of the application for the individual PD zoning district classification.
 - (2) Conditions related to the approval of the PD plan, including any conditions related to the form and design of development shown in the PD plan.
 - (3) Provisions addressing how public facilities (pedestrian and bicycle transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development. This shall include but not be limited to:
 - (a) Recognition that the applicant/ landowner will be responsible to design and construct or install required and proposed on-site public facilities and compliance with applicable city, state, and federal regulations, and
 - (b) The responsibility of the applicant/ landowner to dedicate to the public the rights of way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable city, state, and federal regulations.
 - (4) Provisions related to environmental and cultural protection and monitoring (e.g., restoration of mitigation measures, annual inspection reports, cultural resources report).
 - (5) Mutual agreement that based on use, time lapse, or any other reasonable condition of development, a traffic study may be required but the City of Goose Creek, with the cost to the original developer or his his/her successor or both if substantial interest is shared.
 - (6) Provisions for a dedicated point of secondary access for subdivisions with greater than 50 lots.
 - (7) Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the individual PD zoning district.
 - (8) Any other provisions the City Council determines are relevant and necessary to the development of the planned development.
- (2) All conditions shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

(c) Development Phasing Plan

If development and a PD zoning district is proposed to be phased, the PD plan shall include a development phasing plan that identifies the general sequence or phases in which the zoning district

is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private), open space, and other amenities will be provided and timed, and how environmentally sensitive lands will be protected and monitored.

(d) Conversion Schedule

The PD Plan may include a conversion schedule that identifies the extent to which one type of use may be converted to another type of use.

(e) Minor Modifications

Subsequent applications for development approvals and permits within A PD zoning district that include minor modifications from the approved PD Plan or PD Agreement may be reviewed and decided upon, without the need to amend the PD zoning district, if the Zoning Administrator determines that such modifications consist of only the following:

- (1)** Changes that result in a decrease in the density or intensity of development approved for a specific parcel;
- (2)** An increase in residential density for any specific parcel of ten percent or less; if the total allowed density within the PD zoning district does not increase;
- (3)** A change in a land designation from multifamily to single-family or a change from any use to open space/passive recreation;
- (4)** A modification of design of facilities for amenities such as parks, gardens or open spaces; or
- (5)** A deviation specifically listed in the approved PD Agreement as a minor deviation not materially affecting the PD zoning district's basic concept or the designated general use of parcels of land within the district.

NSAC: Naval Support Activity Charleston

(1) Purpose

The purpose of the Naval Support Activity Charleston (NSAC) District is to recognize and support major facilities in Goose Creek that are owned and operated by the United States Military. While military lands are not subject to this Ordinance and other local ordinances and codes, they occupy large land areas in Goose Creek and are therefore identified on the Official Zoning Map to differentiate them from lands that are subject to this Ordinance.

The City of Goose Creek shall notify the commander of the Naval Support Activity Charleston, as required by the Federal Defense Facilities Utilization Integrity Protection Act, as amended, prior to any public hearing regarding zoning and land development within 3000 feet of the installation. The City shall supply public notice to the commander thirty (30) days prior to the public hearing along with a written report with the findings required in the Act.

(2) Intensity and Dimensional Standards

Dimensional Standards

No dimensional and intensity standards apply in the NSAC District. If land within the NSAC District is declared surplus or otherwise conveyed to private ownership in the future, the land shall be subject to the same intensity and dimensional standards that apply in the Conservation District until the land is rezoned to another zoning district.

RBD: Red Bank District

(A) Purpose

The purpose of the Red Bank District (RBD) is to support the transition of the Red Bank Corridor to a pedestrian oriented, mixed-use, pro-arts/artisan, boutique manufacturing corridor that is compatible with surrounding residential development.

(B) Applicability

The standards and requirements in this section apply to development located in the RBD, in addition to base zoning district standards. In instances where there is a conflict between the standards in this district and the base district, the standards in the RBD shall control.

(C) Design Guidelines

Development in the RBD shall comply with the Red Bank District Design Guidelines, which are incorporated herein by reference.

(D) Modifications of Otherwise Applicable Development Standards

(1) Minimum Lot Size. Minimum lot sizes shall not apply in the Red Bank District Overlay.

(2) Building Setback

(a) Primary and Secondary Front

Minimum: 0 feet

Maximum: 10 feet

(3) Minimum Off-street Parking

Minimum Number of Off- Street Parking Spaces shall be reduced by 20 percent where public art and pedestrian space is provided within the setback area. Where applicable, parking shall be located on the side or rear of the lot. New design backing out into the right of way is not permitted.

(4) Conditional Uses

The following uses Conditional within the Red Bank District:

(a) Non-depository Personal Credit Institution

(1) Non-depository personal credit institutions (payday loan and/or title loan establishments) shall comply with the following standards:

(a) A non-depository personal credit institution shall be at least 3,000 feet from any lot containing another non-depository personal credit institution.

(b) A non-depository personal credit institution shall be located in a building with at least 12,000 square feet of gross floor area.

(2) A variance from any of the provisions of this section, and the provision of this subsection is prohibited.

(b) Artisan Manufacturing. Processing or manufacturing businesses that may include, but is not limited to, small scale furniture workshop, custom jewelry, textiles, coffee roasting, vertical farming, 3D printing, computer hardware assembly, or other non-heavy industry.

(1) The manufacturing or processing portion of the business must be contained indoors and produce little to no vibration, noise, dust, fumes, or other nuisances from the property. Sales may be conducted as a retail component, wholesale, business to business, business to government.

(c) Vehicle Sales, Service, Repair

- (1)** An irrigated landscaped buffer 15 feet deep shall be provided around the lot perimeter, and shall contain at a minimum 2 canopy trees, 4 understory trees, and 30 shrubs per 100 feet of buffer yards width. In the event of power lines, Staff shall consult with provider alternative planting list. In the event of conflicting buffer requirements, the more restrictive shall apply.
- (2)** No storage or display of any kind shall be placed in the buffer yard.
- (3)** Required parking shall be used exclusively for customers and employees.
- (4)** The business must be contained indoors and produce little to no vibration, noise, dust, fumes, or other nuisances from the property.
- (5)** No parking spaces shall back out into the right of way.
- (6)** Additional perimeter screening (such as a hedge, berm, decorative metal fencing and/or masonry or stone wall) should visually compensate for the amount of impervious surface in an auto dealership lot.

CCD: Central Creek District

(A) Purpose.

The purpose of the Central Creek District (CCD) Overlay is intended to encourage a mixture of residential, commercial, and institutional land uses in a walkable setting. New and redevelopments in the overlay should support the transition of the area into a mixed-use area with an emphasis on creating a pedestrian-friendly town center.

(B) Applicability.

The standards and requirements in this section apply to development located in the CCD, in addition to base zoning district standards. In instances where there is a conflict between the standards in this district and the base district, the standards in the CCD shall control.

(C) Design Standards.

- (1) Development within the Central Creek District shall comply with the Central Creek District Design Standards, which are incorporated herein by reference.

(D) Redevelopment Thresholds.

- (1) The following table applies in addition to the City's usual nonconformity provisions. When conformance is required by these thresholds, but not the citywide standards, these thresholds apply. Chapter or section is referenced in the Design Standards.

| Chapter or Section of Design Standards | Redevelopment costs as a percentage of the fair market value of the structure | | | Land Disturbance of more than 25% of Site |
|----------------------------------------|-------------------------------------------------------------------------------|------------|---------------|-------------------------------------------|
| | Less than 40% | 40% to 75% | More than 75% | |
| Site Planning | X | X | M | M |
| Pedestrian Entrance (2.14) | X | P | M | X |
| Walkway Access (L2.15) | X | M | M | M |
| Streetscapes | X | M | M | M |
| Building Design | X | P | M | X |
| Lighting | P | M | M | P |
| Site Furniture | P | M | M | P |
| Landscaping | P | M | M | P |

M = Mandatory conformance with the indicated part of these guidelines.

P = Partially mandatory conformance, which only applies to new improvements/alterations.

X = No mandatory conformance.

(E) Modifications of Otherwise Applicable Development Standards.

- (1) Building Height.

- (a) There are no height restrictions in the Central Creek District. Refer to Design Standards for conditions on building height and massing.

- (2) Parking Requirements.

- (a)** Shared use parking facilities may be used to meet minimum parking requirements. The total number of spaces shall not exceed the sum of the maximum spaces allowed for all individual uses sharing the facility.
- (b)** For a mixed-use building and mixed-use development projects, the maximum parking allowed shall be the sum of the individual minimum requirements for each use.

(3) Signs.

- (a)** Projecting hanging signs and blade signs shall project no more than thirty-six (36) inches over a sidewalk, provided that no part of the sign is less than eight (8) feet.

Section Four: Use & Standards

4.1: Principal Uses

(A) Intent. This section classifies the uses allowed by zoning district in order to identify the activities that support the health, safety, and welfare of the people that live and work in all areas of Goose Creek. This section includes use definitions and any standards that may apply to a specific use.

(B) Applicability. No building, structure, or land shall be used in any way other than an activity or use that is permitted in the applicable zoning district.

(C) General Provisions

1. A site may contain more than one principal use, so long as each principal use is allowed in the zone, and that all site requirements are met for each principal use, e.g., setbacks, height, percentage of lot coverage standards, landscaping, buffers, parking.
2. If a use is not listed but is similar in nature and impact to a use that is listed, the Zoning Administrator may interpret the use as permitted.
3. All uses shall meet any applicable federal, state, and local requirements, including, but not limited to, licensing, health, safety, and building and fire code requirements.

(D) Table of Principal Uses

1. **Permitted (P).** These uses are permitted by right in the districts in which they are listed provided that they comply with all other applicable regulations of this Ordinance.
2. **Allowed subject to Conditions (C).** These uses are permitted by right in the districts in which they are listed, provided that they comply with all other applicable regulations of this Ordinance and with any standards that are listed specific to that use.
3. **Special Exceptions (S).** These uses are allowed only if reviewed and approved for a special exception in accordance with the procedures and special exception criteria of the Board of Zoning Appeals. In addition, they shall comply with all other applicable regulations and use conditions of this Ordinance, and any applicable additional standards associated with the use or requirements of the Board of Zoning Appeals.
4. **Prohibited Use.** Uses without a symbol are prohibited in the district because they are considered incompatible with the intent of the district.
5. **Unlisted Uses.** It is recognized that this Ordinance may require interpretation to assign all possible uses to individual districts. Therefore, any use which is not specifically set forth in this Ordinance shall be reviewed by the Zoning Administrator for consistency with the intent set forth in each district and for compatibility with use characteristics typical of uses permitted or not permitted within those districts. Based upon this review, the Zoning Administrator shall determine the appropriate district for any use which is not specifically set forth herein.

4.2: Table of Permitted Uses

| USE BY ZONING DISTRICT | C | RSF | RM | VN | GC | EC | LI | HI | | SPECIFIC STANDARD |
|----------------------------------------------|----------|------------|-----------|-----------|-----------|-----------|-----------|-----------|--|-------------------|
| Agricultural | | | | | | | | | | |
| Plant Agricultural | P | | | | | P | P | P | | |
| Community Garden | C | C | C | C | C | C | C | C | | |
| Indoor Food Production | | | | S | P | P | P | P | | |
| | | | | | | | | | | |
| Civic, Institutional & Public | | | | | | | | | | |
| Cemetery | S | S | S | | S | | P | P | | |
| College/University | | | | P | P | P | | | | |
| Community Center | | S | P | P | P | P | | | | |
| Government Office | | | | P | P | P | P | | | |
| Hospital | | | | P | P | P | | | | |
| Library/Museum/Cultural Facility | | C | C | P | P | P | S | | | |
| Medical or Dental Clinic | | | S | P | P | P | P | | | |
| Membership Organization Facility | | | S | P | P | P | P | | | |
| Nursing Care Facility | | | | P | P | | | | | |
| Parking Lot | | | | C | C | C | C | C | | |
| Parks & Open Space | C | C | C | C | C | C | C | C | | |
| Park & Ride | | | | P | P | P | P | P | | |
| Public Safety Facility | P | P | P | P | P | P | P | P | | |
| Religious Institutions | | S | S | P | P | P | P | | | |
| School, Business or Trade | | | | P | P | P | P | P | | |
| School, Pre-K – 5th | S | S | S | P | P | P | | | | |
| School, 6th- 12th | | S | S | P | P | P | | | | |
| Social Service Facility | | | | P | P | P | P | | | |
| Utilities, Major | | S | S | S | S | S | P | P | | |
| Utilities, Minor | P | P | P | P | P | P | P | P | | |
| Wireless Communication | S | | | S | S | S | S | S | | |
| Wireless Communication (Small Cell) | C | C | C | C | C | C | C | C | | See §152 |
| Wireless Communication (Stealth) | S | | | S | S | S | S | S | | |
| | | | | | | | | | | |
| Industrial, Manufacturing, Processing | C | RSF | RM | VN | GC | EC | LI | HI | | |
| Industrial, Artisan | | | | C | C | C | C | | | |
| Industrial, Heavy | | | | | | | | S | | |
| Industrial, Light | | | | | | P | P | P | | |
| Research/Laboratory Facility | | | | P | P | P | P | P | | |
| Warehouse/Distribution | | | | | S | P | P | P | | |
| Refuse Processing/Recycling Facility | | | | | | | S | C | | |
| | | | | | | | | | | |
| Residential & Group Living | C | RSF | RM | VN | GC | EC | LI | HI | | |
| Continuing Care Retirement | | | S | C | C | | | | | |
| Cottage Neighborhood | | C | C | | | | | | | |
| Dwelling, Accessory | | C | C | | | | | | | |

| | | | | | | | | | | |
|-------------------------------------|----------|------------|-----------|-----------|-----------|-----------|-----------|-----------|----------|--|
| Dwelling, 1 Unit, detached | | P | P | | | | | | | |
| Dwelling, 1 Unit, attached | | P | P | | | | | | | |
| | C | RSF | RM | VN | GC | EC | LI | HI | C | |
| Dwelling, 2 Unit | | | P | | | | | | | |
| Dwelling, 3-4 Units | | | P | | | | | | | |
| Dwelling, 5-8 Units | | | S | | | | | | | |
| Dwelling, Mixed Use | | | | P | | S | | | | |
| Dwelling, Townhouse | | | C | S | | S | | | | |
| Group Residence | | | | S | S | | | | | |
| Residential Care Facility | | | | S | S | | | | | |
| | | | | | | | | | | |
| Retail, Service & Office | C | RSF | RM | VN | GC | EC | LI | HI | | |
| Adult Business | | | | | S | | S | S | | |
| Animal Care | | | | S | C | C | C | C | | |
| Banquet Hall | | | | S | S | S | | | | |
| Beer/Wine/Liquor Sales | | | | P | P | | | | | |
| Day Care Center | | | | C | C | C | | | | |
| Drinking Establishment | | | | S | S | S | | | | |
| Drive-Through Facility | | | | | C | C | C | | | |
| Entertainment Facility, Indoor | | | | S | P | S | | | | |
| Entertainment Facility, Outdoor | | | | S | S | S | S | | | |
| Funeral Services | | | | | P | | P | | | |
| Gas Station/Convenience Store | | | | S | P | S | S | | | |
| Home Occupation | | C | C | C | C | C | | | | |
| Hotel | | | | C | C | C | | | | |
| Non-Depository Credit Institution | | | | | C | | C | C | | |
| Pawn Shop | | | | S | S | | | | | |
| Performing Arts Center | | | | P | P | P | | | | |
| Personal Care & Services | | | | P | P | P | | | | |
| Private Club/Lodge | | | | S | P | P | P | | | |
| Professional Offices | | | | P | P | P | P | | | |
| Restaurant | | | | P | P | P | P | | | |
| Retail, General | | | | P | P | P | P | | | |
| Retail, Intermediate | | | | S | P | P | P | | | |
| Retail, Heavy | | | | | P | P | P | | | |
| Self-Storage Facility | | | | | S | | C | C | | |
| Short-Term Rental | | | | | | | | | | |
| Staple Food Store | | | C | C | C | C | C | C | | |
| Tattoo/Piercing | | | | P | P | | P | | | |
| Tobacco/Hookah/Vaping | | | | C | C | | C | | | |
| Vehicle Sales or Rental | | | | | C | | C | | | |
| Vehicle Rental, Truck | | | | | C | | C | C | | |
| Vehicle Service, Major | | | | | S | | C | C | | |
| Vehicle Service, Minor | | | | | C | | C | C | | |
| Vehicle Service, Commercial | | | | | | | P | P | | |

* It is recognized that this Ordinance may require interpretation to assign all possible uses to individual districts. Therefore, any use which is not specifically set forth in this Ordinance shall be reviewed by the Zoning Administrator for consistency with the intent set forth in each district and for compatibility with use characteristics typical of uses permitted or not permitted within those districts. Based upon this review, the Zoning Administrator shall determine the appropriate district for any use which is not specifically set forth herein.

Agricultural

Plant Agriculture. A commercial agricultural operation of any size that grows horticultural or nursery stock or fruits, vegetables, grain, or other agricultural crops outdoors.

Community Garden. A space where food, trees, and other plants are grown for personal, group, shareholder, or lessee use, or for donation, including for educational, recreational, and beautification purposes. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by community group members.

Standards:

1. Accessory buildings shall be limited to sheds for the storage of tools, greenhouses, and seasonal farm stands. The combined area of all buildings and other structures, excluding greenhouses, shall not exceed 15 percent of the area of the parcel. Greenhouses may not exceed 75 percent of the area of the parcel.
2. Areas used for communal composting shall be limited to 20 percent of the area of the parcel.
3. Perimeter fences, including trellises, are allowed in community gardens, subject to the standards for fences.
4. Before issuance of a permit for a community garden, it shall have an established set of operating rules addressing the governance structure of the garden, hours of operation, assignment of garden plots, contact information, and maintenance and security requirements and responsibilities.

Indoor Food Production. A commercial operation that produces fruits, vegetables, grain, or other agricultural crops; horticultural or nursery stock; or aquaculture in a permanent indoor facility. Includes greenhouses. Excludes retail sales of products.

Civic, Institutional & Public

Cemetery. Land or structures dedicated for the internment of human or animal remains.

College/University. A post-secondary institution, public or private, for higher learning that grants associate, bachelor, masters, or doctoral degrees. Includes theological schools. Includes related ancillary facilities, such as cafeterias, restaurants, retail, indoor or outdoor recreational facilities, research facilities, and similar uses.

Community Center. A place, building, area, or other facility used for providing social and recreation programs. The facility may be private, or the facility may be open to the general public and designed to accommodate and serve significant segments of the community.

Government Office. A facility used for the conduct of business of a unit of government. For purposes of this Ordinance, "government offices" includes offices of city, county, state, tribal, and federal government

agencies that provide administrative and/or direct services to the public, executive offices, legislative offices, and courts.

Hospital. A licensed facility that provides health, medical, or surgical care to the sick or injured, often on an inpatient basis. Includes related ancillary facilities, such as laboratories, outpatient clinics, pharmacies, cafeterias, gift shops, training facilities, classrooms, central service facilities, heliports, and offices integral to function of the facility.

Library/Museum/Cultural Facility. A facility open to the general public for cultural services and exhibitions. Includes such uses as museums, cultural centers, historical societies, and libraries operated by a government or nonprofit establishment. Includes related ancillary uses, such as classrooms, meeting rooms, retail, offices, or food service.

Standards:

1. In a Residential Single-Family (RSF) & Residential Mixed-Use (RM) district, library/museum/cultural facility uses shall not exceed 10,000 square feet of gross floor area.

Medical or Dental Clinic. A facility for physicians, dentists, chiropractors, physical therapists, mental health practitioners, or other licensed healthcare practitioners to examine and treat persons on an outpatient basis.

Membership Organization Facility. A facility, not open to the general public, operated by a membership-based organization for civic, social, cultural, religious, literary, political, or like activities, for the benefit of the organization's members and not primarily for profit or to render a service that is customarily carried on as a business.

Nursing Care Facility. Institutions certified by the state to offer 24-hour medical and skilled nursing care, rehabilitation, or health-related services to individuals who do not require hospital care.

Parking Lot. A non-accessory parking lot for the storage of passenger motor vehicles made available to the general public, with or without a fee. Parking lots serving a permitted use located on an adjacent lot or a lot separated from the subject lot by a street or alley shall be considered as accessory parking lots. Includes parking structures, whether underground, at ground level, or above ground level, in which more than 50 percent of the gross floor area is used for parking vehicles.

Standards:

1. Commercial parking lots shall not be located contiguous to the RSF and RM zoning districts.

Park & Open Space. An open outdoor space, public or private, designed for active or passive recreational use or natural resources protection. Includes such uses as parks, plazas, greens, botanical or ornamental gardens, playfields and game courts, playgrounds, and monuments. Includes related ancillary facilities, such as picnic areas, gazebos, ziplines, and swimming pools. Excludes golf courses, skate parks, and commercially operated amusement parks which are considered an Entertainment/Recreation Facility, Outdoor use.

Standards:

1. All structures and activity areas, including but not limited to outdoor amphitheaters, ball fields, basketball and tennis courts, swimming pools, playgrounds, and parking or unloading areas, shall be located a minimum of 50 feet from any residential structure.
2. Service of food and beverages is permitted but shall be limited to service that is incidental to the primary activity of the facility.

Park and Ride. An off-street parking facility designed or intended to provide peripheral collection and storage of motor vehicles and bicycles to accommodate commuter traffic into or out of the community via a transit station or terminal located within convenient walking distance of the facility. Accessory structures may include passenger shelters.

Public Safety Facility. A facility operated by a public safety agency, including such uses as fire stations and firefighting training facilities, police and sheriff substations and headquarters, emergency medical services substations, and public safety communication centers.

Religious Institution. A facility devoted primarily to the purpose of divine worship. Includes member related ancillary uses, which are subordinate to and commonly associated with the religious institution use, such as schools and instructional facilities, daycare centers, cemeteries, and social uses. The City Council may grant modifications of the standards applicable to a place of worship on finding that the modification is necessary to eliminate a substantial burden on religious practice, as guaranteed by the Federal Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 (42 U.S.C. § 2000 et seq.). In doing so, the Council may impose conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and substantially mitigate any potential adverse impact on the environment or adjacent development.

School, Business or Trade. An establishment, other than a college or university, that provides specialized on-site training and education beyond the high school level, principally in business, commercial, or trade skills, that does not provide lodging or dwelling units for students or faculty, and that has programs that typically result in the awarding of a certificate.

School, Pre-K-High. A public, private, or parochial institution offering instruction at the preschool through high school levels with a full range of curricular programs. Includes related on-site ancillary facilities, such as cafeterias, gymnasiums, theaters, playgrounds, and athletic facilities.

Social Service Facility. A facility where social or welfare services are provided to those in need, for no fee or compensation, or at a fee recognized as being significantly less than charged by profit-making organizations. Services may include but are not limited to information and referral services, counselling, skill development, aid through the provision of food or clothing, life skill and personal development programs, alcohol, drug, or substance abuse counselling center, and drop-in or activity space.

Utilities, Major. A large-scale utility facility that primarily serves a regional need, which because of its scale or method of operation is more likely to produce external impacts detectable beyond the lot lines

of the subject property. Includes facilities such as electric or gas generation plants, high voltage transmission lines, sewage treatment plants, water pumping stations, and water towers and tanks.

Utilities, Minor. A utility facility or service that primarily serves local distribution needs. Includes facilities such as water and sewer pump stations, electric substations, gas regulating stations, and telephone exchange/switching centers.

Wireless Communications Facilities. Towers, antennas, cell towers, and ancillary structures used to transmit and receive radio-frequency signals, microwave signals, or other signals.

- (A) Wireless Communication (Traditional).** Lattice, monopole, or similarly designed facilities where electric communications equipment and antennae are mounted, allowing the surrounding area to use wireless communication devices like telephones and radios.
- (B) Wireless Communication (Small Cell).** Wireless transmitters and receivers, often on decorative poles in right of way, designed to provide network coverage to smaller areas suited for more densely developed environments like cities.
- (C) Wireless Communication (Stealth).** Concealed or camouflaged tower facilities designed so that the facilities have the appearance to a casual observer of a structure other than a telecommunications facility and such a manner that is consistent with the existing landscape, streetscape, or development pattern. Concealed towers can look like pine trees, flag poles, water towers, church steeples, bell towers, signs, and other structures.

Standards:

1. The Zoning Administrator shall review any construction, addition, or modification and approve or refer to the Board of Zoning Appeals for special exception as required. The Zoning Administrator is authorized to approve colocations, temporary carrier on wheel uses, new equipment within existing fence compound, and additions less than 10 feet in height. New structures or substantial improvements that expand the footprint or height shall be approved by the Board of Zoning Appeals as a special exception. Chapter 152 regulates standards for placement of small wireless communication facilities.
2. The following shall apply only to lattice, monopole, and stealth facilities:
 - (a)** The maximum height for a traditional lattice or monopole tower shall be 225 feet in Conservation, Light Industrial and Heavy Industrial zoning districts, with a 300 feet setback from any residential district.
 - (b)** The maximum height for a stealth tower in RSF shall be 60 feet and district setbacks apply.
 - (c)** The maximum height for a stealth tower in all other districts shall be 100 feet and district setback apply.
 - (d)** Stealth towers shall:
 - (1)** Respect and, to the extent possible, compliment the style, height, bulk mass, material, and color of existing buildings, structures, vegetation, or uses within the surrounding area.

- (2) Emulate an architectural or landscape feature typical of, or appropriate to, the surrounding area.
 - (3) Be located where it would not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.
- (e) Where a new communication tower or a new stealth WCF would be “visible” from property listed within the National Register of Historic Places, the South Carolina State Historic Preservation Officer shall issue a letter stating that the design would have no adverse effect before the Zoning Administrator shall issue a Zoning Permit.
 - (f) Eight-foot-high fencing shall be provided around any communication tower and associated equipment building or cabinet. Concertina wire, barbed wire, or other similar security devices are expressly prohibited unless the devices are screened entirely with year-round landscaping that achieves the required screening at the time the landscaping is installed.
 - (g) Shall be illuminated only to the extent required by applicable state or federal law or regulation.
 - (h) No signage is permitted, except as required by applicable law or by standard industry practice for the purpose of identification, warning, emergency function or contact.
 - (i) Tower and equipment that is no longer used for communication purposes shall be removed within 120 days of the date it is taken out of service.
 - (j) New communication towers shall be light gray, except as otherwise required by applicable state or federal law or regulation.
 - (k) Shall be designed such that, in the event the tower fails structurally, it would not fall within a public right of way, or within a distance equal to the height of the tower plus the setback distance from any existing structures, nor endanger the safety of residents, employees, or travelers. The Zoning Administrator shall not issue a Zoning Permit for the support structures listed within this subsection until such time the applicant provides a signed letter from a registered professional structural engineer certifying that the proposed tower is designed to comply with the standards of this subsection.
 - (l) No variance to the requirements of this section shall be granted by the Board of Zoning Appeals.
 - (m) Be located where it would substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.
 - (n) Be located within 1,000 feet of another communication tower.
 - (o) The proposed user shows proof that it has attempted to co-locate upon existing towers and will allow other users to co-locate upon the tower in the future subject to the engineering capabilities of the structure.

Industrial, Manufacturing, & Processing

Industrial, Artisan. A manufacturing use involving small-scale production, assembly, and/or repair with no noxious by-products. Includes such uses as bakeries, confectioners, breweries, metalworking, woodworking, and maker spaces. Includes related ancillary uses and facilities, such as retail, restaurant, showroom, offices, storage, sales, and distribution of products.

Standards:

1. Artisan industrial uses shall not exceed 15,000 square feet of gross floor area.
2. Any heat, glare, dust, smoke, fumes, odors, or vibration are confined to the building, and little or no external impacts are detectable beyond the lot lines of the property.

Industrial, Heavy. A facility for the processing, manufacturing, compounding, or storage of materials, products, or energy, where the scale and method of operation may produce significant external impacts detectable beyond the lot lines of the property. External impacts include noise, heat, glare, dust, smoke, fumes, odor, vibration, and/or other noxious by-products. May regularly employ hazardous material or produce hazardous by-products, may include outdoor storage areas, and may have activities that take place outside of structures. Includes such uses as outdoor storage yards, junkyards, salvage yards, foundries, steel mills, and asphalt and concrete product manufacturing.

Industrial, Light. A facility for the processing or manufacturing of products or parts, including fabrication, assembly, treatment, and packaging of such products, and the incidental storage, sales, and distribution of such products, provided that all manufacturing processes are contained entirely within a fully enclosed building. Any heat, glare, dust, smoke, fumes, odors, or vibration are confined to the building, and little or no external impacts are detectable beyond the lot lines of the property.

Research/Laboratory Facility. A facility where testing, research, and development is conducted in industries such as biotechnology, pharmaceuticals, medical instrumentation or supplies, communication and information technology, vehicle components, and electronics and instrumentation. Other than prototype development, excludes the manufacturing, fabrication, processing, or sale of products.

Warehouse/Distribution. A facility for the storage, transfer, wholesaling, and distribution of goods. If a warehouse/distribution use is ancillary to another principal use, and has a gross floor area of less than 10,000 square feet, it is considered part of the principal use and is not considered a separate principal use.

Refuse Processing/Recycling Facility. A facility for the collection, storage, and transfer of solid waste, which may include the collection, storage, processing, and transfer of recyclables, and organic and yard waste. Excludes salvage yards, industrial or sanitary landfills, and waste incineration facilities.

Standards:

1. Stocks and supplies shall be either stored inside enclosed buildings or screened by solid walls, opaque fences, dense evergreen shrubbery or the like, so that they are not visible from any public street or from the ground level of adjacent property used for residential or office purposes.
2. Any required front yard shall not be used for storage.
3. The side yard setback for storage areas and buildings adjacent to residential or office uses shall be at least 25 feet.
4. Adequate ingress and egress shall be provided.

5. Adequate off-street parking and storage shall be provided to accommodate vehicles serving or being served by the recycling center.
6. All separation and processing operations, including storage of solid waste, shall be confined to the interior of a wholly enclosed building.
7. The facility shall have all applicable state permits approved.

Residential & Group Living

Continuing Care Retirement Community (CCRC). An age-restricted development that provides a continuum of accommodations and care, from independent living to convalescence care and long-term skilled nursing care and enters into contracts to provide lifelong care. A CCRC typically includes a full range of living arrangements from independent living, congregate housing, residential care and skilled nursing and sometimes hospice care. CCRCs provide a range of ancillary facilities and services such as health care, meals with common dining facilities, physical therapy, education, recreation, and other social and cultural activities. Although CCRCs include household living uses (e.g., dwellings) and health care uses (e.g., nursing homes), they are categorized as a group living because of their focus on the present or future provision of personal care to senior citizens and their integration of various uses as a single cohesive development.

Standards:

1. The number of nursing care beds shall not exceed 50 percent of the total number of permitted dwelling units.
2. A minimum of ten percent of the CCRC's land area shall be devoted to outdoor open space, indoor or outdoor recreation facilities, and indoor or outdoor social-oriented amenities, including community centers. Such areas shall be located so as to be safely and conveniently accessible to CCRC residents.
3. Each outdoor area intended for active recreation shall have a minimum area of 5,000 square feet and minimum dimension of 50 feet.
4. Each of the major component parts of the CCRC shall comply with the standards applicable to the principal use most closely representing component part, i.e. nursing care facility standards for the skilled nursing services components, residential care facility standards for residential care component, and single-family, two-family, and/or multifamily dwelling standards, as appropriate, for the independent living component.

Cottage Neighborhood. A collection of small houses that are arranged around a common open space, or courtyard, with parking screened from public view.

Standards:

1. Minimum Development Size

- (a) A cottage neighborhood development shall contain individual lots of record located on a site having a minimum area of 0.5 acres.
- (b) A cottage neighborhood development shall include at least four (4) cottages and no more than twelve (12). Each cluster must have its own open space and parking.

2. **Maximum Development Density.** May be built at up to twice the allowed density for the underlying zone for single-family detached housing. Developments are capped at two clusters (24 cottages).
3. **Dimensional Requirements for Individual Lots.** All buildings, including all projections, must be at least 10 feet apart, be within 25 feet of the common open space, and within a distance determined by Fire Marshal or Building Official, from fire department vehicle access. No minimum lot area.
4. **Common Open Space**
 - (a) A cottage neighborhood development shall include common open space improved for passive recreation or gardening and open to the residents. The common open space shall include a central green or lawn area fronting some or all of the dwellings, one or more shared surface off-street parking area(s) located away from the dwellings and common area, and a perimeter buffer area that incorporates landscaping materials, existing vegetation, or other features to buffer the cottage neighborhood development from adjacent development.
 - (b) The improved central green or lawn area shall include at least 400 square feet of area for each dwelling and at least 3,000 sf per cluster.
 - (c) A common building located within the common open space area may be included as an accessory use, but in no instance shall the common building be larger than 1,250 square feet or serve as a permanent dwelling unit.
 - (d) Open space areas shall include improved pedestrian walkways that provide pedestrian access to each dwelling, shared parking areas, any common buildings, and the public sidewalk network.
 - (e) Ownership of the open space shall remain either with the developer or be conveyed to a homeowners' association or comparable legal entity under the laws of South Carolina.
 - (f) Maintenance of the land as permanent open space shall be ensured via the recordation of covenants or similar documents with the Register of Deeds and noted (or referenced) on the site plan or final plat. This documentation shall also prescribe the nature and extent of continuing maintenance to the open space designed to preclude the creation of any nuisances.
5. **Internal Streets**

Vehicular entryways into a cottage neighborhood development and internal streets serving the development shall be configured as private drives with a maximum pavement width of 22 feet.
6. **Surface Parking**
 - (a) A cottage neighborhood development shall include at least one shared parking area that accommodates resident or guest parking.
 - (b) Surface parking areas shall include at least one parking space for each dwelling unit plus one designated guest parking space for every four dwelling units.

- (c) Provision of resident parking spaces within a shared parking area is not required in cases where resident parking is provided through individual driveways, garages, or by parking spaces along internal streets or alleys.
- (d) It is the intent that parking be off an alley or private driveway, and hidden from public view. There shall be no more than 5 contiguous parking spaces.

7. Individual Lot Configuration

Development on individual lots within a cottage neighborhood development shall comply with the following standards.

- (a) **Dwelling Size.** A dwelling shall be at least 600 gross square feet in size, but not more than 1,200 gross square feet in size, excluding garages. The maximum height of a cottage is 25 feet.
- (b) **Dwelling Orientation.** Clustered around common open space, with at least 60 percent of the dwellings fronting common open space.
- (c) **Front Porch.** A dwelling shall incorporate a covered front porch having a minimum width of ten feet and a minimum depth of six feet.
- (e) **Street-Facing Garage.** A street facing garage, if provided, shall be located at least ten feet behind the front facade plane of the dwelling, including porches, and shall include at least two of the following features:
 - 1. A garage door configured to appear as carriage house doors that open to the sides;
 - 2. Arbor or trellis with a minimum depth of three feet over the garage door;
 - 3. A roof overhang of at least two feet over garage door with columns, corbels, or another support structure;
 - 4. An arch or arches over the garage door;
 - 5. Window dormers or a shed dormer;
 - 6. An entry door shall be accessible;
 - 7. A garage door and door trim of natural wood or material configured to appear as unpainted wood;
 - 8. Windows within or above the garage door; or
 - 9. Eaves with exposed rafters, dentil moulding, or other detail appropriate to the architectural style of the structure.
- (f) **Fences**
 - 1. Fences within front yards or side yards forward of the front facade plane shall not exceed 36 inches in height.
 - 2. Fences in rear yards or side yards behind the front facade plane shall not exceed 72 inches in height.
 - 3. In no instance shall a fence be placed within a no-build easement.

(g) Refuse Collection Containers

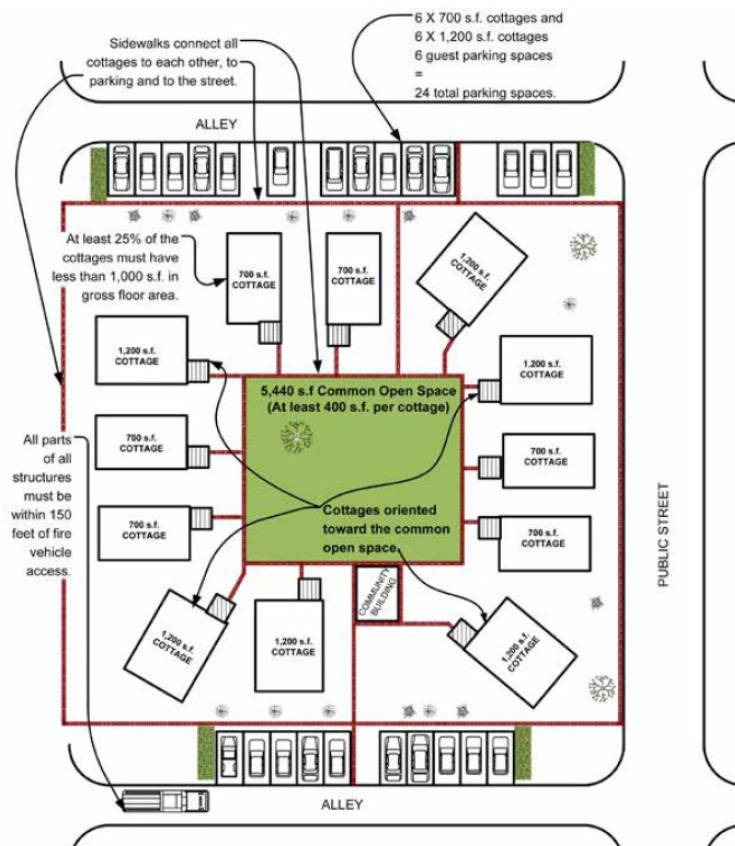
Each dwelling shall maintain individual refuse collection containers, which shall be screened from view and located to the side or rear of the dwelling. No refuse

will be collected from an alley without design approval of the Director of Public Works.

(h) Homeowner's Association

Each cottage neighborhood development shall include a homeowner's or property owner's association, or comparable legal entity under the laws of South Carolina, that maintains control of common areas and takes responsibility for maintenance of common features in the development, in the event the developer has transferred ownership of the common areas. Homeowner's association documents shall be recorded in the Register of Deeds Office and submitted to and reviewed by the City prior to approval of a subdivision of land for a cottage neighborhood development.

FIGURE 1
Example Cottage Housing Development



Dwelling, Accessory. A dwelling unit that is clearly subordinate and incidental to a primary building on the same lot. An accessory dwelling unit is allowed only as accessory to, and on the same lot as, a single-family detached dwelling unit.

Standards:

1. There shall be no more than one accessory dwelling unit on a lot.
2. Either the principal dwelling unit or the accessory dwelling unit must be the permanent, full-time residence of the owner of the lot.
3. An accessory dwelling unit may be within or attached to the principal structure (e.g., a downstairs or upstairs apartment), or exist within or as a detached structure (e.g., an apartment above a detached garage or a guesthouse).
 - (a) If attached, the accessory dwelling unit must be attached to the principal structure and have an operative interconnecting door with the principal structure.
 - (b) If detached:
 1. A distance of at least ten feet shall separate the accessory dwelling unit from the principal structure.
 2. The accessory dwelling unit must be located in the same base zoning district as the principal structure.
 3. Primary side and rear setback requirements apply.
4. A manufactured home or recreational vehicle, travel trailer, camper, or similar vehicle shall not be used as an accessory dwelling unit.
5. The floor area of an accessory dwelling unit shall be no greater than 850 square feet or 50 percent of the floor area of the principal dwelling unit, whichever is less.
6. An accessory dwelling unit shall:
 - (a) Have the same street address and mailbox as the principal dwelling.
 - (b) Not be subdivided or otherwise segregated in ownership from the principal single-family dwelling unit.
 - (c) Use the same water, sanitary sewer, gas, and electric utilities as the principal dwelling.
 - (d) Use the same driveway as the principal dwelling, unless it is accessed from a right-of-way not used by the principal use (e.g., a rear alley or separate street access on a corner or through lot).
 - (e) Maintain the general architectural design, style, appearance, height, and character of the principal dwelling and/or residential design standards.
 - (f) Unless otherwise specified, shall not be located in any established front or corner yard or in front of the primary building line.
- (7) Only one kitchen is allowed per accessory dwelling unit.
- (8) Accessory dwelling units shall not count toward the maximum density standards.

Dwelling, 1 Unit. Detached. A structure that contains only one dwelling unit.

Dwelling, 1 Unit, Attached. A structure that contains attached one (1) dwelling units on separate lots, no more than two (2) attached, each with its own outside entrance, which share a common exterior wall and are joined together by fire resistive party walls extending at least from the lowest floor level to the roof.

Dwelling, 2 Units. A building, commonly known as a duplex, that contains two dwelling units on the same lot, with each unit sharing common vertical walls and/or horizontal floors and ceilings with another dwelling unit.

Dwelling, 3-4 Units. A structure that contains up to four dwellings on the same lot, with each unit sharing common vertical walls and/or horizontal floors and ceilings with another dwelling unit.

Dwelling, 5-8 Units. A structure that contains up to eight dwellings on the same lot, with each unit sharing common vertical walls and/or horizontal floors and ceilings with another dwelling unit.

Dwelling, Mixed-Use. A building containing at least one dwelling unit and having its street level frontage used exclusively for non-residential purposes, such as retail, office, or service-related establishments.

Dwelling, Townhouse. Three or more dwelling units on separate lots, each with its own outside entrance, which share a common exterior wall and are joined together by fire resistive party walls extending at least from the lowest floor level to the roof.

Standards:

1. All units shall be designed as rear alley loaded or enclosed front or rear parking under the unit, or a combination of both.
2. No greater than six attached units.
3. Articulation within the building façade shall be considered through the inclusion of features such as porches, porticos, balconies, bay windows, rooflines, and building material type.
4. Berms or brick/masonry walls shall be installed to buffer noise and views where townhomes are adjacent to external primary roadways.
5. Homes facing central green space for recreation, nature garden, community gatherings, and the like are strongly encouraged.
6. All units adjacent to external primary roadways shall have a 10 foot buffer consisting of 2 canopy trees, four understory trees, and 15 shrubs per 100 LF of buffer yard.
7. Shall meet standards found in the City of Goose Creek Design Guidelines for Townhomes, which may be amended from time to time.

Group Residence. A residential facility providing any combination of food, shelter, personal care, social services, counseling services, or transportation to residents; or a residential facility providing common living areas such as a kitchen, living room, dining room, or recreation rooms. Includes uses such as boarding houses, domestic violence shelters, homeless shelters, halfway houses, or any other residential facility for individuals which do not qualify as a family, or any other form of residential facility expressly provided for in this Ordinance. Category does not include a home serving nine or fewer mentally or physically handicapped persons providing care on a twenty-four-hour basis, approved or licensed by a State of South Carolina agency or department, or under contract with the agency or department for that purpose.

Residential Care Facility. A facility where accommodation, board, and personal assistance in feeding, dressing or other essential daily living activities are provided for a period exceeding 24 consecutive hours to two or more individuals who are not related to the administrator or owner of the facility within the third degree of consanguinity and who, by reason of age or physical or mental infirmity, are unable to care sufficiently or properly for themselves or manage their own affairs but do not require the daily services of a registered or licensed practical nurse. A community residential care facility includes any chemical abuse residential treatment facility, such as a halfway house, and other facilities providing inpatient or detoxification services. For purposes of this Ordinance, "residential care facility" does not include a home serving nine or fewer mentally or physically handicapped persons, if the home provides care on a twenty-four hour basis and is approved or licensed by a state agency or department or under contract with the agency or department for that purpose.

Standards:

1. The owner, operator, or manager shall verify that proper DHEC licensing requirements will be met prior to start of operation.
2. The owner, operator, or manager shall verify that a loitering control program will be enforced.
3. The owner, operator, or manager shall provide written verification they provided local contact information to the adjoining neighborhood associations or businesses for the documentation of any problems they may have with current business practices that impact adjacent neighborhoods or businesses.
4. The owner, operator, or manager shall provide a written business plan that describes, at a minimum, the following:
 - (a) Number of residents.
 - (b) Uses and activities that will occur in conjunction with the use.
 - (c) Security plan.
 - (d) Provisions for transportation of residents to and from the facility.
 - (e) Staffing information.

Retail, Service & Office

Adult Business. An "adult arcade," an "adult bookstore or adult video store," an "adult cabaret," an "adult motel," an "adult motion picture theater," "escort agency," a "semi-nude model studio," or a "sexual device shop."

(A) Adult Arcade

Any place to which the public is permitted or invited wherein coin operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

(B) Adult Bookstore or Adult Video Store

A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

- (1) At least 30 percent of the establishment's displayed merchandise consists of said items; or
- (2) At least 30 percent of the wholesale value of the establishment's displayed merchandise consists of said items; or
- (3) At least 30 percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items; or
- (4) At least 30 percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items; or
- (5) The establishment maintains at least 30 percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in "floor space" maintained for the display, sale, or rental of said items); or
- (6) The establishment maintains at least 500 square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in "floor space" maintained for the display, sale, or rental of said items); or
- (7) The establishment regularly offers for sale or rental at least 1,000 of said items; or
- (8) The establishment regularly features said items and regularly advertises itself or holds itself out, by using "adult," "adults only," "XXX," "sex," "erotic," "novelties," or substantially similar language, as an establishment that caters to adult sexual interests.

(C) Adult Cabaret

A nightclub, bar, restaurant, bottle club, or similar commercial establishment which regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

(D) Adult Motel

A hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
2. Offers a sleeping room for rent for a period of time that is less than ten hours; or

3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

(E) Adult Motion Picture Theater

A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration.

(F) Escort Agency

A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

(G) Semi-Nude Model Studio

A place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:

1. By a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a 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 no other advertising that indicates a seminude person is available for viewing; and
 - (b) Where, in order to participate in a class a student must enroll at least three days in advance of the class.

(H) Sexual Device Shop

A commercial establishment that regularly features sexual devices. This definition shall not be construed to include any pharmacy drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services, or any establishment that does not limit access to its premises or a portion of its premises to adults only.

Standards for Adult Businesses:

- (1) A variance from any of the provisions of this section is prohibited. A deviation via a special exception condition regarding any of the requirements of this section is prohibited.
- (2) The location for a new establishment or substantial enlargement of an existing establishment shall not be within 1,500 feet from the property line of a place of worship, a boundary of any residential district, an outdoor recreational facility, a lot devoted to residential use, daycare, cemetery, public or private school, or another adult use. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of

the building or structure where an adult oriented business is conducted to the nearest boundary or property line.

- (3) No more than one adult business shall be located in the same building, structure, or portion thereof, or the increase of floor area of any sexually-oriented business in any building, structure, or portion thereof containing another sexually-oriented business.

Animal Care Establishment. A business which provides care for domestic animals. Includes such uses as veterinary offices, pet grooming facilities, pet resorts/hotels, animal training facilities, animal rescue shelters, kennels, and pet boarding facilities where animals are boarded during the day or for overnight stays.

Standards:

1. Areas in which animals are boarded shall be fully enclosed within a structure and sufficiently insulated so no unreasonable noise or odor can be detected off the premises.
2. Runs or areas for the training or periodic exercise of animals may be located outside, if they are located at least 35 feet from any lot line and screened from view from the street and from adjoining development.
3. Accessory uses may include retail sales and grooming services, as long as the accessory uses occupy no more than 25 percent of the total gross floor area.
4. All animal refuse shall be kept in airtight containers and disposed of on a regular basis.

Banquet Hall. A facility available for lease by individuals or groups for private events such as banquets, weddings, or other similar functions, where access by the general public is restricted.

Beer/Wine/Liquor Sales. A state licensed establishment whose primary business, in terms of gross floor area or sales, is the sale of alcoholic beverages for off-site consumption.

Day Care Center. A business that provides licensed care in a protective setting for children or elderly or disabled adults for less than 24 hours per day. Excludes home occupations.

Standards:

1. Day Care facilities permitted as a principal use shall comply with the South Carolina Department of Social Services Regulations for the licensing of Child Care Centers.
2. Locate outdoor play equipment no closer than 20 feet to any residential lot line.

Drinking Establishment. An establishment, in conformity with state law, primarily engaged in the sale or dispensing of alcoholic beverages by the drink for on-site consumption. May include related ancillary activities, such as the availability of food for on-site consumption, and live entertainment that is clearly incidental and subordinate to the bar/tavern use.

Drive-Through Facility. A facility that dispenses goods through an attendant window or automated machine to persons remaining in or on motor vehicles in a designated drive aisle. A drive-through may or may not be in conjunction with another principal use.

Standards:

1. A drive-through is determined by the entire length of the operation including the required waiting spaces to the services/pick-up window.
2. No portion of a drive-through facility shall be located between the front facade and front lot line or the corner facade and corner lot line.
3. A drive-through facility shall not cause any interference to a public right-of-way or conflict with safe movement along sidewalks or walkways, to building entrances or exits, or to required parking spaces.
4. A drive-through facility shall have a minimum width of 10 feet measured from the farthest point of projection of a drive-through facility from the building or structure.
5. A drive-through facility shall have a bail out capability for all vehicles which have entered the drive through lane. When provided, a bail out lane shall have a minimum width of 10 feet measured from and running parallel to the full length of the drive through lane. If a bail out lane also serves as an interior access drive providing access to parking spaces, the bail out lane / interior access drive shall be limited to a one-way traffic pattern following the direction of the drive through lane.
6. A drive-through canopy shall be consistent in design and materials with the primary building, shall be neutral colored, and shall have masonry support columns.
7. No portion of a drive-through facility shall be located within 50 feet of a Residential zoning district or a lot containing a residential use.

Entertainment/Recreation Facility, Indoor. A facility for leisure uses conducted within an enclosed building. Includes such uses as amusement centers, arcades, bowling alleys, live and movie theaters, music venues, pool halls, skating and roller rinks and facilities, spectator sports, and tumbling centers. Includes related ancillary uses, such as food service.

Entertainment/Recreation Facility, Outdoor. A facility for leisure uses conducted outdoors or within partially enclosed structures. Includes such uses as amusement parks, batting cages, spectator sports, miniature golf courses, golf driving ranges, skating parks, and tennis clubs. Includes related ancillary uses, such as food service.

Funeral Services. A facility where the deceased are prepared for burial display and for rituals before burial or cremation. Includes such facilities as chapels, funeral homes, crematoriums, and showrooms for the display and sale of caskets, vaults, urns, and other items related to burial services.

Gas Station and/or Convenience Store. A facility engaged in the retail sales of personal or commercial vehicle fuels and/or a wide variety of quick service consumable products.

Standards:

1. Gasoline dispensers and pump island canopies shall not be located within any minimum required setback. Gasoline dispensers and pump island canopies shall not be located in an established front or corner yard.
2. A gas station canopy shall be consistent in design and materials with the primary building, shall be neutral colored, and shall have masonry support columns.
3. Adherence to the "Good Neighbor Plan"

- (a) Loitering control program. Written verification must be provided by the owner, operator, manager, or local representative of the parent company that a loitering control program will be enforced.
- (b) Litter control program. At least two trash receptacles must be provided on-site for customer use. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company will conduct at a minimum, daily on-site litter pickup as well as litter pick-up along sidewalks adjacent to the site.
- (c) Sign pledge program. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company will comply with the zoning regulations regarding signage. All business signage is included in the total display surface area permitted, including any additional signs, either permanent or temporary, advertising items for sale on-site (e.g., beverages, chips, tobacco, snacks, etc.).
- (d) Crime prevention and awareness program. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company has contacted the City of Goose Creek Police Department regarding participation in a crime prevention/awareness program.
- (e) Neighborhood communication program. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company will provide local contact information to the adjoining neighborhood associations or business for the documentation of any problems they may have with current business practices that impact adjacent neighborhoods or businesses.

Home Occupation. An occupation, profession or trade customarily and commonly carried out by an occupant in a dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the dwelling unit.

Standards:

1. Certain home occupations are permitted as an accessory use to a dwelling unit.
2. The principal person conducting the home occupation shall be a full-time resident of the dwelling unit, and the occupation shall employ not more than one person on the premises who are not full-time residents of the dwelling unit.
3. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
4. Not more than 25 percent of the floor area of the dwelling unit or 1,000 square feet, whichever is less, shall be used in the conduct of the home occupation.
5. There shall be no sign or change in the residential character or external appearance of the dwelling unit, its associated structures, or its principal residential use.
6. The home occupation shall be conducted entirely within the principal structure or within a fully enclosed, lawfully approved structure which is accessory to the residential use.

7. The home occupation shall not involve significantly greater volumes or frequencies of deliveries or shipments, vehicular traffic, or pedestrian traffic than normally expected in a residential neighborhood.
8. The home occupation will not have a substantial adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, odors, obstruction of air or light, and litter.
9. No outdoor storage or display of goods shall be allowed in connection with any home occupation.
10. The manufacture, maintenance, or repair of any type of motorized vehicle shall not be permitted as a home occupation.
11. A state licensed family childcare home as accessory to a single-family dwelling may not provide care for more than six children.

Hotel. A facility that provides temporary lodging, in one or more buildings, for compensation. Includes related ancillary facilities, such as dining facilities, meeting rooms, and other incidental services.

Standards:

1. Rooms shall be accessed from the interior of the building, including from interior courtyards, lobbies, or halls.
2. A bathroom shall be provided for each room.

Non-Depository Credit Institutions. Establishments extending credit in the forms of loans, but not engaged in deposit banking (payday loan and/or title loan establishments).

Standards:

1. A non-depository personal credit institution shall be at least 3,000 feet from any lot containing another non-depository personal credit institution.
2. A non-depository personal credit institution shall be located in a building with at least 12,000 square feet of gross floor area.
3. A variance from any of the provisions of this section, and the provisions of this subsection is prohibited.

Pawn Shop. A location at which or premises in which a state licensed pawnbroker regularly conducts business.

Standards:

1. No more than five inventory objects may be displayed outside of the business at any given time and must be removed during hours of 7:00 PM to 7:00 AM.

Performing Arts Center. A facility for the viewing of live performances of theater, dance, music, or other similar arts.

Personal Care & Services. A business primarily engaged in personal type services. Use may include: barber, retail banking, mortgage lending, day spas, alteration shops, dry cleaning, or other similar services.

Private Club/Lodge. A facility for an organization, which does not operate for profit and excludes the general public but is open to people upon invitation, nomination, or payment of annual fees or dues, for social, recreational, political, and/or entertainment activities. A private club/lodge may serve meals and alcohol on the premises for members and their guests only.

Professional Offices. A facility for the processing or application of information or professional expertise, including by businesses and nonprofit organizations.

Restaurant. A business where food and beverages are primarily prepared for and served to patrons for consumption either on-premises or off-premises. Includes such uses as cafes, coffee shops, diners, fast-food establishments, and cafeterias.

Retail, General. A business that provides goods or services directly to the consumer, and where such goods or services are available for immediate purchase on the premises by the purchaser. Includes such uses as clothing retailers, variety stores, and grocery stores, which does not exceed 35,000 square feet in total floor area.

Retail, Intermediate. A business that provides goods or services directly to the consumer, and where such goods or services are available for immediate purchase on the premises by the purchaser, which falls between 35,001 and 50,000 square feet in total floor area.

Retail, Heavy. A business that provides goods or services directly to the consumer, and where such goods or services are available for immediate purchase on the premises by the purchaser, which exceeds 50,001 square feet in total floor area.

Self-Storage Facility. A facility where individual spaces, inside or outside of a structure, are leased for the storage of personal property. Includes related ancillary uses such as the retail sales of packing, moving, and storage supplies.

Standards:

1. Access to individual storage units shall be provided from common areas or hallways located indoors. No direct access or outward appearance of direct access to an individual storage space shall be provided from the building exterior.
2. Outdoor storage and operations shall be screened from view.
3. Open storage of recreational vehicles (RVs) and boats of the type customarily maintained by persons for their personal use is allowed within a self-service storage facility use provided that the following standards are met:
 - (a) The minimum lot area shall be one acre.
 - (b) The storage shall occur only within a clearly delineated and designated area located to the rear of the principal structure and screened so as to not be visible from adjacent streets.
 - (c) The storage shall not occur within a required yard.
4. Any moving rental trucks provided shall be screened from view and parked at least 75 feet from any residential property line.

Staple Food Store. A grocery store that provides basic food items including dairy, animal or vegetable proteins, fruits and vegetables, juice, whole grains, beans, peas, etc.

Standards:

1. Maximum gross floor area is 2,500 square feet.
2. No tobacco, vape, CBD, alcohol, or similar products shall be offered for sale.
3. Shall be exempt from district parking standards. Maximum 4 spaces.
4. Shall comply with the minimum items and quantities of food per staple food guidelines.
5. Adherence to the “Good Neighbor Plan”
 - (a) Loitering control program. Written verification must be provided by the owner, operator, manager, or local representative of the parent company that a loitering control program will be enforced.
 - (b) Litter control program. At least two trash receptacles must be provided on-site for customer use. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company will conduct at a minimum, daily on-site litter pickup as well as litter pick-up along sidewalks adjacent to the site.
 - (c) Sign pledge program. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company will comply with the zoning regulations regarding signage. All business signage is included in the total display surface area permitted, including any additional signs, either permanent or temporary, advertising items for sale on-site.
 - (d) Crime prevention and awareness program. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company has contacted the City of Goose Creek Police Department regarding participation in a crime prevention/awareness program.

Tattoo/Piercing. A facility required to be licensed under state law of that provides services including deliberately scarring, burning, or pricking the skin so as to leave a mark or a color that cannot be removed without a surgical procedure. Includes such services as tattooing, permanent coloring, scarifying and branding, and the piercing of the human body to create a permanent hole (excluding ear piercing services) which meet all requirements of state law.

Tobacco/Hookah/Vaping Establishments. An establishment whose primary business, in terms of gross floor area or sales, is related to the sale of tobacco products or related accessories, hookah products or related accessories, other smoking products or related accessories, CBD, or electronic nicotine delivery systems or related accessories, for on- or off-premise use.

Standards:

1. Shall not be located within 1,000 feet from the lot of a public or private K-12 school, childcare facility, youth center, recreational facility, park, church or religious institution, or community center.
2. Shall not be located within 1,000 feet from another tobacco, hookah, or vaping establishment.
3. Adherence to the “Good Neighbor Plan”
 - (a) Loitering control program. Written verification must be provided by the owner, operator, manager, or local representative of the parent company that a loitering control program will be enforced.
 - (b) Litter control program. At least two trash receptacles must be provided on-site for customer use. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company will conduct at a minimum, daily on-site litter pickup as well as litter pick-up along sidewalks adjacent to the site.
 - (c) Sign pledge program. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company will comply with the zoning regulations regarding signage. All business signage is included in the total display surface area permitted, including any additional signs, either permanent or temporary, advertising items for sale on-site.
 - (d) Crime prevention and awareness program. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company has contacted the City of Goose Creek Police Department regarding participation in a crime prevention/awareness program.

Vehicle Sales or Rental. A business that sells, leases, or rents automobiles, vans, recreational vehicles, commercial vehicles, trucks, trailers, motorcycles, scooters, watercraft, or other powered personal transportation. Includes related ancillary uses, such as on-site facilities for the repair and service of vehicles sold, leased, or rented.

Standards:

1. Any repair and service operations shall be performed within a fully enclosed building.
2. No partially dismantled, wrecked, or unregistered vehicle shall be stored outdoors on the premises.
3. Each vehicle for sale or rental shall have direct access to an interior access drive.
4. Any outdoor display area shall not be located in any required setback.
5. Any outdoor display area along front and corner lot lines shall be screened by a street protective yard buffer.
6. Outdoor displays of vehicles and promotional vehicles shall not block ingress access.
7. Any outdoor display area shall be considered a parking area for determining and providing parking landscape islands.

Vehicle Rental, Moving Truck. A business that offers, as a primary or accessory use, large vehicles, particularly one with a spacious covered bed, designed for the purpose of relocating belongings, typically in change of residence.

Standards:

1. Any moving rental trucks provided shall be screened from view and parked at least 75 feet from any residential property line.

Vehicle Service, Major. A business that offers major vehicle repairs such as engine rebuilding; major reconditioning of worn or damaged motor vehicles or trailers; towing and collision service, including body, frame, or fender straightening or repair; painting of motor vehicles; or repair to commercial vehicles, recreational vehicles, or watercraft.

Standards:

1. Any repair and service operations shall be performed within a fully enclosed building. Bay doors may be open during hours of operation.
2. No partially dismantled, wrecked, or unregistered vehicle shall be stored outdoors for more than 90 days.
3. Outdoor storage and operations shall be screened from view by a building and/or opaque buffer.
4. All district specific regulations for outdoor storage shall apply.
5. The demolition or junking of motor vehicles is prohibited.

Vehicle Service, Minor. A business that offers minor vehicle repairs such as oil changes; repair or replacement of cooling, electrical, fuel, and exhaust systems; brake adjustments, relining, and repairs; wheel servicing, alignment, and balancing; repair and replacement of shock absorbers; detailing; and replacement or adjustment of muffler systems, hoses, belts, fuses, windshield wipers, and the like. Includes repairs to two-wheeled and three-wheeled motor vehicles. Includes car washes, whether mechanical, self-wash, or hand wash. Includes related ancillary uses, such as towing and collision service.

Standards:

1. Any repair and service operations shall be performed within a fully enclosed building. Bay doors may be open during hours of operation.
2. No partially dismantled, wrecked, or unregistered vehicle shall be stored on-site.

Vehicle Service, Commercial. A business that offers a wide range of semi-truck repair and maintenance services for heavy-duty trucks and fleets.

4:3: Accessory & Temporary Uses

- (A) Intent.** This section provides additional regulations for the use of a subordinate structure, building, or use that is customarily associated with, and clearly incidental to, the primary structure, building, or use that is located on the same lot, as well as short term activities that might not meet the normal development or use standards of the applicable zone but may otherwise be acceptable for the public good.
- (B) Applicability.** Unless otherwise specified, the development of an accessory structure or temporary use requires the submittal of a permit application. Accessory structures may not be constructed prior to the construction of a primary building. The Zoning Administrator shall determine when a structure is accessory to the primary building of a lot. To determine that a structure or use is accessory, it must meet the following criteria:
1. Clearly incidental and subordinate to the primary building in terms of area, size, function, use, height, and location.
 2. Operated and maintained under the same ownership and on the same site as the primary building.
 3. Generally found in conjunction with the principal use.
 4. Use the same water, sanitary sewer, gas, and electric utilities as the principal use.
- (C) General Provisions.** Accessory uses, buildings, or structures shall comply with all development standards of the applicable zoning district unless otherwise specifically provided for in this section. Buildings and structures shall maintain the general height and character of the principal dwelling and/or design standards. Construction standards shall meet code, where applicable, and exterior materials shall be sound. The exterior use of felt paper, shiny metal, tarps, and similar material is not permitted. All structures in commercial, industrial, mixed-use, and/or overlay districts shall follow the same development standards as the primary structure, including setbacks. Shipping containers shall not be permitted in residential districts and may only be used in commercial districts if permitted in an overlay district.
- (D) Location.** Unless otherwise specified, accessory structures, including swimming pools, shall not be located in any established front or corner yard or in front of the primary building line. Unless otherwise specified, accessory structures shall comply with all required front, corner, and side building setbacks but may encroach into a required rear setback up to within 5 feet of the rear lot line. Accessory uses, buildings, or structures shall not encroach upon any platted or recorded easements unless specifically authorized by the terms of the easement or by written consent of the agency in whose favor the easement is granted.
- (E) Maximum Area for Accessory Structures.**
- (1)** The total floor area of all residential accessory structures on a lot shall be no greater than 1,000 square feet or 50 percent of the floor area of the principal dwelling unit, whichever is lesser.

(F) Temporary Use. Includes consideration for short term activities that might not meet the normal development or use standards of the applicable zone but may otherwise be acceptable for the public good, at the discretion of the Zoning Administrator, because of their temporary nature. Examples include, but are not limited to seasonal (tree, pumpkin, fireworks) in a commercial district, special events coordinated with police and fire, or a sales trailer coordinated with the Building Official. Temporary uses shall comply with all zoning, fire, building, as well as local, state, federal regulations.

Section Five: Site Development

5.1: Trees

5.1.1: Replacement and Mitigation

(A) Intent. Tree replacement, relocation and mitigation. The intent of this section is to create conscientiousness in tree conservation and protection. The objective is to retain existing trees as much as possible, replant reasonably larger trees and provide alternate methods for tree replacement. The location of all improvements shall take into consideration the existing natural environment and the retention of existing trees. Trees shall be mitigated according to the specifications provided herein.

(B) Landscaping & Tree Fund. The City Administrator or designee shall administer the fund. The Goose Creek Landscape and Tree Fund shall be used for landscaping, streetscaping and beautification projects upon public property within the City of Goose Creek and may be used to issue grant funding to private property owners for the same purposes.

(C) Standards and Tree Fund Guidelines.

- (1)** The clear-cutting of trees and vegetative cover on any lot, parcel, tract or acreage in any district is specifically prohibited.
- (2)** Each protected or grand tree that is determined by the Zoning Administrator to be hazardous, diseased, or injured to the extent it is irreparably damaged shall be approved for removal. The burden of providing proof of the extent of the hazard, disease or injury shall rest with the applicant, who must provide documentation from a qualified arborist.
- (3)** Removal of protected trees shall be mitigated at 100%. Removal of the protected trees in accordance with an approved site development plan shall be replaced by the applicant on the property through the replanting of species approved by the City at a minimum of four-inch calipers equal to the total DBH removed. Tree mitigation may occur anywhere on-site, including within required buffers and landscaped areas as approved by the Zoning Administrator. In the event that on-site mitigation is not possible due to site constraints, the Zoning Administrator shall impose a \$1,000 fee for each protected tree unable to be fully mitigated. All monetary fees shall be deposited into the City's Landscaping and Tree Fund. Existing trees four inches or greater, within the landscape buffer to be retained, may be considered in the mitigation at the discretion of the Zoning Administrator.
- (4)** Removal of grand trees shall be mitigated at 100% and also subject to a \$1,000 fee for each grand tree removed. Removal of the grand trees in accordance with an approved site development plan shall be replaced by the applicant on the property through the replanting of species approved by the City at a minimum of four-inch calipers equal to the total DBH removed. Tree mitigation may occur anywhere on-site, including within required buffers and landscaped areas as approved by the Zoning Administrator. In the event that on-site mitigation is not possible due to site constraints, the Zoning Administrator shall impose an additional fee of \$4,000 for each grand tree unable to be fully mitigated. All monetary fees shall be deposited into the City's Landscaping and

Tree Fund. Existing trees four inches or greater, within the landscape buffer to be retained, may be considered in the mitigation at the discretion of the Zoning Administrator.

- (5) Should tree removal occur in violation of the approved tree plan or without a plan approved by the Zoning Administrator, the removed trees shall be replaced with twice the number of inches at DBH removed at a minimum of four-inch calipers. For each inch of tree unable to be provided on-site for the purposes of reconciling the violation, the Zoning Administrator shall accept payment of a fee of \$200, deposited into the City's Landscaping and Tree Fund.
- (6) A tree replacement schedule is required showing the location, species, and sizes of any replacement trees to be planted.
- (7) Replacement trees shall be planted on the site in the areas specified in the plans to be approved by the Zoning Administrator. Replacement trees shall be long-lived, hardy, native and compatible with local conditions, with good aesthetic value, healthy and disease and pest free and approved by the Zoning Administrator.
- (8) If trees are to be relocated onto the development site, the applicant shall identify the original locations of the trees, as well as submit to the City site preparations and methods used on the tree survey. Trees may be relocated provided the environmental conditions of the new location are favorable to the survival of the trees.
- (9) Prior to issuance of a Certificate of Occupancy for a completed structure, the Zoning Administrator shall provide a compliance inspection including the provisions in this chapter. It is the responsibility of the owner or agent to contact the Zoning Administrator regarding the compliance inspection. The Certificate of Occupancy will be withheld pending verification of compliance. The Zoning Administrator shall approve a delayed schedule for planting materials when the immediate planting schedule would impair the health of the plants. When a delayed planting schedule is approved, the applicant shall provide a bond equivalent to one and one-half times the projected cost of the planting materials.
- (10) Records of Tree and Landscaping Fund deposits will be maintained in a single fund to be reviewed annually. The Tree and Landscaping Fund will be used in accordance with the parameters established in this ordinance.

(D) Preservation Credit. Projects intending to preserve existing vegetation in order to receive credit for required landscaping must graphically show the location of each tree on the landscape plan and must note the DBH (diameter at breast height) and species of each tree.

- (1) In order to receive credit, preserved vegetation must be in good health and condition and must meet the spacing requirements of the standards it is intended to satisfy. Protective barriers must also be shown on the landscape and grading plans in accordance with the requirements of this section. If a preserved tree dies within 24 months of completion of the project, it must be replaced with the total number of trees which were credited to the existing tree. No credit will be given to invasive-exotic species.

5.1.2: Tree Protection

(A) Intent. Unless exempted, no grand or protected tree shall be cut, relocated, removed, or destroyed, except with approval of a Land Disturbance Permit from the City and in accordance with the standards of this Section. No land clearing or harvesting of any kind shall be permitted without approval of the Zoning Administrator, regardless of other approvals that may be obtained from outside agencies.

A tree protection plan shall be submitted with a landscaping plan. A tree protection plan shall clearly indicate what tree protection methods will be utilized.

Documentation of existing trees on the site, through a tree inventory or tree survey, shall be submitted with a landscaping plan in accordance with the requirements of this Ordinance.

A Land Disturbance Permit from the City is required prior to the cutting, destruction, removal, relocation, or transplantation of all trees.

(B) Exemptions. The following activities are exempt from the standards in this Section.

- (1) The removal or modification of any tree located on an individual lot on which an existing single-family detached, two-family, four-unit, eight-unit or townhome dwelling is located.
- (2) Routine or seasonal pruning.
- (3) The removal or pruning, after providing documentation to the Zoning Administrator of the condition of the tree(s), of dead or naturally fallen trees; trees damaged during a hurricane, tornado, ice or windstorm, flood, wildfire or any other such act of nature; or trees that are found by the Zoning Administrator to be a threat to the public health, safety, or welfare.
- (4) The selective and limited removal or pruning of trees or vegetation necessary to obtain clear visibility at driveways or intersections.
- (5) The removal or pruning of trees within a utility easement by a utility company.
- (6) Underbrush and removal of trees less than four (4) inches DBH.
- (7) Forestry activities shielded from local development regulation in accordance with S.C. Code Ann. § 48-23-205, provided, any development application for the parcel of land where the forestry activities occur that is submitted within three years of the conclusion of the forestry activities shall be denied.
- (8) Timber harvesting that the Zoning Administrator determines is a commercial timber operation (see, Definitions), if notification is provided, a forestry plan is submitted, and the timber harvesting complies with best management practices published by the South Carolina Forestry Commission, in accordance with, Timber Harvesting, provided, any development application for the parcel of land where a commercial timber operation occurs that is submitted within three years of the conclusion of the commercial timber operation shall be denied.

(C) Tree Protection Zone. Unless otherwise established in this Section, the tree protection zone of protected trees consists of the largest of the following:

- (1) The area located within a distance of one foot for each one inch of tree diameter (measured at four and one-half feet above ground level) of the tree.
- (2) The area located within a distance of one-half the tree's height of the tree.
- (3) The area within a distance of six feet of the tree.

(D) Prohibited Activity in Tree Protection Zone.

- (1) Development and any other activity involving the cutting, destruction, removal, relocation, transplantation, pruning, or limbing of a protected tree are prohibited in a tree protection zone, unless otherwise required by this Ordinance.
- (2) Compaction of the soil within a tree protection zone over more than ten percent of the area of the tree protection zone is prohibited, except where necessary for pedestrian walkways. Where possible, mulch shall be used to mitigate soil compaction in areas of the tree protection zone where activity on the site may result in soil compaction.

(E) Utility and grading plans shall not modify or disturb the tree protection zone, provided, utilities may be located within a tree protection zone if:

- (1) There is no alternative location for the utilities.
- (2) Any tunneling or boring for utility lines occurs at a depth that avoids significant damage to the roots of the protected tree and is at least 25 inches below the ground.
- (3) Any excavation is limited in extent to the minimum necessary and is accomplished using hand excavation methods that remove soil around tree roots without severing them.
- (4) All proposed activity within the tree protection zone is shown on an approved tree protection plan.

(F) Tree Protection During Construction.

- (1) Construction site activities, including but not limited to parking, equipment, or material storage, bury pits, concrete washout, or burning of debris, are prohibited within tree protection zones.
- (2) Trees located within a tree protection zone shall be protected from chemical contamination from liquids or other materials, including but not limited to paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, or rinse water from vehicle cleaning, including rinsing of concrete truck tanks and chutes.
- (3) Prior to machinery passing over any area within a tree protection zone during construction, the area shall be cushioned using plywood sheeting covered by a minimum four-inch-thick layer of wood mulch, or materials providing an equivalent minimum degree of cushioning, as shown on an approved tree protection plan.
- (4) Protective barriers shall be installed prior to, and maintained throughout, the land disturbance and construction process and before building permits are issued. Such barriers shall:
 - (a) Be installed along the outer edge of and completely surrounding all tree protection zones.
 - (b) Be based on the proximity to disturbance.
 - (c) Consist of one:

- (1) A 6-foot-high chain-link fence.
- (2) A minimum four-foot-high wooden post and rail fence with two-inch by four-inch posts and a double one-inch by four-inch rail.
- (3) A minimum four-foot-high orange polyethylene laminar safety fencing mounted on wooden posts.
- (4) A similar fencing method approved by the Zoning Administrator.
- (d) Be posted with warning signs that:
 - (1) Are posted not more than 150 feet apart.
 - (2) Are clearly visible from all sides of the tree protection area.
 - (3) Have a minimum area of four-square feet per sign.
 - (4) Identify the fenced area as a tree protection zone and direct construction workers not to encroach into the area (e.g., "Tree Protection Zone: Do Not Enter").

(5) Any violation of the tree protection standards in this subsection is a violation of this Ordinance and may result in remedies and penalties. Any action in violation of this subsection that results in damage to a protected tree that jeopardizes its survival shall be deemed removal of a protected tree.

(G) Maintenance. The landowner and/or tenant shall maintain protected trees and tree protection zones in accordance with applicable tree protection plans and be subject to all requirements of this chapter. Curb stops, concrete curb, or other devices to prevent vehicular damage to required trees must be shown on the landscaping plan and installed prior to final inspection.

(H) Timber Harvesting. Timber harvesting shall comply with the standards in this subsection. The landowner shall notify the Zoning Administrator prior to beginning any timber harvesting.

(1) Best Management Practices. All timber harvesting shall comply with the voluntary protective measures known as "Best Management Practices" that are published by the South Carolina Forestry Commission, including the provision of an undisturbed buffer that:

- (a) Extends along the entire perimeter of the parcel, including road frontages, except for approved access crossings; and
- (b) Has a minimum width of 50 feet or the required setback for the zoning district in which the parcel is located, whichever is greater.

(2) Commercial Timber Operations. The landowner shall have the burden of proving by clear and convincing evidence that an activity is a commercial timber operation. The landowner shall submit a forestry plan that demonstrates that the intended forestry activities will contribute to the long-term production of marketable forest products and ensure the continued existence of forests through regeneration. Conducting a timber sale as the sole timber management activity does not constitute a commercial timber operation.

5.2: General Landscaping

(A) Applicability. Unless exempted, all development shall comply with the standards in this chapter, as modified in accordance alternative compliance, if applicable. The standards in this chapter are cumulative, unless otherwise stated in this Ordinance.

(1) Exemptions. The following are exempt from the standards in this section.

- (a)** Single-family detached dwellings, provided, the initial development of a subdivision of single-family dwellings is subject to all tree save, density, protection, foundation/canopy plantings and all applicable development regulations.
- (b)** Expansion of an existing structure that equals less than 50 percent of the total gross floor area of the structure. New areas shall meet full requirements for that portion.
- (c)** Renovation or reuse, not a more intense use, of an existing structure that, is valued at less than 50 percent of the recorded tax value of the building.

(2) Alternative Compliance. Where the application of the standards in this chapter would result in unreasonable or impractical situations due to product supply (container-caliper size), unusual site conditions, such as may be caused by streams, natural rock formations, topography, lot configuration, or utility easements, the Zoning Administrator may approve an alternative landscaping plan on finding, the alternative landscaping plan would result in landscaping of similar quality, effectiveness, durability, and performance as required by this chapter.

(B) General Standards. Unless specified in this Ordinance to the contrary, all plantings and other improvements required by this Section shall comply with this subsection.

(1) Installation of Required Landscaping.

- (a)** Unless a bond is provided in accordance with (b) below, all landscaping required by this chapter shall be installed prior to the issuance of a Certificate of Occupancy.
- (b)** If the season or weather conditions prohibit planting of trees or shrubs, the developer may provide a bond, an irrevocable letter of credit, or other financial surety in an amount equal to 125 percent of the cost of installing the required landscaping to guarantee the completion of the required planting. A Zoning Permit for the development shall be issued only on approval of the financial surety. All required improvements must be completed within the time period established in the development approval, or within 18 months of the date the developer provides financial surety, whichever period is shorter. The developer may request, and the Zoning Administrator may grant, for good cause shown, one extension, not to exceed one year, of the period for completion. The financial surety shall be canceled and/or returned upon completion of the required landscaping. If the developer fails to complete all required improvements within the period for completion, as may be extended, the

Zoning Administrator shall send written notice to the developer identifying the failure(s) and providing the developer a period of 30 days to complete the required improvements. If the required improvements are not completed within the 30-day period, the City may draw on the financial surety to complete the required improvements.

- (c) Planting guidelines and recommended species provided by the electric provider shall be referenced within 35 feet of a power line.
- (d) Where unusual site conditions, such as may be caused by streams, natural rock formations, topography, lot configuration, or utility easements, make it impossible for proposed development to comply with the landscaping requirements in this Section, the proposed development may be approved only if it complies with the requirements in this Section to the extent practicable and all unmet requirements are compensated for through payment to the Goose Creek Landscaping and Tree Fund of 125 percent of the estimated cost of plant materials and installation. Estimates used to calculate the cost of plant materials and installation must be made not more than 90 days prior to the submission of the alternative landscaping plan. Three estimates provided with letterhead will be submitted for review and approval. The payment shall be based on the average of the three estimates multiplied by 125%.

(2) Credit for Existing Vegetation. Existing vegetation located in the developable area outside of wetlands, in good health, that meets all applicable standards in this chapter, may be used to satisfy any planting requirements, provided the vegetation is in fair or better condition and is protected before and during development in the same manner required for a protected tree during construction.

(3) Species. Vegetative material shall be adapted to the site conditions where it will be planted. The use of native, drought-tolerant vegetation is encouraged to reduce dependency upon irrigation. The selection of trees, shrubs, and other vegetative material from the list of suggested species maintained by the South Carolina Forestry Commission is encouraged. The use of species identified as invasive plant pest species by the South Carolina Exotic Pest Plant Council is prohibited. To curtail the spread of disease and insect infestation in a plant species, new shrub and tree plantings shall be of different genera in accordance with Table: Required Shrub and Tree Genus Diversity. Where different genera of shrubs and trees are required, each required genus shall be planted in roughly equal proportions with the other required genera. Nothing in this subsection shall be construed to prevent the utilization of a greater number of different species than specified.

| MINIMUM NUMBER OF SHRUBS OR TREES REQUIRED ON SITE | MINIMUM NUMBER OF GENUSES OF SHRUBS OR TREES REQUIRED ON SITE |
|-------------------------------------------------------|------------------------------------------------------------------|
| Shrubs | |
| 40 or fewer | 2 |
| More than 40 but fewer than 70 | 3 |
| 70 or more | 4 |
| Trees | |
| 20 or fewer | 2 |
| More than 20 but fewer than 40 | 3 |
| 40 or more | 4 |

- (4) Trees.** All canopy trees planted in accordance with the requirements of this chapter shall be a minimum of ten (10) feet in height, and understory trees a minimum of eight (8) feet in height, when planted. Both canopy trees and understory trees must be at least two inches in caliper (measured one-half foot above ground level) when planted. Any new trees of above four-inch caliper size shall be measured twelve (12) inches above the ground. The caliper size of a multi-trunk tree shall be deemed to be the average caliper size of the largest three leaders. The height-to-trunk caliper ratio, root ball sizes, or spread relationship for any tree to be planted shall meet the current "American Standards for Nursery Stock" as set forth by the American Association of Nurserymen. All multi-trunk trees must be "tree form" with a maximum of three to five stems or trunks and a minimum height of eight feet at planting.
- (5) Shrubs.** All shrubs planted to meet the requirements of this chapter, unless required to be larger by another provision, shall be a minimum of three-gallon container size and eighteen (18) inches in height or spread (depending on whether the growth habit is upright or spreading) measured from the top of the root zone.
- (6) Mulch.** All planted materials are to be mulched, generally with an organic type of mulch such as shredded bark, ground wood chips (not sawdust), or pine straw. Natural colors are required, no red, green, etc. Mulch shall be applied as follows: for trees and shrubs, three to four inches deep at the base of shrubs and trees or from the trunk to the dripline for newly-planted trees; for ground cover and perennials, one to two inches deep sufficient in coverage to conserve moisture and suppress weeds without inhibiting growth of the landscape plants. The exclusive use of rock coverage shall not be permitted as a primary ground feature.
- (7) Irrigation.** An irrigation system shall be planned, installed, and maintained for multi-family, industrial, commercial, and mixed-use projects to ensure optimum moisture for healthy growth and survival. Use of existing vegetation, native plants, drought-tolerant plants, and water conserving irrigation techniques, such as use of a rain sensor, and re-use of rainwater, is encouraged.

(8) Berms. Shall comply with the following design standards:

- (a)** The slope shall not exceed a two-to-one ratio (horizontal to vertical).
- (b)** The berm shall have a top width at least one-half the berm height; and
- (c)** The berm shall have a maximum height of eight feet above the toe of the berm.
- (d)** All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation.
- (e)** Berms proposed to be placed along street right-of-way shall be designed and constructed to provide adequate sight distances at intersections and along the street.
- (f)** Berms shall not damage the roots of existing healthy vegetation designated to be preserved.

(9) Fences & Walls. Fences and walls shall comply with all requirements in this Ordinance.

(10) Sight Visibility Triangle. Sight areas shall be maintained free of obstructions, including trees, shrubs, and other vegetation and fences, walls, and berms.

(11) Maintenance of Landscape Areas. It shall be the duty of the property owner to maintain all vegetation planted pursuant to, or protected by, this chapter in a healthy condition in accordance with this section and any tree ordinance guidelines developed by the City. Landscape features and areas shall be maintained in accordance with the approved landscaping plan or alternative landscaping plan and shall present a healthy and orderly appearance free from refuse and debris. All plant life shown on an approved landscaping plan or alternative landscaping plan shall be replaced with the same or a similar species if it dies, is seriously damaged, or removed, except any existing vegetation that does not comply with the standards in this Ordinance shall be replaced with vegetation that does comply with the standards in this Ordinance.

- (a) Review.** The Zoning Administrator, or designee, shall have the authority to review landscaping and require replanting if necessary to maintain the required landscape plants in good health.
- (b) Damage, Natural Occurrence.** In the event that any vegetation or physical element functioning to meet the standards of this Section is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the owner or developer shall be required to replant if the landscaping standards are not being met. The Zoning Administrator shall consider the type and location of the landscape buffer or required vegetation area as well as the propensity for natural re-vegetation in making a determination on the extent of replanting requirements. The owner shall have one growing season to replace or replant in accordance with the Zoning Administrator's determination.
- (c) Operational Protection.** The owner or developer shall take actions to protect trees and landscaping from damage during all facility and site operations. Plants

shall be maintained in a way that does not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, or interfere with the use of sidewalks or pedestrian trails. If a planting area required by this Section is adjacent to parking or vehicular circulation areas. Curb stops, concrete curb, or other devices to prevent vehicular damage to required trees must be shown on the landscaping plan and installed prior to final inspection.

- (d) **Maintain Shape.** All required trees shall be allowed to reach their mature size and shall be maintained at their mature size. Except for trimming and pruning within a utility easement in accordance with applicable policies of the affected utility, required plants shall not be cut or severely pruned or otherwise damaged so that their natural form is impaired. Any tree (including, but not limited to crape myrtles) that has been severely pruned, sheared, topped, or shaped as a shrub, shall be considered as damaged vegetation in need of replacement and shall be replaced within one growing season with a tree at least four inches in caliper.
- (e) **Natural Decline.** The natural death of existing vegetation within any required landscape area does not necessarily constitute a violation and does not require re-vegetation to replace the plant material unless the required landscape area no longer complies with the required standards of this section. In no instance shall this provision be construed to prevent re-planting if, in the opinion of the Zoning Administrator, the required performance standard of the landscaping is not being met.

(C) **Existing Conditions.** Trees and shrubs that have not been maintained in compliance with approved plans, regardless of the date of approval, shall be replaced, if in the opinion of the Zoning Administrator, it would further the intent of this chapter and/or applicable zoning overlay districts.

5.3: Site Landscaping

Landscape requirements are broken down in the following categories:

- (A) Property Line Buffer – Landscaping along property lines.
- (B) Street Buffer – Landscaping along street rights-of-way between parking and pedestrian areas.
- (C) Parking Lot – Landscaping in and around vehicular use areas.
- (D) Building Impact – Landscaping used to enhance the site.
- (E) Screening – Landscaping around utility use, outdoor storage, and loading areas.

(A) **Property Line Buffer.** A landscaped area between two land uses designed to mitigate potential negative effects, foster greenspace health, and promote community appearance. All new development shall comply, unless between individual single-family lots. Zoning Administrator has the authority to amend the buffer requirements for a specific site, including the discretion to require additional buffering, including depth of buffer, density and number of trees, and/or the requirement for a structural screen.

(1) Buffers shall be provided in accordance with the table and specifications listed below.

(a) Buffer 1

- (1) A buffer 15 feet deep that shall consist of at least four canopy trees, eight understory trees, and 30 shrubs per 100 feet of buffer yard width; or
- (2) A buffer 20 feet deep that shall consist of at least four canopy trees, six understory trees, and 20 shrubs per 100 feet of buffer yard width; or
- (3) A buffer 30 feet deep wide that shall consist of at least four canopy trees, six understory trees, and 15 shrubs per 100 feet of buffer yard width.

(b) Buffer 2

- (1) A buffer 30 feet deep that shall consist of at least five canopy trees, seven understory trees, and 20 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or
- (2) A buffer 40 feet deep that shall consist of at least four canopy trees, five understory trees, and 20 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or
- (3) A buffer 50 feet deep that shall consist of at least four canopy trees, four understory trees, and ten shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required.

(c) Buffer 3

- (1) A buffer 50 feet deep that shall consist of at least five canopy trees, seven understory trees, and 20 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or
- (2) A buffer 60 feet deep that shall consist of at least five canopy trees, five understory trees, and 15 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or
- (3) A buffer 75 feet deep that shall consist of at least four canopy trees, four understory trees, and ten shrubs per 100 feet of buffer yard width.

(d) Buffer 4

- (1) A buffer 75 feet deep that shall consist of at least ten canopy trees, 18 understory trees, and 60 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or
- (2) A buffer 100 feet deep that shall consist of at least ten canopy trees, 15 understory trees, and 60 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or
- (3) A buffer 125 feet deep that shall consist of at least eight canopy trees, ten understory trees, and 30 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or
- (4) A buffer 150 feet deep that shall consist of at least eight canopy trees, eight understory trees, and 20 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required.

(e) Buffer 5

- (1)** A buffer 100 feet deep that shall consist of at least 12 canopy trees, 18 understory trees, and 60 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or
- (2)** A buffer 125 feet deep that shall consist of at least ten canopy trees, 15 understory trees, and 40 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required; or
- (3)** A buffer 150 feet deep that shall consist of at least ten canopy trees, 15 understory trees, and 30 shrubs per 100 feet of buffer yard width. In addition, a structural element shall be required.

| Proposed Land Use | Adjacent Land Use | | | | | | | |
|---------------------------|-------------------------|---------------------------|-----------------------|--------------|--------------------|-------------------|------------------|------------------|
| | Conservation Open Space | Residential Single Family | Residential Mixed Use | Village Node | General Commercial | Employment Campus | Light Industrial | Heavy Industrial |
| Conservation Open Space | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Residential Single Family | Buffer 1 | N/A | N/A | Buffer 1 | Buffer 2 | Buffer 3 | Buffer 4 | Buffer 5 |
| Residential Mixed Use | Buffer 1 | N/A | N/A | Buffer 1 | Buffer 2 | Buffer 2 | Buffer 4 | Buffer 5 |
| Village Node | Buffer 2 | Buffer 1 | Buffer 1 | N/A | N/A | Buffer 2 | Buffer 4 | Buffer 5 |
| General Commercial | Buffer 2 | Buffer 2 | Buffer 2 | Buffer 1 | N/A | Buffer 1 | Buffer 2 | Buffer 3 |
| Employment Campus | Buffer 3 | Buffer 3 | Buffer 2 | Buffer 2 | Buffer 1 | N/A | Buffer 2 | Buffer 2 |
| Light Industrial | Buffer 4 | Buffer 4 | Buffer 4 | Buffer 4 | Buffer 2 | Buffer 2 | N/A | N/A |
| Heavy Industrial | Buffer 5 | Buffer 5 | Buffer 5 | Buffer 5 | Buffer 3 | Buffer 2 | N/A | N/A |

| WIDTH REDUCTION - FENCE OR WALL | | | | |
|----------------------------------------------------------------------------------------------------------------------------|-----------------|------------------------------|-----------------------------------------------------------------------------|----------------------------------------------|
| FENCE OR WALL MATERIALS | ZONING DISTRICT | MINIMUM FENCE OR WALL HEIGHT | BUFFER YARD WIDTH REDUCTION ALLOWED (AS A PERCENTAGE OF THE REQUIRED WIDTH) | MINIMUM WIDTH OF BUFFER YARD AFTER REDUCTION |
| Wood | Any district | 8 feet | 25 | 15 feet |
| Brick, Stone, or Stucco | Any district | 4 feet | 25 | 15 feet |
| | Any district | 6 feet | 50 | 10 feet |
| NOTES: *Fence or wall height shall be measured from the side of the fence facing away from the property being screened. | | | | |

(2) Reduction in Width (Property Line Buffer Yard). The required width of a buffer yard may be reduced in accordance with this subsection, provided, only one width reduction is allowed along any length of a buffer yard.

- (a) Fence or Masonry Wall.** The width of a buffer yard may be reduced if a fence or wall that complies with the corresponding height and materials requirements, and all fence and wall standards, is located in the buffer yard along the length of the buffer yard.
- (b) Berm.** The width of a buffer yard may be reduced by 25 percent if a berm having a height of at least four feet is provided.

(3) Reduction in Plantings (Property Line Buffer Yard). The required plantings in a buffer yard may be reduced along any length of the buffer yard where a fence or wall is included in accordance with this section, provided, only one reduction for shrubs is allowed along any length of a buffer yard:

- (a)** Wooden fence or brick, stone, or stucco wall: 50 percent reduction in the number of required shrubs.
- (b)** Brick, stone, or stucco wall having a height of at least six feet: 75 percent reduction in the number of required shrubs, and up to 50 percent of required trees in the transitional buffer yard may be understory trees.

(4) Location (Property Line Buffer Yard). Buffer yards shall be located on the site of the proposed development, between the property line and any vehicular use areas, buildings, storage, service areas, or other areas of activity on the property and extend along the entire property line of the abutting use.

- (a)** Vegetative screening and fencing in a buffer yard shall not be located inside a utility or drainage easement unless:
 - (1)** The easement is an overhead easement; **or**
 - (2)** All of the following are met:
 - (3)** The easement holder has consented to and the Zoning Administrator has approved the location of the vegetative screening and fencing in the easement;

- (4) The vegetative screening and fencing is maintained in accordance with the terms of consent and any applicable maintenance provisions;
- (5) Trees planted within 15 feet of an overhead power line shall be understory trees; and
- (6) In those portions of the buffer yard where understory trees are provided in lieu of canopy trees, either the number of required trees per 100 linear feet shall be multiplied by two, or a wood fence or masonry wall that meets the height and materials standards, shall be provided.

(5) Development within Property Line Buffer Yard. Development within a buffer yard shall not reduce the general separation of land uses or interfere with the required plantings and shall be limited to the following:

- (a) Fences and walls.
- (b) Retaining walls.
- (c) Sidewalks, trails, and bike paths, provided they intersect the transitional buffer yard at a 90-degree angle.
- (d) Driveways and parking lot aisles necessary to comply with Cross Access Between Adjoining Developments.
- (e) Stormwater areas that incorporate Low Impact Development (LID) practices using plant material to manage stormwater.

(6) Planting and Materials Standards (Property Line Buffer Yard). Trees, shrubs, fences and walls, and berms required by this subsection shall comply with General Landscaping Standards, unless otherwise specified.

- (a) Trees, shrubs, fences and walls, and berms shall be arranged in a manner that provides the maximum possible visual separation between adjacent land uses, including the massing of shrubs in rows or groups as needed to achieve the maximum screening effect.
- (b) Trees shall be canopy trees, except when placed within 15 feet of an overhead powerline, where they shall be understory trees.
- (c) Up to 50 percent of required trees where a brick, stone, or stucco wall having a height of at least six feet is included may be small- maturing trees.
- (d) At least 50 percent of required trees shall be evergreen species in unreduced buffers.
- (e) Shrubs shall be evergreen species expected to reach a height of six feet or greater within five years of planting.
- (f) Shrubs shall be a minimum of three feet in height when planted.

(B) Street Buffer. A street buffer yard is a landscaped area abutting and parallel to a recorded public street right-of-way designed to provide pleasing views along travel ways, reduce runoff, provide canopy, and preserve natural vegetative cover. All new development shall comply, unless only a change in land use, with no new parking surface area, and/or in a zoning district that has a minimum front yard setback of zero feet.

- (1) Location (Street Buffers).** Street buffer yards shall be located on the site of the proposed development wherever it abuts an existing or proposed street right-of-way.
- (2) Minimum Width (Street Buffer).**
- (a)** If the minimum front yard setback is greater than ten (10) feet, the minimum width of the street buffer shall be ten (10) feet.
- (3) Minimum Area (Street Buffer).** A street buffer shall have a minimum area of ten (10) feet times the linear feet of the site of the proposed development that abuts an existing or proposed street right-of-way.
- (a)** Notwithstanding any other provision in this Ordinance, a street buffer shall not have a width of less than five (5) feet as measured from the recorded public street right-of-way abutting the site of the proposed development.
- (4) Minimum Plantings (Street Buffer).** A street buffer shall comply with the following landscaping standards:
- (a)** A street buffer shall contain at least one canopy tree for every 40 linear feet of street buffer or fraction thereof, excluding portions of the street buffer where driveways are located and areas necessary to avoid intrusion into sight areas.
 - (b)** A street buffer shall contain a minimum of one canopy tree.
 - (c)** At least 60 percent of the street buffer area not used for canopy trees or for pedestrian or vehicular access shall be covered in shrubs, ground cover, understory trees, or turf, and all other portions of the street buffer shall be mulched. A minimum of 75 percent of the area designated on the landscaping plan for grass or ground cover shall be covered by established grass or ground cover within one calendar year from the time of planting.
 - (d)** Within 20 feet of an overhead power line, understory trees spaced between 20 and 30 feet apart on center, unless otherwise necessary to avoid intrusion into sight areas, shall be substituted for required canopy trees.
- (5) Development Within Street Buffer.** Development in a street buffer shall be limited to the following:
- (a)** Fences and walls.
 - (b)** Retaining walls.
 - (c)** Flagpoles, lamp or address posts, mailboxes, and similar features.
 - (d)** Sidewalks, trails, and bike paths.
 - (e)** Driveways or parking lot aisles having a width of 35 feet or less, provided the centerline of the driveway or parking lot aisle forms a 90-degree angle with the boundary between the site and the right-of-way.
 - (f)** Stormwater areas treated as site amenities in accordance with review of the Zoning Administrator.

(6) Parking Lot (Street Buffer). Parking lots adjacent to a right-of-way shall comply with the standards below. The standards below shall not apply where a parking lot is located behind a building from the street right-of-way:

- (a)** The street buffer shall be screened along the length of the street, excluding portions of the street buffer where driveways or sight areas are located, that is between two and one-half (2 ½) and three (3) feet in height and that consists of:
 - (1)** Evergreen shrubs that measure at least two (2) feet in height at the time of planting and reach a mature height of or may be maintained at a height of two-and-one-half (2 ½) to three (3) feet within one year of planting; or
 - (2)** A wall composed of brick, stone, or stucco, which may be combined with decorative metal, such as wrought iron, if the wall achieves opacity at an average height of between two and one-half (2 ½) and three (3) feet.
- (b)** Where a street buffer includes a brick, stone, or stucco wall in accordance with (6)(a)(2) above:
 - (1)** The minimum width of the street buffer is reduced by 50 percent, provided the street protected yard shall not at any point be less than five feet in width;
 - (2)** The required number of shrubs is reduced by two-thirds, if all required shrubs are planted between the wall and the right-of-way; and
 - (3)** Up to forty percent of required shrubs may be deciduous shrubs having a maximum height of three feet.
- (c)** A street buffer located between a parking structure and a street right-of-way shall comply with the standards in Street Buffers as modified by the following standard:
 - (1)** The minimum width of the street buffer shall be ten (10) feet.

(C) Parking Lot Landscaping. The standards for landscaping in and around parking lots apply to any new or expanded vehicular surface area (parking lot) whether principal or accessory use and any existing vehicular surface area that is used to satisfy the off-street parking requirements for a new building, or the expansion of an existing building.

(1) Interior Planting Areas (Parking Lot). A vehicular surface area, other than a parking structure, shall include interior planting areas that comply with the standards in this subsection.

- (a)** In an off-street surface parking area, no more than seven (7) consecutive spaces shall be in a row without a parking island containing one canopy tree and two shrubs or two canopy trees and shall extend the full length of the adjacent parking space and shall be no less than nine (9) feet in width.
- (b)** Tree islands shall be placed along the perimeter of the parking area at each end of the aisles that shall be the full length of the adjacent parking space and shall be no less than nine (9) feet in width.
- (c)** Where vehicles overhang a foundation planting strip, the width of the planting strip shall be at least six feet.
- (d)** For vehicular surface areas containing 200 or more parking spaces, the required pedestrian passageway shall have landscaping on each side, not less than five (5) feet wide consisting of one (1) understory tree and two (2) shrubs every seven (7) parking spaces.

(2) Minimum Planting (Parking Lot).

- (a)** A minimum of 60 percent of a planting area shall contain living plants, trees, shrubs, groundcover or turf, and all other portions of the planting area shall be mulched. A minimum of 75 percent of the area designated on the landscaping plan for grass or ground cover shall be covered by established grass or ground cover within one calendar year from the time of planting.
- (b)** Understory trees shall be substituted for canopy trees within 15 feet of overhead power lines;
- (c)** Canopy trees shall be spaced a minimum of 40 feet apart, or, if planted groups, a minimum of 25 feet apart;
- (d)** Understory trees shall be spaced a minimum of 30 feet apart, or, if planted in groups, a minimum of 15 feet apart.
- (e)** Trees shall not be planted within ten feet of a tree located in the public right-of-way.
- (f)** Planting areas shall be protected from vehicle damage by the installation of curbing, wheel stops, or other comparable methods. The placement of plant material shall allow for a minimum two-and-one-half foot bumper overhang from the face of curbing, wheel stops, or other comparable devices. This standard shall not be construed to prohibit the use of planting areas as stormwater management devices.

(D) Building Impact Landscaping. Building impact is landscaping that is not required for parking lot landscaping, buffer yard landscaping, or street buffer landscaping, that is designed to soften the visual impact of building foundations and provide for the even dispersal of trees across a development site. A change in land use, agricultural uses, and development with alternative compliance (e.g, no front yard setback, no parking areas) are exempt.

- (1)** Where building foundations are visible from the public street, pedestrian walkways, or from adjacent uses, foundation landscaping is required. Landscaping of this area shall complement the building elevations, connect the building to the site and increase continuity.
- (2)** Planters may be required as a design element to soften the building exterior and enhance the streetscape appearance.
- (3)** Shrubs maturing to a two-foot minimum shall be planted at five feet on center maximum for the length of the building facing the public right-of-way. To soften and screen a blank building facade, shrubs maturing to a minimum of four feet in height shall be planted eight feet on center (maximum), and small maturing trees shall be planted within 15 feet of the building facade.
- (4)** No shrub smaller than those in three-gallon containers shall be planted. Understory trees shall be no smaller than six feet in height at the time of planting. Canopy trees must be at minimum two- and one-half calipers and eight feet to ten feet in height at time of planting.
- (5)** A two inch to four-inch layer of approved mulching materials shall be used only in connection with plant materials and shall not stand alone as ground cover.
- (6)** Arcades across a building's front facade accompanied by tree planting may be used in lieu of shrub plantings and satisfy the requirements for foundation plantings.

- (7) Lawn areas within 50 feet of a building or adjacent to public roadways require sodding. Other lawn areas may require sodding depending upon slopes, impact on public views, pedestrian traffic, time of year, as well as other considerations.

(E) Service Screening. The following shall be screened from view in accordance with the standards in this subsection:

- (1) Loading areas, large waste receptacles (such as dumpsters, grease storage, and cardboard recycling containers) and trash collection areas.
 - (a) Screening of loading areas, large waste receptacles, and trash collection areas must be accomplished and maintained with an opaque wall of masonry or composite material approved by the Zoning Administrator. Vinyl or exterior cinder block shall not be permitted. The height shall be sufficient to conceal areas, but in no instance less than 7 feet. Enclosures shall utilize metal or composite material with latching doors. Evergreen shrubs shall be used on the exterior.
 - (b) Any existing trash dumpster, grease storage receptacle, or cardboard refuse container that is not properly screened by April 30, 2029 must come into compliance prior to the license renewal of the business.
- (2) Display areas
 - (a) Screening shall be accomplished with a closed fence, made of wood, a masonry wall, opaque metal, or composite material approved by the Zoning Administrator, with the finished side facing away from the area to be screened.
 - (b) A minimum of 60 percent of any shrubs used for screening shall be evergreen species. Shrubs shall be a minimum of 18 inches tall when planted and expected to reach a mature height and width sufficient to provide the required screening within three years of planting.
- (3) Stormwater retention or detention ponds.
 - (a) Evergreen shrubs that are expected to reach four feet in height within three years of planting, at a maximum spacing of five feet on center. Trees, at least 50 percent of which are an evergreen species, at a maximum spacing of 25 feet on center.
 - (b) If a fence is required, the material shall be approved by the Zoning Administrator.

5.4: Access & Parking

- (A) Intent.** The purpose of this Section is to ensure that developments are served by a coordinated multimodal transportation system that permits the safe and efficient movement of motor vehicles, emergency vehicles, transit, bicyclists, and pedestrians within the development and between the development and external transportation systems, neighboring development, and local destination points such as places of employment, schools, parks, and shopping areas.
- (B) Applicability.** Any new off-street vehicle parking area provided shall be developed in accordance with the regulations of this section and the development standards of the applicable district of this Ordinance.
- (1) New Development.** All new development shall provide off-street parking and loading areas in accordance with the standards of this Section.
- (2) Existing Development.** Any change in use of existing development shall be accompanied by provision of any additional off-street parking and loading spaces required for the change in use.
- (C) Traffic Impact Analysis.** Requirements pertaining to Traffic Impact Analysis (“TIA”) are incorporated in reference and found in the City of Goose Creek Land Development Regulations.
- (D) Access & Circulation.** All new developments shall be served by a system of sidewalks, paths, roadways, accessways, and other facilities designed to provide for multiple travel modes (vehicular, bicycle, and pedestrian), as appropriate to the development’s size, character, and relationship to surrounding development and development patterns and existing and planned community transportation systems. Vehicular, bicycle, and pedestrian access and circulation systems shall be coordinated and integrated so as to provide transportation choices within and to and from the proposed development, as appropriate.
- (1) Cross Access**
- (a)** An internal vehicular circulation system in new nonresidential and mixed-use development shall be designed and constructed to provide vehicular cross-access between any parking lots within the development and any parking lots on adjoining parcels containing nonresidential or mixed-use development, and to the boundary of adjoining vacant land if it is zoned for commercial uses. The cross-access shall consist of a driveway or drive aisle that is at least 24 feet wide or two one-way driveways or aisles that are each at least 14 feet wide.
- (b)** An internal pedestrian circulation system in new multifamily, nonresidential, or mixed-use development shall be designed to allow for pedestrian walkway cross access between the development's buildings and parking areas and those on adjoining lots containing multifamily, nonresidential, or mixed-use development, and to vacant lands.
- (c)** Easements allowing cross-access to and from lands served by a vehicular and pedestrian cross-access, along with agreements defining maintenance responsibilities of landowners pertaining to the vehicular cross-access, shall be recorded with the Register of Deeds.

- (d) The Zoning Administrator may waive or modify the requirement for vehicular and pedestrian cross-access on determining that such cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, or vehicular safety factors.

(2) Sidewalks Required

- (a) In all districts, sidewalks, a minimum of 5 feet in width, that comply with ADA Standards are required on both sides of all streets.
- (b) Where a new development fronts an existing street with insufficient right-of-way width to accommodate installation of a required sidewalk along the frontage, the developer shall install a sidewalk on the development site within a dedicated public easement running parallel and adjacent to the public street.
- (c) The Zoning Administrator may waive or modify the requirement for sidewalks on determining that such sidewalks are impractical or infeasible due to the presence of topographic conditions or natural features.

(3) Bicycle Facilities. New development or redevelopment shall include bicycle parking. Bicycle parking shall be placed within 100 feet of, and clearly visible from, the main entrance to the use served. Bike lanes, bike paths, or other bicycle facilities sufficient to allow safe and efficient bicycle access and circulation within the development shall be required when adjacent to planned or existing bicycle corridors.

- (a) Retail, service, office, civic, institutional, mixed, and public uses shall provide two spaces per 4,000 square feet of gross floor area. Industrial, manufacturing, and processing shall provide .5 spaces per 10,000 square feet of gross floor area. No more than 8 individual spaces shall be required for any principal use.

(4) Off-Street Parking. Any new off-street vehicle parking area provided shall be developed in accordance with the regulations of this section and the development standards of the applicable district of this Ordinance.

- (a) The number and width of curb cuts shall be the minimum needed to provide reasonable access to the site. Curb cuts shall meet the standards of the Berkeley County, South Carolina Department of Transportation, and the City of Goose Creek.
- (b) Off-street parking areas shall be used solely for the parking of licensed motorized vehicles in operating condition. Required parking spaces and loading berths may not be used for the display of goods for sale, or the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies.
- (c) Off-street parking areas and all off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading berths and distinguishing such spaces or berths from aisles.
- (d) Surface parking shall not be located in the front yard setback, nor between buildings and right-of-way, except in industrial districts. Surface parking on corner parcels shall not be allowed to be placed on the outside of corner lots. Where

surface parking is adjacent to a public right-of-way, or part of a common development, a seat wall, with landscaping, shall be integrated with the architecture of the building.

- (e) All off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, and bonded surface material.
 - (f) The use of pervious or semi-pervious parking lot surfacing materials— including, but not limited to—pervious asphalt and concrete, open joint pavers, and reinforced grass/gravel/shell grids may be approved for off-street parking and loading areas, provided such surfacing is subject to an on-going maintenance program and shall be certified as capable of accommodating anticipated traffic loading stresses and maintenance impacts.
 - (g) All shopping cart return areas shall be primarily constructed of brick or concrete. Metal may be used as a secondary material. There shall be minimum one return area accessible in each drive aisle. The return area shall be landscaped appropriately.
- (5) Except for off-street parking areas serving single-family detached or two-family dwellings, off-street parking areas shall be arranged so no parking or maneuvering incidental to parking shall occur on a public street or sidewalk.
- (6) An entrance or exit to an off-street parking area shall not be located within 25 feet of a single-family residential district.
- (7) Parking lots shall comply with applicable landscaping.
- (8) All off-street parking and loading areas shall be maintained in safe condition and good repair at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land.
- (9) All off-street parking and loading areas shall be completed prior to the issuance of a certificate of occupancy for the development they serve. In the case of phased development, off-street parking and loading areas may only be provided for the phase being developed.
- (10) Vehicular surface areas containing **200** or more parking spaces shall be configured in accordance with the following standards:
- (a) **Primary Drive Aisle.** Primary drive aisles within vehicular surface areas shall be designed to appear as an extension of the public street network extending from the public right-of-way along the full length of the primary facades of structures being served by the drive. The primary drive aisle(s) shall comply with the following standards:
 - (1) Have a minimum cross section width between curbs to serve two travel lanes.

- (2) Include a sidewalk or curb-delineated pedestrian passageway, at least five (5) feet wide, along the front façade of a building when the drive aisle is aligned parallel to that building façade.
- (3) Provide street trees along both sides of the primary drive aisle with a maximum spacing of 40 feet on-center. Understory trees may be used adjacent to the building façade within 40 feet of building entrances.

(b) Pedestrian Pathways. The vehicular surface area shall provide fully separated, improved pedestrian pathways that:

- (1) Are provided, at a minimum, every six parallel parking rows (every three double-row parking bays) or every 200 feet, whichever is the lesser dimension.
- (2) Are enhanced with planted landscaping strips.
- (3) Include, to the maximum extent practicable, a pathway aligned with and perpendicular to the primary entrance into the building served by the vehicular surface area (parking lot).
- (4) Are paved with asphalt, cement, or other comparable material.
- (5) Are of contrasting color or materials when crossing drive aisles.
- (6) Are in compliance with applicable state and federal requirements while at a minimum are at least five (5) feet wide when located within planting strips, and ten (10) feet wide when crossing drive aisles.
- (7) Connect to all existing or planned adjacent transit and pedestrian facilities.
- (8) Provide safe and efficient pedestrian access to the use they serve.

(E) Minimum-Maximum Off-Street Spaces. The maximum number of off-street parking spaces shall not exceed 125 percent of the minimum number of off-street parking spaces required for that use. Any spaces over the minimum shall be pervious pavers or similarly approved design. If there is no requirement for a minimum number of off-street parking spaces for the use, the maximum number of off-street parking spaces shall be reviewed as alternative compliance by the Zoning Administrator. The Zoning Administrator shall apply the minimum-maximum off-street parking space requirement specified for the listed use that is deemed most like the proposed use.

Parking Table

| USE TYPE | MINIMUM NUMBER OF PARKING SPACES |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| | |
| Agricultural | |
| Plant Agricultural | No minimum |
| Community Garden | No minimum |
| Indoor Food Production | No minimum |
| | |
| Civic, Institutional & Public | |
| | |
| Cemetery | No minimum |
| College/University | 1 for every 2 faculty/FTE plus 1/500 sf classroom and research space |
| Community Center | 3/1,000 sf |
| Government Office | 3/1,000 sf |
| Hospital | 1/300 sf |
| Library/Museum/Cultural Facility | 3/1,000 sf |
| Medical or Dental Clinic | 1/300 sf |
| Membership Organization Facility | 1/500 sf |
| Nursing Care Facility | 1 for every 6 beds |
| Parking Lot | No minimum |
| Parks & Open Space | No minimum |
| Park & Ride | No minimum |
| Public Safety Facility | In accordance with an approved alternative parking plan |
| Religious Institutions | 1 for every 5 seats |
| School, Business or Trade | 1 for every 3 persons |
| School, Pre-K - High | 1 for every 6 students (design capacity) under 10 th grade; 1 for every 2 students 10 th grade and above |
| Social Service Facility | 3/1,000 sf |
| Utilities, Major | 1/500 sf office facilities |
| Utilities, Minor | 1/500 sf office facilities |

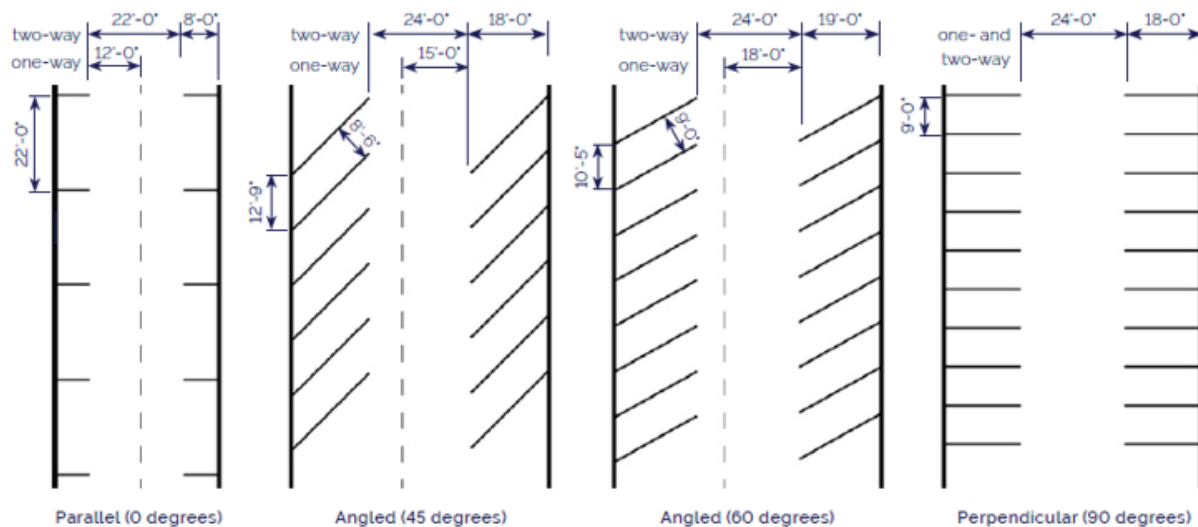
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|----------------------------------------------|---------------------------------------------------------|
| Wireless Communication | No minimum |
| Wireless Communication (Small Cell) | No minimum |
| Wireless Communication (Stealth) | No minimum |
| | |
| Industrial, Manufacturing, Processing | |
| | |
| Industrial, Artisan | 2/1,000 sf |
| Industrial, Heavy | 1.5/1,000 sf |
| Industrial, Light | 1.5/1,000 sf |
| Research/Laboratory Facility | 2/1,000 sf |
| Warehouse/Distribution | 1.5/1,000 sf |
| Refuse Processing/Recycling Facility | 2/1,000 sf |
| | |
| Residential & Group Living | |
| | |
| Continuing Care Retirement | 1 for every 4 residents |
| Cottage Neighborhood | 2/du |
| Dwelling, Accessory | N/A |
| Dwelling, 1 Unit, detached | 2/du |
| Dwelling, 1 Unit, attached | 2/du |
| Dwelling, 2 Unit | 2/du |
| Dwelling, 3-4 Units | 2/du |
| Dwelling, 5-8 Units | 2/du |
| Dwelling, Mixed Use | In accordance with an approved alternative parking plan |
| Dwelling, Townhouse | 2/du |
| Group Residence | 1 for every 4 residents |
| Residential Care Facility | 1 for every 4 residents |
| | |
| Retail, Service & Office | |
| | |
| Adult Business | 1/300 sf |

| | |
|-----------------------------------|-------------------------------------------------------------------------|
| Animal Care | 3/1,000 sf |
| Banquet Hall | 5/1,000 sf |
| Beer/Wine/Liquor Sales | 3/1,000 sf |
| Day Care Center | 1/500 sf |
| Drinking Establishment | 8/1,000 sf |
| Drive-Through Facility | No minimum |
| Entertainment Facility, Indoor | 5/1,000 sf |
| Entertainment Facility, Outdoor | In accordance with an approved alternative parking plan |
| Funeral Services | 1/250 sf assembly area |
| Gas Station/Convenience Store | 3.5/1,000 sf |
| Home Occupation | No minimum |
| Hotel | 1 for each guest room plus 1/300 sf of restaurant space or meeting area |
| Non-Depository Credit Institution | 3/1,000 sf |
| Pawn Shop | 3.5/1,000 sf |
| Performing Arts Center | 1 for every 5 seats at max. capacity |
| Personal Care & Services | 3/ 1,000 sf |
| Private Club/Lodge | 5/1,000 sf |
| Professional Offices | 1/500 sf |
| Restaurant | 8/1,000 sf seating area |
| Retail & Service, General | 3.5/ 1,000 sf |
| Retail & Service, Intermediate | 3/1,000 sf |
| Retail & Service, Heavy | 2/1,000 sf |
| Self-Storage Facility | 1/per employee, plus 1/5,000 gross floor area |
| Staple Food Store | In accordance with an approved alternative parking plan |
| Tattoo/Piercing | 3/1,000 sf |
| Tobacco/Hookah/Vaping | 3.5/1,000 sf |
| Vehicle Sales or Rental | 4/1,000 sf plus 3 for each bay |
| Vehicle Rental, Truck | 2/1,000 sf |

| | |
|-----------------------------|------------|
| Vehicle Service, Major | 4/1,000 sf |
| Vehicle Service, Minor | 4/1,000 sf |
| Vehicle Service, Commercial | 2/1,000 sf |

(F) Minimum Space-Aisle Standards.

| Space Angle | Space Width | Parking Row Depth | Curb Width | Drive Aisle Width: One-Way | Drive Aisle Width: Two-Way |
|----------------------------|-------------|-------------------|------------|----------------------------|----------------------------|
| Parallel (0°) | 8' | 8' | 22' | 12' | 22' |
| 45° | 8'-6" | 18' | 12'-9" | 15' | 24' |
| 60° | 9' | 19' | 10'-5" | 18' | 24' |
| Perpendicular (90°) | 9' | 18' | 9' | 24' | 24' |



- (1) Right-of-way.** Except for off-street parking areas serving single-family detached or two-family dwellings, parking spaces and access aisles shall be set back a minimum of ten feet from the street right-of-way.

(G) Parking Alternatives. The Zoning Administrator is authorized to consider an alternative parking plan that proposes alternatives to providing the off-street parking spaces, in accordance with the following standards.

- (1) Parking Demand Study.** An alternative parking plan that includes a parking demand study demonstrating how the number of parking spaces is adequate for the proposed development, or functional needs, and is in substantial compliance with the intent and purpose of parking standards. If the Zoning Administrator determines that the number of

spaces is not adequate or exceeds the maximum, the Board of Zoning Appeals may consider a variance to the requirements, based on established criteria for a variance.

(2) Mixed-Use Development. A development containing more than one use shall provide parking spaces in an amount equal to the total of the standards for all individual uses. An applicant for a development containing more than one use may submit an alternative parking plan that proposes a reduction in the minimum number of required off-street parking spaces for the development based on a comprehensive analysis of parking demand for each use by time of day.

(3) Existing Conditions Reduction. Where a property does not have the area available to provide off-street parking spaces because of existing conditions that were lawful at the time of establishment (e.g. an existing building covers the entire parcel), the following uses shall only be required to provide as many off-street parking spaces as will physically fit upon the property:

- (a)** Any nonresidential use that has a minimum parking requirement of three or fewer parking spaces for each 1,000 square feet of gross floor area or a retail sales use.

(4) Off-Site Parking. An alternative parking plan may be proposed to meet 10 percent of the minimum number of off-street parking spaces required for a use with public off-site parking—in accordance with the following standards.

- (a)** The zoning district classification of the off-site parking shall be one that allows the use and is designed to all applicable buffer and landscaping standards.
- (b)** Off-site parking spaces shall be located within 400 feet of the primary pedestrian entrances to the uses served by the parking. Distance shall be measured by the actual distance of the pedestrian walkway from the shared parking area to the primary pedestrian entrance(s), not a straight-line, point-to-point distance.
- (c)** Off-site parking spaces shall not be separated from the use they serve by an arterial street unless safe pedestrian access across the street is provided by appropriate traffic controls (e.g., signalized crosswalk), or a grade-separated pedestrian walkway.
- (d)** Adequate, safe, and well-lit pedestrian access shall be provided between the off-site parking area and the primary pedestrian entrances to the use served by the off-site parking.

(5) On-Street Parking. If on street parking is available, an alternative parking plan may propose to provide 10 percent or 4 spaces, whichever is less, of the minimum number of off-street parking spaces required through on-street parking along streets that are adjacent to the development.

(H) Vehicle Stacking. In addition to meeting the off-street parking standards, uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service facility, shall not impede on-site or off-site vehicular traffic movements or movements into or out of off-street

parking spaces, nor impede pedestrian movements in a stacking plan. If applicable, requirements of SCDOT and/or Berkeley County may be considered.

(I) Loading-Fire Lane. Any new development involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development shall provide a sufficient number of off-street loading berths to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner. The off-street loading berth shall be arranged so that vehicles shall maneuver for loading and unloading entirely within the property lines of the site, without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle. All requirements of Fire Code shall be required.

(J) Disabled. Every off-street vehicle parking area and parking garage available to the public shall have parking spaces reserved for the use of physically disabled persons as required by the latest federal ADA Accessibility Guidelines.

(K) Electric Vehicle Charging Stations (EVCSs)

(1) An electric vehicle charging station shall mean a public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle.

(2) If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a motor fuel station for zoning purposes. Installation shall be located in zoning districts which permit motor fuel stations.

(3) All new or reconstructed parking structures or lots shall be required to install EVCSs according to below when one of the following conditions is met:

(a) The development includes a new off-street parking facility with more than 20 spaces; or

(b) The parking capacity of an existing building, site, or parking facility with 20 or more spaces is increased by 30 percent or more; or

(c) The new or existing off-street parking facility is for a mixed-use or commercial land use.

(4) General Station requirements

(a) Size. A standard size parking space shall be used for an electric vehicle charging station where such a station is required or planned.

(b) Equipment Standards and Protection. Where provided, parking for electric vehicle charging purposes shall meet the following standards:

(1) EV charging stations shall not be permissible inside structures in commercial and residential districts.

(2) Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.

(3) All EV charging station parking areas are required to be a minimum to ten (10) feet from noncharging station parking areas and structures.

(4) Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted

and shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.

(5) When the electric vehicle parking space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops, or concrete-filled steel bollards shall be used.

(6) Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment by the owner or operator.

(c) **Informational Signage.** Electric vehicle charging stations, other than in residential use, shall have posted directional signage allowing only charging electric vehicles to park in such spaces. For the purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment. Signage for parking of electric vehicles shall include:

(1) Information on the charging station to identify voltage and amperage levels and any time of use, fees, or safety information.

(2) As appropriate, directional signs to effectively guide motorists to the charging station space(s).

5.5: Open Space

(A) Intent. Open space set-asides serve numerous purposes, including preserving natural resources, ensuring resident access to open areas and active recreation, reducing the heat island effect of developed areas, providing civic and meeting spaces, enhancing storm water management, and providing other public health benefits. These areas shall be delineated on the required site plan or final plat.

(B) Open Space Typologies

- (1)** Recreational open space. Open space may include active or passive recreation such as outdoor swimming pools, playgrounds, sport courts, dog parks, community gardens, parks, pavilions, courtyards, seating areas, outdoor dining areas, plazas or upper-level facilities such as shared or common balconies, rooftop decks or rooftop gardens.
- (2)** Natural open space. Up to 50% of the required open space may include naturally-occurring resources such as open water, streams, riparian areas, wetlands, forested areas, tree canopy preservation areas, aquatic buffers/floodplains and designated steep slope areas. In order to qualify, natural open space areas must also provide pedestrian access on a path that must meet the following:
 - (a)** In addition to the path, at least one other amenity must be provided such as seating/ benches, picnic tables, or viewing platforms;
 - (b)** The average slope of the path shall be less than 15 percent;
 - (c)** Paths must measure at least 80% of the longest distance (length or width) of the open space or 500 feet, whichever is less.
- (3)** Public amenities. Land set aside for public use including greenways, sidewalks, streetscape and hardscape areas that allow for public gathering such as sidewalk cafe areas, areas containing public art, and similar urban amenities that measure at least 14 feet wide may be counted in their entirety.
- (4)** Stormwater control measures. Above ground land used for stormwater management (provided such land is not separately fenced) that is developed using stormwater green infrastructure design methods and integrated into the pedestrian experience (e.g. rain gardens, bioswales, green roofs or similar features).

(C) Areas not included in open space calculations.

- (1)** Stormwater control areas. Dry and wet detention basins, constructed wetlands, or similar structures that have no pedestrian access (e.g. integrated trail, bench, overlook, or other similar feature).
- (2)** Property Line Buffers.
- (3)** Tree Corridor areas.
- (4)** Required Setbacks.
- (5)** General Landscaping requirements.

(D) Residential Standards. Open space shall be based on the following:

- (1)** Quantity. The amount of required open space shall be based on the total parcel area, except that for subdivisions road rights-of-way shall be subtracted.

| DEVELOPMENT TYPE | PERCENT OPEN SPACE | |
|-------------------------|--------------------|----------------|
| | Less than 1 acre | 1 acre or more |
| Subdivisions (6+ lots) | 15%* | |
| Multifamily Residential | 10% | 15% |

***See Permitted Reductions below**

- (2) Minimum dimension. The minimum dimension of any open space shall measure at least 10 feet in all directions, except that rooftop or balcony open spaces shall have a minimum dimension of seven feet in all directions.
 - (3) Minimum area. The minimum size of individual areas designated as open spaces shall not be less than 400 square feet.
 - (4) Subdivisions. In residential subdivisions, open spaces shall have at least one side along street frontage that measures an average of at least 40 feet wide for a minimum depth of 20 feet. As an alternative, a path or trail measuring a minimum of 12 feet in width may be used to connect the street frontage to a designated open space. In this alternative of a path to open space, the required open space is increased to 120 percent of the required open space and must provide pedestrian access that shall be identified and recorded as such on the subdivision plat.
 - (5) **Cohesion.** At least 60 percent of the required open space must be located in one contiguous area.
 - (a) Open space should adjoin any neighboring areas of open space, tree preservation areas, or other protected areas and non-protected natural areas.
- (E) Permitted reductions of required open space.** As an incentive for design alternatives providing other public benefits, the open space requirements may be reduced according to the options below.
- (1) Open space requirements may be reduced by five percent when meeting the following design elements:
 - (a) Cohesion. At least 70 percent of the required open space is contiguous.
 - (b) Slope. All required open space shall have an average slope of less than 15 percent with at least 50 percent of the open space maintaining an average slope that is five percent or less.
 - (c) Shape. The shape of the open space shall be rectangular with the longest dimension less than 160 percent of the shortest dimension, unless the average width is greater than 40 feet.
 - (d) Seating. Seating shall be provided for the open space. For every 250 square feet of required open space, one linear foot of seating shall be provided. Seating shall provide a mix of seating types, such as conventional seating with armrests and backs as well as informal seating (i.e. steps, edges of raised planters, boulders, etc.).

(F) Employment Campus Zoning District. A minimum of 15% of project area shall provide open space. Formally planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens, community gardens, green roofs, gazebos, and similar structures shall be integrated. Formal plantings and gardens shall have at least one direct access to a building or to a street, bikeway, or walkway accessible to the development's occupants and users. In review, Staff shall give consideration to the needs for open space in conjunction with the programmed space.

(1) Courtyard. A proposed courtyard shall be a park space on which proposed residential lots front and are oriented toward.

(a) The courtyard shall include walkways that meet or exceed standards for local roads.

(b) The courtyard shall be at least twenty-five (25) feet wide.

(2) Plazas. A proposed plaza shall be a park space on which proposed commercial storefronts or office units front and are oriented toward. The plaza shall typically include street furniture and articulated public spaces, including but not limited to some combination of benches, water features, gazebos, stages, planter boxes, and galleries.

(a) The plaza shall be at least forty (40) feet wide and no larger than one-half (½) acre in size.

(b) Plazas shall be designed to prevent regular vehicle traffic but shall accommodate aerial fire trucks.

(c) A plaza shall have at least one direct access to a principal building, or to a street, bikeway, or walkway accessible to the public or the development's occupants and users.

(G) Exemptions. The following are exempted from open space requirements.

(1) Projects located in the following zoning districts: Village Node, General Commercial, Light Industrial, Heavy Industrial.

(2) Properties with historic landmark designations.

(3) Residential developments of five or less units or lots.

(H) Prohibitions. In no case shall open space contain any of the following:

(1) Streets, driveways, or parking areas

(2) Above-ground utility cabinets larger than two square feet

(3) Fenced stormwater ponds

(4) Structures, other than recreation community facilities such as outdoor pools, playgrounds, and open air gazebos and pavilions

(5) Hazardous or toxic waste or materials as defined by state or federal regulations (except if covered by a City-approved mitigation plan)

(6) Natural gas transmission line rights-of-way

(7) Interior parking lot planting islands

(I) Ownership, Management, and Maintenance. All open space set-aside areas shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities. Responsibility for managing

and maintaining open space set-asides rests with the owner of the land of the open space set-asides. Failure to maintain open space set-asides in accordance with this Section and the development approval or permit shall be a violation of this Ordinance.

Section Six: Signs

The regulations herein shall apply and govern all signs located in the City of Goose Creek. This section establishes the standards for the design, location, and characteristics of signs that are permitted as principal or accessory uses. No sign is permitted in The City except in conformity with this section.

6.1: Purpose

The purpose of this section is to promote the public health, safety, and welfare; and regulate the markets through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and design requirements. With these concepts in mind, this section is adopted for the following purposes:

- (1) To protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the public realm which affects the image of the City.
- (2) To promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be partially attributable to cluttered, distracting, and/or illegible signage.
- (3) To promote the use of signs which are aesthetically pleasing, of appropriate scale, and integrated with the surrounding buildings and landscape, in order to meet the community's expressed desire for quality development.
- (4) To promote and accomplish the goals, policies, and objectives of the City Council.
- (5) To balance public and private objectives by allowing adequate signage for business identification.
- (6) To provide Design standards which are consistent with other applicable ordinances and provisions.
- (7) To reduce the risk of property damage and personal injury from signs which are improperly constructed, improperly installed, or poorly maintained.

To achieve these purposes, it is the intent of this section:

- (1) to provide reasonably uniform standards while allowing functional flexibility, encourage variety, and create an incentive to relate signage to basic principles of good design.
- (2) To assure the public benefits derived from expenditures of public funds for the improvement and beautification of streets, and other public structures and spaces, are protected by exercising reasonable control over the character and design of sign structures which are near the rights-of-way.
- (3) To provide an improved visual environment for the citizens of, and visitors too, the City.

6.2: Definitions

Words and phrases used in this Article shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the zoning ordinance of the City of Goose Creek, shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Article.

Abandoned sign. A permanent principal use sign on property containing a building that has ceased operations permanent principal use signs on property shall be considered abandoned when the business activity that the property has ended for a period of six months.

Alteration. A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

Animated sign. Any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene.

Area of sign. The area within a continuous perimeter and closing the limits of writing, representation, emblem, figure, or character together with any frame, other material, open space, or color forming an integral part of the display or use to differentiate each writing, representation, emblem, figure, or character from the background against which it is placed. The display of street address on a ground sign, wall, or window shall not be computed in determining the maximum allowable area of ground sign, wall, or window sign.

Awning/Canopy sign. An awning that contains letters, numbers, symbols, pictures, logos, or visual display, or other communication, attached to, or painted on an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area, or made an integral part of an awning. For purposes of this code section, “awning signs” shall be considered “wall signs.”

Bandit sign. A commercial sign posted on a utility pole, street sign, or other street furniture; or any other sign placed within a public right-of-way or public property. A bandit sign generally has less than six (6) square feet or less of advertising area and are made of vinyl, paper, cloth, or fabric, Polyboard™, corrugated plastic, poster board, plastic core, cardboard, wood, or plywood, including signs with wood or wire framing post or stakes. All bandit signs are prohibited and illegal.

Banner. A sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, or fabric that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners. For purposes of this code section, a “banner” is a “sign.”

Building sign. A sign attached to a building, which may include wall signs, awning signs, and projecting signs.

Bench sign. A sign with or without characters, letters, illustrations, or ornamentation applied to a bench for the purpose of advertising.

Business frontage. The lineal front footage of the building or portion thereof, devoted to a specific business or enterprise and containing a main entrance/exit opening to the public.

Building marker. Any sign cut into a masonry surface or made of bronze or other permanent material.

Can sign. A sign in which the sign copy is placed on a transparent face, which is attached to an enclosed box or can, usually made of metal, with an internal light source.

Changeable copy. Any sign that incorporates changing lettering or images to form a sign message or messages, whether such changes are accomplished electronically or manually. A sign panel is not considered changeable copy.

Channel letter.

- (A) *Open faced.* A dimensional letter with a back and sides but no face at the front of the letter. Open Faced Channel Letters may be non-lit, externally illuminated, or illuminated by a light source contained inside the open channel of the letter itself, such as a neon tube.
- (B) *Internally illuminated.* A dimensional letter with a back, sides and a translucent front face capable of transmitting light from an internal light source within the letter.
- (C) *Reverse.* A dimensional letter with a face and sides but no back, opposite to an Open-Faced Channel Letter. A Reverse Channel Letter has an open channel facing the wall or building to which it is affixed. A Reverse Channel Letter may contain a source of illumination designed to project lighting against the surface behind the letter, commonly referred to as a Backlit Channel Letter; also referenced as a halo or silhouette lighted channel letter. The face of a Reverse Channel Letter does not illuminate.

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.

Conforming sign. A sign that is legally installed in conformance with all prevailing jurisdictional laws and ordinances.

Copy. Any combination of letters, numerals, words, symbols, pictures, emblems or other characters that constitute a message.

Directory sign. A single sign for multiple businesses, offices, professionals, industries, or other entities located within a planned center. Such signs are not usually visible from the public street right-of-way of a development which provides initial access to the property, but rather are located within the development, along a driveway, accessway, or parking aisle.

Directional sign. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

Display surface area. That area of a sign including the area of the smallest plane figure which can be made to include all of the idea, advertisement, identification, or information intended to be conveyed by a Sign, including any trim or other material or color forming an integral part of the display or used to differentiate the Sign from the background against which it is placed, but excluding uprights or other structural members which are not a part of the display.

Display time. The amount of time a message and/or graphic is displayed on an Electronic Message Sign.

Double Face Sign. Two (2) sign faces which are identical in size and message and either are displayed back-to-back or within 30° interior angle.

Electronic Message Board (EMB's). A permanent sign consisting of text, symbolic imagery, or both, that uses an electronic display created through use of a pattern of lights in a dot matrix allowing the sign phase

to intermittently change the image without having to physically or mechanically replace the sign face, including an LED (light emitting diode) sign.

Electronic Message Center (EMC's). An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source. (See also following terms principally associated with Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, Travel)

Externally illuminated sign. See Illuminated Sign.

Exterior sign. Any sign placed outside a building.

Fascia sign. A sign attached to, marked or inscribed on, erected or placed against a wall forming part of a building, or supported by or through a wall of a building and having the exposed face thereof on a plane approximately parallel to the plane of such wall and includes a painted wall sign and an awning sign.

Feather sign. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a single pole or staff for support and designed to move in the wind. Also identified as vertical banners.

Festoon. A string of ribbons, tinsel, flags, pennants, or pinwheel.

Field. Generally, the background upon which the sign copy is applied.

Flag. Any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other entity or organization. For purposes of this code section, except as otherwise provided herein, a "flag" is a "sign."

Flashing sign. A sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits marked changes in lighting effects.

Freestanding sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. A permanently affixed sign which is wholly independent of a building for support with a base of a width not less than the width of the sign face. The base of the sign face shall be flush with the supporting base, and the supporting base shall be flush with the ground and extend the full width of the sign. Except for subdivision entrance signs, freestanding signs may not be constructed before the principal building is on a lot.

Frontage, building. The width in linear feet of the front exterior wall of a particular building in which an establishment is located to which the plot or building fronts the main road.

Frontage, road. The distance in linear feet of each lot where it abuts the right-of-way of any public street.

Group development. Any land development subject to a site plan that includes two (2) or more principle buildings (without a sub-division of land) for the purpose of development (whether immediate or in the future) to be occupied by separate families, firms, businesses, or other enterprises.

Height of sign. The vertical distance measured from natural grade at the base of the sign to the highest point of such sign.

Holiday decorations. Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent, and which shall be removed thirty (30) days after observance.

Inflatable sign. Any sign that is or can be filled with air or gas, including but not limited to inflatable tubes and air powered dancing figurines.

Illuminated sign. A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s) [Externally illuminated].

Internally illuminated sign. Illuminated sign.

Marquee sign. A sign painted on, attached to, or hung from a marquee. For purposes of the Code Section, marquee signs shall be considered “wall signs.”

Menu board. A permanently mounted structure displaying the bill of fare for a drive-in or drive-thru business.

Monument sign. A freestanding sign where the structural part of the sign below the sign face encompasses an area at least 40% of the area of the sign face but no more than 1.5 times the area of the sign face, and which is composed of brick, stone, or other material approved by the Zoning Administrator. A monument sign is a ground sign.

Moving sign. A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the structural movement of parts.

Multi-tenant. One or more buildings, located on a single premise, containing two (2) or more separate and distinct individual establishments, which occupy separate portions of the building, and which are physically separated from each other by walls.

Non-conforming sign. Any sign which lawfully existed on the effective date of this Code Section, but which does not conform to the provisions of the Code Section, or which does not comply with this Code Section due to amendments to this Article since the date of erection of the sign.

Off-premises sign. A sign that advertises goods and services not sold on the premises.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind. For purposes of this Code Section, pennants are “signs.”

Permanent sign. Any sign which, when installed, is intended for permanent use. A permanent freestanding sign shall be of a type and construction so as not to be easily or readily removed from the lot on which it has been erected.

Place of Business. The physical location within a building at which a single business or entity legally operates pursuant to all Federal, State, City or other applicable laws and regulations. Any interconnectivity within a building from one location or tenant space to another shall constitute the same place of business. The use of a physical location, which is bounded on all sides by walls by more than one (1) legally operating business or entity shall only constitute a single place of business. In the event such a physical location is used or occupied by more than one (1) business, in order for such physical location to constitute a "place of business," all businesses and/or entities operating therein must be operating pursuant to all Federal, State, City or other applicable laws and regulations.

Pole sign. A freestanding sign that is detached from a building and is supported by one or more structural elements that are either architecturally dissimilar to the design of the sign and/or Start stopped there stop less than the width of the sign face.

Portable sign. Any sign, whether on its own trailer, wheels, or otherwise, which is designed to be transported and that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols (i.e., a changeable copy sign). Even if the wheels or supports of such sign are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, said sign shall remain a portable sign. In addition, the following shall be deemed a portable sign.

- A sign mounted or painted upon a parked vehicle that is positioned for the primary purpose of acting as a sign exposed to the public and is not in use in the ordinary course of carrying out its transportation function. See vehicle sign.

Portico. A porch or walkway, open to the outside air, that is covered by a roof supported by columns or pillars, typically leading to the entrance of a building. Signs attached to portico's are considered "wall signs" for purposes of the Code Section.

Principal Use sign. Any notice or advertisement, which is permitted in conjunction with (but not necessarily containing copy specifically related to) a single principal use or single principal building located on the property, and which may display a non-commercial, commercial, or other message, the content of which is not regulated by this Code Section.

Project Entrance sign. A sign located at a discernible entrance into a property consisting of more than one subdivided lot or developed with more than one principal building (e.g., a particular residential subdivision, multi-family residential development, or office, or industrial park).

Projecting sign. Any sign which is suspended or projected from the wall, eave, or soffit of the building. (see also figure, "Types of Attached Signs").

Public sign. Any sign erected by a governmental entity.

Replacement cost. Cost of replacing a structure or building at current costs at the time of the loss, identical to the one that was destroyed or is being replaced, without application of depreciation.

Roof sign. A sign projecting higher than the front building wall, or any sign supported by or attached to said roof.

Sidewalk or Sandwich sign. A temporary, movable sign not secured or attached to the ground or surface upon which it is located no more than ten (10) feet from main business entrance. Sign to be displayed during business hours of operation only. This type of sign is typically "A" shaped or in some variation thereof and usually double-sided. Definition shall include a sign displayed on an easel.

Sight triangle. A triangle at an intersection, formed by the two roads or rights-of-way and a third line, which must be kept clear of obstructions includes but is not limited to "landscaping," "signs," and "site elements" so as not to impair any visibility for pedestrian or vehicular traffic.

Sign. Any device, fixture, placard, or structure affixed to, supported by, or suspended by a stationary object, to a building or to the ground that uses any color, graphic, illumination, symbol, or writing to announce, direct attention to, identify, advertise or communicate a message to the public. Signs do not include the flag or emblem of any nation, organization of nations, state, city or any fraternal, religious or civic organizations; works of art which in no way identify a product; or scoreboards located on athletic fields. Except where the address is also the name of the business, or institution owning or occupying the premises, displayed address information is not a sign or part of a sign for the purposes of this code.

Signable area. In the case of a wall sign, signable area shall be the building face on which the sign is proposed, excluding windows and doors. In the case of marquees or canopies, signable area shall be the area of area of the marquee or canopy wall on which the sign is proposed. For window signs, signable area shall be measured and calculated on the basis of the proportion of area within each individual window frame, not the total window area of all building windows visible from a street.

Sign copy. The physical sign message including any words, letters, numbers, pictures, and symbols.

Sign face. The area of a sign where the message is displayed. It includes the entire area of the surface of a sign, including the border or frame, and any material forming an integral part of the background of the display or used to differentiate the sign from the backdrop or building against which it is erected.

Special event. A non-routine activity within the City of Goose Creek that brings together a number of people including, but not limited to, a performance, exhibition, festivals, concerts, carnivals, arts and craft shows, meeting, assembly, contest, exhibit, ceremony, parade, or athletic competition for which specific space is requested to be reserved. Special Event shall not include casual park use by visitors or tourists.

Streamers. See "Pennants."

Suspended sign. Any sign which is suspended from the eave or soffit of the building.

Swinging Sign. A sign other than an animated sign as defined by this Article, where the sign copy area is attached to a sign structure in a way that can be set in motion with pressure, and where the sign structure is attached to a building at a height above normal eye level. This term does not include any freestanding signs. A swinging sign may be considered in lieu of permitted wall signage.

Temporary sign. A sign that is not permanently mounted, which are intended to be temporary and are of the type capable of being removed with minimal effort.

Vehicle sign. Advertisement or graphics intended to advertise business displayed on the exterior of a vehicle, but does not include license plates, license plate frames.

Visible. Capable of being seen (whether or not legible) without visual aid by a person of normal visual activity.

Wall sign. Any sign attached parallel to a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. No wall sign shall extend more than six (6) inches from any wall, building, or structure.

Wayfinding sign. A system of public signs identifying direction to major public and private facilities or destinations of interest to the general public and typically including graphic elements mounted on separate freestanding poles or incorporated with other sign, light, or traffic standards.

Windblown or air-blown device. Any device not otherwise specifically defined in this Code Section, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by wind or mechanically compressed air. For purposes of this Code Section, windblown devices are “signs.”

Window sign. Any sign that is placed inside a window, within two (2) feet of a window, or upon the windowpanes or glass, either inside or outside the building, and is visible from the exterior of the structure.

6.3: General Provisions

(A) Severability

If any portion of this Ordinance is deemed invalid on any basis, it shall be severable from the remaining portions with the intent that remaining portions be construed to accomplish the purpose of this Ordinance.

(B) General Standards

- (1)** A permit shall be required for the erection, alteration, or reconstruction of any sign intended for view from the public right-of-way unless otherwise noted and shall be issued by the Zoning Administrator in accordance with this Ordinance.
- (2)** No sign shall interfere with motorists’ vision, nor simulate traffic control or emergency vehicle lighting.

- (3)** Hazard or directional signage. Signs less than four square feet in area, pointing out dangers to human safety existing immediately around the sign or safety devices on the property such as “flammable,” “dangerous dog,” “fire extinguisher,” “step,” “fire escape,” “high voltage,” “danger,” “keep out,” “no trespassing” or similar words and/or symbols, shall not be included in computing maximum allowable sign area. These signs shall not include any advertisements or the logo or colors of a business or other information not directly related to the danger or safety device or method.
- (4)** Compliance with building and electrical codes. All signs in their installation, maintenance, and removal must comply with the provisions of the building and electrical codes adopted by the City. The Zoning Administrator or Building Official may require additional certification by an engineer when he/she is uncertain that the proposed method of construction is adequate.
- (5)** All signs shall be maintained in sound structural condition. No sign shall be allowed to deteriorate to a condition in which it requires repairs or renovations in an amount that exceeds fifty percent (50%) of its current replacement cost as determined by a licensed sign company. This includes signs which are defaced, missing some or all illumination or characters, and whose finishes or facings are chipping, peeling, cracking, or broken in any way shall be deemed to be in disrepair. Signs that deteriorate to such a condition that they are in violation of this Ordinance shall be either removed repaired, or replaced within sixty (60) days after the receipt of notification from the Zoning Administrator. If a sign is replaced, it shall comply with the standards in this section at the time of replacement. Nonconforming signs are subject to the provisions of this Ordinance.
- (6)** Illumination:

 - (a)** No sign or lighting device shall be placed or directed to permit beams or illumination upon a public road, highway, sidewalk or adjacent premises or residence, or skyward so as to cause a traffic hazard or nuisance. No sign lighting is allowed which switches on and off intermittently, changes intensity and/or color, or otherwise creates an illusion of flashing or movement. All bare light bulbs, except bulbs less than fifteen (15) watts, shall be directed toward the face of the sign. Signs within fifty (50) feet of a residential district shall be shielded from casting glare into the district. Signs within residential districts shall be shielded from casting illumination into residences within one hundred (100) feet.
 - (b)** When choosing to illuminate a sign, the following standards shall apply:

 - (1)** The use of backlit (halo), individually cut reverse channel letter signs, or stenciled panels with three-dimensional push-through graphics is required.
 - (2)** Other types of illumination which are permissible include goose neck lighting, up-lighting, and down-lighting.
- (7)** Height, setback, measurement, and location.

 - (a)** Freestanding signs shall not extend within a street right-of-way or obstruct vision within the sight triangle.
 - (b)** When a sign’s base is located below the grade of a road that is adjacent to the property and to which it is oriented, the sign height shall be measured from the grade of that road centerline.
 - (c)** The dimensional requirements for sign faces shall be considered the allowable area of any one sign face, whether the sign is single or double-faced. No

projecting sign shall project more than twenty-four (24) inches over a sidewalk right-of-way, provided that no part of the sign shall encroach within a vertical plane measured two (2) feet from the edge of the adjacent street pavement. The bottom edge of the sign must maintain a clearance of at least eight (8) feet from the finish grade level below the sign.

- (d) Free-standing monument signs, awning signs, canopy signs, marquee signs, and temporary signs shall be located within the property lines and have a minimum setback of ten (10) feet from the back of curb, and shall not be installed within, nor project into the vertical plane of the street right-of-way.
 - (e) Fascia signs may project no more than six (6) inches from a wall.
 - (f) No sign shall be attached to or obstruct any fire escape or opening intended as a firefighting point of ingress or egress, interfere with any opening required for legal ventilation or prevent free passage from on part of a roof to another.
 - (g) Street furniture, such as benches, waste receptacles, fountains and the like shall not be used for advertising purposes.
 - (h) The placement of signs shall ensure visibility at intersections and ingress and egress points.
- (8) Colors shall be harmonious, and only compatible accents shall be used. Color combinations of paints or stains shall be complimentary to the proposed structure(s), or provide an improved palette than any existing structure(s) and the adjacent environment. Color and texture for architectural finishes shall be selected to provide visual unity. Unpainted, bright metal, reflective, bright or garish colors, or garish contrasting surfaces are prohibited.

(C) Applicability

- (1) General – Unless exempted in accordance with this Ordinance, no sign allowed by this section shall be erected, repaired, altered, relocated, maintained or displayed without first being issued a Sign Permit and complying with the relevant standards of this section.
- (2) Responsibility for Compliance - Review for compliance with the standards of this section shall occur at the time of application for a sign permit.
- (3) Termination - If a business discontinues the use of a site, sign faces/message used by the business that were previously erected on the site, or off-premise freestanding signs shall be considered as abandoned and shall be fully removed within 180 days of vacating the site. General information such as “For Lease” or “For Sale” and contact information is permitted to assist in leasing or selling the site. It shall be the responsibility of the owner of the land to remove all abandoned signs. Abandoned signs may not be leased, rented, or sold for off-site advertising.

6.4: Prohibited Signs

- (A) Unless specifically permitted elsewhere, the following signs shall be prohibited in the City of Goose Creek:
 - (1) Signs which imitate an official traffic sign or signal, safety related signage (e.g., “Fire Escape” or Exit”) or contain words or symbols displayed in a manner which could mislead or confuse drivers of vehicles, or which display intermittent lights resembling the color, size, shapes or order of lights customarily used in traffic signals or on emergency vehicles or on law enforcement vehicles.

- (2)** Signs which utilize lights, individually, as part of a lighting component, or in any other manner, that flash, strobe, pulsate, blink, twinkle, and/or that create a sense of movement by scrolling, rolling, expanding and contracting written messages or visual images, and/or that recreate or simulate moving video images.
- (3)** Signs appearing in such a manner as to obstruct or interfere with a driver's view of approaching, merging, or intersecting traffic, or of a traffic signal, device or sign, or which would otherwise interfere with a driver's operation of a motor vehicle.
- (4)** Signs employing motion.
- (5)** Sign lighting that casts intense illumination onto any residential premises located in any residential district in a manner that by intensity, duration, location, or other characteristic is incompatible with a residential character.
- (6)** Stationary vehicle signs present in same location for more than 48 hours or abandoned vehicle signs.
- (7)** Portable signs.
- (8)** Any sign which emits a sound, odor, or visible matter.
- (9)** Signs using the words "Stop", "Danger" or any word, phrase, symbol, or character typical of a life-safety sign (e.g., "High Voltage") if used in such a manner as would pose a risk to motorists or pedestrians', including ones which pose a substantial risk of confusing a driver.
- (10)** Signs painted on or attached to trees, fences, parking bollards, rocks or natural features, telephone or utility poles or painted on the roofs of buildings visible from any public thoroughfare.
- (11)** Signs installed or erected upon any public right of way including the unpaved portion of any road or right-of-way. This does not apply to signs installed by or on behalf of any governmental entity having the right to install signs of that type at that location.
- (12)** Any sign towed behind a boat, raft, aircraft, helicopter, or recreation vehicle.
- (13)** Any sign which exhibits statements, words or pictures of obscene or pornographic subjects.
- (14)** Beacons or search lights.
- (15)** Inflatable signs, including balloons.
- (16)** Streamers, ribbons, windblown propellers, feathers, strung light bulbs, pennants, bench or furniture signs.
- (17)** Off-premises signs except for advertising signs.
- (18)** Abandoned signs.
- (19)** Dilapidated signs.
- (20)** Bandit signs.
- (21)** Flags containing text or graphics advertising a business, service, or product.
- (22)** Pylon and pole signs.
- (23)** Permanent banner signs.
- (24)** Signs in wetlands shall not be permitted except by government entities.
- (25)** Internal illuminated awning signs.
- (26)** Signs erected without the permission of the owner or other person having a legal right to install signs at that location.
- (27)** Signs erected on the property of the City of Goose Creek, except those erected by or on behalf of the City of Goose Creek.
- (28)** Rope lighting, including rope lighting located on the interior of a building.

6.5 Signs for Which a Permit is Not Required

- (A)** A permit shall not be required for the following types of signs, provided all other applicable provisions of this Ordinance are met. Such signs shall not be considered in determining the allowable number or size of signs on a lot.
- (1)** Traffic signs, including directional, wayfinding, warning and information signs, owned by the City, County or SCDOT, and located in public rights-of-way or other adjacent property.
 - (2)** Official notices issued, or required to be posted, by any federal, state, county, or municipal government.
 - (3)** Signs not exceeding one square foot in area and bearing only the property address, names of owners or occupants of the premises, or other identification of premises, and not having a commercial message. Governmental flags of the United States or State of South Carolina except when displayed in connection with commercial promotion.
 - (4)** Government flags of the United States or State of South Carolina except when displayed in connection with commercial promotion.
 - (5)** Indoor signs not observable from outside the building.
 - (6)** Public utility signs not exceeding one square foot in area provided they are placed on the utility's equipment or adjacent to the utility's equipment (e.g., high voltage sign or the name of the utility that owns the pole).
 - (7)** Window signs not exceeding two square feet, indicating business hours of operation, credit cards which are accepted on the premises, or group affiliations with which the business is associated, or clubs or groups which utilize, recommend, inspect or approve the business for use by its members, and non-illuminated "open" and "closed" signs.
 - (8)** Gasoline station pump signs. Signs shall be allowed on gasoline station pumps so as to provide information to the public such as gallons, price, octane rating, and type of fuel. As the trade name of the business is often times incorporated into the name for the different types of fuel, the trade name and any associated symbols shall be permitted on the pumps as flat signs not to exceed three square feet in area per sign face and shall not extend above the top of the fuel pump.
 - (9)** Signs to warn of a danger to human safety existing immediately around the sign or safety devices or methods in the area of the sign, including no trespassing signs. Examples of this would include "Keep Out", "Flammable", "Dangerous Dog" or "Fire Escape".
 - (10)** If a property is for sale, lease or rent by a licensed real estate agent or via a bona fide for sale by owner or private listing, the property may have one sign per street frontage restricted as follows:
 - (11)** A freestanding temporary sign subject to the following:
 - (a)** For a single-family residential lot, one eight-square-foot sign is allowed per property.
 - (b)** For all properties other than single-family residential, one thirty (32) square foot sign is allowed per property.
 - (c)** A temporary street sign which shall be restricted to non-residential areas only and shall be limited to one 32 square foot sign per street frontage of the building on the side facing the street. Thus, a non-residential building for sale or lease could utilize this provision to have a "For Sale" or "For Lease" sign on each side that there is street frontage.
 - (d)** The signs in (A) and (B) shall be alternatives for non-residential structures. Each street frontage shall be allowed one sign of either type, not both. Thus, a home for sale could have a freestanding temporary freestanding sign up to eight square foot per street frontage. If the house had frontage on two sides, then

one temporary freestanding sign would be allowed on each street. On the other hand, a commercial property held out for sale or lease might have a temporary sign up to 32 square feet on one side and a temporary sign affixed to the building up to 32 square feet on another side if it had two street frontages.

- (e) The sign shall be removed within 30 days of the property being sold, rented or leased.
- (12) Wall signs located at a service entrance provided there is not more than one per business and the sign does not exceed four square feet in area.
- (13) Signs on or a part of a vending machine, donation container, and similar accessory equipment, which are an integral part of the equipment and advertise only the products or services available from that equipment.
- (14) Scoreboards and other signs at outdoor recreation facilities, and oriented to the interior of the facility.
- (15) Temporary residential signage not otherwise prohibited and as specifically outlined herein, that does not exceed thirty-two (32) square feet, ground mounted, less than four (4) feet in height and located at least ten (ten) feet away from any right-of-way.
- (16) Signs During Elections and Referendums: During the Period thirty (30) days prior to an election or referendum applicable to citizens of the City of Goose Creek and seven (7) days after such an election or referendum, a property owner or tenant in possession may post up to four (4) non-commercial signs and another one for each one hundred (100) feet of street frontage. Signs shall not exceed eight square feet per sign face in residential areas and thirty-two (32) square feet in commercial areas.

6.6 Regulations by Zoning District:

A permit shall be obtained prior to the erection, installation, or display of any signs except those not required to have a permit. The following permanent signs and no others shall be allowed, subject to the issuance of a sign permit and compliance with all applicable development standards of this article. The following regulations apply to the following specified types of signs:

(A) Residential Zoning District

- (1) For a property used principally as a residence, one sign not to exceed ten (10) square feet with a minimum allowance of one sign per separate dwelling unit. Each residence gets one sign.
- (2) For property principally used as a residence, one temporary sign not to exceed 8 square feet which is displayed no more than three times per year for a total not to exceed twenty-one (21) days total in any calendar year. This will allow for garage and yard sale signs, or special celebration signs such as for a graduation or birthday. The three (3) times per year and twenty-one (21) total days limit applies even if the message on the sign or sign itself changes.
- (3) For each property in a residential district with structures that have a lawful principal use other than a residence, one sign, bulletin board or entrance marker not exceeding thirty-two (32) square feet. This only applies to a lawful principal use of a property for something other than a residence in the residential area. This does not apply to home occupation businesses.
- (4) Such signs shall be permanent in nature. The right to this type of sign ends when the structures on the property are no longer principally used for a non-residence.

- (5) While a property has a valid building permit for construction or a substantial renovation a sign not over twenty (20) square feet in area, to be removed within thirty (30) days after project completion. This would allow for a sign reflecting the contractor or subcontractors, financing company.
- (6) Subdivision entrance sign(s), to be approved by the Zoning Administrator.

(B) Commercial and Industrial Zoning Districts

Commercial and Industrial Zoning Districts. Signs on the wall of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:

(1) Window Signs

- (a) Window signs are those signs which are attached to or located within twelve (12) inches of the interior of a window. Window signs may be displayed in ground floor windows only. Allowances for the number and size of window signs are provided in the Sign Table.

(2) Building Signs

- (b) Building signs are those types of signs attached to a building, and include wall signs, awning signs, and projecting signs. Allowances for the number and size of building signs are provided in the Sign Table Applicants are encouraged to submit sign plans for evaluation during the building permit review process.
- (c) Standards for all building signs.
 - (1) Building signs for businesses occupying space above the ground floor of a building are not allowed, except for multi-story buildings, and only for the primary tenant as determined by the building owner. Identification for other tenants should be limited to an area on or adjacent to the ground floor door leading to the upper floor.
 - (2) The use of awnings for the primary purpose of providing signage is not appropriate. Internal illumination of semi-opaque awnings is not permitted.
 - (3) The use of flat panel, cabinet or box signs are only permitted with opaque field/background.
- (c) Facade Repair Process
 - (1) Repair of the facade is required during building sign replacement. The repair of any holes, electrical wiring, paint discoloration, exposed raceways, obsolete signage, or other repairs as noted by the Zoning Administrator is required prior to final approval.

(3) Freestanding Signs

- (a) Freestanding signs are those types of signs that are supported by a structure secured to the ground and are wholly independent of any building, other than a proportionate sign structure, for support. Freestanding signs include monument signs. Allowances for the number and size of freestanding signs are provided in Section 151.084.12. Applicants are encouraged to submit sign plans for evaluation during the site plan and building permit review package.

- (1)** Lighting. Free standing signs may be illuminated internally provided the field/background is opaque allowing only the copy (letters and logo) to be illuminated.
- (2)** Address. The address of the property shall be displayed on the freestanding sign oriented to the street on which the address is assigned. The address shall be displayed using a character size of at least six inches tall. Signs perpendicular to vehicular travel shall have the address on both sides of the signage. Address shall be illuminated.
- (3)** Landscaping. Monument style signs are an integral part of the overall built and landscaped environment of a site. Landscaping around the base of a freestanding sign must be used to soften a blank base of a sign and to help integrate a sign into its surroundings. Evergreen foundation plantings are required. A landscape plan and schedule must be submitted with completed sign application. Plantings must not exceed a height that would interfere with foot or vehicle traffic or visibility of the sign.
- (4)** A business may substitute a freestanding sign for one additional building sign, provided that the cumulative square footage does not exceed the maximum allowable area schedule must be submitted with completed sign application.

(4) Electronic Message Board (EMB s) Signs

- (a)** Permitted locations. Schools, places of worship, and governmental buildings including municipal complexes.
- (b)** Sign, style, height, width, and setback. The electronic message board shall be integrated into a monument sign with a brick or stone base. The sign shall not exceed eight feet in height and ten feet in width, including the base and all brickwork. The sign shall be setback with a minimum of ten feet from the front property line. The electronic message board may display letters only, with a maximum of three lines of text. Only numbers and text are permitted.
- (c)** Electronic Message Board Sign area. The maximum area of the electronic message board sign component shall not exceed forty (40) square feet or fifty percent (50%) of the total sign area, whichever is less.
- (d)** Color and brightness control. Message copy shall be limited to one color (Zoning Administrator to approve color; school spirit colors allowed upon approval), white or amber, on a black background. The sign shall be equipped with photosensitive equipment which automatically adjusts to the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
- (e)** Interval. The sign may only display one new message per hour unless required for emergencies.
- (f)** Movement. The use of animation, flashing, scrolling, or blinking characters is prohibited.

(5) Electronic Message Center (EMC) Signs.

- (a)** To be permitted for service/gas station fuel pricing. EMC Illumination Measurement Criteria: The illuminance of an EMC shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC

displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the total square footage of the EMC as set forth in the accompanying Sign Area of a Sign versus Measurement Distance table.

- (b) EMC Illumination Limits: The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 foot-candles at night.
- (c) Dimming Capabilities: All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.
- (d) Limits of EMC Use: The EMC shall only be permitted on gas stations and the price for gasoline displayed in RED numerals and GREEN for Diesel fuel with black background.
- (e) Interval: Displays shall only change a fuel price adjustment. It is not permitted to cycle through various fuel grades or payment options.

(6) **Freestanding Signs.** For group developments where multi-tenant freestanding signs are used, the number of tenant panels on each sign shall be limited to five, plus the name of the development. Allowances for the number and size of multi-tenant signs are provided in this Ordinance. Businesses located in shopping centers are not authorized to erect freestanding signs.

- (a) Address. The address of the property shall be displayed on the freestanding sign oriented to the street on which the address is assigned. The address shall be displayed using a character size of at least six inches tall. Signs perpendicular to vehicular travel shall have the address on both sides of the signage.
- (b) Master sign program for multi-tenant development shall be submitted as part of the permit review process.

6.7 Temporary Event Signs and Display of Flags

(A) **Special Event Signs and Banners.** Special event signs/banners are restricted to businesses, churches, schools, and government entities other than the City of Goose Creek and are subject to the following conditions and limitations:

- (1) Each business, church or school is limited to two special event sign/banners during the calendar year and must obtain a permit from the Zoning Administrator.
- (2) All temporary event signage must be temporary in nature.
- (3) Only one banner or special event sign is allowed for each special event at any given time.
- (4) Banners and special event signs may be displayed a maximum of thirty (30) days and no more than twice per year. Applicants shall indicate on the permit the days the special event signs or banners will be displayed.
- (5) Banners and special event signage shall be properly secured and maintained at all times and shall not interfere with pedestrian or vehicular movement. Banners shall not be strewn between buildings, utility poles, trees or over rights-of-ways or public

sidewalks.

- (6) The maximum size of a banner or special event sign shall be fifty (50) square feet.
- (7) Faded, tattered, or unsecured banners and mounting hardware which is broken or bent shall be removed or repaired in a timely manner.
- (8) Restrictions are not applicable to signs installed by the City of Goose Creek.

(B) Display of National, State, and Corporate Flags

- (1) The maximum height above grade for a ground mounted flagpole shall be thirty-five (35) feet or fifteen (15) feet above the highest point of the roof.
- (2) No individual flag may exceed fifty (50) square feet in area.
- (3) No more than three flags may be displayed from a single pole or device. No more than three flags may be displayed on a single site, lot or parcel, whether on single or multiple poles.

6.8 Nonconforming Signs and Permission

(A) General.

- (1) Any sign lawfully existing at the time of the enactment of this Ordinance or any amendment thereto but which is not permitted either by type of sign, location, or district or which fails to meet the standards or regulations shall be classified as either nonconforming or noncomplying as per definitions.
- (2) Freestanding signs existing on the effective date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become nonconforming signs and shall be discontinued, replaced, or brought into conformance by January 1st, 2033. No exceptions or variances shall be permitted on the removal of nonconforming signs.
- (3) All signs, whether nonconforming or conforming signs shall be removed if they present an unreasonable risk of danger to the public based on the determination of the Building Official based on appropriate sections of the adopted building code or upon determination by the Zoning Administrator, the Goose Creek Municipal Code, and/or various provisions of this Ordinance deem such signs as being dilapidated and constituting a definite health hazard to the public.
- (4) In addition, all Off-Premise Signs are prohibited except those authorized as being exempt. Existing Advertising Signs currently in the City limits or those that are annexed into the City shall be allowed to continue as nonconforming signs. These nonconforming signs shall not be allowed to be enlarged, extended or converted to electronic billboards. Change of copy and regular/ordinary maintenance shall be allowed.

(B) Alterations to Nonconforming and Noncomplying Signs. A nonconforming or noncomplying sign may be altered subject to the following conditions:

- (1) The nonconforming or noncomplying sign structure shall not increase the degree of nonconforming or noncompliant portions of the sign, nor shall they be increased to exceed the height and area limits of the site on which it is located.
- (2) Alterations are limited to the changing of a copy of a permitted changeable copy sign, or the painting or refinishing of the surface of a sign face or sign structure so as to maintain an adequate appearance. The alterations of advertising signs which are nonconforming

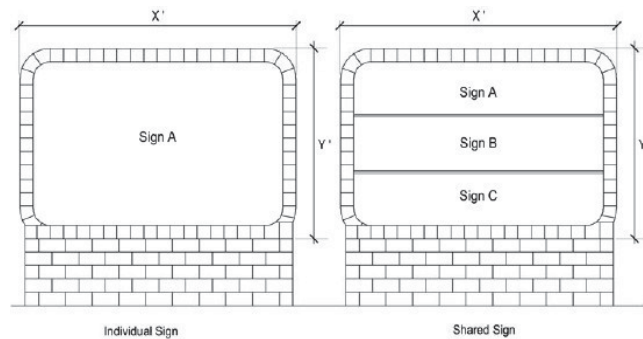
or noncomplying must adhere to all the requirements cited in this Ordinance. In all cases, the business owner shall obtain a sign permit in accordance with the terms of this Ordinance.

- (3)** A nonconforming or noncomplying sign structure shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this Ordinance including all applicable yard, setback, size, and height requirements as stipulated within this Ordinance.
- (4)** Obsolete sign copy shall be removed by covering the sign face, replacing the sign face with a blank sign face, or replacing the obsolete sign copy with sign copy that is not obsolete. Failure to comply with such notice within the time specified in such notice shall be considered a violation of the terms of this section.
- (5)** All nonconforming signs shall be removed upon a business ceasing operations for more than ninety (90) consecutive days. Nonconforming sign structures shall be removed by the owner of the property, his agent, or the person having the beneficial use of the building or structure upon which such sign or sign structure is erected within thirty days after written notification from the Zoning Administrator or his/her representative.
- (6)** All nonconforming signs shall be removed when the current business undergoes a renovation in which the renovation costs is greater than 50% of the sign replacement cost.

6.9 Calculation of Display Area for Signage

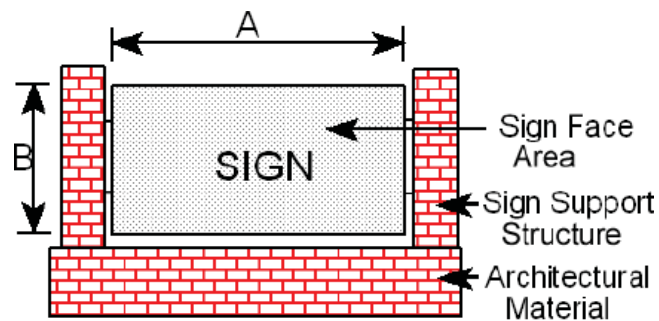
- (A)** General - The sign face area shall be the advertising display surface of the sign.
- (B)** Size of Sign Face Area - In the case of freestanding signs, the sign face area consists of the entire surface area of the sign on which copy could be placed.
- (C)** Supporting Structure Not Counted - The supporting structure or bracing of a sign shall not be counted as part of sign face area unless such structure or bracing is made a part of the sign's message.
- (D)** Co-location - Individual uses on adjoining lands may place their individual freestanding signage on a single sign support structure provided the combined sign face area does not exceed the amount of sign face area permitted if the freestanding signs would have been constructed separately. Sign support structures shall comply with the height limits regardless of the number of collocated signage.

Figure 1: Co-Location Sign



- (E) Two-Sided Signs** - Where a sign has two (2) identical display faces back-to-back, the area of only one (1) face shall be considered the sign face area. Where a sign has more than one (1) display face, all areas that can be viewed simultaneously shall be considered the sign face area as depicted in Figure 2, Two-Sided Sign:

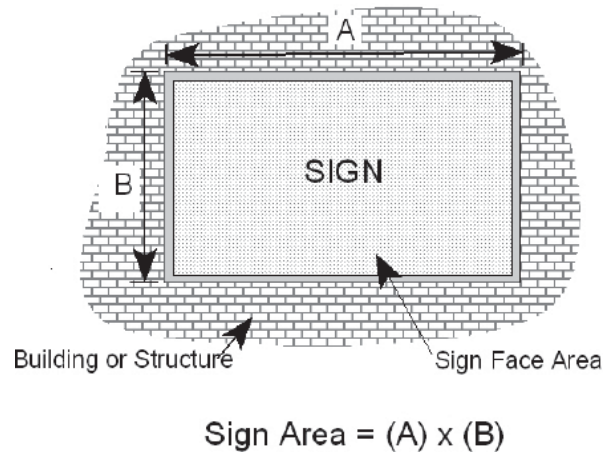
Figure 2: Two-Sided Signs



$$\text{Sign Area} = (A) \times (B)$$

- (F) Signs with a Background** - In the case of a sign whose message is fabricated together with the background which borders or frames that message, the sign face area shall be the total area of the entire background as depicted in Figure 3, Signs with a Background:

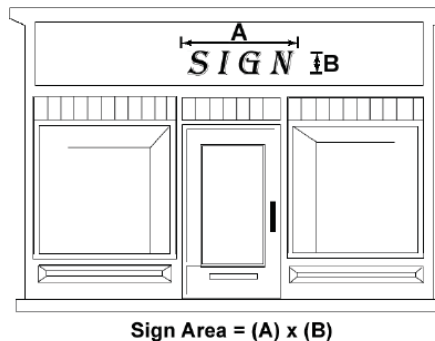
Figure 3: Signs with a Background



- (G) Signs with No Border or Frame-** In the case of a sign whose message is applied to a background which provides no border or frame, sign face area shall be the area that can encompass all words, letters, figures, emblems, and other elements of the sign message as depicted in Figure 4.

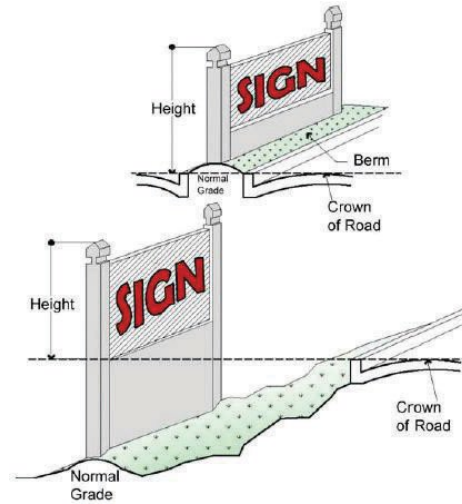
Figure 4: Signs with No Border or Frame:

Sign Height



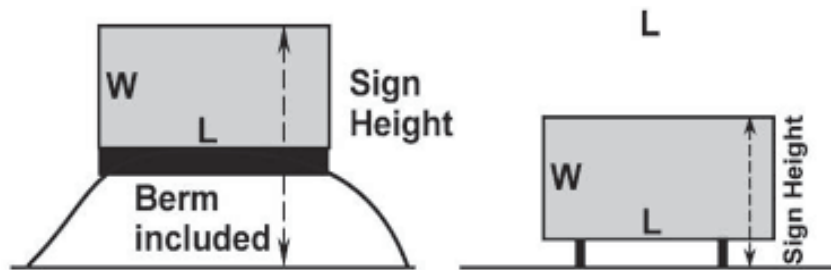
- (1)** No freestanding sign shall exceed ten (10) feet in height as measured from the base of the sign in all non-residential zoning districts.
- (2)** Sign height shall be measured from the base of the sign at normal grade to the highest point of the sign support structure, or sign face, whichever is higher. For the purposes of this subsection, "normal grade" shall mean the newly established grade after construction, not including any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade is below the grade of the street to which the sign is oriented, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the crown of the adjacent street as depicted in Figure 5.

Figure 5: Sign Height



- (3) For signs placed on a landscaped berm or raised landscape area, such as a planter or retaining wall, the height of the berm or raised area is included when calculating the height of the sign as depicted in Figure 6. The Zoning Administrator may allow sign heights and/or area in excess of the maximum in cases where additional height is required to raise the base of the sign to the mean elevation (street level) or the fronting street where displayed.

Figure 6: Sign Height/Berm or Raised Area



6.10 Sign Table

| Wall Signs | | | |
|-----------------------------------------------------------|-----------------------------------|-----------------------------------------|-------------------------------------|
| Distance from Front Property Line to Building/Wall Front: | Linear Store Front Multiplied By: | Total Area (Square Feet) Not to Exceed: | Total Number of Signs Not to Exceed |
| 0-99 feet | 1 | 200 | 2 |
| 100-399 feet | 1.5 | 300 | 3 |
| 400 feet or more | 2 | 400 | 4 |

| Window Signs | | |
|--------------------|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Number | Copy Area | Applicable Standards |
| Two (2) per Tenant | 25 percent of tenant window area for all window signs | Does not include business hours of operation, credit cards which are accepted on the premises, or group affiliations with which the business is associated, or clubs or groups which utilize, recommend, inspect or approve the business for use by its members, and non-illuminated "open" and "closed" signs. |

| Awning Signs, Projecting Signs | | | |
|--------------------------------|--------------------------------|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Number | Height | Copy Area | Applicable Standards |
| One (1) per tenant | Not above roof Line or parapet | Shall not exceed 20% of the front surface of the building | Special exception given to signage with use of logos; colors should be neutral and/or earth tone as to not contrast with adjacent signage or architecture. |

| Freestanding Ground Signs | | | | |
|-------------------------------------|-------------------------------------------------------------------------|---------|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sign Type | Number | Height | Sign Face Area | Applicable Standards |
| Directional | Site Specific | 3 feet | 3 square feet | Base materials shall include brick, stone, or other Staff approved design and neutral color combinations that complement the architecture of the principle structure. In no case shall monument signs on the same site be located closer than 300 feet. |
| Monument Sign | One per Building | 10 feet | 32 square feet | |
| Multi-Tenant Sign Limit five (5) | One per Development (unless more than 500 linear feet of road frontage) | 12 feet | 1 square foot per linear foot of lot frontage (not to exceed 144 square feet) | |

Section Seven: Nonconformities & Enforcement

7.1: Nonconformities

(A) Intent. Within the districts established by this Ordinance, there exist lots of record, structures, uses of land and structures, and signs, and other site features that were lawfully established before this Ordinance was adopted or amended, that now do not conform to the terms and requirements of this Ordinance. The purpose and intent of this Section is to regulate and limit the continued existence of those lots of record, structures, uses of land and structures, signs, and other site features that do not conform to the provisions of this Ordinance or any amendments thereto.

It is the intent of this Section to permit these nonconformities to continue until they are removed, but not to encourage their survival except under the limited circumstances established in this Section. It is the further intent of this article that nonconformities shall not be enlarged upon, expanded or extended, reconstructed to continue nonconformity after major damage, or used as grounds for adding other structures or uses prohibited elsewhere in the same district. The provisions of this Section are designed to curtail substantial investment in nonconformities to preserve the integrity of this Ordinance.

(B) Authority to Continue. Nonconformities are allowed to continue in accordance with the requirements of this Article, and Sec. 6-29-730, S.C. Code, 1976, as amended.

(C) Determination of Nonconformity Status. In all cases, the burden of establishing that a nonconformity lawfully exists shall be on the owner of the land on which the purported nonconformity is located. The Zoning Administrator may issue a Certificate of Zoning Compliance upon acceptance of reasonable proof that the nonconformity was lawfully in existence at the time of the effective date of this Ordinance and has not been vacant, abandoned, or discontinued for twelve (12) consecutive months.

(D) Minor Repairs and Normal Maintenance. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part of a building declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, signs, and other site features in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, lot of record, or sign. For the purposes of this Section, "minor repair or normal maintenance" shall mean:

- (1)** Repairs that are necessary to maintain a nonconforming use, structure, lot of record, sign, or other site feature in a safe condition;
- (2)** Repairs that are necessary to correct any damage or deterioration to the structural soundness or interior appearance of a structure without altering the structure;
- (3)** Maintenance of land areas to protect against health hazards and promote the safety of surrounding uses; and
- (4)** Repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, whose costs do not exceed 25 percent of the replacement cost of the sign.

- (5) Ordinary repairs, including repair or replacement of nonbearing walls, fixtures, wiring, and plumbing, may be done on any building devoted in whole or in part to a nonconforming use, if:

- (a) The cubic content of the building as it existed at the time the nonconformity was created by this Ordinance, or any amendment thereto, is not increased; and
- (b) A declaration of nonconforming use is filed with the Zoning Administrator prior to any work beginning.

(E) Change of Tenancy or Ownership. Changes of tenancy, ownership, or management of an existing nonconformity are permitted, and in such cases the nonconforming situation shall continue to be subject to the requirements of this Section.

(F) Nonconforming Uses.

- (1) Nonconforming uses are declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this Section.
- (2) A nonconforming use shall not be reestablished after vacancy, abandonment, or discontinuance for any period of twelve (12) consecutive months, not including time during which the structure where the use was located is reconstructed, provided, the timing requirements for reestablishment of a nonconforming structure after demolition, damage, or destruction, shall apply.
- (3) Where a nonconforming use has been replaced by a conforming use, the nonconforming use may not be reestablished at any time.
- (4) A nonconforming use shall not be enlarged, expanded in area occupied, or intensified, except a nonconforming use may be enlarged into any area of the same structure in which it is located which was manifestly arranged or designed for such use prior to the date the use became a nonconformity, provided the use shall not be extended to occupy land outside the structure.
- (5) A structure devoted to a nonconforming use shall not be enlarged, extended, constructed, moved, or structurally altered except to change the use of the structure to a use permitted in the zoning district in which the structure is located.
- (6) A Temporary Use Permit may be issued by the Zoning Administrator for an appropriate period of time not to exceed 12-month increments for nonconforming buildings, structures, or uses incidental to building construction or land development or deemed to be generally beneficial, provided that the owner of that temporary nonconforming use agrees to remove the temporary nonconforming use upon expiration of the Temporary Use Permit.

(G) Nonconforming Structures.

- (1) A nonconforming structure shall not be enlarged or expanded in a way that increases the degree of nonconformity. (For example, a structure that has a five-foot side setback where this Ordinance requires a ten-foot side setback cannot be enlarged so as to further encroach into the side setback.) Expansion of the structure in a way that complies with

applicable dimensional standards or that decreases the degree of nonconformity is permitted.

- (2)** A nonconforming structure shall not be reestablished as a nonconforming structure after demolition, damage, or destruction, except in accordance with subsection (3) below.
- (3)** A nonconforming structure, with the exception of signage, that sustains damage exceeding 75 percent of the replacement cost of the structure at the time of damage shall not be rebuilt, altered, or repaired except in conformity with this Section, provided the rebuilding, alteration, or repair shall:
 - (a)** Begin within six (6) months from the time of damage; and
 - (b)** Be completed within twelve (12) months after the issuance of a building permit.
- (4)** The use of a structure which is nonconforming due to its failure to comply with intensity and dimensional standards (e.g., height, setbacks, lot area, etc.) may be changed to a use that is permitted in the district in which the structure is located, if no further encroachment is made as defined by the intensity and dimensional standards relative to the particular zoning district (e.g., into required yards).

(H) Nonconforming Lots of Record.

- (1)** In any zoning district in which single-family detached dwellings are permitted, notwithstanding limitations imposed by other provisions of this Article, a single-family detached dwelling and customary accessory buildings may be erected on any single lot of record. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zoning district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.
- (2)** Conforming lots of record that are subject to governmental acquisition of part of the lot for a public purpose that results in the lot becoming nonconforming as to the dimensional standards of the zoning district in which it is located shall be determined conforming and must comply with all other standards and requirements of this Ordinance.

(I) Nonconforming Signs.

- (1)** Any legally established nonconforming sign within the City of Goose Creek may continue to exist, including the performance of normal and routine maintenance, so long as such sign remains otherwise lawful, provided a sign shall not be:
 - (a)** Changed to or replaced with another nonconforming sign (this provision shall not prohibit a change in copy or graphics on the sign face of the sign);
 - (b)** Structurally altered so as to extend useful life;
 - (c)** Expanded;
 - (d)** Relocated, except in compliance with this Section; or
 - (e)** Reestablished after damage or destruction of more than 50 percent of the replacement value of the same type of sign at the time of such damage or destruction. Any damage to a nonconforming sign that is not repaired constitutes damage or destruction for purposes of this Subsection, and that damage shall be cumulative.

7.2: Enforcement

- (a) **Authority.** The Planning Department, Building Department, Code Enforcement Officers, and Staff of each department are hereby designated to enforce the terms and provisions of this Ordinance and Sec. 6-29-950, S.C. Code of Laws, 1976, as amended.
- (b) **Compliance.** Compliance with all the procedures, standards, and other provisions of this Ordinance is required. All persons shall obtain all development approvals and permits required by this Ordinance prior to development. Any failure to comply with this Ordinance, or the terms or conditions of any development approval, permit, or other authorization granted in accordance with this Ordinance shall constitute a violation of this Ordinance as provided in this article.

Upon presentation of proper credentials, Staff, as applicable, may enter upon land or inspect any structure to ensure compliance with the provisions of this Ordinance. These inspections shall be carried out during normal business hours unless Staff, as applicable, determines there is a unique circumstance necessitating inspections at another time.

- (c) **Responsibility for Violations.** The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who commits, participates in, assists, directs, creates, or maintains any situation that is in violation of the terms and provisions of this Ordinance, may be held responsible for the violation, suffer the penalties, and be subject to the remedies herein provided.
- (d) **Specific Violations.** It shall be a violation of this Ordinance to undertake any development contrary to the provisions of this Ordinance, including but not limited to any of the following:
 - (1) Develop land or a structure without first obtaining all appropriate development approvals and permits.
 - (2) Develop land or a structure without complying with the terms or conditions of all development approvals and permits required to engage in development.
 - (3) Occupy or use land or a structure without first obtaining all appropriate development approvals and permits.
 - (4) Occupy or use land or a structure in violation of the terms or conditions of the development approvals or permits.
 - (5) Subdivide land without first obtaining the appropriate development approvals or permits required to engage in subdivision.
 - (6) Subdivide land without complying with the terms or conditions of the development approvals or permits required to engage in development.
 - (7) Transfer title to any newly created lots or parts of a development unless the development plan or subdivision has received all development approvals or permits required under this Ordinance and an approved plan or plat, if required, has been filed in the appropriate County office.
 - (8) Submit for recording with Berkeley County any subdivision plat or other development plan that has not been approved in accordance with the requirements of this Ordinance.
 - (9) Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining the appropriate development approvals and permits, and complying with their terms and conditions.
 - (10) Remove existing trees or other landscaping from a site or parcel of land without first obtaining the appropriate development approvals and permits, and complying with their

terms and conditions, or fail to maintain trees or other landscaping as required by this Ordinance.

- (11) Install, create, erect, alter, or maintain any sign without first obtaining the appropriate development approvals and permits, and complying with their terms and conditions.
- (12) Fail to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the permit has lapsed.
- (13) Create, expand, replace, or change any nonconformity except in compliance with this Ordinance.
- (14) Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this Ordinance.
- (15) Increase the intensity or density of development, except in accordance with the standards of this Ordinance.
- (16) Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Ordinance.
- (17) Through any act or omission, violate any term, condition of approval, or qualification placed by a decision-making body or person on a development approval or permit.
- (18) Violate any lawful order issued by any decision-making body or person in accordance with this Ordinance.
- (19) Obtain a development approval or permit through false or misleading information.
- (20) Obscure or obstruct a notice required to be posted or otherwise given in accordance with this Ordinance.

(e) Remedies and Penalties

- (1) Staff may issue a notice of zoning violation to a person (i.e., any owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person) who commits a zoning violation or allows a zoning violation to be committed on real estate in which the person has a possessory interest. The notice of zoning violation may be served by: personal service; certified mail, return receipt requested; registered mail; or, by posting such notice in a conspicuous place on the lot where the violation occurs, and shall serve as notice that a zoning violation has been committed;
- (2) The remedies provided for violations of this Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.
- (3) Each day of continued violation of this Ordinance shall be considered a separate violation for purposes of computing cumulative civil or criminal penalties.
- (4) On behalf of the City, and in accordance with this section, responsibility for enforcement, Staff may take any one or more of the following actions as a remedy for any violation of this Ordinance:
 - (a) Withhold any pending or subsequent development approvals or permits on subject properties associated with the violations, required by this Ordinance;
 - (b) Issue stop work orders against any work undertaken by any person not having a proper development approval or permit required by this Ordinance;
 - (c) Issue stop work orders against any actions taken in violation of this Ordinance;
 - (d) Revoke a development approval or permit if:

- (1)** There is a failure to comply with the approved development approval, permit, plans, specifications, or terms or conditions required under the development approval or permit;
 - (2)** The development approval or permit was procured by false representation; or
 - (3)** The development approval or permit was issued in error;
- (e)** Bring an action for an injunction (or, in appropriate cases, for mandamus) to prevent the violation or to prevent the occupancy or use of any site or structure involved in the violation;
- (f)** Bring an action for injunction or mandamus to abate a violation;
- (g)** Prosecute the violation as a misdemeanor; or
- (h)** Take any other action at law or in equity to prevent or remedy any violation, or otherwise enforce the provisions of this Ordinance.
- (i)** Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to Sec. 10.99 of the Code of Ordinances.
- (j)** Nothing contained in this subsection shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

Section Eight: Definitions & Measurements

8.1: Rules of Interpretation

- (A) **Definitions.** Whenever a defined word appears in this Ordinance, its meaning is as set forth in this article. Words not defined in this Ordinance are interpreted in accord with their usual dictionary meaning and customary usage.
- (B) **Current Versions and Citations.** All references to other regulations or manuals in this Ordinance refer to the most current version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, this Ordinance's requirements for compliance are no longer in effect.
- (C) **Text and Graphics.** Illustrations, diagrams, and flowcharts are included in this Ordinance to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text controls.
- (D) **Fractions.** Except as otherwise noted, any fraction greater than or equal to 0.5 will be rounded up to the nearest whole number. Any fraction less than 0.5 will be rounded down to the nearest whole number.
- (E) **Interpretation of Terms of Words.** The language of this Ordinance shall be interpreted in accordance with the following regulations.
- (1) The word "person" includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual.
 - (2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, in each case, if the context so requires.
 - (3) The words "shall," "must," "should" and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The word "may" is permissive.
 - (4) The words "used" or "occupied" include the words "intended," "designed," "constructed," "altered," or "arranged" to be used or occupied.
 - (5) The word "lot" includes the words "plot," "tract," or "parcel."
 - (6) The terms "standards," "regulations," and "requirements" are used to mandate a specific course of action or built outcome.
 - (7) Section headings are provided for ease of use and organization, and shall not be interpreted as regulatory.
- (F) **Conjunctions.** Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either ... or," the conjunction shall be interpreted as follows:
- (1) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (3) "Either ... or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

8.2: Definitions

- A -

Abandoned. A condition that exists after a voluntary act or failure to act by the owner of a nonconforming use which evidences that the owner neither claims nor retains the right to exercise the nonconforming use.

Access. The manner in which ingress and egress is provided to a lot from a public right-of-way along said lot.

Accessory Dwelling Unit. An ancillary or secondary living unit to a single-family detached dwelling use that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit. For purposes of determining maximum density, an accessory dwelling unit shall not count as a dwelling unit.

Accessory (Structure, Building, or Use). A subordinate structure, building, or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, area, impact, and height to the primary structure, building, or use, and is located on the same lot as the primary building, structure, or use.

Adjacent. A parcel of land that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street or right-of-way divides the parcels.

Administrative Adjustment. Minor modifications of selected zoning standards authorized by the Zoning Administrator.

Administrative Lot Line Adjustment. The process of allowing for an adjustment of a lot line or lines, and easements, as shown on a recorded subdivision, which does not affect any street layout, whether existing or proposed; and does not increase the total number of lots within the area proposed to be replatted.

Alley. A right-of-way generally used as a secondary means of public access to a lot otherwise abutting upon a street and not intended for traffic other than public services and circulation to and from said lot.

As-Built Drawings. The approved construction plans properly revised to graphically depict the location, size and other pertinent details of the actual installation of improvements (water, sewer, storm drainage, and streets).

Authorized Agent. Any party duly authorized in writing by the Owner of a subject lot to act on the Owner's behalf with respect to any development petition, including, but not limited to, a petition for zone map change; platting of a subdivision; development plan approval; variance; or vacation of land in a plat.

- B -

Berm. A man-made landscape feature generally consisting of a linear, raised mound of soil covered with grass lawn or other permanent, living ground cover. Temporary soil stockpiles and retaining walls are not berms.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, water bodies, or municipal boundary lines.

Block Face. The frontage of a block, which may contain one or more lots, along one side of a public or private street between intersections.

Board of Zoning Appeals. The Goose Creek Board of Zoning Appeals.

Bollard Lamp. An outdoor luminaire that is a short (usually about 2-4 feet in height) post with the light source located at or near the top.

Buffer. A landscape planting, fence, and/or other component used to provide screening of incompatible uses.

Buildable Area. The area of a lot remaining after the minimum setbacks and lot size requirements of this Ordinance have been met and in which development may occur subject to compliance with all applicable development standards.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.

Building Coverage. The total ground area within the lot or project covered by the primary structure plus any accessory structures with a roof.

Building Line. A line parallel to any front, corner, side, or rear lot line which passes through the nearest point of any building.

Building Official. The individual having the responsibility for the interpretation, administration, and enforcement of Building Codes and their related programs.

Building Permit. A permit issued by the City of Goose Creek Building Official in compliance with the terms and provisions of this Ordinance and the Building Code.

- C -

Caliper. The standard for trunk diameter measurements of nursery stock.

Certificate of Occupancy. A certificate issued by the Building/Planning Department authorizing an occupancy under the local building codes and ordinances of the City of Goose Creek, South Carolina.

Characterized By. For purposes of Sexually-Oriented Businesses, describing the essential character or quality of an item. No business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

Circuit Court. The Circuit Court of Berkeley County, South Carolina.

City. The City of Goose Creek, South Carolina.

City Administrator. The City Administrator of the City of Goose Creek, South Carolina.

City Engineer. The City Engineer of the City of Goose Creek, South Carolina.

City Council. The City Council of the City of Goose Creek, South Carolina.

Clear Cutting. The mass removal of trees from a property, whether by cutting or other means.

Commercial Timber Operation. Activities occurring on tracts of land five acres or more in size devoted to the production of marketable forest products through generally accepted silvicultural practices including, but not limited to, harvesting, site preparation, and regeneration.

Communication Tower. A communication tower is a guy-wire communication tower, a lattice communication tower, or a monopole communication tower only.

Comprehensive Plan. The Comprehensive Plan adopted by the City of Goose Creek, South Carolina.

Condominium. A building, group of buildings, or portion thereof, in which units are owned individually, and the structure, common areas, or facilities are owned by all the owners on a proportional, undivided basis.

Conforming. The state of being in compliance with the permitted use or development standards regulations of the district to which the real estate is zoned pursuant to this Ordinance.

Construction. The erection of any building or structure or any preparations (including land-disturbing activities) for the same.

Construction plan. The maps or drawings accompanying a subdivision plat or plan and showing specific location and design of improvements to be installed in the subdivision in accordance with the requirements of this chapter as a condition of the approval of the plat or plan.

Contiguous. Abutting directly or immediately adjacent to a boundary or separated only by a right-of way or water body.

County. Berkeley County, South Carolina.

- D -

Development Plan. Specific plans for a lot(s) filed in connection with a development review procedure. Development plans may include, but are not limited to, a site plan, landscape plan, building elevations, signs, and other plans which are reasonably necessary to depict or describe certain information and data as required by this Ordinance.

Diameter-at-breast-height (DBH). The diameter of a tree measured in inches 54 inches above the ground. If the tree splits into multiple trunks at a height below 54 inches, but above the ground, the diameter is measured at the narrowest point beneath the split.

District. Any zoning district or overlay district applicable to a section of the territory within the jurisdiction of this Ordinance.

District, Zoning. A section of the territory within the jurisdiction of this Ordinance for which uniform regulations over the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or land, including, but not limited to permitted uses, height, area, size, and intensity of use of

buildings, structures, land, and open spaces about buildings or structures, are established by this Ordinance.

District, Overlay. A section of the territory within the jurisdiction of this Ordinance in which additional requirements are imposed on certain properties within one or more underlying zoning district.

Driveway. A vehicular lane within a lot, or shared between two or more lots, typically providing access from a street or alley to a garage or other parking area.

Dwelling. Any building or part of building designed, occupied or intended for human occupancy, not to include a hotel or motel, lodging house, hospital or other accommodation used more or less for transient occupancy

Dwelling Unit. Any dwelling designed, occupied or intended for occupancy by a single-family unit. A structure or part of a structure shall be considered a dwelling unit where any one of the following elements are proposed or present:

- (1) A full bath, except where (a) the full bath is the primary use of the structure, and (b) no other area of the structure may be readily inhabited (i.e. a stand-alone bath house);
- (2) A range, oven, stove, broiler, or other like cooking appliance generally designed for permanent installation;
- (3) A separate power meter, except where the Building Official has determined that power could not be safely supplied from an existing meter; or
- (4) A separate water meter or connection to a well.

- E -

Easement. A grant by a property owner to an individual or other legal entity, the general public, and/or public utility or utilities for the use of land for a specifically stated purpose or purposes. The ownership of the land underlying the easement area is retained by the property owner.

Electric Vehicle Charging Station. A vehicle parking space served by an electrical component assembly or cluster of components assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

Escort. For purposes of Sexually-Oriented Businesses, a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Establish or Establishment. For purposes of Sexually-Oriented Businesses, any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (3) The addition of any sexually oriented business to any other existing sexually oriented business; or
- (4) The relocation of any sexually oriented business.

- F -

Family. An individual; two or more persons related by blood, marriage, or adoption; or a group of three or fewer individuals not related by blood, marriage, or adoption, living together in a dwelling unit as a single housekeeping unit.

Final plat. The final map of all or a portion of a subdivision that is presented for final approval.

Floor Area, Gross. The total number of square feet of floor space within the exterior walls of a building.

Floor Space. For purposes of Sexually-Oriented Businesses, the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

Full Cut-Off. A light fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane of the fixture.

- G -

Grand Tree. Trees at least 24 inches DBH, excluding sweet gum and invasive species.

Grand Tree Stand. A contiguous grouping of trees that has been determined to be of value by the zoning administrator. Determination is based on any of the following criteria: maturity (even-aged); purity of species composition; rare or unusual nature of the species; historical significance; or exceptional aesthetic quality.

- H -

Home Occupation. An occupation, profession or trade customarily and commonly carried out by an occupant in a dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the dwelling unit.

- I -

Influential Interest. For purposes of Sexually-Oriented Businesses, any of the following:

- (1) The actual power to operate the sexually oriented business or control the operation, management or policies of the sexually oriented business or legal entity which operates the sexually oriented business,
- (2) Ownership of a financial interest of 30 percent or more of a business or of any class of voting securities of a business, or
- (3) Holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates the sexually oriented business.

Irrigation System. A permanent underground piping and distribution system designed using industry standard methods to provide efficient water coverage over a landscaped area.

- J -

- K -

- L -

Land development. A change in land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, public and institutional projects, apartment complexes, commercial parks, shopping centers, industrial parks, manufactured home parks or similar developments for sale, lease or any combination of owner and rental characteristics.

Landscaping Plan. A plan, which may be associated with a subdivision, site plan, parking plan, or other plan or application for a development approval or permit, that shows the placement of trees, shrubs, ground cover, and affiliated structures and improvements on a site, and includes specifications, species, quantities, and installation.

Legally Established. The condition of being in compliance with all applicable development regulations at the time of recording, construction or erection of a lot, building, structure, use, or sign.

Licensee. For purposes of Sexually-Oriented Businesses, a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license.

Loading Area. Any area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility. Loading area includes the loading space and maneuvering area required to enter the loading space.

Lot. A piece, parcel, plot, or tract of land designated by its owner or developer to be used, developed, or built upon as a unit under single ownership or control and may consist of a single lot of record or a combination of complete lots of record, and/or an area of land clearly defined by plat or metes and bounds description duly recorded with the Register of Deeds.

Lot Area. The total area of a lot bounded on all sides by any front, corner, side, or rear lot line, provided, however, lot area shall not include any area lying within the right-of-way of any public or private street.

Lot, Corner. A lot abutting two or more streets at their intersections. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost point of the lot lines to the foremost point of the lot (or an extension of the lot where it has been rounded by a street radius) meet at an interior angle of less than 135 degrees.

Lot, Depth. A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

Lot, Double Frontage. A lot abutting two parallel streets, or abutting two streets which do not intersect at the boundaries of the lot. A corner lot shall not be considered having double frontage unless it has frontage and access on three or more streets.

Lot, Flag. An irregularly shaped lot with a limited amount of street frontage and only a thin strip of land, often consisting primarily of a driveway, connecting the street to a wider part of the lot. On a flag lot, only the wider portion of the lot is used to measure lot width.

Lot Line, Front. The lot line separating a lot from an abutting primary street or limited access highway.

Lot, Frontage. Any side of a lot adjacent to a street shall be considered frontage, and yards shall be

provided upon that basis. The phrase "street frontage" shall be interpreted to have the same meaning as the phrase "lot frontage."

Lot, Interior. A lot which is not a corner lot or a double frontage lot.

Lot Line. The line of separation of a lot from any abutting public right-of-way or adjoining lot.

Lot, Multiple Frontage. A lot abutting three or more streets or public open spaces.

Lot, Non-Frontage. A lot with no frontage that is interior to a development.

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line.

Lot Line, Side. Any lot line not designated as a front lot line, corner lot line, or rear lot line.

Lot, Width. The distance between straight lines connecting front and rear lot lines at each side of the lot.

- M -

Mixed-Use Development. A tract of land or structure developed for both residential and nonresidential uses. Such uses may be vertically integrated within a multi-story building or horizontally integrated within a single-story building or on a lot or development site.

- N -

Nonconforming. The state of not being in compliance with the permitted use, district regulations, or standards of the district to which the real estate is zoned pursuant to this Ordinance.

Nonconforming, Legally Established. Any continuous, lawfully established land use, lot, feature, building, or structure erected, constructed, commenced: (a) prior to the time of adoption, revision, or amendment of this Ordinance but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the district; (b) pursuant to a granted variance; or, (c) prior to a right-of-way acquisition or access rights acquisition by a governmental entity but which fails by reason of such right-of-way acquisition or access rights acquisition by a governmental entity to conform to the present requirements of the district.

Nudity. The showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

- O -

Occupancy. The use to which a building or premises is devoted.

Off-site. Any premises not located within the area of the property to be subdivided and/or developed whether or not in the same ownership of the applicant for subdivision and/or development approval.

Off-Street. Parking spaces that are located completely within the boundaries of the lot, and completely off of public or private rights-of-way or alleys or any interior surface access easement for ingress and egress.

Open Space. Any property designated, dedicated, or developed for use as a park, civic space, or outdoor open space for passive and active forms of recreation.

Operator. For purposes of Sexually-Oriented Businesses, any person on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner, part owner, or licensee of the business.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed under these regulations.

- P -

Parking Area. An outdoor area containing off-street parking, including any appurtenant driving areas, such as aisles and driveways.

Parking Lot. An area used for the parking of motor vehicles with 4 or more spaces.

Permitted Use. The use of land or the use of a building or structure on land which is allowed, either as a matter of right or under limited conditions (i.e., as a special exception, accessory use, home occupation, or temporary use) in the district applicable to the land.

Planned Development. A zoning district in which a variety of housing types and/or related commercial facilities are accommodated in a pre-planned environment. More flexible standards, such as lot sizes and setbacks, may be exercised in a planned development zoning district than those restrictions that would normally apply under regular zoning districts.

Planning Commission. The Planning Commission of City of Goose Creek, South Carolina.

Planning Official. The Staff person or their authorized representative responsible for the preparation and administration of the Comprehensive Plan, plan implementation ordinances, review and approval of permits required by this Ordinance, land development regulations, and provides Staff directions and assistance to the Planning Commission, Board of Zoning Appeals. May be known as Zoning Administrator, City Planner, or other title given by the City Administrator.

Preliminary Plat. The preliminary drawing or drawings indicating the proposed manner or layout of the subdivision to be submitted for approval after sketch plan.

Premises. For purposes of Sexually-Oriented Businesses, the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.

Primary Building. The building in which the principal permitted use of the lot is conducted.

Principal Structure. A structure or building having significant or primary use and justifying its own utilization (such as a dwelling or office building) as contrasted to accessory structures which are incidental

or subordinate to primary structures and do not alone justify their utilization (such as a tool shed or auto garage used in conjunction with a dwelling). Certain structures may be either principal or accessory, depending upon utilization.

Principal Use. A permitted use of land or a permitted use of a building or structure on land which is allowed as a matter of right in the district applicable to the land, subject only to compliance with the development standards applicable to that district.

Private streets. A privately owned and maintained access. The City of Goose Creek shall accept no responsibility for any upkeep or replacement of private streets or ancillary infrastructure, to include sidewalks. A procedure or covenant shall be in place to cover all future costs involved in maintenance or replacement costs.

Protected Tree. Trees at least eight inches DBH, excluding sweet gum trees and invasive species.

Public Hearing. A meeting that is open to the public and advertised in advance as required by S.C. Code and this Ordinance, at which members of the public are allowed to speak on the subject of the public hearing.

- Q -

- R -

Register of Deeds. The Register of Deeds for Berkeley County, South Carolina.

Regularly. For purposes of Sexually-Oriented Businesses, the consistent and repeated doing of an act on an ongoing basis.

Right-of-Way. Specific and particularly described land, property, or interest therein devoted to and subject to lawful use, typically as a thoroughfare for passage of pedestrians, vehicles, or utilities, as set forth in a written grant, declaration, or conveyance that is pre-existing or newly dedicated by the property owner to a private land owner or a public entity and accepted by the private or public entity, and recorded in the Register of Deeds Office.

- S -

S.C. Code or South Carolina Code. The Code of Laws of the State of South Carolina.

SCDHEC. South Carolina Department of Health and Environmental Control.

Screening. Any of the types of landscaping consisting of planted vegetation, walls, fences, earthen berms and any appropriate combinations of these elements as defined and required under the landscaping provisions of the Goose Creek Zoning Chapter.

Semi-Nude or Semi Nudity. The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Setback. The distance measured perpendicularly from the lot line to the closest point of the building facade, structure, sign structure, parking area, or any other permanent improvement.

Sexual Device. Any three-dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Shrub. A woody plant, usually maturing at less than 12 feet, having several permanent stems, instead of a single trunk.

Sidewalk. A paved area within or adjacent to the public right-of-way running generally parallel to the street for the purposes of pedestrian travel and to facilitate pedestrian access to adjacent streets, buildings, and land.

Site Plan. A plan to ensure that the layout and general design of a proposed development complies with the standards of this Ordinance and all other applicable City regulations.

Site Specific Development Plan. Those documents that comprise a complete application for a zoning permit, certificate of zoning compliance, variance, special exception, planned development, or other similar approval that authorizes the developer or landowner to proceed with investment in grading, installation of utilities, streets, and other infrastructure, and to undertake other significant expenditures necessary to prepare for application for a building permit. A sketch plan is not a site specific development plan.

Sketch Plan. A generalized map prepared by the developer that shows the development concept for a major subdivision. Its purpose is to serve as a basis for the development of a preliminary plat.

Special Exception. The use of land or the use of a building or structure on land which is allowed in the district applicable to the land only through the grant of a special exception by the Board of Zoning Appeals.

Specified Anatomical Areas. (1) Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Stop Work Order. An order directing the person responsible for the development of land to cease and desist all or any portion of the activity which violates the provisions of this Ordinance.

Street. A public thoroughfare designed to provide the principal means of access to abutting property, or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.

Street, Primary. The street on which the parcel's front lot line abuts and address is platted.

Street, Secondary. The street that intersects with the Primary Street on which the parcel's corner lot line abuts.

Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, fences, walls, parking areas, loading areas, towers, antenna, and signs.

Subdivision. Any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or development— including any division of land involving a new street or change in existing streets, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, any re-subdivision involving the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law, and the combination of record lots— provided, however, that the following are excepted from this definition:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance;
- (2) The division of land into parcels of five (5) acres or more where no new street is involved and plats of these exceptions are received as information by the City, which shall indicate that fact on the plats;
- (3) The combination or recombination of entire lots of record where no new street or
- (4) change in existing streets is involved; and
- (5) The partition of land by court decree.

Substantial Enlargement of a Sexually-Oriented Business. The increase in floor areas occupied by a sexually-oriented business by more than 25 percent.

- T -

Temporary Use. A land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Traffic Impact Analysis. A specialized engineering study that forecasts, describes, and recommends mitigation measures for the on-site and off-site traffic impacts of a proposed development on the existing and future multi-modal transportation network.

Transfer of Ownership or Control of a Sexually oriented Business.

- (1) The sale, lease or sublease of a sexually-oriented business;
- (2) The transfer of securities which constitute an influential interest in a sexually-oriented business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of a sexually-oriented business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Tree. A self-supporting woody perennial plant with a trunk diameter of at least two inches measured at six inches above ground level, with a mature height of at least 12 feet, and usually having one main stem or trunk and many branches.

- **Canopy Tree:** A tree that has an expected height at maturity greater than thirty (30) feet and produces shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped; also known as a shade tree.
- **Specimen Tree:** a particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species.
- **Understory Tree:** An evergreen or deciduous tree with a mature height of over fifteen (15) feet but no greater than twenty-five (25) feet.

Tree Protection Zone. The minimum area beneath a tree which should be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival.

Tree Replacement Schedule. A plan showing the location, species and sizes of all replacement trees; and a table listing removed applicable protected, significant, and historical trees, as noted in this section, with total replacement caliper inches required.

Tree Survey. A survey completed by a registered land surveyor, usually as part of a site plan, of the location, size (as DBH), and species of the existing trees on a site. For purposes of this Ordinance, this survey shall include grand trees, trees of eight (8) inches or greater DBH in any protected zones, and any other trees identified to meet the required density factor for the site. A tree survey may be verified by on-site viewing by City Staff authorized to perform the verification.

- U -

Use. The purpose or activity for which land, buildings, or structures are designed, arranged, or which land, buildings, or structures are occupied or maintained.

Use, Permitted. See Permitted Use.

Utilities. Consist of any or all utility services to a subdivision or other land development including, but not limited to, water, electricity, telephone, cable television, gas, sanitary sewerage and storm sewers, whether these utilities are supplied by a private individual or company, or a governmental entity.

- V -

Vacant. A structure or lot that is not occupied or otherwise used for an allowed zoning activity.

Variance. Permission granted by the Board of Zoning Appeals to depart from the literal requirements of this Ordinance.

- W -

Walkway. A defined pedestrian way, typically improved with concrete or asphalt, which provides for pedestrian movement on private property. A walkway may or may not be located in a pedestrian easement.

- X -

- Y -

Yard, Established. An open space, unobstructed to the sky, with the exception of permitted encroachments, extending fully across the lot while situated between the front, corner, side, or rear lot line and an established front, corner, side, or rear building line.

- Z -

Zoning Administrator. The City employee to whom the City Administrator has delegated the responsibility of administering and enforcing all provisions of this Ordinance. The Zoning Administrator is the person referred to as “Zoning Administrator” in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (S.C. Code § 6-29-310 et seq.).

Zoning District. An area delineated on the Official Zoning Map within which a prescribed set of use requirements and development standards are applied to various types of development.

8.3: Measurements

(A) Building Height. The height of a building shall be determined by measuring from the average finished ground elevation at the base of the structure to the highest point of the roof of the structure. Spires, belfries, cupolas, domes, chimneys, elevator housings, water tanks, ventilators, skylights, mechanical equipment and appurtenances, and similar rooftop structures or structural elements not intended for human occupancy shall be excluded.

(B) Density (Dwelling Units per Acre)

(1) This is calculated by taking the total property area divided by the number of units. For example: if a ten-acre property contains 40 residential lots, the gross density is 4 units per acre ($40\text{-units}/10\text{-acres} = 4 \text{ units/acre}$). For purposes of determining maximum net density, an accessory dwelling unit shall not count as a dwelling unit.

(2) Maximum density standards apply only to development comprised of dwelling uses (e.g., household living uses). For a mixed-use development containing dwelling units and nonresidential principal uses, net density shall be determined by dividing the total number of dwelling units located or proposed on the lot by that portion of the net lot area allocated to the dwelling uses (and not allocated to nonresidential or non-dwelling uses).

(C) Impervious Surface Ratio. Impervious Surface Ratio shall mean the maximum proportion of a site that may be occupied by surfaces that do not absorb water.

(D) Lot Area. Lot area shall be determined by measuring the total horizontal land area (in acres or square feet) within the lot lines of the lot, excluding public street rights-of-way and private street easements. For purposes of determining density or lot coverage, any part of the net lot area dedicated as recreation area, park, greenway, or other public open space in conjunction with or part of development approval in accordance with this Ordinance shall continue to be considered part of the lot area of the development site.

(E) Lot Width. Lot width means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard. The width between side lot lines where they intersect with the street line shall not be less than 80 percent of the

minimum lot width, and in the case of lots fronting on a cul-de-sac, the width between side lot lines at their foremost points shall not be less than 20 feet.

(F) Setbacks

- (1)** The area defined by a minimum setback is a required front, side, or rear yard (as appropriate).
- (2)** The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided upon that basis taking into account any allowed reduction.
- (3)** In the case of through lots, front yards of the required depth shall be provided on all frontages.
- (4)** For non-frontage, double frontage, and multiple frontage lots, the Zoning Administrator may determine which lot lines shall be considered front, corner, side, or rear based on the context of the development.
- (5)** If the average front yard on improved yards located on the same block face and in the same zoning district is less than the minimum required front yard, the minimum required front yard, applicable to the lot, may be reduced to such average.
- (6)** Steps and open porches without roofs may encroach into any required minimum yard within five feet of an adjoining property line. Eaves, cornices, gutters, chimneys and other minor architectural features may extend up to 18 inches from the main portion of a building into any required minimum yard.

Section Nine: Form, Design & Operational Standards

(A) **Intent.** To provide landowners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for quality development.

(B) **Design District Overlay Standards**

(1) **Red Bank Design Overlay**

(2) **Central Creek Design Overlay**

(C) **Goose Creek Townhome Design Standards.** Design Standards shall apply for this use in any zoning district.

(D) **Goose Creek Multi-Family Design Standards.** Design Standards shall apply for this use in any zoning district.

(E) **Fences & Walls.** A fence or wall shall not unreasonably impede visibility of street traffic from vehicles or exiting driveways. A fence or wall shall not extend into a street intersection sight area. Gates shall not swing outward over a sidewalk or into the right-of-way. Nothing in this Section shall be construed to prevent the installation of temporary fencing to protect existing trees, limit sedimentation, or control erosion. Hazardous fences and fences constructed of fabric materials, fiberboard, garage door panels, plywood, rolled plastic, or vinyl or plastic tarps are prohibited. A fence or wall located in a required yard shall comply with the height standards. Chain link fencing shall not be permitted in the front or secondary front yard in residential districts. The Building Official may require the manufacturer's design and standards to be established in certain cases.

| MAXIMUM FENCE OR WALL HEIGHT IN REQUIRED YARDS | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| REQUIRED YARD | MAXIMUM HEIGHT OF FENCE OR WALL |
| Side or rear yard | 7 feet |
| Second front yard on corner lot | 4 feet |
| Front yard, other than second front yard on corner lot | 4 feet |
| NOTES: [1] A retaining wall may exceed the maximum heights in this table if it does not unreasonably impede visibility of street traffic from vehicles exiting driveways. [2] The Zoning Administrator may permit a fence up to 6 feet in height in second front yard on a corner lot, if adjacent structures have a similar setback. [3] Fence posts and wall columns may extend above the maximum fence heights by 36 inches, provided no part of a fence or wall shall have a height greater than eight feet. | |

(F) **Exterior Lighting.** All exterior luminaries, including security lighting, shall be full cut-off fixtures that are directed downward. In no case shall lighting be directed above a horizontal plane through the lighting fixture. Lighting shall be designed so that excessive light spillage and glare are not directed at adjacent lands, neighboring areas, and motorists. Review for compliance with the standards shall occur with plan review and/or an application for planned development. Lighting

for public art, regulatory, monuments, Zoning Administrator approved temporary uses, and holiday display, shall be exempt.

| MAXIMUM HEIGHT FOR EXTERIOR LIGHTING | |
|---------------------------------------------------------------------------------------------------------------|----------------|
| BASE ZONING DISTRICT | MAXIMUM HEIGHT |
| Residential | 16 feet |
| Commercial/Mixed Use | 20 feet |
| Industrial | 30 feet |
| Within 100 feet of a Residential District | 16 feet |
| Approved athletic field lighting | 95 feet |
| *Athletic field lighting shall be extinguished no later than 11:00 PM, except to complete a game in progress. | |

(G) Visibility Triangle. The space between three and eight feet in height, maintained clear of objects such as hedges, fences, and other obstructions for visibility purposes, located directly above the triangle formed by a line connecting intersecting property lines at rights-of-way or sections of driveway at rights-of-way at the following distances:

- (1) 12 feet at residential and commercial driveways; and
- (2) 25 feet at intersecting property lines at rights-of-way.

(H) Architectural Design Standards.

(1) The following standards shall comply within the Village Node, General Commercial, and Employment Campus zoning Districts.

(a) Where district or use specific Design Standards are in place, those standards shall apply.

(2) Site Design

(a) Site considerations. The siting of the building and its accessory elements shall be carefully planned from both a placement and an architectural perspective.

(b) Site improvements shall integrate the architectural forms and the open spaces around them so to enhance the quality of the environment.

(c) Where it is reasonably practical, proposed site improvements (including all structures, features and amenities) shall not impede scenic views and special vistas.

(d) Areas whose physical site conditions make them unsuitable for development shall be set aside as conservation areas or as open space.

(e) Projects that contain other attributes that improve the functional and visual enjoyment of the properties of the city are strongly encouraged.

(f) Wooded sites shall be developed with careful consideration for the site's natural characteristics.

(g) When portions of the woods must be developed, wooded perimeters or the most desirable natural site features shall be protected to retain the visual character of the site.

(h) Isolated pockets of existing trees shall be protected, and used to enhance the site's visual impact.

(3) Architectural theme.

- (a) Proposed structures shall contribute to the image of the city as a unique place of visual character, integrity and quality;
 - (b) New developments shall incorporate the existing natural setting into their overall design concept;
 - (c) In a schematic design, adjacent structures, site design and site densities of the adjacent areas should be incorporated in the design process. If adjacent buildings are of different architectural styles, scales, height, spacing, bulk, proportion, detail, material and color, site and building compatibility of the proposed development may be achieved through materials, plant variations, screens and sight breaks; and
 - (d) The architectural design, color and materials of a proposed structure shall create variation and interest in the built environment by using a mix of building materials, colors and architectural features.
- (4) Architectural interest.**
- (a) Care shall be given to incorporate a mix of quality design elements and materials which will provide architectural interest to the structure and any accessory structures.
 - (b) Building facades shall incorporate facade variations a minimum of every 30 feet, or for buildings larger than 20,000 square feet, a minimum of every 50 feet, incorporating such architectural features as:
 - (1) Storefront bays; wall offsets; columns; pilasters;
 - (2) Changes in materials, colors;
 - (3) Changes in roofline;
 - (4) Changes in plane no less than 12 inches in width and four inches in depth or an equivalent element that subdivides the facade;
 - (5) Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions and other treatments are encouraged; and
 - (6) Enhanced shadow lines around openings by recessing window frames two inches minimum from face of building.
 - (c) Architectural details that enrich the building's character such as brick molding, quoins, corbels, racking, band courses, soldier bricks, water table, and the like shall be incorporated in the design of the building facade.
 - (d) Colors shall be harmonious, and only compatible accents shall be used. Color combinations of paints or stains shall be complimentary to the proposed structure(s), or provide an improved palette than any existing structure(s) and the adjacent environment. Color and texture for architectural finishes shall be selected to provide visual unity. Unpainted, bright metal, reflective, bright or garish colors, or garish contrasting surfaces are prohibited.
- (5) Building design.**

- (a)** Scale and proportion. The height, width and general proportions of a building shall conform with or be better than other buildings in the area. The scale and massing of a structure shall be a primary consideration. The scale of the project shall not overwhelm any adjacent buildings. All features and details shall be in proportion with the buildings.
- (b)** Building walls shall be subdivided and proportioned using a variety of architectural features to prevent long monotonous facade walls.
- (c)** The building design shall incorporate a definite base, body and cap along the facade.
- (d)** Rear elevations of buildings that are exposed to parking lots and provide an alternate “front-door” should be aesthetically similar to the primary elevation. All sides of the building should exhibit design continuity.
- (e)** Continuous foundation walls are required on all structure(s), preferably of stone-faced, exposed aggregate concrete, vinyl, stucco or brick.
- (f)** Building materials suggest the quality of the environment and promotes a comfortable feeling. Inexpensive building materials create a temporary feeling to the city’s inhabitants. Building materials selected should be durable, attractive, low-maintenance and have natural color. A defined palette of materials will unify the streetscape and encourage the perception of performance.
- (g)** Building additions shall be designed to reflect existing buildings in scale, materials, window treatment and color. A change in scale may require a transitional design element between the addition and the existing building.
- (h)** The following materials are recommended:
 - (1)** Natural materials: wood, brick, terra cotta, stone (cast or cut);
 - (2)** Decorative concrete block (CMU), textured with integral color;
 - (3)** Stucco (cement plaster); decorative;
 - (4)** Fiber cement siding; and
 - (5)** Exterior insulation and finishing system (EIFS) when used above storefront height.
- (i)** The following materials are prohibited:
 - (1)** Vinyl, metal, or aluminum siding;
 - (2)** Exposed concrete masonry units;
 - (3)** Reflective materials that cause glare;
 - (4)** Materials that artificially simulate natural materials;
 - (5)** Diagonal siding; and
 - (6)** Exaggerated swirled stucco.
- (j)** Typically, franchise architecture is generic design for buildings used in multiple locations without consideration for a specific site or climate. It is the intent of these guidelines to create buildings that are sensitive to the community and its environment. While franchise merchants are not discouraged, prototypical design must be carefully modified to represent the character of the community.

- (k) Rooftop mounted mechanical equipment must be screened from view at all sides in a manner that is architecturally compatible with the building. Mechanical equipment on the ground shall be screened with a fence or plant materials or housed in a structure that is in harmony with the surroundings. Utility meters shall be screened from public view.
 - (l) The use of security bars, roll down grilles, and other such security features establishes a negative environment and will be reviewed on a case-by-case basis and alternate options may be required. When allowed, they must not be visible during opening hours.
- (6) Site elements.
 - (a) Fences and walls shall be minimized along public streets and shall be designed to be compatible with the surrounding landscape and architectural concept. Any fencing located forward of the building front must be decorative and constructed of vinyl, iron, stone, or masonry products.
 - (b) Service/storage areas shall be oriented away from public right-of-way, and screened, when practical.
 - (c) Outdoor storage and/or display of equipment and material is strongly discouraged, except on a temporary basis. This section shall not apply to businesses that have a majority of their merchandise stored and displayed in the open environment (examples include, but are not limited to, automobiles, lumber, truck/car rentals); however, for those businesses where there is approved outdoor display, the site shall be planned appropriately in terms of visibility and placement of entrances, parking, and screening.
 - (d) Parked vehicles used as storage for any purpose shall not be permitted for commercial and light industrial uses.
 - (e) Refuse areas shall not be the visual focal point of a parking area and shall not be located within the front yard setback or street frontages of corner lots. All exterior trash receptacles shall be sufficient in size to accommodate the trash generated. All trash containers shall be screened from view on all four sides, and shall remain closed except when in use. The screening materials shall be architecturally compatible with its corresponding building. Refuse areas shall be landscaped and, if necessary, screened appropriately. Trash areas shall be located for convenience of trash collection and away from major streets.
 - (f) Loading areas shall be clear from pedestrian and vehicular traffic.



Letter of Intent (Non-Residential)

Zoning and Planning Department
Joel H. Evans, AICP, PLA, Director
Lonnie Hamilton III Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405
843.202.7200

Applicant Information

| | | | |
|---------------------------|--|-------------------|--|
| <i>First Name:</i> | | <i>Last Name:</i> | |
| <i>Your Address:</i> | | | |
| <i>Home/Cell Phone #:</i> | | | |
| <i>Email Address:</i> | | | |

Property Information

| | |
|-----------------------------------------|----------------------------|
| <i>Business Address:</i> | |
| <i>Is this your residence?</i> | |
| <i>Name of Business and/or Project:</i> | |
| <i>Tax Map #:</i> | |
| <i>Days of Operation:</i> | <i>Hours of Operation:</i> |
| <i>Number of Employees:</i> | <i>Zoning District:</i> |

Please provide a detailed explanation of your proposed use:

Signature:

Date:

2-18-2025

OFFICIAL USE ONLY

| | |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| Zoning District: | Taken in by: |
| TMS#: | Flood Zone: |
| Home Occupation: <input type="checkbox"/> Yes <input type="checkbox"/> No | Vacant for more than 2 years: <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Overlay District: <input type="checkbox"/> Yes <input type="checkbox"/> No | Ingress/Egress: <input type="checkbox"/> Private <input type="checkbox"/> Muni <input type="checkbox"/> County <input type="checkbox"/> State |
| Name of Overlay District: | Drainage Easements: <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Approved use? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No | By: Date: |



August 18, 2021

Andrea Melocik
Charleston County Planning Department
4045 Bridge View Drive
North Charleston, South Carolina, 29405

RE: ZREZ-03-21-00126, Hunt Club Planned Development Amendment Request (TMS# 301-00-00-034)

Dear Ms. Melocik,

Please accept this letter as clarification that the above-referenced request to amend the Hunt Club Planned Development (the "PD") applies solely to TMS# 301-00-00-034 and, more specifically, that portion of TMS# 301-00-00-034 that is designated for commercial use per the original PD (the "Property"). The request does not include the entire Hunt Club Planned Development or the properties listed in the amendment at the last Charleston County Council meeting.

The neighborhood supports our request to amend the PD only as it relates only to the Property, which is what we have conveyed to them throughout the process. We have asked them to contact you separately to confirm their support.

For clarity, please find attached the revised list of requested amendments, which has resulted from our discussions with the community. Note that we are no longer requesting Repair and Maintenance Services (Vehicle Service, Limited, including Automotive Oil Change or Lubrication Ships, or Car Washes); Tobacconists; Hotels or Motels; and Retail Liquor Stores be included in the list of allowed uses. In addition, we are asking that Gas Stations and Convenience Stores be deleted as an allowed use and, in conjunction with that request, the request to amend the provisions specific to Service Station/Gas Stations is withdrawn (canopy location and buffer requirements).

Please do not hesitate to contact me if you have any questions or wish to discuss this matter in further detail.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Wilson'.

Rob Wilson
Applicant
Verus Development Partners

A handwritten signature in black ink, appearing to read 'Calvin Nester'.

Calvin Nester
Property Owner
Hunt Club Properties, LLC

Hunt Club PD Amendment Request
ZREZ-03-21-00126

1. Include these allowed uses on TMS # 301-00-00-034 (portion designated for commercial use):

DAY CARE SERVICES

- Adult Day Care Facilities
- Child Day Care Facilities, including Group Day Care Home or Child Care Center

EDUCATIONAL SERVICES

- Personal Improvement Education, Professional tutorial Education, including Fine Arts Schools or Automobile Driving Schools

HEALTH CARE SERVICES

- Medical Office or Outpatient Clinic, including Psychiatrist Offices, Chiropractic Facilities, or Ambulatory Surgical Facilities, orthodontia, dental
- Health Care Laboratories, including Medical Diagnostic or Dental Laboratories

ANIMAL SERVICES

- Kennel
- Pet Stores or Grooming Salons
- Veterinarian Services

FINANCIAL SERVICES

- Banks
- Financial Services

FOOD SERVICES AND DRINKING PLACES

- Restaurant, Fast Food, including Snack or Nonalcoholic and alcoholic Beverage Bars
- Restaurant, General, including Cafeterias, Diners, Delicatessens, or Full-Service Restaurants

OFFICES

- Administrative or Business Office, including Bookkeeping Services, Couriers, Insurance Offices, Personnel Offices, Real Estate Services, Secretarial Services or Travel Arrangement Services
- Government Office
- Professional Office, including Accounting, Tax Preparation, Architectural, Engineering, or Legal Services

RENTAL AND LEASING SERVICES

- Consumer Goods Rental Centers
- Consumer Goods Rental Service, including Electronics, Appliances, Formal Wear, Costume, Video or Disc, Home Health Equipment, Recreational Goods, or other Household Items

RETAIL SALES

- Building Materials or Garden Equipment and Supplies Retailers
- Hardware Stores
- Home Improvement Centers
- Garden Supplies Centers
- Outdoor Power Equipment Stores
- Paint, Varnish, or Wallpaper Stores
- Food Sales, including Grocery Stores, Meat Markets or Butchers, Retail Bakeries, or Candy Shops
- Beer or Wine Sales
- Retail Sales or Services, General
- Art, Hobby, Musical Instrument, Toy, Sporting Goods, or Related Products Store
- Clothing, Piece Goods, Shoes, Jewelry, Luggage, Leather Goods or Related Products Store
- Drug Stores or Pharmacies
- Duplicating or Quick Printing Services
- Electronics, Appliance, or Related Products Store
- Florist
- Furniture, Cabinet, Home Furnishings, or Related Products Store
- Private Postal or Mailing Service
- Retirement Housing
- Independent & Assisted Living
- Religious, Civic, Professional and Similar Organizations
- Business, Professional, Labor or Political Organizations
- Social or Civic Organizations
- Religious Assembly

2. Delete the following as a permitted use on TMS # 301-00-00-034:

- Gas stations/Convenience Stores

3. PD amendments specific to use (only applies to TMS # 301-00-00-034 portion designated for commercial use):

- Where retail development areas utilize shared parking and shared access easements and parking area or drive aisle is adjacent to and internal to the commercial development area, individual commercial parcels shall be exempt from the provisions of ZLDR 9.5.3.A. When perimeter parking is adjacent to a non-retail use, perimeter landscaping shall be required pursuant to ZLDR 9.5.3.A.

AN ORDINANCE

REZONING THE REAL PROPERTIES LOCATED AT 1200-1310 WHITE TAIL PATH, 1400-1570 GATOR TRAK, 600-1069 HUNT CLUB RUN, 1200-1224 PALUSTRINE CT, 1200-1234 WALLEY CORNER, 1050-1080 SHIPTON CT, 1400-1480 SAINT HUBERT WAY, 1100-1160 IDBURY LN, 1400-1460 TEABERRY PATH, 1400-1559 BROCKENFELT DR, 2000-2110 SYREFORD CT, 800-875 BIBURY CT, 1100-1199 QUICK RABBIT LOOP, 1260 & 1198 BEES FERRY RD, FROM HUNT CLUB PLANNED DEVELOPMENT ZONING DISTRICT (PD-73C), TO HUNT CLUB PLANNED DEVELOPMENT ZONING DISTRICT (PD-73E).

WHEREAS, the properties located at 1200-1310 White Tail Path, 1400-1570 Gator Trak, 600-1069 Hunt Club Run, 1200-1224 Palustrine Ct, 1200-1234 Walley Corner, 1050-1080 Shipton Ct, 1400-1480 Saint Hubert Way, 1100-1160 Idbury Ln, 1400-1460 Teaberry Path, 1400-1559 Brockenfelt Dr, 2000-2110 Syreford Ct, 800-875 Bibury Ct, 1100-1199 Quick Rabbit Loop, 1260 & 1198 Bees Ferry Rd, identified as parcel identification number 286-00-00-043, 286-00-00-001 through -068, 286-00-00-070 through -297, 286-00-00-299 through -381, 301-00-00-006, 301-00-00-034, 301-00-00-544, 301-00-00-682, and 301-00-00-698, are currently zoned Hunt Club Planned Development Zoning District (PD-73C), *Hunt Club PD*; and

WHEREAS, the applicant seeks to rezone to Hunt Club Planned Development Zoning District (PD-73E); and

WHEREAS, the applicant has submitted a complete application for PD Development Plan approval pursuant to Article 4.23 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

WHEREAS, the Charleston County Planning Commission reviewed the proposed PD Development Plan and adopted a resolution, by majority vote of the entire membership, recommending that the Charleston County Council ("County Council") disapprove the proposed development plan based on the Approval Criteria of Section 4.23.9.E.9 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least one public hearing, and after close of the public hearing, County Council approved with conditions the proposed PD Amendments based on the Approval Criteria of Section 4.23.9.E.9 of Article 4.23 of the ZLDR;

WHEREAS, County Council has determined the PD Development Plan meets the following criteria:

- A. The PD Development Plan complies with the standards contained in Article 4.23 of the ZLDR; and
- B. The development is consistent with the intent of the Charleston County Comprehensive Plan and other adopted policy documents; and
- C. The County and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.

NOW, THEREFORE, be ordained it by Charleston County Council, in meeting duly assembled, finds as follows:

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. REZONING OF PROPERTIES

A. Rezoning the real properties located at 1200-1310 White Tail Path, 1400-1570 Gator Trak, 600-1069 Hunt Club Run, 1200-1224 Palustrine Ct, 1200-1234 Walley Corner, 1050-1080 Shipton Ct, 1400-1480 Saint Hubert Way, 1100-1160 Idbury Ln, 1400-1460 Teaberry Path, 1400-1559 Brockenfelt Dr, 2000-2110 Syreford Ct, 800-875 Bibury Ct, 1100-1199 Quick Rabbit Loop, 1260 & 1198 Bees Ferry Rd, from Hunt Club Planned Development Zoning District (PD-73C), to Hunt Club Planned Development Zoning District (PD-73E); and

B. The PD Development Plan submitted by the applicant and identified as the "Hunt Club Community Planned Development PD-73E Guidelines" submitted March 31, 2021, including the conditions of approval attached thereto as Exhibit "A" and made part of this Ordinance by reference, approved by County Council as Planned Development 73E or PD-73E, is incorporated herein by reference, and shall constitute the PD Development Plan for the parcels identified above; and

C. Any and all development of PD-73E must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and laws; and

D. The zoning map for parcel identification numbers 286-00-00-043, 286-00-00-001 through -068, 286-00-00-070 through -297, 286-00-00-299 through -381, 301-00-00-006, 301-00-00-034, 301-00-00-544, 301-00-00-682, and 301-00-00-698 are amended to PD-73E in accordance with Section 4.23.10 of Article 4.23 of the ZLDR.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval of County Council following third reading.

ADOPTED and APPROVED in meeting duly assembled this September 28, 2021.

CHARLESTON COUNTY COUNCIL

By: _____
Teddie E. Pryor, Sr.
Chairman of Charleston County Council

ATTEST:

By: _____
Kristen L. Salisbury
Clerk of Charleston County Council

First Reading: August 31, 2021
Second Reading: September 14, 2021
Third Reading: September 28, 2021

EXHIBIT "A"
PD-73E CONDITIONS OF APPROVAL

Approval with the following conditions:

1. Add the following land uses as allowed uses for the commercial portion of TMS# 301-00-00-034 and not for the other commercial properties in the PD or the residential portion of TMS# 301-00-00-034:
 - a. DAY CARE SERVICES
 - i. Adult Day Care Facilities
 - ii. Child Day Care Facilities, including Group Day Care Home or Child Care Center
 - b. EDUCATIONAL SERVICES
 - i. Personal Improvement Education, Professional tutorial Education, including Fine Arts
 - ii. Schools or Automobile Driving Schools
 - c. HEALTH CARE SERVICES
 - i. Medical Office or Outpatient Clinic, including Psychiatrist Offices, Chiropractic Facilities, or Ambulatory Surgical Facilities, orthodontia, dental
 - ii. Health Care Laboratories, including Medical Diagnostic or Dental Laboratories
 - d. ANIMAL SERVICES
 - i. Kennel
 - ii. Pet Stores or Grooming Salons
 - iii. Veterinarian Services
 - e. FINANCIAL SERVICES
 - i. Banks
 - ii. Financial Services
 - f. FOOD SERVICES AND DRINKING PLACES
 - i. Restaurant, Fast Food, including Snack or Nonalcoholic and alcoholic Beverage Bars
 - ii. Restaurant, General, including Cafeterias, Diners, Delicatessens, or Full-Service Restaurants
 - g. OFFICES
 - i. Administrative or Business Office, including Bookkeeping Services, Couriers, Insurance Offices, Personnel Offices, Real Estate Services, Secretarial Services or Travel Arrangement Services
 - ii. Government Office

- iii. Professional Office, including Accounting, Tax Preparation, Architectural, Engineering, or Legal Services
- h. RENTAL AND LEASING SERVICES
 - i. Consumer Goods Rental Centers
 - ii. Consumer Goods Rental Service, including Electronics, Appliances, Formal Wear, Costume, Video or Disc, Home Health Equipment, Recreational Goods, or other Household Items
- i. RETAIL SALES
 - i. Building Materials or Garden Equipment and Supplies Retailers
 - ii. Hardware Stores
 - iii. Home Improvement Centers
 - iv. Garden Supplies Centers
 - v. Outdoor Power Equipment Stores
 - vi. Paint, Varnish, or Wallpaper Stores
 - vii. Food Sales, including Grocery Stores, Meat Markets or Butchers, Retail Bakeries, or Candy Shops
 - viii. Beer or Wine Sales
 - ix. Retail Sales or Services, General
 - x. Art, Hobby, Musical Instrument, Toy, Sporting Goods, or Related Products Store
 - xi. Clothing, Piece Goods, Shoes, Jewelry, Luggage, Leather Goods or Related Products Store
 - xii. Drug Stores or Pharmacies
 - xiii. Duplicating or Quick Printing Services
 - xiv. Electronics, Appliance, or Related Products Store
 - xv. Florist
 - xvi. Furniture, Cabinet, Home Furnishings, or Related Products Store
 - xvii. Private Postal or Mailing Service
 - xviii. Retirement Housing
 - xix. Independent & Assisted Living
 - xx. Religious, Civic, Professional and Similar Organizations
 - xxi. Business, Professional, Labor or Political Organizations
 - xxii. Social or Civic Organizations

xxiii. Religious Assembly

2. Prohibit gas stations/convenience stores on TMS# 301-00-00-034.
3. For the commercial portion of TMS# 301-00-00-034: Where retail development areas utilize shared parking and shared access easements and parking area or drive aisle is adjacent to and internal to the commercial development area, individual commercial parcels shall be exempt from the provisions of ZLDR 9.5.3.A (requires buffers around drives and parking and other vehicular use areas). When perimeter parking is adjacent to a non-retail use, perimeter landscaping shall be required pursuant to ZLDR 9.5.3.A.
4. No other amendments apply.



Stantec Consulting Services Inc.
4969 Centre Pointe Drive Suite 200, North Charleston SC 29418-6952

March 24, 2021
File: 178421002

Andrea Melocik
Charleston County Planning Department
4045 Bridge View Drive
North Charleston, South Carolina 29405

Reference: Hunt Club Planned Development – Amendment Submittal

Dear Ms. Melocik,

On behalf of our client, Verus Development Partners, and the owner of the parcel, Hunt Club Properties, Stantec is pleased to submit the enclosed documentation and request placement on the May 10th Planning Commission Meeting for the Planned Development (PD) Amendment for the Hunt Club PD (PD-73-C) located at the intersection of Bees Ferry Road and Hunt Club Run. Included with this submittal are the following items:

1. Project narrative – this cover letter
2. Original Signed Rezoning Application
3. Copy of the Recorded Plat
4. Current, recorded deed
5. Authorization from the Property Owner
6. Restrictive Covenant Affidavit
7. Hold Harmless Agreement
8. Official HOA Meeting documentation
9. Application Fee
10. One digital and one paper Copy of the PD Amendment requests
11. Sketch Plan for Commercial Development
12. Aerial with Sketch Plan overlay

The requested amendment is needed to allow additional uses to the commercial portions of the development. This PD does not intend on changing or modifying the residential part of the development plan, however the uses in the PD for commercial development. The list of uses is to limited from what is typical for a commercial development at the entrance to a 505 single family community in West Ashley.

Typical commercial uses that help supply goods and services to residential neighborhoods are small restaurants, day care facilities, medical clinics, dentists, veterinarian, to name a few. All these uses are currently not allowed per the current PD. The purpose of this PD amendment is to provide commercial services and retail needs that support the residents of Hunt Club and the surrounding area.

A complete list of proposed uses that the client and property owner has been included within the red lines copy of the PD, submitted with this package, see page 4 of the .pdf document. The wording here

Reference: Hunt Club Planned Development – Amendment Submittal

is straight from the current ZRLD in an effort to avoid any confusion or misinterpretation in the future. This is the first and most significant amendment to the PD that is requested.

The second amendment would be to allow the developer of the commercial properties to subdivide the commercial development while not having to provide the required exterior parking lot planting buffer along these property lines. The concept of the commercial development would be to design a homogeneous development with share parking, drive aisle and pedestrian access, while allowing separate ownership of the buildings. If the exterior parking lot landscaping were to remain, this would put a hardship on the development and would result in a loss of parking. Exterior landscaping is still proposed and would be implemented, in addition, interior landscaping will be provided to create a welcoming retail complex.

The last Amendment request would be to allow service stations/gas stations to be situated such that the pump along canopy faces Bees Ferry Road. This is a common practice and is more desirable for potential clients. Buffering along Bees Ferry road would remain and would improve with supplemental plantings. If requested by the County, short masonry walls could be included in the design. Additional, greater detail in the architecture of the station building and canopy will be incorporated to enhance the street corner.

On behalf of our client and the property owner, your review of this application is greatly appreciated. If you should have any further questions, need additional information, or would like to set up a meeting to discuss, please do not hesitate to call. Thank you in advance for your time.

Regards,

Stantec Consulting Services Inc.



Josh Lilly, P.E.
Project Manager

Phone: 843-740-6357
Josh.lilly@stantec.com

ZONING CHANGE APPLICATION



Zoning/Planning
Department
Lonnie Hamilton, III
Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405
(843) 202-7200
1-800-524-7832
Fax: (843) 202-7222

CASE _____ PD _____

PROPERTY INFORMATION

CURRENT DISTRICT _____ REQUESTED DISTRICT _____

PARCEL ID(S) 301-00-00-034

CITY/AREA OF COUNTY Charleston County

STREET ADDRESS 1198 Bees Ferry Road Charleston SC 29414 ACRES 340

DEED RECORDED: BOOK K428 PAGE 691 DATE 12/6/2002

PLAT RECORDED: BOOK L15 PAGE 0452 DATE 9/8/2015 APPROVAL # _____

APPLICANT—OWNER—REPRESENTATIVE

APPLICANT Verus Development Partners (Rob Wilson) HOME PHONE _____

MAIL ADDRESS 350 Seacoast Parkway WORK PHONE _____

CITY, STATE, ZIP Mount Pleasant CELL PHONE 843-532-2161

SC 29464 EMAIL Rob@VerusDP.com

OWNER Hunt Club Properties, LLC HOME PHONE _____

(IF OTHER THAN APPLICANT)

MAIL ADDRESS 4770 Summit Plantation Road WORK PHONE 843-889-3200

CITY, STATE, ZIP Hollywood SC 29449 CELL PHONE _____

EMAIL Russ Nestel @ msn.com

REPRESENTATIVE _____ HOME PHONE _____

(IF OTHER THAN APPLICANT)

MAIL ADDRESS _____ WORK PHONE _____

CITY, STATE, ZIP _____ CELL PHONE _____

EMAIL _____

CERTIFICATION

This application will be returned to the applicant within fifteen (15) business days if these items are not submitted with the application or if any are found to be inaccurate:

- ✓ Copy of Approved and Recorded Plat showing present boundaries of property
- ✓ Copy of Current Recorded Deed to the property (Owner's signature must match documentation.)
- ✓ Copy of Signed Restricted Covenants Affidavit
- ✓ Copy of Signed Posted Notice Affidavit
- ✓ Fee \$150.00 plus \$10.00 per acre (Fees vary for Planned Developments.)

Verus Development Partners (Rob Wilson)

I (we) certify that _____ is the authorized representative for my (our) zoning change request. I also accept the above requirements for submitting my zoning change application. To the best of my knowledge, all required information has been provided and all information is correct.

[Signature]
Signature of Owner(s)

3/24
Date

[Signature]
Signature of Applicant/ Representative (if other than owner)

3/17/21
Date

Planner's Signature

Date

Zoning Inspector's Signature

Date

OFFICE USE ONLY

Amount Received _____ Cash ? ☐ Check? ☐ # _____ Invoice Number _____

Mar 25 2021

REFERENCE ID: 740885

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA
SECRETARY OF STATE

LIMITED LIABILITY COMPANY
ANNUAL REPORT
FOR THE YEAR OF 2003

FILED

MAR 20 2003

Mark Hammond
SECRETARY OF STATE ⁵

TYPE OR PRINT CLEARLY IN BLACK INK

The South Carolina Limited Liability Company or Foreign Limited Liability Company hereby delivers to the Secretary of State its annual report which information is current as of the date of this report. This annual report is being filed in conformity with Section 33-44-211 of the 1976 South Carolina Code of Laws, as amended.

1. Name of the limited liability company:

HUNT CLUB PROPERTIES, LLC

[] Check this box if no information has changed since the filing of the original articles of organization or the most recently filed annual report.

2. The company's taxable year end: 12/31 *(see #3 under filing instructions)
(This must be completed)

3. Check the appropriate box. The applicant is:

- a. ☒ A limited liability company organized under the laws of South Carolina, (a domestic limited liability company).
- b. [] A foreign limited liability company organized in another state or jurisdiction qualified to transact business in South Carolina. This foreign limited liability company is organized under the laws of _____

4. (a) The street address of the current designated office in South Carolina is:

1901 ASHLEY RIVER RD, SUITE 7B
Street Address

CHARLESTON
City

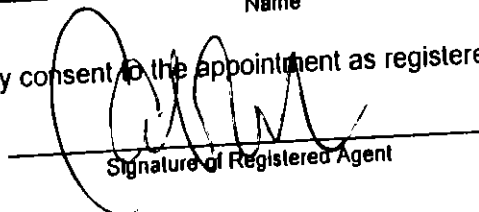
CHARLESTON
County

29407
Zip Code

- (b) The name of the company's current agent for service of process is:

CALVIN R. NESTER
Name

I hereby consent to the appointment as registered agent


Signature of Registered Agent

- (c) The street address of the current agent for service of process in South Carolina is:

1901 ASHLEY RIVER RD, STE. 7B
Street Address

CHARLESTON
City

CHARLESTON
County

29407
Zip Code

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

Mar 25 2021

REFERENCE ID: 740885

HUNT CLUB PROPERTIES LLC
Name of Limited Liability Company

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

5. The address of the limited liability company's principal office is:

1901 ASHLEY RIVER RD, STE. 7-B
Street Address
CHARLESTON CHARLESTON 29407
City County Zip Code

6. ☐ Check this box only if the company has managers. If the company has managers, list the names and business addresses of the managers.

a. _____ Name
_____ Business Address
_____ State _____ Zip Code
City

b. _____ Name
_____ Business Address
_____ State _____ Zip Code
City

c. _____ Name
_____ Business Address
_____ State _____ Zip Code
City

d. _____ Name
_____ Business Address
_____ State _____ Zip Code
City

Date _____

Calvin R. Nester
Signature

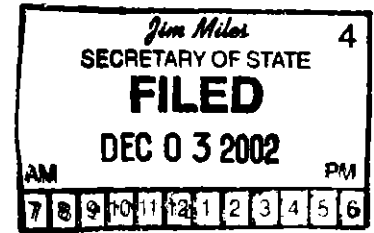
Calvin R. Nester
Name Capacity

Mar 25 2021

REFERENCE ID: 740885

ARTICLES OF ORGANIZATION
LIMITED LIABILITY COMPANY

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA



TYPE OR PRINT CLEARLY IN BLACK INK

The undersigned delivers the following articles of organization to form a South Carolina limited liability company pursuant to § 33-44-202 and § 33-44-203 of the 1976 South Carolina Code, as amended

1 The name of the limited liability company which complies with § 33-44-105 of the South Carolina Code of 1976, as amended is: **Hunt Club Properties, LLC.**

2 The office of the initial designated office of the limited liability company in South Carolina is:

1901 Ashley River Road, Suite 7B

Street Address

Charleston

City

Charleston

County

29407

Zip Code

3 The initial agent for service of process of the limited liability company at that office is:

Calvin R. Nester

Name

Signature

and the street address in South Carolina for this initial agent for service of process is:

1901 Ashley River Road, Suite 7B

Street address

Charleston

City

29407

Zip Code

4 The name and address of each organizer is:

(a) **Calvin R. Nester**

Name

(843) 763-2732

Telephone Number

1901 Ashley River Road

Street Address

Charleston

City

South Carolina

State

29407

Zip Code

5 ☒ Check this box only if the company is to be a term company. If so, provide the term specified:

December 31, 2052

Mar 25 2021

REFERENCE ID: 740885

Hunt Club Properties, LLC

NAME OF LIMITED LIABILITY COMPANY


SECRETARY OF STATE OF SOUTH CAROLINA

Check this box only if management of the limited liability company is vested in a manager or managers. If this company is to be managed by managers, specify the name and address of each initial manager:

- a. **Calvin R. Nester** **(843) 763-2732**
Name Telephone Number
1901 Ashley River Road, Suite 7B **Charleston**
Street address City
South Carolina **29407**
State Zip Code
- b. **Willie Frazier, Sr.** **(843) 556-5029**
Name Telephone Number
4983 County Line Road **Ravenel**
Street address City
South Carolina **29470**
State Zip Code

7. ☐ Check this box only if one or more of the members of the company are to be liable for its debts and obligations under Section 33-44-303(c). If one or more members are so liable, specify which members and for which debts, obligations or liabilities such members are liable in their capacity as members.

If any current or future member or manager of the LLC enters into any guaranty of, or otherwise agrees to be personally liable for, any or all of the LLC's debts or obligations (the "guaranty"), this guaranty shall not be invalid, nonbinding and/or unenforceable due to the fact that these Articles of Organization do not include a statement regarding that member's or manager's individual guaranty.

8. Unless a delayed effective date is specified, these articles will be effective when endorsed for filing by the Secretary of State. Specify any delayed effective date and time:

NO DELAYED DATE

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

Mar 25 2021

REFERENCE ID: 740885

Hunt Club Properties, LLC

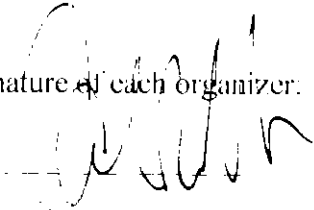
NAME OF LIMITED LIABILITY COMPANY



SECRETARY OF STATE OF SOUTH CAROLINA


Set forth any other provisions not inconsistent with law which the organizers determine to include, including any provisions that are required or are permitted to be set forth in the limited liability company operating agreement.

10 Signature of each organizer:

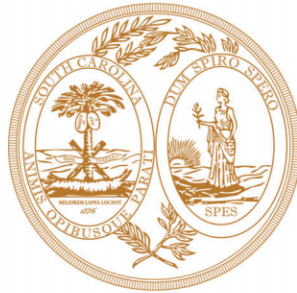


Calvin R. Nester

(Add additional lines if necessary)

Date:  12/3/02

The State of South Carolina



Office of Secretary of State Mark Hammond

Certificate of Existence

I, Mark Hammond, Secretary of State of South Carolina Hereby Certify that:

HUNT CLUB PROPERTIES, LLC, a limited liability company duly organized under the laws of the State of South Carolina on December 3rd, 2002, with a duration that is until December 31st, 2052, has as of this date filed all reports due this office, paid all fees, taxes and penalties owed to the State, that the Secretary of State has not mailed notice to the company that it is subject to being dissolved by administrative action pursuant to S.C. Code Ann. 33-44-809, and that the company has not filed articles of termination as of the date hereof.

Given under my Hand and the Great Seal
of the State of South Carolina this 25th day
of March, 2021.

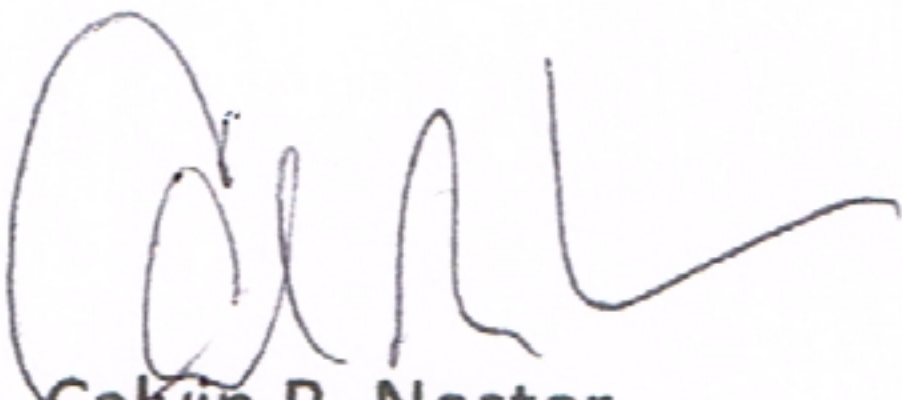

Mark Hammond, Secretary of State

March 26, 2021

To whom it may concern,

Hunt Club Properties, LLC, both Owner and Declarant of the Hunt Club Commercial properties, has received and reviewed the Hunt Club Development Amendment submittal prepared by Stantec Consulting Services Inc, on behalf of Verus Development partners and supports the proposed changes to the commercial portions of the community. Please note that the applicable property is not currently subjected to the Hunt Club Home Owner's Association Charter and it is not anticipated that it ever will be.

If additional information for the Hunt Club Properties, LLC is required, please do not hesitate to contact me.



Calvin R. Nester

Hunt Club Properties, LLC

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)

LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, THAT **CIS/BEES FERRY ASSOCIATES**, a South Carolina general partnership ("Grantor") in the State aforesaid in consideration of the sum of **ONE MILLION FOUR HUNDRED FIFTY THOUSAND AND 00/100 (\$1,450,000.00)**, to the said Grantor in hand paid at and before the sealing of these presents by **HUNT CLUB PROPERTIES, LLC**, a South Carolina limited liability company ("Grantee") in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said **HUNT CLUB PROPERTIES, LLC**, a South Carolina limited liability company, the following described property:

ALL that certain piece, parcel or tract of land, situate, lying and being on Bees Ferry Road in West St. Andrews Parish, Charleston County, South Carolina, containing Five Hundred Twenty and 26/100 (520.26) acres, more or less, being shown and designated as Tract C on a plat prepared by David & Floyd, Inc., dated April 1987 and recorded in Plat Book BM, page 162, RMC Office for Charleston County, S.C. having such size, shape, dimensions, buttings and boundings as reference to said plat will more fully be shown.

SAVING AND EXCEPTING THE FOLLOWING:

Parcel 1:

ALL that certain piece, parcel or tract of land situate, lying and being in the St. Andrews Parish, Charleston County, South Carolina, containing 23.498 acres, more or less, and being further shown and described as HUNT CLUB, PHASE I, on a plat entitled "Plat Showing The Subdivision of Phase I Hunt Club From Tract C Property of Georgia Pacific Investment Company Bees Ferry Road, Charleston County, South Carolina" dated June 29, 1999 and prepared by A.H. Schwacke, III R.L.S. South Carolina Registration Number 13855, said plat being recorded in Plat Book ED, Page 340, RMC Office for Charleston County, S.C.

Parcel 2:

ALL that certain piece, parcel or tract of land, situate, lying and being in St. Andrews Parish, Charleston County, South Carolina containing 20.354 acres, more or less, and being further shown and described as PHASE II, on a plat entitled "PLAT SHOWING THE COMBINATION OF PHASE I AND PHASE II TO BE KNOWN AS LOT PHASE I OF RAINBOW DEVELOPMENT, LLC, Bees Ferry Road, St. Andrews Parish, Charleston County, S.C." dated July 19, 2000, revised July 21, 2000 prepared by A.H. Schwacke, III RLS SCR N 13855,

said plat being recorded in Plat Book EE, Page 191, RMC Office for Charleston County, S.C.

Parcel 3:

ALL AND SINGULAR all that certain piece, parcel or tract of land, situate, lying and being in St. Andrews Parish, Charleston County, South Carolina, containing **20.652 acres of highland and 4.08 acres of wetlands**, more or less, and being further shown and described as **HUNT CLUB, PHASE III**, on a plat entitled "*Plat Showing The Combination of Phase I, II & III Hunt Club to be known as Lot Phase I 62.117 Ac Property of Rainbow Development, LLC, Bees Ferry Road, St. Andrews Parish, Charleston County, South Carolina*" dated April 16, 2001, revised April 20, 2001, April 30, 2001 and further revised May 9, 2001 prepared by A.H. Schwacke, III, R.L.S., South Carolina Registered Number 13855, said plat being recorded on May 11, 2001 in Plat Book EE, at page 810, RMC Office for Charleston County, South Carolina.

Parcel 4:

ALL AND SINGULAR all that certain piece, parcel or tract of land, situate, lying and being in St. Andrews Parish, Charleston County, South Carolina, containing **21.749 acres of highland and 4.58 acres of wetlands**, more or less, and being further shown and described as **HUNT CLUB, PHASE IV**, on a plat entitled "*Plat Showing Phase IV Hunt Club Property of Rainbow Development, L.L.C. Bees Ferry Road St. Andrews, Charleston County, South Carolina*" dated January 28, 2002, revised March 6, 2002, prepared by A.H. Schwacke, III, R.L.S., South Carolina Registered Number 13855, said plat being recorded on March 8, 2002 in Plat Book EE, at page 444, RMC Office for Charleston County, South Carolina.

Parcel 5:

ALL AND SINGULAR all that certain piece, parcel or tract of land, situate, lying and being in St. Andrews Parish, Charleston County, South Carolina, containing 10.000 Ac. more or less, and being further shown and described as "**TRACT A, 10.000 Ac., 435800 S.F.**" on that certain plat entitled "*SUBDIVISION PLAT OF PROPERTY OWNED BY CIS/BEES FERRY ASSOCIATES LOCATED IN ST. ANDREWS PARISH, CHARLESTON COUNTY, S.C*" dated February 15, 1995, revised March 10, 1995, prepared by Forsberg Engineering & Surveying, Inc., said plat being recorded March 14, 1995 in Plat Book EA, Page 468, RMC Office for Charleston County, South Carolina.

Parcel 6:

ALL AND SINGULAR all that certain piece, parcel or tract of land, situate, lying and being in St. Andrews Parish, Charleston County, South Carolina, containing 2.640 Ac. more or less, and being further shown and described as "**TRACT B, 2.640 Ac., 114,998 SQ FT**" on that certain plat entitled "*SUBDIVISION PLAT OF PROPERTY OWNED BY CIS/BEES FERRY ASSOCIATES LOCATED ON BEAR SWAMP ROAD ST. ANDREWS PARISH, CHARLESTON COUNTY, S.C.*" dated April 4, 1996, prepared by Forsberg Engineering & Surveying, Inc., said plat being recorded April 19, 1996 in Plat Book EB, Page 80, RMC Office for Charleston County, South Carolina.

The above property is being conveyed subject to the matters set forth on Exhibit "A" attached hereto and incorporated by reference hereof.

BEING a portion of that property conveyed to Grantor herein by Deed of H. Brown Hamrick , Thomas E. Myers, Jr., Charles R. Hipp, Sr., H.E. Igoe, Jr., Canal Investment Society and CSA Company dated April 26, 1988 and recorded April 27, 1988 in Book F-174, Page 361, RMC Office for Charleston County, S.C.

For reference see TMS: 301 - 00-00 - 034

Grantee's Address: 1901 Ashley River Road
Suite 7B
Charleston, SC 29407

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said Grantee, the Grantee's Heirs, Successors and Assigns forever.

AND the said Grantor does hereby bind Grantor and Grantor's Heirs, Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said Grantee, the Grantee's Heirs, Successors and Assigns, against Grantor and Grantor's Heirs, Successors and Assigns lawfully claiming, or to claim the same or any part thereof.

WITNESS Grantor's Hand and Seal, this 5th day of December 2002 the year of our Lord two thousand and two and in the two hundred and twenty-sixth year of the Sovereignty and Independence of the United States of America.

WITNESSES:

CIS/BEES FERRY ASSOCIATES *
a South Carolina general partnership

By: Canal Investment Society, L.P.
Its: Managing General Partner
By: CSI, Group, Inc., its Manager

Sharon C. Smith

By: Brad J. Dusenbury
Brad J. Dusenbury, Vice President

Debbie B. Robinson

By: Karen M. Godfrey
Karen M. Godfrey, Secretary

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

ACKNOWLEDGEMENT

THE FOREGOING instrument was acknowledged before me this 5th day of December 2002 by CIS/BEES FERRY ASSOCIATES, a South Carolina general partnership By: Canal Investment Society, L.P., Its: Managing General Partner, By: CSI, Group, Inc., its Manager By: Brad J. Dusenbury, Vice President and Karen M. Godfrey, Secretary.

Debbie B. Robinson (SEAL)
Notary Public for South Carolina
Commission Expires: 4-5-2003

EXHIBIT "A"**Permitted Exception**

1. Ad valorem taxes for the current year.
2. Any rollback taxes on said property conveyed herein.
3. Any covenants, conditions, restrictions, easements, rights-of-way or other matters of record.
4. Matters that would be disclosed by a current survey or physical inspection of the property.
5. Any zoning and other governmental regulations.
6. Limitations on use imposed by the applicable provisions of Title 48, Chapter 39, Code of Laws of South Carolina, 1976, as amended, entitled Coastal Tidelands and Wetlands, and the authority of South Carolina Coastal Council in "critical areas" as defined in said Chapter 39, and the rules and regulations promulgated pursuant to said Act.

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property being transferred **BY** CIS/Bees Ferry Associates **TO** Hunt Club Properties, LLC **ON** December 5, 2002.
3. Check one of the following: **The DEED is**
 - (a) x subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) _____ EXEMPT from the deed recording fee because (exemption #) (Explanation, if required) (If exempt, please skip items 4-6, and go to item 7 of this affidavit.)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
 - (a) x The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ 1,450,000.00
 - (b) _____ The fee is computed on the fair market value of the realty which is \$ _____.
 - (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.
5. Check YES _____ or NO _____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is \$ _____.
6. The DEED Recording Fee is computed as follows:
 - (a) \$1,450,000.00 the amount listed in item 4 above
 - (b) _____ the amount listed in item 5 above (no amount place zero)
 - (c) \$1,450,000.00 Subtract Line 6(b) from Line 6(a) and place the results.
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Closing Attorney.
8. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Grantor, Grantee, or Legal Representative
connected with this transaction

Print or Type Name Here

William Bokko, Jr.

SWORN to before me this 5th
day of December 2002

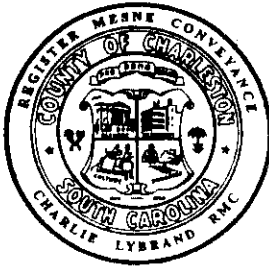
[Signature] (SEAL)
Notary Public for South Carolina

My Commission Expires: My commission expires October 27, 2009

BK K 428PG697

RECORDER'S PAGE

This page Must remain with
the original document.



Nelson Mullins Riley & Scarborough
POST OFFICE BOX 1806
CHARLESTON, S.C. 29402

Recording

Fee 12.00

State

Fee 3770.00

County

Fee 1595.00

Postage _____

TOTAL 5377.00

(3) A

FILED

K428-691

2002 DEC -6 PM 1:43

CHARLIE LYBRAND
REGISTER
CHARLESTON COUNTY SC

**PID VERIFIED
BY ASSESSOR**

REP LMG

DATE 12/16/02

RECEIVED FROM RMC

DEC 16 2002

PEGGY A. MOSELEY
CHARLESTON COUNTY AUDITOR



Joel H. Evans, PLA, AICP
Zoning/Planning Director

843.202.7200
1.800.524.7832
Fax: 843.202.7222
Lonnie Hamilton, III
Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405-7464

POSTED NOTICE AFFIDAVIT

This Affidavit must be filled out and signed by all owner(s) of the subject parcel(s)

I, Calvin R. Nester, have reviewed §3.1.6(B)(2), Posted Notice on
[Print Name(s)]

the back of this affidavit and understand that a sign(s) will be posted on

Parcel Identification Number(s)

301-00-00-034, located at (address)

1198 Bees Ferry Road Charleston SC 29414, at least 15 calendar days prior to the
public hearing date for which my request is scheduled.

I also understand that once the notice has been posted, the owner(s) of the subject property are responsible for notifying the Zoning/Planning Department in writing if the Posted Notice is removed or damaged prior to the public hearing, meeting or date of action that is the subject of the notice. Failure to notify the Zoning/Planning Department in writing of removed or damaged Posted Notice may result in rescheduling of the public hearing and a delay in decision from the decision-making body.

Calvin R. Nester

3/24/2021

[Property Owner(s) Signature(s)]

[Date]

Calvin R. Nester

[Print Name(s)]

For Staff Use Only:

Received by _____

Date _____

Application Number _____



Joel H. Evans, AICP, PLA
Zoning & Planning Director

843.202.7200
1.800.524.7832
Fax: 843.202.7222
Lonnie Hamilton, III
Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405-7464

RESTRICTIVE COVENANTS AFFIDAVIT

I, Rob Wilson, have researched the restrictive covenants applicable to
Parcel Identification Number/s (PID #) 301-00-00-034 located at
1198 Bees Ferry Road Charleston SC 29414
(address/es) _____, and have found that either there are no restrictive covenants
applicable to the subject property/properties or that the proposed application is not contrary to, does not conflict
with, and is not prohibited by any of the restrictive covenants, as specified in South Carolina Code of Laws, Section
6-29-1145.

03/17/21

(Signature)

(Date)

Rob Wilson

(Print Name)

Explanation:

Effective July 1, 2007, South Carolina Code of Laws Section 6-29-1145 requires local governments to inquire in the permit application, or in written instructions provided to the applicant, if a tract or parcel of land is restricted by a recorded covenant that is contrary to, conflicts with or prohibits an activity for which a permit is being sought.

(Section 6-29-1145 is copied on the back of this page)

For Staff Use Only:

Received by _____ Date _____ Application Number _____

08/04/17

Eric Meyer
Chairman



843.202.7200
1.800.524.7832
Fax: 843.202.7222
Lonnie Hamilton, III
Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405-7464

MEMORANDUM

TO: Planned Development Applicants

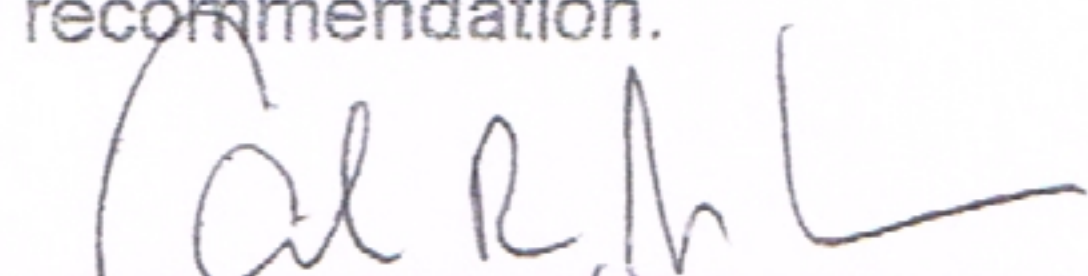
FROM: Eric Meyer, Chairman, Charleston County Planning Commission

DATE: March 14, 2011

SUBJECT: Community Outreach and Planned Development Applications

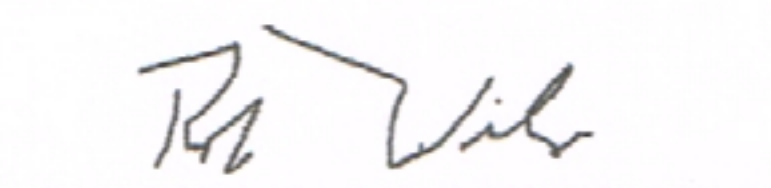
We highly recommend that applicants for zoning change requests to the Planned Development (PD) Zoning District work with the community to inform them of the request, in order to potentially gain their support for such projects.

Your signature below indicates that you have read and understood this recommendation.


Owner Signature

3/24/2021

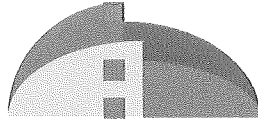
Date


Applicant Signature
(If other than the owner)

Date

Reference Zoning Change Request

PD



Rainbow Development Group, LLC

HOLD HARMLESS AGREEMENT

This agreement is entered into by and between Rainbow Development Group, LLC and the County of Charleston ("County") through its authorized representatives.

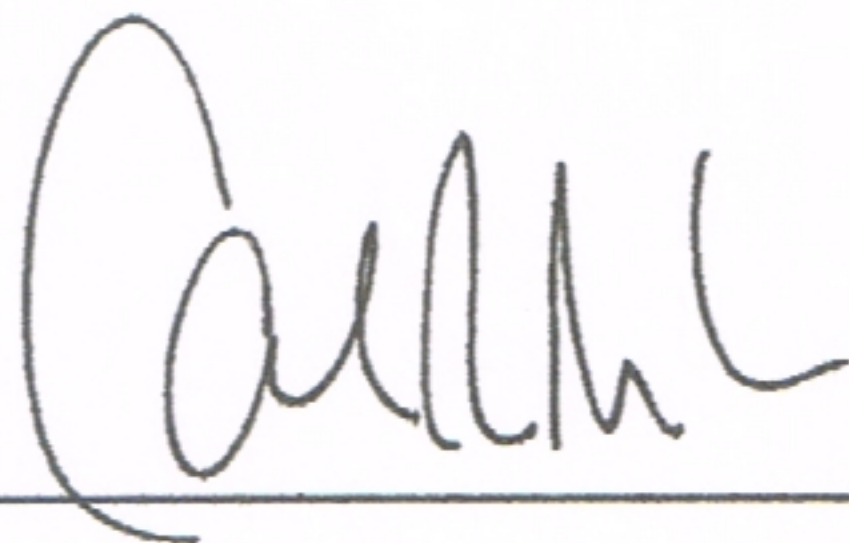
Rainbow Development Group, LLC hereby agrees to hold the County of Charleston harmless for negligent acts committed by the County in its operation of the Charleston County Landfill located at Bees Ferry Road. The Hold Harmless Agreement shall be valid and enforceable only on the following conditions:

1. The Hold Harmless Agreement will only extend to claims made by property owners of the Hunt Club Development, arising out of the negligent operation of the Bees Ferry Landfill by the County or any of its authorized representatives.
2. The Hold Harmless Agreement will only extend to claims that exceed the amount of available insurance coverage the County now has in place or will put in place in the future with regard to the Bees Ferry Landfill.
3. The Hold Harmless Agreement will become null and void should the County fail to keep sufficient insurance coverage in place to cover the affects of its negligent operation of the Landfill, both past and present.
4. The Hold Harmless Agreement will become null and void should the County at any time fail to operate the Landfill in a manner that complies with both State and Federal regulations and the requirements of any license that the County now possesses to operate the Landfill or will possess in the future.
5. The Hold Harmless Agreement is only binding upon Rainbow

Development, LLC and the County of Charleston. The Hold Harmless Agreement is not effective against any successors or assigns of Rainbow Development Group, LLC.

6. This Hold Harmless Agreement is in no way to be interpreted as an obligation on the part of Rainbow Development Group, Inc. to act as insurer for the County of Charleston or the Bees Ferry Landfill, nor is it intended to or to be interpreted as an obligation on the part of Rainbow Development Group, LLC to provide a defense for the County of Charleston in any situation.

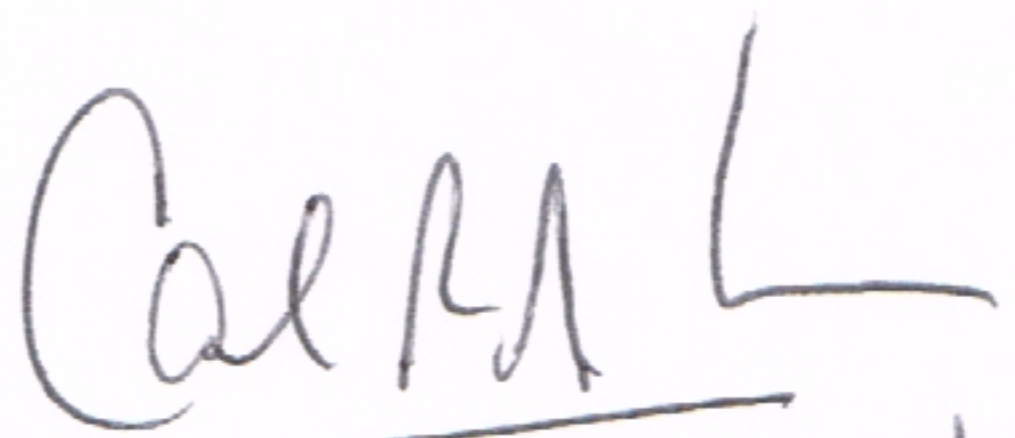
7. The Hold Harmless Agreement shall be deemed null and void should it be determined by a Court of competent jurisdiction that its terms and conditions violate either public policy or the laws and statutes of the State of South Carolina or the Federal Government.

By: 

Charleston, South Carolina

Dated this 15th day of April, 2005

Charleston South Carolina
Dated this 24th of April, 2021

By: 
Rainbow Development Group

Hunt Club Community

Planned Development PD 73-C Guidelines

I. PURPOSE, INTENT AND OBJECTIVES

The following guidelines have been created to direct the proposed Planned Development of 507.62 total acres (Approximately 265 Wetlands and 245 Uplands) along Bees Ferry Road in Charleston County (TMS # 301 - 00 - 00 - 034). This parcel is to be developed, as a single family residential and single family attached residential with front commercial acreage.

The Charleston County Planning Department has requested that Rainbow Development Group, LLC submit the Hunt Club Community as a Planned Development District. Rainbow Development Group, LLC has employed Mr. Will Connor, Connor Engineering, Inc., to prepare the necessary surveys, site planning and engineering design to assure an attractive community for the West Ashley, St. Andrews District.

II. EXISTING SITE INFORMATION

- Existing Owners - Rainbow Development Group, LLC
1901 Ashley River Road, 7-B
Charleston, SC 29407

Hunt Club Properties, LLC
1901 Ashley River Road, 7-B
Charleston, SC 29407
- Owners Representative – Mr. Calvin R. Nester
1901 Ashley River Road, 7-B
Charleston, SC 29407
- Applicant - Rainbow Development Group, LLC
1901 Ashley River Road, 7-B
Charleston, SC 29407

- Existing zoning – Planned Development – 73

- Site Soils: Mp - Mine pits and dumps
 - Wa - Wadmalaw fine sandy loam
 - Yo - Yorges loamy fine sand
 - HoA - Hockley loamy fine sand 0 to 2% slopes
 - HoB - Hockley loamy fine sand 2 to 6% slopes
 - WgB - Wagram loamy fine sand
 - Sc - Santee clay loam

- Potable water and sanitary sewer will be provided by the Charleston CPW. A copy of the CPW commitment letter is included in these planned development guidelines.

- Water: 24" water main in Main Road and Bees Ferry Road R/W. New 16" water main in Bear Swamp Road R/W.

- Sewer: Gravity sanitary sewer in Bear Swamp Road R/W.

- Property is in flood zones A13 (Elev. 7), A15 (Elev.10), zone B and zone C as per community panel 455413 02256/455413 02866, dated July 15, 1988.

- Existing topography averages between elevations 15 and 5 with attractive slopes throughout the property.

III. LAND USE/SITE DEVELOPMENT CONCEPT

Our client, Rainbow Development Group, has worked with your staff to develop a comprehensive site plan for the Hunt Club Community that follows the recommendations from the Planning Department staff. Connor Engineering has prepared a plan for the zoning of approximately 245 acres of land that includes: 505 single family detached and attached residential units; Residential recreational facilities; 15 acres of Bees Ferry frontage property for light commercial properties; 34 acres of property adjoining the Bees Ferry Land fill for self storage facilities; and, an Assisted Living Facility fronting on Bear Swamp Road as previously approved. The resulting site plan sensitively responds to 265 acres of undisturbed wetlands and other site features in a way to maximize tree preservation and enhance the site's natural beauty. The natural beauty of the wetlands with its magnificent trees and plant life are part of the overall nature theme of the Hunt Club. As noted in the Charleston County Ordinance "Trees enhance the Low country quality of life as a sacred and inseparable part of its historical legacy." Both the residential and commercial lots of this new community will meet all zoning requirements necessary for compliance.

There is a courtly entrance area from Bees Ferry Road, beautifully landscaped, leading through the commercial properties to the residential semi-private neighborhood. The Hunt Club Recreational Facility will allow residents joyful access to relaxation and group gatherings in a natural setting. Walking trails through the wetlands will allow a nice stroll or jog. The untouched wetlands will also maintain a sense of seclusion for the neighborhood setting.

The commercial properties shall blend in with the natural habitat. The intent of the commercial development is to allow a harmonious and homogeneous transition into the residential development. Building design shall be of a commercial/residential village nature with the purpose of introducing the community and visitors to the natural beauty of the low country setting.

Allowed Commercial /Office/Residential Uses:

Small Animal Boarding (enclosed building)

Financial Services

Safety Services

Food Sales

See added uses on next page

Liquor Sales

Offices

Condominiums

Personal Improvement Services

Retail Services and Sales

Service Station

Self Storage

Single family attached and detached

Allow residential use (condominiums) one or more floor levels above retail commercial uses.

Allow for a borrow pit (excavating) only to create recreational lakes along the portion of the property (approximately 60 acres) adjoining the Bees Ferry Landfill. Dirt shall be removed offsite.

All as defined in the Charleston County Zoning & Land Development Regulations except as noted.

IV. SETBACK/LOT/HEIGHT/COVERAGE/WETLANDS AND WATERWAY CRITERIA

- A. The entire property shall comply with setback requirements as set forth in the Charleston County Zoning Ordinance except where noted. Any proposed change to the approved Planned Development Guidelines for the Hunt Club Planned Development (73) shall require an amendment to the Planned Development that shall be processed as a Planned Development amendment following the procedures prescribed in the Charleston County Zoning and Land Development Regulations Ordinance.

Include the Following allowed uses:

DAY CARE SERVICES

- Adult Day Care Facilities
- Child Day Care Facilities, including Group Day Care Home or Child Care Center

EDUCATIONAL SERVICES

- Personal Improvement Education, Professional tutorial Education, including Fine Arts Schools or Automobile Driving Schools

HEALTH CARE SERVICES

- Medical Office or Outpatient Clinic, including Psychiatrist Offices, Chiropractic Facilities, or Ambulatory Surgical Facilities, orthodontia, dental
- Health Care Laboratories, including Medical Diagnostic or Dental Laboratories

ANIMAL SERVICES

- Kennel
- Pet Stores or Grooming Salons
- Veterinarian Services

FINANCIAL SERVICES

- Banks
- Financial Services

FOOD SERVICES AND DRINKING PLACES

- Restaurant, Fast Food, including Snack or Nonalcoholic and alcoholic Beverage Bars
- Restaurant, General, including Cafeterias, Diners, Delicatessens, or Full-Service Restaurants

OFFICES

- Administrative or Business Office, including Bookkeeping Services, Couriers, Insurance Offices Personnel Offices, Real Estate Services, Secretarial Services or Travel Arrangement Services
- Government Office
- Professional Office, including Accounting, Tax Preparation, Architectural, Engineering, or Legal Services

RENTAL AND LEASING SERVICES

- Consumer Goods Rental Centers
- Consumer Goods Rental Service, including Electronics, Appliances, Formal Wear, Costume, Video or Disc, Home Health Equipment, Recreational Goods, or other Household Items

REPAIR AND MAINTENANCE SERVICES

- Vehicle Service, Limited, including Automotive Oil Change or Lubrication Shops, or Car Washes

RETAIL SALES

- Building Materials or Garden Equipment and Supplies Retailers
- Hardware Stores
- Home Improvement Centers
- Garden Supplies Centers
- Outdoor Power Equipment Stores
- Pain, Varnish, or Wallpaper Stores
- Food Sales, including Grocery Stores, Meat Markets or Butchers, Retail Bakeries, or Candy Shops
- Liquor, Beer, or Wine Sales
- Retail Sales or Services, General
- Art, Hobby, Musical Instrument, Toy, Sporting Goods, or Related Products Store
- Clothing, Piece Goods, Shoes, Jewelry, Luggage, Leather Goods or Related Products Store
- Convenience Stores
- Drug Stores or Pharmacies
- Duplicating or Quick Printing Services
- Electronics, Appliance, or Related Products Store
- Florist
- Furniture, Cabinet, Home Furnishings, or Related Products Store
- Private Postal or Mailing Service
- Tobacconist

Retirement Housing

- Independent & Assisted Living

Hotels or Motels

Religious, Civic, Professional and Similar Organizations

- Business, Professional, Labor or Political Organizations
- Social or Civic Organizations
- Religious Assembly

Specific to Use:

Service Station/Gas Stations Service stations

•Service station/gas stations adjacent to Bees Ferry Road may be situated such that the pump canopy faces Bees Ferry Road. A landscaper buffer type S4 shall be required in accordance with the ZLDR 9.5.4.

•ZLDR 9.6.3.E.6 shall not apply to service stations/gas stations within the Hunt Club Planned Development; however, all other requirements of ZLDR 9.6.3.E. shall apply.

| Setbacks: | Front yard | Rear yard | Side yard |
|------------------------------------|------------|-----------|--------------------------------|
| Single Family Residential | 22 | 25 | 5'8' |
| Single Family Attached Residential | 20 | 10 | 10 (on all non-attached sides) |
| Commercial Lots | 25 | 10 | 5 |

- B. Building height for single family residential shall be 40' maximum.
- C. Maximum building coverage will be 35% for single family residential.
- D. Maximum building coverage will be 60% for single family attached.
- E. On lots having more than one side fronting on a street, one side shall be designated the front and one side shall be designated the side. The setbacks for the front and side yards shall then be applied.
- F. Maximum commercial building coverage will be 50%.
- G. Minimum lot width of 70' for single family residential, except cul-de-sacs, and in roadway curves which shall have a minimum frontage of 30'. Minimum lot size of 8,000 sq ft. unless otherwise noted.
- H. Minimum lot width of 18' for single family attached residential. Minimum lot size of 1,400 sq ft. unless otherwise noted.
- I. Attached single family residential shall contain no more that 8 units per building structure.
- J. Wetlands and Waterway standards are intended to provide an unobstructed, unoccupied open area between the furthestmost projection of a structure and all waterways and salt water critical lines. The purpose of these required buffers is to provide a visual and spatial buffer between development and the County's salt water wetlands and waterways and to protect water quality and wildlife habitat. Buffers with a minimum depth of 35 feet shall be provided along all waterways (not drainage ditches) and saltwater critical lines. The minimum lot width standards of the underlying zoning district shall apply at the required buffer setback line. Vision corridors may be established within required waterway and wetland buffers, provided that they not exceed 33 percent of the total buffer length. Vision corridors may be free of vegetation, provided that the following shall never be removed: A. live oaks with a diameter breast height of 12 inches or greater; and, B. any tree (except a pine) with a diameter breast height of 18 inches or greater. All existing vegetation shall be preserved within required buffers, unless expressly approved by the Planning Director, and the Homeowners Association (HOA). When no vegetation exists within required buffers, the buffers shall be landscaped with a minimum of 4 canopy trees, 6 understory trees and 15 shrubs per 100 linear feet of buffer area. Plant material shall be selected from the List of Native and Naturalized Species or such other species that is expressly approved by the Planning Director and the HOA. Every part of a required waterway or wetland buffer must be open and unobstructed from the ground to the sky except for trees, shrubbery or other landscape features; bulkheads; docks; rip rap; and unpaved walkways.

- K. Buffering on Bees Ferry Road shall be in accordance with the Charleston County Unified Development Ordinance.

V. OFF STREET PARKING

- A. Parking will meet residential requirements for residential areas and commercial requirements for commercial areas.

VI. LANDSCAPING REQUIREMENTS

- A. Landscaping shall flow throughout the community and will follow or surpass the Charleston County standards unless other wise noted.
- B. The Hunt Club theme promotes tree protection and preservation. As described in the Charleston County Ordinance, “Trees play a critical role in purifying air and water, providing wildlife habitat, and enhancing natural drainage of storm water and sediment control.” Tree Protection shall be a priority for the community and shall follow Charleston County Standards.

C. Where retail development areas utilize shared parking and shared access easements and parking area or drive aisle is adjacent to and internal to the commercial development area, individual commercial parcels shall be exempt from the provisions of ZLDR 9.5.3.A. When perimeter parking is adjacent to a non-retail use, perimeter landscaping shall be required pursuant to ZLDR 9.5.3.A.

VII. SIGNAGE

- A. Entrance identification signage and landscaping will blend in with the nature theme and be allowed at the entrance into the residential area as shown on the plans and will adhere to guidelines set forth in the Charleston County Zoning Ordinance.

VIII. STREET/STORM DRAINAGE

- A. The road system shall be asphalt with roadside ditches from the Bees Ferry entrance through the commercial property up to the residential entrance as shown on the site plans. All right of way widths shall be a minimum of 50 feet and roads shall be constructed to Charleston County Road Standards for Paved Streets.
- B. Paving of the road system shall be asphalt, must meet county approvals, and will be dedicated to the public unless other wise noted.
- C. Storm drainage must be approved by the Charleston County Public Works Department. Water runoff from buildings, drives and parking areas shall be

managed and treated to meet the necessary agency approvals and preserve environmental standards.

- D. A comprehensive drainage study for the project will be submitted to and approved by the Charleston County Public Works Department prior to the approval of any phase of the proposed construction. The study will include upstream drainage areas as determined from aerial photos, USGS quadrangle maps, and ground investigation. Downstream drainage will also be addressed to US 17 and will continue as needed downstream to the marsh. Wetland hydrology will be determined, to include the 25-year crest elevation, the 100-year flood zone (as shown on the FEMA flood maps), the normal water elevation in the wetlands, necessary pond outfall elevations, and the impact of lowland flooding. The FEMA flood map indicates a varying 100-year flood elevation of 7.00 MSL to 10.00 MSL in the vicinity. Finished floor elevations will be mandated significantly higher than 10.00 MSL. Any improvements to the existing drainage system called for by the drainage study must be identified and associated with a defined construction phase.
- E. Construction traffic will be handled to ensure construction vehicles will be routed away from newly approved roadways. The construction accesses (by phase) are shown on the planned development layout plan.
- F. We have met with the OCRM (Rob Mikell and Jeff Thompson) concerning the wetland master plan and the proposed plan is feasible. The road crossings as shown are typical for this type project. The Corps of Engineers typically permits these types of crossings based on compliance with state, federal, and local agencies comments. OCRM has indicated the standard requirements of undisturbed wetland buffers, crossing pipes, erosion control and Best Management practices. The wetlands have been delineated and the delineation has been approved by the Corps of Engineers. Wetland fill permits have also been approved for the required wetland crossings.

IX. UTILITIES

- A. The appropriate utilities have been contacted and the utilities will be extended per the phasing of the project, as the project is constructed. Commitments have been made by Charleston CPW, SCE&G, and BellSouth for sewer, water, power, and phone. The SCDOT, St. Andrews Fire Department, and St. Andrews PSD have reviewed the development plan and have indicated no problems with the conceptual plan.

X. DEVELOPMENT SCHEDULE

- A. Phase I construction is complete. This phase consisted of the build out of approximately 3889 LF of road, water, and sewer to accommodate approximately 65 lots.
- B. Phase II construction is complete. This phase consisted of the build out of approximately 3,700 LF of road, water, and sewer to accommodate approximately 77 lots.
- C. Phase III is currently under construction. This will encompass the build out of approximately 1668 LF of road, water and sewer to accommodate 33 lots. The estimated remaining build out time for Phase III is 3 months.
- D. The development of the remaining residual property will be phased as the market demands. This will allow the marketing trends to help guide the continuing build-out of Hunt Club. A maximum of 330 total single family residential and/or single family attached units will be developed. The total number of 505 dwelling units will remain unchanged from the previously approved Planned Development PD-73.