

GREAT FALLS ZONING ORDINANCE

**Prepared by
Great Falls Planning Commission
Great Falls, South Carolina**

**Planning Commission Staff provided
by
Catawba Regional Planning Council**

December 1998

**Great Falls Planning Commission
P. O. Box 177
Great Falls, SC 29055**

GREAT FALLS PLANNING COMMISSION

**Elizabeth Wilson
Jamie Wilmore
Hank Starnes
Glenn Smith
Charles H. Ferguson**

GREAT FALLS ZONING BOARD OF APPEALS

**Roosevelt Boulware
Charles Weiland
Dean Runion**

Chapter 46

Article I. In General

- Sec. 46-1. Authority and purpose.
- Sec. 46.2 Title.
- Sec. 46.3 Jurisdiction.
- Sec. 46.4 Definitions.
- Sec. 46.5 Remedies.
- Sec. 46.6. Penalty.
- Secs. 46-7 - 46-40. Reserved.

Article II. Establishment of Districts

- Sec. 46-41. Division of area into districts.
- Sec. 46.42. Zoning map and district boundaries
- Sec. 46.43 Interpretation of district boundaries
- Secs. 46-44 – 46-75. Reserved.

Article III. Application of Regulations

- Sec. 46-76. Minimum regulations
- Sec. 46-77. Application.
- Sec. 46.78. Height and density.
- Sec. 46.79. Yard service to one building.
- Sec. 46.80. Reduction of lot and yard area.
- Secs. 46-81 – 46-110. Reserved.

Article IV. General Regulations

- Sec. 46-111 Nonconforming uses.
- Sec. 46-112. Off-street parking requirements.
- Sec. 46-113. Off-street parking requirements.
- Sec. 46-114. One residential building per lot.
- Sec. 46-115. Public access.
- Sec. 46-116. Buffer between commercial and residential lots.
- Sec. 46-117. Visibility at intersections.
- Sec. 46-118. Floodplain development.
- Sec. 46-119. Zoning of annexed areas.
- Secs. 46-120 – 46.150. Reserved.

Article V. District Regulations

- Sec. 46-151. D-1 development district.
- Sec. 46-152. R-1 low-density residential district.
- Sec. 46-153. R-2 medium-density residential district.
- Sec. 46-154. R-3 high-density residential district.
- Sec. 46-155. C-1 central commercial district.
- Sec. 46-156. C-2 general commercial district.
- Sec. 46-157. I-1 industrial district.
- Sec. 46-158. RIV district
- Secs. 46-159 – 46-190. Reserved.

Article VI. Dimensional Requirements

- Sec. 46-191. Residential dimensional requirements.
- Sec. 46-192. Nonresidential dimensional requirements.
- Sec. 46-193. Yard requirements.
- Sec. 46-194. Height requirements; structures permitted above the height limits.
- Sec. 46-195. Modification.
- Sec. 46-197 – 46-225. Reserved.

Article VII. Supplementary District Regulations

- Sec. 46-226. Group housing developments.
- Sec. 46-227. Mobile home parks.
- Sec. 46-228. Mobile homes on individual lots.
- Sec. 46-229. High-rise structures.
- Sec. 46-230. Hospitals, nursing homes, convalescent homes, extended care centers.
- Sec. 46-231. Home occupants.
- Secs. 46-232 – 46-265. Reserved.

Article VIII. Signs and Telecommunications Towers

- Sec. 46-266. Definitions.
- Sec. 46-267. General provisions.
- Sec. 46-268. Prohibited signs.
- Sec. 46-269. Temporary signs.
- Sec. 46-270. Signs in residential districts.
- Sec. 46-271. Signs in nonresidential districts.
- Sec. 46-272. Communications Tower and Antenna
- Secs. 46-273 – 46-305. Reserved.

Article IX. Administration and Enforcement

- Sec. 46.306. Zoning enforcement officer.
- Sec. 46-307. Zoning permit required.
- Sec. 46-308. Application.
- Sec. 46-309. Construction progress.
- Sec. 46-310. Certificate of occupancy required.
- Sec. 46-311. Denial of certificate of occupancy.
- Sec. 46-312. Records of applications and certificate.
- Secs. 46-313 – 46-345. Reserved.

Article X. Zoning Board of Appeals

- Sec. 46.346. Establishment, membership, proceedings.
- Sec. 46.347. Powers and duties.
- Sec. 46.348. Appeals.
- Sec. 46.349. Functions.
- Sec. 46.350 – 46.380. Reserved.

Article XI. Amendments

- Sec. 46.381. Procedure.
- Sec. 46-382 – 46-410. Reserved.

Article XII. Fees and Charges

- Sec. 46.411. Schedule.
- Sec. 46.412. No action until fees paid.
- Sec. 46-413 - 46- Reserved

ARTICLE I. IN GENERAL

Sec. 46.1. Authority and purpose.

Pursuant to authority conferred by S.C. Code 1994, §§ 6-29-710, also known as the Comprehensive Planning Enabling Act of 1994, which enables the town to plan and zone, and to guide development in accordance with existing and future needs, to protect, promote and improve the public health, safety, morals, convenience, order; appearance, prosperity and general welfare; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to protect scenic areas; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, in accordance with a comprehensive plan and with reasonable consideration of the character of each area and its 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, buildings, and structures, the council ordains and enacts into law the regulations in this chapter upon the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot which may be occupied, the sizes of yards, courts, and other open spaces, the density and distribution of population, uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, water supply, sanitation, protection against floods, public activities; and furthermore provides for the method of administration and amendment of this chapter, defines the powers and duties of the board of adjustment with respect to this chapter, defines certain terms used in this chapter, and provides penalties for violation of this chapter.

Sec. 46.2. Title.

These regulations shall be known and may be cited as the Zoning Ordinance of Great Falls, SC.

Sec. 46.3. Jurisdiction.

The regulations set forth in this chapter shall apply to all land and improvements thereon within the town, areas annexed thereto, and such adjacent unincorporated areas as the town may control for planning and zoning responsibilities under right of extraterritorial jurisdiction as agreed on by the council and the county governing authority.

Sec. 46.4. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use means a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Adult Bookstore. An establishment that has as substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one (1) or more of the following:

- (1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, compact discs, or other visual representations that are characterized by an emphasis upon depiction or description of specified sexual activities or specified anatomical areas,

specified sexual activities are defined as either the act or simulation of touching of human genitals, buttocks or female breast. The definition also includes the act or simulation of sexual intercourse or masturbation in any form,

specified anatomical areas refers to less than opaquely covered genitals, buttocks or female breast below the top of the areolae.

- (2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult Cabaret. A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Entertainment Establishment. An establishment including, but not limited to, adult bookstores, adult cabarets, adult motion picture theaters, adult theaters, sexual encounter establishments and any other establishment which contains activities characterized by performance, depiction or description of "specified sexual activities", or "specified anatomical areas".

NOTE: An establishment where a person appears in a state of nudity as part of a modeling class shall not be construed as an adult entertainment establishment or a sexual encounter establishment if the establishment is operated:

- (1) by a proprietary school, licensed by the State of South Carolina; a college, junior college, or university supported entirely or partly by taxation;
- (2) by a private college or university which maintains and operates 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 nude person is available for viewing.
 - b. Where, in order to participate in class a student must enroll at least three (3) days in advance of the class; and-
 - c. Where no more than one (1) nude model is on the premises at any one (1) time.

Adult Motion Picture Theater. An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction of specified sexual activities or specified anatomical areas.

Adult Theater. A theater, concert hall, auditorium, or similar establishment characterized by [activities featuring] the exposure of specified anatomical areas or by specified sexual activities.

Alteration of buildings means 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.

Building means any structure, having a roof supported by columns or by walls designed for the shelter, support or enclosure of persons, animals or property of any kind.

Club, lodge, civic organization or fraternal organization means an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

Communications Tower. 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.

Telecommunications as defined in the federal Telecommunications Act of 1966, 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.

Antenna means a device, dish or array used to transmit or receive telecommunications signals.

Height of a communication tower is the distance from the base of the tower to top of the structure.

Dwelling. See "Residence."

Dwelling unit. See "Residence unit."

Family means one or more persons occupying a single residential unit. For purposes of this chapter, such persons may include gratuitous guests, foster children, and domestic servants living and employed on the same premises.

Floor area means the gross horizontal area of a building measured from the exterior faces of the exterior walls of a building, exclusive of carports and open porches.

Group housing development means two or more principal residential structures located on the same lot.

Height of building means the vertical distance measured from the mean finished ground level adjoining the building to the highest point of the roof.

Home occupation means an occupation, profession or trade customarily carried on by an occupant in a dwelling unit as a secondary use that is clearly incidental to the dwelling unit for residential purposes.

Junkyard. See "Salvage yard."

Kindergarten. See "Nursery."

Lot means a piece or parcel of land, duly recorded in the office of the county clerk of court by plat or by metes and bounds description.

Lot, corner, means a lot abutting on two or more streets at their intersection, or a lot abutting two parts of the same street, forming an interior angle of less than 135 degrees at the point of intersection of the street lines or of the street lines as extended.

Lot depth means the average horizontal distance between the front and rear property lines of a lot.

Lot, double frontage, means a lot other than a corner lot.

Lot, interior, means a lot other than a corner lot.

Lot line, front, means that line which separates the lot from a street right-of-way.

Lot line, rear, means ordinarily, that lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot, a line ten feet in length entirely within the lot, parallel to and at the maximum distance from the front lot line, or a chord thereof if the front lot line is curved, shall be considered as the rear lot line for purposes of determining the required rear yard. In cases where neither of these conditions is applicable, the zoning administrator shall designate the rear lot line.

Lot width means the distance between the side lot lines at the setback line as measured along a straight line parallel to the front lot line or parallel to the chord thereof.

Lot, zoning means a parcel of land indicated by the owner, at the time of application for a zoning permit, as being that land he proposes to develop under one ownership.

Mobile home means a detached residential unit designed for transportation after fabrication on streets and highways on its own wheels and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundation, connection to utilities, and the like.

Mobile home park means a parcel of land under single ownership planned and improved for the placement of mobile homes for nontransient use.

Nonconforming lot means a lot of record as of the effective date of the ordinance from which this chapter derives or subsequent amendment thereto that does not meet the requirements for the district in which it is located.

Nonconforming use means the use of a structure, building or land existing as of the effective date of the ordinance from which this chapter derives or subsequent amendment thereto that does not meet the requirements for the district in which is located.

Nursery means a home, center, agency, school or facility where children not related to the operator are received for care, apart from their parents, whether for compensation, reward or otherwise, during part or all of the day or night and upon any number of successive days or nights.

Off-street loading space means the area required to load or unload goods or other material plus the necessary driveways and maneuvering area.

Off-street parking space means the area required to park one automobile plus the necessary driveways and maneuvering area.

Principal structure or principal building means a structure or building in which or on which is conducted the main use of the lot on which the principal structure or building is located.

Principal use means the main activity carried out on a lot or within a structure as contrasted with principal structure and as contrasted with accessory use which are incidental and subordinate to the principal use.

Residence means “A dwelling or portion thereof designed, occupied, or intended for human residential occupancy, not including a hotel, motel, rooming or boarding house.” Effective 9-7-99

Residence, multifamily, means, “A dwelling occupied by three or more families. Apartments, tenements, condominiums, cooperatives, and similar structures are multi-family dwellings. Effective 9-7-99

Residence, single-family, means a building used exclusively as a residence, and containing only one residential unit.

Residence, two-family, means a building used exclusively as a residence, and containing only two residential units.

Residential unit means one or more rooms with cooking and toilet facilities, used as a place of habitation for one family.

Salvage yard or junkyard means any use involving the storage or processing of inoperable, disused, dismantled or wrecked vehicles, equipment or machinery or the storage or processing of scrap metal, wastepaper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials, or other scrap, salvage, waste or junk materials.

Setback line means a line establishing the minimum allowable distance between the nearest portion of any building, excluding steps, gutters and similar fixtures, and the property line when measured perpendicularly to the property line.

Sign means any device designed to inform or attract the attention of persons not on the premises on which the device is located.

Structure means anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground; provided that, for purposes of this chapter, mobile homes, travel trailers, mobile signs and portable signs are defined as structures; and further provided that minor landscaping features such as

ornamental pools, planting boxes, bird baths, paved surfaces, walkways, driveways, recreational equipment, flagpoles and mailboxes are not defined as structures. The term “structure” includes the term “building.”

Travel trailer means a vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses, of length not exceeding 29 feet.

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

Yard, front, means an open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the front lot line and the front line of the building. Covered porches, whether enclosed, shall be considered as part of the principal building and shall not project into a required yard.

Yard, rear, means 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, required, means the area between a lot line and a building within which no structure may be located except as otherwise provided in this chapter. All yards referred to in this chapter are minimum required yards.

Sec. 46-5. Remedies

If 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 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.

Sec. 46-6. Penalty.

- (a) Any person violating, by act or omission, any provision of this chapter shall be guilty of a misdemeanor and shall be punishable as provided in section 1-6.
- (b) Where such an act or omission is continued in violation of the provisions of this chapter after notice of such violation by the zoning administrator, each day during which such act or omission continues shall be deemed a separate violation.
- (c) 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.

Secs. 46-7 - 46-40. Reserved.

ARTICLE II. ESTABLISHMENT OF DISTRICTS

Sec. 46-41. Division of area into districts.

For the purpose of this chapter, the area of zoning jurisdiction as described in section 46-1 is divided into the following districts:

- D-1 Development
- R-1 Residential, Low-Density
- R-2 Residential, Medium-Density
- R-3 Residential, High-Density
- C-1 Commercial, Central
- C-2 Commercial, General
- I-1 Industrial
- RIV River Preservation District

Sec. 46-42. Zoning map and district boundaries.

The boundaries of the districts listed in section 46-41 are established as shown on a map entitled “Zoning Map of the Town of Great Falls, South Carolina.” The zoning map is a part of this chapter. The zoning map shall be identified by the signature of the mayor, attested by the clerk-treasurer, and bear the seal of the town. A reproducible copy of the zoning map shall be kept on file in the town hall, and copies shall be available at all times for inspection by the public.

Sec. 46-43. Interpretation of district boundaries.

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

- (1) Where district boundaries are indicated as approximately following the centerlines of streams, railroads, streets or highways, or street, highway or railroad right-of-way lines, such centerlines or right-of-way lines shall be construed to be such boundaries.
- (2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundaries.
- (3) Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and such distance wherefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.

- (4) Where a district boundary line as appearing on the zoning map divides a lot in single ownership at the time of the enactment of the ordinance from which this chapter derives, 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 100 feet beyond the district boundary line.

Sec. 46-44 – 46-75. Reserved.

ARTICLE III. APPLICATION OF REGULATIONS

Sec. 46-76. Minimum 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 provided in this article.

Sec. 46.77. Application.

No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of regulations specified in this chapter for the district in which it is located.

Sec. 46.78. Height and density.

No building or other structure shall be created or altered to:

- (1) Exceed the height;
- (2) House a greater number of families or occupy a smaller lot area per family or occupy a greater percentage of lot area;
- (3) Have narrower or smaller rear yards, front yards, side yards, or other open spaces;

Than required in this chapter, or in any other manner be created or altered to be contrary to the provisions of this chapter.

Sec. 46-79. 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.

Sec. 46-80. Reduction of lot and yard area.

No lot or yard existing at the time of passage of the ordinance from which this chapter derives shall be reduced in size or area below the minimum required by this chapter. Yards or lots created after the effective date of the ordinance from which this chapter derives shall meet at least the minimum requirements established in section 46-76. The provisions of this section shall not apply when a portion of a lot is acquired

for public purposes, nor shall they apply when the reduction of lot or yard space is required by court order.

Secs. 46-81 – 46-110. Reserved.

ARTICLE IV. GENERAL REGULATIONS

Sec. 46.111. Nonconforming uses.

- (a) *Generally.* The lawful use of any building or structure or land existing at the time of the effective date of the ordinance from which this chapter derives may be continued even though such use does not conform with the provisions of this chapter, subject to the regulations of this section on nonconforming uses of buildings and land and nonconforming characteristics of lots.
- (b) *Continuance of regulated.*
 - (1) A nonconforming use shall not be changed to another nonconforming use unless the zoning board of adjustment finds that the new nonconforming use is more in character with the uses permitted in the district.
 - (2) A nonconforming use may be changed to any conforming use permitted in the district in which it is located.
 - (3) A nonconforming use shall not be torn down and rebuilt as a nonconforming use.
 - (4) A nonconforming use shall not be enlarged or extended except in conformity with this chapter.
 - (5) A nonconforming use shall not be reestablished after vacancy or discontinuance for one year.
 - (6) A nonconforming use shall not be rebuilt, altered or repaired, except in conformity with chapter after damage exceeding 50 percent of the fair market value of the improvement as determined by the zoning administrator. However, this provision shall not apply to dwellings.
 - (7) A nonconforming use shall not be repaired or altered to an extent exceeding ten percent of the current replacement cost of the use within any period of 12 consecutive months. Work may be done on ordinary repairs, or on repair or replacement of structural elements, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed on the effective date of the ordinance from which this chapter derives shall not be increased, and that the cost and time limits set by this section are not exceeded.
- (c) *Time periods for discontinuance of certain nonconforming uses.* The following nonconforming uses shall be discontinued or made to conform with the uses provisions of this chapter within the following specified periods of time from the effective date of the ordinance from which this chapter derives or subsequent amendments affecting a nonconforming use:
 - (1) Nonconforming mobile homes on the same lot as another principal structure in residential district4 years
 - (2) Nonconforming salvage yards 3 years

- (3) Nonconforming advertising signs or business signs. 3years
- (4) Nonconforming uses of land involving no buildings other than accessory buildings. 2years
- (5) Nonconforming display of merchandise for sale in required front yd.1 year
- (d) *Nonconforming lots of record.*
 - (1) *Single lots.* Where the owner of a lot at the time of the effective date of the ordinance from which this chapter derives 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.
 - (2) *Adjoining lots.* If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption of the ordinance from which this chapter derives 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 ownership shall be subject to the requirements of this chapter.
 - (3) *Conversion of use on nonconforming lots.* The minimum yard requirements of this chapter shall not be construed as prohibiting the conversion of an existing building that does not meet the minimum yard requirements to another permitted use, so long as no further encroachment is made into the existing yards.

Sec. 46.112. Off-street parking requirements.

- (a) *Generally.* Off-street parking is not required in the C-1 central commercial district. In all other districts, permanent off-street parking space in a parking garage or properly graded and improved open space in the amount specified by this section shall be provided at the time of the erection of any building; or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guestrooms, seats or floor area; or before conversion from one type of use or occupancy to another.
- (b) Number of spaces required for specific uses.
 - (1) Auditoriums, theaters, commercial recreation establishments, fraternal organizations and places of public assembly require one space for each four seats of maximum seating capacity in the main assembly room.

- (2) Automobile service stations require three spaces for each grease rack or similar facility, plus one space for each employee on the shift with highest employment.
- (3) Auto sales and repair facilities require one space for each 150 square feet of auto repair or maintenance space.
- (4) Bus terminals require one space for each four seats in the waiting room, plus one space for each two employees on the shift with highest employment.
- (5) Child care centers require one space for each adult attendant.
- (6) Churches or other places of worship existing as of the effective date of the ordinance from which this chapter derives require no off-street parking.
- (7) Churches or other places of worship erected after the effective date of this chapter require one space for each four seats of maximum seating capacity in the main assembly room.
- (8) Home occupations, in addition to residence requirements, require one space for each 100 square feet of floor space devoted to home occupation use.
- (9) Hospitals, nursing homes, sanitariums or similar institutions require one space for each two beds intended for patients, not including bassinets, plus one space for each three employees on the shift with highest employment, plus one space for each staff doctor.
- (10) Industrial uses require one space for each three employees on the shift with highest employment, plus one visitor parking space for each ten persons on the managerial staff, plus one space for each vehicle used directly in the conduct of business.
- (11) Mortuaries or funeral homes require one space for each four seats in the main assembly room, one additional space for each two employees, one additional space for each resident family, and one additional space for each funeral vehicle.
- (12) Mobile home parks require one space for each mobile home plus one space for each two employees.
- (13) Motels, hotels, tourist homes, rooming houses and boardinghouses require one space for each room to be let, plus one space for each two employees on the shift with highest employment, plus appropriate space for any other use associated with the establishment.
- (14) Offices (except medical and dental) and financial institutions require one space for each 300 square feet of gross floor area.
- (15) Offices, medical and dental, require one space for each 150 square feet of gross floor area, plus one space for each doctor and employee.
- (16) Restaurants or similar eating establishments require one space for each four seats provided for patron use and one additional space for each two employees on the shift with highest employment.
- (17) Residences, single-family, duplex and multifamily, require two spaces for each dwelling unit.

- (18) Retail and service businesses require one space for each 300 square feet of gross floor area.
- (19) Schools require one space for each eight seats in the main auditorium or assembly room, plus one space for each vehicle operated by or for the school, plus one space for each teacher or other employee.
- (20) Shopping centers, planned as a unit, require sufficient spaces for each individual use as indicated in this section or one space for each 150 square feet of gross leasable floor space, whichever is greater.
- (21) Wholesaling and warehousing require one space for each three employees on the shift with the highest employment, plus one visitor parking space for each ten persons on the managerial staff, plus one space for each vehicle used directly in the conduct of business.
- (22) Uses not specified in this subsection or ambiguous cases falling into more than one specified use require appropriate parking to fulfill the intent of this chapter, with the number of spaces based on the uses specified in this subsection as a guideline, as interpreted by the zoning administrator.

(c) *Certification of minimum parking requirements.* Each application for a zoning permit or certificate of occupancy submitted to the zoning administrator shall include a plan showing the required space reserved for off-street parking and loading space and the means of ingress to and egress from each space. This information shall be sufficient to enable the zoning administrator to determine whether or not the requirements of this section are met.

(d) *Design of parking area.* All off-street parking areas with the exception of parking areas for one- and two-family detached dwellings shall be so designed that vehicles will not be required to back onto a public street or way when leaving the premises.

(e) *Size of required parking areas.* For purposes of this chapter, the minimum size of one parking space plus associated maneuvering area is deemed to be 300 square feet. For example, if the parking requirements for a specific use indicate that parking for ten cars is needed, the total area required to be set aside for parking space, aisles and turning room would be 3,000 square feet.

(f) *Combination of required parking space.* The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that half the parking space required for churches, theaters or other uses whose peak attendance will be at night or on Sundays may be assigned to a use that will be closed at night or on Sundays.

(g) *Remote parking space.* If the off-street parking space required by this chapter cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the principal use; provided on any land within 400 feet of the principal use; provided such land is in the same ownership as the principal use.

(h) *Vehicles without current license plates.* Automobiles, trucks or trailers of any kind or type without current license plates shall not be parked or stored on any lot zoned for residential use, other than in completely enclosed buildings.

(i) *Travel or camping trailers.* Not more than one travel or camping trailer, per family living on the premises, shall be permitted on a lot in any residential zone; and the trailer shall not be occupied temporarily or permanently while it is parked or stored, except in an authorized mobile home park.

(j) *Commercial vehicles.* No commercial vehicles used for hauling explosives, gasoline, or liquefied petroleum products shall be permitted to be parked or stored in a district zoned for residential purposes.

Sec. 46.113. Off-street loading requirements.

(a) Every building or structure erected and used for business, trade or industry shall provide space as indicted in this section for the loading and unloading of vehicles, with access to a public street or alley. Such space shall be so arranged that no vehicle will be required to back onto a public street or way and so that vehicles may maneuver for loading and unloading entirely within the property lines of the premises. Off-street loading spaces shall meet the following requirements for size and number:

- (1) *Retail and service businesses.* Retail and service businesses require one space ten feet by 25 feet with overhead clearance of 14 feet for each 20,000 feet of gross floor area or fraction thereof.
- (2) *Wholesale and industrial uses.* Wholesale and industrial uses require one space ten feet by 50 feet with 14 feet overhead clearance, as follows:

<i>Square Feet of Gross Floor Area in Structure Spaces</i>	<i>Number of</i>
0 – 25,000	1
25,000 – 40,000	2
40,000 – 100,000	3
100,000 – 160,000	4
160,000 – 240,000	5
240,000 – 320,000	6
320,000 – 400,000	7
Each 90,000 above 400,000	1

- (3) *Bus and truck terminals.* Sufficient spaces to accommodate the maximum number of buses or trucks to be loading, unloading or stored at the terminal at any one time.

- (b) Each application for a zoning permit or certificate of occupancy submitted to the zoning administrator shall include a plan showing the required off-street loading space and the means of ingress and egress thereto.

Sec. 46-114. One residential building per lot.

No more than one principal residential structure and its customary accessory structures shall be erected on any one lot, except as provided by section 46-226.

Sec. 46-115. Public access.

No principal building shall be erected on any lot that does not have immediate frontage on at least one public street or road for a distance of not less than 25 feet, except as provided by section 46-226.

Sec. 46-116. 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 four feet tall, or an equivalent buffer as authorized by the zoning administrator. If 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 adjustment, such screen or wall shall be subjected to periodic inspections by the zoning administrator to determine that such required walls or fences are being properly maintained. In the case of landscaping, all planted material shall be maintained in a health, growing condition, neat and orderly in appearance. Failure to maintain such required walls or fences to an acceptable standard shall be deemed a violation of this chapter.

Sec. 46-117. Visibility at intersections.

On any corner lot on which a front and side yard is required, nothing shall be erected, placed, planted or allowed to grow which obstructs sight lines between a height of 2½ feet above the crown of the adjacent roadway and ten feet in a triangular area formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 25 feet along the front and side lot line and connecting the points so established to form a triangle on the triangular area provided no branches are within ten feet above the street.

Sec. 46-118. Floodplain development.

When there are areas in the vicinity of streams and drainageways where ground elevations and other physical facts are such that the areas are subject to periodic or

occasional flooding, and therefore are not suitable for most types of development. Zoning permits will be issued for only those open air uses of land which are permitted in the district. Because potential flooding is a threat to the health, safety and welfare of owners and occupants of properties located there, permits shall not be issued for the placing of buildings in floodplains.

Sec. 46.119. Zoning of annexed areas.

When territory becomes part of the town or is included within the jurisdiction of this chapter, such territory shall automatically be classified as R-1, development until such classification shall either be confirmed as an appropriate permanent classification or has been changed by an amendment to this chapter, with such confirmation or change to be made within 60 days from the date of annexation or inclusion of the territory within the jurisdiction of this chapter.

Secs. 46-120. – 46-150. Reserved.

ARTICLE V. DISTRICT REGULATIONS

Sec. 46-151. D-1 development district.

(a) The purpose of the D-1 district is to provide for large tracts of land located primarily on the fringe of urban growth wherein the predominant character of development has not yet been established. It is intended that use characteristics within this district be principally agricultural or residential in nature. It is also anticipated that future demand for developable land will generate requests for amendments in zone designations to remove land from the D-1 classification and place it into other, more intensely developed classifications as a natural consequence of urban expansion.

(b) Permitted uses in the D-1 district are:

- (1) Agriculture, horticulture, animal husbandry, forestry and similar agriculturally related uses.
- (2) Farm dwellings and accessory buildings related to the uses listed in subsection (b)(1) of this section.
- (3) Single-family and two-family detached residences.
- (4) Accessory buildings and uses customarily incidental to any use permitted in this zone.
- (5) Home occupations subject to the provisions of section 46-232.
- (6) Group housing developments containing single-family detached residences or two-family detached residences, subject to the provisions of section 46-226.
- (7) Mobile homes on individual lots subject to the provisions of section 46-228
- (8) Mobile home parks, subject to the provisions of section 46-227.
- (9) Public or private schools or colleges.
- (10) Churches or other places of worship, including educational buildings related thereto.
- (11) Public, private, commercial or noncommercial recreational facilities such as parks, playgrounds, country clubs and community centers, but excluding entertainment uses such as theaters, bowling alleys, bars, lounges, nightclubs and uses with similar characteristics.
- (12) Nursery schools, kindergartens, and child care centers, subject to the provisions of section 46-231.
- (13) Hospitals and medical treatment facilities, including acute care and extended care facilities, subject to the provisions of section 46-230, but excluding private doctors', dentists' or other similar practitioners' offices when not part of a treatment facility.
- (14) Governmental buildings or use.
- (15) Utilities and their appurtenant facilities necessary for the provision of transportation, communications, water, sewerage, electrical service, and natural gas service.

- (16) Cemeteries.
- (17) Parking related to all uses permitted in the zone, but excluding commercial parking lots or garages.
- (18) Signs, subject to provisions of sections 46-266 – 46-271.
- (19) Communications towers, subject to provisions of section 46-272.

Sec. 46-152. R-1 low-density residential district.

- (a) The purpose of the R-1 district is to:
 - (1) Provide low-density residential areas, characterized primarily by single-family and two-family residences on large lots;
 - (2) Accommodate related recreational, educational and religious facilities normally required to provide an attractive and convenient residential environment; and
 - (3) Discourage any use that, because of its character, would interfere with the development of or be detrimental to the nature of low-density residential areas, and protect such areas from the depreciating effects of incompatible land uses.
- (b) **Permitted uses in the R-1 district are:**
 - (1) Single-family and two-family detached residences, but excluding mobile homes and mobile home parks. *Roof Pitch Requirement (Effective Date 3-17-03)
 - (2) Accessory buildings and uses customarily incidental to any use permitted in this zone.
 - (3) Home occupations subject to the provisions of section 46-231.
 - (4) Group housing developments containing single-family or two-family detached residences subject to the provisions of section 46-226.
 - (5) Public or private schools or colleges.
 - (6) Churches or other places of worship, including educational buildings related thereto.
 - (7) Public or private recreational facilities and uses not operated for profit, such as parks, playgrounds, country clubs and community centers; private nonprofit clubs, lodges, civic and fraternal organizations, but excluding entertainment uses such as theaters, bowling alleys, bars, lounges, and nightclubs, and uses with similar characteristics.
 - (8) Government buildings or uses not incompatible with the residential character of the zone.
 - (9) Utility substations necessary for the provision of transportation, communications, water, sewerage, electrical service, and natural gas service, provided that no vehicles or equipment are stored on the premises, and further provided that potentially objectionable characteristics such as noise, odors, smoke, heat, excessive light or vibrations are minimized to guard against depreciating effects on adjacent properties, in keeping with the residential character of the zone.
 - (10) Cemeteries only as accessory uses to churches or other places of worship.
 - (11) Parking related to all uses permitted in the zone, but excluding commercial parking lots or garages.
 - (12) Signs, subject to provisions of sections 46-266 – 46-271.
 - (13) Communications towers, subject to the provisions of section 46-272.

Sec. 46.153. R-2 medium-density residential district.

(a) The purpose of the R-2 district is to provide medium-density residential areas, characterized primarily by single-family and two-family residences on medium-sized lots, to accommodate related recreational, educational and religious facilities normally required to provide an attractive and convenient residential environment, to discourage any use that, because of its character, would interfere with the development of or be detrimental to the nature of medium-density residential areas, and to protect such areas from the depreciating effects of incompatible land uses.

(b) Permitted uses in the R-2 district are:

- (1) Single-family and two-family detached residences. *Roof Pitch Requirement (Eff. Date 3-17-03)
- (2) Accessory buildings and uses customarily incidental to any use permitted in this zone.
- (3) Home occupations subject to the provisions of section 46-232.
- (4) Group housing developments containing single-family or two-family detached residences subject to the provisions of section 46-226.
- (5) Public or private schools or colleges.
- (6) Churches or other places of worship, including educational buildings related thereto.
- (7) Public or private recreational facilities and uses not operated for profit, such as parks, playgrounds, country clubs and community centers; private nonprofit clubs, lodges, civic and fraternal organizations, but excluding entertainment uses such as theaters, bowling alleys, bars, lounges, and nightclubs, and uses with similar characteristics.
- (8) Nursery schools, kindergartens and child care centers subject to the provisions of section 46-231.
- (9) Extended care nursing and convalescent centers subject to the provisions of section 46-230.
- (10) Government buildings or uses not incompatible with the residential character of the zone.
- (11) Utility substations necessary for the provision of transportation, communications, water, sewerage, electrical service, and natural gas service, provided that no vehicles or equipment are stored on the premises, and further provided that potentially objectionable characteristics such as noise, odors, smoke, heat, excessive light or vibrations are minimized to guard against depreciating effects on adjacent properties, in keeping with the residential character of the zone.
- (12) Cemeteries.
- (13) Parking related to all uses permitted in the zone, but excluding commercial parking lots or garages.
- (14) Signs, subject to provisions of sections 46-266 – 46-271.
- (15) Communications towers, subject to the provisions of section 46-272.

Sec. 46-154. R-3 high-density residential district.

- (a) The purpose of the R-3 district is to provide high-density residential areas, characterized primarily by all housing types, to accommodate related recreational, educational and religious facilities normally required to provide an attractive and convenient residential environment, to discourage any use that, because of its character, would interfere with the development of or be detrimental to the nature of high-density residential areas, and to protect such areas from the depreciating effects of incompatible land uses.

(b) Permitted uses in the R-3 district are:

- (1) Single-family and two-family detached residences.
- (2) Mobile homes on individual lots not occupied by any other principal structure, subject to provisions of section 46-228.
- (3) Multifamily dwellings on individual lots.
- (4) Mobile home parks, subject to the provisions of section 46-227.
- (5) Group housing developments containing single-family detached residences or two-family detached residences, subject to the provisions of section 46-226, but excluding mobile homes, which may be grouped in mobile home parks subject to the provisions of section 46-227.
- (6) Rooming houses and boardinghouses.
- (7) Accessory buildings and uses customarily incidental to any use permitted in this zone.
- (8) Home occupations subject to the provisions of section 46-232.
- (9) Public or private schools or colleges.
- (10) Hospitals and medical treatment facilities, including acute care and extended care facilities, subject to the provisions of section 46-230, but excluding private doctors', dentists' or other similar practitioners' offices when not part of a treatment facility.
- (11) Churches or other places of worship, including educational buildings related thereto.
- (12) Public, private, commercial or noncommercial recreational facilities such as parks, playgrounds, country clubs and community centers, but excluding entertainment uses such as theaters, bowling alleys, bars, lounges, nightclubs and uses with similar characteristics.
- (13) Nursery schools, kindergartens, and child care centers, subject to the provisions of section 46-231.
- (14) Government buildings or uses not incompatible with the residential character of the zone.
- (15) Utility substations necessary for the provision of transportation, communications, water, sewerage, electrical service, and natural gas service, provided that no vehicles or equipment are stored on the premises, and further provided that potentially objectionable characteristics such as

noise, odors, smoke, heat, excessive light or vibrations are minimized to guard against depreciating effects on adjacent properties, in keeping with the residential character of the zone.

- (16) Cemeteries.
- (17) Parking related to all uses permitted in the zone, but excluding commercial parking lots or garages.
- (18) Signs, subject to the provisions of sections 46-266 – 46-271.
- (19) Communications towers, subject to the provisions of section 46-272.

Sec. 46-155. C-1 central commercial district.

- (a) The purpose of the C-1 district is to:
 - (1) Provide for central commercial area, characterized primarily by retail establishments and personal and business services, to accommodate related secondary uses customarily accessory to commercial areas;
 - (2) Discourage any use that, because of its character, would interfere with the development of or be detrimental to the nature of convenient and efficient commercial areas;
 - (3) Protect such areas from the depreciating effects of incompatible land uses; and
 - (4) Protect certain noncommercial uses from potentially detrimental effects of commercial areas.

- (b) **Permitted uses in the C-1 district are:**
 - (1) Retail establishments.
 - (2) Business and professional services, personal services, repair services.
 - (3) Financial institutions.
 - (4) Business and professional offices.
 - (5) Offices of governmental, civic and nonprofit organizations.
 - (6) Light manufacturing uses such as bakeries, dairy products, processing, soft drink bottling and distribution, laundry and dry cleaning plants, and similar establishments, but excluding manufacturing or processing uses ordinarily classified as industrial uses.
 - (7) Eating and drinking establishments.
 - (8) Hotels and motels.
 - (9) Commercial recreational and entertainment uses.
 - (10) Civic and cultural uses.
 - (11) Government buildings or uses not incompatible with the character of the district.
 - (12) Acute care hospitals and medical treatment facilities, but excluding extended care facilities, nursing and convalescent homes.
 - (13) Multifamily residences located provisions of section 46-226. in group housing developments, subject to the
 - (13a) Multi-family residential unit provided it is located in a principal use building and must have direct access to a street. Effective 9-7-99
 - (14) Residential uses located in high-rise structures.
 - (15) Home occupations.
 - (16) Nursery schools, kindergartens and child care centers subject to the provisions of section 46-231.
 - (17) Churches or other places of worship, including educational buildings related thereto.
 - (18) Cemeteries only as accessory uses to churches or other places of worship.

- (19) Public or private schools or colleges.
- (20) Clubs, lodges, civic and fraternal organizations.
- (21) Utilities and their appurtenant facilities necessary for the provision of transportation, communications, water, sewerage, electrical and natural gas services.
- (22) Public or private recreational facilities such as parks, playgrounds or community centers.
- (23) Parking related to all permitted uses in the C-1 district and in all other districts, and in addition, commercial parking lots or garages.
- (24) Signs subject to the provisions of sections 46-266 – 46-271.
- (25) High-rise buildings subject to the provisions of section 46-229.
- (26) Accessory buildings and uses customarily incidental to any use permitted in the zone.
- (27) Communications towers, subject to the provisions of section 46-272.

(c) Uses specifically prohibited in the C-1 district are:

- (1) Single-family or two-family residences, mobile homes on individual lots, mobile home parks. Effective 9-7-99
- (2) Wholesaling uses involving bulk storage, distribution and supply, including wholesale storage, distribution and supply of bulk petroleum products except as characteristic of a use clearly secondary and incidental to a permitted principal use.
- (3) Manufacturing or processing uses ordinarily characterized as industrial uses.
- (4) Truck terminals.
- (5) Salvage yards, automobile junkyards, processing or storage of scrap or salvaged materials.
- (6) Extended care medical facilities, nursing homes, convalescent homes.

(d) Off-street parking is a permitted use, but off-street parking is not required in the C-1 district. Off-street parking is required in all other districts.

Sec. 46-156. C-2 general commercial district.

(a) The purpose of the C-2 district is to:

- (1) Provide for a general commercial area, characterized primarily by retail and wholesale establishments and personal and business services;
- (2) Accommodate related secondary uses customarily accessory to commercial areas;
- (3) Discourage any use that, because of its character, would interfere with the development of or be detrimental to the nature of convenient and efficient commercial areas;
- (4) Protect such areas from the depreciating effects of incompatible land uses; and
- (5) Protect certain noncommercial uses from potentially detrimental effects of commercial areas.

(b) Permitted uses in the C-2 district are:

- (1) Any use permitted in the C-1 district.
- (2) Wholesaling, warehousing, storage, supply and distribution, truck terminals, distribution and supply of bulk petroleum products.
- (3) Salvage yards restricted in use to the storage and dismantling of vehicles and machinery, and not including the storage or processing of scrap metal, wastepaper, rags, construction wastes, industrial wastes, secondhand building materials or other scrap, salvage, waste or junk materials, and further provided that such vehicle and machinery salvage yards shall be screened from view from any public street or way and from any adjoining property by a screening fence or wall of opaque material at least seven feet in height.
- (4) Nursing and convalescent homes, extended care medical facilities.
- (5) Cemeteries, as permitted principal uses, not restricted to accessory uses to churches or other places of worship.
- (6) Communications towers, subject to the provisions of section 46-272.
- (7) Vehicle and equipment repair garages or repair services.
- (8) Signs subject to the provisions of sections 46-266 – 46-271.
- (9) **Sexually Oriented Business (City Council Reading 2nd Rdg 10-19-09)**

Purpose and intent.

It is the purpose of this Article to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the Town of Great Falls, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the Town of Great Falls. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and

exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Article to condone or legitimize the distribution of obscene material.

9.1 Location of sexually oriented businesses; nonconforming uses.

a. A sexually oriented business may be located only within a C2- General Commercial district.

b. A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business outside of a designated C2- General Commercial district.

c. A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within 1,000 feet of:

- (1) A church;
- (2) A public or private elementary or secondary school;
- (3) A boundary of any residential district;
- (4) A public park or public trail adjacent to any residential district;
- (5) The property line of a lot devoted to residential use;
- (6) A day care facility.

d. A person commits a misdemeanor if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.

e. 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.

f. For purposes of this Article, 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 district, or residential lot.

g. For purposes of this Article, the distance between any two 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.

h. Any sexually oriented business lawfully operating on January 1, 2000 that is in violation of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for

any reason or voluntarily discontinued for a period of 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 or more sexually oriented businesses are within 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 is nonconforming.

i. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private elementary or secondary school, Public Park, residential district, or a residential lot within 1,000 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.

9.2 Definitions.

a. *Adult arcade* means 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 (5) 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 "certain sexual activities" or "specified anatomical areas."

b. *Adult bookstore* or *adult video store* means 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:

- (1) 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
- (2) 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 an 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 areas."

(c) *Adult cabaret* means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of nudity; or
- (2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (3) 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."

c. *Adult motel* means 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, 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;
- (2) Offers a sleeping room for rent for a period of time that is less than 10 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 10 hours.

e. *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."

f. *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."

g. *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.

h. *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.

i. *Establishment* means and includes any of the following:

j. *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.

k. *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.

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

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

n. *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.

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

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) 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.

p. *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.

q. *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.

r. *Specified sexual activities* means and includes any of the following:

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

s. *Substantial enlargement* of a sexually oriented business means the increase in floor areas occupied by the business by more than 25 percent, as the floor areas exist on January 1, 2000.

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

- (1) The sale, lease, or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the 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 the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

9.3 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.

9.4 Permit required.

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

b. 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 6 inches.

c. 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.

d. 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 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 10 percent or greater interest in the corporation must sign the application for a permit as applicant.

e. The fact that a person possesses other types of state, county, or County permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business permit.

9.5 Issuance of permit and fee.

a. The County zoning administrator shall approve the issuance of a permit to an applicant within 30 days after receipt of an application unless he finds one or more of the following to be true:

- (1) An applicant is under 18 years of age.
- (2) An applicant or an applicant's spouse is overdue in his payment to the County of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
- (3) 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.
- (4) An applicant is residing with a Person who has been denied a permit by the County to operate a sexually oriented business within the preceding 12 months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months.
- (5) 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.
- (6) The permit fee required by the ordinance codified in this section has not been paid.
- (7) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of the ordinance codified in this section.
- (8) 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.

b. The annual fee for a sexually oriented business permit is \$500.00.

c. Signage

- (1) It shall be unlawful for the owner or operator of any regulated establishment or any other person to erect, construct or maintain any sign for the regulated establishment other than one (1) flat plan, rectangular in shape *primary sign* and one (1) flat plan, rectangular in shape *secondary sign* as provided herein.

(2) *Primary* signs shall have no more than two (2) display surfaces. Each such display surface shall not:

1. Contain any flashing lights;
2. Exceed 20 square feet in area; or
3. Exceed ten (10) feet in height

(3) *Primary* signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner, and may contain only:

1. The name of the regulated establishment; and/or
2. One (1) of more of the following phrases:
 - a) Adult Bookstore
 - b) Adult Movie Theater
 - c) Adult Cabaret
 - d) Adult Entertainment
 - e) Adult Model Studio
3. *Primary* signs for adult movie theaters may contain the additional phrase, "Movie Title Posted on Premises."

(4) Each letter forming a word on a *primary* sign shall be of a solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a *primary* sign shall be of a uniform and solid color.

(5) *Secondary* signs shall have only one display surface. Such display surface shall:

1. Be a flat plane, rectangular in shape;
2. Not exceed ten (10) square feet in area;
3. Not exceed five (5) feet in height;
4. Be affixed or attached to any wall or door of the establishment.

9.6 Inspection

An application of permittee shall permit representatives of the police department, health department, fire department, zoning department, or other County 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.

9.7 Expiration of permit.

a. 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 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the permit will not be affected except for good cause shown.

b. 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.

9.8 Suspension of permit.

The zoning administrator may suspend a permit for a period not to exceed 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 this chapter,
- (4) Knowingly permitted gambling by any person on the sexually oriented business premises.

9.9 Revocation of permit.

a. The zoning administrator shall revoke a permit if a cause for suspension occurs and the permit has been suspended within the preceding 12 months for willful and knowing violation of the ordinance codified in this section.

b. The zoning administrator shall revoke a permit if he determines that:

- (1) A permittee knowingly gave false or misleading material information in the application submitted to the zoning department during the application process;
- (2) A permittee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (3) A permittee or an employee has knowingly allowed prostitution on the premises;
- (4) A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;

- (5) 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;
- (6) A permittee is delinquent in payments to the County, City, or State for any taxes or fees past due related to the sexually oriented business.

c. 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 90 days have elapsed since the date the revocation became effective.

9.10 Transfer of 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.

9.11 Additional regulations for adult motels.

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

b. 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 subrents a sleeping room to a person and, within ten hours from the time the room is rented, he rents or subrents the same sleeping room again.

c. For purposes of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

9.12 Regulations for exhibition of sexually explicit films or videos.

a. 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 150 square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- (1) 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 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 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.

- (2) The application shall be sworn to be true and correct by the applicant.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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 (5) of this section remains unobstructed by any walls, merchandise, display racks or other materials at all times and in every booth or room in which viewing of videos, as defined in subsection (a) of this section, is taking place the bottom of the door must be at least 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 subsection (a) of this section.
- (7) No viewing room may be occupied by more than one person at any time.
- (8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle as measured at the floor level.
- (9) 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.

- b. A person having a duty under this section commits a misdemeanor if he knowingly fails to fulfill that duty.

9.13 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 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 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.

(c) Uses specifically prohibited in the C-2 district are:

- (1) Residential uses on individual lots; however, multifamily uses are permitted in group housing developments, and mobile homes are permitted in mobile home parks.
- (2) Manufacturing or processing uses ordinarily characterized as industrial uses.
- (3) Salvage yards involving the storage or processing of materials other than vehicles and machinery.
- (4) Outdoor display of merchandise in required front yard setbacks.
- (d) Off-street parking is required for all uses in the C-2 district as per the requirements of section 46-112

Sec. 46-157. I-1 industrial district.

(a) The purpose of the I-1 district is to:

- (1) Provide for industrial areas characterized primarily by manufacturing, processing, storage and distribution uses;
- (2) Accommodate related secondary uses customarily accessory to industrial areas;
- (3) Discourage any use that would, because of its character, interfere with the development or be detrimental to the nature of efficient industrial areas;
- (4) Protect such areas from the depreciating effects of incompatible land uses; and
- (5) Protect certain non industrial uses from potentially detrimental effects of industrial uses.

(b) Permitted uses in the I-1 district are:

- (1) Industrial uses, manufacturing, processing operations, including food processing, extractive operations such as quarrying or mining, and other similar uses, provided that such uses do not produce excessive noise, excessive vibration, excessive smoke or particulate matter, offensive odors, excessive levels of toxic or noxious matter in the atmosphere or in water bodies, dangerous levels of radiation, hazards of fire or explosion, excessive humidity, heat or glare, electromagnetic interference, other physical, chemical or biological contamination of the environment, or other similar conditions that would be incompatible with adjacent development outside the industrial district in which the use is located.
- (2) Wholesaling, warehousing, storage, supply and distribution, truck terminals, distribution and supply of bulk petroleum products.
- (3) Light manufacturing uses such as bakeries, dairy products processing, food processing, soft drinks bottling and distribution, laundry and dry cleaning plants and similar establishments.
- (4) Business offices associated with and secondary to individual industrial and related uses located within the district.
- (5) Salvage yards for the storage and processing of vehicles and machinery, scrap metal wastepaper, rags, construction wastes, industrial wastes, secondhand building materials or other scrap, salvage waste or junk materials, provided that such salvage yards shall be screened from view from any public street or way and from any adjoining property by a screening wall or fence of opaque material at least seven feet in height.
- (6) Vehicle and equipment repair garages or repair services.
- (7) Trade schools, vocational schools and technical schools engaging in activities of an industrial nature.

- (8) Lumber and building supply yards; yards for the storage of contractors equipment and supplies; outdoor storage of materials, supplies or equipment; and other facilities of the building trades.
- (9) Agricultural machinery and equipment sales and service, farm suppliers.
- (10) Scientific, technical and medical laboratories, and research facilities.
- (11) Radio and television stations and transmission facilities.
- (12) Veterinary establishments.
- (13) Government buildings or uses not incompatible with the character of the district.
- (14) Cemeteries.
- (15) Utilities and their appurtenant facilities necessary for the provision of transportation, communications, water, sewerage, electrical services and natural gas services, including all uses, processes and facilities related thereto.
- (16) Public or private recreational facilities such as parks, playgrounds or community centers, provided such facilities are not incompatible with the character of the district.
- (17) Parking related to uses permitted in any zone and, in addition, commercial parking lots or garages.
- (18) Signs, subject to the provisions of sections 46-266 – 46-271.
- (19) High-rise buildings containing uses permitted in the district, but excluding residential uses, subject to the provisions of section 46-229.
- (20) Accessory buildings and uses customarily incidental to any use permitted in the district.
- (21) Communications towers, subject to the provisions of section 46-272.

(c) Uses specifically prohibited in the I-1 district are:

- (1) Any use the zoning board of adjustment, on appeal and after investigation of similar uses elsewhere, shall find reasonably likely to be noxious, dangerous or offensive to persons or uses in the district or in adjacent districts by reason of exceeding acceptable characteristics of use as specified in subsection (b)(1) of this section or likely for other reasons to be incompatible with the character of the district or of adjacent districts.
- (2) Residential uses, including single-family, two-family or multifamily residences and mobile homes.
- (3) Public or private schools or colleges not engaged in activities of an industrial nature.
- (4) Churches or other places of worship, including educational buildings related thereto.
- (5) Commercial recreation or entertainment uses.
- (6) Nursery schools, kindergartens, child care centers.
- (7) Hospitals and medical treatment centers, nursing homes, convalescent homes, extended care centers.

- (8) Retail establishments except those serving as outlets for products manufactured or processed on the premises.
- (9) Business services, professional services, personal services, except as specifically permitted in subsection (b) of this section.
- (10) Financial institutions.
- (11) Business and professional offices except as specifically permitted in subsection (b) of this section.
- (12) Civic, cultural and fraternal organizations, clubs and lodges, except as specifically permitted in subsection (b) of this section.
- (13) Hotels and motels.
- (14) Outdoor display or merchandise in required front yard setbacks.

(d) Off-street parking is required for all uses in the I-1 district as per requirements of section 46-112.

Sec. 46-158. River Preservation, RIV District.

- (a) The purpose of the River Preservation District is to help protect the water quality in the Catawba River from the impact of storm water runoff. This buffer district shall extend 100 feet inland from the banks of the Catawba River. Within this buffer there shall be no disturbance of the vegetative land cover unless provisions are made to protect the river from runoff until the vegetative cover can be restored. When the vegetative cover is disturbed, "Best Management Practices" as prepared by the Natural Resources Conservation Service or regulations contained in the "Chester County Sediment Control and Drainage Ordinance" as applicable shall be followed. Any existing housing within this buffer cannot be rebuilt in the buffer area if the unit is deemed to be over 50% destroyed by the Chester County Building Official's Department.

In addition to the river buffer, a 50-foot vegetative buffer shall also be established along both banks of Rocky Creek. The vegetation in this buffer is to be protected in the same manner as was described above for the river buffer.

(b) Permitted Principle Uses:

Passive recreation

Public boat landings, public water or wastewater treatment facilities, intakes, discharges or other public uses.

Agriculture and silviculture to include watering of livestock, tilling, tree harvesting among other activities provided any disturbed soil is maintained on site until the buffer is revegetated.

Secs. 46-159 – 46-190. Reserved.

ARTICLE VI. DIMENSIONAL REQUIREMENTS

Sec. 46-191. Residential dimensional requirements.

Lot size, building coverage, yard setbacks and building heights of residential structures and uses shall be governed by the requirements set forth in table 1.

Sec. 46-192. Nonresidential dimensional requirements.

Lot size, building coverage, yard setbacks and building heights of nonresidential structures and uses shall be governed by the requirements set forth in table 2.

Sec. 46-193. Yard requirements.

- (a) *Corner lots.* Minimum side yards for corner lots shall be the same as minimum front requirements; however, this requirement shall not be applied so as to reduce the buildable width of a corner lot of record as of the effective date of the ordinance from which this chapter derives to less than 30 feet.
- (b) *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 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 not less than the average setbacks on the aforementioned lots, and in no case less than ten feet from the street or road right-of-way.
- (c) *Double-frontage lots (through lots, or lots that are not corner lots, but that front on more than one street).* Front yard requirements shall be observed for principal and accessory buildings on each street frontage; however the provisions of this section shall not be applied so as to reduce the buildable width or depth of double-frontage lots of record as of the effective date of the ordinance from which this chapter derives to less than 30 feet.

Sec. 46-194. Height requirements; structures permitted above the height limits.

The height limitations of this chapter shall not apply to roof structures, housing elevators, stairways or mechanical equipment; spires, belfries, cupolas and domes; water towers, tanks, transmission towers, television towers, radio towers; conveyors; flagpoles, chimneys, masts, aerials and similar structures not intended for human occupancy.

Sec. 46-195. Modification. The general dimensional requirements set forth in this article are modified by section 46-226, 46-227 and 46-229.

TABLE 1. DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL USES

District	Minimum Lot Area (square feet)		Each Additional Unit	Minimum Lot Width at Building Line (feet)	Maximum Percentage of Lot Covered by Building	Minimum Yard Setbacks in Feet			Maximum Height (feet)
	First Unit	Second Unit				Front	Side	Rear	
D-1	12,000	10,000	10,000	70	30	35	10	25	35
R-1*	21,500	10,000	10,000	70	30	35	10	25	35
R-2*	12,000	5,000	3,000	70	40	25	8	20	35
R-3	7,000	5,000	3,000	70	40	25	8	20	35
C-1	7,000	5,000	3,000	70	50	25	8	15	35
C-2	7,000	5,000	3,000	70	50	25	8	15	35
I-1	Residential uses not permitted								
RIV	Residential uses not permitted								

Note: See sections 46-193 – 46-195 for additional dimensional requirements.

See section 46-229 for regulations exempting high-rise structures from general dimensional requirements and substituting other requirements.
See section 46-227 for provisions governing mobile home parks.

*Roof Pitch Requirement – Requires a roof pitch of not less than 6:12. (Effective Date 3-17-03)

TABLE 2. DIMENSIONAL REQUIREMENTS FOR NONRESIDENTIAL USES

District	Minimum Lot Area (Square feet)	Minimum Lot Width at Building Line (feet)	Maximum Percentage of Lot Covered by Building	Minimum Yard Setbacks in Feet			Maximum Height (feet)
				Front	Side	Rear	
D-1	12,000	70	50	35	10	2.5	35
R-1 (3) (4)	21,000	70	50	35	10	2.5	35
R-2 (3) (4)	12,000	70	50	2.5	8	20	35
R-3 (3)	7,000	70	50	2.5	8	20	35
C-1	(1)	(1)	(1)	(1)	(2)	(1)	50
C-2	(1)	(1)	(1)	2.5	(2)	(1)	50
I-1	(1)	(1)	(1)	40	30	30	60
RIV	(1)	(1)	(1)	No structures, except public uses to be constructed in 100 or 50 feet buffer area			35

(1) No minimum required.

(2) No setback require if building is built to lot line, otherwise a setback of at least three feet is required; however, when a lot zoned C-1, C-2 or I-1 abuts a district zoned D-1, R-1, R-2 or R-3, the minimum setback of the district which it abuts must be maintained.

(3) Non residential setbacks shall be six (6) feet on the side and six (6) feet on the rear for lots which are 10,000 sq. feet or less. (Effective Date 4-20-99)

(4) Roof Pitch Requirement – Requires a roof pitch of not less than 6:12 (Effective Date 3-17-03)

Note: See sections 46-193 – 46-195 for additional dimensional requirements.

See section 46-229 for regulations exempting high-rise structures from general dimensional requirements and substituting other requirements.

Sec. 46-197 – 46-225. Reserved.

ARTICLE VII. SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 46-226. Group housing developments.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Group housing development means two or more principal residential structures located on lot.

(b) *Purpose.* The purpose of allowing group housing developments is to allow flexibility in design of residential areas, and to achieve more desirable development characteristics than would be possible through piecemeal development of small individual parcels.

(c) *Types of residential structures permitted.* Group housing developments may contain the following types of residential structures within the following specified districts:

- (1) *D-1 development district:* Single-family detached, two-family detached.
- (2) *R-1 low-density residential district:* Single-family detached, two-family detached.
- (3) *R-2 medium-density residential district:* Single-family detached, two-family detached.
- (4) *R-3 high-density residential district:* Single-family detached, two-family detached, multifamily.
- (5) *C-1 central commercial district:* Multifamily.
- (6) *C-2 general commercial district:* Multifamily.

(d) *Minimum lot size:* No group housing project shall be established on a lot having less than 20,000 square feet.

(e) *Lot area per dwelling unit.* Any group housing project shall conform to the minimum lot area per dwelling unit for the district in which it is located as provided by sections 46-191 – 46-195.

(f) *Minimum yard setback requirements.* All buildings and structures established in connection with a group housing development shall comply with the front, side and rear yard setbacks established for the district in which the development is located as provided in sections 46-191 – 46-195; except no principal or accessory building shall be less than 15 feet from any side or rear property line; and further provided that such front, side and rear setbacks shall

apply only to yards adjacent to property lines and shall not apply to each structure individually.

(g) *Building separation or internal yards.* In order to provide adequate internal yards and open spaces within group housing developments, the following building separations shall be observed:

- (1) No principal structures shall be separated by a distance of less than 20 feet.
- (2) No principal structures shall be separated by a distance of less than 40 feet measured from the front of one structure to the front of a facing structure.
- (3) No principal structures shall be separated by a distance of less than 100 feet measured from the front of one structure to the rear of another structure when one structure faces the rear of another structure within the same group development.

(h) *Maximum height of structures.* Maximum height of structures shall conform to height regulations for the district in which the development is located as provided by sections 46-191 – 46-195.

(i) *Off-street parking.* Off-street parking shall be provided for all structures or uses located within a group housing project as provided by section 46-112.

(j) *Nonconforming uses removed.* All nonconforming uses or structures shall be removed from the site before any construction on the group housing project is begun.

(k) *Administrative procedures.* Before the zoning administrator shall issue a zoning permit for the construction of any group housing project, the following administrative review procedures shall be completed:

- (1) Plats and other necessary information shall be submitted to the planning commission for review.
- (2) The planning commission shall review the submitted information and shall find that design requirements stipulated above have been met and further that the group housing development as proposed is in harmony with the intent of this chapter and, if the required findings are made, shall approve the proposal and certify such approval to the zoning administrator.
- (3) If the planning commission fails to either approve or disapprove the proposal within a period of 60 days from the submission of all required information, the zoning administrator may issue a zoning permit for the construction of the group housing development.

Sec. 46-227. Mobile home parks.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

Mobile home means a detached residential dwelling unit designed for transportation after fabrication on streets and highways on its own wheels and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundation, connection to utilities, and the like.

Mobile home park means a parcel of land under single ownership that has been planned and improved for the placement of mobile homes for nontransient use.

Mobile home space means the total area reserved for the exclusive use of the occupants of a mobile home.

Mobile home stand means that part of an individual lot that has been reserved for the placement of the mobile home, appurtenant structures or additions. Expandable rooms, enclosed patios, garages or structural additions are considered part of a mobile home stand area.

Property line means the recorded boundary of a mobile home park.

(b) *Purpose.* The purpose of regulations governing mobile home park construction is to ensure that minimum design standards are followed that will protect properties adjacent to mobile home parks from potentially depreciating effects and also to afford residents of mobile homes assurance that an acceptable residential environment will be created.

(c) *Location.* Mobile home parks are permitted in D-1, R-3 and C-2 districts, subject to the regulations of this section.

(d) *Area requirements.*

- (1) The minimum area for a mobile home park shall be three acres.
- (2) The number of mobile homes per acre shall not exceed eight.
- (3) The minimum mobile home space shall be at least 2,500 square feet. Permanent markers at each corner will indicate these spaces.

(e) *Driveways, walkways, parking.*

- (1) All mobile home spaces, other than those fronting on a public street, shall abut on a private driveway that has a minimum roadway width of 24 feet. Such driveway shall be graded and paved, well marked and lighted, and shall have unobstructed access to a public street.
- (2) If the driveway is not a through street, it shall have a minimum 50-foot radius turnaround or cul-de-sac.
- (3) Two off-street automobile parking spaces shall be provided for each mobile home. These areas should be located on or adjacent to the mobile home spaces. Parking areas may be provided along one side of a private driveway if such driveway is at least 32 feet wide, and along both sides if such driveway is at least 40 feet wide. Vertical or battered concrete curb or other appropriate and durable car stops shall be installed at the end of all head-in parking bays.

(f) *Setbacks and clearances.*

- (1) All mobile homes and all buildings or structures within a mobile home park shall have a minimum setback of 25 feet from the park's side or rear property line, and the mobile home park shall comply with the required front yard setback for the district in which it is located. Parking facilities and driveways shall not be permitted in the side and rear yard setbacks for a distance of ten feet from the property line.
- (2) Mobile homes shall be situated on each space so that a setback of at least 15 feet exists between the mobile home and any abutting driveway.
- (3) There shall be at least a 20-foot side clearance between adjacent mobile home stands. Also, no mobile home stands or any accessory structures, such as individual storage facilities, may be erected within four feet of any mobile home space line or within 20 feet of any common building, such as offices or laundry facilities.

(g) *Drainage, screening, improvements.*

- (1) A mobile home park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant water.
- (2) Mobile home parks shall be effectively screened along the rear and side property lines by a planting of evergreen trees or shrubs designed to be at least five feet high and four feet deep at maturity. In lieu of such planting strip, a wall or fence at least five feet high, which is designed to provide equivalent screening, may be provided.

- (3) construction of the required drives, utilities, mobile home stands and other improvements shall be completed for at least 15 mobile home spaces before any part of the park is occupied.

(h) *Uses prohibited.* In no case shall a use be permitted in connection with a mobile home park that is not permitted by this chapter in the district in which such mobile home park is to be located.

(i) *Administrative procedures.* Before the zoning administrator shall issue a zoning permit for the establishment of any mobile home park, the following administrative review procedures shall be completed:

- (1) Plats and other necessary information shall be submitted to the planning commission or review.
- (2) The planning commission shall review the submitted information and shall find that the design requirements have been met and further that the mobile home park as proposed is in harmony with the intent of this chapter and, if the required findings are made, shall approve the proposal and certify such approval to the zoning administrator.
- (3) If the planning commission fails to either approve or disapprove the proposal within a period of 60 days from the submission of all required information, the zoning administrator may issue a zoning permit for the establishment of the mobile home park.

Sec. 46-228. Mobile homes on individual lots.

(a) *Requirements.* Mobile homes are permitted on lots not occupied by any other principal structure in R-3 district, subject to the provisions of this section.

(b) *District requirements.* A mobile home located on an individual lot shall meet all lot area, lot coverage, yard setback, height and parking requirements for single-family residences for the district in which it is located.

(c) Manufactured homes (single and double wides) used as residence on a single lot, provided all following conditions are met:

- a. wheels are removed and unit is placed on a permanent foundation complying with building code;
- b. concrete or masonry underpinning is installed;
- c. unit is tied down for 80 mile per hour wind resistance;
- d. all mobile features are removed;
- e. two off street parking spaces per unit are provided;
- f. owner shall certify in writing that unit meets HUD standards and will be maintained in compliance with HUD standards;

- g. failure to bring a unit into compliance with HUD standards within 15 days after notice of deficiencies is a violation of these conditions subject to penalties provided by the County Code
- h. all manufactured homes shall be placed parallel to the primary road which accesses the property;
- i. the roof of manufactured homes shall have no less than a nominal 3:12 pitch;
- j. each manufactured home shall have vinyl siding and shingled roofs, porches and/or stoops at all entrances to the home built in accordance with the Standard Building Code, latest adopted-edition, or CABO One and Two Family, latest adopted edition. (effective 10-16-00)

Sec. 46-229. High-rise structures.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning
- (b) *High-rise structure* means any structure more than 40 feet in height or containing four or more stories.
- (c) *Districts in which high-rise structures are permitted.* High-rise structures containing residential or nonresidential uses are permitted in C-1 and C-2 districts, and high-rise structures containing nonresidential uses only are permitted in I-1 districts.
- (d) *Minimum lot size and height.* Minimum lot size and maximum height limits as established by sections 46-191 – 46-195 shall not apply, provided other requirements listed below are met.
- (e) *Required front, side and rear yard setbacks.* Minimum yard setbacks as established by sections 46-191 46-195 shall not apply; however, all front, side and rear yards shall be 25 feet plus one foot for each ten feet of building height.
- (f) *Maximum lot coverage.* The maximum lot coverage for high-rise structures containing residential uses shall be 30 percent. The maximum lot coverage for high-rise structures containing no residential uses shall be 50 percent.
- (g) *Parking and loading.* All off-street parking and loading requirements as established by sections 46-112 and 46-113.
- (h) *Elevators or escalators.* Elevators or escalators shall be provided in all high-rise structures.

(i) *Residential density.* There shall not be more than 50 residential units per gross area of lot area on any lot occupied by a high-rise structure containing residential uses.

(j) *Other regulations.* All fire codes and other codes and regulations pertaining to high-rise structures shall be met.

Sec. 46-230. Hospitals, nursing homes, convalescent homes, extended care centers.

(a) Location of hospitals and extended care centers is allowed as determined by sections 46-151 – 46-157, and is summarized as follows:

- (1) *D-1 district.* Hospitals and extended care centers are permitted in the D-1 district subject to the restrictions imposed by this section.
- (2) *R-1 district.* Hospitals and extended care centers are not permitted in the R-1 district.
- (3) *R-2 district.* Extended care centers are permitted in the R-2 district subject to the restrictions imposed by this section; hospitals are not permitted.
- (4) *R-3 district.* Hospitals and extended care centers are permitted in the R-3 district subject to the restrictions imposed by this section.
- (5) *C-1 district.* Hospitals are permitted in the C-1 district but are not subject to the restrictions imposed by this section; extended care centers are not permitted.
- (6) *C-2 district.* Hospitals and extended care centers are permitted in the C-2 district but are not subject to the restrictions imposed by this section.
- (7) *I-1 district.* Hospitals and extended care centers are not permitted in the I-1 district.

(b) *Minimum site size.* In districts subject to these restrictions, no acute care hospital, nursing home, convalescent home or extended care center may be located on a lot of less than two acres in size.

(c) *Minimum setback.* In districts subject to these restrictions, no principal structure housing acute care hospital, nursing home, convalescent home or extended care center may be located less than 50 feet from any property line.

Sec. 46-231. Home occupations.

(a) *Allowed.* Home occupations shall be allowed in certain districts as specified in sections 46-151 – 46-157 provided the restrictions specified in this section are met.

(b) *Area.* An area equal to not more than 25 percent of the floor area of the principal structure may be utilized for home occupation purposes.

- (c) *Employees.* Only persons resident on the premises may be employed.
- (d) *Merchandise.* The home occupation shall not involve the retail sale of merchandise manufactured off the premises.
- (e) *Visibility of merchandise.* No merchandise shall be displayed in such a manner as to be visible off the premises.
- (f) *Maintenance of residential character.* No alteration of the residential character of the premises may be made.
- (g) *Signs.* Signs relating to home occupations shall be allowed only as provided by sections 46-266 – 46-271.
- (h) *Parking.* Off-street parking shall be provided in accordance with requirements of section 46-112.

Secs. 46-232 – 46-265. Reserved.

ARTICLE VIII. SIGNS AND TELECOMMUNICATIONS TOWERS

Sec. 46-266. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Display surface area means that area of a sign including the entire area within a regular geometric shape or combination of regular geometric shapes enclosing all of the elements of informational or representational matter displayed. Frames and members not bearing advertising matter should not be included in the computation of display surface area. Only one side of a double-faced sign shall be included in calculating the display surface area.

Marquee means a permanent roofed structure attached to and supported by a building.

Sign means any device designed to inform or attract the attention of persons not on the premises on which the device is located, including mobile signs and portable signs; however, the following shall not be included in the application of this article:

- (1) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- (2) Flags and insignia of any government except when displayed in connection with commercial promotion.
- (3) Legal notices, identification, informational or directional signs erected or required by governmental bodies.
- (4) Integral decorative or architectural features of buildings except letters, trademarks moving parts or moving lights.
- (5) Signs directing and guiding traffic on private property, but bearing no advertising matter.

Sign, advertising, means any sign that relates in its subject matter to products, accommodations, services or activities sold or offered elsewhere than upon the premises on which such sign is located. Mobile signs and portable signs may be advertising signs; and advertising signs include but are not limited to those signs commonly referred to as outdoor advertising signs, billboards or poster boards.

Signs, business, means any sign that relates in its subject matter to the premises on which it is located, or to products, accommodations, services or activities offered, sold or engaged in on the premises. Mobile signs and portable signs may be business signs, but billboards or advertising signs are not business signs.

Sign copy means all words, letters, numbers, figures, characters, art work, symbols or insignia that are used on a display surface area.

Sign, mobile, means a sign that may be moved from one location to another, is not permanently affixed to the ground, and is differentiated from the term “portable sign” in that it may be equipped for transporting by motor vehicle or other mechanical means and includes signs referred to as trailer signs. Such signs may be considered as either business signs or advertising signs, according to their utilization.

Sign, portable, means a sign movable by a person without aid of a motor vehicle or other mechanical equipment. Such signs may be considered as either business signs or advertising signs, according to their utilization.

Sign, projecting, means any sign, other than a wall sign, that projects from and is supported by a wall of a building or other structure.

Sign, wall, means any sign attached flat and parallel to the exterior wall or surface of a building or other structure and projects not more than 12 inches from that wall or surface.

Sign, window, means any sign displayed on the inside or outside of a window and visible from off the premises on which it is located.

Sec. 46-267. General provisions.

(a) *Signs in required front yard setbacks.* Signs may be located within required front yard setbacks, provided that such signs do not obstruct vision within the required front yard setback between a height of three feet and a height of ten feet measured vertically from the finished ground level at the location of the sign’s supporting structure.

(b) *Condition.* 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 75 percent of its current replacement cost. Signs that deteriorate to such a condition are deemed to be in violation of this chapter and as such must be either removed or improved, or the person responsible for maintaining the sign shall be subject to the penalties provided by section 1-6.

Sec. 46-268. Prohibited signs.

(a) *Signs imitating traffic or emergency signals.* No sign shall be permitted that imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or displays intermittent lights resembling the color, size, shape or order of lights customarily

used in traffic signals or on emergency vehicles or on law enforcement vehicles, except as a part of a permitted private or public traffic direction sign.

Signs employing confusing illumination. No sign shall be permitted that utilizes intense flashing (strobe type) lights, flashing or blinking multicolored lights, any type of pulsating or moving light that may impair the vision or confuse, distract or unduly divert the attention of drivers of vehicles. The use of chaser lights utilizing individual light bulbs rated at 15 watts or less, or the use of neon tubing having pulsating or flashing characteristics is permitted, provided such lighted portion of the sign is not less than ten feet above the finished ground level and not less than 25 feet from any property line, measured at ground level nearest such lighted portion of a sign.

Sec. 46-269. Temporary signs.

- (a) *Permitted.* Nonilluminated temporary signs may be erected in any district subject to the provisions of this section.
- (b) *Temporary subdivision signs.* Temporary signs announcing a land subdivision development may be erected on the premises of the land subdivision, provided such signs do not exceed 50 square feet in the area, are set back at least 20 feet from any property line, are spaced at least 500 feet apart, and are removed not more than 30 days from such time as 50 percent of the lots are conveyed.
- (c) *Craftsmen's signs.* Signs of craftsmen, artisans, house painters, contractors or subcontractors may be erected and maintained during the period that such persons are performing repair, remodeling, repainting or improvement work on the premises on which such signs are erected, provided the size of such signs is not in excess of 12 square feet and such signs are removed immediately on completion of the work.
- (d) *Contractors signs on building under construction.* One sign displaying the names of the building, contractors, architects, engineers and similar information is permitted on the premises of any work under construction or any work of major repair or improvement, provided the sign does not exceed 60 square feet in area and the sign is removed within seven days after completion of the work.
- (e) *Real estate signs.* Signs offering real estate for sale, rent or lease are permitted provided the combined display surface area of all such signs does not exceed four square feet for every 100 feet of street frontage and the total display surface area shall not be required to be less than 12 square feet on any individual lot.
- (f) *Window signs.* Window signs in conjunction with nonresidential uses are permitted, provided the combined display surface area of such signs does not exceed

25 percent of the window surface area of the side of the structure on which such signs are located.

Sec. 46-270. Signs in residential districts.

- (a) *Permitted.* Signs are permitted in the D-1, R-1, R-2 and R-3 districts subject to the regulations of this section.
- (b) *Signs excluded from regulation by definition.* Those signs excluded from regulation by section 46-266 are permitted.
- (c) *Temporary signs.* Temporary signs permitted in all districts as provided in section 46-269 shall be permitted.
- (d) *Home occupation signs.* One non illuminated sign shall be permitted for each home occupation provided the display surface area of such sign does not exceed two square feet in area and such sign is mounted flat against the wall of the building in which such home occupation is conducted or flat against the wall of a principal structure.
- (e) *Permanent subdivision signs.* Permanent signs displaying no information other than the name of the residential land subdivision in which they are located shall be permitted provided such signs do not exceed 20 square feet in area, do not encroach on vision clearances established in sections 46-117 and 46-267(a) and are maintained in accordance with the provisions of section 46-267(b).
- (f) *Group residential uses and nonresidential uses.* Signs relating to permitted group housing developments, mobile home parks, residential high-rise structures, and permitted nonresidential uses of an agricultural, recreational, civic, charitable, fraternal, cultural, religious, educational, institutional, governmental and service nature, and not elsewhere regulated or specified, may be erected, subject to the following provisions:
 - (1) *Size.* Not to exceed 20 square feet of display surface area per street frontage.
 - (2) *Location.* Not to exceed one sign per street frontage. If building mounted, such signs shall be flat wall signs.
 - (3) *Height.* If building mounted, such signs shall not project above the roof line. If freestanding, such signs shall not exceed six feet above ground level. All vision clearances established by sections 46-117 and 46-267(a) must be observed.
 - (4) *Additional signs allowed.* In addition to those signs allowed under subsections (f)(1), (2) and (3) of this subsection, not more than one bulletin or notice board does not exceed 20 square feet.

- (g) *Advertising signs.* Advertising signs shall be permitted in the D-1 district but are prohibited in R-1, R-2 and R-3 districts. Advertising signs in D-1 districts shall be subject to the same regulations as for advertising signs in nonresidential districts as provided by section 46-271(e). In addition, no part of any advertising sign or its supporting structure may exceed a height of 40 feet.
- (h) One (1) illuminated church, institutional, or public facility identification sign not exceeding eighty (80) square feet in area, set back not less than ten feet from a street right-of-way, hours of illumination between 8:00 am and 10:00 pm only, and must meet requirements of section 46-267 and 46-268. (Eff. 2-16-04)

Sec. 46-271. Signs in nonresidential districts.

- (a) *Permitted.* Signs are permitted in the C-1, C-2 and I-1 districts subject to the provisions of this section.
- (b) *Business signs.*
 - (1) *Permitted as in residential districts.* Signs excluded from regulation by definition, temporary signs, home occupation signs, permanent subdivision signs, group residential use signs and nonresidential use signs shall be permitted as for residential districts; however, signs meeting the requirements of subsequent subsections of this section shall also be permitted, and the least restrictive requirements for either residential or nonresidential districts shall prevail in nonresidential districts.
 - (2) *Display surface area.* The maximum display surface area of business signs, except temporary window signs, shall not exceed three square feet for each one foot of lot frontage, provided that display surface area for any individual lot shall not be required to be less than 30 square feet, and further provided that, when a lot has frontage on more than one street, display surface area shall be computed separately for each street frontage and signs shall face only the respective frontages for which their display surface areas are computed. Only one side of a freestanding sign shall be considered as a separate sign in computing allowable display surface area.
 - (3) *Number of signs.*
 - a. No more than three business signs shall be permitted for each street frontage for each business located on a lot. Mobile signs used as business signs shall be subject to this regulation.
 - b. In addition to subsection a., one portable sign shall be permitted for each street frontage for each business located on a lot.

- c. In addition to subsection (b)(3)a and b, one sign not exceeding five square feet in area and located over the doorway to each service bay of a service station identifying the service provided therein shall be permitted.
- d. All signs permitted by subsections (b)(3)a, b and c shall be subject to inclusion within the limitations on display surface area.
- e. The number of window signs shall not be limited, and the display surface area of such signs shall not be included within limitations on display surface area.
- f. Only one side of a freestanding sign shall be considered as a separate sign when computing number of signs.

(4) *Location*

- a. No sign shall encroach upon vision clearances as established in sections 46-117 and 46-267(a).
- b. Signs may be located within front yard setbacks as provided by section 46-267(a).
- c. Wall signs may be located anywhere on any wall of a building.
- d. Projecting signs may project over public rights-of-way only where there is no required front yard setback, provided that no sign shall project over a public right-of-way for a distance in excess of three feet. Projecting signs shall have a minimum clearance of nine feet above the sidewalk or finished grade and 18 feet above any road, driveway or vehicular access way, whether projecting over private property or over public rights-of-way. Signs projecting over a public right-of-way do so only on the sufferance of the town and shall be removed within ten days on written notification from the town.
- e. Signs on marquees or canopies projecting into a public right-of-way are subject to the provisions concerning projecting signs in subsection d., except that the length of projection may exceed three feet; but in no case shall they exceed the length of projection of the marquee or canopy to which they are attached, and further provided that such signs may not extend more than 24 inches below the marquee or canopy to which they are attached.
- f. Freestanding signs may be located within required front yard setbacks as provided by section 46-267(a); however, no part of a freestanding sign or its supporting structure shall extend beyond a property line of the lot on which it is located.

(5) *Height.* No part of any business sign or its supporting structure may exceed the following height:

(c) *Shopping centers.* Where more than four separate tenants or principal uses occupy the same parcel or same structure, no freestanding signs shall be allowed except as follows:

- (1) One freestanding sign not to exceed one square foot of display surface area for each one foot of lot frontage, for each street frontage, provided that no such sign shall be required to have less than 100 square feet of display surface area.
- (2) In addition to the above, each motion picture theater located on the premises may erect one freestanding sign not to exceed 30 square feet in display surface area.
- (3) Other regulations governing freestanding signs shall be as provided by subsection (b)(4)f of this section.
- (4) These regulations do not affect signs in shopping centers other than freestanding signs, and such other signs shall be governed by the regulations of subsection (b) of this section.

(d) *Political campaign signs.* Signs announcing candidates seeking public office or relating to any election or public referendum shall be permitted in C-1, C-2 and I-1 districts only, subject to the following provisions:

- (1) Such signs shall not exceed three square feet in area per sign.
- (2) Such signs are confined wholly to placement on public property.
- (3) Such signs are removed within seven days after the election or referendum for which they were prepared has been decided.
- (4) The regulations of this section do not prohibit the purchase of advertising space on permitted advertising signs in addition to the signs permitted under subsections (d)(1), (2) and (3) of this section.

(e) *Advertising signs.*

- (1) *Display surface area of advertising signs.* The maximum display surface area of advertising signs shall not exceed two square feet for each one foot of lot frontage, provided that display surface areas for any individual lot shall not be required to be less than 50 square feet, and further provided that when a lot has frontage on more than one street display surface area shall be computed separately for each street frontage and signs shall face only the frontages for which their display surface areas are computed. It is further provided that, on lots on which both business and advertising signs are permitted, the total display surface area allowable for business signs and advertising signs combined shall not be more than 1½ times the allowable display surface area for business signs alone. Only one side of a freestanding sign shall be considered as a separate sign in computing allowable display surface area.

- (2) *Number of advertising signs.* One advertising sign shall be permitted for each 100 feet of street frontage of each lot, provided that each lot shall be allowed to have at least one advertising sign. Mobile signs used as advertising signs shall be subject to this regulation.
- (3) *Location of advertising signs.*
 - a. No advertising sign shall encroach on vision clearances as established in sections 46-117 and 46-267(a)
 - b. Advertising signs may be located within required front yard setbacks, provided that no such sign shall be less than 20 feet from the front lot line
 - c. of the lot on which it is located, and further provided that no part of any advertising sign shall project over any property line of the lot on which it is located, nor may such advertising signs project into any public right-of-way.
- (4) *Height of advertising signs.* No part of any advertising sign or its supporting structure may exceed the following height:
 - a. In C-1 and C-2 districts, 45 feet.
 - b. In I-1 districts, 55 feet

Sec. 46-272. Communications Tower and Antenna.

(a) Communication towers and antenna are permitted in all districts of this ordinance provided the following height limitations and conditions are determined to be met by the Zoning Board of Appeals.

Height Requirements for Free-Standing or Guyed Tower

<u>District Type</u>	<u>Maximum Height</u>
Residential (R-1, R-2, R-3)	100 feet
Commercial (C-1, C-2)	180 feet
Industrial (I-1)	360 feet
Development (D-1)	360 feet

Height Requirements for Towers Mounted on Structures

(b) In all zoning districts, a communications tower and/or antenna mounted on a building, water tank or structure other than a free standing or guyed tower may not extend more than 30 feet above the highest part of the structure.

(c) *Conditions to be met* before Zoning Board of Appeals Approval of the Communications Tower can be Granted

- (1) The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant technical design requirements.

- (2) Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant technical design requirements without unreasonable modifications on any existing structure or tower under the control of applicant.
- (3) Applicant for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a non-residential district for valid technical reasons.
- (4) Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant technical design requirements.
- (5) Applicant must show that a tower is designed to accommodate additional antenna equal in number to applicant present and future requirements.
- (6) Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.
- (7) A communications tower must not be painted or illuminated unless otherwise provided by state or federal regulations.
- (8) A permit for a proposed tower site within 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet applicant structural specifications and applicant technical design requirements, or that a collocation agreement could not be obtained.
- (9) Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Zoning Administrator a written indemnification of the Town and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the Town, in form approved by the Town attorney.
- (10) Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except setback and height, shall apply to the use. Setback and height conditions in this section apply.
- (11) A tower must be a minimum distance equal to one-half the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines distances equal to the district setback requirement or 25% of the tower height, whichever is greater.

(d) *Site Plan and Information* Requirements to Gain Communications Tower Approval by the Zoning Board of Appeals.

- (1) One copy of typical specifications for proposed structures and antenna, including description of design characteristics and material.
- (2) A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property; [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 antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the County.
- (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 antenna 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, when required by FCC.
- (8) A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
- (9) A written agreement to remove the tower and/or antenna within 180 days after cessation of use.

Sec. 46-273 – 46-305. Reserved.

ARTICLE IX. ADMINISTRATION AND ENFORCEMENT

Sec. 46-306. Zoning Enforcement Officer.

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

The Zoning Administrator shall have the authority to grant variances, special exceptions and/or temporary arrangements due to death, job loss, catastrophic illnesses, or acts of God. Documentation shall be presented by the applicant, with time limits established. A report of all granted and denied hardships shall be presented to the Planning Commission for review. (Eff 2-16-04)

Sec. 46-307. Zoning permit required.

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

Sec. 46-308. Application.

- (a) In applying to the zoning administrator for a zoning permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size and location of the lot to be built on and the shape, size, height, use and location of the buildings already on the lot, the number of dwelling units the building is designed to accommodate, if any, the setback lines of buildings on adjoining lots, off-street parking space, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this 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 municipal, county, state or federal regulations then in force, the zoning administrator shall issue a zoning permit on payment of any required fees. If a zoning permit is refused, the zoning administrator shall state such refusal in writing with the cause.
- (c) Before commencing either excavation or construction, the zoning permit (or copy) shall be placed conspicuously on the front property line therein described for the duration of the excavation or construction and in such a way that it is protected from the weather.

Sec. 46-309. Construction progress.

Any zoning permit shall become invalid unless the work authorized by it has been commenced within six 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 year.

Sec. 46-310. Certificate of occupancy required.

- (a) A certificate of occupancy issued by the zoning administrator is required in advance of the lawful occupancy or use of any:
 - (1) Building, structure, land or premises.
 - (2) Building or structure erected or moved.
 - (3) Building altered, so as to affect the front, side or rear yards thereof, or its height.
 - (4) Building, structure or premises in which there is a change of the type of occupancy or use.
- (b) Within three days after the application for a certificate of occupancy and payment of any required fees, the zoning administrator shall sign and issued 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 zoning permit.

Sec. 46-311. 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, or unless the building, as finally constructed, complies with the sketch or plan on which the zoning permit was issued. The zoning administrator shall state in writing the reasons for denying such certificate of occupancy.

Sec. 46-312. Records of applications and certificate.

Records of applications for zoning 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 zoning administrator; and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

Secs. 46-313 – 46-345. Reserved.

ARTICLE X. ZONING BOARD OF APPEALS

Sec. 46-346. Establishment, membership, proceedings.

(a) *Established members.* A zoning board of appeals is established, which shall consist of three members who are residents of the area of zoning jurisdiction and appointed by the council. The term of office of the members of the board shall be three years, provided, however, that the initial board established shall serve staggered terms. Members may be removed for cause by the council on 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.

(b) *Proceedings.* The board shall elect one of its members chair, who shall serve for one year or until he is reelected or his successor is elected and qualified. The board shall appoint a secretary, who may be an officer of the town or of the planning commission. The board shall adopt rules in accordance with the provisions of any chapter or resolution adopted pursuant to this chapter. Meetings of the board shall be held at the call of the chair and at such other times as the board may determine. The chair or, in his absence, the acting chair, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(c) *Hearings, appeals, notices.*

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

(d) *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board after notice of appeal is filed with him that by reason of facts stated in the certificate a stay would in this 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 or by a court of record on application, on notice to the administrative official from the appeal is taken and on due cause shown.

Sec. 46-347. Powers and duties.

- (a) *Generally.* The board of adjustment shall have the powers and duties specified in this section.
- (b) *Administrative review.* The board shall hear and decide appeals when it is alleged that there is error in the order, requirement, decision or determination made by the zoning administrator in the enforcement of this chapter.
- (c) *Variances.* The board may authorize on 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. As required by S.C. Code 1994, 6-29-800, a variance from the terms of this chapter shall not be granted by the board unless and until:
 - (1) A written application for a variance is submitted demonstrating:
 - (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 the 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.
 - (2) Notice of public hearing shall be posted on the property for which variance is sought and shall be published at least 15 days prior to the public hearing in a newspaper of general circulation in the area in which the property is located.
 - (3) The hearing shall be held. Any party may appear in person, by agent or by attorney.
 - (4) The board makes the following findings:
 - (a) That the requirements of subsection (c)(1) of this section were met by the applicant for a variance.
 - (b) 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.
 - (c) That the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the board of adjustment 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 1-6. With respect to uses of land, buildings and other structures, this chapter is declared to be a definition of the public interest by the council; and the spirit of this chapter will not be observed by any variance that 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 the district. Therefore, under no circumstances shall the board 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 the district.

(d) *Actions of board concerning appeals.* In exercising the powers set forth in subsections (b) and (c) of this section, 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, a requirement, decision or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

Sec. 46-348. Appeals.

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

Sec. 46-349. Functions.

(a) It is the intent of this article 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 on reference by or appeal from the zoning administrator, and that recourse from the decisions of the board shall be to the courts as provided by law.

(b) It is further the intent of this article that the function of the council under this article shall not include hearing and deciding questions of interpretation and enforcement that may arise, but that the 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.

Sec. 46-350 – 46-380. Reserved.

ARTICLE XI. AMENDMENTS

Sec. 46-381. Procedure.

- (a) *Generally.* In amending the text of this chapter or in amending the zoning map the procedure shall be as prescribed in this section.
- (b) *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 zoning administrator, along with payment of a zoning amendment fee, which may be established by the council.
- (c) *Minimum area requirements for creation of new commercial and industrial districts.* No separate commercial or industrial district of less than two acres shall be created by any amendment to this chapter.
- (d) *Planning commission study and report to the council.* All proposed amendments shall be submitted to the zoning administrator, who shall then refer the proposals for amendment to the planning commission. Before enacting an amendment to this chapter the Planning Commission shall hold a public hearing on behalf of the Town Council as required by SC Code 1994, § 6-29-760. The Planning Commission shall have 30 days within which to submit a report and recommendation to the council. Such recommendation shall be advisory only. If the Planning Commission does not submit its report within the prescribed time, the council may proceed to act on the proposed amendment. Effective 11-15-99
- (e) *Posting of property.* When a proposed amendment affects the district classification of particular pieces of property, the zoning administrator shall cause to be conspicuously located on or adjacent to the property affected one hearing notice for every 100 feet of street frontage or portion thereof. Such notice shall be posted at least 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.
- (f) *Reconsideration of proposed amendments.* Action shall not be initiated for a zoning amendment requesting the same change affecting the same parcel of property more often than once every 12 months.

Secs. 46-382 - 46-410. Reserved.

ARTICLE XII. FEES AND CHARGES

Sec. 46-411. Schedule.

The council may establish a schedule of fees and charges for zoning permits, certificates of occupancy, appeals, amendments and other matters pertaining to this chapter. This schedule of fees shall be posted in the office of the zoning administrator and may be altered or amended only by the council.

Sec. 46-412. No action until fees paid.

No permit, certificate or variance shall be issued or granted unless such fees or charges have been paid in full, nor shall any action be taken on proposed amendments or on proceedings before the board of appeals unless applicable charges and fees have been paid in full.

Sec.46-413 - Reserved