City of Cayce
South Carolina

Zoning Ordinance

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Vismor, Ricketson and Associates

Table of Contents

Article 1. ENACTMENT AND JURISDICTION 1-1

Article 2. DEFINITIONS 2-1

Article 3. ADMINISTRATION AND ENFORCEMENT 3-1

Section 3.1 Intent 3-1
Section 3.2 Administrative Official 3-1
Section 3.3 Planning Commission 3-1
Section 3.4 Zoning Board of Appeals 3-1
Section 3.5 Responsibilities of Administrative Official 3-1
Section 3.6 Filing Applications 3-3
Section 3.7 Certificates of Zoning Compliance 3-3
Section 3.8 Repair Permits 3-5
Section 3.9 Sign Permits 3-5
Section 3.10 Certificate of Occupancy 3-6
Section 3.11 Inspections for Compliance 3-6
Section 3.12 Expiration of Certificate of Zoning Compliance 3-6
Section 3.13 Complaints Regarding Violations 3-6
Section 3.14 Penalties for Violations 3-7
Section 3.15 Annexation 3-7
Section 3.16

Article 4. APPLICATIONS FOR CHANGE AND/OR RELIEF 4-1

Section 4.1 Intent 4-1
Section 4.2 Types of Applications 4-1
Section 4.3 Eligible Applicants 4-1
Section 4.4 Application Requirements 4-2
Section 4.5 Administrative Procedures, Action 4-3
Section 4.6 Reconsideration of Denied Applications 4-7
Section 4.7

Article 5. GENERAL AND ANCILLARY REGULATIONS 5-1

Section 5.1 Application of Regulations 5-1
Section 5.2 Exceptions and Modifications 5-1
Section 5.3 Measurements 5-3
Section 5.4 Number of Principal Buildings/Uses on a Lot 5-3
Section 5.5 Visibility at Intersections 5-4
Section 5.6 Accessory Buildings and Uses 5-4
Section 5.7 Access to Property 5-6
Section 5.8 Conversion of Residential Property 5-6

Section 5.9	Nonconformities	5-6
Section 5.10	Vested Rights	5-8

Article 6. DISTRICT REGULATIONS 6-1

Section 6.1	Establishment of Districts	6-1
Section 6.2	Purpose of Districts	6-1
Section 6.3	Establishment of District Regulations	6-4
Section 6.4	Application of District Regulations	6-4
Section 6.5	Schedule of Uses and Off-street parking Requirements for Residential Districts	6-6
Section 6.6	Schedule of Uses and Off-Street Parking Requirements For Commercial Industrial and Development Districts	6-8
Section 6.7	Schedule of Lot Area, Yard, Setback Height and Lot Coverage By District	6-18
Section 6.8	PDD Planned Development District	6-19
Section 6.9	FH Flood Hazard District	6-23
Section 6.10	Design Overlay Districts	6-65
Section 6.11	Development Agreement District (DAD)	6-66

Article 7. CONDITIONAL USE REGULATIONS 7-1

Section 7.1	Townhouses	7-2
Section 7.2	Patio and Zero Lot Line Housing	7-2
Section 7.3	Bed and Breakfast Inns	7-3
Section 7.4	Accessory Apartment	7-3
Section 7.5	Temporary Uses (Portable Buildings, Tents, etc.)	7-4
Section 7.6	Manufactured Home Parks	7-5
Section 7.7	Home Occupation	7-6
Section 7.8	Communication Towers and Antennas	7-7
Section 7.9	Refuse Systems	7-10
Section 7.10	Sexually Oriented Businesses	7-12
Section 7.11	Camps and Recreational Vehicle Parks	7-14
Section 7.12	Open Storage	7-15
Section 7.13	Apartments in C-3 District	7-15
Section 7.14	Car Wash, Single Bay, Fully Automated	7-16
Section 7.15	Large Scale Commercial Development (Big Box)	7-16
Section 7.16	Special Exception General Criteria	7-18

Article 8. ARTICLE 8- SIGN REGULATIONS 8-1

Section 8.1	Purpose	8-1
Section 8.2	Applicability and Conformance	8-1
Section 8.3	Signs on Private Property	8-1
Section 8.4	Common Signage Plan Required	8-1
Section 8.5	Wall Signs	8-6
Section 8.6	Temporary Signs	8-11

Section 8.7	Prohibited Signs	8-14
Section 8.8	Development Standards	8-14
Section 8.9	Sign Maintenance	8-15
Section 8.10	Signs in the Public Right of Way	8-15
Section 8.11	Sign Measurement	8-16
Section 8.12	Removal of Obsolete, Unsafe & Nonconforming Signs	8-18

Article 9. ARTICLE 9-SUPPLEMENTAL OFF-STREET PARKING AND LOADING REGULATIONS 9-1

Section 9.1	General Requirements	9-1
Section 9.2	Land to Provide Parking	9-1
Section 9.3	Design Standards	9-2
Section 9.4	Maintenance	9-3
Section 9.5	Parking Spaces for the Physically Handicapped	9-3
Section 9.6	Mixed Uses	9-4
Section 9.7	Off-Street Loading	9-4
Section 9.8	Storage and Use of Campers or Recreational Vehicles in Residential Zones	9-5
Section 9.9	Parking of Heavy Vehicles and Tractor Trailers - Res.	9-6

Article 10. APPEARANCE, BUFFERING, SCREENING, LANDSCAPING, AND OPEN SPACE REGULATION 10-1

Section 10.1	Bufferyards	10-1
Section 10.2	Screening	10-6
Section 10.3	Landscaping	10-7
Section 10.4	Common Open Space	10-10
Section 10.5	Tree Protection	10-12

Article 11. ARTICLE 11- LEGAL STATUS PROVISIONS 11-1

ZONING ORDINANCE

AN ORDINANCE OF THE CITY OF CAYCE, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE HEIGHT OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, THE DENSITY AND DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; ESTABLISHING DEVELOPMENT STANDARDS; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

ARTICLE 1
ENACTMENT AND JURISDICTION

IN ACCORDANCE WITH AUTHORITY CONFERRED BY THE GENERAL STATUTES OF SOUTH CAROLINA, 1976 CODE OF LAWS, TITLE 6, CHAPTER 29 OF THE COMPREHENSIVE PLANNING ENABLING ACT OF 1994, AS AMENDED, AND FOR THE PURPOSE OF PROMOTING PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, APPEARANCE, PROSPERITY, AND GENERAL WELFARE; LESSENING CONGESTION IN THE STREETS; SECURING SAFETY FROM FIRE; PROVIDING ADEQUATE LIGHT, AIR, AND OPEN SPACE; PREVENTING THE OVERCROWDING OF LAND; AVOIDING UNDUE CONCENTRATION OF POPULATION; FACILITATING THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY; PROTECTING AND PRESERVING SCENIC, HISTORIC AND ECOLOGICALLY SENSITIVE AREAS; FACILITATING THE PROVISION OF PUBLIC SERVICES, AFFORDABLE HOUSING, AND DISASTER EVACUATION, IN HARMONY WITH THE ADOPTED COMPREHENSIVE PLAN OF THE CITY, THE FOLLOWING ARTICLES AND SECTIONS, WHICH SHALL COMPRISE AND BE KNOWN AS THE ZONING ORDINANCE OF THE CITY OF CAYCE, ARE HEARBY ORDAINED AND ENACTED INTO LAW, AND SHALL BE APPLICABLE THROUGHOUT THE LEGALLY RECORDED JURISDICTION OF THE CITY, AS NOW OR HEREAFTER ESTABLISHED.

ARTICLE 2
DEFINITIONS

Words not defined herein shall have the meanings stated in the International Building Code, Plumbing Code, Gas Code, or Fire Prevention Code. Words not defined in these Codes shall have the meanings in Webster's Ninth New Collegiate Dictionary, as revised.

Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel."

The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."

The word "map" or "zoning map" shall mean the Official Zoning Map(s) of the City of Cayce.

The term "Planning Commission" refers to the Cayce City Planning Commission.

The term "Council" refers to the Cayce governing council.

The term "Zoning Board of Appeals" refers to the Cayce Zoning Board of Appeals. Other words and terms defined herein are as follows:

Abutting - Sharing a common border; physically touching for at least 10 feet.

Antenna – A device, dish, or array used to transmit or receive telecommunication signals.

Area of Shallow Flooding - A designated AO or VO Zone shown on Flood Insurance Rate Maps (FIRM) with base flood depths of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard - The land in the flood plain subject to a one percent or greater chance of flooding in any given year.

Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year.

Bed and Breakfast Inn - Any owner-occupied dwelling or portion thereof offering rooms and meals at breakfast to transient lodgers in return for compensation.

Buildable Area - That portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side and rear yard, open space, and applicable buffer area requirements have been met.

Building, Accessory - A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, animal shelters, pool houses, etc., when detached from the principal buildings.

Building, Alteration - Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

Building, Principal - A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Canopy Tree - A deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars.

Certificate of Occupancy - A document allowing the occupancy or use of a building or certifying that the structure or use has been constructed or will be used in compliance with all applicable provisions of this Ordinance and the Building Code.

Certificate of Zoning Compliance - A document certifying that a proposed use meets all requirements of this Ordinance.

Child Day Care Services - Where permitted as an accessory use shall mean a home in which care is given by a family member and no others during the day only for one and not more than six children, including the day care parents' own children.

Cluster Home Development - A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Co-location – The placement of two or more provider's wireless communication antenna upon the same wireless communication facility.

Communication Tower or Wireless Communication Facility – Facility used for transmitting, receiving, and relaying voice and data signals from wireless communication devices.

Conditional Use - A use of land or structure which is permitted in a district under conditions specified in the zoning ordinance.

Condominium - A unit in a multi-unit structure owned by individuals partnerships, corporations, or other business entities or entities which has use of all common areas associated with that structure.

Day Care Services - Day care services shall mean and include any home, center, agency, or place, however styled, where children, elderly, and other persons not related to the operator are received for custodial care, apart from their parents, whether for compensation, reward, or otherwise during part or all of the day or any number of successive days.

Density - The number of dwelling units per acre of land developed or used for residential purposes. Density requirements in this Ordinance are expressed in dwelling units per gross acre; that is, per acre of land devoted to residential use is based on the total land area within a development tract or subdivision, excluding floodway areas.

Developer - An individual, partnership, or corporation (or agent therefore) that undertakes the activities covered by these regulations.

Development - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DHEC - South Carolina Department of Health and Environmental Control.

Domestic Animal Shelter - A pen, shelter, or structure for small domestic animals, not to include horses, cows, goats, swine including pot bellied pigs, sheep, ponies, grazing animals, and fowl of any kind.

Dwelling - A building or portion of a building arranged or designed exclusively for human habitation.

Dwelling, Apartment - (See dwelling, multi-unit)

Dwelling, Detached - A single dwelling unit, surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Duplex - A building containing two dwelling units.

Dwelling, Group Occupied - A dwelling unit occupied by four (4) or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit.

Dwelling, Mobile Home - A single family dwelling that is wholly, or in substantial part, fabricated in an off-site manufacturing facility for installation or assembly at the building site, designed to be a permanent residence, and built prior to the enactment of the *Federal Manufactured Housing Construction and Safety Standards, June 15, 1976*.

Dwelling, Multi-Family - A building containing five or more dwelling units.

Dwelling, Patio House - A single-family detached or semi-detached dwelling unit. It is built on a small lot generally enclosed by walls which provide privacy. The term is synonymous with zero lot line dwellings.

Dwelling, Quadraplex - A building containing four dwelling units.

Dwelling, Residential Designed Manufactured Home - A single-family dwelling built according to the Federal Manufactured Housing Construction and Safety Standards (245 CFR 3280) HUD Code, latest edition, which:

a. Has a minimum width over 20 feet (multiple-section);
b. Has a minimum of 900 square feet of enclosed living area;
c. Has a minimum 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;
d. Is covered with an exterior material customarily used on site built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and
e. Has a roof overhang of not less than eight (8) inches.

Dwelling, Single-Family - A building containing one dwelling unit.

Dwelling, Standard Designed Manufactured Home - A single family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which does not meet the definition of a *Residential Designed Manufactured Home*.

Dwelling, Townhouse - A series of attached single-family dwelling units on separate lots which may or may not have a common roof and are separated from each other by common vertical walls.

Dwelling, Triplex - A single building containing three dwelling units.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling, Zero Lot Line - A zero lot line dwelling is a single family detached unit which instead of being centered on a lot, is placed against at least one of the side lot lines. The term is synonymous with patio homes.

Easement - A right-of-way granted to another party for specific limited use.

Elevated Building - A non-basement building constructed to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, (post and piers), shear walls, or breakaway walls.

Evergreen Tree - A coniferous or deciduous tree that remains green throughout the year.

FCC – Federal Communications Commission.

Fall Zone – The area on the ground within a prescribed radius from the base of a wireless communications facility – within which there is a potential hazard from falling debris or collapsing material.

Family - One or more persons related by blood, marriage, adoption, or guardianship, and not more than three (3) persons not so related, except that mentally and physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accord with the provisions of 6-7-830 of the South Carolina Code of Laws.

Federal Manufactured Home Construction and Safety Standards - Regulations promulgated by the Department of Housing and Urban Development (HUD) governing the design and construction, strength and durability, transportability, fire resistance, energy efficiency, and quality of manufactured housing. These standards also set performance requirements for heating, plumbing, air conditions, thermal, and electrical systems.

Flood - A general and temporary condition of partial or complete inundation of normally dry land areas.

Flood Hazard Boundary Map (FHBM) - An official map issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard are defined.

Flood Insurance Rate Map (FIRM) - An official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones.

Flood Insurance Study - An official study provided by the Federal Emergency Management Agency.

Flood-resistant Material - Any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair.

Floodway - The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor - The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include floor of a garage used solely for parking vehicles.

Garage, Private - A structure that is accessory to a single- or two-family dwelling, is used for the parking and storage of vehicles owned and operated by the residents thereof, and is not a separate commercial enterprise available to the general public.

Garage, Public - A structure or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

Gross Floor Area (GFA) - The sum of the floor area for each of a building's stories measured from the exterior limits of the faces of the structure, including basement floor area. It does not include unenclosed porches or any floor space in an accessory building or in the principal building which is designed for parking of motor vehicles.

Height - The vertical distance of a structure or vegetation.

Home Occupation - Any occupation within a dwelling, including a hobby and clearly incidental thereto, carried on by a member or members of the family residing on the premises. A "home occupation" shall not include a body piercing facility or a tattoo facility.

Improvement - Any man-made immovable item which becomes part of, placed upon, or is affixed to real estate.

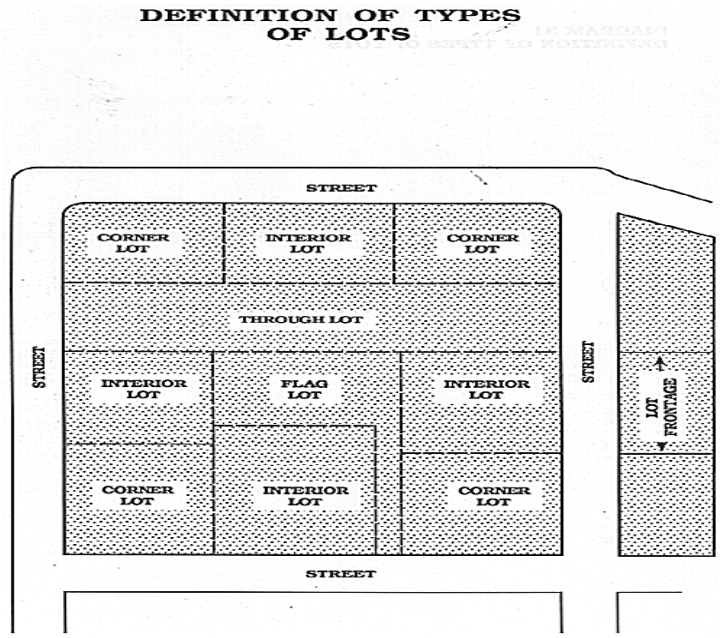
Lattice Communication Tower – A wireless communication ground-mounted structure consisting of many legs along with joined structural members to support wireless communication antennas.

Lot - A parcel of land considered as a unit. The terms "lot", "lot of record", "property", or "tract", whenever used in this Ordinance are interchangeable.

Lot, Corner - A lot located at the intersection of two or more streets.

Lot, Double Frontage- A lot which has frontage on more than one street.

Lot, Interior - A lot, other than a corner lot, which has frontage on only one street other than an alley.



Lot, Depth - The horizontal distance between front and rear lot lines.

Lot of Record - A lot, the boundaries of which are filed as legal record.

Lot, Width - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Lot Area - The area contained within the boundary line of a lot.

Lot Line - A line bounding a lot which divides one lot from another or from a street or any other public or private space.

Mansard – An inclined decorative roof-like projection that is attached to an exterior building façade.

Manufactured Home Park - A lot or parcel with space, improvements and utilities for the long-term parking of three (3) or more manufactured homes which may include services and facilities for the residents.

Manufactured Home Park Space - A plot or ground within a manufactured home park designed for the accommodation of one unit.

Mini-warehouse - A building or group of buildings in a controlled-access and fenced compound that contains individual, compartmentalized and controlled-access stalls or lockers for the storage of customer's goods or wares.

Mixed Occupancy - Any building that is used for two or more occupancies classified by different occupancy use groups.

Modular Building Unit or Modular Structure - Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. When meeting the requirements of the Modular Building's Construction Act (23-43-10 of the S. C. Code of Laws), said building unit or structure may be located in any zoning district.

Monopole Communication Tower – A wireless communication self-supporting structure consisting of a single pole to support wireless communication antennas.

Mural – A painting applied to a wall containing no advertisement for any business product or activity. A mural, as defined, will not be considered a wall sign.

Nonconformity – A nonconformity is any lot of record, use, building, structure or vegetation in existence prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Ordinance.

Non-residential Use - A principal use of land for other than residential purposes, i.e. commercial, industrial, institutional.

Open Space Ratio - The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the Total Site Area.

Parapet – The extension of a building façade above the roof line.

Parcel - A land area bounded by property lines that is recognized as such by the County Assessor's Office.

Park - A public facility open for recreation, with commercial activities for recreational uses only, open space and public gardens.

Premises - A lot, plot, or parcel of land including the buildings or structures thereon, under control by the same owner or operator together with all adjacent land.

Sexually Oriented Business - For purposes of this Ordinance, sexually oriented business operations shall mean and include the following:

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 "specified sexual activities" or "specified anatomical areas".

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 pictures, 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".

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 description of "specified sexual activities" or "specified anatomical areas".

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; or

2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

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

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

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

Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

1) 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 seminude.

Sign - Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Sign, A-Frame - A freestanding movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face. (Also known as a“Sandwich Board”)

Sign, Abandoned - A sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists or to which it refers.

Sign, Animated - Any sign that uses movement or change of lighting to depict action or creates a special effect or scene.

Sign, Awning, Canopy or Marquee - A sign that is mounted or painted on or attached to an awning, canopy or marquee.

Sign, Banner - Any sign applied to or constructed of paper, plastic or fabric of any kind with or without frame, and with or without design or lettering, used to decorate or attract attention to a location, object, institution, product service or business. Flags of nations, states or political subdivisions, shall not be considered banners.

Sign, Bench - A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Sign, Building - Any sign attached to any part of a building.

Sign, Changeable Copy - A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Sign, Digital Reader - Commonly known as Outdoor LED Message Display Boards shall be limited to one-color static (fixed). There shall be no scrolling capabilities and copy change or message can change no more than eight times in one calendar day.

Characters or digits shall be no more than eight (8) inches in height. Allowable only as a percentage of total allowable signage for freestanding signs.

Sign, Face - The area or display surface used for the message.

Sign, Free-Standing - Any non-movable sign not affixed to a building.

Sign, Identification - A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

Sign, Incidental - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message

legible from a position off the zone lot on which the sign is located shall be considered incidental.

Sign, Inflatable - A sign that requires air, whether contained or blown, to keep and maintain its shape, or which causes an object to flutter.

Sign, Off-Premise - A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Pennant - Any light-weight plastic, fabric or other material, whether or not containing a message of any kind suspended from a rope, wire or string, usually in series, designed to move in the wind.

Sign, Permanent - A sign attached to a building, structure or the ground in some manner and made of materials intended for more than short term use.

Sign, Political - A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Sign, Portable - A sign that may be moved from one location to another, is not permanently affixed to the ground, and is differentiated from a movable sign in that it may be equipped for transportation by motor vehicle or other mechanical means. Trailer signs are considered to be portable signs.

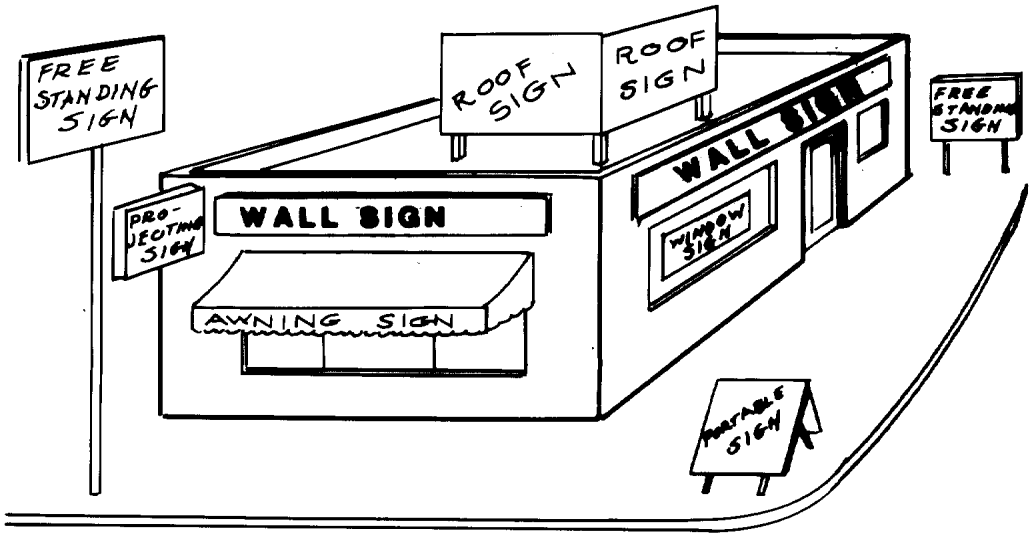
Sign, Posters - *See Also Banner*. For the purposes of this ordinance, a Poster is considered a banner.

Sign, Projecting - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

Sign, Roof - A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the ridge line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof. Signs mounted on the sloping section of a roof or the gable end of a roof shall be classified as a wall sign.

Sign, Roof Integral **-** A sign whose structure is integrated into the structure of the roof, and is an integral part thereof.

Sign, Temporary - A sign that is used only for a short period of time and is not permanently mounted. It may be commercial or non-commercial in nature.



SIGN TYPES

Sign, Wall or Facade – A sign that is in any manner affixed to or painted on to any exterior wall of a building or structure and that projects not more than 12 inches from the building or structure wall.

Sign, Window - A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

South Carolina Manufactured Housing Board - Is authorized by State Statute to regulate the construction, repair, modification, installation, tie-down, hook-up, and sale of manufactured homes in South Carolina, which Board has adopted for regulation of manufactured homes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the Board's Manufactured Housing Regulations, May 26, 1990.

Stealth Communication Tower – A structure designed in a manner to masks its appearance as a wireless communication tower.

Street - Any thoroughfare (drive, avenue, boulevard) or space more than 18 feet in right-of-way width which has been dedicated, deeded or designated for vehicular traffic, public or private.

Street, Major - Includes all state primary and federal aid highways and streets that serve to circulate traffic, having signals at important intersections, and stop signs on side streets and/or having controlled access and channelized intersections.

Street, Minor - A street designed principally to collect traffic from subdivisions and provide access to abutting property.

Street, Private - A street not dedicated for public use or maintenance.

Structure - That which is built or constructed.

Structural Alteration - Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Substantial Improvement - Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the value based on tax assessment of the current year or 50% of the gross floor area of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions (does not include Americans with Disabilities Act compliance standards): or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. Permits shall be cumulative for a period of five years.

Travel Trailer or Recreational Vehicle - A structure that (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (2) is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the criteria of a mobile or manufactured home or modular unit.

Understory Tree - A small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, and fruit trees.

Use, Accessory - See Building, Accessory.

Use - The purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, Principal - The primary purpose for which land is used.

Variance - A modification of the area regulations of this Ordinance, granted by the Zoning Board of Appeals, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance could result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

Vegetation - Any object of natural growth.

Wetlands - Areas of one-quarter (.25) acre or more where standing water is retained for a portion of the year and unique vegetation has adapted to the area. Jurisdictional wetlands are those over which the U.S. Corps of Engineers has permitting jurisdiction.

Yard - An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this Ordinance.

Yard, Front - A yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line.

Yard, Rear - A yard extending the full width of the lot in the area between the rear lot line and the rear building line.
Yard, Required - That part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this Ordinance.

Yard, Side - A yard extending the full length of the lot in the area between the side lot line and a side building line.

Zoning District - A specifically delineated area or district within which regulations and requirements govern the use, placement, spacing and size of land and buildings.

ARTICLE 3
ADMINISTRATION AND ENFORCEMENT

Section 3.1 Intent

This Article sets forth the procedures required for obtaining certificates of zoning compliance, repair permits, sign permits, and certificates of occupancy. It also defines the duties, powers, and limitations of officials, departments, commissions, boards, and other groups which are or may be involved in the administration and enforcement of this Ordinance.

Section 3.2 Administrative Official

The designated "Planning Director," shall be responsible for the administration and enforcement of the provisions of this Ordinance.

Section 3.3 Planning Commission

The Cayce Planning Commission is hereby reestablished under the provisions of S. C. Code 6-29-320. The Planning Commission shall function in accord with and shall have the powers and duties set out in Section 6-29-340 of the Code, shall consist of 7 members, and shall organize itself in accord with the requirements of Section 6-29-360 of the previously referenced code.

Section 3.4 Zoning Board of Appeals

The Cayce Zoning Board of Appeals (ZBA) is hereby reestablished under the provisions of S. C. Code 6-29-780. The Board shall consist of 5 members appointed by City Council, shall organize itself in accord with the provisions of Section 6-29-790 of the Code, and shall have the powers and duties to hear and decide appeals and variances in accord with the provisions of Section 6-29-800 of the previously referenced code.

Section 3.5 Responsibilities of Administrative Official

Administrative responsibilities shall include, but are not limited to, the following:

(1) Interpretation of the general intent and/or specific meaning of any portion of the Ordinance text, position of district boundaries, district designation, or other matters relating to the Official Zoning Map(s).

(2) Maintain the Official Zoning Map(s) and record all amendments to and information thereon.

(3) Maintain copies of this Ordinance for public inspection and have up to date copies available to the public.

(4) Provide public information relating to zoning matters including scheduled meetings of the City Planning Commission and Zoning Board of Appeals.

(5) Receive, process, and record all applications for Certificates of Zoning Compliance, zoning amendments, planned development projects, and variance requests with accompanying plans and documents which shall be a public record.

(6) Receive and process applications for change and/or relief.

(7) Appear before and provide assistance to the City Planning Commission and the Board of Zoning Appeals.

(8) Revoke permits or certificates in violation of the provisions of this Ordinance.

(9) Issue permits and certificates in accord with the provisions of this ordinance.

(10) Serve notice of ordinance violations and process such violations.

(11) Maintain public records of violation notices, permits, and certificates, with accompanying plans and documents.

(12) Revoke permits or project approvals based on false application statements or misrepresentations.

(13) Stop, by written order, work being done contrary to the provisions of this Ordinance.

(14) Institute appropriate action or proceedings to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of property.

In designated flood hazard areas, delineated on FEMA Maps for the City of Cayce, the Planning Director shall have the following additional responsibilities:

(15) Advise applicants that additional federal and state permits may be required, and if specific federal and state permits are known, require that copies of such permits be provided and maintained on file with the Certificate of Zoning Compliance.

(16) Notify adjacent property owners and the S.C. Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

(17) Assure that appropriate maintenance is provided for in writing by the owner within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(18) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

(19) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood proofed.

(20) Obtain certification from a registered professional engineer or architect when flood-proofing is utilized for a particular structure.

(21) Require, review, and utilize any base flood elevation data available from a federal, state, or other source when such data are not available from FEMA.

(22) Maintain all records pertaining to the provisions of this Ordinance, which records shall be open for public inspection during work day hours.

Section 3.6 Filing Applications

Applications for permits and certificates required by this ordinance shall be filed on forms provided by the Planning Director, signed by the owner or developer, and shall be accompanied by processing fees, a copy of which is on file and maintained in the Planning Department. Applications for Certificates of Zoning Compliance may be combined with applications for building permits, required under the Building Code.

Section 3.7 Certificates of Zoning Compliance

Section 3.7-1 When Required

A certificate of Zoning Compliance shall be required in advance of:

(1) The issuance of a building permit.

(2) Excavation preparatory to the construction of a structure for which a building permit is required.

(3) Grading, filling, surfacing, or enlarging parking areas containing more than six parking spaces for a new or changed use.

(4) Changing the use of any part of a structure or zoning lot, including any increase in the number of families or dwelling units occupying a building or lot.

(5) The establishment of a temporary use.

Section 3.7-2 Processing Procedures

(1) When the Planning Director receives an application for a Certificate of Zoning Compliance whose proposed improvement and use described and illustrated conforms to all requirements of this Ordinance, he shall issue a Certificate of Zoning Compliance and return a signed copy to the applicant within ten days of receipt of the application.

(2) When the Planning Director receives an application for a Certificate of Zoning Compliance whose proposed improvement and use described and illustrated does not conform to this Ordinance, he shall deny the issuance of a Certificate of Zoning Compliance, and so advise the applicant within 10 days, citing the particular sections of this Ordinance with which the application does not comply.

(3) The Planning Director has the authority to refuse a permit for a use which is repugnant to the terms of a proposed zoning ordinance or amendment pending at the time of application for a permit. An ordinance is legally pending when the governing body has resolved to consider a particular scheme of rezoning and has advertised to the public its intention to hold public hearings on the subject.

Section 3.7-3 Application Requirements

In addition to such information as may be required in an application for a Building Permit, each application for a Certificate of Zoning Compliance shall be accompanied by a plan in duplicate, drawn to scale superimposed on a recorded plat drawn to scale, one inch to 100 feet, showing:

(1) The shape and dimensions of the zoning lot.

(2) The size and location of all existing buildings.

(3) The lines within which any proposed buildings shall be erected, altered, or moved; the locations of any officially approved building setback lines.

(4) The heights of all proposed buildings and parts thereof.

(5) The existing and proposed use of each building and part thereof.

(6) The number of families or dwelling units in each existing building and the number that each proposed building is intended to accommodate.

(7) The size and location of all proposed driveways, off-street loading areas, and off-street parking areas containing more than six parking spaces.

(8) Finished first floor elevation above mean sea level requirement and the flood hazard zone designation if in a special flood hazard zone.

(9) Such other reasonable and pertinent information concerning the lot or neighboring lots as the Planning Director may find necessary for the enforcement of this Ordinance.

Section 3.8 Repair Permits

Where an application for a Certificate of Zoning Compliance is to effect repairs only, the Planning Director may waive the requirements of an approved plat or plan. However, the work to be performed shall be clearly defined in the Certificate of Zoning Compliance/Building Permit.

Section 3.9 Sign Permits

Where a sign permit is required by this Ordinance, the permit application shall be accompanied by the following:

(1) A common signage plan, where applicable, in accord with the requirements of Section 8.4.

(2) Identification of land owner and/or leaseholder of property on which the sign is to be erected, including street address.

(3) Name and address of the owner/leasee/leasor of the sign, who shall be responsible for installing and/or maintaining the sign in accord with all applicable regulations.

(4) Site plan sketch with dimensions (non-professionally drafted plan is

acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and buildings, parking areas, existing free-standing signs, and buffer areas.

(5) Correct size, shape, configuration, face area, height, nature, number, and type of sign to be erected, including the size of letters and graphics.

(6) The value of the sign and sign structure.

(7) The Planning Director may waive any of the informational requirements listed above deemed unnecessary to process an application.

Section 3.10 Certificate of Occupancy

It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged until a Certificate of Occupancy has been issued stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

Such certificate may be combined with or made a part of the Certificate of Occupancy required under the Building Code.

Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance, and punishable under Section 3.14.

Section 3.11 Inspections for Compliance

The Planning Director officer may make or require inspections of any land disturbing activity, construction or maintenance requirement to ascertain compliance with the provisions of this Ordinance and to ascertain compliance with approved permit applications, plats, plans, and/or certificates.

Section 3.12 Expiration of Certificate of Zoning Compliance

If the work described in any Certificate of Zoning Compliance has not begun within one year from the date of issuance thereof, said certificate shall expire; it shall be canceled and written notice thereof shall be given to the owner/developer, unless extended by the Planning Director upon application by the owner/developer.

Section 3.13 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, the Planning Director officer shall record and investigate such complaint, and take such

action as provided by this Ordinance. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

Section 3.14 Penalties for Violations

Any person violating any provision of this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense.

Where any building, structure, or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign, or land is or is proposed to be used in violation of this Ordinance, the Planning Director may, in accord with the provisions of Section 56-7-80 of the South Carolina Code of Laws 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; to correct or abate the violation or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

Section 3.15 Annexation

Whenever an annexation petition is presented to the City, the Planning Commission shall hold a public hearing on the zone classification of the property to be annexed and make a recommendation to Council.

ARTICLE 4
APPLICATIONS FOR CHANGE AND/OR RELIEF

Section 4.1 Intent

All requests for each type of Legislative Change or Relief Measure shall be in the form of an application. The provisions of this Article shall govern the basic requirements for, and processing of the different kinds of applications from the initiation of a request to the final action.

It is the obligation of an applicant, who bears the burden of proof, to present facts about the circumstances which would justify a proposed change or modification in convincing fashion so that the decision-making authorities may be satisfied that the petition is not injurious from a public health, safety, and general welfare outlook, and that the effect of the change will not negatively impact the immediate environs or the City generally.

This Article establishes procedures, standards, and information requirements for each type of change.

Section 4.2 Types of Applications

Applications for Legislative Changes: Amendments

These are changes that must be approved by City Council. They involve amendments to the text of the Ordinance and changes to the Official Zoning Map.

Applications for Relief: Variances, Appeals, Special Exceptions

These are procedures for securing relief from the requirements of the Ordinance or clarification of the terms of the Ordinance.

Section 4.3 Eligible Applicants

Parties and individuals eligible to initiate an application for change and/or relief from the requirements of this Ordinance are identified on Table 4-1.

Parties not listed may petition the Planning Commission and/or Council to initiate a change, but the petitioned party is not bound to act on behalf of the petitioner.

Table 4-1 Parties Eligible To Apply For Change And/Or Relief From The Requirements Of This Ordinance				
Eligible Applicants	**Map Changes (Rezoning)**	**Text Changes**	**Variance**	**Appeal**
Owner(s) of Property in question	YES	YES	YES	YES
Agent of Property Owner	YES	YES	YES	YES
Option Holder	NO	NO	NO	NO
Aggrieved Person or Party	NO	NO	NO	YES
Planning Director	YES	YES	YES	YES
Planning Commission*	YES	YES	YES	YES
City Council*	YES	YES	YES	YES

* A petition initiated by the Planning Commission or Council shall not relieve the applicant of the responsibility for furnishing all required information to support the petition.

Section 4.4 Application Requirements

All applications shall be filed on forms provided by the Planning Director, and contain or be accompanied by the information required by Table 4-2, together with the required fee to help cover the cost of processing.

TABLE 4-2 INFORMATION REQUIRED TO SUPPORT APPLICATION		
Type of Change and/or Relief Sought	Forms	Information
Zoning Map Change	Application Forms provided by the Planning Director	1. Existing boundary map 2. Indicate proposed change to boundary map 3. Existing zoning of lot and adjacent properties 4. Reasons for change
Text Change	Application Forms provided by the Planning Director	1. Draft of new text to be added and existing text to be deleted 2. State reasons for change
Variance	Application Forms provided by the Planning Director	1. State nature of variance 2. Provide evidence of unnecessary hardship 3. State necessity of variance
Appeal	Application Forms provided by the Planning Director	1. State reasons for appeal, with specific reference to action being appealed

* Application fees shall be waived for city council, commission, boards, and administrative officials.

Section 4.5 Administrative Procedures, Action

Step 1. <u>Administrative Examination</u>

Upon receipt of an application, the Planning Director shall examine it for completeness, and shall, within ten (10) working days, either return the application for additional information or forward it to the Planning Commission or ZBA for review and action at their next scheduled meeting. No request from any individual, corporation or agency other than the City Council, the Planning Commission, the Planning Director, or any department or agency of the City, for a change in zoning classification or creation of a separate district shall be considered which involves an area of less than two (2) acres, except the following changes may be made to apply to areas of less than two (2) acres:

a. The extension of existing district boundaries;
b. The addition of C-1 zoning contiguous to existing commercial or industrial zones; or
c. Contiguous to compatible zoning in another City or jurisdiction or compatible with permitted uses within unzoned areas of the County or jurisdiction as long as the total land area covered by the zoning or uses is a minimum of two (2) acres.

Step 2. <u>Public Notice</u>

All Applications

Public notice shall include announcing the application for change or relief in a newspaper of general circulation in the City at least 15 days prior to the time the application is scheduled for a public hearing. The notice shall state the nature of the change and the time, date, and place of the hearing.

Application for Zoning Map Change

In addition to the above, notice of an application for a map change (amendment) shall include posting the affected property. The Planning Director shall post one hearing notice for every two hundred (200) 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. Also, property owners within 200' of the property shall be notified by mail.

Where one (1) or more blocks are affected in one application, one hearing notice per block shall be sufficient.

Application for a Variance

In addition to public notice in a newspaper of general circulation, notice of an application for a variance shall be given to all parties in interest.

Step 3. <u>Public Hearing</u>

The Planning Commission shall conduct a public hearing on all applications for change involving the text of the Zoning Ordinance, the Zoning Map, and variances to the Land Development Regulations.

The Board of Zoning Appeals (ZBA) shall conduct a public hearing on all applications for relief involving variances and appeals.

Step 4. <u>Review and Action</u>

By The Planning Commission

(1) The Planning Commission shall act on a completed application within sixty (60) days after receipt thereof (1) to defer not more than 30 days or (2) to recommend either denial or approval. The decision shall be determined by a majority of those voting. Failure to act within said time frame shall constitute a recommendation of approval.

(2) The Commission shall evaluate the proposed amendment relative to the following:

a. How it relates to and affects the Comprehensive Plan.

b. Changes in conditions since the adoption of the Plan or Ordinance, if any.

c. The need to correct an error or deficiency in the Ordinance.

d. Any benefits which would be derived from the amendment.

e. Any cost to the city generated by the amendment in terms of expenditures for public improvements, facilities, and services.

f. Public interest and input.

The Commission shall forward its recommendation to the City Council for final action.

By the City Council

City Council shall consider the recommendation of the Planning Commission. Council may then approve, deny, or modify the recommended amendment, or refer it back to the Planning Commission for further study, or take other action as deemed necessary.

By the Board of Zoning Appeals

Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

(1) That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship;

(2) That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done;

(3) That there are extraordinary and exceptional conditions pertaining to the particular piece of property;

(4) That these conditions do not generally apply to other property in the vicinity;

(5) That 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

(6) That 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.

The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

Where an application for a variance is within a Flood Hazard Area, the Board, in addition to the above, shall consider the following in its deliberations:

(1) the danger that materials may be swept onto other lands to the injury of

others;

(2) the danger to life and property due to flooding or erosion damage;

(3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage;

(4) the importance of the services provided by the proposed facility to the community;

(5) the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(6) the availability of alternative locations, not subject to flooding or erosion damage;

(7) the safety of access to the property in times of flood;

(8) the expected heights, velocity, duration, rate of rise, and sediment transport of flood waters; and

(9) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities.

Applications appealing decisions of the Planning Director shall be heard and decided by the Zoning Board of Appeals based on information presented by the applicant and the Planning Director relative to the specific ordinance provision being appealed.

Applications for Special Exceptions shall be subject to the terms and conditions set forth for such uses in the ordinance.

Step 5. Notification

All applicants for change or relief from the provisions of this Ordinance shall be notified in writing of final action taken by the City Council.

An approved amendment by the Council shall become effective immediately after such adoption and any such amendment to the zoning map(s) shall be made within seven working days thereafter.

An approved variance or appeal shall be accompanied by an order of the Zoning Board of Appeals to direct the issuance of a permit.

Step 6. Appeals

Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal said decision to the Circuit Court in and for the County of Lexington by filing with the clerk of such court a petition in writing setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the Board is rendered.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Planning Director certifies to the Board, after receiving Notice to Appeal, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by restraining order of the Board of Appeals or by the court of record.

Section 4.6 Reconsideration of Denied Applications

The City Council shall not reconsider an application for change or relief if such application requests a change to the same lot, parcel or portion thereof, or a change to the same text of the Ordinance for a period of one year from the date of Council Action of the prior request, unless the Planning Commission recommends to the City Council that such reconsideration be given, upon a finding by the Commission that there has been a substantial change in the character of the area or evidence or factors or conditions exist which were not considered in previous deliberations by the Planning Commission or Council.

ARTICLE 5
GENERAL AND ANCILLARY REGULATIONS

The regulations set forth in this Article are intended to clarify, supplement, or modify the regulations set forth elsewhere in this Ordinance.

Section 5.1 Application of Regulations

The various zoning district regulations established herein are declared to be the minimum requirements necessary to carry out the purpose of this Ordinance. These regulations apply to each class or kind of structure or land, and are the minimum standards for all site clearing, development, buildings, structures, or alterations to land or structures within the jurisdiction of this Ordinance.

No part of a yard, open space, or off-street parking required in connection with any building for the purpose of complying with the regulations of this Ordinance shall be included as part or all of the required yard, open space, or off-street parking for another building or structure, except as hereinafter provided.

Section 5.2 Exceptions and Modifications

(1) Setbacks - Corner Lots

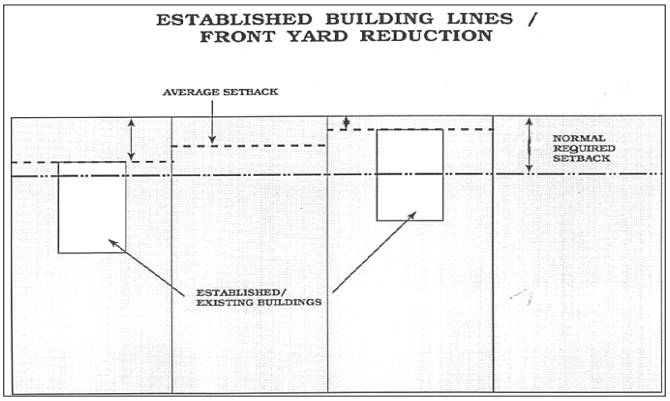
The setback from the street upon which the principal building will face shall be the minimum required front yard setback for the district in which the lot is located. The setback from the street upon which the side of the building will face shall be not less than one-half the front yard distance required for the district. In some cases minimum front yard will be the same.

(2) Setbacks - Through or Double Frontage Lots

Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory use(s) shall be prohibited from the required front yard setback of the street upon which the principal building fronts.

(3) Setbacks - Partially Developed Areas

Where the majority of lots in a block fronting on the same side of a street between two intersecting streets are lawfully occupied with buildings having greater or lesser front yard depth than required by these regulations, no building hereafter erected or altered shall vary in the front yard setback by more than five feet from the average depth of said existing front yard setbacks without written approval of the Planning Director.



(4) Height

The height limitations of this Ordinance shall not apply to:

Belfries	Flag Poles
Chimneys	Ornamental towers and spires
Church spires	Public Monuments
Conveyors	Public utility poles
Cooling Towers	Cupolas
Dome	Smoke stacks
Water tanks	Fire Towers

Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

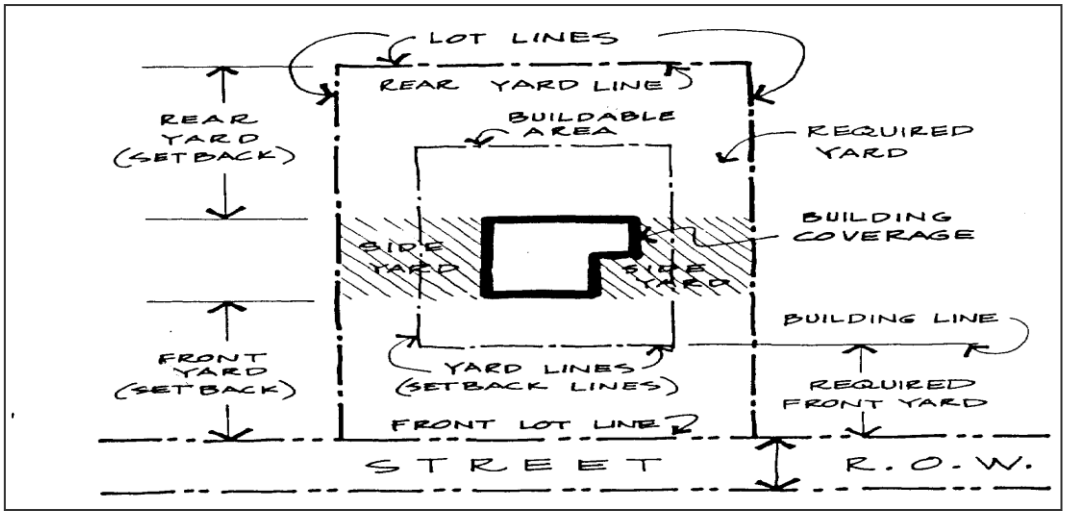
Communication towers and antennas, where permitted by Table 2, shall be exempt from the height requirements of the District in which they are to be located, subject to the setback requirements of Section 7.10.

(5) Projections

The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard.

Steps and heating and cooling units may project into a required yard a distance not to exceed 5 feet but no closer than three feet of a property

line. Fences, walls, and hedges may be erected in any required yard or setback area or along the edge of a property line, provided that no such structure or hedge shall impede visibility at intersections.



Section 5.3 Measurements

(1) Yards, Setbacks, Buildable Area

(2) The required front, side, and rear yards for an individual lot, as set forth for by Table 3, shall be measured inward toward the center of the lot from all points along the respective front, side, and rear property lines of the lot. Once the yard area of a given lot has been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the “buildable” area within which the approved principal structure(s) shall be placed.

(3) Height

(4) The height of a building or structure shall be measured from the grade elevation within one foot of the structure.

Section 5.4 Number of Principal Buildings/Uses on a Lot

No more than one single-family dwelling, duplex, or patio home shall be located on a single lot-of-record.

There is no limit on the number of other principal uses; provided such uses meet all applicable requirements of this Ordinance.

Section 5.5 Visibility at Intersections

On any corner lot in any district, no planting shall be placed or maintained and no fence, building, wall, or other structure shall be constructed at any point between a height of two and a half (2 ½) feet and ten (10) feet above the upper face of the nearest curb (or street pavement line if no curb exists) and within a triangular area beginning at the point of intersection and extending from the intersection 15 feet along both sides of the street right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines. However, poles and support structures less than 12" in diameter may be permitted in such areas.

Section 5.6 Accessory Buildings and Uses

Section 5.6-1 Accessory Uses to Observe Required Setbacks

Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

Section 5.6-2 General Requirements

<u>Residential Districts</u>

(1) The number of accessory uses shall not exceed two on any lot or parcel.

(2) The combined gross floor area (GFA) of all accessory uses shall not exceed 50 percent of the principle use, or up to 75% of the principle use with a special exception.

(3) The height of accessory buildings shall be less than 5' of the principal building.

(4) No mobile home or standard design manufactured home shall be used as an accessory building.

<u>All Other Districts</u>

(1) There is no limit to the number of accessory buildings; however such buildings shall occupy no more than 50 percent of the total lot area.

(2) If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located.

(3) Accessory uses may be allowed within 3 feet of a side or rear property line, except where contiguous to a residential zone, in which case the accessory

use shall observe the setback requirement of the bufferyard requirements.

Section 5.6-3 Location

Without exception, no accessory use may be located in a required buffer yard. Accessory buildings and uses are permitted anywhere within the buildable area of a lot or parcel unless specifically regulated, and are permitted within required yards and setback areas under the following conditions (This section does not apply to parking of vehicles contrary to Section 9.9):

(1) Off-Street Parking and Loading Space

Off-street parking and loading spaces are permitted in required yards and setback areas.

(2) Free-Standing Signs

Free-standing signs are permitted in all required yards, but no closer than 5 feet of a property line.

(3) Buildings, Sheds, and Structures for Dry Storage; Greenhouses

Buildings, sheds, structures for dry storage and greenhouses may be located in rear yard setback areas only, but no closer than five (5) feet from any property line.

(4) Domestic Animal Shelters and Pens

Domestic animal shelters and pens may be located in rear yard setback areas only, but no closer than five (5) feet from any side or rear residential property line.

(5) Swimming Pools, Tennis Courts, Recreational Uses

These uses may be located in required rear yard and setback areas only; provided said uses shall be no closer than 10 feet to the nearest property line, and shall have all lighting shielded or directed away from adjoining residences.

(6) Ground Supported Communication and Reception Antennas

These uses may be located in required rear and side yards only, but no closer than 3 feet to the property line, and if located in the buildable area shall not extend or be located in front of any principal building.

(7) Fences and Walls

May be located in all required yards and along any property line; provided fences and walls to be located in the required front yard or in front of the principal use shall not exceed four feet in height and fences and walls located elsewhere on the property shall not exceed eight feet in height unless approved for a variance by the Board of Zoning Appeals.

(8) Uses Not Specified

Uses not specified above shall observe a three foot setback from the nearest property line.

Section 5.7 Access to Property

(1) Street Access

Except as herein provided, no building shall hereafter be erected, constructed, moved, or relocated on a lot not located on a publicly dedicated, publicly accepted or maintained street, or private street as part of an approved PDD. However, no private street or driveway shall be provided to commercial or industrial districts through any residential district.

Section 5.8 Conversion of Existing Residential Use

When the conversion of an existing residential use (house) in a nonresidential zone to a commercial use is proposed, the house shall be made to meet all applicable codes for commercial buildings. Where a house will be used for a dwelling and a commercial use, that section of the house that will be open to the public shall meet all requirements for a commercial building.

All parking, landscaping, buffering, street encroachment and other requirements of this Ordinance for a commercial use shall be met.

Section 5.9 Nonconformities

Nonconforming uses, buildings, or structures are declared by this Ordinance to be incompatible with permitted construction in the districts in which they are located.

Section 5.9-1 Continuation

However, to avoid undue hardship, the lawful use of any such use, building, or structure at the time of the enactment, amendment, or revision of this Ordinance may be continued even though such structure does not conform with the provisions of this Ordinance. This section does not apply to parking of vehicles contrary to Section 9.9.

Section 5.9-2 Modification

A proposed change or modification to a nonconforming use shall be governed by the following:

(1) Change of Nonconforming Use

If a change from one nonconforming use to another is proposed and no structural alterations are involved, the change may be permitted, provided:

a. Nonconformity of dimensional restrictions such as height, density, setbacks, or other requirements such as off-street parking shall not be increased; and

b. The proposed change will have little discernible impact over the existing nonconforming use.

If a change to a permitted use is proposed which is nonconforming only as to dimensional restrictions such as height, density, setbacks, or other requirements such as off-street parking, the change may be permitted, provided that all applicable requirements that can be reasonably complied with are met.

Compliance with a requirement is not reasonably possible if it cannot be achieved without adding land to the lot of the nonconforming use or moving the use if it is on a permanent foundation.

Whenever a nonconforming use of land or building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed back to a less restricted or nonconforming use.

(2) Enlargement or Expansion of Nonconforming Use

Enlargement or expansion of a nonconforming building, use, or structure by no more than 10% shall be permitted; provided such enlargement shall meet all applicable setbacks, buffer area, and off-street parking requirements.

(3) Repair or alteration of Nonconforming Use, Building, or Structure

The repair or alteration of a nonconforming use shall in no way increase the nonconformity of said use, except as otherwise permitted by Subsection 2 above.

(4) Replacement of Nonconforming Use

A building permit for the replacement of a nonconforming building or structure where damaged or destroyed must be initiated within 6 months of the time of the damage or destruction or forfeit the right of replacement.

Replacement, if initiated within 6 months of the time of damage or destruction shall adhere to all applicable requirements of Table 3.

Replacement of a nonconforming mobile or manufactured home once removed from a lot or parcel shall be accomplished within 30 days of removal or forfeit nonconforming status, and if replaced, it shall meet in full the definition of a Residential designed manufactured dwelling, shall not infringe on established setbacks, and shall meet in full the requirements of Section 7.6 of this Ordinance.

Section 5.9-3 Discontinuance

No building or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of six months, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located.

Section 5.9-4 Lot of Record

Where the owner of a lot at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the setback requirements of this Ordinance, such lot may nonetheless be used as a building site provided applicable setback requirements are not reduced by more than 15%. Setback reductions greater than 15% shall be referred to the Board of Zoning Appeals for consideration.

Section 5.10 Vested Rights

Section 5.10-1 Scope and Title

All applicable ordinances, municipal code sections, and regulations relating to zoning, planning and land development within the municipality are subject to this ordinance, which shall be known as the Vested Rights to Develop Property Ordinance.

Section 5.10-2 Definitions

(a) Except as hereinafter set forth, the words, terms and phrases when used in this ordinance shall have the meaning as set forth in Section 6-29-1520 of the South Carolina Code of Laws, as enacted by Act 287 of 2004.

(b) “Site specific development plan”, in addition and as a supplement to the definition set forth in Section 6-29-1520 of the South Carolina Code of Laws, as enacted by Act 287 of 2004, is further defined to mean those documents that comprise a complete application for a zoning permit, certificate of zoning compliance, variance, special exception, planned unit development, sketch plat or sketch plan, or other similar approval that authorizes the landowner to proceed with investment in grading, installation of utilities, streets, and other infrastructure, and to undertake other significant expenditures necessary to prepare for application for a building permit.

Section 5.10-3 Establishment and Conditions of Vested Rights

(a) A vested right to develop property in accord with a site specific development plan is triggered upon the final approval of the site specific development plan by the final official or body of the municipality authorized to approve a site specific development plan and the payment to the municipality of all applicable established fees.

(b) Except as hereinafter set forth, a vested right established by this Ordinance is subject to the conditions and limitations as set out in Sections 6-29-1540 and 6-29-1550 of the Code of Laws of South Carolina, as enacted by Act 287 of 2004.

(c) A vested right for an approved site specific development plan expires two years after the date of final approval by the final official or body authorized to approve a site specific development plan.

(d) No vested rights are established for phased development plans, including approved or conditionally approved phased development plans and including phased development plans applicable to property proposed for annexation. An approved or conditionally approved site specific development plan is required prior to approval with respect to each phase of a phased development plan.

(e) A vested site specific development plan may be amended if the amendment conforms to, or does not cause greater nonconformity with, the then current provisions of the municipal zoning, planning, and land development ordinances, municipal code sections or regulations. Approval or conditional approval of an amendment does not re-set or re-start the expiration period of a vested right.

(f) No sooner than three (3) months, and no later than forty-five (45) days prior to the expiration of the two-year vested right period for an approved site specific development plan, the landowner of property with a vested right in a site specific plan may apply to the authorized official body for an annual extension of the vested right. The authorized official or body must approve

an application for an annual extension of the vested right unless an amendment to the land development ordinances or regulations have been adopted that prohibits approval. No more than five (5) annual extensions of the vested right may be approved.

Section 5.10-4 Severability

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

ARTICLE 6
DISTRICT REGULATIONS

Section 6.1 Establishment of Districts

For purposes of this Ordinance, the following zoning districts are hereby established:

Residential Districts	Commercial Districts	Industrial Districts	Special Purpose Districts
RS-1, Single-Family, Large lots	C-1, Office and Institutional	M-1,Light	PDD, Planned Development
RS-2,Single-Family,Medium lots	C-2,Neighborhood	M-2, Heavy	FH, Flood Hazard
RS-3,RS-4 Single-Family, Small lots	C-3 Central		D-1, Development
RG-1, General Residential	C-4, Highway		DO-1 Design Overlay
RG-2, General Residential, High Rise			

Section 6.2 Purpose of Districts

Collectively, these districts are intended to advance the purposes of this Ordinance, as stated in Article 1. Individually, each district is designed and intended to accomplish the following more specific objectives.

<u>Residential Districts</u>

RS-1, RS-2, RS-3 and RS-4 Single-Family Residential Districts: These districts are intended to foster, sustain, and protect areas in which the principal use of land is for single-family dwellings and related support uses. Densities are designed to vary from district to district.

RG-1 General Residential District: This district is intended to promote and accommodate residential development consisting of a variety of housing styles, types and densities (i.e. single family, manufactured, multi family, townhouses, etc.) consistent with the Comprehensive Plan and appropriate standards of public health, safety and welfare, and aesthetics. This District is further intended to provide land to accommodate housing units which meet the diverse economic and social needs of the resident population, while retaining the scale and character of existing neighborhoods.

RG-2 General Residential District, High Rise: This district is intended to accommodate high rise residential development in the form of air-space condominiums

or rented apartments, and a variety of housing types on small lots or in project settings in areas accessible by major streets and in proximity to commercial uses, employment opportunities and community facilities. It is further intended to permit development flexibility in meeting the demands and preferences of a changing housing market, and doing so in an orderly, compatible manner.

Commercial Districts

C-1 Office and Institutional Commercial District: This district is intended to accommodate office, institutional, and residential uses in areas whose character is changing, or where such a mix of uses is appropriate. It is designed principally for use along major streets dominated by older houses in transition.

C-2 Neighborhood Commercial District: The intent of this district is to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in these districts are of the "convenience variety." The size of this district should relate to surrounding residential markets and the location should be at or near major intersections, in proximity to and/or on the periphery of residential areas.

C-3 Central Commercial District: The intent of this district is to promote the concentration and vitality of commercial and business uses in the traditionally central business areas of Knox Abbott Drive and State Street. This district encourages wall-to-wall or lot line to lot line development, sidewalks, and a pedestrian friendly environment, including direct access from sidewalks to store fronts.

C-4 Highway Commercial District: The intent of this district is to accommodate commercial development catering to the needs of the traveling public, and highway dependent commercial and business uses.

Industrial Districts

M-1 light Industrial District: The intent of this district is to accommodate wholesaling, distribution, warehousing, processing, light manufacturing, office and related business uses on individual lots and in business park settings.

M-2 Heavy Industrial District: The intent of this district is to accommodate certain industrial uses which, based on their operational characteristics, are potentially incompatible with residential, social, medical, and commercial environs. As a result, the establishment of such districts shall be restricted to areas geographically removed or buffered from such environs

Special Purpose Districts

PDD Planned Development District: The intent of the Planned Development District (PDD) is to allow flexibility in development and encourage the use of innovative site planning techniques resulting in developments with improved design, character, and quality of new mixed use developments which preserve natural and scenic features of open spaces. A PDD is characterized by a plan that may incorporate housing of different types and densities and compatible commercial, institutional, and industrial developments. A PDD allows for the establishment of dimensional and use requirements unique to the property to accommodate flexibility in the arrangement of uses within the project for the general purpose of promoting and protecting the public health, safety, and general welfare.

In view of the substantial public advantage of “planned development”, it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly in large undeveloped tracts.

FH Flood Hazard District: It is the intent of this district to protect human life and health, minimize property damage, encourage appropriate construction practices, and minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

Additionally, this district is intended to help maintain a stable tax base by providing for the sound use and development of flood-prone areas and to ensure that potential home buyers are notified that property is in a flood area. The provisions of this district are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the flood plain, and prolonged business interruptions; and to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

D-1 Development District: This is an agricultural holding zone. Land currently included in this zone is found generally on the fringe of the community where development has yet to intensify. Future development of this zone will necessitate rezoning in accord with the goals and objectives of the Comprehensive Plan.

DO-1 Design Overlay District: The purpose of the design overlay district(s) is to create and present an aesthetically pleasing physical environment along the City's principal gateways.

Development Agreement District: The purpose of the (DAD) is to encourage a stronger commitment to comprehensive and capital facilities planning. The intent of the district is to encourage large scale development that includes flexible land uses. Each agreement will be site specific and the approved uses will be at the recommendation of

the Planning Commission and approval of the City Council. The applicability of this district is determined by the size of the property and the time frame for development.

Section 6.3 Establishment of District Regulations

The uses permitted in the several zoning districts established by Section 6.1, the off-street parking requirements, and the dimensional requirements of each are set forth herein. The requirements for uses in Residential, Commercial and Industrial Districts and the D-1 Development District are presented on tables.

Section 6.5 (Table I) sets forth use and off-street parking requirements for the five residential districts. Section 6.5 (Table 2) establishes use and off-street parking requirements for Commercial, and Industrial Districts and the D-1, Development District. Section 6.6 (Table 3) sets forth lot area, yard, setback, height, density, floor area, and impervious surface requirements for all districts. Section 6.7 establishes regulations for the Planned Development District; and Section 6.8 prescribes regulations for development in the Flood Hazard District.

Section 6.4 Application of District Regulations

The North American Industry Classification System, 1997, is the basis for determining the use of property permitted by the various zoning districts. Where uncertainty exists relative to a given use not specifically listed by the tables, the NAICS Manual should be consulted. In general, all uses listed by a given NAICS number and category shall be construed as being permitted in the assigned zoning district, unless separately listed.

Uses not listed in the NAICS Manual are identified by the letters “NA” (Not Applicable) in the NAICS Column.

Where the letter “P” is shown, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable development standards of this Ordinance.

Where the letter “C” is shown, the use to which it refers is conditionally permitted in the indicated district, subject to requirements for uses set out in Article 7.

Where the letter “S” is shown, the use to which it refers is permitted as a special exception, subject to the terms and conditions imposed by this ordinance, and review and approval by the Zoning Board of Appeals.

Where the letter “N” is shown, the use to which it refers is not permitted in the indicated district.

Where a given use or NAICS reference is not listed by either Table I or 2, said use shall not be permitted.

A section number reference following a use category means the use must meet the additional conditions and requirements of the referenced section.

To aid in the use of the Tables they are arranged by NAICS Sectors, followed by the uses and codes included in the respective sector:

Sector 11: Agriculture, Forestry, Fishing and Hunting
Sector 21: Mining
Sector 22: Utilities
Sector 23: Construction
Sector 31-33: Manufacturing
Sector 42: Wholesale Trade
Sector 44-45: Retail Trade
Sector 48-49: Transportation and Warehousing
Sector 51: Information
Sector 52: Finance and Insurance
Sector 53: Real Estate and Rental and Leasing
Sector 54: Professional, Scientific, and Technical Services
Sector 55: Management of Companies and Enterprises
Sector 56: Administrative and Support and Waste Management and Remediation Services
Sector 61: Educational Services
Sector 62: Health Care and Social Assistance
Sector 71: Arts, Entertainment, and Recreation
Sector 72: Accommodation and Food Services
Sector 81: Other Services (except Public Administration)
Sector 92: Public Administration

Uses and NAICS code references are displayed within the appropriate sector in numerical order, beginning with Sector 11 (Agricultural, Forestry, Fishing and Hunting) and running through Sector 92 (Public Administration).

Section 6.5 See Table 1, Schedule of Uses & Off-Street Parking Requirements for Residential Districts

Section 6.6 See Table 2, Schedule of Uses & Off-Street Parking Requirements for Commercial, Industrial & Development Districts also see additional requirements of Section 7.14 for a Large Scale Commercial Development

Section 6.7 See Table 3, Schedule of Lot Area, Setbacks, Height, & Lot Coverage Requirements, by Zoning Districts

Section 6.5 Table I, Schedule Of Uses And Off-Street Parking Requirements for Residential Districts

	NAICS	RS-1	RS-2	RS-3 RS-4	RG-1	RG-2	Off -Street Parking Requirements
Residential Uses							
Site Built Dwellings							
Single-family detached	81411	P	P	P	P	P	2.0 spaces per unit
Duplex	81411	N	N	N	P	P	2.0 spaces per unit
Townhouse (Sec. 7.1)	81411	N	N	N	C	C	2.0 spaces per unit
Patio Home (Sec. 7.2)	81411	S	S	S	C	C	2.0 spaces per unit
Triplex	81411	N	N	N	P	P	2.0 spaces per unit
Quadraplex	81411	N	N	N	P	P	1.5 spaces per unit
Multi-family	81411	N	N	N	P	P	1.5 spaces per unit
Bed and Breakfast Inns (Sec. 7.3)	721191	S	S	S	C	C	1.0 space per bedroom
Rooming & boarding houses	72131	N	N	N	P	P	1.0 space per bedroom
Manufactured Dwellings							
Modular home	81411	P	P	P	P	P	2.0 spaces per unit
Manufactured Home Park (Sec. 7.6)	53119	N	N	N	N	S	2.0 spaces per unit
Accessory Uses (Sec. 5.6)							
Bathhouses, cabanas	NA	P	P	P	P	P	None
Domestic animal shelters	NA	P	P	P	P	P	None
Child day care services	6244	P	P	P	P	P	None
Satellite dishes/antennas	NA	P	P	P	P	P	None
Accessory Apartment (Sec. 7.4)	NA	N	N	N	C	C	**Sec. 7.7**
Coin operated laundries & dry cleaners	81231	N	N	N	P	P	None
Non-commercial greenhouse	NA	P	P	P	P	P	None
Private garage & carport	NA	P	P	P	P	P	None
Storage building	NA	P	P	P	P	P	None
Swimming pool, tennis courts	NA	P	P	P	P	P	None
Auxiliary shed, work shop	NA	P	P	P	P	P	None

	NAICS	RS-1	RS-2	RS-3 RS-4	RG-1	RG-2	Off -Street Parking Requirements
Home Occupation (Sec. 7.7)	NA	C	C	C	C	C	None
Horticulture, gardening	NA	P	P	P	P	P	None
Signs - See Article V							
Support Uses							
Recreational							
Public parks, playgrounds, & community centers	71394	P	P	P	P	P	1.0 per 250 GFA activity buildings,1% land area to parks
Golf courses, public & private	71391	P	P	P	P	P	5.0 spaces for each hole
Swimming & tennis clubs	71394	P	P	P	P	P	1.0 space for each 200 s.f. GFA
Educational							
Elementary schools	6111	P	P	P	P	P	1.5 spaces per classroom, plus 5.0 admin. spaces
Secondary schools	6111	P	P	P	P	P	5.0 spaces per classroom, plus 10 admin. spaces
Social							
Nursing & residential care facilities	623	N	N	N	P	P	0.4 per bed, plus 1.0 space per 500 s.f. GFA
Day care services	62441	N	N	N	P	P	1.0 space per 200 s.f. GFA
Religious organizations	81311	P	P	P	P	P	0.3 spaces per seat, main seating
Utilities							
Communication transmission only, except towers/antennas	5133	P	P	P	P	P	None
Communication towers & antennas (Sec. 7.8)	51332	SE	SE	SE	SE	SE	None
Electric, gas, transmission only	221121	P	P	P	P	P	None
Sewerage treatment facilities	22132	P	P	P	P	P	None
Water supply & irrigation systems	22131	P	P	P	P	P	None
Public Order & Safety	9221	P	P	P	P	P	1.0 space per 350 s.f. GFA
Fire Protection	92216	P	P	P	P	P	4.0 spaces per bay
Temporary Uses							
Temporary Uses (Sec. 7.5)		C	C	C	C	C	By individual review

Section 6.6 Table 2, Schedule of Uses & Off-Street Parking Requirements for Commercial, Industrial & Development Districts

	NAICS	C-1	C-2	C-3	C-4	M-1	M-2	D-1	Required off-Street Parking Space(s)
Sector 11: Agriculture, Forestry Fishing and Hunting,									
Agricultural Production, crops	111	N	N	N	N	P	P	P	None
Agricultural Production, Livestock, animals	112								
Livestock, except feedlots	1121	N	N	N	N	N	N	P	None
Feedlots	1121	N	N	N	N	N	N	N	None
Hog & Pig Farming	1122	N	N	N	N	N	N	N	None
Poultry & Eggs	1123	N	N	N	N	N	N	N	None
Sheep, goat, aquaculture, other	1124-9	N	N	N	N	N	N	N	None
Horses & other equine	11292	N	N	N	N	N	N	P	None
Forestry & Logging	113	N	N	N	N	P	P	P	None
Fishing, Hunting, Trapping	1141-2	N	N	N	N	N	N	P	None
Agricultural Services	115	N	N	N	P	P	P	P	None
Sector 21: Mining									
Mining, Nonmetallic mineral & quarrying	2123	N	N	N	N	N	P	P	None
Sector 22: Utilities									
Electric, gas, & sanitary services	221								
Electric	2211								
Generation	22111	N	N	N	N	P	P	P	1.0 per 500 s.f. GFA
Transmission	22112	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA
Natural gas distribution	2212	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA
Water supply systems	22131								
Storage / Treatment	22131	N	N	N	P	P	P	P	1.0 per 500 s.f. GFA
Transmission	22131	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA

	NAICS	C-1	C-2	C-3	C-4	M-1	M-2	D-1	Required off-Street Parking Space(s)
Sewerage systems	22132								
Collection	22132	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA
Treatment	22132	N	N	N	P	P	P	P	1.0 per 500 s.f. GFA
Steam & Air Conditioning supply	22133	N	N	P	N	P	P	N	1.0 per 500 s.f. GFA
Sector 23: Construction									
Bldg. construction-general contract & operative builders	237	N	N	N	P	P	P	N	1.0 per 1,000 s.f. GFA
Heavy construction other than building construction-contractors	237	N	N	N	N	P	P	N	1.0 per 1,000 s.f. GFA
Special Trade Contractors	238	N	N	N	P	P	P	N	1.0 per 1,000 s.f. GFA
Sector 31-33: Manufacturing									
Food	311	N	N	N	N	N	P	N	1.0 per 500 s.f. GFA
Beverage & Tobacco	312	N	N	N	N	N	P	N	1.0 per 500 s.f. GFA
Textile mill products	313	N	N	N	N	N	P	N	1.0 per 500 s.f. GFA
Textile Product Mills	314	N	N	N	N	N	P	N	1.0 per 500 s.f. GFA
Apparel	315	N	N	N	N	P	P	N	1.0 per 500 s.f. GFA
Leather & allied products	316	N	N	N	N	N	P	N	1.0 per 500 s.f. GFA
Footwear Manufacturing	3162	N	N	N	N	P	P	N	1.0 per 500 s.f. GFA
Other leather product manufacturing	3169	N	N	N	N	P	P	N	1.0 per 500 s.f. GFA
Wood products	321	N	N	N	N	N	P	N	1.0 per 500 s.f. GFA
Paper & allied products	322	N	N	N	N	N	P	N	1.0 per 500 s.f. GFA
Printing & related support activities	323	N	N	N	N	P	P	N	1.0 per 500 s.f. GFA
Petroleum products	324	N	N	N	N	N	P	N	1.0 per 500 s.f. GFA
Chemical products	325	N	N	N	N	N	P	N	1.0 per 500 s.f. GFA
Pharmaceutical & medicine mfg.	3254	N	N	N	N	P	P	N	1.0 per 500 s.f. GFA
Plastics product manufacturing	3261	N	N	N	N	P	P	N	1.0 per 1000 s.f. GFA
Rubber product manufacturing	3262	N	N	N	N	N	P	N	1.0 per 1000 s.f. GFA

	NAICS	C-1	C-2	C-3	C-4	M-1	M-2	D-1	Required off-Street Parking Space(s)
Plastic & Rubber	326	N	N	N	N	N	P	N	1.0 per 500 s.f. GFA
Nonmetallic Mineral products	327	N	N	N	N	N	P	N	1.0 per 500 s.f. GFA
Primary Metal Industry	331	N	N	N	N	N	P	N	1.0 per 500 s.f. GFA
Fabricated metal products	332	N	N	N	N	P	P	N	1.0 per 500 s.f. GFA
Machinery	333	N	N	N	N	P	P	N	1.0 per 500 s.f. GFA
Computer & Electronic Products	334	N	N	N	N	P	P	N	1.0 per 500 s.f. GFA
Computer & peripheral equipment mfg.	3341	N	N	N	P	P	P		1.0 per 500 s.f. GFA
Electrical equipment, Appliances & components	335	N	N	N	N	P	P	N	1.0 per 500 s.f. GFA
Transportation equipment	336	N	N	N	N	N	P	N	1.0 per 500 s.f. GFA
Furniture & related products	337	N	N	P	N	P	P	N	1.0 per 500 s.f. GFA
Misc. manufacturing indus.	339	N	N	N	N	P	P	N	1.0 per 500 s.f. GFA
Sector 42: Wholesale Trade									
Wholesale trade-durable goods	423	N	N	N	P	P	P	N	1.0 per 5,000 s.f. GFA
Recyclable materials	42393	N	N	N	N	N	P	N	1.0 per 5,000 s.f. GFA
Wholesale trade-nondurable goods	424	N	N	N	P	P	P	N	1.0 per 5,000 s.f. GFA
Sector 44-45: Retail Trade									
Motor Vehicle & parts	441								
Automotive dealers	4411	N	N	N	P	P	N	N	1.0 per 600 s.f. GFA
Recreational vehicle, motorcycle and boat	4412	N	N	N	P	P	N	N	1.0 per 600 s.f. GFA
Automotive parts and accessories	4413	N	N	N	P	P	N	N	1.0 per 350 s.f. GFA
Furniture & home furnishings	442	N	N	P	P	P	N	N	1.0 per 350 s.f. GFA
Electronics & Appliances	443	N	N	P	P	P	P	N	1.0 per 350 s.f. GFA
All other retail	444								
Building materials & supplies	4441	N	N	N	P	P	P	N	1.0 per 1,000 s.f. GFA
Paint & wallpaper	44412	N	P	P	P	P	P	N	1.0 per 350 s.f. GFA

	NAICS	C-1	C-2	C-3	C-4	M-1	M-2	D-1	Required off-Street Parking Space(s)
Hardware stores	44413	N	P	P	P	P	P	N	1.0 per 350 s.f. GFA
Lawn & garden equipment & supplies stores	4442	N	P	P	P	P	P	P	1.0 per 350 s.f. GFA
Food stores	445	N	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Beer, Wine, & Liquor stores	4453	N	N	P	P	P	N	N	1.0 per 350 s.f. GFA
Health & Personal care, except body piercing facilities and tattoo facilities	446	N	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Gasoline stations	447	N	N	P	P	P	P	N	1.0 per 600 s.f. GFA
Truck terminals	44719	N	N	N	N	P	P	N	1.0 per 600 s.f. GFA
Clothing & accessory stores	448	N	P	P	P	N	N	N	1.0 per 350 s.f. GFA
Sporting goods, Hobbies, Books, & Music	451	N	P	P	P	N	N	N	1.0 per 350 s.f. GFA
Miscellaneous retail	453	N	P	P	P	N	N	N	1.0 per 350 s.f. GFA
Used merchandise, except pawn shops & flea markets	4533	N	S	S	P	P	N	N	1.0 per 350 s.f. GFA
Pawn Shops	4533	N	N	N	P	P	N	N	1.0 per 350 s.f. GFA
Flea Markets	4533	N	N	N	P	P	N	N	1.5 per stall
Manufactured Home Dealers	45393	N	N	N	P	P	N	N	1.0 per 600 s.f. GFA
All other retail except sexually oriented business, body piercing, tattoo facilities, monuments, and fireworks	45399	N	N	P	P	P	N	N	1.0 per 600 s.f. GFA
Fireworks	45399	N	N	N	P	P	N	N	1.0 per 350 s.f. GFA
Gravestones, monuments	45399	N	N	N	P	P	P	N	1.0 per 500 s.f. GFA
Non-store retailers	454	N	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Fuel Dealers	45431	N	N	N	N	P	P	N	1.0 per 500 s.f. GFA
Sector 48-49: Transportation and Warehousing									
Air transportation	481	N	N	N	N	P	N	N	1.0 per 250 s.f. GFA
Rail Transportation	482	N	N	N	N	P	P	N	1.0 per 500 s.f. GFA
Truck transportation	484	N	N	N	N	P	P	N	1.0 per 500 s.f. GFA
Transit and ground passenger transportation	485	N	N	P	P	P	P	N	1.0 per 500 s.f. GFA
Scenic & Sightseeing Transportation	487	N	N	P	P	P	P	N	1.0 per 500 s.f. GFA

	NAICS	C-1	C-2	C-3	C-4	M-1	M-2	D-1	Required off-Street Parking Space(s)
Support Activities for Transportation	488	N	N	N	P	P	P	N	1.0 per 500 s.f. GFA
U.S. Postal Service	491	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA
Couriers & Messengers	492	P	P	P	P	P	P	N	1.0 per 500 s.f. GFA
Warehousing & Storage	493	N	N	N	N	P	P	N	1.0 per 1,000 s.f. GFA
Sector 51: Information									
Publishing industries	511	N	P	P	P	P	P	N	1.0 per 500 s.f. GFA
Motion pictures & Sound Industries	512	N	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Motion picture theaters	512131	N	P	P	P	P	N	N	1.0 per 5 seats
Broadcasting & Telecommunications	515	N	P	P	P	P	P	N	1.0 per 350 s.f. GFA
Communication Tower & Ant.(Sec.7.8)	5151	C	C	C	C	C	C	C	None
Internet publishing & broadcasting	516	P	P	P	P	P	P	N	1.0 per 500 s.f. GFA
Telecommunications	517	N	P	P	P	P	P	N	1.0 per 500 s.f. GFA
ISPs, search portals, & Data processing	518	P	P	P	P	P	P	N	1.0 per 500 s.f. GFA
Info. Services & Data Processing	519	P	P	P	P	P	P	N	1.0 per 350 s.f. GFA
Libraries	51912	P	P	P	P	P	N	N	1.0 per 350 s.f GFA
Sector 52: Finance & Insurance									
Banks	521	P	P	P	P	P	P	N	1.0 per 350 s.f. GFA
Credit Intermediation except check cashing services	522	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Pawn shops & consumer cash lending secured by personal property	522298	N	N	N	P	P	N	N	1.0 per 350 s.f. GFA
Check Cashing Services	522390	N	N	N	P	P	N	N	1.0 per 350 s.f. GFA
Security & commodity contracts, & financial investments	523	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Insurance Carriers & related activities	524	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Funds, Trust, & other financial vehicles	525	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Sector 53: Real Estate & Rental & Leasing									
Real Estate	531	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA

	NAICS	C-1	C-2	C-3	C-4	M-1	M-2	D-1	Required off-Street Parking Space(s)
Mini-warehouses	53113	N	N	N	P	P	P	N	1.0 per 6 storage units
Rental & Leasing Services	532	N	N	P	P	P	P	N	1.0 per 500 s.f. GFA
Video tape rental	53223	N	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Machinery & equipment retail & leasing	5324	N	N	P	P	P	P	N	1.0 per 500 s.f. GFA
Heavy machinery rental & leasing	53241	N	N	N	N	P	P	N	1.0 per 1000 s.f. GFA
Sector 54: Professional, Scientific, & Technical Services									
Professional, Scientific, Technical Svcs.	541	P	P	P	P	P	P	N	1.0 per 300 s.f. GFA
Display advertising - Signs	54185	See Article 8							
Legal services	5411	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Engineering, accounting, research management & related services	5412-9	P	P	P	P	P	P	N	1.0 per 350 s.f. GFA
Tax return prep service	541213	P	P	P	P	P	N	N	1.0 per 500 s.f. GFA
Sector 54: Professional, Scientific, & Technical Services - cont'd									
Photographic studios, portraits	54192	P	P	P	P	P	N	N	1.0 per 300 s.f. GFA
Veterinary Services	54194	N	N	N	P	P	P	P	1.0 per 1,000 s.f. GFA
Sector 55: Management of Companies and Enterprises									
Mgmt. of Companies & Enterprises	551	P	P	P	P	P	P	N	1.0 per 350 s.f. GFA
Sector 56: Administrative and Support and Waste Management and Remediation Services									
Administrative & support services	561	P	P	P	P	P	P	N	1.0 per 750 s.f. GFA
Repossession Services	561491	N	N	N	P	P	P	N	1.0 per 1,000 s.f. GFA
Armored car services	561613	N	N	N	P	P	P	N	1.0 per 1,000 s.f. GFA
Exterminating & pest control services	56171	N	N	N	N	P	P	N	1.0 per 1,000 s.f. GFA
Landscape services	56173	N	P	N	P	P	P	P	1.0 per 1,000 s.f. GFA
Refuse systems (Sec.7.9)	562	N	N	N	N	N	C	N	1.0 per 500 s.f. GFA
Sector 61: Educational Services									
Educational services	611								

	NAICS	C-1	C-2	C-3	C-4	M-1	M-2	D-1	Required off-Street Parking Space(s)
Elementary schools	6111	P	P	N	P	N	N	P	2.0 per classroom plus 5 admin. spaces
Secondary schools	6111	P	P	N	P	N	N	P	5.0 per classroom plus 10 admin. spaces
Jr. Colleges, Colleges, universities, professional schools	6112-3	P	P	N	P	N	N	P	5.0 per classroom plus 2 per admin. office
Business schools, Computer, & Management Training	6114-5	P	P	N	P	P	P	P	5.0 per classroom, plus 2 per admin. office
Other schools and instruction	6116	P	P	N	P	N	N	P	5.0 per classroom, plus 2 per admin. office
Educational Support Services	6117	P	P	P	P	N	N	N	1.0 per 200 s.f. GFA
Sector 62: Health Care and Social Assistance									
Ambulatory Health Care Services	621	P	P	P	P	P	N	N	1.0 per 150 s.f. GFA
Medical & dental laboratories	6215	N	N	P	P	P	N	N	1.0 per 500 s.f. GFA
Home health care services	6216	P	P	P	P	P	N	P	1.0 per 500 s.f. GFA
Hospitals	622	N	N	N	P	P	N	N	0.7 per bed
Nursing & residential care facilities	623	P	P	P	P	N	N	P	0.4 per bed
Social services	624								
Individual & family soc. services	6241	N	P	N	P	P	N	N	1.0 per 350 s.f. GFA
Community, Food & Housing & Emergency & Relief services	6242	N	P	N	P	P	N	N	
Rehabilitation services	6243	N	N	N	P	P	N	N	1.0 per 350 s.f. GFA
Day care services	6244	P	P	P	P	S	S	P	1.0 per 200 s.f. GFA
Sector 71: Arts, Entertainment, and Recreation									
Performing Art Companies	7111	P	P	P	P	N	N	N	1.0 per 200 s.f. GFA
Spectator sports	7112	N	N	N	P	P	N	N	By individual review
Museums, Historical sites, & similar institutions	712	P	P	P	P	N	N	N	1.2 per 1,000 s.f. GFA
Sector 71: Arts, Entertainment, and Recreation - cont'd									
Amusement & Recreation	713								
Amusement Parks & Arcades	7131	N	N	N	P	P	N	N	By individual review

	NAICS	C-1	C-2	C-3	C-4	M-1	M-2	D-1	Required off-Street Parking Space(s)
Golf courses & Country Clubs	71391	N	N	P	P	P	N	P	5.0 per hole
Marinas	71393	N	N	N	N	P	P	P	1.0 per slip
Public parks & playgrounds	71394	P	P	P	P	P	P	P	1% land area
Physical fitness facilities	71394	N	P	P	P	P	N	N	1.0 per 300 s.f. GFA
Bowling centers	71395	N	N	N	P	P	N	N	5.0 per lane
Coin operated amusement, non-cash payouts	71399	N	P	P	P	P	N	N	1.0 per 200 s.f. GFA
All other Amusement & Recreational Industries	71399	N	N	P	P	P	N	N	1.0 per 200 s.f. GFA
Sector 72: Accommodation and Food Services									
Accommodations	721								
Hotels & motels	72111	N	N	P	P	P	N	N	1.5 per rental unit
Bed and Breakfast Inns	721191	P	N	P	P	P	N	N	1.5 per bedroom
Camps & recreational vehicle parks (Sec.7.11)	72121	N	N	N	N	S	N	S	Not applicable
Rooming & boarding houses, dormitories, group housing	72131	N	N	N	P	P	N	N	1.0 per bedroom
Eating Places	7221-3	N	P	P	P	P	P	N	1.0 per 150 s.f. GFA
Drinking Places	7224	N	N	P	P	P	P	N	1.0 per 150 s.f. GFA
Sector 81: Other Services (except Public Administration)									
Auto repair & maintenance	8111	N	N	N	P	P	P	N	1.0 per 500 s.f. GFA
Car washes (multiple bay)	811192	N	N	N	P	P	P	N	None
Other Repair	8112-4	N	P	P	P	P	P	N	1.0 per 350 s.f. GFA
Personal & Laundry services	812								
Personal Care Services	8121	N	P	P	P	P	N	N	2.5 per chair or basin
Body piercing facilities and Tattoo facilities	812199	N	N	N	N	P	N	N	1.0 per 350 s.f. GFA
Funeral Homes & services	81221	P	N	N	P	P	N	N	5.0, plus 1.0 per 2 seats main assembly
Cemeteries	81222	N	N	N	P	P	N	P	None
Crematories	81222	N	N	N	P	P	P	N	1.0 per 500 s.f. GFA

	NAICS	C-1	C-2	C-3	C-4	M-1	M-2	D-1	Required off-Street Parking Space(s)
Laundry & Dry Cleaning services	8123	N	P	P	P	P	P	N	1.0 per 500 s.f. GFA
Coin operated laundries/dry cleaning	81231	N	P	N	P	P	N	N	1.0 per 250 s.f. GFA
Pet Care	81291	N	N	N	P	P	P	P	1.0 per 1,000 s.f. GFA
Automotive parking lots & garages	81293	N	P	P	P	P	P	N	None
Sexually oriented business (Sec.7.10)	81299	N	N	N	N	C	N	N	1.0 per 350 s.f. GFA
All other personal services, except body piercing facilities and tattoo facilities	81299	N	P	P	P	P	N	N	1.0 per 300 s.f. GFA
Religious, fraternal, professional, political, civic, business organizations	813	P	P	P	P	P	P	P	1.0 per 250 s.f. GFA
Religious organizations	81311	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA
All Other Organizations	8132-9	N	P	P	P	P	N	N	1.0 per 500 s.f. GFA
Sector 92: Public Administration									
Executive, legislative, & general govt.	921	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Justice, public order & safety	922								
Courts	92211	N	N	P	P	P	N	N	1.0 per 350 s.f. GFA
Police Protection	92212	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA
Legal counsel & prosecution	92213	P	N	P	P	P	N	N	1.0 per jail cell, plus 1.0 per 250 s.f. GFA
Correctional institution	92214	N	N	N	P	P	P	N	1.0 per jail cell, plus 1.0 per 250 s.f. GFA
Parole offices & probation offices	92215	N	N	P	P	P	N	N	1.0 per 350 s.f. GFA
Fire protection	92216	P	P	P	P	P	P	P	4.0 per bay
Administration of human resources	923	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Ad. of environ. quality & housing prog.	924-5	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Administration of economic programs	926	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Space Research & Technology	927	N	N	P	P	P	P	N	1.0 per 350 s.f. GFA
Residential Uses									
Site Built Dwellings	NA								
Single-family detached	NA	N	N	N	N	N	N	P	2.0 spaces per unit

	NAICS	C-1	C-2	C-3	C-4	M-1	M-2	D-1	Required off-Street Parking Space(s)
Duplex	NA	N	N	N	N	N	N	N	2.0 spaces per unit
Multi-family, apts. (Sec.7.13)	NA	N	N	C	P	N	N	N	1.5 spaces per unit
Manufactured Dwellings	NA								
Modular Homes	NA	N	N	N	N	N	N	P	2.0 spaces per unit
Accessory Uses to Residential Uses									
Bathhouses & cabanas	NA	N	NA	N	P	NA	NA	P	None
Domestic animal shelters	NA	N	NA	N	N	NA	NA	P	None
Non-commercial greenhouses	NA	N	NA	P	P	NA	NA	P	None
Private garage & carport	NA	N	NA	P	P	NA	NA	P	None
Storage building	NA	N	NA	P	P	NA	NA	P	None
Swimming pool, tennis courts	NA	N	NA	P	P	NA	NA	P	None
Auxiliary shed, workshop	NA	N	NA	P	P	NA	NA	P	None
Home occupation (Sec. 7.7)	NA	N	NA	P	P	NA	NA	C	None
Horticulture, gardening	NA	N	NA	P	P	NA	NA	P	None
Family daycare home	NA	N	NA	P	P	NA	NA	P	None
Satellite dishes, etc.	NA	N	NA	P	P	NA	NA	P	None
Accessory Uses to Non-Residential Uses									
Buildings, structures	NA	P	P	P	P	P	P	P	None
Open storage (Sec. 7.12)	NA	N	N	N	C	C	C	N	None
Temporary Uses									
All Temporary Uses (Sec. 7.5)	NA	C	C	C	C	C	C	C	None

Section 6.7 Table 3, Schedule of Lot Area, Setbacks, Height, & Lot Coverage Requirements, by Zoning Districts

District	Minimum Lot Area (a)		Min. Lot Width	Minimum Building Setbacks	Side Yard Setback		Rear Yard Setback		Maximum Height	Maximum Lot Coverage
	Residential	Non-Residential	(ft.)	Front Yard Setback (b)	Res.	Non-Res.	Res.	Non-Res.	(ft.) (c)	Ratio (%)
RS-1	12,000	24,000	80	35	9	30	25	50	35	35
RS-2	9,450	18,000	70	35	6	30	20	40	35	35
RS-3	7,200	12,000	60	25	5	25	20	30	35	35
RS-4	5,000	10,000	50	25	5	25	15	30	35	35
RG-1	(d)	10,000	(g)	25	5	25	15	30	(e)	40
RG-2	(d)	10,000	(g)	25	5	25	15	30	(e)	40
C-1	(d)	6,000	(g)	25	5	5	10	10	(e)	50
C-2	0	0	0	25	(h)	(h)	10	10	(e)	NA
C-3	0	0	0	(f)	(h)	(h)	10	10	None	NA
C-4	0	0	0	25	5	5	20	20	(e)	NA
M-1	NA	0	0	25	NA	10	NA	25	(e)	NA
M-2	NA	0	0	25	NA	10	NA	25	(e)	NA
D-1	40,000	40,000	150	35	8	16	15	30	35	35

Notes To Table 3

a - Lot area is expressed in square feet.
b - Measurement from front property line.
c - Measurement from average elevation of finished grade of the front of the structure.
d - Minimum lot area based on number and type of units.

Single-family Detached: 5,000 Sq. Ft.
Duplex Units: 7,500 Sq. Ft.
Triplex, Quadraplexs, multifamily apts.
Efficiency: 5,000 Sq. Ft. + 1,500 Sq. Ft. per each additional unit
1 Bedroom: 5,000 Sq. Ft. + 2,000 Sq. Ft. per each additional unit
2 Bedroom: 5,000 Sq. Ft. + 2,500 Sq. Ft. per each additional unit
3 Bedroom: 5,000 Sq. Ft. + 3,000 Sq. Ft. per each additional unit

e - There is no maximum; provided side and rear yard setbacks shall be increased by one foot
f - Maximum setback is 20 feet; no minimum. Buildings may extend to the front property line.
g - 50 feet for single family, duplex and nonresidential uses; 150 for multifamily uses.
h - No side yard required; however where building is not built to property line, not less than three foot setback is required.

In the case of corner lots, the yards remaining after full and half-depth front yards have been established shall be considered to be the side yards. There will be no required rear yard.

Appropriateness of orientation:

Notwithstanding the above, the Planning Director may determine that the most appropriate orientation for any required yard is different from the orientation as set forth above in such instances that it appears that such different orientation will further the intent of this ordinance. The Planning Director may impose an orientation of yards different from the orientation set forth in this section and elsewhere in this ordinance subject only to appeal of such decision to the Board of Zoning Appeals as an appeal from an administrative decision.

Section 6.8 PDD Planned Development District

Section 6.8-1 Establishment of PDD

A PDD shall be established on the official Zoning Map by the same procedure as for amendments generally (Article 4) and in accord with the requirements of this section.

Additionally, each PDD shall be identified by a prefix and number indicating the particular district, as for example “PDD - 98 - 1" (Zone - Year - Number), together with whatever other identification appears appropriate.

Section 6.8-2 Existing PDD’s Exempt from Rezoning

Any existing undeveloped PDD shown on the Official Zoning Map shall be exempt from the rezoning process; provided an acceptable development plan is submitted to and approved by the Cayce Planning Commission. Review by the Planning Commission shall be governed by all applicable requirements of Section 6.7, including the requirement for a public hearing on the proposed Development Plan.

Section 6.8-3 Permitted uses in PDD

Any use or combination of uses meeting the objectives of this section may be established in a PDD upon review and approval by the Planning Commission and amendatory action by City Council, where required. Once approved, only, the proposed use(s) shall be permitted. Said uses shall be identified and listed on the basis of classification, i.e. retail, office, wholesale, residential multi-family, residential single-family detached, manufacturing, etc. The list of approved uses shall be binding on the applicant and any successor in title, so long as the PDD zoning applies to the land, unless otherwise amended by action of the Planning Commission and City Council, where required.

Section 6.8-4 Development Standards

(1) <u>Minimum Area Required</u>

Minimum area requirements for establishing a PDD shall be two (2) acres.

(2) Density

Residential density, setbacks, impervious surface ratios, floor area ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities, i.e. transportation, water and sewerage systems, recreation facilities, etc.

(3) Overall Site Design

Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, size of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.

(4) Parking and Loading

New parking and off-street loading standards for the number of spaces required for each permitted use may be developed by the applicant or shall comply with the requirements of Tables 1 and 2 and the supplemental requirements of Article 9. New standards shall be based on standards developed by the Institute of Traffic Engineers, the Urban Land Institute, or other similar professional organizations.

(5) Buffer Yards

Buffer yards shall be required for peripheral uses only, and shall be provided in accord with the minimum requirements for adjacent uses prescribed by Section 10.1. Buffer yards required for internal use shall be determined upon establishment of the PDD.

(6) Landscaping and Common Open Space

Landscaping and open space requirements for each PDD shall generally comply with the provisions of Sections 10.3 and 10.4 of this Ordinance. Any modification to or variance from these standards shall be determined upon establishment of the PDD.

(7) Signage

Signage shall be in harmony and scale with and reflective of the proposed PDD. It is recommended that signage generally comply with the character, size, and placement of signs in the surrounding district.

Section 6.8-5 Plan Requirements

The applicant shall submit those items of the following as applicable and/or as requested by staff, the Planning Commission, Council committee and/or City Council. This list shall serve as a guide and may not be conclusive, dependent upon the particular PDD being reviewed for approval:

(1) A Site Plan that adheres to the requirements of this section and Sect. 3.7-3

(2) A descriptive narrative of the proposed development

(3) Legal description including the total number of acres

(4) Number of acres devoted to residential and to non-residential uses

(5) Number of dwelling units of each type and overall density

(6) Description of lots and setback lines

(7) Proposed location and approximate height of all buildings

(8) Number of off-street parking as required

(9) Description of open space uses

(10) Description of buffer yards to separate various uses

(11) Homeowners' association information, if necessary

(12) Description of proposed signage

(13) Proposed timing and phasing of development and justification of phasing

(14) Other information or descriptions as may be deemed reasonably appropriate for Planning Commission review

Section 6.8-6 Financial Guarantees

Where public improvements and/or "common" amenities or infrastructure are proposed, such improvements shall be installed in accord with a development schedule to be approved as part of the PDD Plan. City Council may require financial guarantees which shall ensure completion of the improvements set forth in the proposed development plan. Such guarantees may include the submission of a performance bond in the amount determined by City Council.

Section 6.8-7 Action by Planning Commission and Council

Action by the Planning Commission and Council, where required, may be to approve the Plan and application to establish a PDD, to include specific modifications to the Plan, to deny the application to establish a PDD, or to amend the Official Zoning Map for a PDD development. If a Development Plan and/or rezoning are approved, the applicant shall be allowed to proceed in accord with the approved PDD Plan as supplemented or

modified in a particular case, and shall conform to any time or priority limitations established for initiating and/or completing the development in whole, or in specified stages. If the application is denied, the applicant will be so notified.

Section 6.8-8 Administrative Action

After a PDD Plan has been approved, building and sign permits shall be issued in accord with the approved Plan as a whole or in stages, or portions thereof, as approved. Said permits shall be issued in the same manner as for building and sign permits generally.

Section 6.8-9 Changes in Approved PDD Plans

Except as provided in this section, approved PDD Plans shall be binding on the owner and any successor in title.

Changes to an approved PDD may be permitted in accordance with one of the following procedures as determined by the Zoning Administrator:

(1) *Major changes*. Changes to a PDD, which would alter the basic concept and general characteristics of the Planned Development District, shall be approved by City Council. After approval of a major change by City Council, a final development plan showing such changes, copies of amended text, map, and/or documents shall be provided to staff. Examples of major changes may include, but are not limited to the following:

a. External boundary changes

b. Decrease in open space

c. Increase or decrease in number of access points

d. Changes to more intensive land uses, e.g., residential to commercial, any change which the Zoning Administrator determines would significantly alter the character of the PDD or be expected to have an adverse impact upon neighboring property owners

(2) *Minor changes*. Changes to a planned development district which are of a design nature and which do not alter the original concept or use characteristics of the planned development district may be approved by the Zoning Administrator provided that no minor change may be approved by the Zoning Administrator which is in conflict with the plan previously approved by City Council. Examples of minor changes may include, but are not limited to the following:

a. *Reductions in:*

1. Density

2. Signage
3. Square footage

b. *Increases or decreases in:*
1. Landscaping
2. Open space
3. Setbacks

c. *Minor changes to:*
1. Landscaping
2. Lighting
3. Location of land uses
4. Parking
5. Signage
6. Site plan

d. *Minor changes to allow:*
1. Reorientation of structures
2. Realignment of approved access
3. More restrictive land uses, e.g., commercial to residential
4. Shift in approved density from one area of PDD to another

It shall be the duty of the Planning Director to determine whether any specific request shall be considered a major change or a minor change. However the applicant for change shall have the right to have any request processed as a major change.

Section 6.8-10 Failure to begin; failure to progress; failure to complete

If the responsible party fails to begin, fails to progress, or fails to complete development as agreed in the descriptive statement and/or ordinance amendment, the City Council may charge the developer with violation of the Zoning Ordinance, may enforce a bond posted for compliance, may rezone the property, or may take any combination of these actions. In any event, if the planned development is not initiated within 2 years of its establishment, the Planning Commission may initiate the rezoning of the property to an appropriate district classification in conformity with the Comprehensive Plan.

Section 6.9 FH Flood Hazard District

The FH District is an “overlay” district. As such, all permitted uses are determined by the “underlying” or primary zoning district. Where this district overlays a Residential District,

for example, only those uses permitted in the Residential District may be permitted in the FH Overlay District, subject to the additional requirements of this Section.

Flood Hazard Districts include (1) flood plains, (2) areas of shallow flooding, (3) areas of special flood hazard, and (4) flood ways. The development of these areas, where shown on Flood Hazard Boundary Maps, issued by the Federal Emergency Management Agency (FEMA), may not occur where alternative locations exist due to the inherent hazards and risks involved. Before a building permit is issued, the applicant shall demonstrate on the Plan submitted with the zoning compliance application that new structures cannot be located out of the flood plain and that encroachments onto the flood plain are minimized. Where there is no alternative to a location in a Flood Hazard District, proposed development shall be regulated by the following.

Section 6.9-1 Flood Damage Prevention Ordinance

Flood Damage Prevention Ordinance

City of Cayce, South Carolina

ARTICLE I. GENERAL Standards
- Section A Statutory Authorization.
- Section B Findings of Fact
- Section C Statement of Purpose and Objectives.
- Section D Lands to Which this Ordinance Applies.
- Section E Establishment of Development Permit.
- Section F Compliance.
- Section G Interpretation
- Section H Partial Invalidity and Severability
- Section I Warning and Disclaimer of Liability.
- Section J Penalties for Violation.

ARTICLE II. DEFINITIONS
- Section A General.

ARTICLE III. ADMINISTRATION
- Section A Designation of Local Administrator.
- Section B Adoption of Letter of Map Revisions
- Section C Designation of Party Responsible for Biennial Report
- Section D Development Permit and Certification Requirements.
- Section E Duties and Responsibilities of the Local Administrator.
- Section F Administrative Procedures.

ARTICLE IV. PROVISIONS FOR FLOOD HAZARD REDUCTION
- Section A General Standards.
- Section B Specific Standards.
  - 1 - Residential Construction
  - 2 - Non-Residential Construction
  - 3 - Manufactured Homes
  - 4 - Elevated Buildings
  - 5 - Floodways
  - 6 - Recreational Vehicles
  - 7 - Map Maintenance Activities
  - 8 - Accessory Structure
  - 9 -.Swimming Pool Utility Equipment Rooms
  - 10 -Elevators
  - 11 -Fill
  - 12 -Standards for Subdivision Proposals

Section C Standards for Streams without Base Flood Elevations and Floodways
Section D Standards for Streams With Base Flood Elevations Without Floodways.
Section E Standards for Areas of Shallow Flooding (AO Zones)

ARTICLE V. VARIANCE PROCEDURES
Section A Establishment of Appeal Board.
Section B Right to Appeal.
Section C Historic Structures.
Section D Agricultural Structures
Section E Considerations.
Section F Findings.
Section G Floodways.
Section H Conditions.

ARTICLE VI. LEGAL STATUS PROVISIONS
Section A Effect on Rights & Liabilities under the Existing Ordinance
Section B Effect upon Outstanding Building Permits
Section C Effective Date.
Section D Adoption Certification.

Article I. General Standards

A. Statutory Authorization.

Municipality: The Legislature of the State of South Carolina has in SC Code of Laws, Title 5, Chapters 7, 23, and 25 (Articles 5 and 7) and Title 6, Chapter 7, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council) of the City of Cayce, South Carolina does ordain as follows:

B. Findings of Fact The Special Flood Hazard Areas of the City of Cayce are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all which adversely affect the public health, safety, and general welfare.

Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

C. Statement of Purpose and Objectives. It is the purpose of this ordinance to protect human life and health, minimize property damage, and encourage

appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the ordinance prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

The objectives of this ordinance are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of the ordinance are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this ordinance is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes that evaluate resource conditions and human needs.

D. Lands to Which this Ordinance Applies. This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Cayce as identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated Feb 20, 2002 and Oct. 1, 2010 with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this ordinance. Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency in its Flood Insurance Study for the unincorporated areas of Lexington & Richland Counties, with accompanying map and other data are adopted by reference and declared part of this ordinance.

E. Establishment of Development Permit. A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

F. Compliance. No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

G. Interpretation In the interpretation and application of this ordinance all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under State law. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

H. Partial Invalidity and Severability If any part of this Ordinance is declared invalid, the remainder of the Ordinance shall not be affected and shall remain in force.

I. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Cayce or by any officer or employee thereof for any food damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

J. Penalties for Violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $500.00 or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Cayce from taking such other lawful action as is necessary to prevent or remedy any violation.

Article II. DEFINITIONS

A. General. Unless specifically defined below, words or phrases used in this

ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. Accessory Structure - structures that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

2. Addition (to an existing building) - an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

3. Agricultural structure - a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are not exempt from the provisions of this ordinance.

4. Appeal - a request for a review of the local administrator's interpretation of any provision of this ordinance.

5. Area of shallow flooding - a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

6. Area of special flood hazard - the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.

7. Base flood - the flood having a one percent chance of being equaled or exceeded in any given year.

8. Basement - means any enclosed area of a building that is below grade on all sides.

9. Building - any structure built for support, shelter, or enclosure for any occupancy or storage.

10. Coastal High Hazard Area - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to velocity wave action from storms or seismic sources.

11. Critical Development – Development that is critical to the community's public health and safety, is essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.

12. Development - any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

13. Elevated building - a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

14. Executive Order 11988 (Floodplain Management) - Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

15. Existing construction - means, for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM, or before January 1, 1975, for FIRMs effective before that date.

16. Existing manufactured home park or manufactured home subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August

7, 1995.

17. Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

18. Flood - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

19. Flood Hazard Boundary Map (FHBM) - an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

20. Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

21. Flood Insurance Study - the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

22. Flood-resistant material - any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2-93, *Flood-Resistant Materials for Buildings Located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program*, document number FIA-TB-2, dated 4/93, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant

materials.

23. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

24. Freeboard - a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

25. Functionally dependent facility - a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

26. Highest Adjacent Grade - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

27. Historic Structure - any structure that is: (a) listed individually in the
a. National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories MAY NOT be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet

NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined that the structure or district meets DOI historic structure criteria.

28. Increased Cost of Compliance (ICC) – applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.

29. Limited storage - an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of Article IV.A.4 of this ordinance. If the area is located below the base flood elevation in a V, VE and V1-V30 zone it must meet the requirements of Article IV.F of this ordinance.

30. Lowest Adjacent Grade (LAG) - is an elevation of the lowest ground surface that touches any of the exterior walls of a building or proposed building walls.

31. Lowest Floor - the lowest floor of the lowest enclosed area. Any unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of other provisions of this ordinance.

32. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

33. Manufactured Home Park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

34. Mean Sea Level - the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

35. National Geodetic Vertical Datum (NGVD) - as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

36. North American Vertical Datum (NAVD) - datum point established at Pointe-au-Père on the St. Lawrence River, Quebec Province, Canada, based on the mass or density of the earth. The datum listed as the reference datum on Flood Insurance Rate Maps should be used for Elevation Certificate and floodproofing certificate completion.

37. New construction - structure for which the start of construction commenced after August 7, 1995. The term also includes any subsequent improvements to such structure.

38. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or August 7, 1995.

39. Primary Frontal Dune - a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

40. Recreational vehicle - a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

41. Repetitive Loss – a building covered by a contract for flood insurance that has incurred flood-related damages on 2 occasions during a 10 year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood

damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

42. Section 1316 of the National Flood insurance Act of 1968 - The act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

43. Start of construction - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

44. Structure - a walled and roofed building, a manufactured home, including a gas or liquid storage tank, or other man-made facility or infrastructure that is principally above ground.

45. Substantial damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of "substantial improvement".

46. Substantial improvement - any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which

equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

a) any project of improvement to a structure to correct existing
b) violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions (does not include American with Disabilities Act compliance standards); or,
c) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
d) Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

47. Substantially improved existing manufactured home park or subdivision - where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

48. Variance - is a grant of relief from a term or terms of this ordinance.

49. Violation – the failure of a structure or other development to be fully compliant with these regulations.

Article III. ADMINISTRATION

A. Designation of Local Administrator. The Planning Director or designee is hereby appointed to administer and implement the provisions of this ordinance.

B. Adoption of Letter of Map Revisions (LOMR) – Adopt all LOMRs that are issued in the areas identified in Article I Section D of this ordinance.

C. Designation of Party Responsible for Biennial Report – The Planning Director is hereby designated as the party responsible to submit the Biennial Report to FEMA.

D. Development Permit and Certification Requirements.

a. Development Permit: Application for a development permit shall be made to the local administrator on forms furnished by him or her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

a) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either the Duties and Responsibilities of the Local Administrators of Article III.E.11or the Standards for Subdivision Proposals of Article IV.B.12 and the Standards for streams without Estimated Base Flood Elevations and/or Floodways of Article IV.C. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either the duties or responsibilities of the local administrators of Article III.E.11or the standards for subdivision proposals of Article IV.B.12 and the standards for streams without estimated base flood elevations and/or floodways of Article IV.C.

b) Where base flood elevation data is provided as set forth in Article I.D or the duties and responsibilities of the local administrators of Article III.E.11 the application for a development permit within the flood hazard area shall show:

i. the elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and

ii. if the structure will be floodproofed in accordance with the Non-Residential Construction requirements of Article IV.B.2 the elevation (in relation to mean sea level) to which the structure will be floodproofed.

c) *Where Base Flood Elevation Data Is Not Provided:* If no base flood elevation data is provided as set forth in Article I.D or the duties and responsibilities of the local administrators of Article III.E.11, then the provisions in the standards for streams without estimated base flood elevations and/or floodways of Article IV.C. must be met.

d) *Alteration of Watercourse:* Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood- carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.

2. Certifications

1. Floodproofing Certification - When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the non-residential, floodproofed structure meets the floodproofing criteria in the non-residential construction requirements of Article IV.B.2.

2. Certification During Construction – A lowest floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. Any work done prior to submission of the certification shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

3. V-Zone Certification - When a structure is located in Zones V, VE, or V1-30, certification shall be provided from a registered professional engineer or architect, separate from submitted plans, that new construction or substantial improvement meets the criteria for the coastal high hazard areas outlined in Article IV.F.5.

4. As-built Certification - Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements of Article III.D.2a, 2b, and 2c that the development is built in accordance with the submitted plans and previous pre-development certifications.

E. Duties and Responsibilities of the Local Administrator. Duties of the local administrator shall include, but not be limited to:

1. Permit Review - Review all development permits to assure that the requirements of this ordinance have been satisfied.

2. Requirement of Federal and/or state permits – Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

3. Watercourse alterations –

   a) Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water, and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

   b) In addition to the notifications required watercourse alterations per Article III.E.3a, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. This maintenance must consist of a comprehensive program of

periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.

c) If the proposed project will impact the configuration of the watercourse, floodway, or base flood elevation for which a detailed Flood Insurance Study has been developed, the applicant shall apply for andmust receive approval for a Conditional Letter of Map Revision with the Federal Emergency Management Agency prior to the start of actual construction.

d) Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of Article III.D.2.d(1), the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.

4. Floodway encroachments - Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article IV.B.5 are met.

5. Development Proposals – Require development proposals for proposed developments prior to signing off on and CLOMRs or LOMRs.

6. Adjoining Floodplains - Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

7. Notifying Adjacent Communities – Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard and/or flood-related erosion hazards.

8. Certification requirements –

a) Obtain and review actual elevation (in relation to mean sea

level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in Article III.D.2.b or the coastal high hazard area requirements outlined in Article IV.F.5.

b) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in Article III.D.2.a.

c) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the non-residential construction requirements outlined in Article IV.B.2.

d) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in the coastal high hazard area requirements outlined in Article IV.F.4, Article IV.F.6, and Article IV.F.8 of this ordinance.

9. Map Interpretation - Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

10. Prevailing Authority – Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in Article IV.B.7.b.

11. Use Of Best Available Data - When base flood elevation data or floodway data has not been provided in accordance with Article I.D, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, State, or other source, including data developed pursuant to the standards for subdivision proposals outlined in Article IV.D.4, in order to administer the provisions of this ordinance. Data from preliminary, draft, and final

Flood Insurance Studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

12. Special Flood hazard Area/Topographic Boundaries Conflict - When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. The local administrator in the permit file will maintain a copy of the Letter of Map Amendment issued from FEMA.

13. On-Site inspections - Make on-site inspections of projects in accordance with the administrative procedures outlined in Article III.F.4.

14. Administrative Notices - Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in Article III.F.

15. Records Maintenance - Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.

16. Annexations and Detachments - Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, within six (6) months, of any annexations or detachments that include special flood hazard areas. The community must incorporate applicable maps from surrounding jurisdictions into this ordinance within 90 days of date of the annexation.

17. Federally Funded Development - The President issued Executive Order 11988, Floodplain Management May 1977. E.O. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight- step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.

18. Substantial Damage Determination – Perform an assessment of damage from any origin to the structure using FEMA's Residential

Substantial Damage Estimator (RSDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.

19. Substantial Improvement Determinations – Perform an assessment of permit applications for improvements or repairs to be made to a building or structure equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases the total of all cost associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

    a) Methods of Market Value Determination. The market values shall be determined by one of the following methods:

        (1) the current assessed building value as determined by the county's assessor's office or the value of an appraisal performed by a licensed appraiser at the expense of the owner; or,

        (2) one or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre- improvement condition, less depreciation for functionality and obsolescence and site improvements. The Marshall & Swift Residential Cost Handbook shall be used to determine costs for buildings or structures.

        (3) Real Estate purchase contract within 12 months prior to the date of the application for a permit.

F. Administrative Procedures.

1. Inspections of Work in Progress: As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises

within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

2. Stop-Work Orders: Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the administrator may order the work to be immediately stopped. The stop- work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

3. Revocation of Permits: The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for anysubstantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.

4. Periodic Inspections: The local administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

5. Violations to be Corrected: When the local administrator finds violations of applicable State and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.

6. Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:

   a) the building or property is in violation of the Flood Damage Prevention Ordinance,

   b) a hearing will be held before the local administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to

be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,

c) following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

7. Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the administrator may prescribe; provided that where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

8. Appeal: Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

9. Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

10. Denial of Flood Insurance under the NFIP: If a structure is declared in violation of this ordinance and the violation is not remedied then the local administrator shall notify the Federal Emergency Management Agency to initiate a Section 1316 of the National Flood insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied the local administrator shall notify FEMA of the remedy and ask that the Section 1316 be rescinded.

11. The following documents are incorporated by reference and may be used by the local administrator to provide further guidance and interpretation of this ordinance as found on FEMA's website at www.fema.gov:

1.. All FEMA Technical Bulletins

2.. All FEMA Floodplain Management Bulletins

3.. FEMA 348 Protecting Building Utilities from Flood Damage

Article IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards. Development may not occur in the floodplain where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments onto the floodplain are minimized. In all areas of special flood hazard the following provisions are required:

1. Anchoring - All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure,

2. Flood Resistant Materials and Equipment - All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage,

3. Minimize Flood Damage - All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages,

4. Critical Development - shall be elevated to the 500 year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500 year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500 year flood elevation data,

5. Utilities - Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of the base flood plus one (1) foot. This requirement does not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow devices are

installed to prevent contamination to the service components and thereby minimize any flood damages to the building,

6. Water Supply Systems - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system,

7. Sanitary Sewage Systems – New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding,

8. Gas or Liquid Storage Tanks – All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

9. Alteration, Repair, Reconstruction, Or Improvements - Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance. This includes post-FIRM development and structures.

10. Non-Conforming Buildings or Uses - Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance,

11. American with Disabilities Act (ADA). A building must meet the specific standards for floodplain construction outlined in Article IV.B, as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

B. Specific Standards. In all areas of special flood hazard (Zones A, AE, AH, AO, A1-30, V, and VE) where base flood elevation data has been provided, as set forth in Article I.D or outlined in the Duties and Responsibilities of the Local Administrator Article III.E. the following provisions are required:

1. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one (1) foot above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the elevated buildings requirements in Article IV B.4.

2. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one (1) foot above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the elevated buildings requirements in Article IV B.4. No basements are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in the floodproofing certification requirements in Article III.D.2.a. A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in Article V.D of this ordinance. Agricultural structures not meeting the criteria of Article V.D must meet the non-residential construction standards and all other applicable provisions of this ordinance. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The local administrator must approve the maintenance plan and notification of the annual exercise shall be provided to it.

3. Manufactured Homes.

   a) Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in

a new manufactured home park or sub-division, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

b) Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in Article IV.B.1 of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower one (1) foot than above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.

c) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with Section 40-29-10 of the *South Carolina Manufactured Housing Board Regulations*, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis 36 inches or less above the grade at the sight, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height an engineering certification is required.

d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the local administrator and the local Emergency Preparedness Coordinator.

4. Elevated Buildings. New construction and substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are

subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(1) Provide a minimum of two openings on different walls having a *total net area* of not less than one square inch for every square foot of enclosed area subject to flooding,

(2) The bottom of all openings shall be no higher than one foot above grade,

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and,

(4) Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

b) Hazardous Velocities. Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.

c) Enclosures below BFE

(1) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

(2) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose a single storage area and must be void of

utilities except for essential lighting as required, and cannot be temperature controlled.

(3) One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in Article IV.B.1, 2 and 3.

(4) All construction materials below the required lowest floor elevation specified in the specific standards outlined in Article IV.B 1, 2 and 3 should be of flood resistant materials.

5. Floodways. Located within areas of special flood hazard established in Article I.D, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

a) No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local administrator.

b) If Article IV.B.5a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.

c) Stream crossings for any purpose (i.e. timber harvesting operations), if temporary, shall be permitted in accordance with floodway requirements of Article IV.B.5 and the temporary development provisions of Article IV.B.11. Otherwise, the development shall comply with all applicable flood hazard reduction provisions of Article IV.

d) No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Article IV B.3 are

met.

e) Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.

6. Recreational Vehicles

a) A recreational vehicle is ready for highway use if it is:

(1) on wheels or jacking system;

(2) attached to the site only by quick-disconnect type utilities and security devices; and,

(3) has no permanently attached additions.

b) Recreational vehicles placed on sites shall either be:

(1) on site for fewer than 180 consecutive days; and,

(2) be fully licensed and ready for highway use, or meet the development permit and certification requirements of Article III.D, general standards outlined in Article IV.A, and manufacture homes standards in Article IV.B.3.

7. Map Maintenance Activities. The National Flood Insurance Program requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in Article I.D accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

a) Requirement to Submit New Technical Data

(1) For all development proposals that impact floodway delineations or base flood elevations, the community

shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

(a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

(b) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

(c) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

(d) Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Article IV.B.12.d.

(2) It is the responsibility of the applicant to have technical data, required in accordance with Article IV.B.7, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.

(3) The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

(4) Proposed floodway encroachments that increase the base flood elevation; and

(5) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

(6) Floodplain development permits issued by the

Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Article IV B.7.

(7) Conditional Letter of Map revisions (CLOMR) and/or Letters of Map Revision (LOMR) must go through the variance process outlined in Article V.

b) Right to Submit New Technical Data - The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.

8. Accessory Structures.

a) A detached accessory structure or garage, the cost of which is greater than $3,000, must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93 *Wet Floodproofing Requirements or be elevated in accordance with Article IV Section B(1) and B (4) or dry floodproofed in accordance with Article IV B (2)*.

b) When accessory structures of $3,000 or less are to be placed in the floodplain, the following additional criteria shall be met:

(1) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas),

(2) Accessory structures shall be designed to have low flood damage potential,

(3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,

(4) Accessory structures shall be firmly anchored to prevent flotation, collapse or lateral movement of the structure,

(5) Service facilities such as electrical and heating equipment shall be installed in accordance with Article IV.A.5; and

(6) Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Article IV.B.4a.

9. Swimming Pool Utility Equipment Rooms. If the building cannot be built at or above the BFE, because of functionality of the equipment then a structure to house the utilities for the pool may be built below the BFE with the following provisions:

a) Meet the requirements for accessory structures in Article IV.B.8

b) The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.

c) A variance may be granted to allow wet floodproofing of the structure.

10. Elevators

a) Install a float switch system or another system that provides the same level of safety is necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.

b) All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.

11. Fill. An applicant shall demonstrate that fill is the only alternative to raising the building to meet the residential and non-residential construction requirements of Article IV B(1) or B (2), and that the

amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:

a) Fill may not be placed in the floodway unless it is in accordance with the requirements in Article IV.B.5a,

b) Fill may not be placed in tidal or non-tidal wetlands without the required State and federal permits,

c) Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain,

d) Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer,

e) Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion; and,

f) The use of fill shall not increase flooding or cause drainage problems on neighboring properties,

g) Fill may not be used for structural support in the coastal high hazard areas,

h) Will meet the requirements of FEMA Technical Bulletin 10-01, *Ensuring That Structures Built On Fill In Or Near Special Flood Hazard Areas Are Reasonable Safe From Flooding.*

13. Standards for Subdivision Proposals and Other Development.

a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;

b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and

constructed to minimize flood damage;

All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.

c) The applicant shall meet the requirement to submit technical data to FEMA in Article IV B.7. when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

C. *Standards for Streams without Established Base Flood Elevations and Floodways*. Located within the areas of special flood hazard (Zones A and V) established in Article I.D, are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

1. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevation for all subdivision proposal, and other proposed developments containing at least 50 lots or 5 acres, whichever is less.

2. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered, professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

3. If Article IV.C.1 is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article IV and shall be elevated or floodproofed in accordance with elevations established in accordance with Article III.E.11.

4. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 *Use of Flood Insurance Study (FIS) Data as Available Data*. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

5. When base flood elevation data is not available from a federal, State, or other source one of the following methods may be used to determine a BFE. For further information regarding the methods for determining BFEs listed below refer to FEMA's manual *Managing Floodplain Development in Approximate Zone A Areas*.
   a) Contour Interpolation
      (1) Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
      (2) Add one-half of the contour interval of the topographic map that is used to the BFE.

   b) Data Extrapolation - A BFE can be determined if a site within 500 feet upstream of a reach of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches.

   c) Hydrologic and Hydraulic Calculations- Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

D. <u>Standards for Streams with Established Base Flood Elevations but without Floodways</u>. Along rivers and streams where Base Flood Elevation (BFE) data is provided but neither floodway are identified for a Special Flood Hazard Area on the FIRM or in the FIS. The following provisions apply within such areas:

1. No encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

E. <u>Standards for Areas of Shallow Flooding (AO Zones)</u>. Located within the areas of special flood hazard established in Article 1.D, are areas designated as shallow flooding. The following provisions shall apply within such areas:

1. All new construction and substantial improvements of residential structures shall have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.

2. All new construction and substantial improvements of non-residential structures shall:

   a) Have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade; or,

   b) Be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Article III.D.

3. All structures on slopes must have drainage paths around them to guide water away from the structures.

Article V. VARIANCE PROCEDURES

A. Establishments of Appeal - The Board of Zoning Appeals as established by the City of Cayce shall hear and decide variances from the requirements of this ordinance.

B. Right to Appeal - Any person aggrieved by the decision of the appeal board or any tax payer may appeal such decision to the Court.

C. Historic Structures - Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

D. Functionally Dependant Uses – Variances may be issued for development necessary for the conduct of a functionally dependant use, provided the criteria of this Article are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

E. Agricultural Structures - Variances may be issued to wet flood-proof an agricultural structure provided it is used solely for agricultural purposes. In order to

minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of Article V.H, this section, and the following standards:

1. Use of the structure must be limited to agricultural purposes as listed below:

    a) pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment,

    b) steel grain bins and steel frame corncribs,

    c) general-purpose barns for the temporary feeding of livestock that are open on at least one side;

    d) for livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of Article IV.B.2 of this ordinance; and,

2. The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation,

3. The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls,

4. The agricultural structure must meet the venting requirement of Article IV.B.4 of this ordinance,

5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article IV.A.5 of this ordinance,

6. The agricultural structure must comply with the floodway encroachment provisions of Article IV.B.5 of this ordinance; and,

7. Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

F. Considerations. In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

7. The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

8. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site,

9. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and

facilities such as sewer, gas, electrical and water systems, and streets and bridges and,

10. Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.

G. Findings. Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the Department of Natural Resources, Land, Water and Conservation Division, State Coordinator's Office, must be taken into account and included in the permit file.

H. Floodways. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In order to insure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100% of the cost to perform the development.

I. Conditions. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variances:

1. Variances may not be issued when the variance will make the structure in violation of other federal, State, or local laws, regulations, or ordinances.

2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

4. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

5. The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

6. Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with Article III.F.5 of this ordinance.

Article VI. LEGAL STATUS PROVISIONS

A. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance. This Ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted Sept. 3, 2008 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of his ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the City of Cayce enacted on Sept, 3, 2008 as amended, which are not reenacted herein, are repealed.

B. Effect upon Outstanding Building Permits. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Chief Building Inspector or his authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.

C. Effective Date. This ordinance shall become effective upon adoption.

D. Adoption Certification.

I hereby certify that this is a true and correct copy of the flood damage

prevention ordinance as adopted by the City Council
of The City of Cayce, SC on the day of _____200__.

PASSED:

1st Reading: _____

2nd Reading: _____

WITNESS my hand and the official seal of the City of Cayce, SC this the
_____day of,_ _____200__.

_____

Signature

Section 6.10 Design Overlay District

Section 6.10-1 Creation; definition

There are hereby created two design overlay districts:

(1) Knox Abbott Drive Design Overlay District, which shall parallel Knox Abbott Drive, from the Blossom Street Bridge to 12th Street, and shall extend from the street right-of-way the depth of each contiguous lot or 200', whichever is less.

(2) 12th Street Extension Design Overlay District, which shall parallel 12th Street Extension from Poplar Street to the I-77 Interchange, and shall extend from the street right-of-way the depth of each contiguous lot or parcel or 500', whichever is less.

Section 6.10-2 Permitted Uses

The above referenced Districts are "overlay" districts. As such permitted uses are determined primarily by the applicable primary or "underlying" zone district. However, the following principal uses are declared to be incompatible with the purpose of the 12th Street Extension Design Overlay District, and the Knox Abbott Drive Design Overlay District, and therefore are not allowed, irrespective of primary or underlying zone district regulations:

1. Truck (stops) and freight terminals
2. Billboards
3. Outdoor sales and storage lots, including, but not limited to, vehicular, boat, trailers, recreational vehicles, campers, manufactured homes, flea markets, furniture, lumber, scrap metal and salvage operations
4. Sexually oriented businesses, night clubs and drinking places (bars and lounges)
5. Communication towers and antennas
6. Pawn shops, consumer cash lending secured by personal property
7. Kennels
8. Check cashing services

Section 6.10-3 Development Standards

Applicable to Knox Abbott Drive	Applicable to 12th Street Ext.
Walkways shall be provided between the building entrance and the sidewalk	Signage shall be in accord with the requirements for signage in the C-3 District
No portion of a building constructed of unadorned masonry or metal siding shall front on or face Knox Abbott Drive	No portion of a building constructed of unadorned masonry or metal siding shall front on or face 12th Street Extension
Colors shall be consistent with character of development	Colors shall be consistent with character of development
All service utility lines shall be placed underground	All service utility lines shall be placed underground
	No strip shopping malls shall be allowed
	Where possible curb cuts and driveways shall be combined
	All buildings shall observe a 50' setback from 12th Street Extension. Except for walks, driveways and permitted signs, the required setback area (yard) shall be completely landscaped, in accord with guidelines contained in Article 10. No off-street parking shall be permitted in the required setback area

Section 6.11 Development Agreement District (DAD)

Section 6.11-1 Establishment of DAD

A DAD shall be established on the Official Zoning Map by the same procedure as for amendments generally (Article 4) with an additional Public Hearing to be held by City Council prior to Council action and in accord with the requirements of this section. Both public hearings shall be advertised prior to the Planning Commission meeting with the

additional provision that the second public hearing shall also be announced at said meeting.

Additionally, each DAD shall be identified by the prefix and number indicating the particular district. As for example “DAD-11-01” (Zone – Year – Number) together with whatever other identification appears appropriate.

Section 6.11-2 Applicable Laws

(3) **Existing law**. Unless otherwise provided by the development agreement, the land development laws in force at the time the agreement is executed will apply to the development of the property.

(4) **Subsequent law**: The City may apply subsequently adopted laws to a development that is subject to a development agreement if it is determined after a public hearing that one of the following conditions is met.

a. **No conflict**. The new laws are not in conflict with laws governing the development agreement and do not prevent the development.

b. **Essential.** The new laws are essential to public health, safety or welfare and expressly state that they apply to a development that is subject to a development agreement.

c. **Anticipated**. The new laws were specifically anticipated and provided for in the development agreement.

d. **Changes.** Substantial changes in pertinent conditions have occurred which would pose a serious threat to public health, safety or welfare if not addressed.

e. **Inaccuracy.** The development agreement is based on substantially and materially inaccurate information supplied by the developer.

Section 6.11-3 Permitted uses in DAD

Any use or combination of uses meeting the objectives of this section may be established in a DAD upon review and approval by the Planning Commission and amendatory action by City Council. Once approved, the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed on the basis of classification, i.e. retail office, institutional, wholesale, residential multi-family, residential single-family detached, manufacturing, etc., and the list of approved uses shall be binding on the applicant and any successor in title, so long as the DAD zoning applies to the land, unless otherwise amended by action of the Planning Commission and City Council, where required.

Section 6.11-4 Minimum Requirements

A development agreement may not be used for every land development. Two threshold requirements must be met before an agreement is authorized.

(1) **Size of property.** The property must contain a minimum of 25 acres of highland, highland being broadly defined as land above the 100 year flood plain. In some cases land within identifiable flood areas (buildable) may be included in this requirement.

(2) **Development time.** The length of the development agreement varies with the size of the property. Property containing up to 250 acres of highland is limited to an agreement term up to five years. Property of 250 to 1000 acres of highland is limited to a term of up to ten years. Property of 1000 to 2000 acres of highland is limited to a term of up to twenty years. Agreements for property of more than 2000 acres (and for developments under the Military Facilities Redevelopment Law regardless of size) may have terms as to the length of the agreement as agreed upon by the City and the Developer. The City may also set standards for calculating development time at less than the maximum terms shown above dependent upon the individual property.

Section 6.11-5 Contents of Agreement

A development agreement must include the following:

(1) **Description and owners.** A legal description of the property and the names of its legal and equitable owners. A purchaser holding a written contract of sale is an equitable owner and should be a party to the agreement.

(2) **Duration.** Development must be projected to take place over a period authorized; this may be extended by agreement.

(3) **Uses.** Permitted land uses, including population densities, building intensities and building heights. In addition, the following shall be required;

a. **Density.** Residential density, setbacks, impervious surface ratios, floor area ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities, i.e. transportation, water and sewer systems, recreation facilities, etc.

b. **Overall Site Design.** Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, size

of structures, street patterns and use relationships. Variety in building types, heights, facades, setbacks and size of open spaces shall be encouraged.

c. **Parking and Loading.** Off street parking and loading spaces for each DAD shall comply with the parking requirements for the various uses proposed for the DAD and the supplemental requirements of Article 9.

d. **Buffer Yards.** Shall be required for peripheral uses only, and shall be provided in accord with the minimum requirements for adjacent uses prescribed by Section 10.1. Buffer yards required for internal use shall be determined upon establishment of the DAD.

e. **Landscaping and Common Open Space.** Landscaping and open space requirements for each DAD shall comply with the provisions of Sections 10.3 and 10.4.

f. **Signage.** Shall be in harmony and scale with and reflective of the proposed DAD.

(4) **Public Facilities.** A description of public facilities that will service the development including who provides the facilities, the date any new facilities will be constructed and a schedule of availability. Requirements for easements and underground utilities could be included. If the City of Cayce is to provide public facilities, the agreement must provide that the delivery date of the facilities will be tied to defined completion percentages or other defined performance standards to be met by the developer.

(5) **Dedication.** Description of any reservation or dedication of land for public purposes and any required or permitted environmental protection provisions. An environmental impact study may be required.

(6) **Permits.** Description of all local development permits needed or approved. A statement shall also be included that failure to list a permit does not relieve developer from complying with the law.

(7) **Comprehensive Plan.** A finding that the proposed development is consistent with the comprehensive plan and land development regulations. If the proposed development is not in compliance, no action can be taken until such time as the Plan is amended by Planning Commission and City Council action.

(8) **Conditions.** Any conditions, terms, restrictions or requirements necessary for public health, safety or welfare.

(9) **Historic Preservation.** Description of any provisions for preservation and /or restoration of historic structures.

(10) **Time.** Specify time and schedule for completion of entire development or any phase. The City may extend time upon request and upon showing of good cause by the developer.

(11) **Responsible Government.** If more than the City of Cayce (local government) is a party to the agreement, specify which local government is responsible for overall administration of the agreement.

Section 6.11-6 Site Plan Requirements

A Site Plan showing the proposed development shall be a prerequisite to the approval of the DAD and shall be required as an attachment to the development agreement.

Section 6.11-7 Periodic Review

All development agreements must include a provision for periodic review by the zoning administrator or other appropriate officer at least every 12 months. The developer shall be required to demonstrate good faith compliance with the terms of the agreement.

When a review reveals a material breach of the agreement, the following steps shall be taken:

(1) **Notice of Breach.** A notice of breach, setting out with particularity the nature of the breach, the evidence supporting the determination and providing a reasonable time to cure the breach, must be sent to the developer within a reasonable time after the review.

(2) **Termination.** Upon failure of the developer to cure the breach within the time given, the City unilaterally may terminate or modify the agreement. However, the developer must have an opportunity to rebut the determination or to consent to amend the agreement to meet the concerns raised by the findings and determination of breach.

Section 6.11-8 Recording Agreement

The developer is required to record this development agreement in the land records office of the county where the property is located within 14 days after the agreement is executed. A copy of this recorded agreement shall be supplied to the City. This agreement shall be binding on successors in interest.

ARTICLE 7
CONDITIONAL USE & SPECIAL EXCEPTION REGULATIONS

The regulations contained in this Article are intended to ameliorate the impact and improve the citing of uses, buildings, and projects whose characteristics could adversely affect surrounding property and environmental conditions. Toward this end, standards and criteria over and above those set forth elsewhere in this Ordinance are imposed herein on all conditional uses and special exceptions listed on Tables 1 and 2, and set out below.

Article 12. **CONDITIONAL USES**	Section Reference
Townhouse projects	7.1
Patio and zero lot line housing projects	7.2
Bed and Breakfast Inns	7.3
Accessory Apartment	7.4
Temporary Uses (portable buildings, tents, etc.)	7.5
Manufactured Home Parks	7.6
Home Occupation	7.7
Communication Towers & Antennas	7.8
Refuse Systems	7.9
Sexually Oriented Businesses	7.10
Camps & Recreational Vehicle Parks	7.11
Open Storage	7.12
Apartments in the C-3 District	7.13
Single Bay, Fully Automated Car Wash	7.14
Large Scale Commercial Development (Big Box)	7.15
SPECIAL EXCEPTIONS	
Special Exception General Criteria	7.16

Section 7.1 Townhouses

Due to the unique design features of townhouses, the dimensional requirements of Table 3 are hereby waived and the following design requirements imposed for all such projects:

(1) Such projects shall have a minimum of 0.5 acres.

(2) Not more than eight (8) nor fewer than three (3) townhouses may be joined together, with approximately the same (but staggered) front line.

(3) Side yard setbacks at the end unit shall be five (5) feet.

(4) Rear yard setbacks shall be 15 feet.

(5) Minimum lot width shall be 18 feet.

(6) Sidewalks not less than five (5) feet in width shall be provided along the front property line of each project, building.

(7) Maximum height of buildings shall not exceed 35 feet.

(8) Front yard setbacks may extend to within 10 feet of the front property line.

(9) Rear yards shall be enclosed by a six-foot wall or fence, unless used for parking, and may include one accessory building no greater than 500 square feet in GFA.

Section 7.2 Patio and Zero Lot Line Housing

Due to the unique design features of patio and zero lot line housing, the dimensional requirements of Table 3 are hereby waived and the following requirements imposed on all such projects:

(1) Such projects shall have a minimum of 1.5 acres.

(2) Minimum lot area shall be 3,000 square feet per unit.

(3) Minimum lot width shall be 40 feet.

(4) Maximum height of buildings shall not exceed 35 feet.

(5) Where a unit is to be constructed at or on the property line, a five-foot private maintenance easement shall be provided on the adjoining lot.

(6) At least one side yard extending not less than five (5) feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of five (5) feet.

(7) The side yard for the exterior units shall be 5.

(8) Rear yard setbacks shall be not less than 10 feet.

(9) Front yard setbacks shall be 25 feet.

Section 7.3 Bed and Breakfast Inns

Bed and Breakfast Inns are intended to provide a unique transit lodging experience in predominantly residential environs. As a result, care should be taken to protect the environs that contribute to the experience of such lodging while promoting their use. Toward this end, Bed and Breakfast Inns, where permitted as a conditional use by this Ordinance, shall:

(1) Be occupied by the resident/owner.

(2) Only be permitted in existing residential structures that are architecturally, historically or culturally significant, or structures that have been constructed to resemble historical or cultural buildings.

(3) Serve no regularly scheduled meal other than breakfast.

(4) Maintain the interior architectural integrity and arrangement of the structure.

(5) Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area.

(6) Provide off-street parking on the basis of one space per guest room, plus two spaces for the resident innkeeper; further provided that sufficient off-street parking space shall be available on site to accommodate private gatherings, where proposed by the applicant.

(7) Be permitted one non-illuminated identification sign, not to exceed four (4) square feet in area.

Section 7.4 Accessory Apartment

Accessory apartments, where permitted as conditional uses, shall meet the following conditions:

(1) The principal structure (dwelling) must be owner occupied.

(2) The apartment, whether attached or detached, cannot exceed 50 percent of the gross floor area of the principal dwelling, or contain more than two bedrooms.

(3) The apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.

(4) An accessory apartment may be accessory only to a single family dwelling, and not more than one apartment shall be allowed per dwelling or lot.

(5) The apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be setback not less than 20 feet from the principal dwelling.

(6) A third off-street parking space shall be required.

(7) Neither the primary residence nor the accessory apartment shall be a manufactured home.

Section 7.5 Temporary Uses

Section 7.5-1 Permit Required

The Planning Director is authorized to issue a permit for temporary uses as specified in this Ordinance. No temporary use may be established without receiving such permit.

Temporary use permits may be renewed no more than twice within one year, provided that said use will not create traffic congestion or constitute a nuisance to surrounding uses. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Planning Director.

Section 7.5-2 Type and Location

The following temporary uses and no others may be permitted by the Planning Director, subject to the conditions herein.

(1) Tents and other temporary structures for general assembly in the M-1, C-4, and D-1 Districts for a period not to exceed sixty (60) days.

(2) Open lot sales of Christmas trees in all commercial and industrial Districts for a period not to exceed sixty (60) days.

(3) Contractor's office and equipment shed, in any district, for a period covering construction phase of a project not to exceed one (1) year unless re-permitted; provided that such office be placed on the property to which it is appurtenant.

(4) Temporary "sale" stands in all commercial and industrial Districts for a period not to exceed sixty (60) days.

(5) Portable classrooms in any district for an indefinite period; provided all applicable ordinance requirements are met.

(6) Temporary office trailers in any commercial or industrial district where the principal building is being expanded, rebuilt, or remodeled for the conduct of business while the principal building is under construction.

(7) Recreational vehicles as provided for in Section 9.8, which vehicles shall not be subject to the renewal constraints of Section 7.9-1

Section 7.5-3 Removal

Temporary uses and structures from which temporary uses are operated shall be removed from the site after the temporary permit has expired.

Section 7.5-4 Off-Street Parking

Unless specified by Tables 1 or 2 for a specific use, a minimum of five (5) off-street parking spaces shall be required, and ingress/egress areas shall be clearly marked.

Section 7.6 Manufactured Home Parks

The establishment and operation of a manufactured home park shall comply with the following design and development standards:

(1) The park site shall be not less than three (3) acres, and have not less than 200 feet frontage on a publically maintained public road.

(2) The park shall be served by public water and sewer systems or other systems approved by DHEC, a system of storm drainage, and refuse disposal facilities, plans of which shall be approved by local DHEC officials.

(3) All dwelling spaces shall abut upon an interior all weather roadway of crushed stone, asphalt, concrete slag or other all weather material of not less than twenty (20) feet in width which shall have unobstructed access to a public street.

(4) All on-site roadway intersections shall be provided with a street light.

(5) Each individual home site shall be at least 25 feet from any other site and at least 25 feet from the right-of-way of any street or drive providing common circulation.

(6) All homes shall be installed in accord with the installation requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.

(7) Not less than 10 percent of the park site shall be set aside and developed for common open space and recreation usage.

(8) Space Numbers: Permanent space numbers shall be provided on each manufactured home space and shall be located so as to be visible from the street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection.

(9) No manufactured home space shall have direct access to a public street, but shall instead access an internal driveway system.

(10) The maximum number of manufactured home spaces shall not exceed eight (8) per acre.

(11) Two parking spaces shall be provided for each designated manufactured home space. Parking may be provided at the designated space or in community parking areas.

(12) Existing trees and other natural site features shall be preserved to the extent feasible.

(13) Bufferyards shall be provided on the perimeter of the park or court in accord with the requirements of Section 10.1.

(14) License Required, Revocation: A license shall be requisite to the opening or operation of a manufactured home park and shall be subject to annual renewal.

- Said license may be revoked by the Planning Director for a violation of this Ordinance or other applicable ordinances and regulations governing the operation of such uses.

(15) Site Plan Required: A Site Plan showing the above required data, and in all other respects meeting the minimum requirements for a Building Permit shall accompany all applications to establish a manufactured home park.

Section 7.7 Home Occupations

Home occupations, as defined by this ordinance, shall meet the following requirements, where conditionally permitted by Tables 1 and 2:

(1) The home occupation shall be carried on mainly within the principal building.

(2) The floor area dedicated to such use shall not exceed 25 percent of the floor area of the principal building, up to 400 square feet.

(3) No activity shall be conducted outside the principal structure, nor shall there be any outdoor storage, display, or refuse area in the yard.

(4) No signs identifying the home occupation shall be allowed in the RS Districts; elsewhere signs shall not exceed two square feet, mounted to the building.

(5) No merchandise or articles shall be displayed so as to be visible from outside the building.

(6) No person not residing in the residence shall be employed in the home occupation.

(7) No traffic shall be generated in an amount above that normally expected in a residential neighborhood.

(8) No parking is needed above that required by the principal use.

(9) There is no alteration whatsoever of the residential character of the building(s) and/or premises.

(10) The occupation, profession, or trade is properly licensed, and generates no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses.

(11) The occupation shall not involve the retail sale of merchandise manufactured off the premises.

Section 7.8 Communication Towers and Antennas

The requirements set forth in this Section shall be applicable to all communication towers and its accessory structures.

Communication towers are allowed according to the following table:

Section 7.8 Table 1

Zoning District	Permitted Height Stealth or Monopole Tower
Single Family Residential (RS)	Stealth tower with maximum height of 100 feet is permitted as a special exception
General Residential (RG)	Stealth tower with maximum height of 100 feet is permitted as a special exception
Office and Institutional (C-1)	Stealth tower or Monopole tower with maximum height of 120 feet is permitted as a conditional use
Neighborhood Commercial (C-2)	Stealth tower or Monopole tower with maximum height of 120 feet is a permitted as a conditional use
Central Commercial (C-3) Highway Commercial (C-4)	Stealth tower or Monopole tower with maximum height of 200 feet is permitted as a conditional use
Light Industrial (M-1) Heavy Industrial (M-2)	Stealth or Monopole or Lattice tower with maximum height of 200 feet is permitted as a conditional use
Development (D-1)	Stealth tower with maximum height of 200 feet is permitted as a special exception
Design Overlay (DO)	NOT PERMITTED
Development Agreement (DAD)	Tower with height specified in approved plan is permitted under conditions set forth in plan
Planned Development (PDD)	Tower with height specified in approved plan is permitted under conditions set forth in plan

Section 7.8-1 Conditions

Where conditionally permitted as a principal use by Section 6.6 Table 2, and not accessory to an educational use, communication towers and antennas shall adhere to the following regulations.

(1) All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.

(2) All applicable safety code requirements shall be met.

(3) Unless required by agencies of the state or federal government, towers must be a galvanized steel finish or stealth type towers (where required by zoning).

(4) No tower or antenna shall be located within 1,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.

(5) No signage shall be permitted, except as required by standard industry practice for the purpose of warning, identification, or emergency contact.

(6) New towers shall setback 25% of tower height or district setbacks, whichever is greater. Towers within 200 feet of any residential dwelling, shall setback from the property line 1 foot for every 1 foot in tower height.

(7) No lattice type tower shall be located within 1000 feet of a residential dwelling or a residentially zoned district.

Section 7.8-2 Special Exceptions

Where permitted as a special exception by Section 6.5 Table 1 or Section 6.6 Table 2, and not accessory to an educational use, communication towers and antennas (in addition to conditions in Section 7.8-1) shall adhere to the following regulations:

(1) An application for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a nonresidential district for valid technical reasons.

(2) Where the proposed tower is to be located within an RS, RG, or D-1 zoning district, the applicant shall conduct a public information meeting 14 days before the public hearing held by the Board of Zoning Appeals. The applicants shall inform, by certified letter, all property owners within a 500 feet radius of the date, time, location and topic of the meeting.

(3) The proposed stealth tower located within RS or RG zoning districts shall emulate an architectural or landscape feature typical of or appropriate to the surrounding area.

Section 7.8-3 Permit Requirements

(1) Permit requirements for the erection or placement of a tower or antenna shall be accompanied by the following:

(a) One copy of typical specifications for proposed structures and antennas, including description of design characteristics and material.

(b) A site plan drawn to scale showing property boundaries, tower location, tower height, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, buffer and landscape plan, and existing land uses on adjacent property; [site plan not required if antenna is to be mounted on an approved existing structure].

(c) A current map or update of 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.

(d) Identification of the owners of all antenna and equipment to be located on the site.

(e) Written authorization from the site owner for the application.

(f) Evidence that a valid FCC license for the proposed activity has been issued.

(g) A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.

(h) A written agreement to remove the tower and/or antenna within 180 days after cessation of use.

(i) A certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, together with written indemnification of the affected government and proof of liability insurance or financial ability to respond to claims up to $1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the affected government.

(j) A letter from a registered engineer providing certification that adequate setbacks are established on all sides to prevent the tower's fall zone from encroaching onto adjoining properties.

(2) Permit requirements for co-location of antenna on existing wireless communication tower shall be accompanied by the following:

(a) Evidence that the tower can accept the additional loading created by the co-location.

(b) Evidence that any modification made to an existing tower to accommodate co-location of additional antenna shall comply with Section 7.8 Table 1.

Section 7.9 Refuse Systems

Due to environmental concerns and consideration for public health and safety, refuse systems where conditionally permitted as a principal use by Table 2 shall be limited to the following and shall comply with the supplemental development standards of this Section.

Sanitary Landfills
Inert Landfills
Recycling Drop-Off Stations

1. Sanitary Landfills

   a. Sanitary landfills shall be located no closer than 1,000 feet to any existing residential, recreational, religious, educational, medical, or public use (measured in a straight line).

   b. A geotechnical engineering firm licensed in the State of South Carolina shall render a written opinion that, to the best professional judgment, the formations being used to contain the waste are impermeable and that surrounding ground water sources will not be contaminated.

   c. A drainage and sedimentation plan shall accompany the request, showing all off-site run off.

   d. The facility shall be enclosed by an opaque fence or wall structure illustrated by Section 10.1-9 on all sides visible from the street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.

   e. A plan, to be submitted and approved with the initial permit, showing restoration of the site on completion of use as a landfill.

   f. A plan showing the daily or weekly disposition and method of compaction and cover during ongoing operations.

2. Inert Landfill

   a. An inert landfill may be located up to, but no closer than, 100 feet from any property line, except such landfill shall not be located closer than 300 feet from any dwelling, school building, day care center, religious, recreational, or medical facility.

   b. No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water, or other causes.

   c. All materials and activities shall be screened in such fashion as not to be visible from off-site. The provisions of this subsection may be waived by the Planning Director where such facility will be utilized for a period not to exceed 90 days.

d. A plan showing the reuse and/or relegation of the site on completion of use as a landfill shall accompany and be approved with the initial permit.

3. Recycling Drop-Off Stations

a. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized.

b. The site shall be maintained free of litter and any other undesirable materials, shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present.

c. Space shall be provided on site for the anticipated peak load of customers to circulate, park, and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of ten (10) customers or the peak load, whichever is higher, except where the Planning Director determines that allowing overflow traffic is compatible with surrounding business and public safety.

d. Where a facility is to be located within 500 feet of property in a residential zone, it shall not be in operation between 7:00 p.m. and 7:00 a.m.

e. No collection containers shall be located closer than 100 feet of any residential property line.

f. Donation areas shall be kept free of litter and debris. Containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

Section 7.10 Sexually Oriented Businesses

Section 7.10-1 Location

Owing to potentially objectionable operational characteristics of sexually oriented or adult uses, and the deleterious effect of such uses on existing businesses and/or residential areas around them, the location of such uses where conditionally permitted by Table 2, shall be tempered by the supplemental sitting criteria of this section.

No such use shall be located within 1,000 feet (measured in a straight line and documented on a map drawn to scale) of:

(1) a residence or a Residential Zone,
(2) a church or religious institution,
(3) public or private schools and educational facilities,
(4) public parks and recreational facilities,
(5) another sexually oriented business, or
(6) day care facilities.

Section 7.10-2 License Required

It shall be a misdemeanor for a person to operate a sexually oriented business without a valid Permit and/or License, issued by the responsible governing authority for the particular type of business.

(1) An application for a permit and/or license must be made on forms provided by the city.

(2) The premises must be inspected and found to be in compliance with the law by health, fire and building officials.

Section 7.10-3 Expiration of License

Each permit and/or license shall expire at the end of each calendar year and may be renewed only by making application as provided herein.

Section 7.10-4 Fees

The annual fee for a sexually oriented business license shall be $1,000.

Section 7.10-5 Inspection

(1) An applicant or permitee and/or licensee shall permit the Planning Director and representatives of the police, health or fire departments or other governmental departments or agencies involved in code enforcement 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.

(2) A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

Section 7.10-6 Suspension

The Planning Director shall suspend a permit and/or license for a period not to exceed thirty (30) days if he determines that a permitee and/or licensee or an employee of a permitee and/or licensee has:

(1) Violated or is not in compliance with any section of this Ordinance,

(2) Or refused to allow an inspection of the sexually oriented business premises as authorized by this Section.

Section 7.10-7 Revocation

(1) The Planning Director shall revoke a permit and/or license if a cause of suspension occurs and the permit and/or license has been suspended within the preceding twelve (12) months.

(2) The Planning Director shall revoke a permit and/or license if he determines that:

a. A permitee and/or licensee gave false or misleading information in the material submitted to the building department during the application process.

b. A permitee and/or licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises.

c. A permitee and/or licensee or an employee has knowingly allowed prostitution on the premises.

d. A permitee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permitee's and/or licensee's permit and/or license was suspended.

e. A permitee and/or licensee 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 and/or licensed premises.

f. A permitee and/or licensee is delinquent in payment to the city, county, or state for any taxes or fees past due.

Section 7.11 Camps and Recreational Vehicle Parks

Camps and recreational vehicles (RV) parks, where permitted by Table 2, shall comply with the following site and design standards.

(1) The site shall be at least two (2) acres.

(2) The site shall be developed in a manner that preserves natural features and landscape.

(3) The following dimensional requirements shall serve as parameters beyond which development shall not exceed:

(a) Maximum impervious surface ratio shall not exceed 35 percent of the project site.

(b) Minimum setbacks for all structures and recreational vehicles shall be:

Street frontage	50'
All other property lines	25'

(c) Maximum density shall not exceed 12 vehicles per acre.

(d) Bufferyards shall be as specified by Section 10.1.

(4) Areas designated for parking and loading or for traffic ways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicle ingress and egress. All drives shall be located at least one hundred fifty (150) feet from any street intersection and shall be designated in a manner conducive to safe ingress and egress.

(5) All streets within RV Parks shall be private and not public.

(6) Each park site shall be serviced by public water and sewer or other systems approved by DHEC.

Section 7.12 Open Storage Areas

Open storage as an accessory use may be permitted where indicated by Table 2; provided such storage area does not occupy over 20 percent of the buildable area, is not located in any required setback area, and is screened from public view.

Section 7.13 Apartments/Condominiums in the C-3 District

Apartments/condominiums may be permitted in mixed use commercial buildings, over two stories; provided that the first floor contains at least forty percent (40%) devoted exclusively for commercial use. Any other use such as apartments or condominiums shall be separated from the commercial use by a one-hour firewall. No direct access

from the commercial area shall be permitted and separate ingress/egress must be provided. All setbacks, off street parking and related requirements shall also be met.

Section 7.14 Car Wash, Single Bay, Fully Automated

Due to the unique design and features of a fully automated, single bay car wash, the following design requirements are imposed for all such projects:

(1) Such projects shall be the principal use for the property.

(2) Maximum height of structure shall not exceed thirty-five (35) feet.

(3) Maximum parking allowable shall be two spaces or the area required for maintenance and servicing of the facility.

(4) Necessary lighting for the illumination of the facility shall be placed to minimize the effects on any adjacent residential properties.

(5) Landscaping shall meet all the requirements of Article 10, Appearance, Buffering, Screening, Landscaping, and Open Space Regulations.

(6) In addition to Article 10, cited above, interior lot landscaping shall be provided at a minimum of twenty (20) per cent of the lot.

Section 7.15 Large Scale Commercial Development (Big Box)

The establishment and operation of a “Large Scale Commercial Development” commonly known as “Big Box Retail” shall comply with the following design and development standards:

(1) Any single use or building that exceeds 90,000 square feet in size and or; any group of single buildings that exceeds 175,000 square feet in size and that share a common parking area shall be governed by these regulations. A “common parking area” means a shared parking area so designed that vehicles are not required to use public roads to move between parking areas for the sharing buildings.

(2) Overnight and long-term truck parking shall be limited to loading areas and designated truck parking at the rear of the building.

(3) Specified areas shall be designated on the approved site plan for use for outside sales. An area for outside sales may be an area adjacent to the main building or in a remote parking area. A “remote parking area” means an area that would not impact the flow of traffic within the main parking lot.

(4) Lighting within the parking lot shall be limited to forty (40) feet in height measured from ground level and shall be shielded to avoid spillage onto adjacent residential areas. Loading docks shall also shield lighting to avoid intrusion onto residential areas. Lighting for security and pedestrian safety shall also comply with these requirements.

(5) Landscaping shall be as required in Section 10.3 of this ordinance. A bufferyard shall be required adjacent to property zoned or used as residential areas regardless of the presence of disturbed areas, such as detention ponds, within the project. The bufferyard shall be a type 5A or 5B as described in Section 10.1 of this ordinance, with a fence as a mandatory requirement. Fence and wall specifications shall conform to Section 10.1-9.

(6) Parking requirements shall be as required under Section 6.6, Table 2, Schedule of Use; provided, however, that the maximum allowable parking shall be one and one-half times the minimum required. Addition parking may be allowed for good cause upon approval of the Board of Zoning Appeals, but in no case shall the approval be greater than two and one-half times the minimum required.

(7) Due to the need for pedestrian safety to and from the parking areas, a pedestrian pathway shall be required within one hundred (100) feet of any required or platted parking area. This pathway shall be a minimum of six (6) feet wide and six (6) inches higher than the adjacent parking surface. If mountable or rolled curbs are used, wheel stops shall be required on all parking spaces adjacent to the pathway. If barrier curbs are used a two (2) foot overhang shall be added to the pathway width to increase it to ten (10) feet. Area utilized to meet the pathway requirements shall not be counted as part of any required open space or landscaping requirements.

(8) Generally the SCDOT, Access & Roadside Management Standards, ("ARMS"), manual shall govern access points and roadside encroachments. An impact study shall be required for all projects over 90,000 square feet and shall meet the criteria of the Institute of Transportation Engineers and shall be conducted by a qualified engineer. Coordination with the City of Cayce is required prior to issuance of an encroachment permit from SCDOT. (See Chapter 2 Encroachment Permits, 2A-3, Coordination with Local Jurisdictions, ARMS manual)

This section shall not normally apply to Automotive dealers, NAICS 4411; Recreational vehicle, motorcycle and boat dealers, NAICS 4412; and Automotive parts and accessories dealers, NAICS 4413 unless a common parking area (as defined in subsection (1) above) is shared with buildings with other dissimilar retail uses.

Section 7.16 Special Exception General Criteria

Criteria for special exceptions: In addition to definitive standards in this article, the Board of Zoning Appeals shall consider the potential of the proposed use for adverse impact in the community or area as to:

(1) Traffic, parking and loading, and vehicular and pedestrian safety;

(2) Environmental factors including noise, lights, glare, vibration, fumes, odors, obstruction of air or light, litter, and visual or other nuisances;

(3) Aesthetics and character of the area, including the possible need for screening from view;

(4) Orientation and spacing of improvements, buildings and structures; and

(5) Public safety or the creation of nuisance conditions or the creation of other conditions detrimental to the public interest or likely to result in increased law enforcement response.

ARTICLE 8
SIGN REGULATIONS

Section 8.1 Purpose

The purpose of this Article is to protect the dual interest of the public and the advertiser. The regulations herein are designed to protect public safety and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for adequate identification, communication, and advertising.

Section 8.2 Applicability and Conformance

This Article regulates the number, size, placement, and physical characteristics of signs; allows certain signs without permits; prohibits certain signs; and requires permits for certain signs.

From and after the adoption of this Ordinance, no sign may be erected, modified or enlarged within the jurisdiction of this Ordinance unless it conforms to the requirements of this Article.

Section 8.3 Signs on Private Property

Signs shall be allowed on private property in accord with Table 8-A. If the letter “A” appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning district represented by that column. If the letter “P” appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning district represented by that column. If the letter “N” appears for a sign type in a column, such a sign is not allowed in the zoning district represented by that column under any circumstances.

Although permitted under the previous paragraph, a sign designated by an “A” in Table 8-A shall be allowed only if in compliance with the conditional requirements of Table 8-B.

Section 8.4 Common Signage Plan Required

A Common Signage Plan shall be prerequisite to the issuance of any sign permit involving:

(1) A single lot or parcel with more than one principal use or building (not including accessory uses or buildings) or qualifying on the basis of street frontage for more than one free-standing sign, and

A PDD (Planned Development District) project

The Plan shall contain all information required for sign permits generally (Section 3.9) and shall specify standards for consistency among all signs on the lot affected by the Plan with regard to:

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

A Common Signage Plan shall limit the number of free-standing signs to a total of one for each street on which there is frontage and shall provide for shared or common usage of such signs; however the maximum sign area for the district within which it is to be located may be increased by one square foot for each linear foot of street frontage over 100 feet, not to exceed 200 square feet of sign area, and the maximum sign height may be increased in the C-3 District (only) one foot for each linear foot of street frontage, not to exceed 12 feet in height.

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

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

Table 8-A Regulation of Signs By Type, Characteristics, and Zoning Districts									
Sign Type	**All Residential Zones**	**C-1**	**C-2**	**C-3**	**C-4**	**M-1**	**M-2**	**D-1**	**INS(3)**
Permanent									
Freestanding									
Off-Premise (Billboards) (4)	N	N	N	N	N	P	P	N	N
On-Premise									
Monument	P(1)	P	P	P	P	P	P	P	P
Other	P(1)	P	P	P	P	P	P	P	P
Incidental	N	A	A	A	A	A	A	A	A
Building									
Canopy	N	P	P	P	P	P	P	N	N
Identification	A	A	A	A	A	A	A	A	A
Marquee	N	N	P	P	P	P	P	N	N
Projecting	N	N	P	P	P	P	P	N	N
Roof	N	N	N	N	N	N	N	N	N
Roof, Integral	N	N	P	P	P	P	P	N	N
Wall	N	P	P	P	P	P	P	N	N
Window	N	A	A	A	A	A	A	A	A
Temporary (2)									
A-Frame	N	N	A	A	A	A	A	N	N
Banner	N	P	P	P	P	P	P	N	P
Posters	A	A	A	A	A	A	A	A	A
Portable	N	N	(5)	(5)	(5)	(5)	(5)	N	N
Inflatable	N	N	N	N	P	N	N	N	N
Pennant	N	N	P	P	P	P	P	N	N
Identification	A	A	A	A	A	A	A	A	A
Sign Characteristics									
Animated	N	N	N	N	N	N	N	N	N
Changeable Copy	N	A	A	A	A	A	A	A	A
Illumination Indirect	A	A	A	A	A	A	A	A	A
Illumination Internal	A	A	A	A	A	A	A	A	A
Illumination, Exposed bulbs or Neon	N	N	N	N	N	N	N	N	N

1 – Signs identifying or announcing land subdivisions and residential projects.
2 – See Section 8.6.

3 – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential districts, i.e. churches, schools, parks, etc., and includes historical markers.
4 –Where permitted, billboards may be established only on lots or parcels fronting or within 600 feet of Interstate ROW.
5 – Prohibited on property fronting on Knox Abbott Drive, State Street, Axtel Drive, 12th Street and 12th Street Extension.

Table 8-B Number, Dimension, and Location of Signs Requiring A Permit By Zoning District									
	All Residential Zones	**C-1**	**C-2**	**C-3**	**C-4**	**M-1**	**M-2**	**D-1**	**INS(B)**
Freestanding Signs									
Number Permitted (E)									
Per Lot									
Off-Premise (Billboards)	N	N	N	N	N	NA	NA	N	N
On-Premise	1(A)	1	1	1	1	1	1	1(A)	1
Per feet of St. Frontage									
Off-Premise	N	N	N	N	N	(C)	(C)	N	N
On-Premise	NA	NA	NA	NA	NA	(D)	(D)	NA	NA
Maximum Sign Area (s.f.)									
Off-Premise	NA	NA	NA	NA	NA	672	672	NA	NA
On-Premise	20	75(H)	75(H)	75(H)	75(H)	75(H)	75(H)	20	20
Sign, Digital Reader s.f. max. allow. area	NA	NA	NA	60%	60%	60%	NA	NA	NA
Minimum Setback from property line									
Billboards	50'	10'	10'	10'	10'	10’	10’	10'	10'
Other	5’	5’	5’	5’	5’	5’	5’	5’	5’
Maximum Height	12’	20’	20’	7'(I)	20’(J)	40’(F)	40’(F)	20’	12’
Building Signs									
Number Permitted	1	6	6	6	6	6	6	1	1
Maximum Sign Area (s.f.)	2	200	200	200	200	200	200	12	12
Maximum Wall Area (Primary Wall) (%) (G)	NA	15	15	15	15	15	15	NA	NA
Maximum Wall Area (Secondary Wall) (%) (K)	NA	5	5	5	5	5	5	NA	NA
Temporary Signs (2)	**See Section 8.6**								

Table Notes:

NA = Not Applicable N = Not Allowed s.f. = Square Feet

A. One use identification sign not exceeding 20 s.f. is permitted for each entrance of a subdivision or residential project.
B. This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the Zoning Ordinance in residential districts, i.e. churches, schools, parks, etc.
C. Minimum distance between billboards shall be 2000’ measured on the same side of the street along the centerline of the street from which the billboard is viewed. When meeting this requirement, a billboard may be located on the same lot or parcel with another billboard or off-premise sign.

D. One per lot or one for each 500 linear feet of street frontage, whichever is less.
E. Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
F. Maximum height of billboards may extend to 75', provided the sign structure is setback from the nearest property line one additional foot for each additional three feet in height over 40 feet.
G. Wall area is calculated by multiplying the linear feet of the wall, in which the sign is to be placed, by a standard 12 feet height, as established by this ordinance.
H. Sign area may be increased in accord with common signage plan requirements, where applicable, Section 8.4.
I. Sign height may be increased in accord with common signage plan requirements, where applicable, Section 8.4.
J. The maximum sign height may be increased in the C-4 District one foot for each linear foot of street frontage, not to exceed 35 feet in height.
K. Corner lots fronting on two or more streets may be allowed more than one primary frontage and be allowed 15% maximum sign area for all walls having primary frontage.

Section 8.5 Wall Signs

Section 8.5-1 Wall Sign Design Standards

(1) No wall sign may extend above or below any roof lines, mansards, parapet walls or façade of any building and must be at least twelve (12) inches from the top and side edges of any parapet, façade, mansard, or wall.

(2) For signs affixed to architectural projections on a building, the copy area must remain on a parallel plane to the face of the building façade or the face or faces of the architectural projection to which it is affixed.

(3) All wall signs shall be constructed in accordance with applicable provisions of the International Building Codes and National Electrical Code. Signs shall be made of metal, rigid plastic, vinyl, or wood treated to be long lasting and other durable materials approved by the Zoning Administrator. Canvas and non-treated wood shall not be used for permanent wall signage.

(4) All permanent signs shall be securely attached to a building or structure by fixed metal supports, such as bolts, anchors, guy wires or steel rods. Staples, nails, tethers or chains should not be used to secure any permanent sign to any building, structure or ground.

(5) All wall signs shall be constructed to withstand the wind pressure as designated by the International Building Code.

(6) Wall signs must identify a validly licensed business to the premises which it is located.

Section 8.5-2 Wall Sign Illumination

(1) Wall signs, when illuminated, shall have such lighting shielded so as not to directly shine on abutting properties or in the line of vision of the public using the streets or sidewalk.

(2) No Illumination simulating traffic control devices or emergency vehicles shall be used, or shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.

Section 8.5-3 Number of Signs Allowed

(1) Each business shall be allowed up to six (6) wall signs per building, so long as the allowable sign area is not exceeded.

(2) The total number of signs allowed on a single wall is four (4), so long as the allowable sign area is not exceeded.

Section 8.5-4 Wall Area Calculation

(1) Only that portion of a wall onto which a sign face or letters are placed shall be calculated in the sign area.

(2) Wall area is calculated by multiplying the linear feet of the wall in which the sign is to be placed by a standard 12 feet height, as established by this ordinance.

(3) A buildings primary frontage shall be allowed up to 15% maximum sign area, while secondary walls are allowed up to 5% maximum sign area. A buildings primary frontage is the side of the building which faces a street, roadway or primary drive aisle. The Zoning Administrator has final determination of primary wall.

(4) When a mansard extends beyond the width of the primary building wall, the additional mansard width may be included in the calculation up to ten (10) additional feet.

Section 8.5-5 Sign Face Calculation

(1) The area of a sign enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face.

(2) The sign area of a wall sign which consist of individual letters that are erected directly onto a wall exclusive of any sign surface is measured by finding the area of the minimum imaginary rectangle or square of vertical and horizontal lines, which fully enclose all sign words, copy or message (Section 8.11-2 Illustration 2).

(3) When a wall sign utilizes any logo, capital letter, letter ascender or descender of a registered trademark, which creates an unusual sign area calculation, the sign area may be calculated based on the actual measurement of each character, as determined by the Zoning Administrator.

Section 8.5-6 Corner Lots

(1) Lots fronting on two or more streets may be allowed more than one primary frontage and be allowed 15% maximum sign area for all walls having primary frontage.

(2) Wall signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

Section 8.5-7 Multiple Tenant Buildings

Any commercial complex, consisting of more than one retail, commercial, or office establishment grouped together, usually developed under one ownership or management, and generally sharing parking areas and vehicular entrances and exits shall adhere to the following regulations related to wall signage:

(1) Wall area shall be calculated separately for each occupant using a standard 12 feet height multiplied by the linear feet of each individual tenant space.

(2) Each individual tenant space shall not exceed 15% maximum wall area on the primary frontage wall and 5% on all secondary walls.

(3) Each tenant shall be allowed up to six (6) wall signs, so long as the maximum wall area is not exceeded.

(4) The total number of wall signs allowed per tenant on any single wall is four (4), so long as the maximum wall area is not exceeded.

(5) In no such case shall a single tenant’s wall sign exceed 200 square feet in size or the total amount of all signs calculated together exceed 300 square feet.

Section 8.5-8 High Rise Buildings

(1) Buildings which exceed four (4) stories in height shall be permitted to erect one (1) wall sign per wall at the top story of the building. Such signs shall only identify the name of the building or the major tenant. The display area of such signs shall not exceed 2% of the area on the wall to which it is attached. Such signs shall be permitted in addition to the requirements of this Article.

Section 8.5-9 Home Occupations

(1) One (1) non-illuminated sign shall be permitted for each home occupation, except in RS Districts, where wall signs are prohibited, provided the display surface area of such sign does not exceed two (2) square feet in area and that such sign is a wall sign attached to the locations principle structure.

Section 8.5-10 Abandoned, Neglected or Damaged Wall Signs

(1) Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the Code Official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm shall, upon written notice by the Code Official, make such sign conform to the provisions of this ordinance, or shall remove it within not more than 10 days. If within 10 days the order is not complied with, the Code Official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

(2) Wall signs must identify a validly licensed business or be removed within thirty (30) days from the lapse, loss or surrender of such business license in order to limit confusion relating to locations and operations of businesses. If the sign is not removed within thirty (30) days from the lapse, loss or surrender of the license, the Zoning Administrator may proceed with its removal at the property owner's expense or with the 5% deposit paid for the sign, or any combination thereof to have removal paid in full.

Section 8.5-11 Nonconforming Signs

(1) Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size with the regulations of the district in which such sign is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

a. Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the sign(s).

b. Any legal nonconforming sign shall be removed or rebuilt without increasing the existing size or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost, repair or restoration exceeds 50% of the replacement cost of the sign as determined by the Code Official.

c. Signs that comply with either item a or b above need not be permitted.

Section 8.6 Temporary Signs

Sign Type	*Display Period (12 month period)	**Display Intervals	Maximum Size	Permit Req'd.	Conditions
A-Frame	Hours of operation	Off-hours	12 sq. ft.	N	A
Banner	60 days	30 Days	32 sq. ft.	Y	B
Posters	See Banner	See Banner	See Banner	Y	C
Portable	90 days	30 Days	32 sq. ft.	Y	D
Inflatable	30 days	1 year	None	Y	E
Pennants	30 days	30 Days	None	Y	F
Identification	Project completion	None	See Condition G	N	G
Other (Commercial) Other (Non-Commercial)	Removal within 7 days after reason for being has ceased to exist	None	As per Condition I	N	C/H/I/J

*** Display Period** refers to the maximum number of days in a calendar year that a type of sign may be displayed.

**** Display Interval** refers to the number of days that must pass before a similar type of sign may be permitted.

Conditions:

A. Each business with a separate external entrance may utilize a movable freestanding sign on the sidewalk adjacent to the business during business hours of up to six (6) square feet per side and up to four (4) feet in height. Such signs shall be located no more than fifteen (15) feet from the primary business entrance and in a location that does not obstruct exits or pose a hazard to pedestrian or vehicle traffic. Such signs shall be professionally designed, constructed and lettered, but up to seventy-five percent (75%) of the sign may feature a chalk board, tack board or other changeable copy area. Signs placed on public sidewalks may be located based on a City approved management plan, and must meet any additional City licensing requirements.

B. No banner may be displayed for longer than 30 days for each permitted occurrence. Banners on commercial property must be secured to a wall or roof by all four corners and shall be installed in a fashion so as to present a professional appearance held taut across the wall surface so as to maintain readability and avoid sagging and flapping in the wind. Banners announcing special public events sponsored by the City of Cayce and/or a domiciled eleemosynary institution approved and permitted by the City of Cayce are exempt from the display periods and display intervals set forth in this section. Banners announcing special public events sponsored by the City of Cayce are exempt from the maximum size restrictions.

C. For the purposes of this Ordinance, Posters are considered banners.

D. Portable signs shall be limited to one per establishment, shall have no colored or flashing lights, shall not be wired so as to obstruct or hinder pedestrian or vehicular traffic or pose any potential for such hindrance (i.e. exposed drop cord), shall not exceed six (6) feet in height, shall be anchored in accord with the Building Code, and shall not be converted to a permanent sign, except in compliance with regulations for permanent signs. No portable sign shall be displayed for longer than 30 days per permitted occurrence. Portable signs are prohibited on property fronting on Knox Abbott Drive, State Street, Axtel Drive, 12th Street and 12th Street Extension.

E. Inflatable signs shall be properly anchored and shall not interfere with airport traffic or overhead utilities. The maximum allowable height for inflatable signs is 35 feet.

F. Pennants shall be properly secured and maintained at all times, and shall not interfere with pedestrian or vehicular movement.

G. These types of signs are limited to projects involving Subdivision Development and Construction activities only. Temporary subdivision and work under construction identification signs shall adhere to the Development Standards of Section 8.8 and must be installed and maintained in a manner to present a professional appearance.

<u>Temporary Non-illuminated Construction Signs</u>

- One (1) temporary non-illuminated sign for each street frontage, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, meeting the following criteria:
- For all residential, a maximum of four (4) square feet in area and four (4) feet in height;
- For non-residential sites of one (1) acre or less, a maximum of twenty-four (24) square feet in area and six (6) feet in height;

- For non-residential sites over one (1) acre, a maximum of thirty-two (32) square feet in area and eight (8) feet in height.

Temporary Development Signs

- One (1) temporary non-illuminated sign for each street frontage, erected in connection with development activities and displayed on the premises during such time as the actual development activities are in progress, meeting the following criteria:
- For all Development sites of two (2) acres or less, a maximum of twenty-four (24) square feet in area and eight (8) feet in height;
- For all Development sites over two (2) acres, a maximum of thirty-two (32) square feet in area and eight (8) feet in height.

H. These types of commercial signs are limited to Real Estate or Auction signs for on-site use only.

I. Size limitations are as follows; Placement shall be one per street frontage within a commercial/industrial area, whether zoned or used as such; maximum size shall be 32 square feet. Placement shall be a maximum of two per yard within a residential area whether zoned or used and shall be 6 square feet.

J. Because these types of signs imply endorsement, any resident or business shall have the right to remove any and all signs placed in the right of ways of their respective premises.

Section 8.7 Prohibited Signs

All signs not expressly permitted under this ordinance are prohibited. Such signs include, but are not limited to:

(1) Signs painted on or attached to trees, fence posts, telephone or other utility poles, non-operating vehicles, or natural features.

(2) Signs displaying intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, rescue vehicles or other warning signals, and signs using the words “stop”, “danger”, or any other word, phrase, symbol, or character in a manner that might mislead or confuse motorist.

(3) Signs which have been abandoned, or no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product, or activity conducted or product available on site.

(4) Signs which have fallen into disrepair (dilapidated), are not properly maintained, are insecure or otherwise structurally unsound, have defective parts in the support, guys and/or anchors, or which are unable to meet minimum safety requirements of the Applicable Building Code.

(5) Bench signs.

Section 8.8 Development Standards

Section 8.8-1 Visual Area Clearance

No sign between a height of two and one-half feet and ten feet above the center line grades of intersecting streets shall be permitted within twenty feet of the intersection of the right-of-ways of two streets, or of a street and a railroad, or of a driveway or alley and a street. Any sign between two and one-half feet and 10 feet in height located between twenty and twenty-five feet of a driveway shall be setback at least ten feet from the right-of-way of any street to which the driveway provides access.

Section 8.8-2 Vehicle Area Clearance

When a sign extends over an area where vehicles travel or park, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas. (See Area Clearance Illustration, 4).

Section 8.8-3 Pedestrian Area Clearance

When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure shall be at least 8 feet above the ground. (See Area Clearance Illustration, 4).

Section 8.8-4 Sign Materials; Code Compliance

All signs shall be constructed in accord with applicable provisions of the Building Code and National Electrical Code, and consist of durable all-weather materials, approved by the Zoning Administrator. All lighting whether direct or indirect shall be UL approved.

Images, logos, graphics, etc. painted on permanent signs or buildings must be performed in a professional and workmanlike manner.

Section 8.8-5 Double-Decked Sign Faces

Stacked or double-decked sign faces shall not be permitted on billboards.

Section 8.8-6 Sign Illumination

Signs when illuminated shall have such lighting shielded so as not to directly shine on abutting properties or in the line of vision of the public using the streets or sidewalks.

No illumination stimulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.

Section 8.9 Sign Maintenance

All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this ordinance at all times.

The Planning Director may order any sign to be painted or refurbished at least once a year if needed to keep the sign in a neat and safe condition. All supports, braces and anchors for such signs shall be maintained in a safe condition.

Section 8.10 Signs in the Public Right of Way

No sign shall be allowed in the public right-of-way, except for the following:

(1) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;

(2) Bus stop signs erected by a public transit company;

(3) Informational signs of a public agency or utility regarding its facilities;

(4) Church signs, in accord with state law;

(5) Historical signs and markers; and

Directional signs of a temporary nature not to exceed three (3) square feet in area and 24 hours in duration for such events as yard sales, auctions, public gatherings, etc.; provided they are located no closer than 500 feet apart.

Section 8.11 Sign Measurement

Section 8.11-1 Sign Face Area

(1) The area of a sign enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face (Illustration 1). Sign area does not include foundations or supports. Only one side of a double-faced or V-shaped, freestanding sign is counted.

(2) For signs on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used in the measurement unless it is clear that part of the base contains no sign related display or decoration.

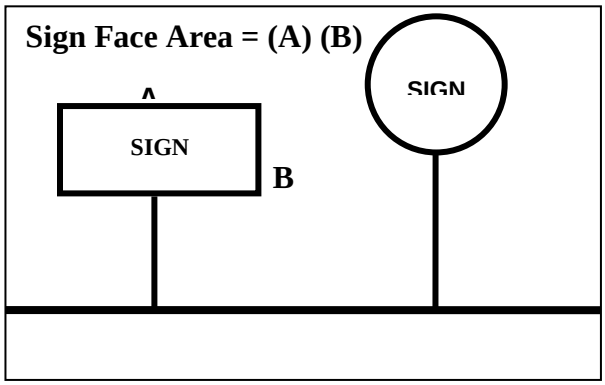
(3) For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face (Illustration 3).

(4) The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.

(5) For signs incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign related display or decoration.

Sign Measurement Illustrations
Section 8.11-2 Clearances

1.



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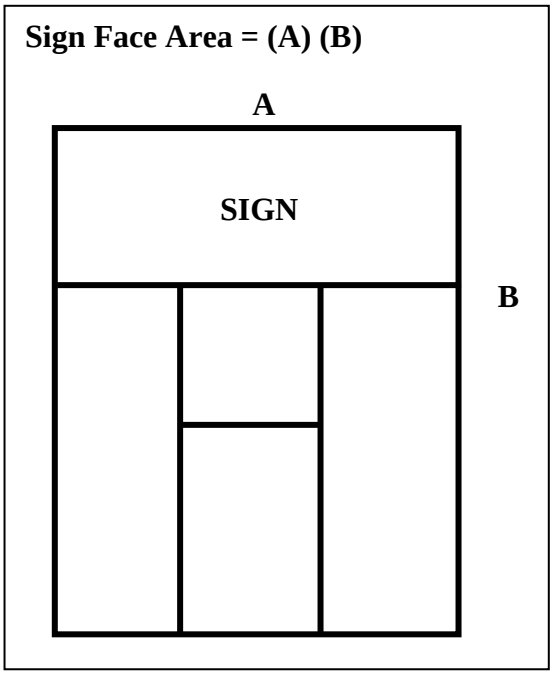
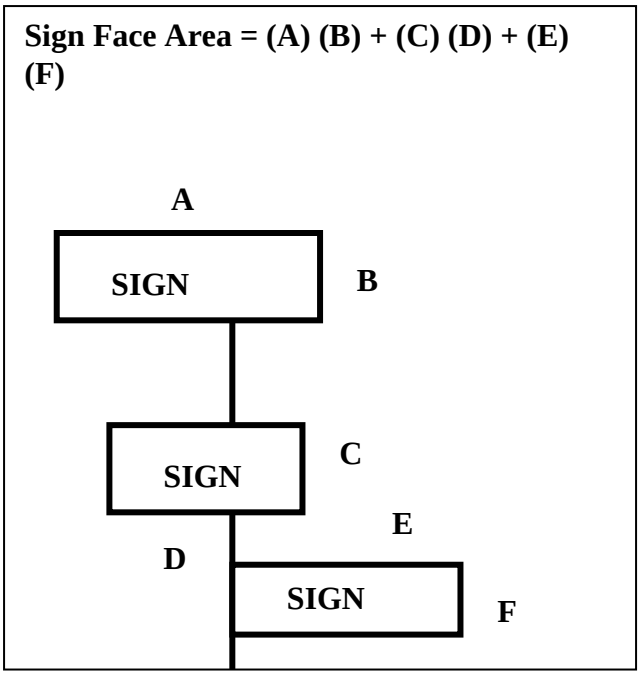
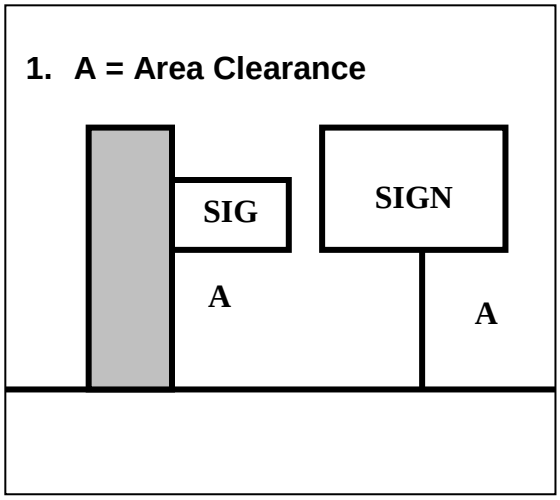


3.



4.



Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face (Illustration 4).

Section 8.12 Removal of Obsolete, Unsafe and Nonconforming Signs

The lawful use of any permanently mounted sign existing at the time of the enactment of this Ordinance may be continued although such use does not conform to the provisions of this Ordinance. However, said sign shall be removed or brought into compliance with the requirements of this Article whenever:

(1) The sign is declared by the Planning Director to be a prohibited sign, according to the provisions of Section 8.7.

(2) The sign is not maintained in accord with the provisions of Section 12.9.

(3) There is a change in use, occupancy classification or name of the on-premise establishment or business being advertised.

(4) The sign has been destroyed or damaged to the extent of 50 percent or more of the replacement cost or the cost of the sign as originally permitted, whichever is less.

In no event, however, shall a nonconforming sign remain in place after the previously adopted seven-year amortization schedule, beginning August 7, 1995 and ending August 6, 2002. Amortization does not apply to Outdoor Advertising Billboards which are regulated by the Highway Advertising Control Act of S.C. Code of Laws which applies along Interstate and Federal-Aid Primary Highways.
Any nonconforming temporary sign shall be removed or brought into compliance with the provisions of this ordinance no later than 30 days following the date of adoption.

An order under this Section shall be issued in writing to the owner or responsible party of any such obsolete, unsafe or nonconforming sign, or of the building or premises on which such sign is located, to comply within thirty (30) days of the above applicable date. Upon failure to comply with such notice, the Zoning Administrator may cause the sign to be removed and any cost or removal incurred in the process may be collected in a manner prescribed by law.

ARTICLE 9
SUPPLEMENTAL OFF-STREET
PARKING AND LOADING REGULATIONS

The provisions of this Article shall supplement the off-street parking requirements contained in Article 6 of this Ordinance.

Section 9.1 General Requirements

(1) Where application of the requirements in Article 6 result in a fractional space requirement, the next larger requirement shall apply.

(2) Wherever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

(3) Off-street parking areas provided to comply with the provisions of this Ordinance shall not be reduced below the requirements of this Ordinance, except that the Planning Director may allow the construction of an amount of parking up to fifty percent less than the minimum requirement if the owner or developer can demonstrate to the satisfaction of the Planning Director that the required parking is in excess of what is needed for the proposed use. Any application indicating diminished parking shall clearly state in writing what the parking demand will be. However, the plan for the site must be designed to accommodate all required parking, and all areas set aside to accommodate unconstructed parking shall be maintained as landscaped areas or preserved as undisturbed natural areas. Should the Planning Director determine that the originally constructed parking or loading is insufficient, the Planning Director shall order that the unconstructed parking and/or loading be provided and a certificate of occupancy for such obtained within 12 months of such order.

(4) Off-street parking areas shall have direct access to a street or alley, and shall be designed, developed and maintained in accordance with the requirements of this Article. Where parking decks or garages are proposed to meet off-street parking requirements, such structures shall meet the minimum requirements of Table 3.

Section 9.2 Land to Provide Parking

Required off-street parking must be provided on the same lot or parcel as the principal use for which it is required. However, if the required off-street parking cannot reasonable be provided on the same lot as the principal use, such space may be provided on any land within four hundred feet of the principal use; provided the land upon which such parking will be located is restricted for such assigned parking and such restriction is recorded by a declaration properly filed with the Register of Mesne Conveyances of Lexington County, which may only be released by the City of Cayce.

Section 9.3 Design Standards

(1) Parking Dimensions

Parking spaces shall be not less than nine (9) feet by nineteen (19) feet, except that a maximum of ten percent (10%) of the total number of spaces may be 8.5 feet by eighteen (18) feet. However, the dimensions of all parallel parking spaces shall be not less than nine (9) feet by twenty-four (24) feet. Minimum isle width shall be as follows:

90 degree parking	22 feet
60 degree parking	18 feet
45 degree parking	13 feet
30 degree parking	11 feet

(2) Construction, Paving

Expansive impervious surface parking lots shall be avoided. Instead parking lots shall be broken down into sections as appropriate for the type and size of development, and shall be separated by landscaped divider strips, berms, and similar devices. Paving may consist of asphalt, crushed stones, gravel, or other material approved by the Planning Director. Parking lot construction shall be designed to minimize off-site storm water run off.

(3) Drainage

Parking lots shall be designed so as not to drain into or across public sidewalks or on to adjacent property, except into a natural watercourse or a drainage easement. In developed areas where this condition may be impossible to meet, the Planning Director may exempt the developer from this requirement, provided that adequate provision is made for drainage.

(4) Separation From Walkways and Streets

Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys, and required yards and buffer areas by a wall, fence,

curbing, or other protective device approved by the Planning Director, and illustrated.

(5) Entrances and Exits

Landscaping, curbing, or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. All off-street parking areas, except for single-family and duplex dwellings, shall be designed so that all movement on to a public street is in a forward motion. Entrance and exit driveways to public streets and alleys in the vicinity of street intersections must be located at least fifty (50) feet, measured along the curb line, from the intersection of the nearest curb line.

(6) Marking

Parking lots containing ten (10) or more spaces shall be marked by painted lines, curbs, or other means to indicate individual spaces. Signs or markers, approved by the Planning Director, shall be used as necessary to ensure efficient traffic operation of the lot.

(7) Lighting

Adequate lighting shall be provided if off-street parking spaces are to be used at night. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential areas, if any.

(8) Landscaping

Off-street parking areas shall be landscaped in accord with the provisions of Section 10.3.

Section 9.4 Maintenance

All off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations / garages.

Section 9.5 Parking Spaces for the Physically Handicapped

When off-street parking is required for any building or use, except for residential dwellings with fewer than 20 units, parking for the handicapped shall be included when

calculating the overall parking requirements for such building or use, based on the following formula:

Number of Required Spaces	Number of Spaces Reserved for Handicapped Persons
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
over 500	2% of total required

Parking spaces for the physically handicapped shall measure 12 feet by 20 feet or 8 feet in width, with an adjacent access isle 8 feet in width, and shall be located as close as possible to ramps, walkways, and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, and walkways.

Section 9.6 Mixed Uses

Where more than one principal use, whether with the same or different parking requirements occupy the same building or premises or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately. Churches, auditoriums, other places of worship where main assembly areas (maximum allowable is two) are not utilized at the same time. 0.3 parking spaces per seat of maximum capacity of the larger assembly area.

Section 9.7 Off-Street Loading

All uses shall provide off-street loading space sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley, or private street.

Off-street loading and unloading space shall in all cases be located on the same lot or parcel of land as the structures they are intended to serve.

Section 9.8 Storage and Use of Campers or Recreational Vehicles in Residential Zones

All campers, recreational vehicles and boats must be parked or stored in the rear yard and shall not be within three (3) feet of any property line in a residential district; however, such use may be parked anywhere on the residential lot for a period not to exceed twenty-four (24) hours during loading and unloading if it complies with the visibility and distance provisions.

No more than two (2) campers or recreational vehicles and two (2) boats may be parked or stored on a residentially zoned lot or parcel. For the purpose of this section, multiple lots or parcels that function as one shall be considered as one lot or parcel. The overall height of campers or recreational vehicles shall not exceed twelve (12) feet or boats, which shall not exceed ten (10) feet. Measurement shall be taken from ground level immediately adjacent to either the camper, recreational vehicle or in the case of boats measured from the ground level of the trailer/support blocks.

No more than one (1) towable trailer (not carrying a boat or recreational vehicle) may be parked or stored in a residential district with a maximum length of eighteen (18) feet. Trailers containing mounted equipment such as portable generators, welding equipment, mortar or cement mixers or any other equipment that would be considered commercial in nature shall be prohibited in a residential district unless in conjunction with a valid building and or construction permit.

A camper, recreational vehicle, boat or trailer shall not be considered as “parked or stored” in violation of this section if it is located completely within a garage or accessory building that is legally permitted and totally enclosed.

All campers, recreational vehicles and boats, when required shall have either a valid license or tag for operation either on the roadways or waters of the State when parked in a residential district.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as a special exception, the parking of campers, recreational vehicles or boats in a front yard if the layout of the property or an

obstruction makes it impractical to park in the rear or side yard; provided however, that no more than one (1) camper or recreational vehicle and one (1) boat in a front yard in existence at the time of passage of this ordinance, which meet the criteria, can be automatically deemed approved as a special exception, upon written request of the property owner.

Criteria for special exception:

(1) Camper, recreational vehicle or boat to be parked or stored in any front yard shall not impede the visibility of otherwise normal vehicular traffic entering or exiting this property or any adjacent driveways. In the case of corner lots, no parking or storage shall be permitted within the visibility triangle. The visibility triangle is defined as being an area measured from a distance of 25 feet from each paved roadway and a line connecting the two.

(2) Under no circumstances shall said vehicles or boats be parked within ten (10) feet of any paved roadway surface.

(3) The overall height of campers or recreational vehicles shall not exceed twelve (12) feet; boats shall not exceed ten (10) feet. Measurement shall be taken from ground level immediately adjacent to either the camper, recreational vehicle, or in the case of boats, measured from the ground level of the trailer.

A recreational vehicle may be occupied temporarily for a period of up to seven (7) days upon application and approval of a Temporary Use Permit issued by the Planning and Development office. This application may impose reasonable conditions and criteria for such occupation as necessary to maintain the residential character of the neighborhood

Section 9.9 Parking of Heavy Vehicles and Tractor-Trailers in Residential Districts

Notwithstanding any other provision of the Zoning Ordinance, it shall be unlawful to park or leave unattended, or to allow any tractor-trailer unit (regardless of weight) or any truck or other such vehicle (except for a vehicle commonly designated as a pick-up truck) with over a two-ton load capacity or which weighs more than 10,000 pounds (tare or empty weight), to be parked or left unattended, on or within any portion of a residential zoning district, including any lot, yard, driveway, street or public right-of-way. “Tractor-trailer unit” means the entire unit or the tractor alone or the trailer alone. This section shall not apply to (1) service vehicles while actively engaged in temporary loading or unloading or service or (2) campers or recreational vehicles in compliance with the provisions of Section 9.8.

Article 10
APPEARANCE, BUFFERING, SCREENING, LANDSCAPING, AND OPEN SPACE REGULATIONS

The regulations contained in this Article are intended generally to ensure land use compatibility, promote the greening of development, improve aesthetics, ensure adequate provision of open space, and protect trees.

Section 10.1 Bufferyards

Section 10.1-1 Definition

The bufferyard is a unit of yard together with the planting, fences, walls, and other screening devices required thereon.

Section 10.1-2 Purpose

The purpose of a bufferyard is to ameliorate potential adverse impacts between land uses, and promote land use compatibility.

Section 10.1-3 Where Required

Bufferyards shall be required for proposed new uses or substantially expanded uses (over 50 percent gross floor area) in accord with the following Table.

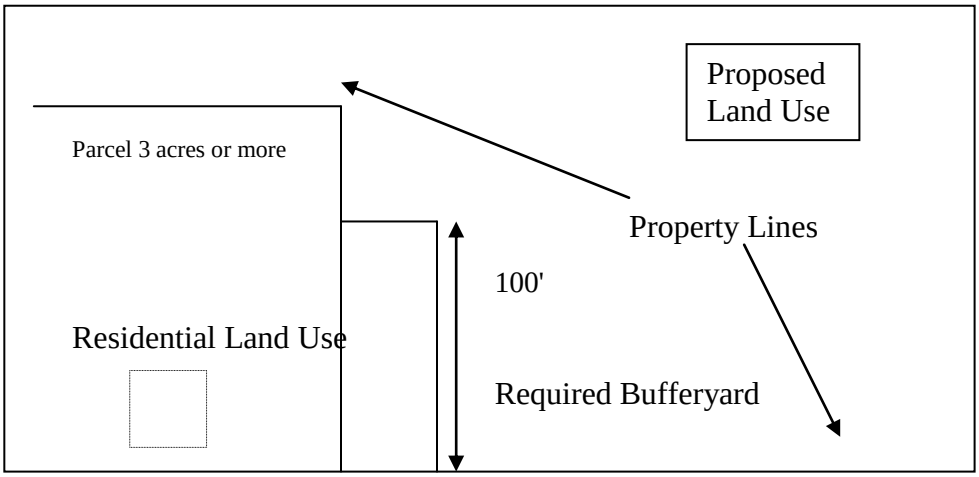
Table 10-A
Bufferyard Requirements

	Existing Use						
Proposed Use	**Single-Family Dwelling, RS Zone**	**Single-Family Dwelling, RG Zone**	**All Other Residential Uses,Res. Zones**	**Office /Res. Institutional**	**Commercial/ Light Industry**	**Heavy Industry**	**Street**
Office / Institutional	**3**	**2**	**1**	**0**	**0**	**0**	**1**
Multi-Family / Manufactured Home Park	**3**	**2**	**0**	**1**	**2**	**3**	**1**
Office and Institutional	**3**	**2**	**1**	**0**	**0**	**0**	**1**
Commercial	**4/5C**	**3**	**1**	**0**	**0**	**0**	**1**
Light Industry	**5**	**4**	**2**	**2**	**0**	**0**	**1**
Heavy Industry	**6**	**6**	**3**	**3**	**2**	**0**	**3**

Section 10.1-4 Specifications and Options

From Table 10-A, match the abutting use with the proposed new or expanded use to determine the type of bufferyard required. Should a question arise as to the land use classification of a proposed or abutting use the Planning Director shall determine the classification. Next, refer to the Bufferyard Illustrations to determine the amount of bufferyard required. Several options of landscaping are available under each bufferyard. The requirements are given in 100-foot units as measured along the property line. Whenever a wall or fence is required, the location of the structure may be on either side of the required bufferyard.

The length of a bufferyard shall extend the length of the property line separating two uses, except for property lines in excess of 200 feet, where the bufferyard need only extend 100 feet beyond either end of the existing use to be buffered. Appropriate ground cover shall be required with all options.



Section 10.1-5 Use of Existing Vegetation

Existing vegetation, including all trees of any dimension, shall be retained to the extent practical and feasible. In no event shall a developer clear-cut the site of a required bufferyard. Instead, the developer shall conduct an Existing Tree Inventory, identifying the location, species, and diameter (breast high) of all trees in the bufferyard, and complement the presence of such trees with appropriate shrubs and other vegetation to meet all requirements of this Section.

Section 10.1-6 Materials

To achieve the desired results, only coniferous (evergreen) plants, suitable for local conditions, shall be used. When structures are used, the materials shall be durable and suitable for screening.

Section 10.1-7 Plant Size and Caliper

The minimum tree at planting shall be 6 to 7 feet in height and 1.5 inches in diameter at a height of 18 inches above the ground. The minimum shrub shall be 2 to 3 feet in height. Both trees and shrubs shall be nursery stock with well-developed root systems unless plants found in place can be used. If the existing vegetation provides a screen equal to or greater than that which would be planted, no other plant material shall be required. In case of open woods, an additional planting of eye shrubs such as hemlock or pines may be needed to improve screening. Fencing requirements are not changed by a wooded site.

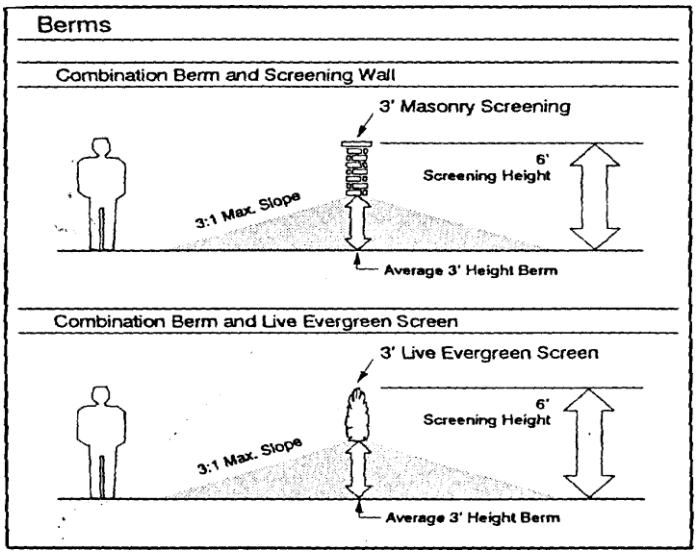
Section 10.1-8 Substitutions

The following substitutions for opaque walls, fences, and plant materials may be made:

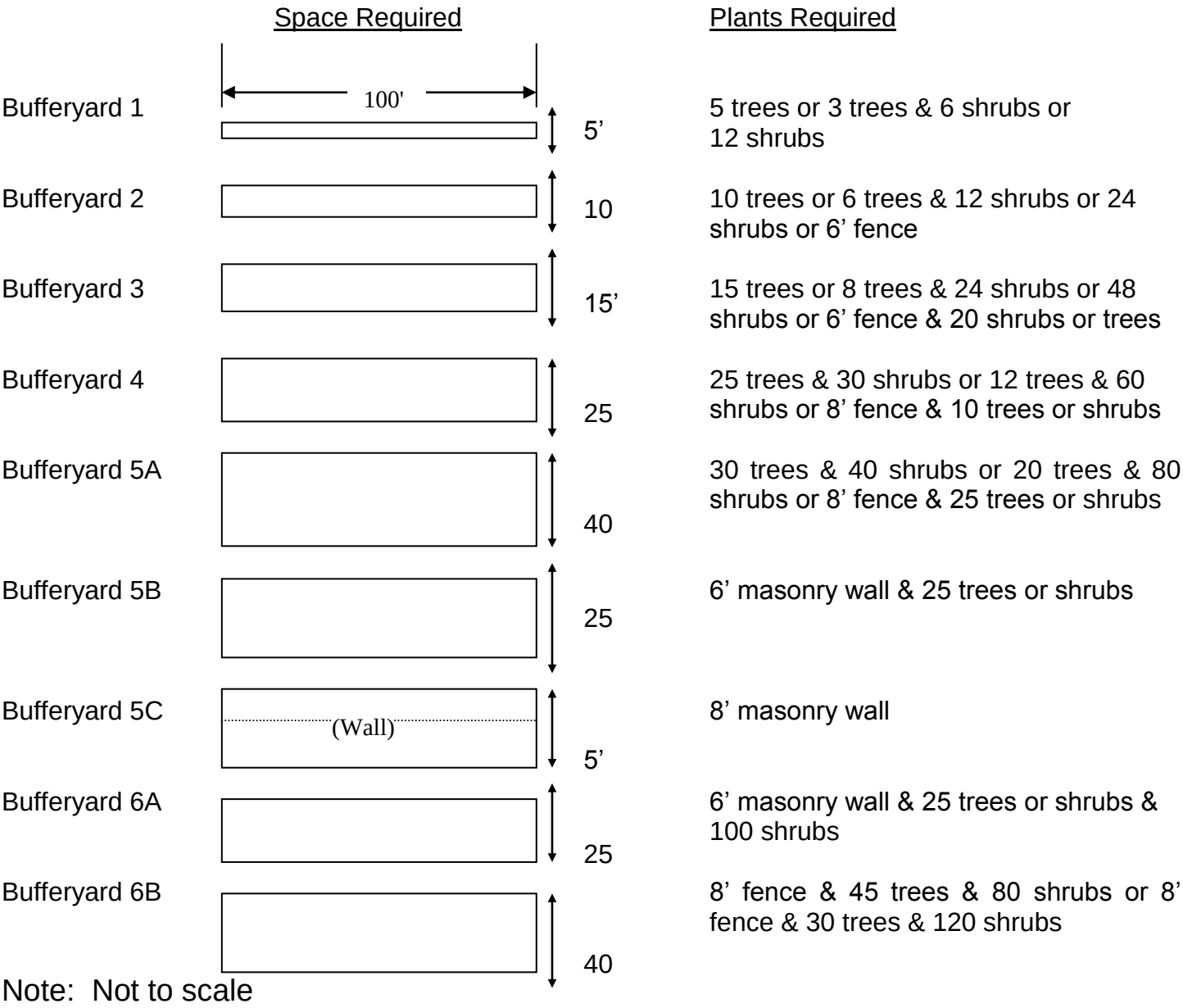
(1) Berms may be used to compensate for fences. An eight (8) foot high opaque structure can be a combination of berm and fence to total eight (8) feet.

(2) Chain link fences with evergreen hedge on the outbound side may be substituted for wooden fences of the same height. All plants must be sized and spaced to obscure the chain link fence within five (5) years of planting.

(3) Any existing plant material that otherwise satisfies the requirements of this section may be substituted and counted toward satisfying the requirements of this section.



Bufferyard Illustrations

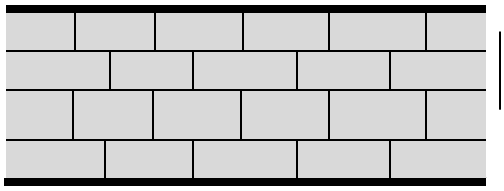


Section 10.1-9 Fence and Wall Specifications

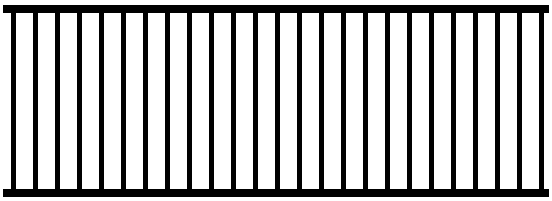
All fences and walls used as part of the bufferyard requirement must have the finished side facing outward. Fences shall be wooden or other durable or opaque material approved by the Planning Director. Wooden fences shall be made of rot resistant

material such as locust, cedar or redwood. If made of pine, the post shall be rated for soil contact and the boards rated for outside use. Chain link fences with wood, plastic, or metal strips are expressly prohibited. However, a chain link fence with evergreen hedge is acceptable. Walls must be made of masonry materials including poured concrete, concrete block covered with stucco, and brick.

Masonry Wall



Wood Stockpile



Section 10.1-10 Responsibility

It shall be the responsibility of the proposed new use to provide the bufferyard where required by this Ordinance, except that no new detached single-family dwelling or duplex shall be required to provide such bufferyard.

Section 10.1-11 Required Maintenance

The maintenance of required bufferyards shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

Section 10.1-12 Use of Bufferyards

A bufferyard may be used for passive recreation and may be interrupted by access driveways not exceeding 16 feet in width (exceptions for uses requiring wide curb cuts may be approved by the Planning Director). All other uses are prohibited, including off-street parking.

Section 10.1-13 Sight Clearance

Bufferyards may not obscure a clear line of sight for vehicular traffic.

Section 10.2 Screening

Section 10.2-1 Definition

Screening is a type of buffer that is designed to block or obscure a particular element or use from view.

Section 10.2-2 Purpose

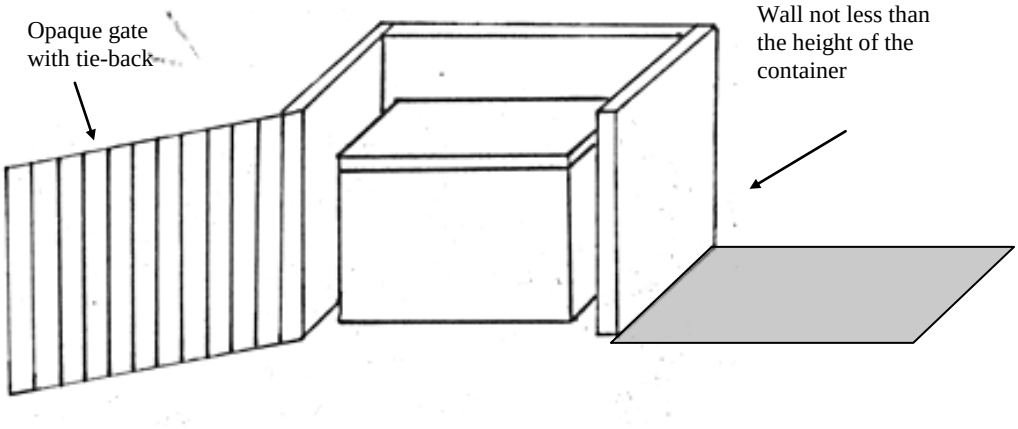
The purpose of screening is to minimize if not eliminate entirely the visual impact of potentially unsightly open storage areas and refuse disposal facilities.

Section 10.2-3 Where Required

Screening specified by this section shall be required of all open storage areas not devoted to retail sales visible from any public street, including open storage areas for shipping containers, building materials, appliances, trash containers of 4 or more cubic yards, salvage materials and similar unenclosed uses.

Section 10.2-4 Type Screening Required

Screening shall be accomplished by an opaque divide not less than six (6) feet in high or the height of the object to be screened, whichever is greater. Screening may be accomplished by the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, proper siting of disruptive elements, building placement or other design techniques approved by the Planning Director.



Section 10.3 Landscaping

Section 10.3-1 Definition

Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

Section 10.3-2 Purpose

The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to enhance environmental and visual characteristics, to promote the greening of development, and the reduction of noise pollution, storm water runoff, air pollution, and artificial light glare, to safeguard property values, to protect public and private investments, and to promote high-quality development.

Section 10.3-3 Where Required

No proposed commercial, institutional, industrial or other non-residential use, or multi-family project or manufactured home park, shall hereafter be established or reestablished in an existing building or structure, and subsequently used unless landscaping is provided in accord with the provisions of this section. No existing building, structure, or vehicular use area shall be enlarged by 50 percent of more unless the minimum landscaping required by the provisions of this section is provided throughout the building site.

Section 10.3-4 Landscaping Plan

A landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

(1) Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.

(2) Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.

Section 10.3-5 Landscaping Requirements

Required landscaping shall be provided as follows:

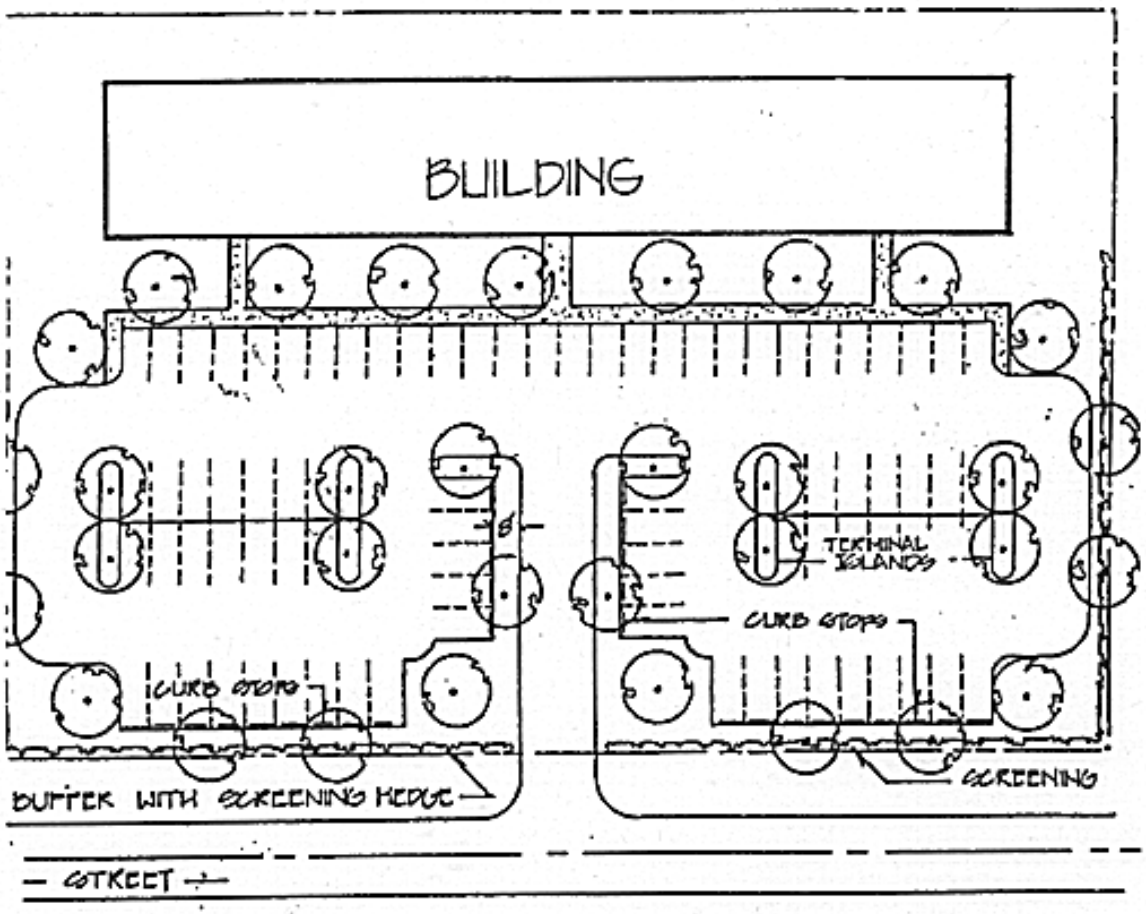
(1) **Along the outer perimeter of a lot or parcel**, where required by the buffer area provisions of this Article, to buffer and separate incompatible land uses. The amount specified shall be as prescribed by **Section 10.1, Bufferyards**.

(2) **Within the interior,** peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 10 or more parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and direction. At a minimum, there shall be provided one tree not less than seven feet high when planted per 5 required parking spaces. Elsewhere, landscaped areas shall be designed to soften and complement the building site and separate the building from the vehicular surface area.

At a minimum, interior lot landscaping shall be provided in the following amounts:

Use	**% of Lot**
Institutional	20%
Industrial/wholesale/storage	10%
Office	15%
Commercial-retail-service	10%
Multi-family Projects	15%
Manufactured Home Parks	15%

Landscaping along exterior building walls and structures is suggested to separate with greenery the building from the vehicular surface area.



Section 10.3-6 Landscaped Areas

(1) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six (6) inches in height. The barrier need not be continuous.

(2) Landscaped areas must be at least 36 square feet in size.

Section 10.3-7 Required Maintenance

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or a readily available water supply. Failure to maintain such areas is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

Section 10.4 Common Open Space

Section 10.4.1 Definition

Common open space is land and/or water bodies used for recreation, amenity or buffer; it shall be freely accessible to all residents and property owners of a development, where required by this Ordinance. Open space shall not be occupied by buildings or structures other than those in conjunction with the use of open space, roads, or parking nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

Section 10.4-2 Purpose

The purpose of this section is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery, and/or natural areas into such projects; to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in single-family residential projects.

Section 10.4-3 Where Required

The following uses/projects consisting of seven (7) or more units shall provide common open space in the amounts prescribed:

Proposed Uses/Projects	Common Open Space Ratio (% Lot)
Cluster Developments	15%
Townhouse Projects	15%
Manufactured Home Parks	25%
Multi-family Projects	25%

Note: Landscaped buffer areas provided to meet the requirements of Section 4.3 for multi-family projects and manufactured home parks may be applied toward meeting the above requirements if held in common ownership.

(1) **New Sites**: No proposed development, building or structure in connection with the above shall hereafter be erected or used unless common open space is provided in accord with the provisions of this section.

(2) **Existing Sites**: No existing development, building or structure in connection with the above shall be expanded or enlarged unless the minimum common open space required by the provisions of this section are provided to the extent of the alteration or expansion.

Section 10.4-4 Common Open Space Plan

Proposed uses/projects set forth in 4.4-3 shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

(1) Designate areas to be preserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.

(2) Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.

(3) Specify the manner in which common open space shall be perpetuated, maintained and administered.

Section 10.4-5 Types of Common Open Space and Required Maintenance

The types of common open space, which may be provided to satisfy the requirements of this Ordinance together with the maintenance required for each, are as follows:

(1) Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural watercourses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.

(2) Recreational areas are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ball fields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances, or unhealthy conditions.

(3) Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum or removal and avoidance of hazards, nuisances, or unhealthy conditions.

(4) Landscaped areas, lawns and required buffer areas, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two percent of the required open space. Lawns, with or without trees and shrubs shall be watered regularly to ensure survival, and mowed regularly to ensure neatness. Landscaped areas shall be trimmed, cleaned, and weeded regularly.

Section 10.4-6 Preservation of Open Space

Land designated as common open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

(1) Dedication of and acceptance by the City.

(2) Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.

(3) Deed restricted, private ownership, which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.

In the event that any private owner of open space fails to maintain same, the county may in accordance with the Open Space Plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

Section 10.5 Tree Protection

Section 10.5-1 Purpose

The purpose of this section is to protect and sustain the intrinsic value of trees and their ability to promote the public health, safety and general welfare, to lessen air pollution, to increase air filtration, to reduce noise, heat and glare, to prevent soil erosion, to aid in surface drainage and minimize flooding, to beautify and enhance the environment.

Section 10.5-2 Protected Trees

Any tree measuring 24" DBH (Diameter Breast High) shall constitute a "significant tree" for purposes of this section and shall be protected to the extent practical and feasible. To this end, no person, firm, organization, society, association or corporation, or any agent or representative thereof shall directly or indirectly destroy or remove any tree in violation of the terms of this section.

Section 10.5-3 Exceptions

Exempt from the requirements of this section are the following:

(1) Any public street, utility project or right of way.
(2) Any existing single-family or two-family dwelling on an existing lot of record.
(3) Pine trees.

Section 10.5-4 Tree Survey

Prior to grading or clearing a lot or parcel for development and the issuance of a grading or building permit, the developer/owner applicant shall have conducted a tree survey identifying the location of all significant trees. Said trees shall be shown on a survey plat and physically marked with brightly colored tape or other markings.

Section 10.5-5 Site Design

The design of any land development project or subdivision shall take into consideration the location of all significant trees identified on the tree survey. Lot and site design shall minimize the need to fell significant trees, of which no more than 25 percent may be removed to accommodate a proposed use or development.

The site design shall be presented on a site plan showing:

(1) Existing location and size of all significant trees
(2) Trees to be removed
(3) Trees to be preserved
(4) Areas to be cleared
(5) Areas for proposed structures and improvements

Site plan approval by the Planning Director shall be prerequisite to the issuance of a grading and/or building permit.

Section 10.5-6 Tree Protection and Replacement

(1) **Prior to Development**. Where a grading permit, building permit or subdivision approval has not been issued, the destruction of any significant tree, as defined by this Ordinance, without prior approval of the Planning Director, which approval shall not be unreasonable withheld, shall be prohibited.

(2) **During Development**. During development, a minimum protective zone, marked by barriers, shall be established (erected) at the "drip line" and maintained around all trees to be retained as required by this section. There shall be no construction, paving, grading, operation of equipment or vehicles, or storage materials within this protected zone.

(3) **After Development**. No person shall break, damage, remove, cut, kill or cause to be killed any significant tree, except for the following:

a. In the event that any tree shall be determined to endanger the public health, safety or welfare, including airport operations, and require removal, written authorization may be given by the Planning Director and the tree or parts thereof (i.e. dead limbs) removed.

   During the period of an emergency, such as a hurricane, tornado, ice storm, flood or any other act of nature, the Planning Director may waive the requirements of this section. Where due to unusual site conditions or circumstances, the requirements of this section pose a constraint to development and/or the use of a site or parcel, the Planning Director may adjust the requirements as necessary to moderate the constraint.

b. Trees involved in wetland mitigation.

c. Diseased (unhealthy) or nuisance trees, with approval of the Planning Director.

Section 10.5-7 Significant Trees Removed Without Permits

Where significant trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sites were cleared of significant trees in violation of this section, replacement trees shall be planted in accord with a replacement schedule approved by the Planning Director, who shall specify the number, species, DBH, and location of replacement trees, using the following criteria:

(1) Combined DBH of replacement trees is equal to or greater than three (3) times the DBH of the tree removed or;

(2) Individual replacement trees are of the largest transplantable DBH available.

Article 11 LEGAL STATUS PROVISIONS

Section 11.1 Conflict with Other Laws

Whenever the regulations of this ordinance require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statues, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statue shall govern.

Section 11.2 Validity

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

Section 11.3 Repeal of Conflicting Ordinances

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

Section 11.4 Effective Date

This Ordinance shall take effect and be in force from and after the date of its adoption, with the exception of Section 9-8, which shall have an effective date of 01-02-02.