

# TOWN OF PINE RIDGE ZONING ORDINANCE

Originally prepared by the Pine Ridge Planning Commission  
with assistance from the staff of  
Central Midlands Council of Governments

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## ARTICLE 1

### ENACTMENT AND JURISDICTION

#### **100 Zoning ordinance published separately.**

The zoning ordinance shall be published in a separate volume from other municipal ordinances and the sole official copy the Town of Pine Ridge Zoning Ordinance shall be filed with the town administrator.

#### **101 Authority and title.**

This zoning ordinance is adopted pursuant to authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code §§ 6-29-310, et seq. (1994 Supp.). This ordinance may be cited as "Town of Pine Ridge Zoning Ordinance, 2002."

#### **102 Jurisdiction and purposes.**

The provisions of this ordinance shall apply to all land and improvements within the corporate limits of the TOWN OF PINE RIDGE, SOUTH CAROLINA. The purposes of the zoning ordinance are to implement the land use element of the comprehensive plan and for those purposes set forth in S.C. Code § 6-29-710.

**ARTICLE 2**  
**DEFINITIONS**

**200 Interpretation.**

The words and phrases used in this Ordinance shall have their customary and ordinary meanings as defined in a standard dictionary, except for the specific words and phrases as defined in this ordinance.

The present tense includes the past and future tenses. Singular words shall include the plural, and plural words include the singular.

The word "person" includes a firm, association, partnership, trust, company, corporation, or any other entity.

The word "shall" is mandatory, the word "may" is discretionary.

The word "used" or "occupied" include the words "intended, designed or arranged to be used or occupied."

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

The word "structure" includes the word "building."

References to NAICS codes shall mean those codes assigned to businesses in the latest standard Industrial Classification Manual published by the Office of Management and Budget. NAICS Codes are listed in the tables of uses for each district as an aid in interpretation and determination of those specific uses included in a general class of uses.

Interpretation of "contiguous" as applied to lots or districts: The word "contiguous" as applied to lots or districts shall be interpreted as meaning "sharing a common boundary of ten (10) or more feet in length."

Interpretation of "on the premises of": The phrase "on the premises of," as applied to accessory uses or structures shall be interpreted to mean "on the same lot or on a contiguous lot in the same ownership."

## 201 Definitions

**Accessory structure:** A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

**Accessory use:** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

**Adult daycare center:** A facility that provides supervision, therapy, and social development activities for impaired adults, licensed according to regulations by DHEC.

**Alley:** A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**Authority, horticultural/landscape:** Any individual or source, licensed, registered, decreed or otherwise acknowledged as capable of providing expert information and reference in horticultural science and/or landscape design and maintenance.

**Automobile service station:** (See NAICS Code 447110) Use involving the sale of gasoline, lubricating oils, merchandise such as tires, batteries, auto parts, minor repairs, and may include limited sale of groceries or carwashes, but may not include storage of dismantled or wrecked vehicles for parts

**Bar:** Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

**Bed and breakfast:** An owner-occupied house or portion thereof, where short-term (no more than a week at a time) lodging rooms and meals are provided. No more than four (4) guest rooms can be available for accommodations and breakfast service in such an establishment at any one time.

**Berm:** Any hill or slope which represents a change of elevation of at least two (2) feet at a slope of between twenty-five (25%) and fifty (50%) percent and which is covered with an appropriate stabilizing vegetation.

**Boarding houses:** Same as "Rooming and Boarding Houses."

**Buffer:** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

**Buffer yard:** A strip of land, improved by landscaping or fences, or both, designed to mitigate the extent of higher intensity land uses on neighboring lower intensity uses.

**Building:** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

**Change of use:** Any use that substantially differs from the previous use of a building or land.

**Child day care center:** Any agency, institution, center, or other place, however styled and whether operated under public auspices, as a private business, or by an established religious denomination, in which are received for temporary custodial care apart from their parents, part of the day or all of the day or night, and upon any number of successive days, one or more children not related to the persons providing such temporary custodial care.

**Church, synagogue, or mosque:** Any building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

**Civic organization:** See "Club, lodge."

**Club, lodge, civic or fraternal organization, fraternity, sorority:** An incorporated or unincorporated association for civic, social, cultural, religious, literary, political, or like activities, operated for the benefit of its members and not open to the general public.

**Conditional use:** A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving agency.

**Corner lot:** See "Lot, corner."

**Curb cut:** The opening along the curb line at which point vehicles may enter or leave the roadway.

**Decorative curbing:** Parking or storage lot pavement curbing usually constructed of stone or unit masonry and designed to control surface drainage and serve as a barrier to vehicular traffic.

**Developed lot:** Any lot which has been developed with buildings or other improvements, or for which development approval, such as a final plat approval, a zoning permit, or a certificate of occupancy, had been issued before the effective date of this Ordinance.

**Display area or lot:** Any unenclosed area used for the display of merchandise.

**District:** A part, zone, or geographic area within which the provisions and regulations of this Ordinance apply uniformly to each class or kind of structure or land. 8

**Drinking place** (See NAICS Code 722410) Establishment primarily engaged in retail sale of alcoholic drinks for consumption on premises. Sale of food may account for a substantial portion of receipts.

**Drive-thru restaurant:** Any eating or drinking establishment which, by its structural design, site characteristics, or manner of food service encourages consumption of food or beverages in automobiles on the premises or upon public streets adjacent thereto.

**Dwelling:** A structure or portion thereof that is used exclusively for human habitation.

**Dwelling, multifamily:** A building containing three (3) or more dwelling units, including units that are located one over the other. A multi-family dwelling unit may consist of a building constructed on site according to the provisions of the Southern Standard Building Code or may consist of certified modular building units as further defined in S. C. Code of Laws Section 23-43-130. Mobile homes and manufactured homes are subject to other definitions contained in Article 2.

**Dwelling, single family detached:** A building containing not more than one (1) dwelling unit, not physically attached to any other principal structure, and specifically excluding mobile homes. A single-family dwelling unit may consist of a building constructed on site according to the provisions of the Southern Standard Building Code or may consist of a certified modular building unit as further defined in S. C. Code of Laws Section 23-43-130. Mobile homes and manufactured homes are subject to other definitions contained in Article 2.

**Dwelling, two family detached:** A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. This Two Family Detached Dwelling is not physically attached to any other principal structure. A two-family dwelling unit may consist of a building constructed on site according to the provisions of the Southern Standard Building Code or may consist of certified modular building units as further defined in S. C. Code of Laws Section 23-43-130. Mobile homes and manufactured homes are subject to other definitions contained in Article 2.

**Dwelling unit:** One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

**Easement:** A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

**Enlargement:** An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

**Family:** One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over three (3) persons, but further provided that domestic servants or required medical personnel employed on the premises may be housed within the single dwelling unit without being counted as a family or families.

**Fence:** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

**Floor area, gross:** The sum of the gross horizontal areas of the several floors of a building from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

**Footcandle:** The unit of illumination when the foot is the unit of length.

**Foster homes:** A foster home provides substitute family care for a child or children by a family group consisting of a male and female foster parent other than the child's own parents, blood relatives or legal guardian, in return for a monetary remuneration for such care. A foster home must be authorized or licensed by the Lexington County Department of Social Services, Alston Wilkes, church sponsored homes, and others to be considered as a foster home under the provisions of this ordinance, and any unauthorized or unlicensed use shall be prohibited. In no case shall more than two (2) foster children be housed in a single bedroom or room designated for sleeping purposes. There shall be no more than five (5) foster children in a home.

**Fraternal organization, fraternity:** See "Club, lodge . . .".

**Freestanding sign:** See "Sign, Freestanding."

**Garage:** A deck, building, or parking structure, or part thereof, used, or intended to be used for the parking and storage of vehicles.

**Grading:** Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

**Ground cover:** Any plant material which serves to prevent soil erosion by covering large areas of ground, and which does not grow beyond twelve (12) inches in height.

**Group home:** A nonprofit or for-profit boarding home for the sheltered care of four (4) or more persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation, unless otherwise specified with another definition in this Ordinance.

**Group housing development:** A single lot of record upon which is erected more than one (1) building containing dwelling units, and all the structures thereon; or a single lot upon which is erected a single structure designed to contain more than four (4) dwelling units on the first floor level thereof or designed to contain more than eight (8) dwelling units throughout; except that high rise apartments are not defined as group housing developments.

**Gross floor area:** The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

**Home occupation:** An occupation, profession, or trade customarily, and commonly, carried out by an occupant in a dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the dwelling unit.

**Hotel:** (See NAICS Code 721110) A building in which lodging for pay is offered to public, with or without meals, for transient or permanent guests, including motel or tourist court containing five (5) or more guest rooms.

**In-home child day care center:** An in the home child day care center, which is operated by a resident of the home and in which are received for temporary custodial care apart from their parents, part of the day or all of the day or night, and upon any number of successive days, up to six (6) children, not related to the persons providing such temporary custodial care.

**In-home adult daycare center:** A facility that provides supervision, therapy, and social development activities for no more than (six) 6 impaired adults, in the home of the proprietor, licensed according to regulations by DHEC.

**Intensity of use:** The number of dwelling units per acre for a residential development and the amount or degree of activity for commercial and industrial development.

**Junk:** Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

**Junk, salvage, scrap, or wrecking yards:** ( See NAICS Code 423930) Any use involving storage or processing of inoperable, disused, dismantled, or wrecked vehicles, equipment, or machinery or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials, or other scrap, salvage, waste, or junk materials.

**Kennel:** A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

**Lot:** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

**Lot, corner:** Any lot that is bounded on two or more consecutive sides by road rights of way, which intersect at an angle of 135 degrees or less.

**Lot frontage:** The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided upon that basis. The phrase "street frontage" will be interpreted to be the same meaning as "lot frontage."

**Lot of record:** A lot defined by plat or described by metes and bounds which has been duly recorded with the Lexington County Register of Menses Conveyances.

**Lot, interior:** A lot other than a corner lot, with only one (1) frontage on a street.

**Lot, reverse frontage:** A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

**Lot, through:** A lot that fronts upon two (2) parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot.

**Lot area:** The total area within the plot lines of a lot, excluding any street right-of-way.

**Lot line:** A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

**Lot line, rear:** The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

**Lot width:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width; in the case of lots fronting on a cul-de-sac, the width between side lot lines at their foremost points shall not be less than twenty (20) feet.

**Manufactured home:** A multi-section, transportable dwelling unit 35 or more feet in length and at least 20 feet in width, designed without a permanent foundation, capable of supporting year-round occupancy and which shall be joined into one unit at the final site of occupancy. The dwelling unit must be permanently attached to the ground once moved to its site of occupancy and all transportable features used to move the dwelling unit must be removed. This definition is purposely intended to be more restrictive than the definition of manufactured home specified in S. C. Code 40-29-20 (9) because the intent of town council is to draw a more stringent distinction between manufactured housing and a mobile home.

**Manufactured home park:** A lot of record providing rented parking space for three or more manufactured homes used for dwelling units, including service buildings and facilities. Manufactured home sale or storage lots for unoccupied units are not manufactured home parks.

**Miniwarehouse** (See NAICS Code 493110) A building or group of buildings on a fenced, controlled access lot which contain individual locked compartments for storage of personal property.

**Mobile home:** A structure manufactured prior to June 15, 1976 or manufactured after June 15, 1976 without certification of compliance with HUD standards pursuant to Title 40, Chapter 29 of the S.C. Code of Laws, which is a movable or portable dwelling unit and which after placement or assembly for occupancy is not more than 20 feet in width. A mobile home is constructed to be towed on its own chassis consisting of a single transportable component with all features making it capable of year round occupancy. A mobile home may or may not be permanently attached to the ground and its transportable features may or may not be removed. The term does not include prefabricated, modular or unitized dwelling on a permanent foundation, travel trailer, camper or similar recreation unit.

**Mobile home park:** See definition contained in the Town of Pine Ridge Mobile Home Park Ordinance included in this Ordinance by reference.

**Modular building:** Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, construction off-site in accordance with applicable codes, and transported to the point of occupancy for installation or erection. A modular building unit shall have a certification label permanently affixed to the transportable section of the structure showing that it has been approved by the S. C. Building Codes Council as meeting Southern Standard Building Code construction standards. The town shall accord a certified modular building unit the same status as an on-site, “stick-built” unit constructed according to the Southern Standard Building Code. A mobile home, house trailer, camping trailer, or manufactured home is not defined as a modular building.

**Motel:** (See NAICS Code 721110) A building or buildings in which lodging, with or without meals, is offered to the public for consumption, including a hotel, tourist court, or inn.

**Multi-family dwelling:** See "Dwelling, Multi-family."

**Nonconforming:** A term applied to lots, structures, uses of land or structures, and characteristics or use of land or structures which were lawful before the passage or amendment of this Ordinance, but which are prohibited by this Ordinance or which are not in compliance with the requirements of this Ordinance. For more details. see Section 405.

**Off-premises sign:** See Article 9, Section 901.

**Off-street loading:** Designated areas located adjacent to buildings where trucks may load and unload cargo.

**Off-street parking:** An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street arranged so that maneuvering incidental to parking shall not be on any public street and so that an automobile may be parked or unparked therein without moving any other automobile.

**Open space:** Unless otherwise defined in this ordinance, open space is any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

**Overlay district:** A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

**Owner:** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

**Parcel:** A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.

**Park:** An area or facility intended to be used for recreation, exercise, sports, or similar activities, or an area intended to enhance the enjoyment of natural features or natural beauty, but specifically excluding commercially operated amusement parks.

**Parking area:** Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

**Parking lot:** A public or private open lot for parking motor vehicles as a principal use or as an accessory use to a commercial use.

**Permitted use:** A use permitted outright by district regulations.

**Personal services:** Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. These include the following: laundries, beauty and barber shops, shoe repair, and health clubs.

**Planned development district:** An area of land, in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans. See Section 519 for more details.

**Plat:** (1) A map representing a tract of land showing the boundaries and location of individual properties and streets; (2) a map of a subdivision or site plan.

**Principal structure or use:** A structure or use that is significant or primary rather than accessory.

**Prohibited use:** A use that is not permitted in a zone district.

**Public hearing:** A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

**Residence:** A dwelling.

**Restaurant:** An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

**Retail sales:** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**Right-of-way:** A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

**Road frontage:** Any strip of land adjacent to a public road right-of-way.

**Rooming and boarding house:** (See NAICS Code 721310) Any dwelling, other than a hotel or motel, in which three (3) or more persons who are not members of the owner's or operator's family are housed or lodged in rooms used or intended to be used for living and sleeping but not for cooking or eating purposes, for compensation, with or without meals being provided. Any dwelling in which such accommodations are offered in four (4) or more rooms shall be considered to be a hotel or motel.

**Salvage yard:** Same as "Junk Yard."

**Satellite dish antenna:** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, television reception only satellite dish antennas, and satellite microwave antennas.

**Scrap yard:** Same as "Junk Yard."

**Screen fence or wall:** For the purposes of the landscaping requirements, any structure which stands at least six (6) feet high at its lowest point, is between sixty-seven percent (67%) and one hundred percent (100%) opaque, and is designed and constructed as a permanent improvement for the purpose of blocking view.

**Screening:** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

**Setback line:** The setback line is the same as the depth or width of any required yard. Note that such line defines the Minimum distance between any structure and an adjacent lot boundary and is not necessarily the same as the building line, which is the distance between the actual structure and an adjacent lot boundary.

**Sexually oriented business:** See Section 600 for definitions and regulations.

**Shopping center:** A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

**Shrub:** Any hard-wooded perennial plant of a species which normally reaches a height between twelve (12) inches and eight (8) feet, and which is between eighty (80%) and one hundred percent (100%) opaque, at maturity.

**Sign:** Any object, device, display, or structure, or part thereof, 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, with certain exceptions as enumerated in the Town of Pine Ridge Sign Ordinance. Other definitions of signs are contained in Article 9 of this Zoning Ordinance.

**Site plan:** The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

**Solar energy system:** A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system). Passive solar energy systems are included in this definition.

**Solar sky space:** The space between a solar energy collector and the sun that must be free of obstructions that shade the collector to an extent which precludes its cost effective operation.

**Solar sky space easement:** A right, expressed as an easement, covenant, condition, or other property interest in any land or other instrument executed by, or on behalf of any landowner that protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy.

**Special exception:** A use permitted in a particular zoning district upon showing to the Board of Appeals that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in this Ordinance and authorized by the Board of Appeals.

**Street:** A public thoroughfare designed to provide the principal means of access to abutting property, or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.

**Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, including for purposes of this Ordinance buildings, mobile homes, travel trailers, signs, swimming pools, fences, and antennae, but excluding from definition as structures minor landscaping features such as ornamental pools, planting boxes, bird baths, paved surfaces, walkways, driveways, recreational equipment, flagpoles, and mailboxes.

**Thoroughfare:** Any major arterial road; one of the principal routes into and through the community.

**Travel or camping vehicle:** A vehicular portable structure designed as a temporary dwelling for travel or recreational use.

**Trophy tree.** Those trees that are significant by their size and type and as such should be preserved wherever possible.

**Yard:** A required open space unoccupied and unobstructed by structures except those specifically permitted.

**Yard, front:** A yard situated between the front building line and the front lot line extending the full width of the lot.

**Yard, rear:** A yard situated between the rear building line and the rear lot line and extending the full width of the lot.

**Yard, side:** A yard situated between the side building line and the side lot line and extending for the front yard to the rear yard.

**Zone:** A specifically delineated area or district within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

**Zoning administrator:** The person designated by the Town Council to administer this Ordinance. This person may or may not be an employee of the Town.

**ARTICLE 3  
ESTABLISHMENT OF DISTRICTS AND ZONING MAP**

**300 Establishment of Districts**

The following zoning districts are hereby established.

<b>DISTRICT</b>	<b>USES</b>	<b>MINIMUM LOT</b>
R-1	Single Family Residential	20,000 sq. ft. (1 <sup>st</sup> unit)
R-2	Duplex Residential	20,000 sq. ft. (1 <sup>st</sup> unit)
R-3	High Density Residential	20,000 sq. ft. (1 <sup>st</sup> unit)
C-1	General Commercial	None
MU	Mixed Use District	20,000 sq. ft. (1 <sup>st</sup> unit)
P-1	Public and Semi-public	None
FP	Flood Protective Overlay	None
LI	Light Industrial	None
BI	Basic Industrial	None
PD	Planned Development District	None
D-1	Development District	1 acre

No amendment shall be initiated which would create a new zoning district with an area of less than two (2) acres. The minimum does not apply to the extension of an existing district, or the addition of a MU district adjacent to a C-1 district.

**301 District Purpose**

The zoning districts established in this ordinance are for the purposes of guiding development in accordance with existing and future needs and promoting public health, safety, morals, convenience, order, appearance, prosperity, and general welfare, and all of the purposes set forth in S.C. Code § 6-29-710. The following statement of intent shall be used in interpretation and application of the district regulations.

The residential district regulations are designed to encourage a stable and healthy environment for residential purposes, and to discourage encroachment by commercial, industrial, or other uses adversely affecting the residential character of the district.

R-1 Single Family Residential District: R-1 districts are intended to be single family residential areas with detached units and low population densities. Use regulations allow limited nonresidential use, which are compatible with the character of the district.

R-2 Duplex and Single Family Residential District: R-2 districts are intended for one and two family detached units and low to medium population density. Uses include those in R-1 districts plus garage apartments and duplexes. Certain uses to serve governmental, recreational, and religious needs are permitted. The regulations are designed to encourage a

encroachment by commercial, industrial, or other uses adversely affecting the residential character of the district.

R-3 General Residential District: This district is intended for medium density residential purposes, including single family detached units, duplexes, and multi-family units. Manufactured home parks are permitted as special exceptions upon approval of the Board of Zoning Appeals. Certain uses to serve governmental, recreational and religious needs are permitted.

MU Mixed Use District: The MU district is intended to be used primarily for business office and personal service uses. Some limited retail uses and one and two family residential uses are permitted.

C-1 General Commercial District: C-1 district is intended to accommodate business uses in the town center and along traffic arteries primarily engaged in sale of durable goods, equipment, services, and recreational facilities.

P-1 Public and Semi-Public District: The P-1 district is intended to accommodate establishments relating to health, religious, educational, and governmental uses. The nature of these uses requires that they be located in areas with adequate access and also be near the residential areas they serve. This district is intended to be exclusive of residential and commercial uses. For purposes of this district, a nursing home or care facility for the ill and/or aged is not considered a residential use.

LI Limited Industrial District: This district is intended to permit light industrial and commercial uses, which do not create nuisances, by noise or emissions beyond the premises.

BI Basic Industrial District: This district is established for a wide variety of industrial uses involving research, manufacturing, processing, assembly, storage, landfill, mining, and all uses permitted in the LI District.

PD Planned Development District: This district designates an area for which an approved development plan constitutes the district regulations. It is intended to utilize the factors of efficiency, economy, flexibility, creative site design, improved appearance, compatibility of mixed uses, maximum benefits from open space, safe and efficient vehicular and pedestrian access for a development characterized by a unified site design for mixed uses. A planned development district may be predominately residential or predominately commercial.

D-1 Development District: This district is intended to provide for large tracts of land located primarily on the fringe of urban growth where the predominant character of urban development has not yet been fully established, but where the current characteristics of use are predominantly residential or agricultural with scattered related uses. It is further recognized that future demand for developable land will generate requests for amendments in zone designations to remove land from the D-1 classification and place it into other more intensely developed classifications as a natural consequence of urban expansion.

### **302 District boundaries on map**

The boundaries of the zoning districts established by this ordinance are hereby established on a map entitled "Zoning Map of the Town of Pine Ridge, S.C.," which map is declared to be a part of this Ordinance.

### **303 Official Zoning Map**

The Official Zoning Map shall be maintained in the Office of the Zoning Administrator. A duplicate official Zoning Map shall be kept in the office of the Town Clerk. All zoning district boundaries shall be clearly shown on the Zoning Map, and amendments shall be recorded immediately after adoption. The official copies of the Zoning Map shall be dated and attested by the Town Clerk, and shall be available for public inspection. The official Zoning Map and any amendments adopted by Town Council shall constitute the final authority for determination of zoning district boundaries. It shall be unlawful for any person to make unauthorized changes to the Zoning Map.

### **304 Interpretation of district boundaries**

Where uncertainty exists as to the boundaries of any zoning district, the following general rules of interpretation shall apply. It is the duty of the Zoning Administrator to interpret the location of zoning district boundaries. An appeal from an interpretation of finding of the Zoning Administrator may be taken to the Zoning Board of Appeals as specified in Article 12.

1. District boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
2. District boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. District boundaries indicated as approximately following town limits shall be construed as following such town limits.
4. District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. District boundaries indicated as following center lines of stream beds or other bodies of water shall be construed to follow such center lines.
6. Supplementary floodplain and floodway boundaries indicated as following the U.S. Army Corps of Engineers 100 year floodplain line or the floodway line shall be construed to follow such lines.
7. District boundaries indicated as approximately parallel to, or extensions of features indicated in subsections above shall be so construed and at such distance there from as indicated on the official copy of the Zoning Map. The scale of the map shall determine distances not specifically indicated on the official copy of the Zoning Map.
8. Where a district boundary line as appearing on the Zoning Map divides a lot in single ownership at the time of adoption of this Ordinance or subsequent amendment

into two different zoning districts, the district least restrictive in the opinion of the owner shall be deemed to apply to the whole thereof. Provided however, that in no case shall a zoning district boundary line dividing said lot be extended into either district in excess of twenty-five (25) feet beyond the district boundary line dividing said lot.

**305 Lot divided by district boundaries**

No structure or accessory use may be placed, structurally altered, or have a change in use where the structure or use is or would be included within two or more zoning districts unless such structure or use conforms to the requirements of all applicable district regulations.

## **ARTICLE 4 GENERAL REGULATIONS**

### **400 Application of regulations**

Within each district, the regulations set forth by this Ordinance shall apply uniformly to each class or kind of structure or land.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern. Unless deed restrictions, covenants, or other contracts directly involve the Town as a party in interest, the Town shall have no administrative responsibility for enforcing such deed restrictions or covenants.

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

### **401 Street access required**

Except as otherwise specifically provided, no building shall be located, used or occupied on a lot without direct vehicular and pedestrian access to a public street.

### **402 Structures required to be situated on lots of record**

Any new structure erected after the effective date of this ordinance shall be on a lot of record. Moreover, no flag lots shall be permitted in Pine Ridge. All lots must meet the standards for lot width specified in Section 200 (66).

### **403 Reduction of lot area prohibited**

No yard or lot existing on the effective date of this ordinance shall be reduced in dimension or area below the applicable district minimum requirements. New lots or yards shall meet the applicable district minimum requirements.

#### **404 Zoning Procedures for newly annexed properties**

Designation of zoning classification: When a property owner(s) seeks annexation to the Town of Pine Ridge, the property owner shall meet with the planning commission at its next regularly scheduled meeting to determine assignment of a mutually agreed upon interim zoning classification to the property. This interim zoning classification shall be included in the annexation ordinance to be read and adopted by town council. After annexation of the property, the town zoning administrator shall prepare a request for a final zoning classification of the property as stated in the annexation ordinance. The zoning application shall be handled in the same manner as a traditional re-zoning request.

#### **405 Nonconforming structures or uses**

Nonconforming structures or land uses are declared to be incompatible with permitted uses in the districts established by this ordinance. It is the intent of this ordinance to allow nonconformities to continue until they are removed, but not to encourage their survival. The lawful use of any structure or land on the effective date of this ordinance may be continued subject to the following regulations:

1. A nonconforming use, structure, or characteristic of use shall not be changed to any other nonconforming use, structure, or characteristic of use unless the Zoning Board of Appeals finds that the new use, structure or activity is more in character with the uses permitted in the district, in which case the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose of this Ordinance.
2. The minimum yard requirements of this Ordinance shall not be construed as prohibiting the conversion of an existing building, which does not meet the minimum yard requirements to another permitted use, so long as no further encroachment is made into the existing yards.
3. A nonconforming structure shall not be demolished and rebuilt as a nonconforming structure.
4. A nonconforming use, structure or characteristic of use shall not be extended, enlarged, or intensified except in conformity with this Ordinance, provided however, that any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
5. A nonconforming use, or characteristic of use, shall not be reestablished after vacancy, abandonment, or discontinuance for any period of six (6) consecutive months, except where Section 405(6) applies.

6. A nonconforming structure shall not be rebuilt, altered, or repaired except in conformity with this Ordinance after sustaining damage or necessitating repair exceeding fifty (50) percent of the replacement cost of the structure at the time of damage or wear, provided that any permitted reconstruction shall begin within six (6) months from the time of damage or notice of wear and shall be completed within twelve (12) months after the issuance of a building permit.

7. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

8. An owner of a non-conforming mobile home may replace said non-conforming mobile home with a newer mobile home in standard condition of equal or greater size provided all setback, lot coverage and other requirements of this zoning ordinance are met. The replacement mobile home shall have skirting to screen all transportable features of the mobile home. If an owner of a non-conforming mobile home discontinues said use for more than one year, the mobile home use shall not be re-established on the lot of record.

#### **406 Nonconforming lots of record**

**1. Single Lots:** In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of this ordinance, provided that setback requirements of the district are met.

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

#### **407 Temporary nonconforming uses**

A temporary use permit may be issued by the Zoning Administrator for an appropriate period of time not to exceed twelve (12) month increments for nonconforming buildings, structures or uses incidental to building construction or land development or deemed to be generally beneficial, provided that the owner of such temporary nonconforming use agrees to remove the temporary nonconforming use upon expiration of the permit.

#### **408 Structures in minimum required yards**

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

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

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

**408.3** Screening walls and fences over thirty (30) inches in height that substantially impede vision may be permitted in a required yard as a special exception, however, screening walls and fences not over seven (7) feet in height are permitted outright in side and rear yards.

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

**408.5** In C-1, LI and BI districts, structures and devices incidental to servicing, and roofs over such structures and devices are permitted within required front yards, provided that they do not constitute a substantial impediment to visibility across such yards which would contribute to the creation of traffic hazards, and further provided that servicing operations in connection therewith can be conducted so as not to interfere with public use of adjacent sidewalks or public streets.

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

**408.7** Signs are permitted to encroach upon required yards in certain instances as set forth in Article 9 "Signs."

**408.8** Screening between commercial or industrial uses and lots zoned residentially, as required by this Ordinance.

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

#### **409 Orientation of required yards**

In interpretation of requirements related to establishment of required yards, the Zoning Administrator shall apply the following interpretation to the orientation of such yards:

**409.1 Through Lots:** In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Administrator may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards existing on adjacent lots.

**409.2 Corner Lots With Two Frontages:** In the case of corner lots with two frontages, a front yard of the required depth shall be provided on the frontage of the street having the higher traffic volumes. Where the traffic volumes on both streets are approximately equal, the required depth shall be provided on the street frontage having the minimum lot width. A second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

**409.3 Corner Lots With More Than Two Frontages:** In the case of corner lots with more than two frontages, the Zoning Administrator shall determine the front yard requirements, subject to the following limitations: (1) at least one front yard shall be provided having full depth required generally in the district; (2) no other front yard on such lot shall have less than half the full depth required generally.

**409.4 Appropriateness of Orientation:** Notwithstanding the above, the Zoning Administrator 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. When a structure is to be built which will contain more than one dwelling unit, the orientation of required yards shall be based upon both the orientation of the lot and the orientation of the structure. The Zoning Administrator 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 Appeals as an appeal from an administrative decision of the Zoning Administrator.

#### **410 Erection of structures only upon lots of record**

Any new structure erected after the effective date of this Ordinance shall be erected only upon a lot of record.

**411 Lot coverage**

The area of the lot, which when viewed directly from above, would be covered by all principal accessory buildings and structures. A portion of the principal or accessory building, or any terrace, balcony, breeze way, porch or portion thereof, or any solar collection device or related apparatus, not included as floor area of the building, by definition shall not be included in computing lot coverage.

**412 Determination of solar skyspace easement**

The solar skyspace easement defined in Article 2 may be computed by using the designated minimum yard requirement in each zoning district in coordination with the information on skyspace and shadow data in Appendix 1 of Protecting Solar Access for Residential Development, Department of Housing and Urban Development, 1979.

## ARTICLE 5 DISTRICT REGULATIONS

### **500 District use classifications**

General Regulations in Article 4, District Regulations in Article 5, and Supplemental Regulations in Article 6 are applicable in all of the following classes of uses:

**Permitted uses:** Permitted uses listed in the district use tables in this Division are permitted outright.

**Conditional uses:** Conditional uses in the district use tables are permitted by the Zoning Administrator without further review upon compliance with conditions specified in the tables.

**Special exceptions:** Special exceptions are permitted after review and approval by the Board of Zoning Appeals upon compliance with general conditions in the regulations.

**501 R-1 Single-family residential district**

R-1 PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
a. Single family dwelling (excluding mobile homes and manufactured homes)	814	Private households	Two (2) per dwelling unit
b. Government building or facility	92	Public Administration	One (1) per 200 square feet of gross floor area
c. Public and private elementary and secondary schools	611110	Elementary and Secondary Schools	School: 4 per class-room or office, plus 2 spaces per office, 1 for each 5 seats for public assembly in senior high school.
d. Non-commercial horticulture or agriculture, not including the keeping of poultry or animals	11	Agriculture, Forestry, Fishing and Hunting	None
<p>e. Accessory uses on same lot with principal use, as follows:</p> <ul style="list-style-type: none"> <li>(1). private garage for vehicles;</li> <li>(2). open parking area for two motor vehicles per dwelling unit may be used for one (1) commercial vehicle up to one (1) ton in capacity per dwelling unit;</li> <li>(3). shed for storage of building or lot maintenance equipment;</li> <li>(4). private kennel for not more than three (3) dogs or three (3) cats with minimum six (6) foot fence for exterior kennel;</li> <li>(5). private swimming pool, including deck, bath house or cabana; boat dock;</li> <li>(6). disaster shelter;</li> <li>(7). private garden; greenhouse or slat house up to eight (8) feet high;</li> <li>(8). private tennis, outdoor recreation and picnic facilities.</li> <li>(9). Garage sales, according to the provisions of Section 612</li> </ul>			

## 501 R-1 Single-family residential district

R-1 CONDITIONAL USES (approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
a. <u>Church, synagogue, temple, or place of worship</u> , including religious education building, parsonage or parish office, off-street parking for members and visitors without pay, and recreation facilities, provided all following conditions are met: (1). use is conducted in a permanent structure; (2). minimum 20,000 square foot lot; (3). building setback 25 ft. from residential property	813110	Religious Organizations	One (1) space for each four (4) seats in main assembly room
b. <u>Public utility substation, water tower</u> , (for communication tower, see special exceptions) provided all following conditions are met: (1). structures are enclosed by six (6) foot fence; (2). no office, commercial operation, or storage of vehicles or equipment is permitted; (3). a landscape strip at least five (5) feet wide is planted & maintained along exterior lot lines.	22	Utilities	One (1) space
c. <u>Cemetery</u> , provided all following conditions are met: (1). minimum five (5) acre lot; (2). no crematorium or dwelling except caretaker; (3). front yard setback of seventy (70) feet from center of street or ten (10) feet from street right-of-way line, whichever is greater (4). non-illuminated sign not over thirty (30) square feet in area and ten (10) feet in height.	812220	Cemeteries and Crematories	None
d. <u>Temporary contractor office &amp; equipment shed</u> , provided that all following conditions are met: (1). used in connections with construction on premises; (2). must not cause traffic congestion or nuisance; (3). for term up to one (1) year, may be renewed once.	236115	New Single-Family Housing Construction (except Operative Builders)	One (1) for each 300 square feet of office area
e. <u>Customary home occupation in single-family dwelling</u> , provided all of the following conditions are met: (1). conducted inside dwelling by resident family members; (2). utilizes not more than 25% of total dwelling floor area; (3). no change in exterior appearance of dwelling (4). no outside display of products (5). no sale of products except those made on premises or consumables incidental to a service; (6). create no health or safety hazard, noise, offensive emissions, traffic hazard, unsightly conditions or nuisance; (7). activity is not visibly evident outside dwelling, except for a wall-mounted sign not over four (4) square feet in area			

## 501 R-1 Single-family residential district

<b>R-1 SPECIAL EXCEPTIONS (approved by the Board of Zoning Appeals after hearing)</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
a. Unlighted, regulation-size or par three golf course, provided the Board of Zoning Appeals determines; <ol style="list-style-type: none"> <li>(1). adequate off street parking is provided;</li> <li>(2). no building permitted except maintenance shed, clubhouse (including limited eating facility &amp; pro shop), cart storage, restrooms, rain shelters, &amp; gate house;</li> <li>(3). no permitted building or parking facility shall be within 300 feet of a dwelling;</li> <li>(4). adequate provisions for access &amp; traffic safety;</li> <li>(5). the use is compatible with the district</li> </ol>	713910	Golf Courses and Country Clubs	Number and location set by Board; minimum: one (1) for each 200 square feet of building area, plus two (2) for each golf hole
b. Private kindergarten or pre-school nursery, provided the Board of Zoning Appeals determines: <ol style="list-style-type: none"> <li>(1). applicable State regulations are met;</li> <li>(2). minimum 20,000 square foot lot;</li> <li>(3). structures minimum 25 feet from residential property;</li> <li>(4). conditions imposed for safety, traffic, impact on district;</li> <li>(5). the use is compatible with the district</li> </ol>	624410	Child Day Care Services	One (1) for each employee
c. Cluster single-family development, provided that the Board of Zoning Appeals determines: <ol style="list-style-type: none"> <li>(1). detached single-family units on minimum of 3 acres</li> <li>(2). not exceed density per entire tract; may exceed density per acre;</li> <li>(3). lot requirements per house may be waived</li> <li>(4). Subdivision Regulations are met;</li> <li>(5). adequate provisions for access and traffic safety;</li> <li>(6). the use is compatible with the district</li> </ol>	814	Private Households	Two (2) for each dwelling unit
d. Conversion of existing dwelling to Bed and Breakfast, with provisions outlined in Section 611.	721191	Bed and Breakfast Inn	Location set by Board; minimum: one (1) for each guest room plus two (2) for resident innkeeper
e. Colleges, Universities, and Professional Schools	611310	Colleges, Universities, Professional Schools	
f. Communication tower, see Section 601		Communication	One (1) space

## 502 R-1 Single family residential district regulations

The following regulations apply to all uses in the R-1 districts:

Minimum lot area:	20,000 square feet
Minimum land area per dwelling unit:	20,000 square feet
Maximum dwelling units per net acre:	Two (2) dwelling units
Minimum lot width at front building line:	Ninety (90) feet
Minimum lot depth:	One hundred (100) feet
Minimum front yard depth:	Thirty-five (35) feet, or average of existing setbacks from same street in same block in district, but not less than thirty (30) feet. The setback on public roads and highways classified by Lexington County as Arterial roads shall be forty (40) feet.
Minimum setback from second street frontage:	Side street on corner lot: twenty (20) feet
	Rear street on double frontage lot: thirty (30) feet
Minimum side yard:	Principal structure: twelve and one-half (12.5) feet from interior side lot line;
	Accessory structure: five (5) feet;
	Open carport: seven (7) feet from interior side lot line.
Minimum rear yard:	Principal structure: twenty-five (25) feet from interior rear lot line;
	Accessory structure: five (5) feet from interior rear lot line
Maximum lot coverage:	Residential units and their accessory structures shall not exceed a total of 30% lot coverage
	Other permitted and permissible buildings and their accessory structures shall not exceed a maximum of 35% lot coverage
Maximum structure height:	Thirty-five (35) feet to the roof line (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae)
Visibility requirements:	Corner lot: no obstruction between heights of 3 and 10 feet above finished street level within 25 feet of intersection of street rights-of-way lines.
	Private drive: no obstruction over height of 30 inches within 10 feet of street.
Off-street parking area requirements:	See Article 8
Signs:	See Article 9
Supplemental Regular.	See Article 6

**503 R-2 One-family and two-family residential district**

<b>R-2 PERMITTED USES</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
a. <u>Single-family dwelling</u> : and two-family dwellings (excluding mobile homes )	814	Private household	Two (2) for each dwelling unit
b. <u>Government building or facility</u>	92	Public Administration	One (1) per 200 sq. ft. gross area
c. Public and private elementary and secondary schools	611110	Elementary and Secondary Schools	School: 4 per class-room or office, plus 2 spaces per office, 1 for each 5 seats for public assembly in senior high school.
d. <u>Non-commercial horticulture or agriculture</u> , not including the keeping of poultry or animals	11	Agriculture, Forestry, Fishing and Hunting	None
e. <u>Church, synagogue, temple, or place of worship</u> : including religious education building, parsonage or parish house; off-street parking for members and visitors without pay, recreation facilities, kindergarten or pre-school nursery, in permanent structures	813110	Religious Organizations	One (1) for each four (4) seats in main assembly room.
<p>f. <u>Accessory uses on same lot with principal use</u>, as follows:</p> <ul style="list-style-type: none"> <li>(1). private garage for motor vehicles</li> <li>(2). open parking area for two motor vehicles per dwelling unit, may be used for one (1) commercial vehicle up to one (1) ton in capacity per dwelling Unit;</li> <li>(3). shed for storage of building or lot maintenance;</li> <li>(4). private kennel for not more than three (3) dogs or three (3) cats, four (4) months of age or older, with minimum 6 foot fence for exterior kennel;</li> <li>(5). private swimming pool, including deck; bath house or cabana; boat dock;</li> <li>(6). disaster shelter;</li> <li>(7). private garden; greenhouse or slat house up to eight (8) feet high;</li> <li>(8). private tennis; outdoor recreation and picnic facilities</li> <li>(9). Garage sales, according to the provisions of Section 612</li> </ul>			

**503 R-2 One-family and two-family residential district**

<b>R-2 CONDITIONAL USES (approved by Zoning Administrator if all conditions are met)</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
a. <u>Public utility substation, water tower,</u> (for communication tower, see Special Exception) (1). provided all following conditions are met: (2). structure enclosed by six (6) foot fence; (3). no office, commercial operation, or storage of vehicles or equipment permitted; (4). a landscaped strip at least five (5) feet wide is planted and maintained along all exterior lot lines.	22	Utilities	One (1) space
b. <u>Cemetery:</u> provided all following conditions are met: (1). minimum five (5) acre lot; (2). no crematorium or dwelling except for caretaker; (3). front yard setback of seventy (70) feet from center of street or ten (10) feet from street right of way line, whichever is greater (4). non-illuminated sign not over thirty (30) square feet in area or ten (10) feet in height.	812220	812220 Cemeteries and Crematories	None
c. <u>Temporary contractor office and equipment shed,</u> provided all following conditions are met: (1). used in connection with construction on premises (2). must not cause traffic congestion or nuisance; (3). for term up to one (1) year; may be renewed once	236115	New Single-Family Housing Construction (except Operative Builders)	One (1) for each 300 square feet of office area
d. <u>Customary home occupation in single-family dwelling;</u> provided all following conditions are met: (1). conducted inside dwelling by resident family members; (2). utilizes not more than 25% of total dwelling floor area (3). no change in exterior appearance of dwelling; (4). no outside display of products; (5). no sale of products except those made on premises or consumables incidental to a service; (6). creates no health or safety hazard, noise, offensive emission, traffic hazard, unsightly conditions or nuisance; (7). activity is not visibly evident outside dwelling, except for a wall-mounted sign not over four (4) square feet in area.			
e. <u>Manufactured homes</u> subject to the provisions of Section 604, not including manufactured home parks.			

**503 R-2 One-family and two-family residential district**

<b>R-2 SPECIAL EXCEPTIONS (approved by Board of Zoning Appeals after hearing)</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
a. <u>Unlighted, regulation size or par three golf course;</u> provided the Board of Zoning Appeals determines: (1). adequate off-street parking is provided; (2). no building permitted except maintenance shed, clubhouse (including limited eating facility & pro shop), cart storage, restrooms, rain shelters, & gate house; (3). no building or parking facility within 300 ft. of a dwelling; (4). adequate provisions of access & traffic safety; (5). the use is compatible with the district	713910	Golf Courses and Country Clubs	Number and location by Board; minimum: one (1) for each 200 square feet of building area, plus two (2) for each golf hole.
b. <u>Private kindergarten or pre-school nursery,</u> provided the Board of Zoning Appeals determines: (1). applicable State regulations are met; (2). minimum 20,000 square foot lot;	624410	Child Day Care Services	One (1) for each employee  35

(3). structures minimum of 25 feet from residential property;			
(4). conditions imposed for safety, traffic, impact on district;			
(5). the use is compatible with the district.			
c. <u>Clustered single-family development</u> ; provided the Board of Zoning Appeals determines: (1). detached single-family units on minimum of 3 acres; (2). not exceed density per entire tract; may exceed density per acre; (3). lot improvements per house may be waived; (4). zero interior lot line setback may be allowed; (5). Subdivision Regulations are met; (6). adequate provisions for access and traffic safety; (7). the use is compatible with the district.	814	Private households	Two (2) for each dwelling unit
d. Conversion of existing dwelling to Bed and Breakfast, with provisions outlined in Section 611.	721191	Bed and Breakfast Inn	Location set by Board; minimum: one (1) for each guest room plus two (2) for resident innkeeper
e. Colleges, Universities and Professional Schools	611310	Colleges, Universities, Professional Schools	
f. Communication tower, see Section 601		Communication	One (1) space

### 504 R-2 Duplex and Single Family Residential District Regulations

The following regulations apply to all uses in the R-2 districts:

Minimum Residential lot area	Twenty thousand (20,000) square feet
Minimum lot area per dwelling unit	Twenty thousand (20,000) square feet for the first unit Five thousand (5,000) square feet for each additional unit
Maximum units per net acre	Eight (8) dwelling units
Minimum lot width at front building line	Seventy-five (75) feet
Minimum front yard depth	Thirty (30) feet or average of existing setbacks from same street in same block in district, but not less than 25 feet. The setback on public roads and highways classified by Lexington County as Arterial roads shall be forty (40) feet.
Minimum setback from second street frontage:	Side street on corner lot- 12 ½ feet Rear street on double frontage lot- 25 feet
Minimum side yard	Principal structure- Combined side yard shall total 20 feet or 20% of lot width (whichever is less), provided however that no individual side yard shall be less than 5 feet in width Accessory structure- Four (4) feet
Minimum rear yard:	Principal structure: Fifteen (15) feet Accessory structure: Five (5) feet
Maximum lot coverage:	Residential units and their accessory structures shall not exceed a total of 30% lot coverage Other permitted and permissible buildings and their accessory structures shall not exceed a maximum of 35% lot coverage
Maximum structure height	Principal structures- Thirty-five (35) feet from roof line (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae) Accessory structures- In no circumstance may an accessory structure exceed the height of the principal structure. If the principal structure is taller than twenty (20) feet, the accessory structure may be a maximum of twenty (20) feet.
Visibility requirements	Corner lot: no obstruction between heights of 3 and ten feet above finish street level within 25 feet of intersection of street right-of-way lines Private drive: no obstruction over 30 inches high within 10 feet of street.
Off-street parking requirements	See Article 8.
Signs	See Article 9
Supplemental regulations	See Article 6

**505 R-3 Residential District ( Multi-Family)**

R-3 PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACE REQUIRED
a. <u>Single-family, two-family and multi-family dwellings</u> , (as defined in (definitions), excluding mobile homes on individual lots	814	Private households	Two (2) for each dwelling unit
b. <u>Government building facility</u>	92	Public Administration	One (1) space per 200 feet of gross floor area
c. <u>Public and private elementary and secondary schools</u>	611110	Elementary and Secondary Schools	School: 4 per classroom or office, plus 2 spaces per office, 1 for each 5 seats for public assembly in senior high school.
d. <u>Non-commercial horticulture or agriculture</u> , not including the keeping of poultry and animals	11	Agriculture, Forestry, Fishing and Hunting	None
e. <u>Church, synagogue, temple, or place of worship</u> : including religious education building, parsonage or parish house; off-street parking for members and visitors without pay, recreation facilities, kindergarten or pre-school nursery, in permanent structures	813110	Religious Organizations	One (1) for each four (4) seats in main assembly room.
f. <u>Recreational facilities, such as playground, tennis court, ball field, swimming pool, or golf course</u>	713910  713940	Golf Courses and Country Clubs  Fitness and Recreational Sports Centers	One (1) per 200 sq. ft. of building area plus two (2) for each golf hole
<p>g. <u>Accessory uses on same lot with principal use</u>, as follows:</p> <ol style="list-style-type: none"> <li>1. private garage for motor vehicles</li> <li>2. open parking area for two motor vehicles per dwelling unit, may be used for one (1) commercial vehicle up to one (1) ton in capacity per dwelling unit</li> <li>3. shed for storage of building or lot maintenance;</li> <li>4. private kennel for not more than three (3) dogs or three (3) cats, four (4) months of age or older, with minimum 6 foot fence for exterior kennel;</li> <li>5. private swimming pool, including deck; bath house or cabana; boat dock;</li> <li>6. disaster shelter;</li> <li>7. private garden; greenhouse or slat house up to eight (8) feet high;</li> <li>8. private tennis; outdoor recreation and picnic facilities</li> <li>9. Garage sales subject to the provisions of Section 612</li> </ol>			

**505 R-3 Residential District ( Multi-Family)**

<b>R-3 CONDITIONAL USES</b> <b>(approved by the Zoning Administrator if all conditions are met)</b>	<b>NAICS</b> <b>CODE</b>	<b>NAICS</b> <b>DESCRIPTION</b>	<b>PARKING SPACES</b> <b>REQUIRED</b>
a. <u>Public utility substation, water tower,</u> (for communication tower, see Special Exceptions) provided all following conditions are met: (1). structure enclosed by six (6) foot fence; (2). no office, commercial operation, or storage of vehicles or equipment permitted; (3). a landscaped strip at least five (5) feet wide is planted and maintained along all exterior lot lines.	22	Utilities	One (1) space
b. <u>Temporary contractor office and equipment shed,</u> provided all following conditions are met: (1). used in connection with construction on premises (2). must not cause traffic congestion or nuisance; (3). for term up to one (1) year; may be renewed once	236115	New Single-Family Housing Construction (except Operative Builders)	One (1) for each 300 square feet of office area
c. <u>Customary home occupation in single-family dwelling;</u> provided all following conditions are met: (1). conducted inside dwelling by resident family members; (2). utilizes not more than 25% of total dwelling floor area (3). no change in exterior appearance of dwelling; (4). no outside display of products; (5). no sale of products except those made on premises or consumables incidental to a service; (6). creates no health or safety hazard, noise, offensive emission, traffic hazard, unsightly conditions or nuisance; (7). activity is not visibly evident outside dwelling, except for a wall-mounted sign not over four (4) square feet in area.			
d. Manufactured homes on individual lots subject to the provisions of Section 604.			

**505 R-3 Residential District ( Multi-Family)**

<b>R-3 SPECIAL EXCEPTIONS (approved by the Board of Zoning Appeals after hearing)</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTI ON</b>	<b>PARKING SPACES REQUIRED</b>
<p>a. <u>Private kindergarten or pre-school nursery</u>, provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> <li>(1). applicable State regulations are met;</li> <li>(2). minimum 20,000 square foot lot;</li> <li>(3). structures minimum of 25 feet from residential property;</li> <li>(4). conditions imposed for safety, traffic, impact on district;</li> <li>(5). the use is compatible with the district</li> </ul>	624410	Child Day Care Services	One (1) for each employee
<p>b. <u>Clustered single-family development</u>; provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> <li>(1). detached single-family units on minimum of 3 acres;</li> <li>(2). not exceed density per entire tract; may exceed density per acre;</li> <li>(3). lot improvements per house may be waived;</li> <li>(4). zero interior lot line setback may be allowed;</li> <li>(5). Land Development Regulations are met;</li> <li>(6). adequate provisions for access and traffic safety;</li> <li>(7). the use is compatible with the district.</li> </ul>	814	Private households	Two (2) for each dwelling unit
c. Colleges, Universities, Professional Schools	611310	Colleges, Universities, Professional Schools	
d. Communication tower, see Section 601		Communication	One (1) space
e. <u>Mobile home parks</u> and manufactured home parks, see Section 605.			

### 506 R-3 Multi-family residential district regulations

The following regulations apply to all uses in R-3 Districts:

Minimum land area (square feet) per dwelling unit and maximum units per net acre for multi-family dwelling:								
Multi-Family Unit Type	1 story		2 stories		3 stories		4 or more stories	
	Min. Area	Units/ net acre	Min. Area	Units/ net acre	Min. Area	Units/ net acre	Min. Area	Units/ net acre
Efficiency (studio)	2,000	18	1,435	26	1,410	26	1,240	30
1 Bedroom	2,000	18	1,775	21	1,625	23	1,438	26
2 Bedroom	2,650	14	2,475	15	2,215	17	1,825	20
3 Bedrooms	3,525	10	3,175	11	2,653	14	2,200	17
4 or more Bedrooms	4,375	8	3,975	9	3,492	10	2,725	13
Minimum lot area	Twenty thousand (20,000) square feet for first unit, plus minimum area for additional units required in the above table for minimum land area and maximum units per net acre.							
Minimum land area per single-family dwelling unit:	Twenty thousand (20,000) square feet							
Minimum lot width at building line	Seventy-five (75) feet							
Minimum front yard depth	Twenty five (25) feet from street right of way line. The setback on public roads and highways classified by Lexington County as Arterial roads shall be forty (40) feet.							
Minimum setback from second street frontage	Side street on corner lot: twelve and one half (12 ½) feet Rear street on double frontage lot: twenty-five (25) feet							
Minimum side yard	Principal structure: Combined side yard of interior lot lines shall total 18 feet or 20% of lot width (whichever is less), provided that no individual side yard shall be less than 8 feet in width Accessory structure: Four (4) feet							
Minimum rear yard	Principal structure: Fifteen (15) feet from interior rear lot line Accessory structure: Four (4) feet from interior rear lot line							
Maximum lot coverage:	Permitted and permissible buildings and their accessory structures shall not exceed a maximum of 40% lot coverage							
Maximum structure height	Multi-family dwelling: sixty (60) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae)							
Visibility requirements	Corner lot: no obstruction between heights of 3 and ten feet above finish street level within 25 feet of intersection of street right-of-way lines Private drive: no obstruction over 30 inches high within 10 feet of street.							
Off-street parking requirements	See Article 8.							
Signs	See Article 9.							
Supplemental regulations	See Article 6.							

**507 P-1 Public and Semi-Public District**

<b>P-1 PERMITTED USES</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
a. <u>Hospitals and medical treatment facilities</u>	621	Ambulatory Health Care Services	One (1) space per 2 beds
	622	Hospitals	
b. <u>Public and semi-public recreational facilities</u> and uses not operated for profit, which may include parks, playgrounds, country clubs, lodges, community centers, and neighborhood buildings		Non- profit recreational and leisure services	One (1) space for every 200 sq. ft. of floor area
c. <u>Libraries</u>	519120	Libraries and Archives	One (1) space for each 300 sq. ft. of gross floor area
d. <u>Church, synagogue, temple, or place of worship</u> , including religious education building, parsonage or parish house, off-street parking for members and visitors without pay, and recreation facilities.	813110	Religious Organizations	One (1) for each (4) seats in assembly
e. Government building or facility, and schools, except:  (1) NAICS Code 611310, Colleges, Universities, Professional Schools	611110	Elementary and Secondary Schools	School: 4 per classroom or office, plus 2 spaces per office, 1 for each 5 seats for public assembly in senior high school.
	92	Public Administration	Other: one (1) per 200 sq. ft. of area
f. <u>Nursing and convalescent homes</u>	623	Nursing and Residential Care Facilities	One (1) space for every 300 sq. ft. of gross floor area
g. <u>Accessory uses on same lot with principal use</u> , as follows: (1) Off-street parking or storage area for vehicles owned by members, customers or employees of business (2) Completely enclosed building for storage of supplies or merchandise for use in principal business			

**507 P-1 Public and Semi-Public District**

<b>P-1 CONDITIONAL USES</b> <b>(approved by Zoning Administrator if all conditions are met)</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
a. <u>Public utilities, distribution lines, transformer stations, sanitation facilities, water tanks</u>	22	Utilities	One (1) space for every 300 sq. ft of gross floor area
(1). with no vehicles or equipment stored on the premises			
(2). All such uses shall be suitable screened against glare, fumes, noise, or unsightliness, protected against becoming an “attractive nuisance”, and designed so as not to cause interference with radio, microwave and television transmissions.			
b. <u>Cemeteries</u> on not less than 5 acres, excluding crematoriums	812220	Cemeteries and Crematoriums	None
c. <u>Communication towers</u> ,	517	Telecommunications	One (1) space
(1). provided all following conditions are met: (2). structure enclosed by six (6) foot fence; (3). no office, commercial operation, or storage of vehicles or equipment permitted; (4). a landscaped strip at least five (5) feet wide is planted and maintained along all exterior lot lines.			
d. <u>Temporary uses</u> , provided all following conditions are met			One (1) for each 300 square feet of office area
(1) Christmas tree sales on vacant lot for a period not to exceed 45 days (2) Contractor's office & equipment shed, (a) used in connection with construction on premises (b) must not cause traffic congestion or nuisance; (c) for term up to one (1) year; may be renewed once			
e. <u>Signs</u> , subject to the provisions of Article 9			

## 508 P-1 Public and Semi-Public District Regulations

The following regulations apply to all uses in the P-1 district:

Minimum lot area:	Public uses: None except for cemeteries which require not less than 5 acres
Minimum lot width at building line	For permitted uses and conditional uses: Seventy-five (75) feet
Minimum front yard depth	Twenty-five (25) feet from street right of way line. The setback on public roads and highways classified by Lexington County as Arterial roads shall be forty (40) feet.
Minimum setback from second street frontage:	Side street on corner lot: twelve & one-half (12 ½) feet; Rear street on double frontage lot: twenty (20) feet.
Minimum side yard:	Principal structure: ten (10) feet from interior side lot line; provided the total of both side yards must be at least 30% of lot width Accessory structure: five (5) feet from interior side lot line.
Minimum rear yard:	Principal structure: twenty (20) feet from interior rear lot line; Accessory structure: five (5) feet from interior rear lot line.
Maximum lot coverage:	50%
Maximum structure height	No restrictions except for communications towers (See Section 601)
Visibility requirements	Corner lot: no obstruction between heights of three (3) and ten (10) feet above finished street level within twenty-five (25) feet of intersection of street right-of-way lines. Private drive: no obstruction over height of thirty (30) inches within ten (10) feet of street.
Off street parking area requirements	See Article 8.
Screening	See landscaping, supplemental regulations, Article 7 Planting screen, fence or wall at least six (6) feet high is required along all interior lot lines abutting a residential area
Signs	See Article 9
Subdivision regulations	Applicable regulations must be met
Supplemental regulations	See Article 6.

**509 MU Mixed Use District**

MU PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
a. Retail business - sale of merchandise on premises limited to:			
(1). Furniture and Home Furnishings Stores	442	Furniture and Home Furnishings Stores	One (1) for each 200 square feet of retail floor space
(2). Electronics and Appliance Stores	443	Electronics and Appliance Stores	
(3). Health and Personal Care Stores	446	Health and Personal Care Stores	
(4). Sporting Goods, Hobby, Book, and Music Stores	451	Sporting Goods, Hobby, Book, and Music Stores	
(5). Miscellaneous Store Retailers (Except 453930)	453	Miscellaneous Store Retailers (Except 453930)	
(6). Shoe Stores	4482	Shoe Stores	
(7). Jewelry, Luggage, and Leather Goods Stores	4483	Jewelry, Luggage, and Leather Goods Stores	
(8). Electronic Auctions	454112	Electronic Auctions	
(9). Mail-Order Houses	454113	Mail-Order Houses	
(10). Full-Service Restaurants	722110	Full-Service Restaurants	
(11). Supermarkets and Other Grocery (except Convenience) Stores	445110	Supermarkets and Other Grocery (except Convenience) Stores	
(12). Specialty Food Stores	4452	Specialty Food Stores	
(13). Clothing and Clothing Accessories Stores	4481	Clothing and Clothing Accessories Stores	
(14). All Other General Merchandise Stores	452990	All Other General Merchandise Stores	

**509 MU Mixed Use District (cont.)**

MU PERMITTED USES (cont.)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
b. Finance, insurance, and real estate			
(1). Land subdividers & developers, except cemeteries;	237210	Land Subdivision	One (1) for each 200 square feet of retail floor space
(2). Federal Reserve banks;	521110	Monetary Authorities-Central Bank	
(3). State commercial banks;	5221	Depository Credit Intermediation	
(4). Non-deposit trust facilities;	522293	International Trade Financing	
(5). National commercial banks;	522298	Depository Credit Intermediation	
(6). Investors, not elsewhere classified	523	Securities, Commodity Contracts, and Other Financial Investments and Related Activities	
(7). Life insurance;	524	Insurance Carriers and Related Activities	
(8). Pension, health & welfare funds;	525	Funds, Trusts, and Other Financial Vehicles	
(9). Operators of apartment buildings;	531110	Lessors of Residential Buildings and Dwellings	
(10). Operators of non-residential buildings;	531120	Lessors of Nonresidential Buildings (except Miniwarehouses)	
(11). Lessors of railroad property;	531190	Lessors of Other Real Estate Property	
(12). Real estate agents & managers;	531210	Offices of Real Estate Agents and Brokers	

**509 MU Mixed Use District (cont.)**

MU PERMITTED USES (cont.)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
(13). Patent owners & lessors;	533110	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	
(14). Title abstract offices;	541191	Title Abstract and Settlement Offices	
(15). Offices of bank holding companies;	551111	Offices of Bank Holding Companies	
(16). Offices of holding companies, not elsewhere classified;	551112	Offices of Other Holding Companies	
(17). Cemetery subdividers & developers;	812220	Cemeteries and Crematories	
(18). Educational, religious & charitable	813211	Grantmaking Foundations	
c. Residential uses permitted in R-3		Private households	Two (2) per unit

**509 MU Mixed Use District**

<b>MU CONDITIONAL USES</b> <b>(approved by Zoning Administrator if all conditions are met)</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
a. School of dance, art, music, drama, martial arts, etc. provided all following conditions are met: (1). not more than 25 students will be enrolled; (2). instruction is limited to art, music, dancing, drama, martial arts, or similar cultural activity	6116   6116  6116	Other Schools and Instruction  Other Schools and Instruction  Other Schools and Instruction	One (1) for each classroom, & each administrative office.
b. Contractor's office, provided there will be no storage of vehicles, equipment or materials on the premise	2361	Residential Building Construction - office only	One (1) for each 300 square feet of floor space
c. Engineering or surveyor office, provided there will be no storage of vehicles, equipment or materials on the premise	5413	Architectural, Engineering, and Related Services - office only	One (1) for each 300 square feet of floor space
d. Public utility substation, water tower, (for communication tower, see Section 601) provided all following conditions are met: (1). structure enclosed by six (6) foot fence; (2). no office, commercial operation, or storage of vehicles or equipment is permitted; (3). a landscaped strip at least five (5) feet wide is planted and maintained along all exterior lot lines	22	Utilities	One (1) space
e. Temporary use, provided all following conditions are met (1). Christmas tree sales, on vacant lot for a period not to exceed 45 days; (2). Contractor's office & equipment shed, (a) used in connection with construction on premises (b) must not cause traffic congestion or nuisance; (c) for term up to one (1) year; may be renewed once			One (1) for each 300 square feet of office area

**509 MU Mixed Use District (cont.)**

<b>MU SPECIAL EXCEPTIONS (approved by Board of Zoning Appeal)</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACE REQUIRED</b>
a. Communication tower, see Section 601	517	Telecommunications	One (1) space
b, Colleges, Universities, Professional Schools	6113	Colleges, Universities, Professional Schools	

## 510 MU Mixed Use District Regulations

The following regulations apply to all uses in the MU

Minimum lot area:	Twenty thousand (20,000) square feet.
Minimum lot width at building line	Seventy-five (75) feet
Maximum dwelling units:	Eight (8) dwelling units per acre
Minimum front yard depth	Fifteen (15) feet.
Minimum setback from second street frontage:	Side street on corner lot: twelve & one-half (12 ½) feet; Rear street on double frontage lot: twenty-five (25) feet.
Minimum side yard:	Principal structure: fifteen (15) feet; Accessory structure: five (5) feet from interior side lot line.
Minimum rear yard:	Principal structure: twenty-five (25) feet ; Accessory structure: five (5) feet from interior rear lot line.
Maximum lot coverage:	Permitted and permissible buildings and their accessory structures shall not exceed a maximum of 50% lot coverage
Maximum structure height	Forty (40) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae);
Visibility requirements	Corner lot: no obstruction between heights of three (3) and ten (10) feet above finished street level within twenty-five (25) feet of intersection of street right-of-way lines. Private drive: no obstruction over height of thirty (30) inches within ten (10) feet of street.
Off street parking area requirements	See Article 8.
Screening	See landscaping, supplemental regulations, Article 7 Planting screen, fence or wall at least six (6) feet high is required along all interior lot lines abutting a residential area
Signs	See Article 9.
Doors & Entrances	(a) Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement. (b) Building entrances may include doors to individual shops or business, lobby entrances, entrances to pedestrian oriented plazas, or courtyard entrances to a cluster of shops or businesses.

**510 MU Mixed Use District Regulations (cont.)**

The following regulations apply to all uses in the MU

Transparency	(a)A minimum of fifty (50) percent of the street facing building façade between two feet and eight feet in height must be comprised of clear windows that allow view to indoor space or product display areas. (b)The bottom of any window or product display window used to satisfy the transparency standards of paragraph (a) above may not be more than three (3) feet above the adjacent sidewalk. (c)Product display windows used to satisfy these requirements must have a minimum height of four (4) feet and be internally lighted.
General Provisions	(a)Trash containers, mechanical equipment and outdoor storage shall be located in the side or rear yard and shall be screened from view. Mechanical equipment for single family residential uses shall be setback a minimum of three (3) feet from the property line. (b)All permitted uses un the MU district must be conducted within completely enclosed buildings unless otherwise expressly authorized. This does not apply to off street parking or loading areas, automated teller machines, or outdoor seating areas.

**511 Reserved**

**512 Reserved**

### 513 C-1 General Commercial District

C-1 PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
a. Telephone, telegraph, radio, television services, (except communication towers - see conditional uses)	515	Broadcasting (except Internet)	One (1) per 300 sq. ft. gross floor area
b. Wholesale trade activities are prohibited.	423	Merchant Wholesalers, Durable Goods	
c. Retail trade, including shopping center, involving sale of merchandise on premises (441 Motor Vehicle and Parts Dealers and 447 Gasoline Stations are prohibited).	444	Building Material and Garden Equipment and Supplies Dealers	One (1) per 200 square feet of retail floor area
	442	Furniture and Home Furnishings Stores	
	442	Furniture and Home Furnishings Stores	
	443	Electronics and Appliance Stores	
	445	Food stores	
	446	Health and Personal Care Stores	
	451	Sporting Goods, Hobby, Book, and Music Stores	
	452	General merchandise stores;	
	453	Miscellaneous Store Retailers (Except 453930)	
	722	Food Services and Drinking Places	
	4482	Shoe Stores	
	4483	Jewelry, Luggage, and Leather Goods Stores	
	4481	Clothing and Clothing Accessories Stores	

**513 C-1 General Commercial District (cont)**

C-1 PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
d. Finance, insurance, and real estate	521	Monetary Authorities-Central Bank	One (1) per 300 square feet of gross floor area
	522	Credit Intermediation and Related Activities	
	523	Securities, Commodity Contracts, and Other Financial Investments and Related Activities	
	524	Insurance Carriers and Related Activities	
	525	Funds, Trusts, and Other Financial Vehicles	
	531110	Lessors of Residential Buildings and Dwellings	
	531120	Lessors of Nonresidential Buildings (except Miniwarehouses)	
	531190	Lessors of Other Real Estate Property	
	531210	Offices of Real Estate Agents and Brokers	
	533110	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	

**513 C-1 General Commercial District (cont)**

C-1 PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
e. Services to individuals, business and government establishments,:	511	Publishing Industries (except Internet)	Hotel, Motel: One (1) for each guest room.
	512	Motion Picture and Sound Recording Industries	Service & repair: One (1) per 250 sq. ft. of work area.
	518	Internet Service Providers, Web Search Portals, and Data Processing Services	Club, library, funeral home, theater: One (1) for each 4 seats.
	519	Other Information Services	School: One (1) for each classroom and
	541	Professional, Scientific, and Technical Services	admin. office. All other: One (1) per 300
	611	Educational Services	square feet of gross floor area.
	621	Ambulatory Health Care Services	Hospital: One (1) for each 2 beds.
	622	Hospitals	
	623	Nursing and Residential Care Facilities	
	624	Social Assistance	
	712	Museums, Historical Sites, and Similar Institutions	
	713	Amusement, Gambling, and Recreation Industries (except 7132)	
	811	Repair and Maintenance	
	812	Personal and Laundry Services	
	813	Religious, Grantmaking, Civic, Professional, and Similar Organizations	
	7211	Traveler Accommodation	
	541940	Veterinary Services	

**513 C-1 General Commercial District (cont)**

<b>C-1 PERMITTED USES</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
f. Church, synagogue, temple or place of worship, including religious education building, parsonage or parish house, off-street parking for members and visitors without pay, and recreation facility	813110	Religious Organizations	One (1) for each two employees & one (1) for each four (4) seats in assembly room.
g. Government building or facility, including postal facility	92	Public Administration	One (1) for each 200 square feet of floor area
	491110	Postal Service	

**513 C-1 General Commercial District**

<b>C-1 CONDITIONAL USES (approved by Zoning Administrator if all conditions are met)</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
a. Temporary use, provided all following conditions are met: (1). Christmas tree sales, on vacant lot for a period not to exceed 45 days; (2). Contractor's office & equipment shed, (a) used in connection with construction on premises; (b) must not cause traffic congestion or nuisance; (c) for term up to one (1) year; may be renewed once.	N/A		One (1) for each 300 square feet of office area.
b. Communication towers subject to the provisions of Section 601.			
c. Mini-warehouses are prohibited.	531130	Lessors of Miniwarehouses and Self-Storage Units	

## 514 C-1 General Commercial District Regulations

The following regulations apply to all uses in C-1 districts:

Minimum lot area	None
Minimum lot width at building line	Fifty (50) feet
Minimum front yard depth	Twenty-five (25) feet. The setback on roads and streets classified as Arterial roads by Lexington County shall be forty (40) feet.
Minimum setback from second street frontage	Side street on corner lot: twelve and one-half (12 ½) feet Rear street on double frontage lot: twenty-five (25) feet
Minimum side yard:	Principal structure: No side yard is required if buildings are built to side lot line, otherwise, at least 3 feet of side yard width is required. Accessory structure: Five (5) feet from interior side lot line.
Minimum rear yard:	Principal structure: Twenty (20) feet Accessory structure: Five (5) feet
Maximum lot coverage:	Permitted and permissible buildings and their accessory structures: No maximum except as needed to meet other requirements herein
Maximum structure height	Forty (40) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae);
Visibility requirements	Corner lot: no obstruction between heights of three (3) and ten (10) feet above finished street level within twenty-five (25) feet of intersection of street right-of-way lines. Private drive: no obstruction over height of thirty (30) inches within ten (10) feet of street.
Off street parking area and loading area requirements	See Article 8.
Screening	See landscaping, supplemental regulations, Article 7 Planting screen, fence or wall at least six (6) feet high is required along all interior lot lines abutting a residential district.
Shopping centers	Two or more stores or businesses located on the same parcel of land constitute a shopping center. Site plan approval required.

## 515 LI Light Industrial District

LI PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
a. Horticultural nursery	1114	Greenhouse, Nursery, and Floriculture Production	One (1) per 200 sq. ft. Of office area
b. Manufacturing, processing, and packing limited to the NAICS classes listed:	311	Food Manufacturing (Except 3111)	One (1) per 300 square feet of inside work area
	313	Textile Mills	
	314	Textile Product Mills	
	315	Apparel Manufacturing	
	316	Leather and Allied Product Manufacturing	
	323	Printing	
	327	Nonmetallic Mineral Product Manufacturing	
c. Transportation terminal and storage, including miniwarehouses.	482	Rail Transportation	One (1) per 200 square feet of gross floor area
	484	Truck Transportation	
	485	Transit and Ground Passenger Transportation	
	487	Scenic and Sightseeing Transportation	
	488	Support Activities for Transportation	
	492	Couriers and Messengers	
	493	Warehousing and Storage	
d. Telephone, telegraph, radio, television services (except communication towers - see conditional uses)	515	Broadcasting (except Internet)	One (1) per 200 square feet of gross floor space
e. Public utility, including water tower, substation, land fill (except hazardous waste disposal in 4953)	22	Utilities	One (1) per 300 sq. ft. of floor area

**515 LI Light Industrial District (cont.)**

LI PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
f. Wholesale trade, durable and non-durable goods	423	Merchant Wholesalers, Durable Goods	One (1) per 300 sq. ft. Of sales area
	424	Merchant Wholesalers, Nondurable Goods	
g. Retail trade, involving sale of merchandise on premises (except NAICS Code 447110 Gasoline Stations with Convenience Stores - see conditional uses)	442	Furniture and Home Furnishings Stores	Eating & drinking places; One (1) for each four seats; All other: One (1) per 200 square feet of gross sales area
	443	Electronics and Appliance Stores	
	444	Building Material and Garden Equipment and Supplies Dealers	
	445	Food stores	
	446	Health and Personal Care Stores	
	451	Sporting Goods, Hobby, Book, and Music Stores	
	452	General merchandise stores;	
	453	Miscellaneous Store Retailers (Except 453930)	
	722	Food Services and Drinking Places	
	4482	Shoe Stores	
	4483	Jewelry, Luggage, and Leather Goods Stores	
	4481	Clothing and Clothing Accessories Stores	

**515 LI Light Industrial District (cont.)**

<b>LI PERMITTED USES</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
h. Finance, insurance, and real estate	521	Monetary Authorities-Central Bank	One (1) per 300 square feet of gross floor area
	522	Credit Intermediation and Related Activities	
	523	Securities, Commodity Contracts, and Other Financial Investments and Related Activities	
	524	Insurance Carriers and Related Activities	
	525	Funds, Trusts, and Other Financial Vehicles	
	531	Real Estate	
	533	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	

**515 LI Light Industrial District**

LI PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
i. Service to individuals, business and government establishments:	511	Publishing Industries (except Internet)	Service & repair: One (1) per 250 sq. ft. of work area. Hospital: One (1) for each 2 beds. School: One (1) for each classroom and admin. office. All other: One (1) per 300 square feet of gross floor area.
	512	Motion Picture and Sound Recording Industries	
	518	Internet Service Providers, Web Search Portals, and Data Processing Services	
	519	Other Information Services	
	541	Professional, Scientific, and Technical Services	
	611	Educational Services	
	621	Ambulatory Health Care Services	
	622	Hospitals	
	623	Nursing and Residential Care Facilities	
	624	Social Assistance	
	712	Museums, Historical Sites, and Similar Institutions	
	713	Amusement, Gambling, and Recreation Industries (except 7132)	
	812	Personal and Laundry Services	
	813	Religious, Grantmaking, Civic, Professional, and Similar Organizations	
	j. Government building or facility, including postal facility	92	
491110		Postal Service	

## 515 LI Light Industrial

<b>LI CONDITIONAL USES (approved by Zoning Administrator if all conditions are met)</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
a. One-family dwelling for watchman or caretaker, provided all following conditions are met: (1). dwelling is located on premises of permitted use; (2). head of household is employed in a permitted use as watchman or caretaker.	N/A		One (1) space
b. Garage for repair & servicing of motor vehicles, provided all following conditions are met: (1). operations are in a fully enclosed building; (2). no open storage of wrecked vehicles or dismantled parts, or visible beyond premises.	8111	Automotive Repair and Maintenance	Three (3) for each service bay.
c. Communication tower, See Section 601	515, 517	Communications	One (1) space
d. Temporary uses, provided all following conditions are met; (1). Christmas tree sale, on vacant lot not to exceed 45 days. (2). Contractor's office & equipment shed, (a) used in connection with construction on premises (b) must not cause traffic congestion or nuisance (c) for term up to one (1); may be renewed once. (d) Religious meeting, in tent or temporary structure for a period not to exceed 60 days.	N/A		One (1) for each 300 square feet of office area
d. Automobile service station, including limited sale of groceries, provided that (1). parking & service areas are separated from residential property by planting screen, fence, or wall at least 6 feet high. (2). adequate provisions are made for access and traffic safety; (3). conditions are imposed to protect adjacent property from adverse impact.	447110	Gasoline Stations with Convenience Stores	Two (2) for each fuel pump, plus three (3) for each service bay or wash rack

**515 LI Light Industrial District**

<b>LI SPECIAL EXCEPTIONS (approved by Board of Zoning Appeals after hearing)</b>	<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
<p>a. Manufacturing, industry, processing, assembly, and storage, provided the Board of Appeals determines:</p> <ul style="list-style-type: none"> <li>(1). the use is compatible with the district</li> <li>(2). adequate parking for employees &amp; customers is provided;</li> <li>(3). adequate provisions are made for access and traffic safety;</li> <li>(4). no outside storage of junk or salvage is permitted;</li> <li>(5). no nuisance will be created beyond the premises by noise, vibrations, smoke, gas, fumes, odor, dust, etc.;</li> <li>(6). conditions are imposed to protect adjacent property from adverse impact; and</li> <li>(7). applicable environmental regulations are met</li> </ul>	<p>311-314, 321-326, 331- 337, 339, 511</p>	<p>Manufacturing</p>	<p>Set by Board</p>

## 516 LI Light Industrial District

The following regulations apply to all uses in LI districts

Minimum lot area	One-half (½) acre
Minimum lot width at building line	Ninety (90) feet
Minimum front yard depth	Twenty-five (25) feet except that front yard depth shall be fifty (50) feet on all streets and roads classified as Arterials by Lexington County.
Minimum setback from second street frontage	Side street on corner lot; Twenty-five (25) feet Rear street on double frontage lot: Twenty-five feet
Minimum side yard	Thirty (30) feet from interior side lot line in, or one tenth (1/10) of lot width, but not less than ten (10) feet.
Minimum rear yard	Thirty (30) feet from interior rear lot line in, or one tenth (1/10) of lot depth, but not less than ten (10) feet.
Maximum lot coverage:	No maximum except as needed to meet other requirements herein
Maximum structure height	Fifty (50) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae)
Visibility requirements	Corner lot: no obstruction between heights of three (3) and ten (10) feet above finished street level within fourteen (14) feet of intersection of street right-of-way lines. Private drive: no obstruction over height of thirty (30) inches within ten (10) feet of street.
Off street parking area and loading area requirements	See Article 8. Truck Terminal: paved acceleration and deceleration lanes at least ten (10) feet wide and one hundred (100) feet long are required at entrance and exit of terminal site which must have access to and from major street.
Screening	See landscaping, supplemental regulations, Article 7 Planting screen, fence or wall at least six (6) feet high is required along all interior lot lines abutting any district not separated by a street, except BI.
Signs	See Article 9
Storage	No open storage of junk or salvage materials is permitted with any use in the district
Subdivision regulations	Applicable regulations must be met
Supplemental regulations	See Article 6.

### 517 BI Basic Industrial District

BI PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
a. Horticultural nursery	1114	Greenhouse, Nursery, and Floriculture Production	One (1) per 200 sq. ft. Of office area
b. Transportation terminal and storage, including mini-warehouses.	482	Rail Transportation	One (1) per 200 square feet of gross floor area
	484	Truck Transportation	
	485	Transit and Ground Passenger Transportation	
	487	Scenic and Sightseeing Transportation	
	488	Support Activities for Transportation	
	492	Couriers and Messengers	
	493	Warehousing and Storage	
c. Telephone, telegraph, radio, television services (except communication towers - see conditional uses)	515	Broadcasting (except Internet)	One (1) per 200 square feet of gross floor space
d. Public utility, including water tower, substation, land fill (except hazardous waste disposal in 562)	22	Utilities	One (1) per 300 sq. ft. of floor area
e. Finance, insurance, and real estate	522	Credit Intermediation and Related Activities	One (1) per 300 square feet of gross floor area
	523	Securities, Commodity Contracts, and Other Financial Investments and Related Activities	
	524	Insurance Carriers and Related Activities	
	525	Funds, Trusts, and Other Financial Vehicles	
	531	Real Estate	
	533	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	

### 517 BI Basic Industrial District

BI PERMITTED USES (cont.)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
f. Service to individuals, business and government establishments:	54194	Veterinary Services	Service & repair: One (1) per 250 sq. ft. of work area. Hospital: One (1) for each 2 beds. School: One (1) for each classroom and admin. office. All other: One (1) per 300 square feet of gross floor area.
	8111	Automotive Repair and Maintenance	
	622	Hospitals	
	5411	Legal services;	
	519, 611	Schools & libraries;	
	623	Nursing and Residential Care Facilities	
	624	Social Assistance	
			65

	236	Construction of Buildings	
	237	Heavy and Civil Engineering Construction	
	541	Professional, Scientific, and Technical Services	
g. Government building or facility, including postal facility	92	Public Administration	One (1) for each 200 square feet of floor area
	491110	Postal Service	
Manufacturing, industry, processing, assembly and storage which does not involve outside storage of junk or salvage, which does not affect adjacent property with noise and fumes, and which meets environmental regulations (see special exceptions)	311-314, 321-326, 331- 337, 339, 511	Manufacturing	One (1) for each 300 square feet of inside work area floor space

## 517 BI Basic Industrial District

BI CONDITIONAL USE (Approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
a. One-family dwelling for watchman or caretaker, provided all following conditions are met: (1). dwelling is located on premises of permitted use; (2). head of household is employed in a permitted use as watchman or caretaker.	N/A		One (1) space
d. Communication tower, see Section 601		Communication	One (1) space
c. Retail trade, involving sale of merchandise on premises	44, 45 311 315 337 442 443 445 446 448 451 452	Retail Trade Food Manufacturing Apparel Manufacturing Furniture and Related Product Manufacturing Furniture and Home Furnishings Stores Electronics and Appliance Stores Food and Beverage Stores Health and Personal Care Stores Clothing and Clothing Accessories Stores Sporting Goods, Hobby, Book, and Music Stores General Merchandise Stores	One (1) per 200 square feet of gross sales area
d. Physical fitness and recreation facility, provided all following conditions are met: (1). business must be incidental to a permitted manufacturing use; (2). business must be located on same premises as the permitted manufacturing use.	713940	Fitness and Recreational Sports Centers	
e. Temporary uses, provided all following conditions are met; (1). Christmas tree sale, on vacant lot not to exceed 45 days. (2). Contractor's office & equipment shed, (a) used in connection with construction on premises (b) must not cause traffic congestion or nuisance (c) for term up to one (1); may be renewed once. (d) religious meeting, in tent or temporary structure for a period not to exceed 60 days.	N/A		One (1) for each 300 square feet of office area

**517 BI Basic Industrial District**

<b>BI CONDITIONAL USES (cont.)                      (Approved by Zoning Administrator if all conditions are met)</b>	<b>NAICS                      CODE</b>	<b>NAICS DESCRIPTION</b>	<b>PARKING SPACES                      REQUIRED</b>
f. Automobile service station, including limited sale of groceries, provided the Board of Appeals determines; <ul style="list-style-type: none"> <li>(1). parking &amp; service areas are separated from residential property by planting screen, fence, and wall at least 6 feet high.</li> <li>(2). adequate provisions are made for access and traffic safety;</li> <li>(3). conditions are imposed to protect adjacent property from adverse impact.</li> <li>(4). the use is compatible with the district;</li> <li>(5). fuel pumps must comply with State regulations</li> </ul>	447110	Gasoline Service Station (gasoline station with convenience store)	Two (2) for each fuel pump, plus three (3) for each service bay or wash rack

### 517 BI Basic Industrial District

BI SPECIAL EXCEPTIONS (Approved by Board of Zoning Appeals after hearing)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>a. Manufacturing, industry, processing, assembly, and storage, involving open storage of junk or salvage, or producing noise, vibration, smoke, gas, odor, dust, fire hazard, radiation, or other conditions which could adversely affect adjacent property, provided the Board of Appeals determines:</p> <ul style="list-style-type: none"> <li>(1). the use is compatible with the district</li> <li>(2). the use is on a site at least five (5) acres in size</li> <li>(3). set adequate parking, access &amp; traffic safety</li> </ul> <p>conditions;</p> <ul style="list-style-type: none"> <li>(4). no nuisance or hazard will reach beyond the premises</li> <li>(5). setbacks and conditions are imposed to protect adjacent property from adverse impact; and</li> <li>(6). applicable environmental regulations are met</li> </ul>	311-314, 321-326, 331- 337, 339, 511	Manufacturing	Set by Board
<p>b. Open yard for sale, rental or storage of new, used, junk or salvaged materials or equipment, provided the Board of Appeals determines:</p> <ul style="list-style-type: none"> <li>(1). the use is compatible with the district;</li> <li>(2). the use is on a site at least one (1) acre in size;</li> <li>(3). set adequate parking, access &amp; traffic safety</li> </ul> <p>conditions;</p> <ul style="list-style-type: none"> <li>(4). no nuisance or hazard will reach beyond the premises;</li> <li>(5). setbacks, screening and other conditions are imposed to protect adjacent property from adverse impact, and;</li> <li>(6). applicable environmental regulations are met</li> </ul>	N/A		Set by Board

## 518 BI Basic Industrial District Regulations

The following regulations apply to all uses in BI districts:

Minimum lot area	One (1) acre
Minimum lot width at building line	One hundred (100) feet
Minimum front yard depth	Fifty (50) feet
Minimum setback from second street frontage	Side street on corner lot; Twenty-five (25) feet Rear street on double frontage lot: Twenty-five feet
Minimum side yard	Thirty (30) feet from interior side lot line in, or one tenth (1/10) of lot width, but not less than ten (10) feet.
Minimum rear yard	Thirty (30) feet from interior rear lot line in, or one tenth (1/10) of lot depth, but not less than ten (10) feet.
Maximum lot coverage:	No maximum except as needed to meet other requirements herein
Maximum structure height	Fifty (50) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae)
Visibility requirements	Corner lot: no obstruction between heights of three (3) and ten (10) feet above finished street level within twenty-five (25) feet of intersection of street right-of-way lines. Private drive: no obstruction over height of thirty (30) inches within fifteen (15) feet of street.
Off street parking area and loading area requirements	See Article 8. Truck Terminal: paved acceleration and deceleration lanes at least ten (10) feet wide and one hundred (100) feet long are required at entrance and exit of terminal site which must have access to and from major street.
Screening	See landscaping, supplemental regulations, Article 7 Planting screen, fence or wall at least six (6) feet high is required along all interior lot lines abutting any district not separated by a street.
Signs	See Article 9.
Subdivision regulations	Applicable regulations must be met
Supplemental regulations	See Article 6

### 519 PD Planned Development District

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

### 520 PD Planned Development Districts Regulations

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

Minimum site area	Four (4) acres
Minimum lot area for structure	Set in approved plan
Minimum lot width, yards, setbacks	Set in approved plan
Maximum lot coverage:	Set in approved plan
Maximum structure height	Sixty (60) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae)
Off street parking and loading requirements	Set in approved plan
Screening	Set in approved plan, but not less than landscaping required Article 7
Signs	Set in approved plan, but not greater than signs allowed in Article 9
Subdivision regulations	Applicable regulations must be met
Supplemental regulations	See Article 6

## 521 PD Planned Development District Application and Review Procedures

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

a. Zoning amendment required:	PD districts are established by amendment to the zoning ordinance in the manner prescribed for rezoning
b. District regulations	The applicable regulations in § 517, Article 6, and those in an approved plan and descriptive statement shall constitute the PD district regulations for the site.
c. Pre-application conference optional	An applicant for PD zoning is encouraged, but not required, to contact the Planning Commission prior to submission of the application for information and review of the regulations and procedures applicable to the proposed plan and descriptive statement.
d. Amendment application required	Initiation of a PD amendment shall be by submission of an application form provided by the Zoning Administrator with required attachments.
e. Development plan required	A site development plan is a required attachment to application for PD amendment. The site development plan shall be prepared according to the TOWN OF PINE RIDGE Land Development Regulations
f. Descriptive statement required	<p>(1). A descriptive statement is a required attachment to the application for PD amendment. The descriptive statement shall indicate the characteristics and standards to be used for development of the site, and shall include at least the following items:</p> <p>(2). Legal description of site boundaries, and total area of the site;</p> <p>(3). Area and location of each type of use;</p> <p>(4). Number and density of dwelling units by type;</p> <p>(5). Description of open space location, uses and proposed dedication for public use;</p> <p>(6). Ownership and maintenance of streets, and proposed dedication to public;</p> <p>(7). Methods of dealing with parking and the impact of projected traffic on the uses on the site and adjacent streets;</p> <p>(8). Steps proposed to comply with sediment control and storm drainage regulations;</p> <p>(9). Steps proposed to comply with landscaping regulations;</p> <p>(10). Details of association or organization involved in ownership and maintenance, including procedures and methods of operation;</p> <p>(11). Outline for development phasing with anticipated time frames;</p> <p>(12). Design standards, procedures and methods demonstrating that development will result in integrated use district, functional and compatible with the area;</p> <p>(13). Proposed restrictive covenants to be recorded to assure future compliance with the standards in the plan; and</p> <p>(14). Such other information as may be appropriate for planning commission review.</p>

## 521 PD Planned Development District Application and Review Procedure (cont.)

g. Planning Commission review	Upon determination that the application meets above requirements, the Zoning Administrator shall forward the application to the Planning Commission for review and recommendation to Town Council as required for zoning amendments.
h. Town Council action	Upon receipt of the Planning Commission recommendation, Town Council shall conduct a public hearing as required for zoning amendments, and may approve, approve with modifications accepted by applicant, or disapprove the proposed amendment.
i. Zoning and building permits	Zoning and building permits shall not be issued until Town Council approves the zoning, and approved plats, the approved descriptive statement and all required restrictive covenants are filed for record with the Municipal Clerk and the Register of Menses Conveyances of Lexington County, and all required bonds are posted with the Municipal Clerk.
j. District map	The site development plan approved by Town Council shall be the zoning district map for the PD and shall be the basis for issuance for zoning and building permits.
k. Changes to plan:	<p>Minor changes: Changes proposed in writing by the applicant which do not alter district boundaries and which involve revision of minor characteristics of the PD such as relocation of driveways, revision of floor plans, facades, landscaping, relocation of required parking, drainage structures, and features which do not materially affect the approved plan concept or violate any applicable regulations may be approved by the Zoning Administrator. Approval or rejection of the change is subject to review and final determination by the Planning Commission if the applicant or any party whose property is adversely affected files a written objection with the Planning Commission within ten (10) days after action by the Zoning Administrator. An applicant may submit a rejected change as an amendment to the plan under the normal zoning amendment procedures.</p> <p>Major changes: Changes proposed in writing by the applicant which alter district boundaries or which materially affect the characteristics of the PD shall be submitted under normal zoning amendment procedures applicable to the establishment of the PD.</p> <p>Permits: No zoning or building permits involving a minor or major change of the PD descriptive statement or map shall be issued until the written change is filed with the Municipal Clerk and recorded in the office of the Register of Menses Conveyances of Lexington County.</p>

### 521 PD Planned Development District Application and Review Procedure (cont.)

l. Failure to begin; failure to progress; failure to complete	If the responsible party fails to begin, fails to progress, or fails to complete development as agreed in the descriptive statement, Town Council may charge the developer with violation of the zoning ordinance, may rezone the property, or may take any combination of these actions. In any event, if the planned development is not initiated within three years of its establishment, Town Council may extend the time limit if requested in writing by the developer. The Planning Commission shall initiate the rezoning of the property to an appropriate district classification in conformity with the comprehensive plan at the end of the three year period. <i>Amended 9-10-13/ Ordinance 2013-08</i>
m. Transferability of PUD development plan approval.	PUD site development plan approval by the Pine Ridge Town Council and the developer shall not be transferable to any other party without approval by the Pine Ridge Town Council.

## 522 D-1 Development District

D-1 PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
a. Non-commercial horticulture or agriculture; including the keeping of poultry or animals	111	Crop Production	None
b. Single family dwelling	814110	Private household	two per dwelling unit
g. Government building or facility, including postal facility	92	Public Administration	One (1) for each 200 square feet of floor area
	491110	Postal Service	
d. Accessory uses on same lot with principal use, as follows: <ol style="list-style-type: none"> <li>(1). private garage for vehicles;</li> <li>(2). open parking are for two motor vehicles per dwelling unit may be used for one (1) commercial vehicle up to one (1) ton in capacity per dwelling unit;</li> <li>(3). shed for storage of building or lot maintenance equipment;</li> <li>(4). private kennel for not more than three (3) dogs or three (3) cats with minimum six (6) foot fence for exterior kennel;</li> <li>(5). private swimming pool, including deck, bath house or cabana; boat dock;</li> <li>(6). disaster shelter;</li> <li>(7). private garden; greenhouse or slat house up to eight (8) feet high;</li> <li>(8). private tennis, outdoor recreation and picnic facilities.</li> <li>(9). Garage sales, according to the provisions of Section 612</li> </ol>			

## 522 D-1 Development District

D-1 CONDITIONAL USES	NAICS CODE	NAICSDESCRIPTION	PARKING SPACES REQUIRED
<p>a. Church, synagogue, temple, or place of worship, including religious education building, parsonage, or parish office, off-street parking for members and visitor without pay, and recreation facilities, provided all following conditions are met</p> <ul style="list-style-type: none"> <li>(1). use is conducted in a permanent structure</li> <li>(2). building setback 25 ft. from property</li> </ul>	813110	Religious organizations, churches, etc.	One (1) space for each four (4) seats in main assembly room
<p>b. Public utility substation, water tower, (for communication tower, see special exceptions) provided all following conditions are met:</p> <ul style="list-style-type: none"> <li>(1). structures are enclosed by a six (6) foot fence;</li> <li>(2). no office, commercial operation, or storage of vehicles or equipment is permitted;</li> <li>(3). a landscape strip at least five (5) feet wide is planted and maintained along exterior lot lines.</li> </ul>	221	Utilities	One (1) space
<p>c. Cemetery, provided all following conditions are met:</p> <ul style="list-style-type: none"> <li>(1). Minimum five (5) acre lot;</li> <li>(2). No crematorium or dwelling except caretaker</li> <li>(3). front yard setback greater than seventy (70) feet from center of street or ten (10) feet from street right of way line</li> <li>(4). Non-illuminating sign not over 30 square feet in area and not more than ten (10) feet in height.</li> </ul>	812220	Cemetery	None
<p>d. Temporary contractor office &amp; equipment shed, provided that all following conditions are met</p> <ul style="list-style-type: none"> <li>(1). used in connection with construction on premises;</li> <li>(2). must not cause traffic congestion or nuisance;</li> <li>(3). for term up to one (1) year, may be renewed once.</li> </ul>	23611	Residential Building Construction	One (1) for each 300 square feet of office area

**522 D-1 Development District**

<b>D-1 CONDITIONAL USES (cont.)</b>	<b>NAICS CODE</b>	<b>NAICSDESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
<p>e. Customary home occupation in single-family dwelling, provided all of the following conditions are met:</p> <ul style="list-style-type: none"> <li>(1). conducted inside dwelling by resident family members;</li> <li>(2). utilizes not more than 25% of total dwelling floor area;</li> <li>(3). no change in exterior appearance of dwelling</li> <li>(4). no outside display of products</li> <li>(5). no sale of products except those made on premises or consumables incidental to a service;</li> <li>(6). create no health or safety hazard, noise, offensive emissions, traffic hazard, unsightly conditions or nuisance;</li> <li>(7). activity is not visibly evident outside dwelling, except for a wall-mounted sign not over (4) square feet in area</li> </ul>			
<p>For Bed and Breakfast Inn, see Special Exceptions</p>			

## 522 D-1 Development District

<b>D-1 SPECIAL EXCEPTION (Approved by the Board of Zoning Appeals after hearing)</b>	<b>NAICS CODE</b>	<b>NAICSDESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
<p>a. Unlighted, regulation-size or par three golf course, provided the Board of Zoning Appeals determines;</p> <ul style="list-style-type: none"> <li>(1). adequate off street parking is provided;</li> <li>(2). no building permitted except maintenance shed, clubhouse (including limited eating facility &amp; pro shop), cart storage, restrooms, rain shelters, &amp; gate house;</li> <li>(3). no permitted building or parking facility shall be within 300 feet of a dwelling;</li> <li>(4). adequate provisions for access &amp; traffic safety;</li> <li>(5). the use is compatible with the district</li> </ul>	713910	Golf Courses and Country Clubs	Number and location set by Board; minimum one (1) for each 200 square feet of building area, plus two (2) for each golf hole
	713940	Fitness and Recreational Sports Centers	
<p>b. Private kindergarten or pre-school nursery, provided they Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> <li>(1). applicable State regulations are met;</li> <li>(2). minimum 20,000 square foot lot;</li> <li>(3). structures minimum 25 feet from residential property;</li> <li>(4). conditions imposed for safety, traffic, impact on district;</li> <li>(5). the use is compatible with the district</li> </ul>	611310	Kindergarten (with academic program);	One (1) for each employee
	624410	Child Day Care Services	
<p>c. Cluster single-family development, provided that the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> <li>(1). detached single-family units on minimum of 2 acres</li> <li>(2). not exceed density per entire tract; may exceed density per acre;</li> <li>(3). lot requirements per house may be waived</li> <li>(4). Subdivision Regulations are met;</li> <li>(5). adequate provisions for access and traffic safety;</li> <li>(6). the use is compatible with the district</li> </ul>	814110	Private Households	Two (2) for each dwelling unit
<p>d. Conversion of existing dwelling to Bed and Breakfast, with provisions outlined in Section 611.</p>	721191	Bed and Breakfast Inn	Location set by Board; minimum one (1) for each guest room plus two (2) for resident innkeeper

**522 D-1 Development District (cont.)**

<b>D-1 SPECIAL EXCEPTION (Approved by the Board of Zoning Appeals after hearing)</b>	<b>NAICS CODE</b>	<b>NAICSDESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
e. Colleges, Universities, and Professional Schools	611310	Colleges, Universities, and Professional Schools	One (1) for each classroom and admin. office.
f. Communication tower, see Section 601	515, 517	Communications	One (1) space

### 523 D-1 Development District regulations

Minimum lot area	1 acre
Minimum lot area per dwelling unit	First unit: 1 acre each additional unit: 3,000 square feet
Minimum lot width at front building line	one hundred and twenty (120) feet
Minimum front yard depth	forty (40) feet
Minimum setback from second street frontage	Side street on corner lot: forty (40) feet Rear street on double frontage lot (40) feet
Minimum side yard	principal and accessory structures: fifteen (15) feet
Minimum rear yard	principal and accessory structures: thirty (30) feet
Maximum structure height	Thirty-five (35) feet to the roof line (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae)
Visibility requirements	Corner lot: no obstruction between heights of 3 and 10 feet above finished street level within 25 feet of intersection of street rights-of-way lines Private drive: no obstruction over height of 30 inches within 10 feet of street
Off-street parking area requirements	See Article 8
Signs	See Article 9
Supplemental regulations:	See Article 6

### 524 Reserved

## **525 FP- Flood Protective Areas**

The FP designation is not intended to be used as a district classification but as a designation that identifies areas subject to regulations that are supplementary to the regulations of the district to which such designations are attached, appended to or overlaid. Regulations that apply to areas designated on the Zoning Map and on the Flood Insurance Rate Maps (1995) for the Town of Pine Ridge as being within such appended or overlaid designations must be determined by joint reference to the regulations of both the basic district classification and the appended or overlay classification.

### **.1 Intent**

Certain areas within the Town of Pine Ridge are subject to periodic inundation by flood waters that result or may reasonably be foreseen to result in loss of life and property, health and safety, disrupt commerce and governmental services and extraordinary expenditures for flood protection and relief, all of which adversely affect the public health safety and general welfare. These hazards are caused or extended in part by the occupancy of flood hazard areas by uses that increase flood damage upon lands or uses that are vulnerable to floods because they are inadequately elevated or not otherwise protect from flood damages. It is therefore the intent of this ordinance to lessen such hazards and losses by restricting or prohibiting uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities; by requiring that uses vulnerable to floods be protected against flood hazards at the time of initial construction; and by controlling filling, grading, mineral extraction, placing any obstructions within flood channels and other activities, uses, or characteristics of use that may increase flood damage.

### **.2 Definitions**

1. Flood means a temporary rise of water level in lakes, ponds, rivers, streams, natural drainage courses, artificial drainage courses, or other waterways that results in inundation of areas not ordinarily covered by water.
2. Floodplains mean those areas subject to periodic inundation by 100-year frequency floods and subject to flooding which may cause damage or hazard of damage sufficient to justify protection there from. For purposes of this section of the Pine Ridge Zoning Ordinance, the floodplain is considered to be that areas designated by the notation “-FP” appended to a basic district classification. The boundaries of such areas are specified on maps provided to the Town of Pine Ridge by the Federal Emergency Management Agency.

### **.3 Permitted Uses in –FP Protective Areas**

The following list specifies the only uses that shall be permitted in any zone with the –FP designation attached.

1. Agricultural and horticultural uses including plant nurseries but excluding structures or fences or signs associated with these uses.
2. Parking and loading areas but excluding parking decks or parking related structures of any kind including signs and fences;
3. Recreational uses which are primarily open air uses and which do not offer substantial impediment to water flow, such as swimming areas, fishing areas, beaches, boat launching ramps, lifeguard stations, parks, playgrounds, playfields, horseback riding trails, wildlife or nature preserves, hiking trails, golf courses, driving ranges, archery

ranges, and tennis courts. No permitted use shall include signs, fences, or obstructions of any kind that will impede water flow in the FP area.

4. Open air uses generally accessory to residential uses such as lawns, gardens, play areas, and parking areas exclusive of structures of any kind.
5. Streets, bridges, overhead utility lines, storm drainage facilities, sewerage lines, waste treatment plant outlets but no waste treatment plants, water supply intake structures but no water treatment plants;
6. Utilities transmission lines;
7. Railroads

## ARTICLE 6

### SUPPLEMENTAL REGULATIONS

#### **600. Sexually oriented businesses.**

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

#### **600.1. Definitions.**

**1. Adult arcade** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "certain sexual activities" or "specified anatomical areas".

**2. 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:

**a.** Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

**b.** Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities. "A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as 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".

**3. Adult cabaret** means a nightclub, bar, restaurant or similar commercial establishment which regularly features:

- (1). Persons who appear in a state of nudity; or
- (2). Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (3). Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

**4. Adult motel means a hotel, motel or similar commercial establishment:**

- (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 or 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 sublet the room for a period of time that is less than ten (10) hours.

**5. 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".

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

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

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

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

- (1) The opening or commencement of any sexually oriented business as a new business.
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (3) The additions of any sexually oriented business to any other existing sexually oriented business; or
- (4) The relocation of any sexually oriented business.

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

**11. Nude Model Studio** means any place where a person who appears in a state of nudity or displays "specified anatomical area" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

**12. Nudity or a state of nudity** means the appearance of a person's genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or any simulation thereof; or any portion of a female breast below the horizontal line across the top of the areola at its highest point or any simulation thereof. The definition shall include the appearance of any portion of the entire lower portion of the female breast.

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

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

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

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

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

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

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

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

**19. Substantial enlargement** of a sexually oriented business means the increase in floor areas occupied by the business by more than (25) percent, as the floor areas exist on the date of adoption of this ordinance by the Pine Ridge Town Council.

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

- (1) The sale, lease, or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business.

#### **600.2. Classification**

Sexually oriented businesses are classified as follows:

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

### **600.3. Permit required**

**600.3.1.** A person commits a misdemeanor if he operates a sexually oriented business without a valid permit and/or license issued by the Town for the particular type of business.

**600.3.2.** An application for a permit and/or license must be made on a form provided by the TOWN OF PINE RIDGE zoning department. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business, including a statement of the total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

**600.3.3.** The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official. The health department, fire department and building office shall complete their inspections and certify same to the zoning administrator within twenty-one (21) days of receipt of the application by said zoning administrator

**600.3.4.** If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a (10) percent or greater interest in the corporation must sign the application for a permit and/or license as applicant.

**600.3.5.** The fact that a person possesses other types of state, or town permits and/or licenses does not exempt that person from the requirement of obtaining a sexually oriented business permit and/or license.

### **600.4. Issuance of permit and fee.**

**600.4.1.** The Town Zoning Administrator shall approve the issuance of a permit and/or license to an applicant within thirty (30) days after receipt of an application unless any one or more of the following is found to be true:

- (1) An applicant is under eighteen (18) years of age.
- (2) An applicant or an applicant's spouse is overdue payment to the Town for taxes, fees, fines, or penalties assessed or imposed in relation to a sexually oriented business.
- (3) An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application.

(4) An applicant is residing with a person who has been denied a permit and/or license by the Town to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.

(5) The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.

(6) The permit and/or license fee required by this ordinance has not been paid.

(7) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.

(8) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

**600.4.2.** The annual fee for a sexually oriented business permit and/or license is five hundred dollars (\$500) dollars.

#### **600.5. Inspection.**

**600.5.1** An application of permittee shall permit representatives of the law enforcement department, health department, fire department, zoning department or any other town departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

**600.5.2** 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.

#### **600.6. Expiration of Permit.**

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

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

**600.7. Suspension of Permit.**

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

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

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

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

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

**600.8. Revocation of Permit.**

**600.8.1.** The zoning administrator shall revoke a permit if a cause for suspension in Section 600.7 occurs and the permit and/or license has been suspended within the preceding twelve (12) months.

**600.8.2.** The zoning administrator shall revoke a permit and/or license if it is determined that:

(1) A permittee and/or his licensee knowingly gave false or misleading information in the material submitted to the zoning department during the application process;

(2) A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(3) A permittee and/or licensee or an employee has knowingly allowed prostitution on the premise;

(4) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended;

(5) A permittee 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 license premises;

(6) A permittee and/or licensee is delinquent in payments to the town or state for any taxes of fees past due.

**600.8.3.** When the zoning administrator revokes a permit and/or license, the revocation shall continue for one (1) year, and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one (1) year from the date revocation became effective. If, subsequent to revocation, the zoning administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date the revocation became effective.

**600.9. Transfer of Permit.**

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

**600.10. Location of Sexually Oriented Businesses.**

**600.10.1.** A sexually oriented business may be located only within the C-1 General Commercial District.

**600.10.2.** A person commits a misdemeanor when operating or causes to be operated, a sexually oriented business outside of a designated C-1 District.

**600.10.3.** A person commits a misdemeanor when operating, or causes to be operated, a sexually oriented business within two hundred (200) feet of:

- a. A church;
- b. A public or private elementary or secondary school;
- c. A boundary of any residential district
- d. A public park adjacent any residential use;
- e. A day care center.
- f. The property line of a lot on which a residential use is located.

**600.10.4.** A person commits a misdemeanor if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within five hundred (500) feet of another sexually oriented business.

**600.10.5.** A person commits a misdemeanor if he causes or permits the operation, establishment or maintenance of more than one (1) sexually oriented businesses in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

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

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

**600.10.8.** Any sexually oriented business lawfully operating on the date of adoption of this zoning ordinance by the Pine Ridge Town Council that is in violation of subsection (1) through (7) of this section shall be deemed to be a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any

reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within five hundred (500) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.

**600.10.9.** A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a church, public or private elementary or secondary school, public park, day care center residential district, or a residential lot within two hundred (200) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.

**600.11. Additional Regulations for Adult Motels.**

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

**600.11.2.** A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit and/or license, he rents or sublets a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or sublets the same sleeping room again.

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

**600.12. Regulations for Exhibition of Sexually Explicit Films or Videos.**

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

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

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

(3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator or his designee.

(4) It is the duty of the owners and operator of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(6) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (5) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that not patron is permitted access to any area of the premises which as been designated as an area in which patrons will to be permitted in application filed pursuant to subsection (1) of this section.

(7) No viewing room may be occupied by more than one (1) person at any time.

(8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot candle as measured at the floor level.

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

**600.12.2.** A person having a duty under subsection (1) through (9) of subsection 600.12.1 above commits a misdemeanor if he knowingly fails to fulfill that duty.

**600.13. Exemptions.**

It is a defense to prosecution under sections 600.4 and 600.10 that a person appearing in a state of nudity did so in a modeling class operated:

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

**600.13.2.** By a private college or university which maintains and operates education programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

**600.13.3.** In a structure:

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

(2) Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and

(3) Where no more than one (1) nude model is on the premises at any one (1) time.

**600.14 Injunction:**

A person who operates or causes to be operated a sexually oriented business without a valid permit and/ or license or in violation of section 710.10 of this chapter is subject to a suit for injunction as well as prosecution for criminal violation as outlined in Article 11 of this ordinance.

## **601 Communications Tower & Antenna**

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

### **601.1 Districts in Which Special Exception and Conditional Uses Are Permitted and Height Limitations of Free-standing or Guyed Towers**

- (1)** In residential districts R-1, R-2, and R-3 and commercial districts C-1 and MU, Free-standing pole with height not exceeding 100 feet is a permitted special exception pursuant to Section 601.5.
- (2)** In industrial districts LI & BI, and development district D-1, free-standing or guyed towers with height not exceeding 200 feet are permitted conditional uses; height exceeding 200 feet requires special exception.
- (3)** In planned development districts, towers with height specified in approved plan are permitted under conditions set forth in plan-
- (4)** In permissible districts, towers and/or antennas mounted on buildings, water tanks or structures other than a free-standing or guyed communications tower must not extend more than 30 feet above the highest part of the structure.
- (5)** In districts in which communication towers and antennas are permitted, free-standing or guyed and/or antenna exceeding height limitations may be permitted by the Zoning Board of Appeals as a special exception. See requirements for special exceptions.
- (6)** In all districts, variances from conditions imposed by this section may not be granted by the Zoning Board of Appeals. Variances from other general district regulations may be granted under standards in S. C. Code 6-29-800.

### **601.2 Application Requirements**

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

- (1)** One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.
- (2)** A site plan, drawn to scale, showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property;
- (3)** A current map, or update for an existing map on file, showing locations of applicant's antennae, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the town;

- (4) A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIAMA 222 (latest version) standards.
- (5) Identification of the owners of all antennae and equipment to be located on the site;
- (6) Written authorization from the site owner for the application;
- (7) Evidence that a valid FCC license for the proposed activity has been issued;
- (8) A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts;
- (9) A written agreement to remove the tower and/or antenna within 90 days after cessation of use;
- (10) Evidence that applicable conditions in Subsection c. are met; and
- (11) Additional information required by the Zoning Administrator for determination that all applicable zoning regulations are met.

### **601.3 Conditions**

Applicant must show that all applicable conditions are met.

- (1) The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.
- (2) Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements, without unreasonable modifications on any existing structure or tower under the control of applicant.
- (3) Applicant for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a non-residential district for valid technical reasons.
- (4) Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements.
- (5) Applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant's present and future requirements.

- (6) Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.
- (7) A communications tower must not be painted or illuminated unless otherwise provided by state or federal regulations
- (8) A permit for a proposed tower site within 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.
- (9) Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Zoning Administrator a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in form approved by the municipality attorney.
- (10) Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except setback and height, shall apply to the use. Setback and height conditions in this section apply.
- (11) A tower must be a minimum distance equal to one-half the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines distances equal to the district setback requirements or 25% of the tower height, whichever is greater.
- (12) Prior to issuing a permit, the Zoning Administrator may consult with a communications expert for technical review to determine that the standards in Sections 601.3 2), 3), 4), 5), 7), and 8) are met.

#### **601.4 Appeal to Board**

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

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

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

(3) Applicant may apply directly to the Board for a permit for any tower as a special exception pursuant to Section 601.5.

### **601.5 Special Exceptions**

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

(1) All application requirements and conditions imposed in section 601.1 through 601.4 of this ordinance are met.

(2) If additional tower height is requested, total tower height will not exceed 125% of the maximum height permitted in the district as a conditional use or special exception.

(3) Applicant has demonstrated that additional height above that permitted by conditional use regulations is necessary for service to occupants of an area within the municipality.

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

(5) Prior to approving a permit by special exception or on appeal from action of the Zoning Administrator on an application for a conditional use, the Board may consult with a communication expert for technical review to determine that the standards in subsections 601.3 (1), (2), (3), (4), (5), (7), and (8) are met

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

(7) The Board may not grant a variance from the standards imposed for a communication tower or antenna in connection with granting a special exception, except as permitted by Sections 601.1 through 601.4

## **602 Clustered Development**

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

The clustered development regulations shall only be applied upon determination by the Planning Commission that the proposed development is in accord with uses specified in the district regulations sections of the Pine Ridge Zoning Ordinance.

### **.1 Definitions**

**Cluster House:** A single family dwelling unit, either attached or detached, on its own lot located within a cluster housing development.

**Clustered Housing Development:** A concentration of single family dwelling units constructed on individual lots. In the R-2 and R-3 zoning districts, clustered housing developments may consist of manufactured homes. Individual lots shall be located within an overall tract of land held in common ownership by individual property owners and reserved for common open space.

**Cluster Commercial Unit:** A building or unit of a building on its own lot, located within a cluster commercial development.

**Clustered Commercial Development:** A concentration of commercial buildings, or units thereof, constructed on individual lots. Individual lots shall be located within an overall tract of land held in common ownership by individual property owners. Land held in common ownership shall be reserved for common open space.

**Mixed Residential and Commercial Clustered Developments:** In the MU district, residential and commercial uses permitted in that district may be combined in a clustered development provided that all other parking and signage requirements for that district are met.

### **.2 Lot size**

Clustered developments shall provide for individual lots of no minimum sizes upon which are permitted one single structure. Not more than four residential or commercial units may be attached. Mobile homes are excluded from location within a clustered development.

**.3 Location and Minimum Size**

Clustered single family resident development shall be permitted in the R-1, R-2, R-3 and the MU districts as special exceptions. Clustered commercial developments shall be permitted as special exceptions in the C-1 and MU districts. Clustered developments shall not be permitted on a tract of land less than three (3) acres.

**.4 Density and Recreational Area**

The maximum overall density for a residential clustered development shall be in terms of the number of dwelling units per gross acre of land within the development as provided in the table below.

The minimum total open space area is a minimum ratio of open space area per total area of the development as provided in the table below.

If a clustered development embraces one or more zoning districts requiring different maximum permitted overall residential densities and recreation area ratios, then the district with the least restrictive density requirement shall apply to the entire project area.

Zoning District	Maximum Density per Acre	Min. Open Space Area
R-1	4	.30
R-2	8	.24
R-3	12	.18
MU	12	.18

\*\*The above numbers refer to residential densities only. In the C-1 and MU districts, there is no commercial unit density restriction.

**.5 Yards**

Except as required in the following, there shall be no minimum yard size within clustered developments. However, the planning commission shall have review authority for all yard designations and may require larger or smaller yard sizes based upon the particular site plans submitted for a specific development.

A perimeter boundary setback of twenty (20) feet measured from the principal structures to the property line shall be maintained uniformly for the total area within any clustered development.

**.6 Minimum Lot Size**

There shall be no required minimum lot size within clustered developments. However, the planning commission shall have review authority for all lot designations and may require larger, smaller, or replatted lot sizes and or shapes based upon the particular site plans submitted for a specific development.

**.7 Required Accessory Off Street Parking and Loading**

The required accessory off street parking and loading space for clustered developments shall be as stipulated for each zone where such a development is planned. Uses within each clustered development shall meet the parking requirements specified for such uses in specific zones. For example, a commercial clustered development in the C-1 zone containing office uses shall meet the parking requirements for office uses specified in the C-1 zone.

**.8 Recreation and Open Space Area Maintenance**

Provisions shall be made for the perpetual maintenance of recreation areas designated for use by the residents of a residential clustered development and for perpetual maintenance of open space in commercial clustered developments as generated by ratios specified in Section 602.4. This may be accomplished through a homeowners or commercial association established in accord with and chartered by the state under applicable regulations, or by any other means acceptable to the planning commission. Such association charter or declaration of incorporation shall be submitted for approval by the planning commission and shall be recorded along with the development plat(s) in the Lexington County Register of Menses Conveyances office.

**602.9 Procedure for Approval of Clustered development**

A clustered development shall follow the same rules and procedures set forth in this ordinance for any special exception. Additionally, each proposed clustered development shall meet the provisions of the Pine Ridge Land Development Regulations as set forth in Section 9 of those regulations.

**603 Reserved**

**604 Manufactured Homes**

Individual manufactured homes are permitted on individual lots in the Town of Pine Ridge in the R-2 and R-3 zones as conditional uses subject to the following definitions and provisions.

**Definitions:**

Manufactured Home, See section 200.1(67).

A mobile home is defined in Article 2 , Section 200.1(70).

Modular building, See Section 200.01(71). A modular building unit, not to include a manufactured home or mobile home, shall be included in the definition of a single, two family and multi-family dwelling unit as defined in Article 2.

**604.1** Manufactured Homes placed in Manufactured Home Parks shall meet the requirements specified in the "Town of Pine Ridge Mobile Home Park Ordinance". An existing manufactured home on an individual lot wherever located in the town at the time of the enactment of this ordinance may be replaced thereafter by a manufactured home of the same or larger square footage so long as the replacement manufactured home meets the provisions of the HUD 1976 Construction Code for manufactured homes. Mobile homes may be replaced only by manufactured homes of the same or larger size and that meet the provisions of the 1976 HUD Construction and Safety Standards for Manufactured Homes. All other provisions of this zoning ordinance relating to setbacks shall be met.

**604.2** Manufactured homes may be permitted as a principal dwelling unit as a principal permitted residential use in the R-2 and R-3 zoning districts and in clustered housing developments as conditional uses in the R-2 and R-3 zoning districts.

### **605. Manufactured home parks**

Manufactured home parks shall meet the requirements specified in the TOWN OF PINE RIDGE Mobile Home Park Ordinance.

### **606. Child day-care centers**

Before granting a special exception for establishment of a Child Day Care Center or an In-Home Child Day Care Center, the Board of Appeals shall determine that such facility meets the requirements set for the in the South Carolina Department of Social Services "Rules and Regulations Relating to Licensing Day Care Facilities and Child Care Centers". Child day care facilities are divided into the following categories based upon the number of children served:

- (1) In-Home Child Day Care Center- one (1) to six (6) children
- (2) Child Day Care Center- seven (7) children and greater

The Fire Inspector and Building Official may inspect the facilities semi-annually to ensure adequate compliance with regulations

**606.1.** A fenced play area of not less than four thousand (4,000) square feet shall be provided for twenty (20) children or less, with two hundred (200) additional square feet for each additional child. No play area shall be closer than twenty (20) feet to any residential lot line. No fence shall be less than 5 feet in height or greater than 7 feet in height.

**606.2.** An area adequate for loading and unloading children to be accommodated shall be provided and such area shall not be located within any public right-of- way.

**606.3.** Signs shall conform to the regulations of Article 9

**606.4.** Facilities, operations and maintenance shall meet the requirements of the health department

**606.5.** Additional Conditions: The Board shall determine if additional safeguards and conditions are appropriate in order to protect children accommodated from detrimental characteristics of use of

adjacent areas, or to protect adjacent uses from potential incompatible characteristics arising from such child day-care centers and in-home child day-care centers.

**607. Reserved**

**608. Recreational facilities adjacent to residential uses**

Outdoor recreational facilities, which are adjacent to lots that are zoned for residential purposes, shall comply with the following standards:

**608.1.** No swimming pool, playground, miniature golf course, ball field, or game court shall be closer than fifty (50) feet from the property line of a lot zoned for residential purposes.

**608.2.** No lighting shall be installed in connection with outdoor recreational facilities which are closer than fifty (50) feet to the property line of a lot zoned for residential purposes, unless such lighting is of such a nature, as determined by the zoning administrator, that it will not be a nuisance to an adjacent residential use.

**608.3.** A solid wall or fence, or vegetative screening which furnishes equal protection against noise and light, shall be provided when determined appropriate by the zoning administrator.

**608.4.** No commercial activities shall be permitted in conjunction with recreational uses in residential zones except as listed below:

**608.4.1.** Charges and fees for the use of recreational facilities, and

**608.4.2.** Other activities which are directly in conjunction with the recreational facility and which, in the judgment of the zoning administrator, would not be in conflict with the residential nature of the neighborhood.

**609. Reserved**

## **610. Satellite dish antennae**

**610.1.** Satellite dish antennae are considered accessory structures and are allowed only within specified yard setbacks for the zone where they are to be located.

**610.2.** A satellite dish antennae may be placed on a roof provided its diameter does not exceed 24 inches.

## **611 Bed and breakfast inns**

Bed and breakfast inns shall be allowed in any residential or commercial zoning district as a special exception subject to the following conditions:

**611.1** Inspection and approval by the ex-officio State Fire Marshall, the Lexington County Fire Service and the building inspector designated by the Town of Pine Ridge

**611.2** All units of rental occupancy shall meet the requirements of the Southern Standard Housing Code.

**611.3** If the Bed and Breakfast Inn locates guest rooms above the first floor, at least two exit stairways must be provided for egress from the upper floors.

**611.4** Where and when structural changes to guest room walls and ceilings are to be effected, 1 hour or greater fire separation between guest rooms will be required.

**611.5** All electric convenience outlets located in bathrooms for guests must be a GFI type.

**611.6** Smoke Detectors (HWW/BATTBU) must be installed in all guest rooms and emergency lights must be provided in the emergency egress pathway (corridor) from each guest room.

**611.7** Fire extinguishers must be placed as determined by the Lexington County Fire Service and the building inspector designated by the Town of Pine Ridge.

**611.8** No unvented heating devices shall be installed or used in or near guest rooms.

**611.9** Bed and Breakfast Inns will be subject to random compliance inspections by the Lexington County Fire Service and the building inspector designated by the Town of Pine Ridge.

**611.10** Meals may be served only to registered guests.

**611.11** The resident owner shall maintain a guest register to include names, addresses, and dates of occupancy of all guests.

**611.12** Off-street parking shall be provided by the resident owner with at least one parking space per rental unit (room, cottage, etc.)

**611.13** The principal use of a Bed and Breakfast dwelling shall remain residential.

**611.14** In residential districts, only one freestanding or one wall mounted sign, not to exceed four square feet in area, non-illuminated, may be located on the premises of a Bed and Breakfast Inn.

## **612 Garage Sales**

**612.1** In residential districts, garage sales are permitted as an accessory use provided that no household in Pine Ridge shall hold more than three garage sales per calendar year. Also, garage sales shall not be advertised by more than one off-site advertising sign and one on-site advertising sign.

## **613 Bike & Pedestrian Access**

**613.1** Sidewalks, paths, trails, and/or greenways designed to accommodate pedestrian, bicycle, and other non-automotive traffic shall be provided in all new residential subdivisions, new group developments, and Planned Development Districts. The system of sidewalks, paths, trails, greenways, or combination thereof shall be designed such that every lot in the development or building in a group development has access to the system. Connectivity of the system to nearby schools, businesses, institutions, and other facilities shall be provided as applicable and practicable. The proposed system design shall be approved by the Planning and Zoning Commission at the plan review per the provisions of this Ordinance.

## ARTICLE 7 LANDSCAPE REQUIREMENTS

These requirements apply to developments or redevelopments where an expansion or redevelopment of a property results in an increase in the value of the property by 50% or more of the pre-development value, or an increase of 50% or more of the building or parking areas within the TOWN OF PINE RIDGE jurisdiction. This Article does not apply to single-family housing units on individual lots. However, new subdivisions; group developments; mobile home parks; manufactured home parks; multi-family residential developments; PUDs; commercial institutional, and industrial developments; and all other developments other than construction of a dwelling unit on an individual lot not part of a larger residential development project are subject to the provisions of this sections.

**7-1 Landscaping Plan Requirements** - In addition to the site plan requirements from the appropriate land development regulation sections, the following standards shall apply:

**7-1A.** North arrow and scale.

**7-1B.** Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.

**7-1C.** The location and contours, at one (1) foot intervals, of all proposed berms.

**7-1D.** The location and dimensions of all existing (to remain) and proposed structures, setback line and required buffer yards, parking lots, driveways, landscaped islands and strips, sidewalks, service areas, screening, fences, walls, berms, above or underground utilities and storm drainage systems, freestanding electrical equipment, recreational facilities, and other freestanding structural features as determined necessary by the Town.

**7-1E.** Location of plant material, including name of plants (botanical and common), installation size, spread at time of planting and at maturity, quantities of plants, and other remarks as appropriate to describe plant selection (lawns and beds of annual or perennial plants may be designated by common names only).

**7-1F.** Onsite and abutting land use features [within 50 feet], and use(s) of adjacent parcel(s).

**7-1G.** Protection plan for existing trees that are to be saved.

**7-1H.** Location of irrigation system, if any, to landscaped areas.

**7-1I.** Such other information as may be deemed necessary because of the landscaping requirements or physical characteristics peculiar to the particular development.

## **7-2 Standards**

**7-2A. Planting** - Vegetation used in landscaping or screening should be planted during the dormant season to ensure the best chance of survival. A surety bond may be required to insure the installation of landscaping, especially during the growing season.

**7-2B. Driver Visibility** - Landscaping, including existing or planted material, shall not obstruct the view of motorists using any street, private driveway, parking aisles or the approach to any street intersection.

**7-2C. Maintenance** - The owner is responsible for maintaining all required plant material in good health. Any dead, unhealthy or missing plants must be replaced with vegetation that conforms to the initial planting standards of this section. All landscape planting areas shall be stabilized from soil erosion immediately upon planting and shall be maintained for the duration of the premises. In the event that plant material is severely damaged due to an unusual weather occurrence or other act of nature, the owner shall have until the end of the dormant season to replant.

**7-2D. Existing Landscaping Features** - Use of existing trees or shrubs to satisfy off-street landscaping is strongly encouraged. If such existing landscaping is used and consists of mature and semi-mature trees, the Zoning Administrator shall have the authority to reduce the amount of required landscaping by up to fifty (50%) percent based on the following schedule. In no instance shall any paved area within a parking area extend closer to any existing tree used for landscaping than its drip line. Any parcel that is to be developed, in any district, except for development of a single-family dwelling unit on an individual lot not part of larger platted subdivision, shall identify any and all trees with a DBH (Diameter at Breast Height) of 8" or greater located on the lot. Every reasonable effort shall be made by the developer to save such trees.

2"-6" DBH tree = 1 tree

7"-12" DBH tree = 2 trees

13"-18" DBH tree = 3 trees

19"-24" DBH tree = 4 trees

25"+ DBH tree = 5 trees

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

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

### **7-2E. General Provisions**

**E1. Plant Installation Standards** - The following standards shall apply to all new plant material installed as a requirement of this section:

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

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

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

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

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

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

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

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

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

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

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

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

**E2.** All new plant material shall be the following minimum sizes:

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

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

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

**D:** Shrubs shall be a minimum of 18 inches in height at installation, as measured by ANSI <sup>109</sup>Z60.1-1996 American Standard for Nursery Stock.

**E3.** All plant material used must meet the standards set forth in ANSI Z60.1-1996 American Standard for Nursery Stock. The Town Zoning Administrator shall review questions about acceptable plant materials. A list of recommended plantings is located at the end of this Article.

**E4.** All landscape islands must be covered with living material including grass, groundcover, and shrubs, except for marked areas directly around the trees, so that no soil is exposed. No stone mulch shall be permitted. All other planting areas not covered by trees or shrubs shall be covered by grass, mulch and ground covers.

**7-3. Landscaped Yards**

**7-3A. Street Yards** - The minimum average width of all required street yards shall be ten (10) feet. Widths shall be measured perpendicular to the appropriate street right-of-way. Trees for use in street yards shall be of large maturing canopy type. Ornamental and coniferous types shall not be used to meet the requirements of this section unless conflicts with overhead utilities exist. In such case, the building official may authorize the substitution of understory trees. Landscaping requirements are shown in Table 1.

**7-3B. Perimeter Yards** - The minimum width of all perimeter yards shall be ten (10) feet. In situations of incompatible adjacent land uses, a buffer yard may be required in lieu of a perimeter yard (see Section 7-7). Trees used to satisfy these requirements may be of any type as provided for by this ordinance. Landscaping requirements are shown in Table 1.

**7-3C. Zoning Setbacks** - The required landscaped yards shall not prohibit the location of buildings, structures or shared drives otherwise specifically allowed by the underlying zoning setbacks, and may be reduced accordingly by the Zoning Administrator.

**7-3D. Maximum Requirement** - The landscaped yard should not result in requiring more than 35% of the available lot and may be reduced accordingly by the Zoning Administrator. Additionally, the intent of this ordinance shall not be construed as to mean that trees are to be planted in a density that would be unhealthy or damaging.

**Table 1 - Street and Perimeter Yards\***

	<b>Street Yard</b>	<b>Perimeter Yard</b>
Minimum width	10 ft.	10 ft.
Trees per 100 linear feet	4	3
Shrubs per 100 linear feet	12	8

\* Subject to the exemptions of 7-3 C and D.

## 7-4 Parking Lots

**7-4A.** The impervious surface of the parking area and access area shall be separated from the street right-of-way and property lines by a landscaped strip at least ten feet in width. Ingress and egress shall be provided through driveway openings only. In the event a parking lot is adjacent to a parking lot or driveway on another parcel, the required landscaped strip along the common property line between the two areas may be waived by the Zoning Administrator, or the Planning Commission, if it will result in less traffic congestion on adjoining streets because of improved traffic circulation between the two parking lots or a reduction in the number of curb cuts.

**7-4B.** The parking lot shall be constructed so that spaces are grouped into bays. At the end of each bay for 8 or more cars, a landscaped island of at least nine feet in width and 15 feet in length shall be built to separate the bays from each other or from traffic lanes. When the parking bays contain double rows of parking spaces, the landscaped island shall be increased to nine feet in width and 30 feet in length. (Figure 7.11) A parking bay may not be constructed to a length of more than 180 feet without constructing a landscaped island. The Zoning Administrator may approve islands, which vary from 9' x 15' or 9' x 30' rectangles in order to provide desirable geometric design features such as rounded corners and angles to facilitate maneuvering of automobile traffic.

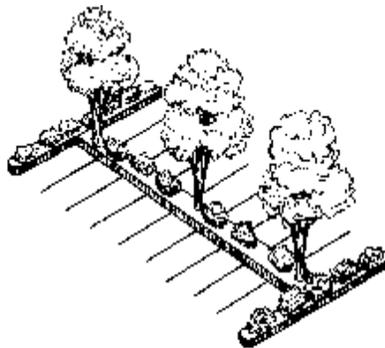


Figure - Attractive landscaping relieves the monotony and "sea of asphalt" appearance of large parking lots.

**7-4C.** The landscaped areas within the parking lot shall not be less than 4% of the impervious surface area of the parking lot. The perimeter landscaped strip and street yards required shall be excluded from the calculations of the minimum landscaped percentage.

**7-4D.** A minimum of one tree shall be provided within the landscaped areas in the parking lot for each 10 parking spaces in the lot. No trees identified as large maturing shall be planted within 20 feet of an electrical transmission or distribution line. Existing trees and natural vegetation shall be retained wherever possible, particularly where they border adjacent property. All parking facing street frontage shall plant shrubs to screen the area (not to exceed three feet at mature height at entrances and sight distance triangles) or create berms. No gaps greater than five (5) feet are allowed in a screen. All applications for development review or zoning permits shall be accompanied by a landscaping plan.

## **7-5 Landscape Maintenance**

**7-5A.** The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers as may be required by the provisions of the Pine Ridge -Land Development Regulations.

**7-5B.** No plant material over 18 inches in height at maturity or structures of any kind shall be placed within the sight distance triangle or sight visibility triangle.

**7-5C.** Fences and walks shall be maintained in good repair.

## **7-6 Service/Utility Areas**

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

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

- A.** The screening must be at least six (6) feet in height or the height of the object to be screened;
- B.** The screening must extend along the entire perimeter of the service area, except for necessary access.
- C.** Fencing shall be designed to relate well to the principal building as to materials and colors. Fences must be constructed of brick, masonry, or wood and shall require appropriate plantings.

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

## **7-7 Bufferyards**

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

### **Bufferyard Types**

**7-7A. Type A** - Shall apply when any use is similar to an adjacent use or has only a slight impact on the adjacent use. This is similar to the standard street yard requirement. See Table 3 for specific zoning uses to which this type of buffer shall apply.

**7-7B. Type B** - Shall apply when any use is somewhat different from an adjacent use or has a moderate impact on adjacent uses. See Table 3 for specific zoning uses to which this type of buffer shall apply.

**7-7C. Type C** - Shall apply when any use is clearly different from an adjacent use or has a definite<sup>112</sup> impact on adjacent uses. See Table 3 for specific zoning uses to which this type of buffer shall apply.

**7-7D. Type D** - Shall apply when any use is incompatible from an adjacent use or has a large impact on adjacent uses. See Table 3 for specific zoning uses to which this type of buffer shall apply.

**7-7E. Type E** - Shall apply when any use is incompatible from or has a severe impact on adjacent uses. See Table 3 for specific zoning uses to which this type of buffer shall apply.

<b>Table 2 Bufferyard Types</b>					
	Low Impact	Medium Impact		High Impact	
	Type A	Type B	Type C	Type D	Type E
Minimum Width	10 ft	15 ft	20 ft	30 ft	50 ft
Trees per 100 linear ft.	4	6	8	10	12
Shrubs per 100 linear ft.	12	18	30	40	50
<p><u>Note:</u> The minimum width may be reduced by 25% if a solid wall or fence, at least six feet in height, is constructed, a 50% width reduction may be granted with the installation of a brick or masonry wall or a berm with a minimum height of four (4) feet. <b>Maximum Requirement</b> The bufferyard should not result in using more than 35% of the available lot and may be reduced accordingly by the Zoning Administrator.</p>					

**Table 3 – Bufferyard Requirements**

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

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

## **7-8 Open Space Requirements**

Improving the quality of all development activities, whether residential or non-residential, contributes to the general welfare, prosperity, and pride of the Town of Pine Ridge; and if the preservation of open space is involved there is the opportunity to mitigate potential environmental damage and promote a healthier and more livable community.

The following open space requirements are established in order to preserve and enhance existing vistas; improve appearance; offset the environmental impact of large expanses of impervious surfaces; improve ground water recharge; and promote adequate light, air, and open space for the residents of and visitors to the Town of Pine Ridge.

It is the intent of this article to encourage creativity in layout design by being as flexible as possible in the application of open space standards.

### **7.8.1 Residential Subdivisions**

The purpose of this section is to provide guidelines for the establishment of suitable and usable open space within all proposed residential subdivisions with lot sizes less than 2 acres or which have at least ten lots.

#### **A) Quantity of Open Space**

At least 10 percent of the total gross land area of the subdivision shall be designated as open space. The following shall be counted toward this minimum open space requirement provided they are actually set aside on property separate from the subdivision parcels:

- a) Natural features (riparian areas, wetlands, natural ponds, streams, wildlife corridors, steep slopes, etc.), natural hazard areas (floodplains, floodways, etc.), stormwater features (drainage channels, ditches, ponds, etc.), and land area occupied by Low Impact Development (LID) stormwater management devices;
- b) Land occupied by active and passive recreational uses such as pools, playgrounds, tennis courts, jogging trails, ball fields, and clubhouses used primarily for recreation purposes. However, this category of open space can only encompass up to 50 percent of the required open space.

#### **B) Location**

Where relevant and appropriate, open space shall be located so as to be readily accessible and useable by the residents. If possible, a portion of the open space should pride a focal point(s) for the subdivision, preferably at the entrance.

Once Primary roads, at least the first 25 feet from the road right-of-way shall be designated as open space. On Major Secondary road's with at least 66 feet if right-of-way, at least the first 15 feet from that right-of-way shall be designated as open space. On a Minor Secondary road or subdivision roadway, at least the first 20 feet from that right-of-way shall be designated as open space. These distances shall be measured from the proposed right-of-way as shown in the Right-of-Way Plan of that width is greater than the existing right-of-way.

### **C) Configuration**

The open space shall use contiguous and compact design elements where possible. These spaces, where applicable, should be interconnected with trail systems, buffer areas, scenic corridors, natural features, or as a portion of the stormwater management system. Where open areas, trails, parks, or other public spaces are planned or exist adjacent to or within the subdivision, the open space shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the existing area.

To the maximum extent practicable, the open space should be located and organized to include, protect, and/or enhance as many of the following open areas and features as possible:

1. Natural features (riparian areas, wetlands, natural ponds, streams, wildlife corridors, steep slopes, etc.), natural hazard areas (floodplains, floodways, etc.), stormwater features (drainage channels, ditches, ponds, etc.), and land area occupied by Low Impact Development (LID) stormwater management devices;
2. Areas containing groupings of mature trees, groupings of younger trees with the potential to develop into a forest ecosystem, and trophy trees as defined within this Ordinance.
3. Landscaped buffers or visual transitions between different types or intensities of uses; and,
4. Habitat and corridors for wildlife species.

**D) Access**

Open space shall either front on the road right-of-way within the subdivision or shall have a minimum 20-foot dedicated right-of-way between lots or along property lines to the open space. This access area shall be counted toward this minimum open space requirement. Motorized vehicles such as motorcycles or all-terrain vehicles shall not be allowed access to the designated open space.

**7.8.2 Golf Courses**

The purpose of this section is to provide guidelines for the establishment of suitable and useable open space within the layout of golf courses, to be utilized only in the event the golf course is abandoned as an activity at some point in time.

**A) Quantity of Open Space**

A buffer strip of open space at least 100 feet wide shall be established in each of the required locations.

**B) Location**

The open space shall be required to be established where residential uses are a part of the development that contains the golf course and where those uses adjoin the fairways that are part of the golf course portion of the development. The designated buffer strip shall extend along the entire length of the residential property line that adjoins the fairways. This shall include all residential lots regardless of whether the lot contains a house. Where there is a larger tract of land containing a house adjoining the fairways of the golf course the following shall apply. The residential activity (generally the building footprint) that is more than 300 feet from this property line does not qualify for this open space amenity, and a residential activity that is within 300 feet of, but more than 150 feet from, the golf course qualifies for an open space buffer of 50 feet.

**C) Access**

This open space shall either front on a road right-of-way or shall have a minimum 20-foot dedicated right-of-way which extends to a road. Motorized vehicles other than golf carts, such as motorcycles or all-terrain vehicles, shall not be allowed access to this designated open space.

**D) Use of Open Space**

This open space is being required as a buffer area and shall be used for no activities more intense than passive recreation. If there is golf course property not included in this open space requirement which is accessible only through the buffer area, then a single access point will be allowed as long as that access follows the shortest route possible and comes no closer than 50 feet to any existing residential property lines.

### 7.8.3 Ownership of Open Space

Ownership of required open space may be handled in many ways. It may be allowed to be dedicated to the Town of Pine Ridge if it is an integral part of the storm drainage and water quality protection system. It may also be made part of lands owned and managed by a property owners association or dedicated to some other public agency such as a County recreation commission. The use of conservation easements is encouraged and may also allow additional ownership options.

**7-9 Enforcement of Landscape Requirements** - All required landscaping materials shall be in place prior to the time of issuance of a final Certificate of Occupancy. In periods of adverse weather conditions, a temporary Certificate of Occupancy may be issued, subject to the posting of a cash escrow or irrevocable letter of credit in an amount equal to one and one-half (1-1/2) times the estimated cost of the landscaping, with said estimated cost to be certified by a registered landscape architect. A contract letter or bill of sale from a landscape company or nursery for the required landscape materials would be accepted in lieu of a cash escrow or irrevocable letter of credit. The cash escrow or irrevocable letter of credit may be forfeited if the landscaping is not completed within eight (8) months after the issuance of the temporary Certificate of Occupancy. Forfeiture of any cash escrow or irrevocable letter of credit shall not relieve the owner of the responsibility to complete the required landscaping.

### 7-10 Definitions

**Caliper.** In the case of trees, the distance around the trunk measured at DBH (Diameter at Breast Height) 4.5 feet above ground level.

**Loading Area.** Any unenclosed area used for loading or unloading vehicles.

**Shrub.** Any hard-wooded perennial plant of a species which normally reaches a height between twelve (12) inches and eight (8) feet, and which is between eighty (80) and one hundred (100) percent opaque at maturity.

**Tree, Canopy.** Any tree of a species which normally reaches a height of thirty (30) feet or more and a crown spread of twenty (20) feet or more at maturity.

**Tree, Understory.** Any tree of a species that normally reaches a height of between eight (8) and thirty (30) feet and a crown spread of less than twenty (20) feet at maturity.

**TREE, TROPHY.** The following species of trees:

Canopy Trees, except: sweet-gum and yellow poplar measuring > 24" D.B.H

Understory Trees measuring >12" D.B.H.

### 7-11 Recommended Trees and Shrubs

The following recommended trees and shrubs are to be used to meet Town landscaping requirements. Their selection is based on information gathered from the Clemson University Cooperative Extension Service for native and viable plantings in South Carolina.

<b>SHADE TREES, DECIDUOUS:</b>	
<b>Botanical Name</b>	<b>Common Name</b>
Acer barbatum	Southern Sugar Maple
Acer palmatum	Japanese Maple
Acer rubrum cv. 'Columnare' cv. 'October Glory' cv. 'Autumn Flare'	Red Maple Columnare October Glory Autumn Flare
Acer saccharum	Sugar Maple
Liquidambar styraciflua	American Sweet Gum
Prunus serotina	Black Cherry
Platanus occidentalis x acerifolia cv. 'Columbia' cv. 'Liberty' cv. 'Bloodgood'	Sycamore (American Planetree) Sycamore (London Planetree) Columbia Liberty Bloodgood

<b>STREET TREES:</b>	
<b>Botanical Name</b>	<b>Common Name</b>
Quercus alba	White Oak
Quercus falcata	Southern Red Oak
Quercus nigra	Water Oak
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Quercus velutina	Black Oak
Quercus virginiana	Live Oak (evergreen oak)
Ulmus americana cv. 'New Harmony' cv. 'Valley Forge' cv. 'American Liberty'	American Elm New Harmony Valley Forge American Liberty
Ulmus parvifolia	Chinese/Lacebark Elm

<b>EVERGREEN/CONIFEROUS TREES</b>	
<b>Botanical Name</b>	<b>Common Name</b>
Cryptomeria japonica cv. 'Yoshino' cv. 'Elegans'	Japanese Cryptomeria Yoshino Elegans
x Cupressocyparis leylandii cv. 'Castlewellan' cv. 'Leighton Green' cv. 'Haggerston Gray' cv. 'Naylor's Blue' cv. 'Silver Dust' cv. 'Greenspire'	x Cupressocyparis leylandii Castlewellan Leighton Green Haggerston Gray Naylor's Blue Silver Dust Greenspire
Juniperus ashei	Ozark White Cedar or Ashe Juniper
Juniperus virginiana	Eastern Red Cedar
Juniperus silicicola	Southern Red Cedar
Pinus elliottii	Slash Pine
Pinus glabra	Spruce Pine
Pinus palustris	Longleaf Pine
Pinus strobes cv. 'Compacta' cv. 'Fastigiata' cv. 'Pendula' cv. 'Nana'	White Pine Compacta Fastigiata Pendula Nana
Pinus taeda	Loblolly Pine
Pinus virginiana	Virginia Pine
Pinus mugo	Mugo Pine
Pinus thunbergiana cv. 'Compacta' cv. 'Globosa' cv. 'Iseli'	Japanese Black Pine Compacta Globosa Iseli

<b>ORNAMENTAL TREES (cont):</b>	
<b>Botanical Name</b>	<b>Common Name</b>
Prunus cerasifera ‘Atropurpurea’ ‘Thundercloud’	Cherry Plum Atropurpurea Thundercloud
Prunus glandulosa	Dwarf Flowering Almond
Prunus mexicana	Mexican Plum
Prunus mume	Japanese Flowering Apricot
Prunus serrulata ‘Amanogawa’ (‘Erecta’) ‘Kwanzan’ ‘Shirofugen’ ‘Shirotae’ (‘Mt. Fugi’) ‘Shogetsu’ (‘Shimidsu’)	Japanese Flowering / Oriental Cherry Amanogawa (‘Erecta’) Kwanzan Shirofugen Shirotae (‘Mt. Fugi’) Shogetsu (‘Shimidsu’)
Prunus subhirtella ‘Autumnalis’ ‘Pendula’	Higan Cherry Autumnalis Weeping Higan Cherry
Prunus x cistena	Purple-leaf Sand Cherry
Prunus x incamp ‘Okame’	‘Okame’ Cherry
Prunus x yedoensis ‘Akebono’ (Daybreak) ‘Shidare Yoshino’	Yoshino Cherry Akebono (Daybreak) Weeping Yoshino Cherry
Pyrus calleryana ‘Aristocrat’ ‘Bradford’ ‘Capital’ ‘Chanticleer’	Callery Pear varieties Aristocrat Pear Bradford Pear Capital Pear Chanticleer Pear

<b>SHRUBS, DECIDUOUS:</b>	
<b>Botanical Name</b>	<b>Common Name</b>
Berberis thunbergii	Japanese Barberry
Berberis x mentorensis	Mentor Barberry
Cornus sanguinea	Bloodtwig Dogwood
Cornus sanguinea 'Viridissima'	Yellowtwig Dogwood
Euonymus alatus	Winged Euonymus
Euonymus americanus	American Euonymus
Forsythia x intermedia var. 'Beatriz Farrand' var. 'Karl Sax' var. 'Lynwood' var. 'Spectabilis'	Forsythia varieties Beatriz Farrand Karl Sax Lynwood Spectabilis
Hydrangea macrophylla cv. 'hortensias' cv. 'lacecaps'	French Hydrangea
Hydrangea quercifolia	Oakleaf Hydrangea
Hydrangea arborescens	Smooth or Snowhill Hydrangea
Rhododendron (Azalea)	Azalea Types
R. arborescens	Sweet Azalea
R. calendulaceum	Flame Azalea
R. canescens	Piedmont Azalea
R. periclymenoides	Pinxterbloom Azalea
R. prunifolium	Plumleaf Azalea
R. viscosum	Swamp Azalea
x Knap Hill	Knap Hill Azalea
x Exbury	Exbury Azalea
Spirea vanhouttei	Vanhoutte Spirea
Spirea jaonica	Japanese Spirea
Spirea cantoniensis	Reeves Spirea
Spirea thunbergii	Baby's Breath Spirea
Spirea x bumalda	Bumalda Spirea

<b>SHRUBS, DECIDUOUS (cont):</b>	
<b>Botanical Name</b>	<b>Common Name</b>
Viburnum	Viburnum varieties
V. acerfolium	Maple-leaf viburnum
V. burkwoodii 'Mohawk'	Mohawk
V. burkwoodii 'Chenault'	Chenault
V. carlesii	Koreanspice
V. cassinoides	Wither viburnum
V. dilatatum	Arrowwood
V. juddii	Judd viburnum
V. opulus 'Compactum'	Compact European Cranberry
V. opulus 'Nanum'	Nanum
V. plicatum tomentosum	Doublefile viburnum
V. setigerum	Tea viburnum
V. trilobum	American Cranberry bush

<b>SHRUBS, EVERGREEN:</b>	
<b>Botanical Name</b>	<b>Common Name</b>
Aucuba japonica var. Variegata var. Crassifolia var. Serratifolia	Japanese Aucuba Gold Dust Plant (female) Crassifolia (male) Serratifolia
Rhododendron (Azalea) Southern Indica Kurume Kaempferi Satsuki Gable Glen Dale	Azalea Southern Indica Kurume Kaempferi Satsuki Gable Glen Dale
Berberis julianae cv. 'Nana' cv. 'Spring Glory'	Wintergreen Barberry Nana Spring Glory
Buxus sempervirens cv. 'Angustifolia' cv. 'Argenteo-variegata' cv. 'Aureo-variegata' cv. 'Bullata' cv. 'Handsworthiensis' cv. 'Northland'	American Boxwood Angustifolia Argenteo-variegata Aureo-variegata Bullata Handsworthiensis Northland
Buxus sempervirens 'Suffruticosa'	English Boxwood
Buxus microphylla cv. 'Compacta' cv. 'Wintergreen' var. japonica var. koreana	Little Leaf Boxwood Kingsville Dwarf Wintergreen Japanese Korean
Camellia japonica	Common Japanese Camellia
Camellia sasanqua	Sasanqua Camellia
Camellia oleifera	Tea-oil Camellia
Euonymus japonicus cv. 'Aureo-marginata' cv. 'Aureo-variegata' cv. 'Microphylla' cv. 'Microphylla Albovariegatus' cv. 'Silver King' cv. 'Silver Queen'	Evergreen Euonymus Golden Euonymus Goldspot Euonymus Box-leaf Euonymus Varigated Box-leaf Euonymus Silver King Silver Queen
Euonymus kiautschovicus	Spreading Euonymus

<b>SHRUBS, EVERGREEN (cont):</b>	
<b>Botanical Name</b>	<b>Common Name</b>
Gardenia jasminoides ‘August Beauty’ ‘Chuck Hayes’ ‘First Love’ ‘Golden Magic’ ‘Kleim’s Hardy’ ‘Mystery’ ‘Daisy’	Common Gardenia or Cape Jasmine August Beauty Chuck Hayes First Love Golden Magic Kleim’s Hardy Mystery Daisy
Ilex crenata	Japanese Holly varieties
Ilex cornuta	Chinese Holly varieties
Ilex glabra	Inkberry
Ilex vomitoria ‘Nana’ or ‘Dwarf Yaupon’	Yaupon Holly Nana or Dwarf Yaupon Holly
x ‘Nellie R. Stevens’	Nellie R. Stevens Holly
Juniperus chinensis ‘Pfitzerana’ ‘Armstrongii’ ‘Gold Coast’ ‘Heitzii’ ‘Kaizuka’ ‘Mint Julep’	Juniper Shrubs Pfitzer Juniper Armstrong Juniper Gold Coast Juniper Hetz Chinese Juniper Hollywood Juniper Mint Julep
Juniperus squamata ‘Blue Star’	Blue Star Juniper
Juniperus chinensis ‘Blue Point’ ‘Robust Green’ ‘Spartan’	Columnar Juniper types Blue Point Robust Green Spartan
Juniperus scopulorum ‘Gray Gleam’ ‘Pathfinder’ ‘Shyrocket’ ‘Wichita Blue’	Gray Gleam Pathfinder Shyrocket Wichita Blue
Kalmia latifolia	Mountain Laurel
Laurus nobilis	Laurel or Sweet Bay
Ligustrum japonicum ‘Rotundifolium’ ‘Howard’ ‘Recurvifolium’ ‘Silver Star’ ‘Variegatum’	Japanese Privet Round-leaf Japanese Privet Howard Privet Wavy-leaf Japanese Privet Silver Star Variegated Japanese Privet



<b>SHRUBS, EVERGREEN (cont):</b>	
<b>Botanical Name</b>	<b>Common Name</b>
Ligustrum lucidum 'Compactum' 'Davidson Hardy' 'Tricolor' 'Macrophyllum'	Glossy Privet Dwarf Glossy Privet Davidson Hardy Tricolor Macrophyllum
Ligustrum ovalifolium 'Aureum' or 'Variegatum'	California Privet Aureum or Variegatum
Ligustrum sinense 'Variegata'	Variegated Chinese Privet
Ligustrum vicaryi	Vicary Golden Privet
Myrica cerifera	Wax Myrtle
Myrica pensylvanica	Northern Bayberry
Nandina domestica	Nandina or Heavenly Bamboo
Prunus laurocerasus 'Otto Luyken' 'Schipkaensis' 'Zabeliana'	Cherry or English Laurel Otto Luyken Schipka Laurel Zabel Laurel
Prunus caroliniana	Carolina Cherry Laurel
Prunus lusitanica	Portugal Laurel
Rhaphiolepis	Indian Hawthorn
Viburnum davidii	David Viburnum
Yucca aloifolia	Spanish Bayonet
Yucca filamentosa	Adam's Needle
Yucca flaccida	Weakleaf Yucca
Yucca gloriosa	Spanish Dagger
Yucca smalliana	Bear Grass
Yucca recurvifolia	Curve-leaf Yucca

Other species may be acceptable upon approval by the Town Zoning Administrator.

**ARTICLE 8  
PARKING**

**800 Off-street Parking**

a. Off-street parking spaces required by district regulations shall be located on the same lot as the principal use, or on a lot within 400 feet of the main entrance to the principal use which under the same ownership as the principal use or has been legally restricted for parking in connection with the principal use, and shall have required buffer and landscape areas.

b. Required off-street parking for a commercial or industrial use may extend up to 50 feet into a residential zoning district provided: 1) the parking area adjoins the property on which the principal commercial or industrial use is located; (2) the parking area access is to the same street as the principal use; and (3) the parking area has a Type B buffer area along residential lot lines and required landscaping.

c. Combined parking areas serving two or more principal uses shall contain spaces equal in number to the total of spaces required for all principal uses served.

**801 Parking Space Requirements**

Off-street parking spaces shall meet the following design standards.

Parking space dimensions	Angle parking: 9 feet by 19 feet; provided, 10% may be 8.5 feet by 18 feet Parallel parking: 9 feet by 24 feet; Handicapped: 12 feet by 20 feet, or 8 feet by 20 feet, with 8 foot isle.
Minimum isle widths:	90 degree parking - 25 feet; 60 degree parking - 18feet 45 degree parking - 13 feet; parallel parking - 10 feet; Street rights-of-way may not be considered as aisles for adjacent off-street parking
Paving and marking requirements	A parking area, including driveways containing 10 or more parking spaces shall be surfaced with an all weather impervious material, and spaces shall be marked with painted lines.
Lighting requirements	A parking area open for night use shall have a minimum for one 9000lumen overhead light for each 25 parking spaces or major portion thereof
Parking spaces for handicapped persons	One parking space for handicapped persons shall be provided for each 25 parking spaces, or fraction thereof, except for dwellings of less than 20 units, meeting federal and State requirements, with access to ramps, walkways, and entrances without moving behind parked vehicles.

**802 Off-street Loading and Unloading Spaces**

Except the C-1 – General Commercial District, each lot used for commercial or industrial purposes, or multifamily residences with more than 10 units, shall provide off-street space for loading and unloading as follows:

Access	Each space shall have access from an alley or public street
Dimensions	Each space shall be a minimum of 12 feet by 40 feet, clear of obstructions
Space required:	<p>Use Gross Floor Area (square feet) No. of spaces</p> <p>Retail business for each 5,000 1</p> <p>Wholesale, industrial governmental, institutional educational, medical, assembly 25,000 1 25,001 - 99,999 2 100,000 - 159,000 3 160,000 - 239,999 4 240,000 - 349,000 5 each additional 100,000 or fraction 1</p> <p>Multifamily residence with 10 or more units 1</p>

**803 Parking of Recreation, Commercial, and Unlicensed Vehicles**

- (1.) No commercial vehicle, trailer, or semi-trailer with more than six wheels shall be parked or stored on any lot in a residential district, except for temporary loading or unloading. The Board of Zoning Appeals may grant a variance in case of unnecessary hardship.
- (2.) No vehicle, trailer, or semi-trailer subject to State licensing which does not display a current license shall be parked or stored on any lot in a residential district, except in an enclosed building.
- (3.) No more than one travel or camping vehicle per family living on the premises shall be permitted to be parked on a lot in any residential zone; and the vehicle shall not be occupied temporarily or permanently while it is parked or stored, except in an authorized mobile home park.

## ARTICLE 9 SIGNS

### 900 Purpose

The purpose of this Article is to promote the safety of persons and property by providing that signs:

1. Safety

a. Do not create traffic hazards by distracting or confusing motorists, impairing motorists' ability to see pedestrian traffic signs, other vehicles, obstacles, or to read traffic signs.

b. Do not create a hazard to collapse, fire, collision, decay or abandonment.

c. Do promote the aesthetics, safety, health, morals and general welfare and the assurance of protection of adequate lights and air within Pine Ridge by regulation of the posting, displaying, erection, use and maintenance of signs.

2. Information - Promote the efficient transfer of general public and commercial information through the use of signs.

3. Public welfare - Protect the public welfare and enhance the overall appearance and economic value of the landscape and preserve the unique natural environment that distinguishes the town.

### 901 Definitions

Except as specifically defined herein, each word used in this article has its customary definition in a dictionary of American English. For the purpose of this Article, certain words or terms used are herein defined as follows:

**Abandoned sign**: A permitted sign that was erected on property in conjunction with a particular use which use has been discontinued for a period of 30 days or more, or a permitted temporary sign for which the use permit has expired.

**Back-to-back sign**: A sign constructed on a single set of supports with messages visible on any side, provided that double message boards are physically contiguous.

**Banners, pennants and balloons**: Any animated, rotating, fluttering of non-stationary device made of flexible materials designed to attract attention.

**Canopy**: A structure constructed of rigid materials including, but not limited to metal, wood, concrete, plastic, canvas or glass, which is attached to an supported by a building or by columns, poles or braces extended to the ground.

**Canopy sign**: A sign on which message copy is changed manually in the field, through the use of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.

**Commercial or industrial center**: Two or more separate occupancies located within the same or adjacent buildings or building on the same commercial or industrial plat of record.

**Dilapidated sign**: Any sign that is structurally unsound, has defective parts or is in need of painting or maintenance.

**Directional sign:**

- a. A sign, permanently erected or permitted in the public right-of-way or on private property by the Town of Pine Ridge, Lexington County, State of South Carolina, or other governmental agency to denote the name of any thoroughfare, the route to any city, town, village, educational institution, public building, historic place, religious shrine or hospital, to direct and regulate traffic to denote any railroad crossing, bridge, or other transportation or transmission comp-any for the direction or safety of the public.
- b. An on-premises temporary sign that contains information regarding the time and place of regular meetings of civic or religious groups.

**Directory sign:** A sign listing only the names and/or use, or location of more than one business, activity or professional office conducted within a building, group of buildings or commercial center.

**Double-faced sign:** A sign with two faces, which are usually, but necessarily, parallel.

**Electrical sign:** A self-illuminated sign or sign structure in which electric wiring, connections and/or fixtures are used as part of the sign proper.

**Existing sign:** Any sign that was erected, mounted, or displayed prior to the adoption of this article.

**Façade:** The entire building was, including main street wall face, parapet, fascia, windows, doors, canopy and roof on any complete elevation.

**Fixed projecting sign:** A sign, other than a flat sign, which extends outward for more than six inches from the façade of any building and is rigidly affixed thereto.

**Flashing sign:** Any lighted or electrical sign that emits light in sudden transitory bursts.

**Flat sign:** A sign erected parallel to an extending not more than 12 inches from the façade of any building to which is attached and supported throughout its entire length by the façade of the building and not extending above the building.

**Free-standing sign:** A sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or other support.

**Frontage:** The length of the property line of any one premises parcel serving as a public right-of-way line.

**Frontage wall face:** The building façade, excluding parapet, fascia, soffit, mansard and roof, which face a frontage of the premises.

**Height of sign:** The vertical distance measured from the top of the average elevation of the nearest road centerline to the top of the sign face or sign structure, whichever is greater.

**Illuminated sign,** External: Any sign which is directly lighted by an external sources.

**Illuminated sign**, Internal: Any sign, which transmits light through its face or any part thereof.

**Inflatable sign**: A sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

**Ingress/egress sign**: A sign, which designates only the direction of ingress or egress of a parking area or driveway, such as In, Out, One-way, Do Not Enter or No Exit.

**Moving message board**: Any electrical sign having a continuous message flow across its face by use of lights or other electrical impulses forming various words or designs, such as a time and temperature sign.

**Nonconforming sign**: Any sign which has a valid permit, was erected or displayed prior to the effective date of this Article or any subsequent amendment hereto and does not conform to any provision of this Article.

**Occupancy**: Any use or activity upon the premises.

**Off-premises sign**: Any sign located or proposed to be located at any place other than within the same platted parcel of land on which the specific business or activity being promoted on such sign is itself located or conducted. For purposes of this Article, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premises sign. Sign identifying public service, religious or civic club organizations not to exceed 4 square feet as approved by the zoning administrator are exceptions to this definition.

**On-premises sign**: Any sign located or proposed to be located at any place, if otherwise permitted by this article, within the plat of record for the business or their activity identified on such sign.

**Painted wall sign**: A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas on any outside wall or roof or on glass of any building.

**Panel**: The primary surface of a sign upon which the message of the sign is carried.

**Parapet**: A vertical false front or wall extension and balloons in this section

**Pennant**: See definition for banners, pennants and balloons in this section.

**Permitted sign**: a sign for which a valid permit has been issued.

**Political sign**: A sign erected by a political candidate, group or agent thereof, for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the town shall vote.

**Portable sign**: Any sign which is not permanently affixed to a building, structure, or the ground, or which is attached to a mobile vehicle.

**Premises:** The plat of record, which is affected either directly or indirectly by the contents of this Article.

**Project sign:** Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor or materials vendor upon which property such individual is furnishing labor, services or material.

**Public right-of-way line:** The line where the property meets the public right-of-way at the public street or public waterway, provided that this definition shall not include unimproved alleys, easements or other similar dedicated uses.

**Public way:** Any street, highway, road, path or right-of-way, whether privately or publicly owned, which is designed or used for vehicular or pedestrian traffic either by public right or custom, or by initiation of 2 or more common owners.

**Real estate sign:** A temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, for lease or for sale.

**Roof:** The exterior upper covering of the top of a building.

**Roof sign:** A sign erected over or on, and wholly or partially dependent upon, the roof or any building for support, or attached to the roof in any way.

**Rotating sign:** Any sign which revolves around one or more fixed areas.

**Seasonal/holiday sign:** A sign, used for emphasizing the celebration of an historical American holiday, which erected for a limited period of time.

**Sidewalk or sandwich sign:** A movable sign not secured or attached to the ground or any building or structure.

**Sign:** See the definition in Section 200 (107)

**Sign, area of:** The square foot areas enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, message, forms or panels, sign area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any “cutouts” or extensions, but shall not include any supporting structure or bracing.

**Sign structure:** A supporting structure erected, used or intended for the purpose of identification or attracting attention, with or without a sign thereon, situated upon or attached to the premises, upon which any sign may be fastened, affixed, displayed or applied, provided, however, this definition shall not include a building, fence, wall or earthen berm.

**Snipe sign:** A sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes or fences, or to other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

**Special event sign:** A sign that carries a message regarding a special event or function that is of general interest to the community.

**Swinging sign:** A sign or information transmitting structure intended to be erected or displayed for a limited period.

**Time and temperature sign:** An electrical sign using lights going on and off periodically to display the current time and temperature in the community.

**Traffic direction/safety sign:** A sign that is on-premises consisting of type and/or an arrow and is designed, sized and erected solely for the purpose of vehicular or pedestrian traffic direction or safety. Said sign shall have no advertising words or phrases.

**Vehicle sign:** A permanent or temporary sign affixed, painted on or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is displayed in public view under such circumstances as to location on the premises, time of day, duration, availability of other parking space on the premises, and the proximity of the vehicle to the area on the premises where it is loaded, unloaded or otherwise carries out its principal function, which circumstances indicate that the primary purpose of said display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner that is customary for said vehicle.

**Window sign:** Any sign that is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass areas, including doors, or located within 15 feet of the interior of a building glass areas including doors, whose identification, message, symbol, insignia, visual representation, logotype, or any other form that communicated information, can be read from off premises contiguous property or public right-of-way.

**Window sign, temporary:** A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including, but not limited to sign for sales, specials, going out of business, and grand openings.

## **902 Existing Signs**

### **902.1. Illegal Signs**

Any sign erected or existing as of the effective date of this article which does not have a valid permit from the Town, or any sign so reclassified pursuant to 3-3.1, is hereby deemed to be an illegal sign and such sign and the person or persons responsible for such sign shall be subject to the provisions of Article 9 or this ordinance.

### **902.2. Legal Signs**

Any existing and permitted sign which complies with the provisions of this article, and any subsequent amendment hereto, is hereby deemed to be a legal sign. Any proposed alteration to or relocation of such sign shall not be undertaken until the permit required pursuant to Section 5-1 has been issued, unless the proposed alteration is specifically exempt from such permit requirement pursuant to Section 5-3.

Any legal sign which does not comply with the provisions of the article solely due to the enactment of amendment hereto subsequent to the effective date of this article shall, upon the effective date of such amendment, become a nonconforming sign and subject to the provisions of Section 3-3.

### **902.3. Nonconforming Signs**

Any sign erected or existing as of the effective date of this article which has a valid permit from the Town, but which does not conform to the provisions of this article, or any sign pursuant to Section 3-2.2, is hereby deemed to be a nonconforming sign. A nonconforming sign may be maintained only by painting or refinishing the surface of the sign face or sign structure so as to keep the appearance of the sign as it was when the Town permit tag was affixed. Upon a determination by the Administrator and notice to the permittee that a nonconforming sign has become dilapidated or structurally unsound, such sign shall be moved within twenty (20) days unless an appeal of such determination has been previously filed with the . Any structural or other substantive maintenance to the conforming sign shall be deemed an abandonment of the nonconforming sign, shall render the prior permit void and shall result in the reclassification of such sign as an illegal sign pursuant to Section 3-1. All nonconforming signs must be replaced with or made to comply with Articles VI and VII within five (5) years of becoming nonconforming.

Any nonconforming sign may become a legal sign if, after compliance with the provisions of Article VIII of this ordinance, it is brought into conformity with the provisions of this article.

## **903 Prohibited Signs**

### **903.1 Prohibited Signs**

Except as may be hereinafter specifically permitted, it shall be unlawful after the effective date of this article, or any amendment hereto, for any person to erect, place or use within the Town, when visible from any public way, any of the following signs.

- 1.Swinging signs.
- 2.Snipe signs.

- 3.Sidewalk and sandwich signs.

4. Banners, pennants and balloons.
5. Off-premises signs.
6. A sign which contains any moving, flashing, animated lights, visible moving or movable parts, or giving the appearance of animation.
7. Roof signs.
8. Vehicle signs.
9. Any sign which emits a sound, odor or visible matter.
10. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
11. Any sign and/or sign structure which obstructs the view of, may be confused with or purports to be a governmental or traffic direction/safety sign.
12. Any sign or sign structure other than free-standing and vertical wall extension, any portion of which extends above the parapet, building roof line or canopy against which the sign is located.
13. Signs using the words Stop, Danger or any other word, phrase, symbol or character in a manner that misleads, confuses or distracts a vehicle driver.
14. Moving message and time and temperature signs.
15. Except as otherwise provided, no sign whether temporary or permanent, except by a public agency, is permitted within any street or highway right-of-way.
16. Signs painted on or attached to trees, fence posts, rocks or other natural features,
17. telephone or utility poles or painted on the roofs of buildings visible from any public
18. thoroughfare.
19. Abandoned or dilapidated sign.
20. Any sign which exhibits statements, words or pictures of obscene or pornographic
21. subjects.
22. Portable signs except civic, charitable, religious, or athletic organizations when first approved by the Administrator.
23. Signs affixed to a private residence or dwelling or displayed upon the grounds thereof, except one (1) personal identification sign not exceeding two (2) square feet, and one (1) non-illuminated For sale or For rent sign not exceeding six (6) square feet.
24. Inflatable signs.
25. Rotating signs.

## **904 Permissible Signs**

### **904.1. Permit Required**

Unless specifically exempted pursuant to Section 5-2, no sign or sign structure shall be extended, displayed, moved or relocated, or altered, unless specifically exempted pursuant to Section 5-3, until a permit fee has been paid and a sign permit issued by the Administration pursuant to Article VIII of this ordinance.

### **904.2 Signs Exempt From Permit Requirement**

A permit is not required for the following types of signs, after proper notification is made to the Administrator:

1. An official sign or notice issued by any court, public agency or office.
2. A traffic directional, warning or information sign authorized by any public agency.
3. A private street or road name sign or a traffic directional sign which does not exceed four (4)<sup>136</sup> square feet per sign face.

- 4.A No trespassing, No hunting, No fishing, No loitering and like signs not exceeding one (1) square foot in area.
- 5.Any on-premises sign not exceeding one (1) square foot in area.
- 6.A residential real estate sign not to exceed six (6) square feet.
- 7.An ingress/egress sign which does not exceed four (4) square feet per sign face.
- 8.Signs announcing candidates seeking public office or relating to any election or public referendum. Such signs shall be confined to placement on private property and not exceeding fifteen (15) square feet per sign face. Such signs shall be removed within seven (7) days after the election or referendum has been decided.

#### **904.3. Sign Alterations Exempt From Permit Requirements**

A permit is not required prior to engaging in sign alterations if such alterations involve only:

- 1.The changing of copy on a permitted changeable copy sign.
- 2.The painting or refinishing of the surface or a sign face or sign structure of a permitted sign so as to keep the appearance of such sign as it existed on the date such sign received a permit tag.

### **905 General Sign Standards**

#### **905.1. Setback From Right-of-Way**

In order to provide room for future bicycle paths or sidewalks, all signs shall be required to be set back at least ten (10) feet from the street right-of-way. However, if a bike path or sidewalk exists or has been planned in such a manner as to make this impractical, this setback may be reduced or waived by the Administrator. The location and width of any easement proposed for public dedication must be acceptable to the Administrator. No sign shall be erected or maintained on any corner lot within the line connecting points on the street lot line 20 feet distance from the corner.

#### **905.2. Sign Illumination**

Electrical requirements. Electrical requirements pertaining to signs shall be prescribed by the National Electrical Code, latest edition.

If illuminated, signs shall be illuminated only by the following means:

- (a) By a white, steady stationary light or reasonable intensity shielded and directed solely at the sign or from within the sign.
- (b) Light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or auto drivers or so as to create a nuisance to adjacent residential districts.

#### **905.3. Material and Style**

- 1.Signs shall not have light-reflecting backgrounds but may use non-moving light-reflecting lettering.
- 2.The various parts of a sign shall be compatible.
- 3.Any multi-faced sign shall have the same name and same message on all used faces.
- 4.All signs shall be of standard geometric shapes.
- 5.Signs shall not be of or contain a commercial sponsor name or motif (soda bottles, hamburgers, or other figures) or other outdoor commercial displays.

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#### **905.4. Dimension and Quality**

1. Area and quantity. The area and quantity of any sign face shall conform to the following:
  - a. Major residential development consisting of more than 301 dwelling units shall be permitted one (1) freestanding sign per entrance with not more than two hundred forty (240) square feet of sign face per sign, equally divided among not more than four (4) sign faces. No single sign face shall exceed one hundred twenty (120) square feet.
  - b. Secondary residential development consisting of three hundred (300) dwelling units or less, but more than one hundred and one (101) dwelling units, shall be permitted one freestanding sign per entrance with not more than one hundred sixty (160) square feet of sign face per sign equally divided among not more than four (4) sign faces. No single sign face shall exceed eighty (80) square feet.
  - c. Minor residential development consisting of one hundred (100) dwelling units or less shall be permitted one (1) freestanding sign per entrance with not more than eighty (80) square feet of sign face per sign equally divided among not more than four (4) sign faces. No single sign face shall exceed forty (40) square feet.
  - d. Major commercial development consisting of retail and public commercial uses, either exclusively or mixed with residential uses, which contain seventy-five thousand (75,000) square feet or less, but more than twenty-five thousand (25,000) square feet, of heated floor space open to the public shall be permitted one (1) freestanding sign per entrance but no more than two (2) identification signs for the development. Said signs shall not have more than one hundred sixty (160) square feet of sign face per sign equally divided among not more than four (4) sign faces. No single sign face shall exceed eighty (80) square feet, excepting that if the commercial use herein is mixed with residential use which exceeds three hundred and one (301) dwelling units, the provisions of subparagraph (1) shall apply to said development.
  - e. Minor commercial development consisting of retail and public commercial uses, either exclusively or mixed with residential uses, which contains twenty-five thousand (25,000) square feet, of heated floor space open to the public shall be permitted one (1) freestanding sign per entrance, but no more than two (2) identification signs for the development, with not more than eighty (80) square feet of sign face per sign equally divided among not more than four (4) sign faces. No single sign face shall exceed forty (40) square feet, excepting that if the commercial use herein is mixed with residential use which exceeds one hundred and one (101) dwelling units, the provisions of subparagraph (a) or (b) shall apply, as the case may be.
  - f. A commercial development consisting of retail and public commercial uses which contains two thousand five hundred (2,500) square feet or less of heated floor space open to the public shall be permitted one (1) freestanding sign. Said sign shall not have more than forty (40) square feet of sign face equally divided between not more than two (2) sign faces. If an applicant in this category shall waive the right to have a freestanding sign, the applicant shall be permitted to exceed the building sign, wall graphics, and window graphics limitations of Section 7-1 by fifty (50) percent.
  - g. Developments which, because of their composition may qualify for more than one of the above categories, may select the single category that provides them with the largest sign. The above categories shall not be cumulative.
  - h. Height - The maximum height of any freestanding sign shall not exceed twelve (12) feet above the average elevation of the nearest public highway.
  - i. The bottom edge of the sign face shall not exceed four (4) feet in height from average

grade.

- j. Width - The maximum width of the entire sign structure shall not exceed twenty (20) feet.
- k. Structure Size: The size of the support structure for any freestanding sign shall not exceed the sign face by more than 100%.

## **906 Special Sign Standards**

### **906.1. On-Premises Sign Standards**

- 1. Building and wall graphics signs shall not occupy more than ten (10) percent of the signable space on any one facade of a building, with a maximum size of the sign limited to forty (40) square feet.
- 2. Window graphics, which otherwise comply with this article, may be displayed, provided no more than twenty-five (25) percent of the area of a window may be occupied by signage.
- 3. Freestanding signs on any premises shall be spaced at minimum two hundred (200) foot intervals along each public way that views the premises. In the event that less than two hundred (200) feet of any premises is visible from any one public way, only one sign shall be permitted along that public way, notwithstanding that a greater number of signs may be permitted by Section 6-4 herein.
- 4. Obstruction - An on-premises sign shall be erected so as to not obstruct or impair driver vision at business ingress/egress points and intersections.

### **906.2 Temporary Signs and Standards**

- 1. Types - The following types of signs are classified as temporary signs:
  - a. Special event signs.
  - b. Grand opening, or going-out-of-business and sale signs of business and services.
  - c. Signs for work under construction.
  - d. Land subdivision or development signs.
  - e. Signs advertising the sale or lease of property upon which they are located.
- 2. Area; Height; Location
  - a. Area. The total area of temporary signs shall not exceed forty (40) square feet and twenty (20) square feet per sign face, except for real estate signs for residential property, which shall not exceed the limitations of Section 7-3.
  - b. Height. The maximum height of temporary signs shall not exceed eight (8) feet, while the lower edge shall not exceed four (4) feet in height from the average grade.
  - c. Location.
    - i. No temporary sign shall be located so as to obstruct or impair driver vision at
    - ii. business ingress/egress points and at intersections.
    - iii. No temporary sign shall be located nearer than one hundred (100) feet to any church, cemetery, public building, historic site or district, and intersection of two (2) or more public streets or highways.
    - iv. Temporary signs are not to be located any closer than one hundred (100) feet from any other sign on the same premises.
  - d. Time Limits:
    - i. Special event signs - Special event signs may be erected no sooner than fourteen (14) days preceding a special event and shall be removed within forty-eight (48)

hours following the special event. The same or similar special event shall not be advertised more frequently than four (4) times a year.

- ii. Grand opening signs - Temporary grand opening signs shall be erected for a period not to exceed fourteen (14) days.
- iii. Going-out-of-business and sale signs - Going-out-of-business and sale signs may be erected for a period not to exceed thirty (30) days for going-out-of-business signs and fourteen (14) days for sale signs.
- iv. Project signs - Signs for work under construction may be erected upon the issuance of a final development permit on the construction site during the construction and shall be removed within seven (7) days following the issuance of the certificate of occupancy.
- v. Signs announcing the subdivision of land - Temporary signs announcing the subdivision of land may be erected on the land being developed and shall be removed when one hundred percent (100%) of the development lots are conveyed, or for a term not to exceed six (6) months, whichever comes sooner. An extension may be permitted by the Administrator.
- vi. Removal - Signs advertising the sale or lease of property shall be removed at the completion of the transaction advertised or for a term not to exceed six (6) months, whichever comes sooner. An extension may be permitted by the Administrator.

e. Permits –

- i. Unless specifically exempted pursuant to Section 5-2 or Section 5-3, a temporary sign is subject to the permit requirements of Section 5-1.

**906.3. Real Estate Signs**

One (1) commercial real estate sign, not exceeding six (6) square feet in sign area per face and, if freestanding, not exceeding four (4) feet in height shall be permitted. Property with two (2) or more on-premises frontages shall be permitted one (1) additional sign per frontage.

**906.4. Canopy Signs**

A commercial center shall be permitted one (1) canopy sign per occupancy, not to exceed six (6) feet in length and eighteen (18) inches in height, placed entirely under a canopy (marquee) directly in front of said location, identifying the occupancy.

**906.5 Multiple-Use Shopping, Business, Office and Professional Centers; Freestanding Directory Signs**

1. Any multiple-use shopping, business, office and professional center or mall shall be allowed to have not more than two (2) freestanding directory signs for individual businesses provided they meet the following requirements:
  - i. Information - Signs shall be for directory information purposes only.
  - ii. Location - Either the area of the directory sign shall be contained within the limits for total signage area at said center or mall or the sign shall not be visible from any public way.

2. Freestanding signs on outlying parcels that do not have direct traffic access to the adjacent roadway will be permitted a sign of one-half (2) the size authorized in Section 6-4.

#### **906.6 Petroleum Service Stations**

Petroleum products pumps and dispensers which are within view of a public way shall be permitted to display only information required by law and in addition, the brand name and type of product being dispensed.

Premises which dispense retail bulk petroleum products by pump shall be permitted one (1) additional sign on the premises announcing the price per gallon of no more than four (4) products with characters not exceeding twelve (12) inches in height. In lieu of the one (1) additional sign permitted above, the price per gallon may be displayed on each individual pump structure with characters not exceeding six (6) inches in height.

#### **906.7 Flags**

Non-governmental flags are deemed to be signs and shall be subject to the provisions of this article, except that no such flag shall exceed forty (40) square feet per face.

Governmental flags must be displayed in a dignified non-commercial manner. No such flag shall exceed forty (40) square feet per face.

Flagstaff shall not exceed thirty (30) feet above grade.

**907 Administration**

**907.1 Application for Permit**

Where to apply - Any application for a sign permit shall be submitted to the Administrator on a form supplied by the Town.

Information required - The following information shall be submitted with an application for a sign permit:

- 1.Name, address, telephone number, and signature of the owner or duly authorized lessee of the premises granting permission for the construction, operation, maintenance, or displaying of sign or sign structure.
- 2.Name, address, telephone numbers, Town of Pine Ridge business license number and signature of sign contractor, if any, including such contractor’s Town of Pine Ridge business license number.
- 3.Legal description and/or street address of premises or property upon which the sign is to be located.
- 4.The approximate value of the sign to be installed, including the installation cost.
- 5.Type of sign for which a permit is being sought.
- 6.Two (2) copies of a sketch, blueprint, blue line print or similar presentation drawn to scale and dimensioned, showing elevations of the sign as proposed on a building facade, awning or canopy; provided, further, the relationship to other existing adjacent signs shall also be shown. In the case of a freestanding sign, said sketches shall include a site plan showing the sign location and any existing or proposed landscaping which is affected by such sign.

If requested by the Administrator, copy of stress sheets and calculations indicating that the sign is properly designed for dead load and wind pressure in any direction, as required in Chapter 12 of the Standard Building Code.

If applicable, the appropriate Town of Pine Ridge zoning permit number.

Such other information as the Administrator may require which is necessary to verify full compliance with all applicable provisions contained in the Town of Pine Ridge Code of Laws.

**907.2 Freestanding Signs; Location Identification**

The location for a new freestanding sign shall be clearly identified by a white stake(s) visible above ground line at each location at which a support pole will be imbedded in the ground.

**907.3 Fees**

1. Regular fee. In order to defray some of the administrative costs associated with processing permit applications and inspections of signs, at the time of submissions of an application for a sign permit, a non-refundable plan check fee of ten dollars (\$10.00) shall be paid. When application for a permit is approved and before a permit is issued, a permit fee shall be paid based on the following schedule of rates:

a. Electrical signs:		142
i. Up to 40 square feet (each face)	\$20.00	
ii. Over 40 square feet (per square foot, each face)	\$0.35	

- b. Non-electrical signs:
  - i. Up to 40 square feet (each face) \$10.00
  - ii. Over 40 square feet (per square foot, each face) \$0.35
- c. Temporary signs:
  - i. Up to 32 square feet (each face) \$ 5.00
- d. Reinspection fee
  - i. When reinspection is required, a reinspection fee of ten dollars (\$10.00) shall be charged.
- e. Penalty fee
  - i. A double fee will be charged for sign(s) posted without prior permit.

**907.4 Contents of Permit**

Upon compliance with the provisions of this article, the Administrator shall make a decision to issue, deny or issue with conditions a permit for such sign structure within thirty (30) days of receipt of a complete permit application. Permits shall be numbered and shall contain the following information:

- 1.The type of sign as defined in this article.
- 2.The street address of the property upon which said sign is proposed to be located and the proposed location of the sign on said property; in the absence of a street address, an acceptable method of location shall be used.
- 3.The amount of the fee paid for such permit.
- 4.The date of issuance.
- 5.In the case of a temporary sign, the date of expiration of permit.

**907.5 Expiration of Permit**

Within ten (10) working days of completion of approved work related to a permitted sign, the permittee or sign contractor shall notify the Administrator that such a sign is ready for final inspection. The Administrator shall conduct the final inspection for the purpose of verifying that the sign is in compliance with the requirements of the permit and all other provisions of this article .

Failure to notify the Administrator within ten (10) working days of work completion that the sign is ready for inspection may result in the requirement that an additional fee of not more than ten dollars (\$10.00) be paid.

Failure to obtain a satisfactory inspection result shall render the permit invalid and the applicant shall be required to reapply for a permit or remove the sign or sign structure.

**907.7 Display of Permit**

Display of permit tag. Following completion of a satisfactory final inspection, the Administrator shall issue and affix a permit tag to the sign.

Relocation of permit tag or sign - Under no circumstances may the permit tag be moved from one sign to another, nor may the sign to which it is attached be relocated to another location.

Transfer of ownership; dismantling or removal of sign - In the case of ownership transfer, provided no changes are made to the sign, or, if a permitted sign is dismantled or removed, the Administrator shall be

notified.

Lost or illegible permit tag - If a permit tag is lost, defaced, destroyed, or otherwise becomes illegible through normal wear or an act of vandalism, a renewal application shall be submitted to the Administrator. The Administrator shall have the right to waive the fees.

## **908 Enforcement**

### **908.1 Violation Notice**

The Administrator and duly authorized staff shall have the authority to issue a sign violation notice and shall be empowered to enter upon the premises of any person subject to this article for the purpose of enforcing the provisions herein.

### **908.2 Violation Sticker**

Violation sticker - The inspector shall attach a highly visible sticker reading Violation to the face of the sign. The sticker shall include the date that it was attached to the sign and instructions to call the Administrator to get a permit for the sign. It shall be unlawful for any person other than the Administrator to remove the sign violation sticker attached to the sign.

Failure to obtain permit - If, within seven (7) days, the owner of the sign fails to contact the Administrator, bring the sign into conformance with this article or get a permit for the sign, the Administrator shall have the sign removed and impounded without any further notice.

### **908.3 Impoundment of Signs**

1. The Administrator and staff shall have the authority to remove all signs, without notice to the owners thereof, placed within any street or highway right-of-way, signs attached to trees, fence posts, telephone and utility poles, other natural features, or signs otherwise prohibited by this article, and to impound them for a period of ten (10) days.
2. The owner of a sign impounded may recover same upon the payment of fifty dollars (\$50.00) for each sign, prior to the expiration of the ten-day impoundment period; in the event it is not claimed within the ten (10) days, the Administrator shall have authority to dispose of such sign.

### **908.4 Penalties**

Any person who violates the provisions of this article upon conviction shall be guilty of a misdemeanor and shall forfeit and pay such penalties as the court may decide, not to exceed two hundred dollars (\$200.00) or thirty (30) days imprisonment, or both, at the discretion of the court, for each violation. Each day=s continued violation shall constitute a separate offense.

## **909 Appeals and Variances**

### **909.1 Appeal**

Any person aggrieved, sign owner or applicant, or any officer, department, board or bureau of the municipality who alleges that the administrative official acted erroneously in enforcing this article may appeal the decision of that administrative official to the Board of Zoning Appeals . Such appeal, including any appeal fee, shall be filed within twenty (20) days of receipt of an official notice of decision.

### **909.2 Appeal Fee**

A fee of one hundred dollars (\$100.00) shall be paid for each appeal filed. If the decision of the appeal is in favor of the appellant, the fee shall be refunded.

### **909.3 Variance**

Recognizing that the strict application of the requirements of this article may work an undue hardship on certain applicants, variances from the strict application of the provisions of this chapter may be granted by the Board of Zoning Appeals. Each application for a variance under this section shall be in writing and shall state the reasons for the request for a variance in accordance with rules and fee schedules established by the Town Council. The application shall be signed by the applicant and the sign company, if any, responsible for the sign for which the variance is being sought. The Board of Zoning Appeals shall grant the variance, grant the variance with conditions, or deny the application within sixty (60) days after the appeal is filed. Any applicant aggrieved by a decision of the Board of Zoning Appeals may appeal as provided by South Carolina Code of Laws (1976), as amended.

**ARTICLE 10  
RESERVED**

## ARTICLE 11 ADMINISTRATION

### 1100 Zoning Administrator

This ordinance shall be administered and enforced by the Zoning Administrator who shall have all powers and duties authorized by statute or ordinance for a zoning administrator. The duties of the Zoning Administrator shall include:

1. Interpretation of terms and provisions of this ordinance;
2. Administration of this ordinance by the issuance of permits and certificates, including the collection of authorized fees;
3. Processing applications for appeals to the Board of Zoning Appeals from the decision of the Zoning Administrator, variances and special exceptions;
4. Preparation of the record for appeal to the circuit court from the decisions of the Board of Zoning Appeals;
5. Maintenance of a current zoning map, amendments to the zoning ordinance, and all public records related to zoning and planning;
6. Enforcement of the zoning ordinance, investigation and resolution of zoning complaints;
7. Administrative assistance to the Board of Zoning Appeals and Architectural Review Board when authorized; and
8. Such other duties as may be authorized by the Town Council.

### 1101 Zoning Permits

**a. Permits required:** No building, sign or structure shall be erected, moved, enlarged, altered or demolished without a zoning permit issued by the Zoning Administrator. No permit shall be issued by the Zoning Administrator except for a use which is in conformity with the provision of this ordinance or for a use authorized by order of the Board of Zoning Appeals.

**b. Fees for permits:** Town Council shall establish a fee schedule for each zoning map or text amendment, special exception, variance, other permits (except for sign related permits, see Section 907.3 for sign permit fees) specified in this ordinance or certificate of zoning compliance issued by the Zoning Administrator.

**c. Applications for permits:** Applications for zoning permits shall be accompanied by plans in duplicate drawn to scale showing the actual dimensions and shape of the lot to be used, the sizes and locations of existing structures on the lot, the location and dimensions of the proposed structure or alteration. The application shall include such other information as may be required by the Zoning Administrator to determine conformance with this ordinance, including existing or proposed buildings or alterations, existing or proposed uses of buildings and land, number of families, housekeeping units, rental units, existing conditions on adjacent property. One copy of the plans shall be returned to the applicant with the signed approval or disapproval of the Zoning Administrator noted on the copy within a reasonable time.

**d. Expiration of permits:** If the work described in a zoning permit has not begun within six (6) months from the date of the permit, or within the time specified in a special exception, the permit shall expire and be void upon written notice by the Zoning Administrator.



## 1102 Certificates of Zoning Compliance

**a. Certificates required:** It shall be unlawful for any person to use occupy or permit the use or occupancy of any building or property created, erected, changed, converted, altered or enlarged, in whole or in part, until a certificate of zoning compliance has been issued by the Zoning Administrator stating the proposed use conforms to the requirements of this ordinance.

**b. Temporary uses:** Certificates of zoning compliance may be issued and renewed by the Zoning Administrator for permitted temporary uses for the times permitted by the zoning district regulations.

## 1103 Violations

~~**a. Misdemeanor penalties:** It shall be unlawful for any person to use property, or to construct, alter, enlarge or demolish any structure without a permit or permits required by this ordinance. Conviction for violation of this ordinance is punishable as a misdemeanor under the general penalty provisions of the Town Code.~~

**a. Misdemeanor-penalties:** It shall be unlawful for any person to use property, or to construct, alter, enlarge or demolish any structure without a permit or permits required by this ordinance. Conviction for violation of this ordinance is punishable as a misdemeanor under the general penalty provisions of the Town Code. (Reference § 3-107) *(Amended 5-13-14/2014-08)*

**b. Fees for permits:** Town Council shall establish a fee schedule for each zoning map or text amendment, special exception, variance, other permits (except for sign related permits, see Section 907.3 for sign permit fees) specified in this ordinance or certificate of zoning compliance issued by the Zoning Administrator.

**c. Applications for permits:** Applications for zoning permits shall be accompanied by plans in duplicate drawn to scale showing the actual dimensions and shape of the lot to be used, the sizes and locations of existing structures on the lot, the location and dimensions of the proposed structure or alteration. The application shall include such other information as may be required by the Zoning Administrator to determine conformance with this ordinance, including existing or proposed buildings or alterations, existing or proposed uses of buildings and land, number of families, housekeeping units, rental units, existing conditions on adjacent property. One copy of the plans shall be returned to the applicant with the signed approval or disapproval of the Zoning Administrator noted on the copy within a reasonable time.

**d. Expiration of permits:** If the work described in a zoning permit has not begun within six (6) months from the date of the permit, or within the time specified in a special exception, the permit shall expire and be void upon written notice by the Zoning Administrator.

## ARTICLE 12 APPEALS

### 1200 Board of Zoning Appeals

**a. Board established:** A Board of Zoning Appeals is hereby established which shall consist of seven (7) members appointed by Town Council for staggered terms of three (3) years. A vacancy shall be filled for the unexpired term in the same manner as the original appointment. Members of the board may be removed by Council for cause.

(Amended 2-09-10\*Ordinance 2010-01)

**b. Officers:** The board shall elect or reelect one of its members as chairperson for a term of one year. The board may elect other officers as provided by its rules of procedure. The board shall appoint a secretary who may be an officer of the Town approved by the Town Council or a member of the board.

**c. Rules of procedure:** The board shall adopt rules of procedure for the conduct of its meetings and hearings. A majority of the board shall constitute a quorum. Meetings of the board shall be held at the call of the chairperson or at such times as the board may determine. Public notice of all hearings shall be published in a newspaper of general circulation in the Town and shall be posted on, or adjacent to, the property affected, with at least one notice visible from each public street abutting the property. The chairperson may administer oaths and compel attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote by reason of conflict, and shall keep records of its examinations and other official actions filed in the office of the secretary of the board as public records.

### 1201 Powers and Duties of Board of Zoning Appeals

The board of zoning appeals has the following powers:

**a. Appeal from Zoning Administrator:** Any person aggrieved by a decision of the Zoning Administrator may appeal that decision to the board of zoning appeals in writing on a form provided by the Zoning Administrator within fifteen (15) days after actual notice of the decision. An appeal stays the implementation of the decision of the Zoning Administrator unless he/she certifies to the board that a stay would cause imminent peril to life or property. The board may affirm or reverse, wholly or in part, or may modify the decision by a written order separately stating findings of fact and conclusion of law.

**b. Variances:** An owner or authorized agent may appeal to the board on a form provided by the Zoning Administrator for a variance from the requirements of the zoning ordinance when the district application of regulations would result in unnecessary hardship. A variance may be granted if the board makes all of the following findings and conclusions in a written order.

- (1). There are extraordinary and exceptional conditions pertaining to a particular piece of property;
- (2). These conditions do not generally apply to other property in the vicinity;
- (3). Because of these conditions, the application of the ordinance to particular piece of property would effectively prohibit or unreasonably restrict utilization of the property;
- (4). The authorization of the variance will not be substantial detriment to adjacent property or to public good, and the character of the district will not be harmed by the granting of the variance;

- (5). The effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; would not 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. In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. Failure to begin or complete an action for which a variance is granted within the time limit specified as a condition of the variance shall void the variance.

### **1202 Special exceptions**

An owner or authorized agent may appeal to the Board of Zoning Appeals on a form provided by the Zoning Administrator for a special exception for a use permitted by district regulations as a special exception after review, subject to applicable criteria. The BZA shall consider the following factors in determining whether a special exception should be granted, in addition to specific criteria in district regulations: (1) traffic impact; (2) vehicle and pedestrian safety; (3) potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property; (4) adverse impact of proposed use on aesthetic character of the area; and (5) orientation and spacing of improvements of structures. The BZA may prescribe appropriate conditions and safeguards to relieve or reduce adverse impact of a special exception and to protect the character of the area.

### **1203 Appeal to Circuit Court**

A person having a substantial interest in a decision of the board of zoning appeals regarding a variance or special exception, or an officer of the Town authorized by Town Council, may appeal to circuit court by petition for review on grounds that the decision is contrary to law, filed with the clerk of court and secretary of the board within thirty (30) days after the decision of the board is mailed. Within thirty (30) days after receipt of the notice of filing a petition, the Zoning Administrator or secretary of the board, with assistance of the Town Attorney, shall file with clerk of court a certified copy of the board proceedings, including a transcript of evidence and findings and conclusions of the board.

## **ARTICLE 13 AMENDMENT**

### **1300 Initiation of Amendment**

- a.** An amendment to the zoning ordinance text or zoning map may be initiated by adopted motion of town council, adopted motion of the planning commission, or the Zoning Administrator. An amendment of the zoning map for changing a zoning district designation of property may be initiated by the owner of the property affected, or by an agent authorized, in writing, by the owner.
- b.** An identical amendment to the district designation of the same or a portion of the same property for which a rezoning has been denied shall not be initiated more often than once in each twelve month period after denial unless the planning commission determines either (1) there has been a substantial change in the character of the area, or (2) evidence or factors exist which were not considered in the previous deliberations which might substantially alter the basis for the planning commission recommendation
- c.** A zoning map amendment shall be initiated by an owner or agent on an application form provided by the Zoning Administrator, accompanied by required documents and information, and a filing fee established by resolution of Town Council.
- d.** A complete application for amendment must be received at least two (2) weeks prior to the planning commission meeting in order to be considered at the meeting.

### **1301 Minimum district size**

No amendment shall be initiated that would create a new zoning district with an area of less than two (2) acres. The minimum area for a PD (Planned Development) district shall also be two (2) acres. The minimum requirement does not apply to extension of an existing district, or addition of MU district to a C-1 district.

### **1302 Amendment Procedure**

The following procedural steps are required for adoption of a text or map amendment:

Amendment shall be initiated pursuant to § 1300. All amendment ordinances shall be prepared in written form as required by Town Code.

- (1).** Proposed amendment shall be referred to planning commission for review and recommendation. The planning commission shall not conduct a public hearing, but the property owner may be allowed to present oral or written comments. If oral or written comments are taken, the commission shall give other interested members of the public ten days' notice and allow them to comment in the same fashion. Review shall include a determination of whether the proposed amendment is in conformity with the comprehensive plan. Planning Commission shall file with Town Council its report and recommendation on the proposed amendment within thirty (30) days after receipt.
- (2).** Newspaper notice of public hearing before Town Council shall be published at least fifteen (15) days prior to hearing. The public hearing shall be scheduled for a date after the planning commission recommendation is due.
- (3).** Notices of public hearing shall be posted on or adjacent to property to be rezoned, with one notice visible from each street bordering the property. Posted notices shall contain letters not less than one (1) inch in height.

- (4). Notice of public hearing shall be mailed to adjacent landowners and groups which have filed a written request for notices.
- (5). Town Council may introduce an amendment ordinance for first reading and hold public hearing on the same date. A planning commission recommendation shall be reviewed and considered, but it shall not be binding on Town Council.
- (6). Town Council may adopt or reject the amendment ordinance on second reading at least six days after first reading. Map amendments may be adopted or rejected for all or any portion of the property; however, a zoning district designation which was not included in the public notices shall not be adopted. An amendment may be withdrawn in writing by the initiator at any time prior to final action by Town Council. A withdrawn amendment is not subject to the twelve (12) month limitation in § 1300b. However, any resubmittal of a revised request or shall require payment of all costs as if the resubmittal were a new application.
- (7). All amendments shall be noted and placed in the copy of the zoning ordinance maintained by the Zoning Administrator and in the official copy of the Town Code maintained by the Municipal Clerk. Map amendment shall be reflected on the official zoning map.