

**TOWN OF JACKSON
SOUTH CAROLINA**

ZONING ORDINANCE

2000

ORDINANCE NO. 00-01

AN ORDINANCE ADOPTING A ZONING ORDINANCE FOR THE TOWN OF JACKSON, SOUTH CAROLINA, TO IMPLEMENT THE COMPREHENSIVE PLAN ADOPTED PURSUANT TO THE SOUTH CAROLINA LOCAL GOVERNMENT COMPREHENSIVE PLANNING ENABLING ACT OF 1994.

Section 1. Authority and Adoption. The following zoning ordinance is adopted pursuant to the authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code §§ 6-29-310, et seq. (1994 Supp.), and is incorporated by reference in the Code of Ordinances of The Town of Jackson.

Section 2. Purposes. The purposes of the zoning ordinance are to implement the land use element of the comprehensive plan and to guide land development in accordance with existing and future needs, and to promote the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the community, and all those purposes set forth in S.C. Code § 6-29-710.

Section 3. Title. This ordinance may be cited as "The Town of Jackson Zoning Ordinance, 2000."

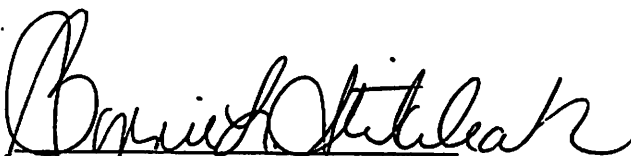
Section 4. Jurisdiction. The provisions of this ordinance shall apply to all land and improvements within the incorporated limits of Jackson, South Carolina.

Section 5. Effective Date and Repeal. The provisions of this ordinance shall be effective on the date of final reading 2000, and all zoning ordinances and text amendments adopted prior to that date are hereby repealed as of the effective date hereof.

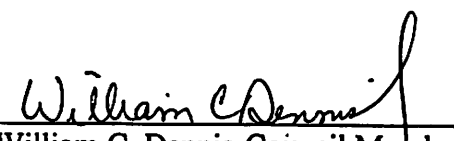
NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Jackson, South Carolina that: pursuant to the mandates set forth in S.C. Code §§ 6-29-310, et seq. (1994 Supp.), the Town of Jackson hereby adopts the Town of Jackson Comprehensive Plan and Zoning Ordinance as proposed by the Town of Jackson Planning Commission.

DULY ADOPTED THIS 14th day of March under corporate seal of the Town of Jackson.

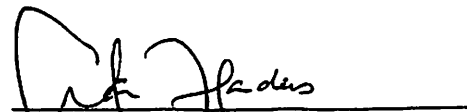
First Reading: 2/08/00
Final Reading: 3/14/00


Bonnie L. Stikeleather-Town Clerk


Patrick Sullivan-Mayor


William C. Dennis-Council Member


Todd Etheredge-Council Member


Alan Flanders-Council Member


Cindy Greene -Council Member


Marty E. Landrum-Council Member


Bobby G. Thornton-Council Member

Table of Contents

Article 1: Title, Authority, Enactment

§ 100	Title	4
§ 101	Short Title	4
§ 102	Purpose and Authority	4
§ 103	Goals and Authority	4
§ 104	Considerations	4
§ 105	Type of Regulation	4
§ 106	Conflict With Other Laws	5
§ 107	Repeal of Conflicting Ordinances	5
§ 108	Validity and Severability	5
§ 109	Preliminary Requirements Observed	5
§ 110	Enactment and Effective Date	5
§ 111	Repeal and Date to Effect	6

Article 2 Establishment of Zoning Districts: Provision for Official Zoning Map and Rules for interpretation of District Boundaries

§ 200	Establishment of Districts	7
§ 201	Official Zoning Map	7
§ 202	Replacement of Official Zoning Map	8
§ 203	Rules Governing District Boundaries	9

Article 3: Application of District Regulations

§ 300	Use of Land or Structures	10
§ 301	Lot Reduction Prohibited	10
§ 302	Use of Substandard Lots of Record	10
§ 303	Annexation to Town Limits	11

Article 4 Non-Conforming Lots, Non-Conforming Uses of Land, Non-Conforming Structures, Non-Conforming Use of Structures and Premises, and Non-Conforming Characteristics of Use.

§ 400	Introduction	12
§ 401	Intent	12
§ 402	Restoration to a Safe Condition	13
§ 403	Reserved	13
§ 404	Non-Conforming Lots of Record	13
§ 405	Non-Conforming Uses of Land (or Land With Minor Structures Only)	13
§ 406	Non-Conforming Structures	14
§ 407	Non-Conforming Uses of Structures or of Structures and Premises in Combination	14

Table of Contents

Article 1: Title, Authority, Enactment

§ 100	Title	4
§ 101	Short Title	4
§ 102	Purpose and Authority	4
§ 103	Goals and Authority	4
§ 104	Considerations	4
§ 105	Type of Regulation	4
§ 106	Conflict With Other Laws	5
§ 107	Repeal of Conflicting Ordinances	5
§ 108	Validity and Severability	5
§ 109	Preliminary Requirements Observed	5
§ 110	Enactment and Effective Date	5
§ 111	Repeal and Date to Effect	6
§ 112	Validity	6

Article 2 Establishment of Zoning Districts: Provision for Official Zoning Map and Rules for interpretation of District Boundaries

§ 200	Establishment of Districts	7
§ 201	Official Zoning Map	7
§ 202	Replacement of Official Zoning Map	8
§ 203	Rules Governing District Boundaries	9

Article 3: Application of District Regulations

§ 300	Use of Land or Structures	10
§ 301	Lot Reduction Prohibited	10
§ 302	Use of Substandard Lots of Record	10
§ 303	Annexation to Town Limits	11

Article 4 Non-Conforming Lots, Non-Conforming Uses of Land, Non-Conforming Structures, Non-Conforming Use of Structures and Premises, and Non-Conforming Characteristics of Use.

§ 400	Introduction	12
§ 401	Intent	12
§ 402	Restoration to a Safe Condition	13
§ 403	Reserved	13
§ 404	Non-Conforming Lots of Record	13
§ 405	Non-Conforming Uses of Land (or Land With Minor Structures Only)	13
§ 406	Non-Conforming Structures	14
§ 407	Non-Conforming Uses of Structures or of Structures and	14

	Premises in Combination	15
§ 408	Repairs and Maintenance	15
§ 409	Uses Under Conditional Use Provisions Not Non-Conforming Uses	16
§ 410	Construction Under Way at Time of Adoption of This Ordinance or its Ammendment	16

Article 5: District Regulations

§ 500	Schedule of Zoning Districts	17
§ 501	R-1 Single Family Residential	17
§ 502	R-5 Single Family/Mobile Home Residential	19
§ 503	R-7 Multi-Family Residential District	20
§ 504	R-9 Mobile Home District	22
§ 505	NHC Neighborhood Commercial District	25
§ 506	GCD General Commercial District	27
§ 507	IDD Industrial Development District	31
§ 508	AGR Agricultural District	34
§ 509	FPD Flood Plain District	35

Article 6: Supplementary Regulations

§ 600	Street Access	37
§ 601	Corner Lots	37
§ 602	Location of Buildings on Lots and Residential Limitations	37
§ 603	Double Frontage Lots	37
§ 604	Front Yard Requirement	37
§ 605	Measurement of Front, Side, Rear Yards: Determination of Buildable Area	38
§ 606	Visibility at Street Intersections	38
§ 607	Visibility at Private Drives and Entrances Intersecting with Public Streets	38
§ 608	Accessory Buildings	38
§ 609	Erection of More than One Principal Structure on a Lot	38
§ 610	Exceptions to Height Regulations	38
§ 611	Accessory Uses	39
§ 612	Setback and Other Yard Requirements	40
§ 613	Home Occupations	40
§ 614	Communications Towers and Antennas	41
§ 615	Communication Towers and Antennas Permitted as Conditional Use	41
§ 616	Districts in Which Conditional Uses are Permitted: and Height Limitations	41
§ 617	Application Requirements for Communication Towers	42
§ 618	Special Exceptions	45
§ 619	Flood Plain Regulations	45

§ 620	Landscaping Requirements	45
§ 621	Buffer Areas	46
§ 622	Open Landscaping Requirements	47
§ 623	Off-street Parking	47
§ 624	Parking Space Requirements	48
§ 625	Off-street Loading and Unloading Spaces	48
§ 626	Parking of Unlicensed Vehicles	49
§ 627	Sign Regulations	49
§ 628	Permitted Signs	52
§ 629	Sexually Oriented Businesses	53

Article 7: Administration, Enforcement, Appeals, Complaints and Remedies

§ 700	Administration and Enforcement	64
§ 701	Building Permits Required	64
§ 702	Application of Building Permit	64
§ 703	Certificates of Occupancy for New, Altered, or Non-conforming Uses	65
§ 704	Violations	65
§ 705	Conditional and Temporary Uses	66
§ 706	Expiration of Building Permits	67
§ 707	Complaints Regarding Violations	67
§ 708	Appeals from the Decision of the Zoning Administrator	67

Article 8: Board of Zoning Appeals

§ 800	Board of Zoning Appeals	68
§ 801	Powers and Duties of Board of Zoning Appeals	68
§ 802	Fees for Appeals to Board	70
§ 803	Appeal to Circuit Court	70

Article 9 Amendments

§ 900	Authority	71
§ 901	Requirements of Change	71
§ 902	Procedures for Amendments	71

Article 10 Definition of Terms Used in this Ordinance

§ 1000	Interpretation of Certain Terms or Words	73
§ 1001	Definition of Terms	74

Article 1:
Title, Authority, Enactment

§ 100 Title

An ordinance establishing comprehensive zoning regulations for the Town of Jackson, South Carolina, and providing for the administration, enforcement, and amendment thereof, pursuant to authority granted in the South Carolina Local Government Comprehensive Planning Act of 1994, S.C. Code § 6-29-310, et seq. (1994).

§ 101 Short Title

This ordinance shall be known and may be cited as "The zoning ordinance of the Town of Jackson, South Carolina."

§ 102 Purpose and Authority

This ordinance is enacted in pursuance of authority conferred by the general statutes of South Carolina S.C. Code § 6-29-710 for the purpose of guiding development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare.

§ 103 Goals and Authority

These regulations are made in accordance with the comprehensive plan for the Town of Jackson and are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the public health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to protect scenic areas; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

§ 104 Considerations

These regulations are made with reasonable consideration, among other things, of the character of each area and its peculiar suitability for particular uses, with a view to promoting desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of land and buildings, and encouraging the most appropriate use of land, buildings and structures.

§ 105 Type of Regulation

In accordance with the conditions and procedures as specified in the Local Government Comprehensive Planning and Enabling Act of 1994, S.C. Code § 6-29-310 et seq. (1994 Supp.) this ordinance regulates the location, height, bulk, number of stories and size of

buildings and other structures, the percentage of lot which may be occupied, the sizes of yards, courts, and other open spaces, the density and distribution of populations, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, water supply, sanitation, public activities, and other purposes.

§ 106 Conflict With Other Laws

Whenever the regulations of this ordinance require a greater width or size of yards, or require a greater percentage of a lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statute, the requirements of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

§ 107 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this ordinance, or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

§ 108 Validity and Severability

If, for any reason, any section, subsection, sentence, clause, phrase or provision of this ordinance is held by the courts to be unconstitutional or invalid, such declaration shall not affect or impair or invalidate the ordinance as a whole or remaining provisions thereof other than that part declared to be unconstitutional or invalid.

§ 109 Preliminary Requirements Observed

Pursuant to S.C. Code § 6-29-310, the Town Council of Jackson, South Carolina, has appointed a planning commission, known as the Jackson Planning Commission to make or certify to the Jackson Town Council the text of a recommended zoning ordinance and zoning maps; the Jackson Town Council has created zoning districts of such number, shape and size as it determines to be best suited to carry out the purposes of § 6-29-310, et seq. (1994) and at least one public hearing has been held concerning the proposed zoning ordinance, according to the lawfully prescribed procedures.

§ 110 Enactment and Effective Date

Whereas all requirements of S.C. Code § 6-29-310, with regard to the preparation of the report of the Jackson Planning Commission and subsequent action of the Jackson Town Council have been met.

§ 111

Repeal and Date to Effect

All ordinances and or resolutions in conflict herewith are hereby repealed, and this ordinance shall take effect from after its passage, this 14th day of March 2000.
The public welfare of the Town of Jackson, South Carolina demanding it.

Article 2:
Establishment of Zoning Districts:
Provision for Official Zoning Map and
Rules for Interpretation of District Boundaries

§ 200 Establishment of Districts

For the purpose of attaining the most appropriate use of land, buildings and structures for trade, industry, residence, agriculture, public activities and other uses, and to regulate and restrict the location of such uses, as well as, the location of buildings designed, erected, altered, moved or occupied for such specified purposes: to limit the height, bulk, and size of buildings hereafter erected, altered or moved; to regulate the density of population, vehicular congestion, preserve economy in governmental expenditures, conserve the value of land and buildings, retain the character of each area, promote desirable living conditions and the sustained stability of each area, the Town of Jackson is hereby divided into the following use districts, with boundaries shown on the official Town of Jackson zoning map:

R-1 - Single Family Residential District

R-5 - Single Family/Mobile Home Residential District

R-7 - Multi-Family Residential District

R-9 - Mobile Home District

NHC – Neighborhood Commercial District

GCD - General Commercial District

IDD - Industrial Development District

AGR - Agricultural District

FPD – Flood Plain District

§ 201 Official Zoning Map

The official zoning map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. The official zoning map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the seal of the town under the following words: "Official Zoning Map, Town of Jackson, South Carolina," together with the date of the adoption of this ordinance.

If, in accordance with the provisions of this ordinance and South Carolina 1967 code of laws, 1968 supplement, Volume 3, article 3, §14-350, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the Town Council, with an entry on the official zoning map as follows:

On (date) by official action of the Jackson Town Council, the following (change or) changes were made in the official zoning map: (brief description of nature of change),

Each entry shall be signed by the mayor and attested by the Town Clerk. No amendment to the ordinance that involves a matter portrayed on the official zoning map shall become effective until after such change has been made on said map.

No change of any nature shall be made on the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided by law.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map located in the office of the Town Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city. If other copies of the zoning map are made for interested parties, it should say in very large red letters: "This is an unofficial copy, see the Town Clerk's office for the official map.")

§ 202 Replacement of Official Zoning Map

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Council may adopt, by resolution, a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such corrections shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the seal of the town under the following words:

This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) As part of "the zoning ordinance of the Town of Jackson, South Carolina."

Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

§ 203

Rules Governing District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

203.1 Boundaries indicated as approximately following the center lines of streets, highways, alleys, or public utility easements shall be construed to follow such center lines;

203.2 Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private;

203.3 Boundaries indicated as approximately following town limits shall be construed as following such town limits;

203.4 Boundaries indicated as following railroad lines shall be construed to be midway between the tracks;

203.5 Boundaries indicated as following the center lines of streams, lakes, or other bodies of water shall be construed to follow such center lines;

203.6 Boundaries indicated for flood plain district zoning shall be construed as approximately following the boundary lines as shown on the national flood insurance program maps;

203.7 Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale map;

203.8 Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Zoning Appeals shall interpret the district boundaries;

203.9 Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Appeals may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

Article 3:
Application of District Regulations

The regulations set by this ordinance within each district shall be minimum regulations and shall hereafter be constructed, erected, altered or moved, unless in conformity with all of the regulations herein specified for the district in which it is located.

§ 300 Use of Land or Structures

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

300.2 Land uses not expressly permitted within a zoning district established by this ordinance are prohibited.

300.3 No structure shall hereafter be erected or altered:

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

300.4 No part of a yard, or other open space, off-street parking or loading required about or in connection with any building for the purpose of complying with this ordinance, or off-street parking or loading space similarly required for any other building.

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

§ 301 Lot Reduction Prohibited

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

§ 302 Use of Substandard Lots of Record

Where the owner of a lot at a time of the adoption of this ordinance does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, such lot may nonetheless be used as a building site and the building official is

authorized to issue a permit for the use of the property provided that said setback requirements are not reduced below the minimum specified in this ordinance by more than twenty percent. If, however, the owner of two or more adjoining lots, with insufficient land dimensions, decides to build on or to sell off these lots, he must first combine said lots to comply with the setback requirements of the ordinance. Any lot requiring setback waivers below the twenty percent minimum set forth in this section shall be approved by the Board of Zoning Appeals provided that further decreased setback requirements shall conform as closely as possible dimensions. In residential districts, substandard lots shall be used only for single-family residential purposes.

§ 303 Annexation to Town Limits

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

- A. The land areas proposed to be annexed into the Town of Jackson shall be recommended to the Town Council by the Planning Commission to an appropriate zoning district until such time as the Town Council shall change such classifications through normal amendment procedures.
- B. In all cases, where annexation to the Town of Jackson's total land area requires adjustments in the zoning district boundaries, said adjustments shall be made on the zoning map within fifteen days after effective date of annexation.

Article 4:
Non-Conforming Lots,
Non-Conforming Uses of Land,
Non-Conforming Structures,
Non-Conforming Use of Structures and Premises, and
Non-Conforming Characteristics of Use.

§ 400 Introduction

Within the districts established by this ordinance or amendments that may later be adopted there exists

- (1) lots,
- (2) structures,
- (3) uses of land and structures, and
- (4) characteristics of use

Which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. These non-conforming lots, structures, uses of land and structures, and characteristics of use, are declared by this ordinance to be incompatible with permitted uses in the districts involved.

§ 401 Intent

A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination, may be continued to avoid hardship, except that:

401.1 An existing non-conformity shall not be changed to another non-conformity;

401.2 A non-conformity shall not be re-used or re-occupied after discontinuance of the use or occupancy for a period of six months.

401.3 A non-conformity shall not be re-established, re-occupied or replaced with the same or similar structure or land use after physical removal or relocation from its specific site location at the time of this ordinance;

401.4 A non-conformity shall not be repaired, rebuilt, or altered after damage exceeding sixty percent of its replacement cost at the time of destruction. Reconstruction or repair, when legal, must begin within six months after damage is incurred; and

401.5 A non-conformity shall not be enlarged or altered in a way that increases its non-conformity.

§ 402 Restoration to a Safe Condition

Nothing in this section 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.

§ 403 Reserved

§ 404 Non-Conforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to both meet the requirements for area or width, or both, that are generally applicable in the district, provided the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals.

404.1 Combination of Non-Conforming Lots

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

§ 405 Non-Conforming Uses of Land (or Land with Minor Structures Only)

Where, at the time of passage of this ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1000, the use may be continued so long as it remains otherwise lawful, provided:

405.1 No such non-conforming use shall be enlarged or increased, nor extend to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;

405.2 No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;

405.3 If any such non-conforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located;

405.4 No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming uses of land.

§ 406 Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restriction on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

406.1 No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;

406.2 Should such non-conforming structure or non-conforming portion of structures be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with this ordinance;

406.3 Should such structure be moved for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

§ 407 Non-Conforming Uses of Structures or of Structures and Premises in Combination

If a lawful use involving individual structures with a replacement cost of \$1000 or more, or of structures and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

407.1 No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

407.2 Any non-conforming 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;

407.3 If any structural alterations are made, on any non-conforming use of a structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

407.4 Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.

407.5 When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

407.6 Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than sixty (60%) percent of the replacement cost at the time of destruction.

§ 408 Repairs and Maintenance

On any non-conforming structure or portion of structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

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

§ 409 Uses Under Conditional Use Provisions Not Non-Conforming Uses

Any use, which is permitted as a conditional use in a district under the terms of this ordinance, shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

§ 410 Construction Under Way at Time of Adoption of This Ordinance or its Amendment

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

**Article 5:
District Regulations**

§ 500 Schedule of Zoning Districts

The following zoning districts are established by this ordinance.

R-1 - Single Family Residential area

R-5 - Single Family/Mobile Home Residential
District

R-7 - Multi-Family Residential District

R-9 - Mobile Home District

GCD - General Commercial District

NCD - Neighborhood Commercial District

IDD - Industrial Development District

AGR - Agricultural District

FPD - Flood Plain District

Other districts may be established by amendment of this ordinance. The following sections of Article 5 regulate the districts established in this section.

§ 501 R-1 Single Family Residential District:

501.1 Intent of district

It is the intent of this section that the R-1 zoning district be developed and reserved for low-to-medium density residential purposes. The regulations which apply within this district are designed to encourage formation and continuance of a stable, healthy environment for one-family dwellings situated on lots having an area of 20,000 square feet or more, and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district.

501.2 Permitted Uses

The following uses shall be permitted in any R-1 zoning district:

A) One-family dwelling (other than a mobile home).

- B) Publicly owned building, facility or land.
- C) Unlighted, regulation-size or par three golf courses.
- D) Non-commercial horticulture or agriculture, but not including the keeping of poultry or animals.
- E) Customary home occupation established under provision of § 614.
- F) Accessory use in compliance with the provisions of §§ 612 and 613.

501.3 Conditional Uses

The following uses shall be permitted in any R-1 zoning district on a conditional basis:

- A) Church, synagogues, temple and other places of worship provided that (1) such use is housed in a permanent structure, (2) such use is located on a lot not less than twenty thousand (20,000) square feet in area, and (3) no structure on the lot is closer than twenty-five (25) feet to any abutting residential property line.
- B) Private kindergarten or pre-school nursery provided that (1) such uses meet the minimum standards set forth for such facilities by the board of health, (2) such use is located on a lot not less than thousand (20,000) square feet in area, and (3) no structure on the lot is closer than twenty-five (25) feet to any abutting residential property line.
- C) Public utility substation or sub-installation including water towers, provided that (1) such use is enclosed by a painted or chain-link fence or wall at least six (6) feet in height above finish grade, (2) there is neither office nor equipment on the premises, and (3) a landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility.
- D) Cemetery, provided that such use (1) consist of a site of at least five (5) acres, (2) includes no crematorium or dwelling unit other than for a caretaker, (3) has a front yard setback of at least seventy (70) feet from the centerline of the street or ten (10) feet from the street right-of-way line, whichever is further, and (4) maintains a non-illuminated sign no greater than thirty (30) square feet and ten (10) feet in height.

501.4 Other Requirements

Uses permitted in R-1 zoning districts shall be required to conform to the following standards, except that substandard lots of record as of the effective date of this ordinance may be subject to whatever relief is provided by Article 3, § 302, of this ordinance.

- A) Minimum Lot Area: twenty thousand (20,000) square feet.

- B) Minimum Lot Area Per Dwelling Unit: twenty thousand (20,000) square feet.
- C) Maximum Dwelling Units Per Net Acre: 2.15 dwelling units.
- D) Minimum Lot Width: measured at the building line: one hundred (100) feet.
- E) Minimum Front Yard Depth measured from the nearest street right-of-way: thirty (30) feet. For exceptions to this requirement, see Article 6, §§ 601, 603, and 604.
- F) Minimum Side Yard: no less than ten (10) feet from one side, provided that the total of both side yards is no less than twenty (20) percent of the total lot width. For side yard requirements pertaining to corner lots, see Article 6, §§ 601 and 603.
- G) Minimum Rear Yard: twenty (20) feet. For rear yard requirements pertaining to double frontage lots, see Article 6, § 603.
- H) Maximum Building Height: thirty-five (35) feet. For exceptions to height regulations, see Article 6, § 610.
- I) Additional Requirements: uses permitted in R-1 zoning districts shall meet all standards set forth in Article 6, pertaining to off-street parking, loading, and all other requirements.

§ 502 R-5 Single Family/Mobile Home Residential District

502.1 Intent of District

It is the intent of this section that the R-5 zoning district be developed and reserved for low to medium residential purposes which allow mobile homes as a housing choice for district residents.

502.2 Permitted Uses

The following uses shall be permitted in any R-5 zoning district

- A) One family dwellings (including mobile homes)
- B) All other uses allowed in the R-1 zoning district

502.3 Conditional Uses

The following uses shall be permitted in any R-5 zoning district on a conditional basis.

A) Church, synagogues, temple and other places to worship provided that (1) such use is housed in a permanent structure, (2) such use is located on a lot not less than forty thousand (40,000) square feet in area, and (3) no structure on the lot is closer than twenty-five (25) feet to any abutting residential property line.

B) Private kindergarten or pre-school nursery provided that (1) such uses meet the minimum standards set forth for such facilities by the state board of health; (2) such use is located on a lot not less than twenty thousand (20,000) square feet in area; and (3) no structure on the lot is closer than twenty-five (25) feet to any abutting residential property.

C) Public utility substation or sub-installation including water towers, provided that (1) such use is enclosed by a painted or chain-link fence or wall at least six (6) feet in height above finish grade, (2) there is neither office nor equipment on the premises, and (3) a landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility.

D) Cemetery, provided that such use (1) consist of a site of at least five (5) acres, (2) includes no crematorium or dwelling unit other than for a caretaker, (3) has a front yard setback of at least seventy (70) feet from the centerline of the street or ten (10) feet from the street right-of-way line, whichever is further, and (4) maintains a non-illuminated sign no greater than thirty (30) square feet and ten (10) feet in height.

502.4 Other Requirements

Uses permitted in R-5 zoning districts shall be required to conform to the following standards, except that the one of substandard lots of record as of the effective date of this ordinance may be subject to whatever relief is provided by Article 3, § 302, of this ordinance.

A) Minimum Lot Area: twenty thousand (20,000) square feet.

B) Minimum Lot area Per Dwelling Unit: twenty thousand (20,000) square feet.

C) Maximum Dwelling Units: per net acre: 2.15 dwelling units.

D) Minimum Lot Width measured at the building line: one hundred (100) feet.

E) Minimum Front Yard Depth: measured from the nearest street right-of-way: thirty (30) feet. For exceptions to this requirement, see Article 6, §§ 601, 603, and 604.

F) Minimum Side Yard: no less than ten (10) feet from one side, provided that the total of both side yards is no less than twenty (20) percent of the total lot width. For side yard requirements pertaining to corner lots, see Article 6, §§ 601 and 603.

G) Minimum Rear Yard: twenty (20) feet. For rear yard requirements pertaining to double frontage lots, see Article 6, § 603.

H) Maximum Building Height: thirty-five (35) feet. For exceptions to height regulations, see Article 6, § 610.

I) Additional Requirements: uses permitted in R-5 zoning districts shall meet all standards set forth in Article 6, pertaining to off-street parking, loading, and all other requirements.

§ 503 R-7 Multi-Family Residential District

503.1 Intent of District

It is the intent of this section that the R-7 zoning district be developed and reserved for medium to high-density residential purposes. The regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for such dwellings, and to discourage unwarranted encroachment of commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

503.2 Permitted Uses

The following uses shall be permitted in any R-7 zoning district:

A) All uses permitted in the R-5 district as shown in § 501.2 and conforming to the provisions in § 501.4.

B) Multi-family dwelling and two-family dwelling (Duplex)

C) Publicly owned facility or land.

D) Customary home occupation established under the provisions of Article 6, § 614.

E) Accessory uses in compliance with the provisions of Article 6, §§ 612 and 613.

503.3 Conditional Uses

The following uses may be permitted in any R-7 zoning district subject to the provisions set forth.

A) All conditional uses permitted in the R-1 and R-5 residential districts, as set forth in §§ 501.3 and 502.3 except cemeteries.

503.4 Other Requirements

Unless otherwise specified elsewhere in this ordinance, uses permitted in R-7 zoning districts shall be required to conform to the following standards:

A) Minimum Lot Area: twenty thousand (20,000) square feet.

B) Minimum Lot Area: per dwelling unit: the per dwelling density will be determined according to South Carolina Department of Health and Environmental Control recommendations.

C) Minimum Lot Width measured at the building line: one hundred (100) feet.

D) Minimum Front Yard: depth measured from the nearest street right-of-way: thirty (30) feet. For exceptions to this requirement, see Article 6, §§ 601, 603, and 604.

E) Minimum Side Yard: no less than ten (10) feet from one side, provided that the total of both side yards is no less than thirty (30) percent of the total lot width. For side yard requirements pertaining to corner lots, see Article 6, §§ 601 and 603.

F) Minimum Rear Yard: twenty (20) feet. For rear yard requirements pertaining to double frontage lots, see Article 6, § 603.

G) Maximum Building Height: sixty (60) feet, as measured upward from the point of lowest ground level elevation of said building. Multi-family dwellings may exceed sixty (60) feet in height only after approval of the Fire Chief and Building Official. For other exceptions to the height regulations, see Article 6, § 610.

I) Additional Requirements: uses permitted in R-7 zoning districts shall meet all standards set forth in Article 6, pertaining to off-street parking, loading, and all other requirements.

§ 504 R-9 Mobile Home District

504.1 Intent of district

The intent of the R-9 mobile home district is to provide a sound and healthy residential environment sufficient to meet the unique needs of inhabitants living in mobile homes, to protect mobile home parks and subdivisions from encroachment by incompatible uses, and to encourage the consolidation of mobile homes into parks and subdivisions. Any

mobile home park or subdivision shall henceforth be in conformance with the regulations set forth herein.

504.2 Permitted Uses

The following uses shall be permitted in any R-9 zoning district:

- A) Mobile home parks.
- B) Mobile home subdivisions.
- C) Other uses required to serve exclusively, in the opinion of the Planning Commission, the residents of that particular R-9 district.
- D) All uses permitted in R1-R5-R7.

504.3 Definitions

For definitions of mobile home, mobile home space, mobile home park, and mobile home subdivision, refer to Article 10.

504.4 Requirements

All mobile home parks and subdivisions shall conform to the following requirements:

A) A mobile home park or subdivision shall be no less than three (3) acres in size, and be located on a well-drained site and properly graded to insure drainage and freedom from stagnant pools of water.

B) A mobile home park shall not exceed a gross density of eight (8) dwelling units per acre, and a subdivision shall not exceed six (6) dwelling units per acre.

C) Each mobile home park space shall not be less than four thousand (4,000) square feet; each space shall be at least forty (40) feet wide and clearly defined. Each mobile home subdivision space shall not be less than five thousand square feet and each space shall be at least fifty feet wide and clearly defined.

D) Mobile homes shall be situated on each space so as to provide:

1.) A minimum of twenty feet of side clearance between mobile homes and any property line bounding the park.

2.) A minimum of fifteen feet clearance between mobile home ends and any building located within the park.

E) Each mobile home park or subdivision shall have a minimum area of twenty thousand square feet set aside for common open space. Five hundred square feet of common open space shall be set aside for each mobile home added after the 40th unit for a park and after the 30th unit for a subdivision.

F) All mobile home spaces in a mobile home park shall abut upon a paved driveway of not less than twenty feet in width which shall have unobstructed access to a street; no direct access to a mobile home park space from a public street shall be permitted. All mobile home spaces in mobile home subdivisions shall front on a paved publicly dedicated and maintained street of not less than fifty feet of right-of-way and thirty feet in width of paved surface; all mobile home spaces shall be serviced with paved walk ways not less than three feet in width.

G) The minimum front yard depth measured from the nearest street right-of-way line shall be twenty-five feet.

H) Maximum building height permitted: thirty-five feet.

I) Off-street parking, loading, and other requirements shall conform to standards set forth in Article 6.

J) A mobile home park or subdivision in a R-9 district must conform to state board of health requirements and the site plan must be reviewed by the county board of health and other appropriate health agencies, which shall advise the Planning Commission of its findings. The Planning Commission shall be restricted from making a favorable recommendation unless the board of health determines that all local and state codes pertaining to health and environmental sanitation in mobile home parks have been met by the applicant.

K) All mobile homes located on a space in a mobile home subdivision must be attached to a permanent foundation within three months after placement on the space.

504.5 Other requirements

The following requirements shall apply to all mobile homes:

A) Foundation screening: all mobile homes, whether temporary or permanent foundations, shall have adequate visual screening between the walls and the ground surface to conceal all utilities, foundations, wheels, and other items, and to protect children from possible harm under mobile homes. Such screening shall be constructed of attractive, durable material and the building official must approve construction.

B) Outdoor storage facilities: all mobile homes shall have access to adequate outdoor storage space for the purpose of storing furniture, tools, outdoor equipment, and other such items which cannot be easily accommodated inside. Such facilities shall be provided in convenient proximity to all mobile homes, and may consist of individual buildings or structures that are shared by several units. They shall be designed and constructed in such a manner as to enhance the appearance of the premises and shall be made of durable, weather resistant materials. Where adequate, the enclosed foundation crawl space of the mobile home may be used for this storage.

C) Buffer areas: adequate buffers in the form of walls or planting screens shall be provided around all mobile home parks and subdivisions in order to protect the residences from the potential undesirable effects of conflicting uses. Such buffers shall be provided along all property lines and shall consist of a strip approximately ten feet wide of thickly planted evergreen shrubbery. Walls or screens or durable materials may be combined with said planting.

D) Underground garbage receptacles required at all mobile homes.

504.6 Existing Mobile Home Parks and Mobile Home Subdivisions

All existing mobile home parks and subdivisions that do not conform to the described requirements shall be allowed to continue as a mobile home park or subdivision and treated accordingly.

§ 505 NHC Neighborhood Commercial District

505.1 Intent of District

It is the intent of this section that the NHC zoning district be developed and reserved for general professional, retail, and service businesses oriented primarily toward serving the needs of persons who live or work in nearby areas. These commercial uses are intended to be relatively small in size and area and all operations should be contained in a fully enclosed area.

505.2 Permitted Uses

The following uses shall be permitted in any NHC zoning district

A) All residential uses permitted in an R-1 zoning district.

B) Any retail business that involves the sale of merchandise on premises. Examples of the type of retail business permitted in this district include but are not limited to; a drug store or pharmacy, a small convenience store, a florist shop or a bakery.

- C) Commercial business that involve the provision of personal services. Examples of the type of personal services that should be allowed in this zoning district may include but are not limited to the following; a branch bank, a barber shop, an insurance agency, or professional offices such as those used by a doctor or lawyer.
- D) Any membership organization including business and professional associations, unions and political organizations, and civic or fraternal organizations.
- E) A church synagogue or place of worship including religious education buildings a parsonage or recreation facilities.
- F) Government buildings or facilities.
- G) Accessory uses on the same lot as the principal use to include off street parking, or completely enclosed buildings for storage of supplies.

505.3 Conditional Uses

The following uses shall be permitted on a conditional basis in any NHC zoning district, subject to the conditions set forth:

- A) A school of dance, art, music, drama, martial arts, or other cultural activity provided that all of the following conditions are met:
 - 1. Any school may not have more than 25 students enrolled;
 - 2. Instruction must be limited to art, music, dancing, drama, martial arts, or similar cultural activity.
- B) A contractor's office provided that there will be no storage of vehicles, equipment or materials on the premises.
- C) A dry cleaning or laundry pickup service, provided that laundering, cleaning or pressing on premises involves only articles delivered to premises by individual customers.
- D) A public utility substation, or water tower provided that all of the following conditions are met:
 - 1. Structures must be enclosed by a six foot fence;
 - 2. No offices, 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

- E) Temporary Christmas tree sales on a vacant lot for a period not to exceed 45 days.

505.4 Other Requirements

Unless otherwise specified elsewhere in this ordinance, uses permitted in NHC zoning districts shall be required to conform to the following standards:

- A) Minimum Lot Area: six thousand square feet.
- B) Minimum Lot Width, measured at the building line: fifty feet.
- C) Minimum Front Yard: measured from the nearest abutting street right-of-way line: fifty feet.
- D) Minimum Side Yard: not less than ten (10) feet from each side. Where the district abuts any residential zoning district not separated by a street right-of-way, a suitable planting screen, fence, or wall at least six (6) feet in height above finished grade shall be required. For side yard requirements pertaining to corner lots, see Article 6, § 601 and 603.
- E) Minimum Rear Yard: twenty-five (25) feet. Where the district abuts any residential zoning district not separated by a right-of-way, a suitable planting screen, fence, or wall at least six (6) feet in height above finished grade shall be required. The provisions of Article 6, § 603 pertaining to double frontage lots, shall apply in NHC zoning districts.
- F) Maximum Building Height: up to sixty (60) feet without the approval of the fire chief and building official. For structures in excess of sixty (60) feet, the fire chief's and building official's approval is necessary. For exceptions to height regulations see Article 6, § 610.
- G) Additional Requirements: uses permitted in NHC zoning districts shall meet all standards set forth in Article 6, pertaining to off-street parking, loading and other requirements.

§ 506 GCD General Commercial District

506.1 Intent of District

It is the intent of this section that the GCD zoning district be developed and reserved for general business purposes. The regulations that apply within this district are designed to

encourage the formation and continuance of a compatible and economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial character of the district.

506.2 Permitted Uses

The following use shall be permitted in any GCD zoning district:

A) Any retail, wholesale or storage business involving the sale of merchandise on the premises, except those uses which involve open yard storage of junk, salvage, used auto parts or building materials. Open storage shall be permitted under conditions set forth in subsection 506.3 (G).

B) Business involving the rendering of personal services other than an automobile laundry or automobile repair garage that shall be permitted under conditions set forth in subsection 506.3(B) and (E).

C) A private or semi-private club, lodge, union hall or social center.

D) Church.

E) Any residential use lawfully existing within the district at the time of adoption of this ordinance.

F) Off-street commercial parking lot and garage.

G) A hotel, tourist home, and motel.

H) A publicly owned and operated building, facility or land.

I) A commercial recreation facility, specifically including:

(1) A billiard parlor;

(2) A theater, including drive-in type of facility;

(3) A bowling alley;

(4) A golf course (including driving range or par 3 operation).

J) Commercial trade or vocational school.

K) An eating and/or drinking establishment including drive-in or curbside service.

- L) A radio and/or television station and/or transmission tower.
- M) A public utility installation or sub-installation, including water towers.
- N) An office building and/or office for governmental, business, professional or general purposes.
- O) Accessory uses in compliance with the provisions of Article 6, §§ 612 and 613.

506.3 Conditional Uses

The following uses shall be permitted on a conditional basis in any GCD zoning district, subject to the conditions set forth in section §705:

- A) An automobile service station provided that all pumps are set back at least twenty-five feet from the right-of-way line of the street; and parking or service areas are separated from adjoining residential properties or zoning districts by a suitable planting screen, fence, or wall at least six feet in height.
- B) Garage for the repair and servicing of motor vehicles, provided all operations are conducted within a fully enclosed building, and provided there is no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises.
- C) A combination of residential structures with any use permitted herein, provided that all dwelling units have direct access to the street.
- D) A newspaper publishing plant, provided that the requirements for parking, loading, and unloading conform to those for industrial buildings, as set forth in Article 6.
- E) An automatic car wash, provided that an off-street paved parking area capable of accommodating not less than one-half of hourly vehicle washing capacity awaiting entrance to the washing process is suitably located and maintained on the premises, and provided no safety hazard or impediment to traffic movement is created by the operation of such an establishment.
- F) Animal hospital and/or boarding facility, provided that all boarding arrangements are maintained within a building and no perceptible beyond the premises.
- G) Open yard use for the sale, rental and/or storage of materials or equipment excluding junk or other salvage, provided that such uses are separated from

adjoining residential properties or zoning districts by a suitable planting screen, fence, or wall at least six feet in height above finish grade.

H) Community hospitals or clinics including any functions which relate directly to the operation of hospitals or clinics and are contained within the confines of said hospital or clinic, and provided such uses are in compliance with the provisions of § 613.

I) A truck terminal, provided that paved acceleration and deceleration lanes at least ten feet in width and one hundred feet in length, respectively, are furnished and maintained where trucks enter or leave terminal sites; and sites for such facilities have direct access to major streets.

J) Any temporary use in compliance with the provisions of Article 7, § 705.

506.4 Other Requirements

Unless otherwise specified elsewhere in this ordinance, uses permitted in GCD general zoning districts shall be required to conform to the following standards:

A) Minimum Lot Area: six thousand square feet.

B) Minimum Lot Width: measured at the building line: fifty feet.

C) Minimum Front Yard: measured from the nearest abutting street right-of-way line: fifty feet.

D) Minimum Side Yard: not less than ten (10) feet from each side. Where the district abuts any residential zoning district not separated by a street right-of-way, a suitable planting screen, fence, or wall at least six (6) feet in height above finished grade shall be required. For side yard requirements pertaining to corner lots, see Article 6, § 601 and 603.

E) Minimum Rear Yard: twenty-five (25) feet. Where the district abuts any residential zoning district not separated by a right-of-way, a suitable planting screen, fence, or wall at least six (6) feet in height above finished grade shall be required. The provisions of Article 6, § 603 pertaining to double frontage lots, shall apply in GCD zoning districts.

F) Maximum Building Height: up to sixty (60) feet without the approval of the fire chief and building official. For structures in excess of sixty (60) feet, the fire chief's and building official's approval is necessary. For exceptions to height regulations see Article 6, § 610.

G) Additional Requirements: uses permitted in GCD zoning districts shall meet all standards set forth in Article 6, pertaining to off-street parking, loading and other requirements.

§ 507 IDD Industrial Development District

507.1 Intent of District

The intent of the IDD industrial development district is to promote the development and continued use of land for basic or primary industrial purposes which involve extensive manufacturing, processing or assembly operations; and to preserve undeveloped sizeable tracts of land with potential for industrial uses.

507.2 Permitted Uses

The following uses shall be permitted in any IDD zoning district.

- A) A research and experimental laboratory.
- B) A transportation terminal, excluding truck terminals which shall be permitted as conditional uses subject to the requirements of § 505.3 (I).
- C) A public building, facility, or land other than a school, playground, hospital, clinic, care home, or cultural facility.
- D) A public utility installation.
- E) A horticultural nursery.
- F) A radio and/or television station and/or transmission tower.
- G) An office building and/or offices for governmental business, professional, or general purposes.
- H) A commercial trade or vocational school.
- I) An off-street commercial parking lot or garage, as well as an off-street parking or storage area for customer, client, or employee-owned vehicles.
- J) A land fill or the extraction of natural materials.
- K) Any industrial use which involves manufacturing, processing or assembly operations or the storage and sale of heavy materials, products or equipment; but not including junk or salvage yards or uses which may cause injurious or obnoxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazards,

dangerous radiation or other conditions objectionable to nearby areas, except under conditions as specified in subsection 507.3 (A).

L) An animal hospital and/or boarding facility.

M) A warehouse.

507.3 Conditional Uses

The following uses shall be permitted on a conditional basis in any IDD zoning district, subject to the conditions set forth in § 705.

A) Any industrial use which involves manufacturing, processing, assembly or storage in no way involves any junk, or salvage operations; provided that any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious conditions related to the operation are not sufficient to create a nuisance beyond the premises.

B) A warehouse or other storage facility, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.

C) A wholesale business outlet, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.

D) An automobile service station provided that all pumps are set back at least twenty-five (25) feet from the right-of-way line of any street, and provided that there is no open storage of any type in conjunction with the operation.

E) An animal hospital and/or boarding facility, provided all boarding arrangements are maintained within a building and no noise connected with the operation of the facility is discernible beyond the premises.

F) A retail business, provided such business is incidental to a permitted use, and is located on the same premises as a permitted use.

G) A truck terminal, provided that paved acceleration and deceleration lanes at least ten (10) feet in width and one hundred (100) feet in length, respectively, are furnished and maintained where trucks enter or leave terminal sites located adjacent to major streets.

H) A watchman or caretaker's one-family dwelling, provided that such a dwelling is located on the premises of a permitted use, and provided the head of the household is employed by the industry as watchman or caretaker.

I) A dwelling incidental to a permitted agricultural or horticultural use, provided that such related dwellings are occupied only by persons employed directly on the premises.

J) A garage or shop for the repair and servicing of motor vehicles, equipment or machine parts, provided any open yard storage incidental to such an operation conforms to the provisions of subsection 506.3 (g), and provided no sound, vibration, heat, glare or electrical disturbance is created which creates a nuisance beyond the premises.

K) A private recreation facility, provided such facility is incidental to a permitted use and located on the same premises.

L) An open yard use for the sale, rental and/or storage of new, used or salvaged materials, or equipment, provided that such use is conducted in a manner that it will be located on a site no less than one (1) acre in size, and provided no burning of materials or products is conducted on the premises except by means approved by the Fire Chief and Building Officials; and in the case of open storage or use or salvage materials and/or equipment, provided a suitable planting screen, fence, or wall of at least six (6) feet in height above finished grade will be required along all property lines.

507.4 Other Requirements

Unless otherwise specified elsewhere in this ordinance, uses permitted in IDD zoning districts shall be required to conform to the following standards:

A) Minimum Lot Area: five (5) acres.

B) Minimum Lot Width: measured at the building line: two hundred fifty (250) feet.

C) Minimum Front Yard, measured from the nearest abutting street right-of-way line: fifty (50) feet.

D) Minimum Side Yard: no less than one hundred (100) feet. Where the district abuts any residential district not separated by a right-of-way, a suitable planting screen, fence, or wall of at least six (6) Feet in height above finished grade will be required. For side yard requirements pertaining to corner lots, see Article 6, §s 601 and 603.

E) Minimum Rear Yard: one hundred (100) feet. Where the district abuts any residential district not separated by a right-of-way, a suitable planting screen, fence or a wall at least six (6) feet in height above finished grade will be required. For rear yard requirements pertaining to double frontage lots, see Article 6, § 604.

F) Maximum building height: no more than sixty (60) feet, unless approved by the fire chief and building official. For exceptions to height regulations, see Article 6, § 610.

G) Additional Requirements: uses permitted in IDD zoning districts shall meet all standards set forth in Article 6, pertaining to off-street parking, loading and other requirements.

§ 508 AGR - Agricultural District

§ 508.1 Intent of District

It is the intent of the AGR district to provide for agricultural, horticultural, animal husbandry, forestry, conservation, and buildings incidental to these purposes. The provisions of this district are intended to prevent haphazard development or the establishment of undesirable development patterns in the predominately rural areas of the planning zoning jurisdiction. Further, it is intended that AGR districts shall act as holding zones for areas presently undeveloped, but likely to be in the path of future development, in order that their qualities shall not be spoiled by inappropriate development until such time as their most appropriate future uses can be determined and orderly re-zoning accomplished.

508.2 Permitted Uses

The following uses shall be permitted in any AGR district:

A) One-family dwellings (to include mobile homes) to conform to the requirements set forth in § 502.4 and 502.5.

B) Buildings incidental to agriculture, dairying, ranching, animal husbandry and forestry.

C) Farming, conservation, cultivation, crop production, agricultural management.

D) Raising of livestock and poultry.

E) The following public and semi-public uses:

1. Cemeteries

2. Churches

3. Public and private schools

4. Municipal facilities

5. Public and private utility structures

6. Parks and recreation areas.

508.3 Conditional Uses

The following uses shall be permitted in any AGR district on a conditional basis:

A) Sanitary land fill sites, provided that they meet and comply with all state board of health regulations concerning sanitary land fill sites.

B) Mobile home parks and subdivisions, provided they comply with all requirements set forth in Article 5, § 504.

§ 509 FPD Flood Plain District

509.1 Intent of District

This FPD zoning district is intended to control development in and preserve or enhance the character of certain natural, swamp, or water areas that have any of the following characteristics:

A) It is subject to periodic or occasional flooding;

B) It is utilized for outdoor recreation purposes;

C) It provides needed open space for the present and future residents of the area;

D) The area possess great natural beauty or are of historical significance;

E) It serves as wildlife refuges.

The provisions of this district are intended to protect these areas from indiscriminate encroachment and loss by residential, commercial, industrial, or other inappropriate development; to allow their appropriate development and enhancement as open space for the benefit and general welfare of the residents of the community; and to prevent flood damage to urban development by prohibiting certain uses in areas subject to flooding.

509.3 Permitted uses

Due to the precious and irreplaceable nature of such natural areas, all permitted uses shall be submitted by reference from the zoning official to the Planning Commission for approval. The following uses may be permitted in any FPD zoning district subject to

such safeguards and conditions as the Planning Commission shall see fit to prescribe in accordance with the peculiar characteristics of the area in question:

A) Publicly owned and/or operated parks, open-space, or recreational facilities and necessary accessory uses and equipment, but not to include uses requiring major structures or generating large volumes of traffic such as stadiums or auditoriums.

B) Certain privately owned recreational uses of an appropriate nature, such as riding academies, boating facilities, golf driving ranges, or nature camps.

C) Public utility substations, provided that such substations do not require on-site operating personnel; that there is no unduly noxious or offensive emission of odor, smoke, particulate matter, noise, or vibration; that any potentially dangerous facilities shall have adequate security fencing, and that any exterior machinery or equipment such as transformers, pumps, pipes, or tanks shall be visually screened to heights of six (6) feet or more as prescribed.

D) Private boat docks or boat houses.

F) Agricultural farming, dairying, ranching, and forestry.

G) Horticultural farming.

H) Wildlife refuges, including any single family dwelling unit or caretakers necessary to maintain and protect the refuge.

I) Any use which the Planning Commission considers compatible with the neighborhood use and the Comprehensive Plan of the Town of Jackson.

509.3 Prohibited Uses

Any use which by reason of size or type of structure, nature of use, intensity of activity or traffic, or offensive operating characteristics shall be determined by the Planning Commission to be incompatible with the character and intent of the district.

509.4 Site Requirements

Lot size, yard requirements, construction characteristics, visual treatment and the like shall be prescribed by the Planning Commission according to the characteristics of the area and current uses in the surrounding area. Particular attention shall be paid to excavation, drainage, paving, and clearing of land so as to minimize the disruption to the topography, ecological balance, and other natural characteristics of the site. Care shall be exercised and safeguards prescribed to prevent damage to the natural environment during construction.

**Article 6:
Supplementary District Regulations**

§ 600 Street Access

Every residential, commercial or industrial building hereafter erected, constructed, moved, or relocated shall be on a lot located on a publicly dedicated, publicly accepted, or publicly maintained street with a right-of-way of not less than thirty (30) feet, in order to provide safe and convenient access for servicing, fire protection, and required off-street parking.

§ 601 Corner Lots

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

§ 602 Location of Buildings on Lots and Residential Limitations

Every building or use hereafter erected or established shall be located on a lot of record; and every one/two-family residential structure, except as herein provided, shall be located on an individual lot of record. In all cases, the principal buildings on a lot shall be located within the area formed by the building lines at outer boundaries and, in no case, shall such buildings infringe beyond the building lines into the respective front, side, rear yards or other setbacks required for the district in which the lot is located.

§ 603 Double Frontage Lots

On lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this ordinance. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this ordinance on at least two of the street frontages. The minimum front yard on the other frontage or frontage may be reduced along the other streets in accordance with the provisions of § 601 above.

§ 604 Front Yard Requirements

The setback requirements of this ordinance shall not apply to any lot where the average setback on already built upon lots located wholly or in part within one hundred (100) feet on each side of such lot and within the block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on

such a lot may be less than the required setback, but not less than the average of the existing setbacks on the developed lots. However, in no case, shall setbacks be less than fifteen (15) feet.

§ 605 Measurement of Front, Side, Rear Yards: Determination of Buildable Area

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

§ 606 Visibility at Street Intersections

On corner lots in any zoning district established by this ordinance no fence, wall, terrace, sign, shrubbery, planting or other structure or object capable of obstructing driver vision shall be permitted between the heights of two and a half (2 1/2) and ten (10) feet above the finished street level shall be permitted on a corner lot within twenty-five (25) feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound said lot.

§ 607 Visibility at Private Drives and Entrances Intersecting with Public Streets

At the intersection of any private drive or entrance or exit with a public street, no fence, wall, hedge or other planting or sign forming a material impediment to visibility over a height of two and one half (2 1/2) feet shall be erected, planted, or maintained.

§ 608 Accessory Building

No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five (5) feet of any other building.

§ 609 Erection of More than One Principal Structure on a Lot

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

§ 610 Exceptions to Height Regulations

The height limitations established by this ordinance shall not apply to spires, belfries, cupolas, antennas, water tanks, transmission towers, silos, chimneys, smokestacks, or

other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

§ 611 Accessory Uses

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

611.1 Uses Customarily Accessory to Dwellings

A) A Private garage not to exceed the following storage capacities:

- a) one or two family dwelling --4 automobiles;
- b) a multi-family dwelling --2 automobiles per sleeping room.

B) An open storage space or parking area for motor vehicles provided that such space does not exceed any vehicles registered for resident owned usage.

C) A shed or tool room for storage of equipment used in grounds or building maintenance.

D) A private kennel for no more than three (3) dogs or three (3) cats, four (4) months of age or older.

E) A private swimming pool and bath house or cabana.

F) Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.

G) Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight (8) feet in height.

611.2 Uses Customarily Accessory to Church Buildings

A) Religious education buildings.

B) A parsonage, pastorium or parish house, together with any use accessory to a dwelling as listed under subsection 612.1.

C) Off-street parking area for the use without charge of members and visitors to the church.

611.3 Uses Customarily Accessory to Retail Businesses, Office Use and Commercial Recreation Facilities.

A) An off-street parking or storage area for customers, clients or employee owned vehicles.

B) A completely enclosed building for the storage of supplies, stock, or merchandise.

C) A light manufacturing and/or repair facility incidental to the principal use provided that any dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district which the principal use is located.

§ 612 Setback and Other Yard Requirements for Accessory Uses

In any district, all accessory uses operated in structures above ground level shall observe all setbacks, yard and other requirements set forth for the district within which they are located.

§ 613 Home Occupations

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

A) Is conducted by no persons other than members of the family on the premises;

B) Is conducted within the principle building;

C) Utilizes not more than twenty-five (25) percent of the total floor area of the principle building;

D) Produces no alteration or change in the character or exterior appearance of the principle building from that of a dwelling;

E) Involves no sale or offering for sale any article not produced or assembled by members of the family, or any service not entirely performed by members of the family residing on the premises;

F) Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition;

G) Is not visibly evident from outside the dwelling except for a sign not to exceed four (4) square feet in size and mounted against a wall of the principle building.

§ 614**Communication Towers and Antenna****614.1 Definitions.**

A) "Communications tower" as used in this ordinance shall mean a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free-standing, guyed, or on a building.

B) "Telecommunications," as defined in the federal Telecommunications Act of 1996, means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

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

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

§ 615**Communication Towers and Antennas Permitted as Conditional Use.**

A communications tower and/or antenna may be permitted by the Zoning Administrator without further review upon determination that all of the applicable conditions in this ordinance are met.

§ 616**Districts in Which Conditional Uses are Permitted; & Height Limitations.****616.1 Permitted Tower Height**

Districts	PERMITTED HEIGHT: FREE-STANDING OR GUYED TOWER
Residential: R-1, R-5, R-7, R-9.	A freestanding tower with height not exceeding 100 feet is a permitted conditional use. A tower that exceeds 100feet requires special exception.
Commercial: GCD, NHC	A freestanding or guyed tower not exceeding 180 feet is a permitted conditional use. A tower exceeding 180 feet requires special exception.
Industrial: IDD	A freestanding or guyed tower with height not exceeding 360 feet is a permitted conditional use. A tower exceeding 360 feet requires special exception.

616.2 Permitted Height Above Structure

In all zoning districts a tower and or antenna mounted on a building, water tank or structure other than a freestanding or guyed communications tower must not extend more than 30 feet above the highest part of the structure.

616.3 Special Exceptions and Variances

The Zoning Board of Appeals may not grant variances from conditions imposed by this section. Variances from other general district regulations may be granted under standards set forth in S.C. Code § 6-29-800.

§ 617 Application Requirements for Construction of Communication Towers

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

- A) Specifications: One copy of typical specifications for proposed structures and antennae, including a description of design characteristics and material.
- B) Site plan: A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting the design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property. A site plan will not be required if the antenna is to be mounted on an approved existing structure.
- C) Tower location map: 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.
- D) Antenna capacity and wind load: A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.
- E) Antenna owners: Identification of the owners of all antennae and equipment to be located on the site.
- F) Owner authorization: Written authorization from the site owner for the application.

- G) FCC license: Evidence that a valid FCC license for the proposed activity has been issued.
- H) Visual impact analysis: A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
- I) Removal agreement: A written agreement to remove the tower and/or antenna within 120 days after cessation of use.
- J) Conditions met: Evidence that applicable conditions in Subsection C are met.
- K) Additional information required by the Zoning Administrator for determination that all applicable zoning regulations are met.

617.1 Conditions

Applicants must show that all applicable conditions are met.

- A) The proposed communication 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.
- B) 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.
- C) 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.
- D) 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.
- E) Applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant's future requirements.
- F) Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.

- G) A communications tower must not be painted or illuminated unless otherwise provided by state or federal regulations.
- H) 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.
- I) 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 a form approved by the municipal attorney.
- J) 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.
- K) 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 a distance equal to the district setback requirement or 25% of the tower height, whichever is greater.
- L) Prior to issuing a permit, the Zoning Administrator shall make use of technical services of the Municipal Association of South Carolina to determine that the standards of this ordinance are met.

617.2 Appeal to Board

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

- A) 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 the applicant to be a denial of a permit which is subject to appeal to the Zoning Board of Appeals.
- B) Applicants may appeal to the Board for a variance from general zoning district regulations and setback requirements in this section, but not from any other conditions in this section. Towers exceeding height limitations may be permitted only by special exception pursuant to §616.
- C) Applicants may apply directly to the Board for a permit for any tower as a special exception pursuant to §616.

§ 618**Special Exceptions.**

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

- A) All application requirements and conditions imposed by this ordinance for conditional uses are met except height limitations and setbacks.
- B) If additional tower height is requested, total tower height will not exceed 150% of the maximum height permitted in the district as a conditional use.
- C) Applicant has demonstrated that additional height above that permitted by conditional use regulations is necessary to remove danger to health and safety, and to protect adjacent property.
- D) The Board establishes setback requirements and such additional conditions as it deems necessary to remove danger to health and safety, and to protect adjacent property.
- E) 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 shall make use of technical services of the Municipal Association of South Carolina to determine that the standards of this ordinance are met.
- F) The Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence.
- G) The Board may not grant a variance from the standards imposed for a communications tower or antenna in connection with granting a special exception.

§ 619**Flood Plain Regulations**

Compliance with applicable Federal Emergency Management Agency standards pursuant to the Town Code shall be a prerequisite to issuance of a building permit in a flood plain district.

§ 620**Landscaping Requirements**

Landscaped open areas are required by this ordinance to provide buffer areas or screening between adjacent land uses to reduce the impact of incompatible activities; to improve, protect, preserve and promote the aesthetic character, natural beauty, and value of land; and to promote and protect public interests in recreation, safety, health, reduction of pollution, and tree protection. The standards in this division shall apply to all zoning districts.

§ 621

Buffer Areas.

Landscaped buffer areas along the perimeter of lots, but not in a street right-of-way, which areas may be used for passive recreation only, shall be maintained by property owners as follows:

TYPE	LAND USE	WHERE REQUIRED	BUFFER SIZE AND PLANTS REQUIREMENTS
A)	Multi-family complex, manufactured home park, non-residential use not adjacent to residential district, and all surface parking lots	Along street rights-of-way, except driveways & visibility angles.	<u>Minimum buffer width:</u> five (5) feet. <u>Plants required per 100 feet of street frontage:</u> 12 ornamental shrubs, 2 evergreen understory trees, and grass or other ground cover. Shrubs may be clustered.
B)	Multi-family complex, manufactured home park, commercial or institutional use adjacent to single-family residential use not separated by street or alley.	Along adjacent residential property lines.	<u>Minimum buffer width:</u> ten (10) feet. <u>Plants required per 100 linear feet:</u> 2 deciduous canopy trees 40 to 60 feet on center, and 8 evergreen plants 10 feet on center.
C)	Industrial, warehouse, outdoor sales or storage use adjacent to residential district not separated by street at least 18 feet wide.	Along adjacent residential district lines.	<u>Minimum buffer width:</u> fifteen (15) feet. <u>Plants required per 100 linear feet:</u> 2 deciduous canopy trees 40 to 60 feet on center, and 17 evergreen plants or understory trees in double staggered rows 10 feet on center.
D) Plant Standards:	<u>Minimum installation height:</u> Evergreen understory trees and shrubs - 6 feet; deciduous canopy trees - 8 feet. <u>Minimum mature size:</u> Evergreens - 10 feet; deciduous trees - 25 feet.		
E) Substitutions:	<u>Existing plants:</u> Existing plants meeting minimum standards may be retained to meet buffer requirements. <u>Evergreens:</u> Evergreen plants may be substituted for deciduous plants. <u>Fence or wall:</u> Where existing lot use, size, shape, configuration, topography or unusual circumstances prevent reasonable compliance with buffer landscaping requirements, the Zoning Administrator may approve substitution of an opaque fence or wall at least six feet in height, but not exceeding ten feet in height, for a Type B or Type C buffer. Fences and walls shall be neat in appearance and have a finished surface facing adjacent property.		

§ 622 Open Space Landscaping Requirements.

The following open space landscaping requirements shall apply to land uses in all zoning districts.

LAND USE	OPEN SPACE REQUIRED	LANDSCAPING
Single-family and two-family residential, except clustered	District yard requirements.	None required.
Clustered residential	15% of land area.	Grass, shrubs and trees selected by owner.
Manufactured home park	2,500 square feet for each acre or major fraction of an acre in the park.	Greenbelt along all interior lot lines.
Multi-family residential, commercial and industrial, except surface parking lots	District yard requirements. Required buffer areas, woodlands and wetlands may be used to satisfy requirements.	Grass, shrubs and trees selected by owner.
Surface parking lots	100 square feet of planted area for each 20 parking spaces. Required buffer areas may be used to satisfy requirements.	One evergreen or deciduous tree for each 20 parking spaces. Grass and shrubs selected by owner.

§ 623 Off-street Parking.

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 landscaped areas.

Required off-street parking for a commercial or industrial use may extend up to 120 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.

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

§ 624 Parking Space Requirements.

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

Parking space dimensions:	<u>Angle parking</u> : 9 feet by 19 feet; provided, 10% may be 8.5 feet by 18 feet; <u>Parallel parking</u> : 9 feet by 24 feet; <u>Handicapped</u> : 12 feet by 20 feet, or 8 feet by 20 feet, with 8-foot isle.
Minimum isle widths:	<u>90 degree parking</u> - 25 feet; <u>60 degree parking</u> - 18 feet; <u>45 degree parking</u> - 13 feet; <u>parallel parking</u> - 10 feet. Minor street rights-of-way may be considered as isles 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 of one 9000 lumen 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.

§ 625 Off-street Loading and Unloading Spaces.

Except in the 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.

- A) Each space shall have access from any alley or public street.
- B) Each space shall be a minimum of 12 feet by 40 feet, clear of obstructions.

C) The number of spaces required shall conform to the following requirements:

Use Gross Floor Area [square feet]

No. of Spaces Retail business - for each 5,000 – 1 space is required.

Wholesale, industrial, governmental, institutional, educational, medical, assembly
0 - 25,000 square feet – 1 space is required.

25,000 – 40,000 square feet – 2 spaces are required.

40,000 – 100,000 square feet – 3 spaces are required.

100,000 - 160,000 square feet – 4 spaces are required.

160,000 - 240,000 square feet – 5 spaces are required.1

Each additional 100,000 square feet or fraction – requires 1 additional space.

Multifamily residence with 10 or more units – 1 space per unit.

§ 626 Parking of Unlicensed Vehicles.

In a residential district, any vehicle or trailer subject to State licensing that does not display a current license plate shall be parked or stored in the most inconspicuous manner. Unlicensed vehicles in a residential area should be stored either with the use of a carport and a car cover combination or inside a completely enclosed building. The Board of Zoning Appeals may grant a special exception for this section upon receipt of a request for variance from a property owner.

§ 627 Sign Regulations.

The following sign regulations shall apply to signs in all zoning districts.

A) Permit required: No sign shall be erected, altered or reconstructed without a permit issued by the Zoning Administrator and in compliance with all applicable regulations.

B) Materials: Signs must be constructed of durable materials and maintained in good condition.

C) Prohibited Signs:

1) Signs limiting traffic or emergency signals: No private sign shall be permitted which imitates or gives the appearance of an official traffic or emergency sign or signal.

2) Confusing signs: No private sign shall be permitted within twenty-five (25) feet of a public right of way which utilizes flashing, blinking, or moving lights which are distracting to drivers of vehicles.

3) Incompatible with residential district: No private sign shall be permitted which casts into a residential district illumination of intensity or duration incompatible with the residential district.

4) Trees, natural features, etc: No sign shall be painted on or attached to a tree, fence, utility pole, tower, tank, rock or other natural feature.

D) Permit not required: A permit is not required for the following signs:

1) Traffic signs: Traffic, directional, street, warning, or information signs authorized by a public agency.

2) Official notices: Official notices issued by the court or a public agency or office.

3) Real estate signs: One non illuminated "For Sale" "For Rent" "For Lease" or similar sign not exceeding six (6) square feet in area in a - residential district, or twenty (20) square feet in a non-residential district, and located at least ten (10) feet from the right-of-way or on the front wall of a building.

E) Roof signs: Not more than one (1) roof sign structure may be erected on the roof of any one (1) building. No sign shall extend more than twenty (20) feet above the peak of the principal roof of a building.

F) Construction signs: One non-illuminated sign, not exceeding one hundred (100) square feet in area displaying the names of the building, contractors, architects, engineers, owners, and financial agencies is permitted on the premises for work involving construction, alteration, or removal. The sign shall be removed from the site within thirty (30) days after completion of the project.

G) Wall signs attached to, projecting from, or painted on the surface of the wall must conform to the following conditions:

1) Front: The total area of signs on the exterior front surface of a building shall not exceed twenty (20%) percent of the front surface or the maximum area permitted by district regulations, whichever is less.

2) Side and rear: The total area of signs on the exterior side or rear surface of a building shall not exceed twenty (20%) percent of that surface area or the maximum permitted by district regulations, whichever is less.

- 3) Combined: The total area of signs on the combined exterior surfaces of a building shall not exceed the area permitted by district regulations.
 - 4) Surface mounted: Flat surface mounted signs may extend not more than twenty-four (24) inches from the wall.
 - 5) A projecting sign may extend outward from the wall of a building not more than six and one-half (6 ½) feet, but not closer than eighteen (18) inches to the vertical plane at the street curb line. A projecting sign may not extend above the roofline a distance greater than the height of the roof above the ground level. Signs may not project beyond property lines, except over sidewalks in a GCD at a minimum height of ten (10) feet above grade or sidewalk. Signs attached to a canopy over a sidewalk must have a minimum clearance of nine (9) feet above the grade or sidewalk.
- H) Temporary subdivision signs: Temporary signs, not exceeding twenty (20) square feet in area announcing a land subdivision development, are permitted on the premises of the land subdivision not less than ten (10) feet from a street right-of-way or subdivision boundary line and spaced not less than three hundred (300) feet apart. Temporary signs shall be removed when seventy-five (75%) percent of the subdivision lots are conveyed.
- I) Private directional signs: Off-premises signs, not exceeding six (6) square feet in area and four (4) feet in length, spaced not less than five hundred (500) feet apart, indicating location and direction to property available for or under development may be erected on private property, and may display the names of the owners, developers, builders, or agent.
- J) Sign illumination: Devices illuminating signs shall be placed and shielded in a manner such that illuminating rays or reflections shall not be directed into any residential district or sleeping room in any district.
- K) Sign height: Zoning district height limitations shall apply to signs, except as otherwise specifically provided.

The following signs are permitted in the districts indicated.

ZONING DISTRICT	PERMITTED SIGNS
R-1, R-5, R-9,	<p>a. Signs for which permits are not required.</p> <p>b. For buildings other than dwellings, and for multi-family dwellings, hotels, and group dwellings, a single non-illuminated business identification sign or bulletin board not exceeding twenty (20) square feet in area, set back not less than ten (10) feet from a street right-of-way.</p> <p>c. Tourist home non-illuminated sign not exceeding six (6) square feet in area, set back not less than five (5) feet from a street right-of-way.</p> <p>d. Temporary subdivision signs,</p> <p>e. Private directional signs,</p> <p>f. Manufactured home park signs not exceeding a combined total of three hundred (300) square feet in area.</p> <p>g. One (1) non-illuminated professional or business name plate not exceeding one (1) square foot in area mounted flat against the wall of a building in which a permitted home occupation is conducted.</p> <p>h. One (1) non-illuminated church, institutional, or public facility sign not exceeding twenty (20) square feet in area, set back not less than ten (10) feet from a street right-of-way.</p>
GCD, NHC I	<p>a. All signs permitted in residential and neighborhood commercial districts.</p> <p>b. <u>On a lot occupied by a business use</u>: not more than four (4) signs of any type having an individual surface area of three hundred (300) square feet and a combined total area of not more than six hundred (600) square feet.</p> <p>c. <u>On an unoccupied lot</u>: one (1) free standing single decked sign structure having not more than two (2) faces, with a total copy area not exceeding six hundred (600) square feet, or three hundred (300) square feet per face. Total area of all signs on property under single ownership shall not exceed three (3) square feet of sign area for each linear foot of lot frontage on a public right-of-way. A free standing sign structure shall not be placed within three hundred fifty (350) feet of another similar structure on the same side of the street, must be setback a minimum of twenty-five (25) feet from a street right-of-way, and must meet Department of Transportation regulations.</p> <p>d. Commercial or industrial uses located on major streets may include in total permitted sign area one (1) business identification pylon sign set back at least ten (10) feet from a street right-of-way.</p> <p>e. Roof and wall signs must meet requirements of § 5-500.</p> <p>f. Illuminated signs must meet requirements of § 5-500j.</p>

629.1 Purpose and Intent

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, 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 Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Article to condone or legitimize the distribution of obscene material.

629.2 Definitions

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

B). *Adult bookstore or adult video store* means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (2) Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."

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

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

D). *Adult motel* means a hotel, motel or similar commercial establishment which:

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

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

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

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

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

I) *Establishment* means and includes any of the following:

- (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.

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

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

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

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

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

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

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

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

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

R) *Specified sexual activities* means and includes any of the following:

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

S) *Substantial enlargement* of a sexually oriented business means the increase in floor areas occupied by the business by more than 25 percent, as the floor areas exist on January 1, 1999.

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

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

629.3 Classification.

Sexually oriented businesses are classified as follows:

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

629.4 Permit required.

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

An application for a permit must be made on a form provided by the Zoning Administrator. A sketch or diagram showing the configuration of the premises,

including a statement of total floor space occupied by the business must accompany the application. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus 6 inches.

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.

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

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

629.5 Issuance of permit and fee.

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

- (1) An applicant is under 18 years of age.
- (2) An applicant or an applicant's spouse is overdue in his payment to the Town of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
- (3) An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the applicant form.
- (4) An applicant is residing with a Person who has been denied a permit by the Town to operate a sexually oriented business within the preceding 12 months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months.
- (5) The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.
- (6) The permit fee required by the ordinance codified in this section has not been paid.

- (7) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of the ordinance codified in this section.
- (8) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

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

629.7 Inspection.

An application of permittee shall permit representatives of the police department, health department, fire department, zoning department, or other Town departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business, and it is unlawful to refuse to permit such inspection of the premises at any time it is occupied or open for business.

636.8 Expiration of permit.

Each permit shall expire one year from the date of issuance and may be renewed only by making application as provided herein. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the permit will not be affected except for good cause shown.

When the Zoning Administrator denies renewal of a permit, the applicant shall not be issued a permit for one year from the date of denial. If, subsequent to denial, the Zoning Administrator finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit.

636.9 Suspension of permit.

The Zoning Administrator may suspend a permit for a period not to exceed 30 days if he determines that a permittee or an employee of a permittee has:

- (1) Violated or is not in compliance with any section of this ordinance;
- (2) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
- (3) Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter,
- (4) Knowingly permitted gambling by any person on the sexually oriented business premises.

629.10 Revocation of permit.

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

B) The Zoning Administrator shall revoke a permit if he determines that:

- (1) A permittee knowingly gave false or misleading material information in the application submitted to the zoning department during the application process;
- (2) A permittee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (3) A permittee or an employee has knowingly allowed prostitution on the premises;
- (4) A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
- (5) A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises;
- (6) A permittee is delinquent in payments to the Town, county, or state for any taxes or fees past due related to the sexually oriented business.

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

629.11 Transfer of permit.

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

629.12 Location of sexually oriented businesses; nonconforming uses.

A) A sexually oriented business may be located only within a General Commercial (GCD) district.

B) A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business outside of a designated GCD district.

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

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

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

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

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

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

H) Any sexually oriented business lawfully operating on January 1, 2000 that is in violation of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business is nonconforming.

I) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private elementary or secondary school, public park, residential district, or a residential

lot within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

629.13. Additional regulations for adult motels.

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

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

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

629.14 Regulations for exhibition of sexually explicit films or videos.

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

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

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

- (3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator or his designee.
- (4) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- (5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every' area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- (6) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in subsection (5) of this section remains unobstructed by any walls, merchandise, display racks or other materials at all times and in every booth or room in which viewing of videos, as defined in subsection (a) of this section, is taking place the bottom of the door must be at least 18 inches above the floor level, and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (a) of this section.
- (7) No viewing room may be occupied by more than one person at any time.
- (8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle as measured at the floor level.
- (9) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above, is maintained at all times that any patron is present in the premises.
- B). A person having a duty under this section commits a misdemeanor if he knowingly fails to fulfill that duty.

629.15 Exemptions.

It is a defense to prosecution under this article that a person appearing in a state of nudity did so in a modeling class operated:

- (1) By a proprietary school, licensed by the state of South Carolina; a college, junior college, or university supported entirely or partly by taxation;
- (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (3) In a structure:
 - (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - (b) Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - (c) Where no more than one nude model is on the premises at any one time.

Article 7:
Administration, Enforcement, Appeals, Complaints and Remedies

§ 700 Administration and Enforcement

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

1. Interpretation of the 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 decisions of the Zoning Administrator, variances and special exceptions;
4. Preparation of the record for appeal to circuit court from 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 when authorized; and
8. Such other duties as may be authorized.

If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuances of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

§ 701 Building Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the building official. No building permit shall be issued by the building official except in conformity with the provisions of this ordinance.

§ 702 Application for Building Permit

All applications for building permits shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the building official, including existing or proposed buildings or alterations; existing or proposed uses of buildings and land; the number of families, housekeeping units, or rental units the building is designed to

accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide the enforcement of, this ordinance. One copy of the plans shall be returned to the applicant by the building official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original copy of the plans, similarly marked, shall be retained by the building official.

§ 703 Certificates of Occupancy for New, Altered, or Nonconforming Uses

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this ordinance.

A certificate of occupancy for an alteration of a building is required only if the total cost of materials amounts to \$500.00 or more.

Nonconforming structure or use shall be maintained, renewed, changed, or extended until a certificate of occupancy has been issued by the Zoning Administrator. The certificate of occupancy shall state specifically wherein the nonconforming use differs from the provisions of this ordinance, provided that upon enactment or amendment of this ordinance, owners or occupants of nonconforming uses or structures shall have three months to apply for certificates of occupancy. Failure to make such application within three (3) months shall be presumptive evidence that the property was in conformance at the time of enactment or amendment of this ordinance.

No permit for erection, alteration, moving, or repair of any building shall be issued until an application for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The Zoning Administrator shall maintain a record of all certificates of occupancy and a copy shall be furnished upon request to any person.

§ 704 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.

B). Withholding permits. The Zoning Administrator shall deny a building permit for any use or work that fails to comply with this ordinance. The Zoning

Administrator or other appropriate official shall withhold all other Town permits for work that violates this ordinance.

C). Complaints. The Zoning Administrator shall investigate a written complaint specifying facts showing a violation of this ordinance filed by any person. Upon determination that a violation has occurred, the Zoning Administrator shall take appropriate enforcement action authorized by this ordinance.

D). Stop work orders. The Zoning Administrator is authorized to issue a stop work order pursuant to S.C. Code § 6-29-950(A) requiring work to cease until specified code violations are corrected. Failure to comply with a stop work order of the Zoning Administrator is a misdemeanor punishable under the general penalty provisions of the Town Code. Issuance of a stop work order may be appealed to the Board of Zoning Appeals.

E). Ordinance summons. The Zoning Administrator is authorized to issue an ordinance summons pursuant to Town Code provisions for violations of this ordinance.

F). Arrest warrant. The Zoning Administrator, with concurrence of the Town Attorney, is authorized to request the issuance of an arrest warrant for violations of this ordinance.

§ 705 Conditional and Temporary Uses

Conditional uses, as set forth in Article 5 of this ordinance, are declared to possess characteristics that require certain controls in order to insure compatibility with other uses in the district within which they are proposed for location.

705.1 General Requirements

Conditional uses shall be permitted subject to a determination by the Zoning Administrator that they conform to all regulations set forth herein and elsewhere in this ordinance, with particular reference to those requirements established for those districts in which they are proposed for location.

705.2 Conditional use Administration and Duration

Applications for permission to build, erect, or locate a conditional use shall be submitted and processed in accordance with the regulations set forth in this article, prior to the issuance of any permits.

705.3 Temporary Uses

The Zoning Administrator is authorized to issue a temporary certificate of zoning compliance for temporary uses, as follows:

- (1) Carnival or circus for period not to exceed twenty- one (21) days, subject to the approval of the Town Council.
- (2) Religious meeting in a tent or other temporary structure in AGR, GCD and IDD districts, for a period not to exceed sixty (60) days.
- (3) Open lot sale of Christmas trees, in GCD and IDD districts for a period not to exceed forty-five (45) days.
- (4) Real estate sales office, in any district, for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.
- (5) Contractor's office and equipment sheds, in any district, for a period of one (1) year, provided that such office be placed on the property to which it is appurtenant.
- (6) All temporary certificates of zoning compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and would not create a nuisance to surrounding uses.

§ 706 Expiration of Building Permit

If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be canceled by the building official, and written notice thereof shall be given to the person affected.

§ 707 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action therein as provided by this ordinance.

§ 708 Appeal from the Decision of the Zoning Administrator

It is the intention of this ordinance that all questions arising in connection with the enforcement of the ordinance shall be presented first to the Zoning Administrator and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Administrator.

**Article 8:
Board of Zoning Appeals**

§ 800 Board of Zoning Appeals

A). Board established. A board of zoning appeals is hereby established which shall consist of five (5) 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. Council may remove members of the board for cause.

B). Officers. The board shall elect or reelect one of its members as chairperson for a term on 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 Clerk Treasurer 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 Town Hall 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 the bulletin board at Town Hall. Notice of hearings on appeals for variances or special exceptions shall also be posted on or adjacent to 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.

§ 801 Powers and Duties of Board of Zoning Appeals

The Board of Zoning Appeals has the following powers:

1.) 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 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 conclusions of law.

2.) 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 strict 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:

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

3.) Special exceptions. An owner or authorized agent may appeal to the board on a form provided by the Zoning Administrator for a special exception for a use permitted by district regulations as a special exception after review, subject to applicable criteria. The board shall consider the following factors in determining whether a special exception should be granted, in addition to specific criteria in 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 or structures. The board may prescribe appropriate conditions and safeguards to relieve or reduce adverse impact of a special exception and to protect the character of the area.

§ 802 Fees for Appeals to Board

A fee of \$150.00 shall be paid for each appeal to the Board of Zoning Appeals from a decision of the Zoning Administrator, for a variance or special exception.

§ 803 Appeals to Circuit Court

A person having a substantial interest in a decision of the board of zoning appeals, 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 notice of filing a petition, the Zoning Administrator or secretary of the board, with assistance of the Town Attorney, shall file with the clerk of court a certified copy of the board proceedings, including a transcript of evidence and findings and conclusions.

Article 9: Amendments

§ 900 Authority

This ordinance, including the official zoning map of Jackson, South Carolina, and its extra territorial jurisdiction area, may be amended from time to time by the Town Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

§ 901 Requirements for Change

When the public necessity, convenience, general welfare, or good zoning practice justify such action, and after the required review and report by the Planning Commission, the Town Council may undertake the necessary steps to amend the zoning ordinance.

§ 902 Procedure for Amendments

Requests to amend the zoning ordinance shall be processed in accordance with the following requirements:

902.1 Initiation of Amendments

A proposed amendment to the zoning ordinance may be initiated by the Town Council, the Planning Commission or by application filed with the secretary of the Planning Commission by the owner or owners of the property proposed to be changed, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property, or any part thereof, and requesting the same change in district classification by a property owner or owners more often than once every twelve (12) months.

902.2 Application Procedure

Application forms for amendment requests shall be obtained from the secretary of the Planning Commission. Completed forms, together with an application fee to cover administrative costs, plus any additional information the applicant feels to be pertinent, will be filed with the secretary of the Planning Commission. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the form required.

Applications for amendments must be submitted, in proper form, at least two (2) weeks prior to a Planning Commission meeting in order to be heard at the meeting.

All property proposed for a zoning change must be posted with a sign plainly visible from the street fifteen (15) days prior to the public hearing before the Jackson Planning Commission.

Application fees shall be forwarded by the secretary of the Planning Commission to the Town Clerk who shall supervise the application of same to the cost of advertising and other administrative expenses.

902.3 Hearing by the Planning Commission

All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Planning Commission.

The Planning Commission, at regular monthly meeting, shall review and prepare a report, including its recommendation, for transmittal to the Town Council for final action.

902.4 Public Hearing by the Town Council

Before enacting an amendment to this ordinance, the Town Council shall hold a public hearing thereon at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the municipality.

902.5 Changes in the Zoning Map

Following final action by the Town Council, any necessary changes shall be made in the zoning map. A written record of the type and date of such change shall be maintained by the town clerk. Until such change is made, no action by the Town Council on map amendments to the zoning ordinance shall be considered official, unless the town clerk fails to make the change within seven (7) days after formal action by the Town Council. In the latter event, action by the Town Council shall be considered official seven (7) days after the date of the action even if the town clerk has failed to make the appropriate changes.

Article 10:
Definitions of Terms Used in this Ordinance

§ 1000 Interpretation of Certain Terms or Words

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purposes of this ordinance, certain words or terms used herein are defined as follows:

Words used in the present tense include the future tense.

Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "may" is permissive.

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

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

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

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

The word "map" or "zoning map" shall mean the official zoning map of the town of Jackson, South Carolina.

The term "Planning Commission" refers to the Jackson Planning Commission.

The terms "council", "Town Council", "city council", "mayor and council" refer to the legally constituted and elected governing body of the town of Jackson.

The term "building official" refers to that person so designated by the council and so employed as the building official for the town of Jackson.

The term "board of adjustment" refers to the Board of Zoning Appeals of the Town of Jackson.

§ 1001.

Definition of Terms

1001.1 Accessory

A use of building subordinate to the principal building on a lot and used for purposes customarily incidental to the main or principal use or building and located on the same lot therewith.

1001.2 Alley

A secondary way which affords access to the side or rear of abutting property.

1001.3 Alteration of Building

Any change in the supporting members of a building (such as bearing walls, columns, or girders), any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.

1001.4 Antenna

Any device for radiating or receiving electromagnetic waves, including but not limited to, radio, television, communication, microwave, and satellite dish.

1001.5 Apartment

A portion of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or family.

1001.6 Automobile Service Station

Building and premises on any parcel or lot where gasoline, oils and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation), where no part of the premises is used for the storage of dismantled or wrecked vehicle parts, and also where the following services may be rendered, and none other:

- (1) Sale and servicing of spark plugs, batteries and distributors;
- (2) Tire repair and servicing, but no recapping;
- (3) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades, windshield wipers, grease retainers, and wheel bearings;
- (4) Washing and polishing;

- (5) Greasing and lubrication;
- (6) Exchanging fuel oil pumps and installing fuel lines;
- (7) Minor servicing and replacing of carburetors;
- (8) Emergency wiring repairs;
- (9) Adjusting and repair of brakes;
- 10) Minor adjustment of engines, not involving removal of the head and/or crank case, or racing the motor;
- 11) Sale of cold drinks and package foods, as accessory only to the principal operation.

1001.7 Bed and Breakfast

An owner occupied dwelling or portion thereof offering five or fewer guest rooms to transient lodgers in return for compensation, with or without meals. If meals are served, they shall be restricted to breakfast only. The use of a dwelling as a Bed and Breakfast Inn shall not be considered as an accessory use or customary home occupation.

1001.8 Boarding house

A dwelling in which meals, and often lodging, are provided.

1001.9 Buildable area

That portion of any lot which may be used or built upon in accordance with the regulations governing the given zoning district within which the particular lot is located once the various front, side, and rear yard requirements required for the district have been subtracted from the total lot area. For instructions related to the determination of buildable area, see § 605.

1001.10 Building

A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support or enclosure of persons, animals or property of any kind.

1001.11 Building, Principal

A building in which is conducted the principal use of the lot on which said building is situated.

1001.12 Building line

That line which represents the distance a building or structure must be set back from a lot boundary line or a street right-of-way line or a centerline according to the terms of this ordinance. In all cases, the building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from street right-of-way lines, street centerline's or other lot boundary lines.

1001.13 Camper

A mobile home, tent trailer, or other self contained vehicle, designed for recreational purposes, mounted on two or more wheels, self propelled or towed, and not used for residential purposes in the Town.

1001.14 Care home

A rest home, nursing home, convalescent home, home for the aged, or similar use established and operated on a profit or nonprofit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill or convalescent persons.

1001.15 Conditional use

A use so specifically designated in this ordinance, that would not be appropriate for location generally or without restriction throughout a given zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would be in the opinion of the board of adjustment, promoting the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

1001.16 Day care

The care, supervision or guidance of an unrelated person, unaccompanied by the parent, guardian or custodian, on a regular basis for periods of less than 24 hours per day in a place other than the operator's home.

1001.17 Day care facility

A state licensed facility providing day care, for profit or nonprofit. This definition includes, but is not limited to, day nurseries, nursery schools, kindergartens, day care centers, group day care homes and family day care homes.

1001.18 Density

The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this ordinance are expressed in dwelling units per net acre, that is, per acre of land devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, school ground or other public uses.

1001.19 District

The term applied to various geographical areas of the Town of Jackson for purposes of interpreting the provisions of this ordinance. The districts are designated with the use of symbols on the official zoning map. Regulations controlling land use in the various districts within the Town of Jackson are set forth in Article IV of this ordinance. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this ordinance.

1001.20 Drinking place

Establishment primarily engaged in retail sale of alcoholic drinks for consumption on premises. Sale of food may account for a substantial portion of receipts.

1001.21 Dwelling

A building or portion of a building arranged or designed to provide living quarters for one or more families.

1001.22 Dwelling, one family

A detached dwelling other than a mobile home designed for or occupied exclusively by one family on a single lot.

1001.23 Dwelling, two-family (duplex)

A dwelling arranged or designed to be occupied by two (2) families in separate dwelling units living independently of each other on a single lot.

1001.30 Garage, public

Any garage other than a private garage which is used for storage, minor repair, rental, servicing, washing, adjusting or equipping of automobiles or other vehicles.

1001.31 Garage, Repair

Building and premises designed or used for purposes indicated under "automobile service station" and/or major commercial repairs; provided that body work and painting shall be conducted within fully enclosed buildings and provided further that self-propelled vehicles in process of repair shall be stored in a fully enclosed and secluded area.

1001.32 Home occupation

Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and no person, not a resident on the premises, is employed specifically in connection with the activity, except that not more than one (1) non-resident assistant may be employed by the following home occupations: lawyer, physician, dentist, and chiropractor. Provided further that no mechanical equipment is installed or used except such as is normally used for domestic or professional purposes, and that not over twenty-five (25) percent of the total floor space of any structure is used for home occupations.

1001.33 Hotel

A building or buildings in which lodging, with or without meals is provided and offered to the public for compensation, which is open to transient or permanent guests. The word "hotel" includes the terms "motel" and "tourist court".

1001.34 Junk or salvage yards

The use of any part of a lot, whether inside or outside of a building, for the storage, keeping, abandonment, sale or resale of junk, salvage, or scrap materials; or the dismantling, demolition or abandonment of automobiles and other vehicles, machinery, equipment, or parts thereof.

1001.35 Lane

A narrow public way for vehicular and pedestrian travels which provides the principal means of access to abutting property, but not including an alley.

1001.36 Learning Center

Establishments primarily engaged in academic tutoring and instruction; includes education facilities for grades one or above, excludes business, computer management, technical trade, fine arts, athletics, driving and language instruction. Also excluded are academic schools, colleges and universities.

1001.37 Loading space, off street

Space locally and conveniently located for pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

1001.38 Lot

An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of Aiken County, as maintained in the Aiken County courthouse.

- The terms "lot", "plot", "lot of record", "property", or "tract" whenever used in this ordinance, are interchangeable.

1001.39 Lot, corner

A lot located at the intersection of two or more streets.

1001.40 Lot, double frontage

A lot which has frontage on more than one street, provided, however, that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three or more streets.

1001.41 Lot, interior

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

1001.42 Lot depth

The mean horizontal distance between front and rear lot lines.

1001.43 Lot of record

An area as a separate and distinct parcel of land on a legally recorded subdivision plat or on a legally recorded as filed in the official records of Aiken County, as maintained in the Aiken County court house.

The terms "lot", "plot", "lot of record", "property", or "tract" whenever used in this ordinance, are interchangeable.

1001.44 Lot width

The distance between side lot lines measured at the front building line.

1001.45 Manufactured home

A structure manufactured after June 15, 1976, bearing certification of compliance from HUD standards pursuant to S.C. Code § 40-29-70, transportable in one or more sections, which in the travelling mode is eight body feet or more in width or forty body feet or more in length, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, and air conditioning, and electrical systems contained in it.

1001. 46 Manufactured home park

A lot providing rented parking space for five or more manufactured homes used for dwelling units, including service buildings and facilities. Manufactured homes sales or storage lots for unoccupied units are not manufactured home parks.

1001.47 Miniwarehouse

A building or group of buildings on a fenced, controlled access, lot which contains individual locked compartments for storage of personal property.

1001.48 Mobile homes

Any vehicle or similar portable structure in excess of thirty (30) feet in length having wheels, jacks, or skirting and so designed or constructed as to permit single-family occupancy for dwelling or sleeping purposes. The term "mobile home" includes the term "house trailer" and double-wide mobile homes.

1001.49 Mobile home park

Premises where two or more mobile homes are parked for living or sleeping purposes, or where spaces are set aside or offered for sale or rent for use for mobile homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants or mobile homes on such premises.

1001.50 Mobile home space

A plot of ground within a mobile home park designed for the accommodation of one mobile home.

1001.51 Mobile home subdivision

A residential subdivision provided and especially designed for occupancy by mobile homes, in which lots are offered for sale only.

1001.52 Modular building

A structure consisting of two or more prefabricated components designed to be transported to a lot and placed on a permanent foundation, and which is certified by the South Carolina Building Codes Council as conforming to Southern Building Code standards for site-built units. A mobile home, house trailer, or manufactured home is not a modular building.

1001.53 Motel

A building or buildings in which lodging, with or without meals is provided and offered to the public for compensation, which is open to transient or permanent guests. The word "motel" includes the terms "hotel" and "tourist court".

1001.54 Nonconforming use

A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this ordinance or as the result of subsequent amendments to this ordinance.

1001.55 Open space

A natural area, such as a swamp or body of water, typically prone to flooding, or used for recreational purposes, or having natural beauty or historical significance or serves as a wildlife refuge.

1001.56 Park

A public or private lot or facility for active or passive recreation, exercise, sports or similar activities, enhancement of natural features or beauty, but not including a commercially operated amusement park.

1001.57 Parking lot

Any public or private open area used for the express purpose of parking automobiles and other vehicles. With the exception of areas on the premises of single-family dwellings used for parking purposes incidental to the principal use. Otherwise, parking lots may be the principal use on a given lot or an accessory use to the principal use on a given lot.

1001.58 Parking space

A space within a parking lot or an a single-family dwelling lot expressly provided for purposes of parking an automobile or other vehicle.

1001.59 Permanent building

A structure on a separately constructed permanent foundation intended to remain in one location and last indefinitely.

1001.60 Permitted use

A use permitted outright by district regulations.

1001.61 Plot

An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of Aiken County, as maintained in Aiken County court house.

The terms "lot", "plot", "lot of record", "property", or "tract" whenever used in this ordinance, are interchangeable.

1001.62 Premises

A lot of other tract of land including the buildings or structure thereon.

1001.63 Principal structure or use

A structure or use which is significant or primary rather than accessory.

1001.64 Property

An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of Aiken County, as maintained in the Aiken County courthouse.

1001.65 Residence

A building or portion of a building arranged or designed to provide living quarters for one or more families.

1001.66 Setback

The depth or width of any required yard; the minimum distance between a structure and an adjacent lot or street; the area required to be unobstructed except for fences, flagpoles, clothes lines, bird houses, or yard accessories.

1001.67 Service station

See definition of "automobile service station", 1001.4.

1001.68 Sign

The term "sign" shall mean and include every sign, billboard, poster, panel, free-standing ground sign, roof sign, projecting sign, pylon sign, illuminating sign, sign painted on a wall, window, marquee, awing or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise to promote the interests of any persons when the same is placed in view of the general public, traveling along a public street right-of-way.

(1) Free-standing sign structure. A free-standing sign structure may contain a sign or signs on one side only or it may be a v-shaped structure or one containing signs back to back. A free-standing sign structure is one sign.

(2) Sign area. The area of a sign is the area of the face of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. The area of a free-standing sign structure is the area of the face or faces on one side only.

(3) Business identification sign. A business identification sign is a sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.

(4) Business identification pylon sign. A business identification pylon sign is a sign erected on a single pole or multiple poles which contain only the

name or the nature of the business conducted on the premises on which it is located.

(5) Illuminated signs. When artificial illumination techniques are used in any fashion to project the message on a sign, that sign shall be an illuminated sign.

1001.69 Special exception

A use specifically permitted after review and approval by the Board of Zoning Appeals, subject to ordinance standards and additional conditions set by the Board of Zoning Appeals.

1001.70 Story

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and ceiling next above it.

1001.71 Story, half

A story in which one or more exterior walls intersect a sloping roof not more than two (2) feet above the floor of such story.

1001.72 Street

A dedicated and accepted public right-of-way for vehicular traffic that affords the principal means of access to abutting properties.

1001.73 Street centerline

The line surveyed and monumented by the governing body shall be the centerline of a street; or in the event that no centerline has been so determined, it shall be that line running midway between, and parallel to the general direction of, the outside right-of-way lines of such street.

1001.74 Structure

Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground. A "building", as defined in 1001.7, is a "structure".

1001.75 Subdivision

A tract of land parceled into two or more lots for the purposes, whether immediate or future, of sale, lease, or building development, and shall include all divisions of land involving a new street or a change in existing streets and includes re-subdivision of land.

1001.76 Tourist home

A dwelling in which sleeping accommodations in less than ten (10) rooms are provided or offered for the use of guests in return for compensation, and meals may or may not be offered. Any dwelling in which such accommodations are offered in ten (10) or more rooms shall be deemed to a hotel as herein defined. The use of a dwelling as a tourist home shall not be considered an accessory use or a customary home occupation.

1001.77 Tract

See "lot", 1001.29

1001.78 Trailer

Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flat beds or other carriers, which is designed or utilized to:

- (1) Provide temporary or permanent quarter for the conduct of a business, professional, trade or occupation;
- (2) Serve as a carrier of people, new or used goods, products or equipment;
- (3) Sell advertising or display merchandise.

For the purpose of this ordinance, the term "trailer" shall not include the terms "camper", "mobile home", or "house trailer".

1001.79 Trailer, house

The term "house trailer", for the purposes of this ordinance, shall be interchangeable with the term "mobile home", as defined in 1001.36.

1001.80 Use, accessory

See "accessory", 1001.1.

1001.81 Use, principal

The primary purpose for which a lot is occupied and/or used.

1001.82 Variance

A modification of the strict terms of this ordinance granted by the board of adjustment where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

1001.83 Yard

A space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

1001.84 Yard, front

A yard situated between the front building line and the front lot line extending the full width of the lot.

1001.85 Yard, rear

A yard situated between the rear building line and the rear lot line and extending the full width of the lot.

1001.86 Yard, side

A yard situated between a side building line and a side lot line and extending from the front yard to the rear yard.

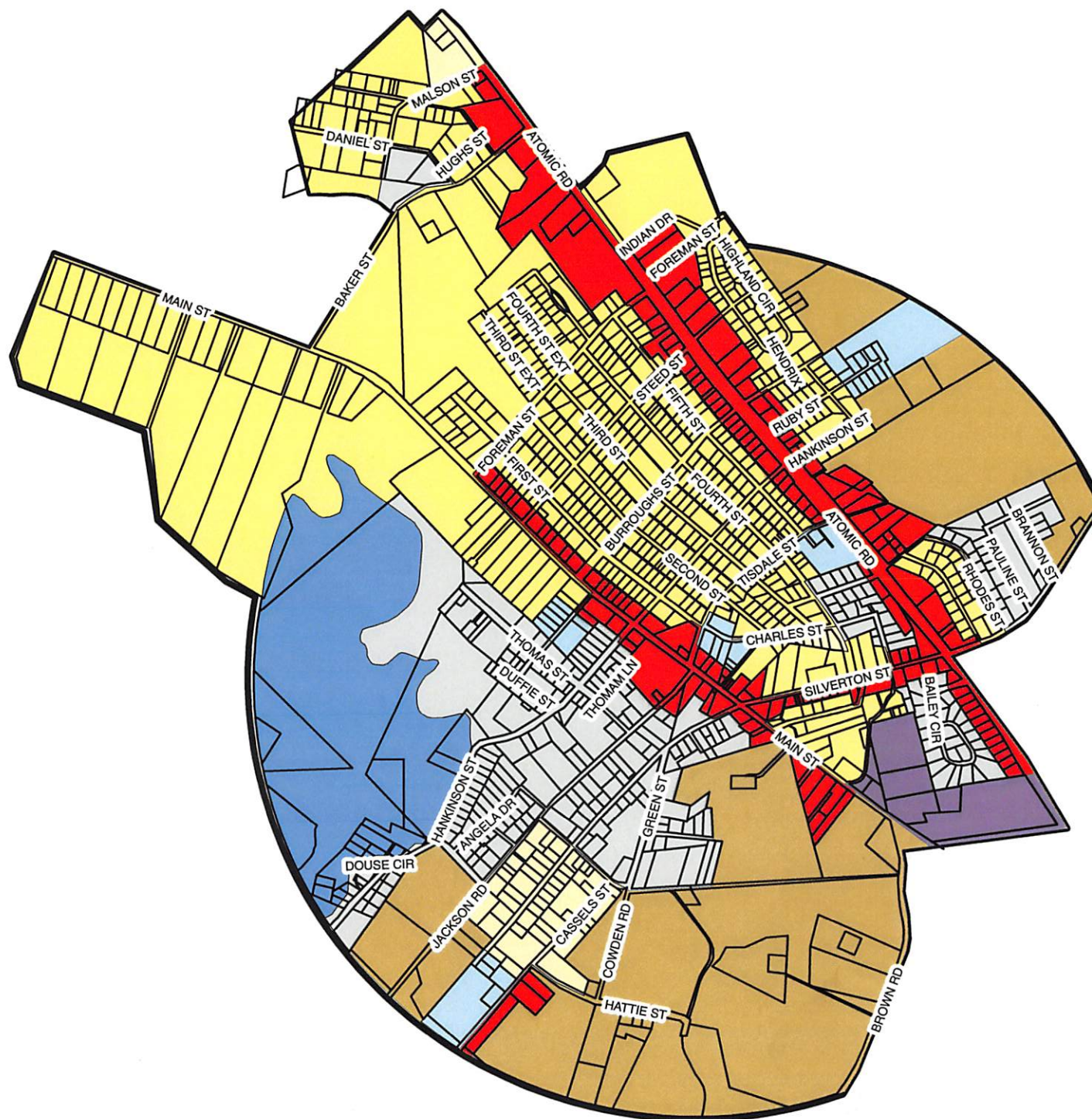
1001.87 Zoning district

See "district", 1001.13

Town of Jackson

Official Zoning Map

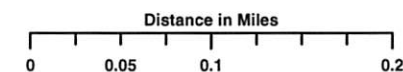
Adopted March 14, 2006



Legend

- Parcel Boundaries
- Town Limits
- AGR - Agricultural
- FPD - Flood Prone District
- GCD - General Commercial District
- IDD - Industrial District
- R-1
- R-5
- R-7
- R-9

Map prepared:
Lower Savannah COG GIS
Date: June 1, 2006



General Disclaimer:

This information has been provided from general sources and is to be used only as a guide. The LSCOG assumes no liability for its accuracy or any decisions which the user may make based on these documents.