

Chapter 44 - ZONING

Footnotes:

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State Law reference— Authority to adopt zoning ordinances, S.C. Code 1976, § 6-29-710; zoning districts, S.C. Code 1976, § 6-29-720; board of zoning appeals, S.C. Code 1976, § 6-29-780.

ARTICLE I. - IN GENERAL

Sec. 44-1. - Title of chapter.

This chapter shall be known and may be cited as "The Zoning Chapter of the City of Laurens, South Carolina."

(Ord. No. 01-05, § 46-1, 3-15-2005)

Sec. 44-2. - Authority of chapter.

This chapter is prepared pursuant to the authority conferred by S.C. Code 1976, § 6-7-710 et seq.

(Ord. No. 01-05, § 46-2, 3-15-2005)

Sec. 44-3. - Purpose of chapter.

The purposes of this chapter are to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity and the general welfare of the citizens of the city; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. The regulations of this chapter are made with reasonable consideration, among other things, of the character of each area and the peculiar suitability for particular uses, and with a view toward promoting desirable living conditions and sustaining 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.

(Ord. No. 01-05, § 46-3, 3-15-2005)

Sec. 44-4. - Definitions.

- (a) *Interpretation.* Words not defined herein shall have the meanings stated in the International codes adopted by the state building codes council, and any permissive technical codes adopted by the city. Words not defined in the International codes shall have the meanings in Webster's Tenth Edition Collegiate Dictionary, as revised.
- (1) Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.
 - (2) The term "shall" is always mandatory.
 - (3) The term "may" is permissive.
 - (4) The term "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.
 - (5) The term "used" or "occupied," as applied to any land or building, shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the terms "intended," "arranged," or "designed to be used or occupied."
 - (6) The term "Council" refers to the Laurens City Council.
- (b) *Terms defined.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abutting means having a common border with, or being separated from, such common border by an easement.

Adult uses means any establishment or use which, as one of its principal purposes, sells, displays or exhibits materials, including books, magazines, movies, tapes, photographs, etc., which appeal to prurient interests, contain patently offensive depictions of sexual conduct, and have no serious literary, artistic, political or scientific value.

Bed and breakfast inn means any owner-occupied dwelling or portion thereof offering rooms and meals at breakfast to transient lodgers in return for compensation.

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

Building means any structure put together for the support, shelter or enclosure of persons, animals and property.

Building, accessory, means a subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, animal shelters, pool houses, etc., when detached from the principal building, and carports attached to the principal building when such structures are at least 75 percent open or unenclosed.

Building line means that line determined by meeting respective front, side and rear yard requirements.

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

Canopy tree means a deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars and others.

Certificate of appropriateness means a document issued by the Laurens Historic Preservation Commission, following a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property or the historic district.

Certificate of occupancy means a document issued by the administrator allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable provisions of this chapter and the building code.

Conditional use means a use of land or structure, which is expressly permitted in a district under conditions specified in this chapter. Certain uses of land provide accommodations consistent with or necessary to the purpose intended for each district, but differ in their general characteristics from the principal permitted activities and in their impact thereon.

Condominium means a unit in a multiunit structure owned by an individual who has use of all common areas associated with that structure.

Day care services include the following:

- (1) *Family day care home* means one in which care is given by a family member during the day only for one and not more than 12 children, including the day care parents' own children.
- (2) *Child/adult day care residence* means any home, center, agency or place, however styled, where children, elderly and other persons not related to the operator are received for custodial care, whether for compensation, reward or otherwise, during part or all of the day or night and upon any number of successive days or nights.

Density means the number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this chapter are expressed in dwelling units per net acre; that is, per acre of land devoted to residential use and common open space exclusive of land utilized for streets, alleys, parks, playgrounds, school grounds or other public uses.

Domestic animal shelter means a pen, shelter, or structure where small domestic animals are boarded and kept.

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

Dwelling, apartment, means a single dwelling unit included in a multifamily dwelling, or in nonresidential use.

Dwelling, attached, means a one-family dwelling attached to two or more one-family dwellings by common vertical walls.

Dwelling, cluster, means a development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features. It is applied principally to single-family residential subdivisions that permit a reduction in lot area, provided that there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.

Dwelling, group occupancy, means a building or portion of a building intended for occupancy by several unrelated persons. The term "group dwelling" includes the terms "roominghouse," "fraternity house" and "sorority house."

Dwelling, multifamily, means a dwelling designed for or occupied by five or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, patio house, means a single-family detached or semidetached unit. It is built on a small lot generally enclosed by walls, which provide privacy. The term is synonymous with zero lot line dwellings.

Dwelling, quadruplex, means a single building designed, constructed or reconstructed and used for four dwelling units, which are separated by common walls between the individual dwelling units.

Dwelling, residential designed manufactured home, means a single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (245 CFR 3280) HUD Code, June 15, 1976, and which:

- (1) Has a minimum width over 20 feet (multiple-section);
- (2) Has a minimum of 900 square feet of enclosed living area;
- (3) Has a minimum 5:12 roof pitch; and has a type of shingle commonly used in standard residential construction;
- (4) Is covered with an exterior material customarily used on site built homes, including aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and
- (5) Has a roof overhang of not less than eight inches.

Dwelling, single-family, detached, means a detached dwelling of one unit, other than a mobile home, designed for or occupied exclusively by one family.

Dwelling, standard designed manufactured home, means a single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, June 15, 1976, and which does not meet the definition of a *Residential designed manufactured home*.

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

Dwelling, triplex, means a single building designed, constructed and used for three dwelling units, which are separated by common walls between the individual dwelling units.

Dwelling, two-family or duplex, means a single building designed, constructed and used for two dwelling units connected by a common wall.

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

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

Exterior architectural features means architectural features, character, and general composition of the exterior of a structure or of a landmark, including, but not limited to, the kind and texture of the building material and the type, design, and character of windows, doors, light fixtures, signs, and appurtenant elements. For the purposes of this chapter, the term "exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs and other appurtenant features. In the case of outdoor advertising signs, the term "exterior features" shall be construed to mean the style, material, size and location of all such signs. These "exterior features" may include historic signs and significant landscape, archaeological and natural features of the area.

Family means one or more persons related by blood, marriage, adoption, or guardianship, and not more than four persons not so related, except that mentally and physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accord with the provisions of S.C. Code 1976, § 6-7-830.

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

Floor area ratio means an intensity measure of land use derived at by dividing the total floor area of a building by the total site area.

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

Height means the vertical distance between the mean elevation at the finished grade along the front of the structure to the highest point of the structure or in the case of buildings to the highest point of a flat or mansard roof or to the mean height between eaves and ridge for a pitched roof.

Historic preservation plan means a document, formally adopted by the city council, containing goals and policies directing historic preservation activity within the city. (Each district maintains individual preservation plans.)

Historic property means any place (including an archaeological site or the location of a significant historical event), building, structure, work of art, fixture or similar object that has been individually designated by city council or designated as a contributing property within a historic district.

Home occupation means any occupation within a dwelling including a family day care home, and clearly incidental thereto, carried on by a member of the family residing on the premises, provided that:

- (1) No exterior indication of the use is evident other than a sign permitted by this chapter; and
- (2) The maximum floor area used for such occupation shall not exceed 600 square feet or 25 percent of the gross floor area.

Impervious surface means a surface that does not absorb water. All buildings, paved parking areas, driveways, roads, sidewalks and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the zoning administrator to be impervious, within the meaning of this definition, will be classed as impervious surfaces.

Impervious surface ratio means the measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.

Integrity means the survival of a sufficient amount of a property's character-defining materials, design features and building fabric, in a manner that allows the observer to interpret the character of the property during its period of significance.

Landmark means a designation applied to an individual property (building, structure, road, or natural or manmade object) as a result of formal action by the city council.

Laurens Historic Register means a list of all districts and landmarks designated as historic by council under this chapter.

Lot means 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 the county courthouse. The terms "lot," "lot record," "lot of record," "property" or "tract," whenever used in this chapter, is interchangeable. The word "lot" includes the word "plot" or "parcel."

Lot area means the area contained within the boundary lines of a lot.

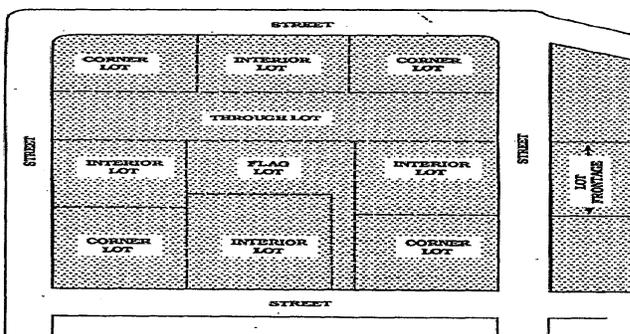
Lot, corner, means a lot located at the intersection of two or more streets.

Lot, depth, means the horizontal distance between front and rear lot lines.

Lot, double frontage, means a lot that has frontage on more than one street.

Lot line means a line bounding a lot that divides one lot from another or from a street or any other public or private space.

Lot, width of, or lot width means the distance between side lot lines measured at the front building line.



Manufactured home park means a lot or parcel with space, improvements and utilities for the long term parking of three or more mobile homes, which may include services and facilities for the residents.

Map or zoning map means the Official Zoning Map of Laurens, South Carolina.

Mini-warehouse means a building or group of buildings in a controlled access and fenced compound that contains individual compartmentalized and controlled access stalls or lockers for the dead storage.

Modular home or modular structure means a building including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off the site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site. This term is not to be limited to residential dwellings. When meeting the requirements of the Modular Building's Construction Act, in accordance with S.C. Code 1976, § 23-43-10, such building or structure may be located in any of the city's several zoning districts.

Nonresidential use means a principal use of land for other than residential purposes, i.e., commercial, industrial, institutional.

Open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the total site area.

Open storage means any accessory storage in the open air and outside of a principal or main building or structure on a lot, including the storage of equipment, goods, raw or processed materials, or merchandise outside of any building or structure, but not including wrecking, junk or salvage materials, as defined by this chapter.

Planning commission refers to the Laurens City Planning Commission.

Recreational vehicle means a vehicular type portable structure without permanent foundation, which can be towed, hauled or driven, and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

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

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

Sign, awning, canopy or marquee, means a sign that is mounted or painted on, or attached to, an awning, canopy or marquee.

Sign, building, means any sign attached to any part of a building.

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

Sign, face, means the area or display surface used for the message.

Sign, freestanding, means any non-movable sign not affixed to a building.

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

Sign, incidental, means a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

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

Sign, political, means a temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Sign, portable, means a sign that is designed to be transportable, but not limited by means of wheels.

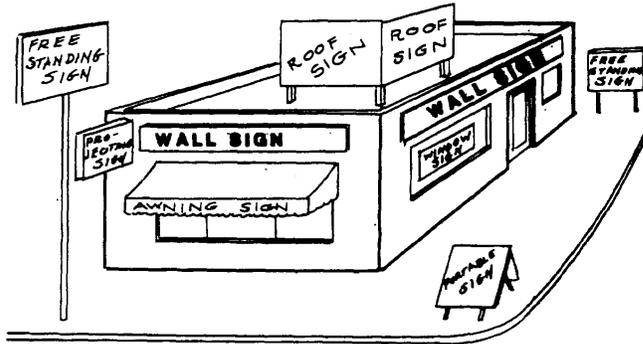
Sign, projecting, means a sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

Sign, roof, means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

Sign, temporary, means a sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.

Sign, wall, means a sign painted on the wall of a building and has no sign structure.

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



Significant with reference to a property, building or structure, means having aesthetic, architectural or historical qualities of critical importance to its consideration in connection with the designation of a property.

South Carolina Manufactured Housing Board is authorized by state statute to regulate the construction, repair, modification, installation, tie-down, hook-up, and sale of manufactured homes in South Carolina, which board has adopted for regulation of manufactured homes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the Board's Manufactured Housing regulations.

Street means any public thoroughfare (drive, avenue, boulevard) or space more than 20 feet in right-of-way width that has been dedicated or deeded to the public for public use.

Street, arterial, means a public thoroughfare designed to move large volumes of traffic from one point to another.

Street, collector, means a public thoroughfare that filters traffic from local streets and conducts it to arterial streets or local traffic generators such as schools, recreation areas and public parks.

Street, local, means a public thoroughfare designed to provide access to property abutting the right-of-way.

Street, private, means a vehicular way not dedicated for public use or maintenance.

Structural alteration means any change in the supporting members of a construction, such as the bearing walls, beams or girders, or any change in the dimension or configuration of the roof or exterior walls of a building.

Under story tree means a small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees and others.

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

Use, principal, means the primary purpose for which land is used.

Used or occupied means, as applied to any land or building, that such land or building is in actual use or occupancy and shall be construed to include the words "intended," "arranged" or "designed to be used or occupied." An intended project shall be defined as one where substantial monies have been spent towards the goal of the project.

Variance means a modification of the area regulations of this chapter granted by the board of appeals where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property owner, a literal enforcement of this chapter would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

Wrecking, junk and salvage yards mean any land or structure used for a salvaging operation, including, but not limited to, the storage and sale of waste paper, rags, scrap metal, discarded materials, consumer goods, equipment and the collection, dismantlement, storage and salvage of ten or more unlicensed or inoperative vehicles; or a place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars in operable condition or used or salvaged materials as part of manufacturing operations.

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

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

Yard, rear, means a yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, required, means that part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this chapter.

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

Zoning board of appeals refers to the City of Laurens Board of Zoning Appeals.

Zoning district means the term applied to various geographical areas (districts) of the city for the purpose of interpreting the provisions of this chapter, as designated on the official zoning map for the city.

(Ord. No. 01-05, § 46-4, 3-15-2005)

Sec. 44-5. - Conflict with other laws.

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

(Ord. No. 01-05, § 46-5, 3-15-2005)

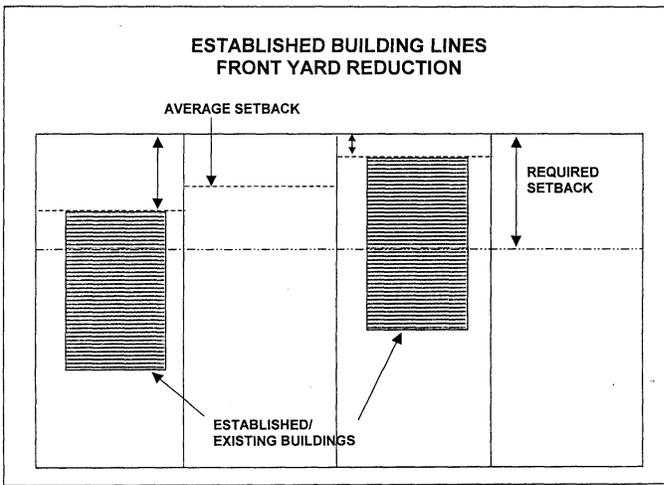
Sec. 44-6. - Street access.

No building shall be erected, constructed, moved or located on a lot not having direct vehicular and pedestrian access to a publicly dedicated or publicly maintained street; except as provided for by the planned unit development district.

(Ord. No. 01-05, § 46-6, 3-15-2005)

Sec. 44-7. - Yard and setback modifications.

- (a) *Corner lots*. The setback from the street upon which the principal building will face shall be the minimum required front yard. The setback from the street upon which the side of the building will face also shall meet the minimum front yard requirements for the district within which the lot is located.
- (b) *Partially developed areas*. The front yard setback requirements for dwellings shall not apply on any lot where the average setback of existing buildings located wholly or in part within 200 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the setbacks of the aforementioned existing buildings.
- (c) *Through or double frontage lots*. Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory use shall be prohibited from the required front yard setback of the street upon which the principal building fronts.
- (d) *Multiple buildings on lot*. Whenever more than one main building is to be located on a lot, the required yards shall be maintained around the group of buildings and buildings shall be separated by a horizontal distance that is at least equal to the height of the highest adjacent building.



(e) *Railroad tracks.* Structures within commercial and industrial districts adjacent to railroads may locate closer to the railroad right-of-way than the permitted side or rear yard setbacks of the respective zoning districts. However, the location must be in accordance with applicable railroad standards and conform to all other pertinent provisions of this chapter.

(Ord. No. 01-05, § 46-7, 3-15-2005)

Sec. 44-8. - Fences and projections into required yards and setbacks.

- (a) Open eaves, cornices and windowsills may project into any required setback a distance not to exceed 24 inches. Open uncovered porches or open fire escapes may project into a required yard a distance not to exceed five feet. Fences, walls and hedges may be erected in any required yard or setback area or along the edge of a property line, provided that no fence, wall or hedge located in a front yard setback area shall exceed four feet in height or eight feet in any other setback area or along any other property line, unless otherwise specified.
- (b) The administrator may approve a fence or wall higher than eight feet on the side or rear yard; provided, however, that assurances as to the safety of the fence or wall is submitted with the request for a permit to exceed the height requirements of this section. No exceptions shall be made in the front yard. However, nothing in this section shall be construed to prohibit the enclosure of a PUD or residential complex by a fence or wall of any height, subject only to approval for safety by the administrator.

(Ord. No. 01-05, § 46-8, 3-15-2005)

Sec. 44-9. - Exceptions to height limitations.

- (a) The height limitations of this chapter shall not apply to the following; provided, however, that such structures, excluding flag poles, shall be separated from any adjoining residential district by a distance equal to one foot for each two feet in height over the limit for the district within which the structure is located.

Belfries	Flag poles
Chimneys	Ornamental towers and spires
Church spires	Public monuments
Public utility poles	Fire towers
Cooling towers	Silos
Cupolas	Skylights
Domes	Water tanks

(b) These features shall be erected to the minimum height necessary to accomplish the purpose they are intended to serve.

(Ord. No. 01-05, § 46-9, 3-15-2005)

Sec. 44-10. - Visibility at intersections.

On any corner lot in any district except the B-2 district, no planting shall be placed or maintained and no fence, building, wall or other structure shall be constructed after January 17, 1995, if such planting or structure thereby obstructs vision at any point between a height of 2.5 feet and ten feet above the upper face of the nearest curb (or street centerline if no curb exists) and within the triangular area bounded on two sides by the street right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines.

(Ord. No. 01-05, § 46-10, 3-15-2005)

Sec. 44-11. - Accessory buildings and uses.

- (a) The number of accessory buildings shall not exceed two in any residential zoning district.
- (b) Accessory buildings in residential districts shall not be used for storage in connection with a trade.
- (c) Accessory buildings shall not exceed 50 percent of the gross floor area of the principal building or use.
- (d) No mobile or manufactured home or shipping container shall be used as an accessory building.
- (e) When located within the buildable area, accessory buildings may be constructed to a height of 20 feet. If located in a required setback area, said buildings shall not exceed 12 feet in height.
- (f) No accessory use shall occupy any part of a buffer area.
- (g) Unless modified by Table 1, accessory uses and structures shall observe the required setbacks applicable to the principal building or use, as set forth in Table 3.

Table 1 Setback Modifications, Accessory Uses				
Accessory Uses	Required Setback Area			
	Front	Side	Corner Lot	Rear
To Residential Uses				
Bathhouses and cabanas	BL	10'	BL	10'
Domestic animal shelters	BL	5'	BL	5'
Non-commercial greenhouses	BL	5'	BL	5'
Detached garages and carports	BL	5'	BL	5'
Fences and walls	(A)	(A)	(A)	(A)
Swimming pools and tennis courts	BL	10'	BL	10'
Auxiliary shed, workshop, etc.	BL	5'	BL	5'
Off-street parking	10'	0'	10'	0'
Horticulture, gardening	0'	0'	0'	0'
Family day care home	BL	BL	BL	BL

Satellite dishes, etc.	BL	10'	BL	10'
To Nonresidential Uses				
Buildings, structures	BL	BL	BL	BL
Open storage	BL	BL	BL	BL
Off-street parking area	0'	0'	0'	0'
Off-street loading are	0'	0'	0'	0'
Freestanding signs	See Table 5			

(A) Fences and walls may be located in all required yards along any property line; provided the structure shall meet the visibility requirements of section 44-10; further provided that the structure shall not exceed six feet in height.

Opaque fences, when established in the front yard shall not exceed four feet in height.

BL = Required building setback line.

(Ord. No. 01-05, § 46-11, 3-15-2005)

Sec. 44-12. - Use of land and/or structures.

- (a) No land or structure shall be used or occupied, and no structure or portions thereof shall be constructed, erected, altered or moved, unless in conformity with all of the regulations specified for the district in which it is located.
- (b) No structure shall be erected or altered with greater height, size, bulk or other dimensions; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; or to have narrower or smaller rear yards, front yards, side yards or other open spaces than required by this chapter or in any other manner contrary to the provisions of this chapter.
- (c) Except for the following uses and projects, no more than one principal building may be located upon a lot of record:
 - (1) Institutional buildings;
 - (2) Industrial buildings;
 - (3) Multifamily dwellings;
 - (4) Commercial buildings; and
 - (5) Planned unit development projects.

Where more than one principal building is located on a lot, the required setbacks for the district shall be maintained along all property lines.

- (d) The minimum yards, parking spaces and open spaces required by the regulations of this chapter for each building existing on January 17, 1995, or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as otherwise provided in this section.

(Ord. No. 01-05, § 46-12, 3-15-2005)

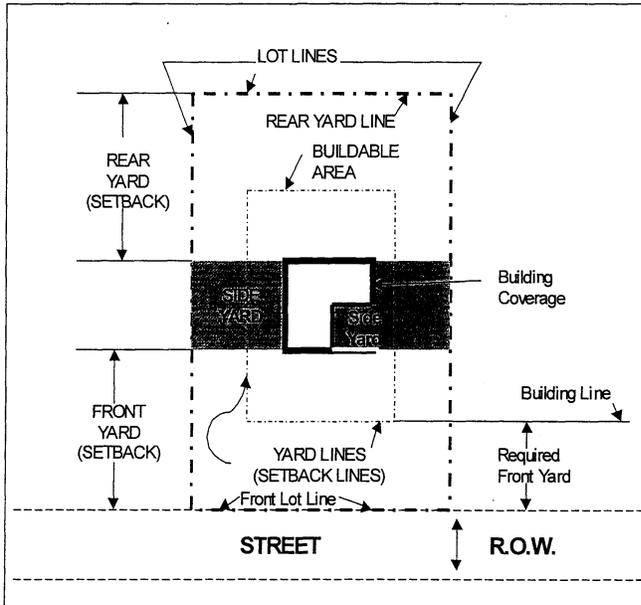
Sec. 44-13. - Lot reduction.

No yard or lot existing on January 17, 1995, shall be reduced in dimension or area below the minimum requirements set forth in this chapter. Yards or lots created after January 17, 1995, shall meet at least the minimum requirements established by this chapter.

(Ord. No. 01-05, § 46-13, 3-15-2005)

Sec. 44-14. - Measurements.

- (a) *Yards, setbacks, buildable area.* The required front, side, and rear yards for individual lots, as set forth in Table 3 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 within which the approved structure shall be placed.



- (b) *Height.* The height of a building or structure shall be measured from the average grade elevation within 20 feet of the structure to the highest point of the building roof or structure.

(Ord. No. 01-05, § 46-14, 3-15-2005)

Sec. 44-15. - Nonconformities.

- (a) *Defined.* A nonconforming use, building or structure is one which was lawfully established prior to January 17, 1995, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of this chapter.
- (b) *Continuance.* Nonconforming uses, buildings or structures are declared by this chapter to be incompatible with permitted construction in the districts in which they are located. However, to avoid undue hardship, the lawful use of any such use, building or structure at the time of the enactment, amendment or revision of this chapter may be continued even though such structure does not conform with the provisions of this chapter except that such nonconforming use, building, structure, or portions thereof, shall not be:
- (1) Reused or reoccupied after discontinuance of occupancy for six months, or in cases involving the settlement of an estate, one year. For purposes of this section, the term vacated or discontinued is synonymous with the removal of equipment, structures or other aspects of such nonconforming use, and discontinuance of electric power. When seeking relief under this section it shall be the responsibility of the owner, manager or tenant of a nonconforming use to establish existence of such use prior to the effective date of this chapter.
 - (2) Reestablished, reoccupied or replaced with the same or similar use, structure or building, after physical removal or relocation from its original location at the time of enactment, amendment or revision of this chapter, except as provided herein.
 - (3) Repaired, rebuilt or altered after any damage exceeding 50 percent of its market value at the time of destruction.
- (c) *Enlargement or expansion.* Enlargement or expansion of a nonconforming building, use or structure by no more than 20 percent shall be permitted; provided such enlargement shall meet all applicable setbacks, buffer area, and off-street parking requirements.
- (d) *Replacement, repair and/or reconstruction.*
- (1) The repair or alteration of a nonconforming use shall in no way increase the nonconformity of said use, except as otherwise permitted by subsection (c) of this section.
 - (2) A building permit for the replacement or reconstruction of a nonconforming building or structure once removed, damaged or destroyed must be initiated within six months or forfeit the right of replacement.
 - (3) Replacement may occur within the original building "footprint"; provided the replacement structure shall in no way increase the

nonconformity of said use, except as otherwise permitted by subsection (c) of this section.

(4) Replacement of a nonconforming mobile or manufactured home once removed from a lot or parcel shall be accomplished within 30 days of removal or forfeit nonconforming status, and if replaced shall not infringe on established setbacks, and shall meet in full the requirements of this chapter.

(e) *Exception.* Where the owner of a lot on January 17, 1995, does not own sufficient land to enable him to conform to the dimensional requirements of this chapter, such lot may nonetheless be used as a building site, and the administrator is authorized to issue a permit for the use of the property; provided that such dimensional requirements are not reduced below the minimum specified in this chapter by more than 20 percent. If the dimensional requirements are reduced below the minimum specified in this chapter by more than 20 percent, the matter shall be taken up for review by the zoning board of appeals under normal review procedures.

(Ord. No. 01-05, § 46-15, 3-15-2005)

Sec. 44-16. - Zoning annexed property.

Whenever a petition for annexation is presented to the city, the mayor and council, upon the acceptance of such petition and the annexation of such area by ordinance, shall, by separate ordinance adopted at the same time, zone the area so annexed, without a public hearing.

(Ord. No. 01-05, § 46-16, 3-15-2005)

Secs. 44-17—44-35. - Reserved.

ARTICLE II. - ESTABLISHMENT, POWERS AND DUTIES OF OFFICIALS, COMMISSIONS AND BOARDS RESPONSIBLE FOR ADMINISTRATION AND AMENDMENT OF THESE REGULATIONS

DIVISION 1. - GENERALLY

Secs. 44-36—44-58. - Reserved.

DIVISION 2. - DESIGNATION OF ZONING ADMINISTRATOR; POWERS AND DUTIES

Sec. 44-59. - General administration and enforcement.

The duly appointed building and zoning administrator, hereinafter referred to as the "administrator," is hereby given the authority to administer and enforce the provisions of this chapter.

(Ord. No. 01-05, § 46-31, 3-15-2005)

Sec. 44-60. - Duties of zoning administrator.

The duties of the zoning administrator include the following:

- (1) Acceptance and examination of all applications for construction, land use or reuse, and issuance of permits where such applications are found to be in accord with the provisions of this chapter and applicable building codes.
- (2) Directing parties in conflict with this chapter, cause to be kept records and files of any and all matters referred to him and to execute any and all reports as the planning commission, board of zoning appeals, city administrator and city council may require.
- (3) Interpretation of terms and provisions of this chapter.
- (4) Processing applications for appeals to the board of appeals.
- (5) Preparation of the record for appeal to circuit court.
- (6) Maintenance of a current zoning map, amendments to this chapter, and all public records related to zoning and planning.
- (7) Enforcement of this chapter, investigation and resolution of zoning complaints. If the administrator shall find that any one of the provisions of this chapter is being violated, he shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use 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 chapter to ensure compliance with or to prevent violation of its provisions.

(8) Provision of administrative assistance to the planning commission and the board of zoning appeals.

(9) Such other duties as may be authorized.

(Ord. No. 01-05, § 46-32, 3-15-2005)

Sec. 44-61. - Building and sign permits required.

- (a) *Permits required.* No building, structure or sign requiring a permit or any part thereof shall be erected, added to or structurally altered, nor shall any excavation be commenced until a required building or sign permit has been issued. The provisions of this section shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, cross arms, guys, wire, cable and drops.
- (b) *Application requirements for building permits.* Each application for a permit for a building or structure shall be accompanied by the following, or as much thereof as the administrator shall find necessary, to determine whether the proposed building or use will be in compliance with the provisions of this chapter:
- (1) Assurances as to the acceptable performance of nonresidential uses, where applicable.
 - (2) A plat and/or site plan with date and scale in duplicate, showing the actual shape and dimensions of the lot to be built upon; the exact size and location on the lot of existing buildings and structures and the lines within which the proposed building, structure or facilities are to be erected, altered or constructed; the existing and intended use of each building or part of a building; the number of families or housekeeping units the building is designed to accommodate; buffer areas; flood and wetland areas; proposed parking; building elevations; and such other information with regard to the lot and contiguous land uses as may be required by the administrator to determine compliance with and provide for the enforcement of this chapter.

One copy of the plans shall be returned to the applicant with the signed approval or disapproval of the administrator noted thereon within a reasonable time period.

- (c) *Application requirements for sign permits.* Each application to erect a sign, where a sign permit is required by this chapter, shall be accompanied by the following information:
- (1) Identification of ownership and/or leaseholder of property on which a sign is to be erected, including the street address.
 - (2) Name and address of the owner of the sign.
 - (3) Site plan sketch with dimensions (nonprofessionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and any buildings, parking areas, existing freestanding signs and buffer areas.
 - (4) Correct size, shape, configuration, face area, height, nature, number and type of sign to be erected.
 - (5) The value of the sign and sign structure.
 - (6) Certificate of appropriateness, if the sign is to be located in the HPO District.
 - (7) The administrator may waive any of the above deemed unnecessary to process an application.
- (d) *Expiration of building and sign permits.* If the work described in any building or sign permit has not begun within six months from the date of issuance thereof, such permit shall expire. The administrator shall cancel it, and written notice shall be given to the persons affected.

(Ord. No. 01-05, § 46-33, 3-15-2005)

Sec. 44-62. - Certificates of zoning compliance and occupancy required.

- (a) *Certificate required.* It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or parts hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance has been issued by the administrator stating that the proposed use of the building or land conforms to the requirements of this chapter.
- (b) *Nonconforming uses.* Uses made nonconforming by this chapter may not continue without a certificate of zoning compliance, which shall state that the use or structure was in existence at the time of adoption or amendment of this chapter. The certificate shall specify the features that are nonconforming.

(c) *Application requirements for certificate of occupancy.* Materials required for a building permit are on file in the building department and shall constitute the basis for compliance determination and the subsequent issuing of a certificate of occupancy.

(Ord. No. 01-05, § 46-34, 3-15-2005)

Sec. 44-63. - Fees for permits and certificates.

A fee to cover the administrative cost of issuing permits and certificates shall accompany all requests for such permits and certificates. The amount of the fee shall be determined by the mayor and council, a schedule of which shall be available at the office of the administrator.

(Ord. No. 01-05, § 46-35, 3-15-2005)

Sec. 44-64. - Inspections for compliance.

The administrator may make or require inspections of any construction to ascertain compliance with the provisions of this chapter and other laws, and to ascertain that such building or structure is constructed or erected as indicated on the approved permit application.

(Ord. No. 01-05, § 46-36, 3-15-2005)

Sec. 44-65. - Complaints regarding violations.

Whenever a violation of this chapter occurs, or is alleged to have occurred, the administrator shall record and investigate such complaint, and take such action as provided by this chapter. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

(Ord. No. 01-05, § 46-37, 3-15-2005)

Sec. 44-66. - Violations.

Any of the following shall constitute a violation of this chapter:

- (1) To use or attempt to use land or building in any way inconsistent with the requirements of this chapter.
- (2) To erect or attempt to erect a building or other structure in any way inconsistent with the requirements of this chapter.
- (3) To install or use a sign in any way inconsistent with the requirements of this chapter.
- (4) To use land for any purpose other than as specifically identified on an approved site plan (e.g. using designated open space, off-street parking spaces or walkways for display or storage; parking in open space or buffer areas) or as otherwise required by this chapter.
- (5) To violate the terms of any approval or permit granted under this chapter, or any condition imposed on such approval or permit.
- (6) To continue any violation as defined above, with each day of continued violation to be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

(Ord. No. 01-05, § 46-38, 3-15-2005)

Sec. 44-67. - Penalties for violations.

A person violating any provision of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined in accordance with section 1-9. Where any building, structure, or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign, or land is or is proposed to be used in violation of this chapter, the administrator may in accord with the provisions of S.C. Code 1976, § 56-7-80 issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; to correct or abate the violation or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

(Ord. No. 01-05, § 46-39, 3-15-2005)

Secs. 44-68—44-92. - Reserved.

Sec. 44-93. - Establishment.

A planning commission for the city is hereby established under the provisions of the S.C. Code 1976, §§ 6-29-310 through 6-29-540, as amended.

(Ord. No. 01-05, § 46-56, 3-15-2005)

Sec. 44-94. - Powers and duties.

The planning commission shall have the powers and duties provided in S.C. Code 1976, § 6-29-310 et seq.

(Ord. No. 01-05, § 46-57, 3-15-2005)

Sec. 44-95. - Membership; terms; compensation; qualifications.

- (a) The planning commission shall consist of nine members appointed by the mayor and city council for overlapping terms of four years. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the city.
- (b) To the extent possible, membership should be representative of the racial and gender composition of the city, and represent a broad cross section of interests and concerns. Additionally, the mayor and council should consider in the appointment of planning commission members their professional expertise, and knowledge of the community. No member shall be the holder of an elected public office in the city or county, except that one member may be a member of the board of appeals.
- (c) A vacancy in the membership shall be filled for the unexpired term in the same manner as the original appointment. Members shall serve until their successors are appointed and qualified.

(Ord. No. 01-05, § 46-58, 3-15-2005)

Sec. 44-96. - Removal of members.

Members of the planning commission may be removed at any time by city council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code 1976, § 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact, which, in the discretion of the council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.

(Ord. No. 01-05, § 46-59, 3-15-2005)

Sec. 44-97. - Organization and rules of procedure.

The planning commission shall organize, elect officers, and adopt rules of procedure as required by S.C. Code 1976, § 6-29-360.

(Ord. No. 01-05, § 46-60, 3-15-2005)

Secs. 44-98—44-122. - Reserved.

DIVISION 4. - ESTABLISHMENT, POWERS AND DUTIES OF BOARD OF ZONING APPEALS

Sec. 44-123. - Establishment, terms and compensation.

A board of appeals is hereby established. Such board shall consist of five members, who shall be citizens of the city and shall be appointed by the mayor and city council for overlapping terms of four years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the board.

(Ord. No. 01-05, § 46-61, 3-15-2005)

Sec. 44-124. - Officers, meetings, quorum.

- (a) *Officers.* The board of appeals shall elect a chairperson and a vice-chairperson from its members, who shall serve for one year, or until reelected, or until successors are elected. The board shall appoint a secretary, who may be a city officer or a member of the board of

appeals.

- (b) *Meetings.* The board shall adopt rules and bylaws in accordance with S.C. Code 1976, § 6-7-740. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. All meetings of the board shall be open to the public.
- (c) *Notice of meetings.* The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the county at least 15 days in advance of the scheduled hearing date, and posted on the bulletin board at the city's offices. Notice also shall be posted on the affected property, with at least one such notice being visible from each public thoroughfare that abuts the property. Written notice also shall be mailed to parties in interest. Notices of meetings other than hearings shall be posted on the administrative bulletin board at least 24 hours in advance, in accord with the South Carolina Freedom of Information Act.
- (d) *Quorum.* A majority of the members of the board shall constitute a quorum for the conduct of business.

(Ord. No. 01-05, § 46-62, 3-15-2005)

Sec. 44-125. - Removal of members.

Members of the board of appeals may be removed at any time by city council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code 1976, § 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact, which, in the discretion of the council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.

(Ord. No. 01-05, § 46-63, 3-15-2005)

Sec. 44-126. - Proceedings.

The board shall adopt rules for the conduct of business. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the board and shall be public record. On all appeals, applications and matters brought before the board of appeals, the board shall inform in writing all the parties involved of its decisions and reasons for these decisions.

(Ord. No. 01-05, § 46-64, 3-15-2005)

Sec. 44-127. - Appeals, hearings and notice.

- (a) It is the intention of this chapter that all questions arising in connection with the enforcement of the chapter shall be presented first to the administrator and that such questions shall be presented to the zoning board of appeals only on appeal from a decision of the administrator.
- (b) Appeals to the board may be taken by any person aggrieved or by an officer, department, board or bureau of the city. Such appeal shall be taken within 30 days from the date that the decision is rendered, as provided by the rules of the board, by filing with the administrator and with the zoning board of appeals notice of said appeal specifying the grounds thereof. The administrator shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.
- (c) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the board or by a court of record on application, on notice to the administrator and on due cause shown.
- (d) At the hearing any party may appear in person or by agent or attorney.

(Ord. No. 01-05, § 46-65, 3-15-2005)

Sec. 44-128. - Powers and duties.

The board of appeals shall have the following powers and duties:

- (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrator in the enforcement of this chapter.

- (2) Authorize, upon appeal in specific cases, a variance from the terms of the chapter as will not be contrary to the public interest where, on special conditions, a literal enforcement of the provisions of the chapter will, in an individual case, result in unnecessary hardship so that the chapter shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such a case of unnecessary hardship upon a finding by the board of appeals that:
- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - b. The application of the chapter on this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
 - c. Such conditions are peculiar to the particular piece of property involved; and
 - d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the chapter or the comprehensive plan; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district.

(Ord. No. 01-05, § 46-66, 3-15-2005)

Sec. 44-129. - Decisions.

- (a) In exercising the powers enumerated in section 44-128, the board of appeals may, in conformity with the provisions of state law, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination and, to that end, shall have the powers of the administrator from whom the appeal is taken and may issue or direct the issuance of a permit and or certificate. The board, in the execution of the duties for which appointed, may subpoena witnesses and, in case of contempt may certify such fact to the circuit court in and for the county.
- (b) All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board, which must be delivered to parties of interest by certified mail.

(Ord. No. 01-05, § 46-67, 3-15-2005)

Sec. 44-130. - Appeals from decisions.

Any person who may have a substantial interest in any decision of the board of appeals may appeal any decision of the board to the circuit court in and for the county by filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the board is rendered.

(Ord. No. 01-05, § 46-68, 3-15-2005)

Secs. 44-131—44-158. - Reserved.

DIVISION 5. - ESTABLISHMENT, POWERS AND DUTIES OF HISTORIC PRESERVATION COMMISSION

Sec. 44-159. - Establishment.

- (a) To implement the provisions of this chapter, there is hereby established a Historic Preservation Commission, (HPC), hereinafter referred to as the "commission". The commission shall consist of seven members and one ex-officio member, executive director of the Main Street Laurens USA program.
- (b) If vacancy occurs on the commission due to resignation, removal, or for any reason, the mayor shall appoint a replacement within 60 days for the remainder of the un-expired term, subject to confirmation by the city council. The commission may submit nominees to fill vacancies.

(Ord. No. 01-05, § 46-69, 3-15-2005)

Sec. 44-160. - Composition, qualifications and training.

- (a) All members of the commission shall have a demonstrated interest in historic preservation, and if available in the community, should

have at least one member who is qualified as an historian, knowledgeable in local history, and one member who is an architect or if an architect is not available to serve, someone knowledgeable in building design and construction.

- (b) A total of three members shall be persons who are knowledgeable in one or more of the following disciplines: archaeology, architecture, American history, urban planning, engineering, environment, law, banking, or real estate to the extent that such professionals are available.
- (c) Each voting member must have a demonstrated interest in or knowledge of the history of the city and design, architecture, real estate and other matters relevant to judging the economic and cultural value of particular historic preservation activities.
- (d) Commission members will be required to attend at least one training session per year, to be held during the regular meeting time and place, unless otherwise determined by the commission.
- (e) No members shall hold any other municipal office.

(Ord. No. 01-05, § 46-70, 3-15-2005)

Sec. 44-161. - Terms of office; officers; compensation.

- (a) The term of office for each member shall be three years. Any person who has served as a member of the commission for three consecutive terms shall not be eligible for reappointment for at least one year. A term of less than one year shall not be counted in determining eligibility for reappointment.
- (b) Place numbers one through seven shall identify commission members. Terms of office for members in the odd-numbered places shall expire in odd numbered years; terms for even-numbered members expire in even numbered years, provided, however, that each member shall serve until his successor is appointed and installed. Members shall assume their duties at the first regular meeting after their appointment. Members shall serve without compensation.
- (c) The commission shall elect from its members a chairperson and vice-chairperson, who shall serve for one year or until their successors are elected. No commissioner shall be elected chairperson or vice-chairperson for more than three consecutive terms. The commission shall appoint a secretary, who may be an officer, employee of the city or a member of the historic preservation commission.

(Ord. No. 01-05, § 46-71, 3-15-2005)

Sec. 44-162. - Removal of members.

Any member of the commission may be removed by the mayor upon confirmation of the city council for repeated failure to attend meetings of the commission or for any other cause deemed sufficient by the mayor.

(Ord. No. 01-05, § 46-72, 3-15-2005)

Sec. 44-163. - Conflicts and liability.

- (a) Any member of the commission who has a personal or financial interest, either directly or indirectly, in any property which is the subject of, or affected by, a decision of the commission shall be disqualified from participating in the decision of the commission concerning the property. This will not disqualify a member from voting on issues that would affect his personal or financial interest the same as other properties in the historic districts.
- (b) Any member of the commission acting within powers granted by the chapter shall be relieved from personal liability for any damage and held harmless by the city. Any suit brought against any member of the commission shall be defended by a legal representative, furnished by the city, until the termination of the proceedings.

(Ord. No. 01-05, § 46-73, 3-15-2005)

Sec. 44-164. - Proceedings.

- (a) The commission shall adopt rules of procedure and make quarterly reports to the city council, citing applications brought before the commission and action taken. The commission shall keep minutes of its proceedings, showing the vote for each member upon each question, or, if absent or failing to vote, indicating that fact.
- (b) The commission shall announce and conduct public meetings quarterly or more often as needed. The commission chairperson may also call meetings when necessary.

(Ord. No. 01-05, § 46-74, 3-15-2005)

Sec. 44-165. - Powers and duties.

The commission has the following powers and duties:

- (1) To review and recommend the designation of individual historic properties and historic districts, and to review plans and applications for all construction within historic districts and construction or demolition pertaining to or affecting duly designated historic properties.
- (2) To approve, approve with modifications or deny approval of applications for historical preservation designations, in accordance with prescribed procedures and guidelines.
- (3) To maintain an inventory of buildings, structures, objects, and sites more than 50 years old, the records of which shall be available to the public.
- (4) To act on all certificates of appropriateness, and where approved by the commission, cause the issuance of such certificates.
- (5) To conduct first review and evaluation of all proposed nominations for the National Register of Historic Places, prior to consideration by the state commission of review. The commission may send their recommendations to the state historic preservation office for consideration at the meeting of the state commission of review. The commission shall not nominate properties directly to the National Register; only the state commission of review shall have this final review authority unless expressly authorized by federal statute.

(Ord. No. 01-05, § 46-75, 3-15-2005)

Secs. 44-166—44-183. - Reserved.

DIVISION 6. - AMENDMENTS

Sec. 44-184. - Authority.

This chapter, including the official zoning map of the city, may be amended from time to time by the city council as specified in this division, 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 30 days within which to submit its report. If the planning commission fails to submit a report within the 30-day period, it shall be deemed to have approved the proposed amendment.

(Ord. No. 01-05, § 46-76, 3-15-2005)

Sec. 44-185. - Requirements for change.

When public necessity, convenience, general welfare or good zoning practice justify such action, and after the required review and report by the planning commission, the city council may undertake the necessary steps to amend this zoning chapter.

(Ord. No. 01-05, § 46-77, 3-15-2005)

Sec. 44-186. - Procedure.

Requests to amend this chapter shall be processed in accordance with the following requirements:

- (1) *Initiation of amendment.* A proposed amendment to this chapter may be initiated by the city council, the planning commission, administrator or by application filed with the administrator by the owner of the property proposed to be changed; provided, however, that action shall not be initiated for a zoning amendment affecting the same property, or any part thereof, and requesting the same classification change by a property owner more often than once every 12 months.
- (2) *Application procedure.* Any request for amendment to this chapter shall be submitted on a standard application form available in the office of the administrator. Completed forms, together with an application fee to cover the cost of processing the application and the advertisement for public hearing, plus any additional information the applicant feels to be pertinent, shall be filed with the administrator. The administrator shall forward application fees to the city clerk. Applications for amendments must be submitted, complete and in proper form, at least 15 days prior to a planning commission meeting in order to be considered at the meeting. All

meetings of the planning commission shall be open to the public, and any party may appear to present his application in person, by agent or attorney. No member of the planning commission shall participate in a matter in which he has any pecuniary or special interest.

- (3) *Report by the planning commission.* Following the meeting at which the application is considered, the commission shall make a written recommendation to the mayor and council. The recommendation shall include an evaluation of the proposed zoning amendment relative to the following:
 - a. How the proposed zoning amendment relates to and affects the city's comprehensive plan.
 - b. The validity of the comprehensive plan relative to the area under consideration.
 - c. The need to correct an error or deficiency in this chapter.
 - d. Any benefits which would be derived from the proposed amendment.
 - e. Any cost to the city in terms of expenditures for public improvements, facilities and services.
 - f. Compatibility with present zoning and conforming uses of nearby property.
 - g. The public interest.
- (4) *Public hearing by the city council.* Before enacting an amendment to this chapter, including the zoning map, the city council shall hold at least one public hearing thereon. Such public hearing will take place not less than 15 days after notice of the time and place of such hearing has been generally circulated in the local newspaper. The council shall consider the recommendation and evaluation of the planning commission.
- (5) *Disposition by mayor and council.* The mayor and council may vote to approve or deny the requested amendment, may refer it back to the planning commission for further study, may hold an additional public hearing, or may take other action as it may deem necessary.
- (6) *Changes to the zoning map.* Following final action by the mayor and council, any necessary changes shall be made on the zoning map, and a written record of the type and date of such change shall be maintained by the city clerk.

(Ord. No. 01-05, § 46-78, 3-15-2005)

Secs. 44-187—44-210. - Reserved.

ARTICLE III. - ZONING DISTRICTS

DIVISION 1. - GENERALLY

Secs. 44-211—44-228. - Reserved.

DIVISION 2. - ESTABLISHMENT, PURPOSE AND BOUNDARIES OF ZONE DISTRICTS, AND INTERPRETATION THEREOF

Sec. 44-229. - Establishment.

The following zone districts are hereby established in the city:

- (1) *Primary zone districts.*
 - a. R-1, Rural residential and agricultural district.
 - b. R-2, Suburban residential district.
 - c. R-3, Urban residential district.
 - d. RM, Residential manufactured/site-built housing district.
 - e. RP, Residential-professional district.
 - f. B-1, Neighborhood convenience center district.
 - g. B-2, Central business district.
 - h. B-3, Highway service center district.

i. B-4, General commercial and distribution district.

j. M, Manufacturing district.

(2) *Special purpose districts.*

a. PUD, Planned unit development district.

b. FHO, Flood hazard overlay district.

c. HPO, Historic preservation overlay district.

(Ord. No. 01-05, § 46-91, 3-15-2005)

Sec. 44-230. - Purpose.

Collectively, these districts are intended to advance the purpose of this chapter, as stated in section 44-3. Individually, each district is designed and intended to accomplish the following more specific objectives:

(1) *Primary districts.*

a. *R-1, Rural residential and agricultural district.* The purpose of the R-1 district is to maintain and protect open spaces and natural resources, and to permit agricultural operations in certain areas of the city, together with low-density residential development and support uses.

b. *R-2, Suburban residential district.* The purpose of the R-2 district is to foster, preserve and protect areas of the community in which the principal use of land is for detached, single-family dwellings and related support facilities.

c. *R-3, Urban residential district.* The purpose of the R-3 district is to accommodate higher density residential development and a variety of housing types on small lots or in project settings.

d. *RM, Residential manufactured/site built housing district.* The purpose of the RM district is to accommodate manufactured home development in concert with site-built single-family housing and duplexes, or in planned parks or courts. It is further intended to foster manufactured home development as an economic alternative to conventional site-built housing.

e. *RP, Residential-professional district.* The purpose of the RP district is to accommodate office, institutional and residential uses in areas whose character is neither exclusively business nor residential in nature. It is designed principally for areas in transition from residential to business, along major streets and for the purpose of ameliorating the consequences of change impacting established residential areas.

f. *B-1, Neighborhood convenience center district.* The purpose of the B-1 district is to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in the B-1 district are of the convenience variety. The size of any such B-1 district should relate to surrounding residential markets and the locations should be at or near major intersections.

g. *B-2, Central business district.* The purpose of the B-2 district is to promote the concentration and vitality of commercial and business uses in downtown Laurens. This B-2 district is characterized by wall-to-wall development and pedestrian walkways.

h. *B-3, Highway service center district.* The purposes of this B-3 district are to serve the automobile and its passengers, to accommodate change of existing land uses precipitated by economics and major street use, and to provide services and goods outside the central business district. For these reasons, open space, off-street parking and building setbacks are prerequisite to new construction.

i. *B-4, General commercial and distribution district.* The purpose of the B-4 district is to provide for the development and maintenance of commercial and distribution facilities requiring relatively large sites and buildings, outdoor storage and display area.

j. *M, Manufacturing district.* The purpose of the M district is to accommodate wholesaling, distribution, storage, processing and manufacturing in an environment suited to such uses and operations while promoting land use compatibility both within and beyond the boundaries of such districts. Toward these ends, residential development is not permitted, nor is the establishment of this district on other than a collector or arterial street.

(2) *Special purpose districts.*

a. *PUD, Planned unit development district.* The intent of the planned unit development district is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance the public health, safety, morals and general welfare. Within the PUD zones, regulations adapted to such unified planning and development are

intended to accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots, to promote economical and efficient land use, provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and promote a better environment. In view of the substantial public advantage of planned unit development, it is the intent of this chapter to promote and encourage or require development in this form where appropriate in location, character and timing.

b. *FHO, Flood hazard overlay district.*

1. The purpose of the FHO district is to protect human life and health, minimize property damage, encourage appropriate construction practices, and minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
2. Additionally, this district is intended to help maintain a stable tax base by providing for the sound use and development of floodprone areas and to ensure that potential home buyers are notified that property is in a flood area. The provisions of this district are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, street and bridges located in the floodplain, and prolonged business interruptions; and to minimize expenditures of public money for costly flood control projects and rescue and relief efforts associated with flooding.

(3) *HPO, Historic preservation overlay district.* The purpose of the historic preservation overlay district is to promote, protect, conserve and preserve one of the city's most valued and important assets, its historical and architectural heritage. By means of recognizing, designating, and regulating historic overlay districts and historic landmarks, and by means of acquiring and managing selected historic properties where appropriate, the city seeks to:

- a. Protect, preserve and enhance the distinctive architectural and cultural heritage of Laurens;
- b. Promote the use and conservation of Laurens' historic resources for the education, pleasure and enrichment of the residents of the city, county and state as a commemoration and reminder of its origins and development;
- c. Foster civic beauty and pride through the development and maintenance of historic sites, buildings and landmarks; and
- d. Stabilize and enhance property values in the historic preservation overlay district areas; promote the economy, commerce and industry, and encourage tourism.

It is the hope of the city council that by encouraging a general harmony in style, form, proportion and material between buildings of historic design and those of contemporary design, Laurens' historic buildings and historic overlay districts will continue to be a distinctive aspect of the city and will serve as visible reminders of the significant historical and cultural heritage of the city and state.

(Ord. No. 01-05, § 46-92, 3-15-2005)

Sec. 44-231. - District boundaries and maps.

- (a) The boundaries of the various zoning districts are hereby established as shown on the official zoning map of the city, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.
- (b) The official zoning map shall be identified by the signature of the mayor, attested by the city clerk under the words: "Official Zoning Map, City of Laurens, South Carolina," together with the date of the adoption of Ord. No. 17-94, January 17, 1995.
- (c) If, in accordance with the provisions of this chapter and S.C. Code 1976, § 6-7-710 et seq., 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 by the city clerk within seven days after the amendment has been approved by the city council.
- (d) No changes of any nature shall be made on the official zoning map or on any matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change shall be considered a violation of the chapter and punishable as provided by law.
- (e) 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, which shall be located in the office of the administrator shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city.
- (f) In addition to the official zoning district map, the most current issue of Federal Insurance Administration flood hazard boundary maps designating flood hazard areas within the city, prepared by the Department of Housing and Urban Development, Federal Insurance Administration, copies of which are on file in the office of the administrator, are hereby adopted by reference and herewith made a part of this chapter for the purpose of regulating development in designated flood hazard areas.
- (g) The HPO district is highlighted in yellow and identified as Exhibit A on the official zoning map. The district consists of two separate

categories, namely "on the public square" and "off the public square." The category known as "on the public square" is shown and designated as Exhibit B on the map. All property in the district outside the perimeters of the property shown as Exhibit B shall be known as "off the public square."

(Ord. No. 01-05, § 46-93, 3-15-2005)

Sec. 44-232. - Rules for interpretation of district boundaries.

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

- (1) Boundaries indicated as approximately following the centerlines of streets, highways, alleys or public utility easements shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.
- (3) Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- (6) Boundaries indicated as parallel to, or extensions of features indicated in subsections (1) through (5) of this section shall be so construed. If distances are not specifically indicated on the official zoning map, or in other circumstances not covered by subsections (1) through (5) of this section, the board of appeals shall interpret the district boundaries.

(Ord. No. 01-05, § 46-94, 3-15-2005)

Secs. 44-233—44-257. - Reserved.

DIVISION 3. - PRIMARY ZONE DISTRICTS

Sec. 44-258. - Establishment of tables.

- (a) District regulations are presented with the use of tables. Table 2 identifies and lists all permitted uses in the several primary zone districts established by section 44-229, together with off-street parking requirements for each use or category of uses. Table 3 establishes lot area, yard, setback, height, density, and impervious surface requirements for all uses, by zone district.
- (b) Special purpose district regulations are contained in division 3, PUD, planned use district; division 4, FHO, flood hazard overlay district; and division 5, HPO, historic preservation overlay district.

(Ord. No. 01-05, § 46-106, 3-15-2005)

Sec. 44-259. - Use of tables.

- (a) The North American Industry Classification System, 2002, is the basis for determining the use of property permitted by the various zoning districts. Where uncertainty exists relative to a given use not specifically listed on the table, the NAICS Manual should be consulted. In general, all uses listed by a given NAICS number and category shall be construed as being permitted in the assigned zoning district, unless separately listed.
- (b) Uses not listed in the NAICS Manual, or to which a reference is not applicable are identified by the letters "NA" (Not Applicable).
- (c) Where the letter "P" is shown on Table 2, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable development standards of this chapter.
- (d) Where the letter "C" is shown on Table 2, the use to which it refers is conditionally permitted in the indicated district, subject to requirements for such uses set out in article VI, Conditional Uses.
- (e) Where the letter "N" is shown on Table 2, the use to which it refers is not permitted in the indicated district.
- (f) Where the symbol "*" is shown, the use may be established within a Type A PUD, subject to review and approval by the Planning commission; provided the gross density of the PUD does not exceed the density limits for the district in which the PUD is to be located.
- (g) Where a given use or NAICS reference is not listed on the table, said use shall not be permitted.

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

(i) To aid in the use of Table 2, major land use categories are arranged numerically by NAICS Sectors, followed by the uses and codes included in each sector, as shown below:

Sector 11:	Agriculture, forestry, fishing and hunting
Sector <u>21</u> :	Mining
Sector <u>22</u> :	Utilities
Sector <u>23</u> :	Construction
Sectors 31—33:	Manufacturing
Sector 42:	Wholesale trade
Sectors <u>44</u> , 45:	Retail trade
Sectors 48, 49:	Transportation and warehousing
Sector 51:	Information
Sector 52:	Finance and insurance
Sector 53:	Real estate and rental and leasing
Sector 54:	Professional, scientific, and technical services
Sector 55:	Management of companies and enterprises
Sector 56:	Administrative and support and waste management and remediation services
Sector 61:	Educational services
Sector 62:	Health care and social assistance
Sector 71:	Arts, entertainment, and recreation
Sector 72:	Accommodation and food services
Sector 81:	Other services (except public administration)
Sector 92:	Public administration

Uses and NAICS code references are displayed within the appropriate sector in numerical order, beginning with sector 11 (agricultural, forestry, fishing and hunting) and running through sector 92 (public administration). Residential uses do not represent an industry classification and therefore are not included in the NAICS code. However, they are listed in the Table 2, after sector 92.

Sec. 44-260. - Schedules of uses and requirements by zoning districts.

(a) Permitted and conditional uses, and off-street parking requirements.

Table 2: Schedule of Permitted and Conditional Uses, and Off-Street Parking Requirements, By Zone Districts

Zone Districts	NAICS	R-1	R-2	R-3	RM	RP	B-1	B-2	B-3	B-4	M	Required Off-street Parking (a)
Sector 11: Agriculture, forestry, fishing and hunting												
Agricultural production, crops	111	P	N	N	N	N	N	N	N	N	P	None
Agricultural production, livestock, animals	112											
Livestock	112111	P	N	N	N	N	N	N	N	N	P	None
Animal feedlots	NA	N	N	N	N	N	N	N	N	N	N	None
Hog and pig farming	1122	N	N	N	N	N	N	N	N	N	N	None
Poultry and eggs	1123	N	N	N	N	N	N	N	N	N	N	None
Sheep and goat farming	1124	N	N	N	N	N	N	N	N	N	N	None
Animal aquaculture	1125	P	N	N	N	N	N	N	N	N	P	None
Other animal production	1129	N	N	N	N	N	N	N	N	N	N	None
Horses and other equine	11292	P	N	N	N	N	N	N	N	N	P	None
Fur-bearing production	11299	N	N	N	N	N	N	N	N	N	N	None
Forestry and logging	113	N	N	N	N	N	N	N	N	N	N	None
Fishing, hunting, trapping	114	N	N	N	N	N	N	N	N	N	N	None
Support activities for agricultural/forestry	115	N	N	N	N	N	N	N	P	P	P	1 per 1,000 GFA

Sector <u>21</u> : Mining												
Mining	212	N	N	N	N	N	N	N	N	N	P	None
Sector <u>22</u> : Utilities	221											
Electric, gas, and sanitary services	221											
Electric	2211											
Generation	22111	N	N	N	N	N	N	N	P	P	P	1 per 500 GFA
Transmission substation	22112	P	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Natural gas distribution	2212	N	N	N	N	N	N	N	P	P	P	1 per 500 GFA
Water supply systems	22131											
Storage/treatment	22131	P	P	P	P	P	P	N	P	P	P	1 per 500 GFA
Transmission	22131	P	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Sewerage systems	22132											
Collection	22132	P	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Treatment	22132	N	N	N	N	N	N	N	P	P	P	1 per 500 GFA
Steam and air conditioning supply	22133	N	N	N	N	N	N	N	P	P	P	1 per 500 GFA
Sector <u>23</u> : Construction												
Building, developing and general contracting	236	N	N	N	N	N	N	N	P	P	P	1 per 1,000 GFA
Heavy construction	237	N	N	N	N	N	N	N	N	P	P	1 per 1,000 GFA
Special trade contractors	238	N	N	N	N	N	N	N	P	P	P	1 per 1,000 GFA

Sector 31-33: Manufacturing (section 46-292)												
Food	311	N	N	N	N	N	N	N	N	N	C	1 per 750 GFA
Beverage and tobacco	312	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Textile mills	313	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Textile product mills	314	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Apparel	315	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Leather and allied products	316	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Wood products	321	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Paper	322	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Printing and related activities	323	N	N	N	N	N	C	C	C	C	C	1 per 500 GFA
Petroleum products	324	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Chemical products	325	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Plastic and rubber products	326	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Nonmetallic mineral products	327	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Primary metal	331	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Fabricated metal products	332	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Machinery	333	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Computer and electronic products	334	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Electrical equipment, appliances and components	335	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA

Transportation equipment	336	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Furniture and related products	337	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Miscellaneous manufacturing	339	N	N	N	N	N	N	N	N	N	C	1 per 500 GFA
Craft and potpourri manufacturing	339	N	N	N	N	N	N	P	P	P	P	1 per 500 GFA
Sector 42: Wholesale trade												
Wholesale trade-durable goods	423	N	N	N	N	N	N	N	N	P	P	1 per 5,000 GFA
Wrecking, junk and salvage (section 46-293)	42314	N	N	N	N	N	N	N	N	N	C	1 per 5,000 GFA
Wholesale trade-nondurable goods	424	N	N	N	N	N	N	N	N	P	P	1 per 5,000 GFA
Wholesale electronic markets	425											
Sector 44-45: Retail trade												
Motor vehicle dealers	441	N	N	N	N	N	N	N	P	P	N	1 per 1,000 GFA
Automotive parts, accessories and tires	4413	N	N	N	N	N	N	P	P	P	N	1 per 500 GFA
Furniture and home furnishings	442	N	N	N	N	N	N	P	P	P	N	1 per 1,000 GFA
Electronics and appliances	443	N	N	N	N	N	N	P	P	P	N	1 per 1,000 GFA
Building materials, garden supplies	444											
Home centers	44411	N	N	N	N	N	N	P	P	P	P	1 per 350 GFA

Paint and wallpaper stores	44412	N	N	N	N	N	P	P	P	P	N	1 per 350 GFA
Hardware stores	44413	N	N	N	N	N	P	P	P	P	N	1 per 350 GFA
Other building material dealers	44419	N	N	N	N	N	N	P	P	P	N	1 per 1,000 GFA
Lawn and garden equipment and supplies stores	4442	N	N	N	N	N	N	P	P	P	P	1 per 1,000 GFA
Food and beverage stores	445	N	N	N	N	N	P	P	P	P	N	1 per 350 GFA
Convenience stores	4451	N	N	N	N	N	P	N	P	P	N	1 per 350 GFA
Fruit and vegetable	44523	N	N	N	N	N	P	P	P	P	N	1 per 350 GFA
Liquor	4453	N	N	N	N	N	P	P	P	P	N	1 per 350 GFA
Health and personal care	446	N	N	N	N	N	P	P	P	P	N	1 per 350 GFA
Gasoline stations	447	N	N	N	N	N	N	N	P	P	P	1 per 600 GFA
Truck stops	44719	N	N	N	N	N	N	N	N	P	P	1 per 600 GFA
Clothing and accessory stores	448	N	N	N	N	N	N	P	P	P	N	
Sporting goods, hobbies, books, and music	451	N	N	N	N	N	N	P	P	P	N	1 per 350 GFA
General merchandise stores	452	N	N	N	N	N	N	P	P	P	N	1 per 350 GFA
Miscellaneous retail	453	N	N	N	N	N	N	P	P	P	N	1 per 350 GFA
Flea markets	4533	N	N	N	N	N	N	N	P	P	N	1.5 per stall
Manufactured home dealers	45393	N	N	N	N	N	N	N	P	P	N	1 per 1,000 GFA
Non-store retailers	454	N	N	N	N	P	P	P	P	P	N	1 per 350 GFA
Fuel dealers	45431	N	N	N	N	N	N	N	P	P	P	1 per 1,000 GFA

Vendors (section 46-294)	NA	N	N	N	N	N	N	C	C	C	N	2 per vendor
Sector 48-49: Transportation and warehousing												
Air transportation	481	N	N	N	N	N	N	N	P	P	P	By Individual Review
Rail transportation	482	N	N	N	N	N	N	N	P	P	P	1 per 500 GFA
Water transportation	483	N	N	N	N	N	N	N	P	P	P	1 per 500 GFA
Truck transportation	484	N	N	N	N	N	N	N	P	P	P	1 per 500 GFA
Transit and ground passenger transportation	485	N	N	N	N	N	N	P	P	P	P	1 per 500 GFA
Pipeline transportation	486	N	N	N	N	N	N	N	P	P	P	1 per 500 GFA
Scenic and sightseeing transportation	487	N	N	N	N	N	N	P	P	P	P	1 per 500 GFA
Support activities for transportation	488	N	N	N	N	N	N	P	P	P	P	1 per 500 GFA
U.S. Postal Service	491	N	N	N	N	P	P	P	P	P	P	1 per 350 GFA
Warehousing and storage (Dead storage only)	493	N	N	N	N	N	N	N	N	P	P	1 per 1,000 GFA
Sector 51: Information												
Publishing industries	511	N	N	N	N	N	P	P	P	P	P	1 per 750 GFA
Motion pictures and sound industries	512	N	N	N	N	N	N	P	P	P	P	1 per 500 GFA
Motion picture theaters	512131	N	N	N	N	N	P	P	P	P	N	1 per 5 seats
Broadcasting and telecommunications	515-7	N	N	N	N	N	P	P	P	P	P	1 per 500 GFA

Professional, scientific, technical services	541	N	N	N	N	P	P	P	P	P	P	1 per 300 GFA
Display advertising—Signs	54185					See article VII of this chapter						None
Veterinary services, enclosed	54194	N	N	N	N	N	N	N	P	P	P	1 per 350 GFA
Sector 55: Management of companies and enterprises												
Management of companies and enterprises	551	N	N	N	N	P	P	P	P	P	P	1 per 500 GFA
Sector 56: Administrative support and waste management services												
Administrative and support services	561	N	N	N	N	P	P	P	P	P	P	1 per 750 GFA
Landscape services	56173	N	N	N	N	N	N	N	P	P	P	1 per 1,000 GFA
Waste management services	562											
Solid waste collection	56211	N	N	N	N	N	N	N	P	P	P	1 per 1,000 GFA
Hazardous waste treatment and disposal	562211	N	N	N	N	N	N	N	N	N	N	NA
Solid waste landfill (section 46-296)	562212	N	N	N	N	N	N	N	C	C	C	1 per 1,000 GFA

Material recovery facilities (section 46-296)	562920	N	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Solid waste incinerators (section 46-296)	562213	N	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Other non-hazardous facilities (section 46-296)	562219	N	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
All other waste management (section 46-296)	56299	N	N	N	N	N	N	N	P	P	C	1 per 1,000 GFA
Sector 61: Educational services												
Educational services	611											
Elementary and middle schools	6111	P	P	P	P	P	P	N	P	P	N	1 per 15 students, design capacity
High schools	6111	P	P	P	P	N	N	N	P	P	N	1 per 7 students, design capacity
Junior colleges, colleges, universities, professional schools	6112-3	N	N	N	N	P	N	P	P	P	P	8 per classroom, plus 2 per office
Business schools, computer, and management training	6114-5	N	N	N	N	P	N	P	P	P	P	8 per classroom, plus 2 per office
Other schools and instruction	6116	N	N	N	N	P	N	P	P	P	P	8 per classroom, plus 2 per office

Educational support services	6117	N	N	N	N	P	N	P	P	P	P	1 per 500 GFA
Sector 62: Health care and social assistance												
Ambulatory health care services	621											
Offices of physicians, health practitioners	6211-3	N	N	N	N	P	P	P	P	P	N	1 per 200 GFA
Out patient care centers	6214	N	N	N	N	P	P	N	P	P	N	1 per 300 GFA
Medical and diagnostic labs	6215	N	N	N	N	P	N	N	P	P	P	1 per 400 GFA
Home health care services	6216	N	N	N	N	P	P	N	P	P	N	1 per 500 GFA
Other ambulatory health care services	6219	N	N	N	N	P	P	N	P	P	N	1 per 500 GFA
Hospitals	622	N	N	N	N	N	N	N	P	P	N	0.7 per bed
Nursing and residential care facilities	623											
Nursing care facilities	6231	P	P	P	P	P	P	N	P	P	N	1 per 4 beds
Residential mental retardation, mental health, and substance abuse facilities	6232	N	N	P	P	P	P	N	P	P	N	1 per 4 beds
Community care for elderly	6233	P	P	P	P	P	P	N	P	P	N	1 per 4 beds
Social assistance	624											
Individual and family services	6241	N	N	N	N	P	P	N	P	P	N	1 per 350 GFA

Community, food, and housing and emergency and relief services	6242	N	N	N	N	P	P	P	P	P	N	1 per 350 GFA
Vocational rehabilitation services	6243	N	N	N	N	P	P	P	P	P	N	1 per 350 GFA
Child/adult day care services	6244	N	N	N	P	P	P	N	P	P	N	1 per 600 GFA
Sector 71: Arts, entertainment, and recreation												
Performing arts, spectator sports (except racetracks) and related industries	711	N	N	N	N	N	N	P	P	P	N	By individual review
Museums and similar institutions	712	N	N	N	N	P	P	P	P	P	N	1 per 800 GFA
Zoos	71213	Permitted as planned development district only										By individual review
Public parks	71219	P	P	P	P	P	P	P	P	P	P	By individual review
Amusement and recreation industries	713											
Amusement parks, arcades	7131	N	N	N	N	N	N	P	P	P	N	1 per 500 GFA
Golf courses and country clubs	71391	P	P	N	N	N	N	N	P	P	N	5 per hole
Marinas	71393	N	N	N	N	N	N	P	P	P	N	1.5 per slip
Fitness and recreational sport centers	71394	N	N	N	N	N	P	P	P	P	N	1 per 500 GFA
Bowling centers	71395	N	N	N	N	N	N	N	P	P	N	5 per lane

All other amusement, except outdoor shooting and skeet ranges	713990	N	N	N	N	N	N	P	P	P	N	1 per 500 GFA
Sector 72: Accommodation and food services												
Accommodations	721											
Hotels and motels	72111	N	N	P	P	N	N	P	P	P	N	1.5 per rental unit
Bed and breakfast inns (section 46-297)	721191	N	C	C	C	C	C	C	C	C	N	1.5 per bedroom
Camps and RV parks (section 46-298)	72121	N	N	N	N	N	N	N	C	C	N	Not applicable
Roominghouses and boarding houses, dormitories, group housing	72131	N	N	P	P	P	N	P	P	P	N	1 per bedroom
Eating places, excluding drive-ins	7221-2	N	N	N	N	N	P	P	P	P	N	1 per 150 GFA
Eating places, including drive-ins	7221-2	N	N	N	N	N	N	N	P	P	N	1 per 150 GFA
Special food services	7223	N	N	N	N	N	P	P	P	P	N	1 per 350 GFA
Drinking places	7224	N	N	N	N	N	P	P	P	P	N	1 per 150 GFA
Sector 81: Other services (except public administration)												
Auto repair and maintenance	8111											
General auto repair (section 46-299)	811111	N	N	N	N	N	N	N	C	C	N	3 per service bay
Other repair	8112-4	N	N	N	N	N	N	N	P	P	N	1 per 350 GFA

Personal and laundry services	812												
Personal care services —Beauty, barber, etc.	8121	N	N	N	N	N	P	P	P	P	N	2.5 per chair	
Body piercing/tattoo parlors	812199	N	N	N	N	N	N	N	N	P	N	1 per 350 GFA	
Funeral homes and death care services	8122	N	N	N	N	P	N	P	P	P	N	1 per 4 chapel seats	
Cemeteries	81222	P	N	N	N	N	N	N	P	P	N	None	
Crematories (section 46-292)	81222	N	N	N	N	N	N	N	N	N	C	1 per 4 chapel seats	
Laundry and dry cleaning services	8123	N	N	N	N	N	P	P	P	P	P	1 per 500 GFA	
Coin operated laundries/dry cleaning	81231	N	N	N	N	N	P	N	P	P	N	1 per 250 GFA	
Other personal services	8129												
Pet care	81291	N	N	N	N	N	P	N	P	P	N		
Photo finishing	81292	N	N	P	N	P	P	P	P	P	N	1 per 500 GFA	
Automotive parking lots and garages	81293	N	N	N	N	P	P	P	P	P	P	Not applicable	
Sexually oriented business (section 46-300)	81299	N	N	N	N	N	N	N	N	C	N	1 per 250 GFA	
All other personal services	81299	N	N	N	N	N	P	P	P	P	N	1 per 350 GFA	
Religious, fraternal, civic, professional, political and business organizations	813												
Religious organizations	8131	P	P	P	P	P	P	P	P	P	N	1 per 4 seats in sanctuary	

All other organizations	8132-9	N	N	N	N	P	P	P	P	P	N	1 per 500 GFA
Sector 92: Public administration												
Executive, legislative, and general government	921	N	N	N	N	P	P	P	P	P	P	1 per 350 GFA
Justice, public order and safety	922	N	N	N	N	P	P	P	P	P	P	1 per 350 GFA
Courts	92211	N	N	N	N	P	P	P	P	P	P	1 per 350 GFA
Police protection	92212	N	N	N	N	P	P	P	P	P	P	1 per 350 GFA
Correctional institutions	92214	N	N	N	N	N	N	P	P	P	P	By individual review
Fire protection	92216	N	N	N	N	P	P	P	P	P	P	4 per bay
Administration of human resources	923	N	N	N	N	P	N	P	P	P	P	1 per 350 GFA
Administration of environmental quality and housing program	924-5	N	N	N	N	P	N	P	P	P	P	1 per 350 GFA
Administration of economic programs residential uses	926	N	N	N	N	P	N	P	P	P	P	1 per 350 GFA
Site built dwellings	NA											
Single-family detached	NA	P	P	P	P	P	N	P	P	P	N	2 per dwelling
Single-family attached	NA	*	*	P	P	P	N	P	N	N	N	
Duplex	NA	N	N	P	P	P	N	P	N	N	N	2 spaces per unit
Multifamily, apartments (section 46-301)	NA	N	N	C	N	C	N	C	N	N	N	1.5 spaces per unit
Townhouses (section 46-302)	NA	C*	C*	C	C	C	N	C	N	N	N	2 spaces per unit

Patio homes (section 46-303)	NA	C*	C*	C	C	C	N	C	N	N	N	2 spaces per unit
Triplex and quadruplex	NA	N	N	P	N	P	N	P	N	N	N	2 spaces per unit
Manufactured dwellings	NA											
Residential designed (section 46-304)	NA	N	N	N	C	N	N	N	N	N	N	2 spaces per unit
Manufactured home parks (section 46-305)	NA	N	N	N	C	N	N	N	N	N	N	2 spaces per unit
Modular homes	NA	P	P	P	P	P	N	P	P	P	N	2 spaces per unit
Accessory uses to residential uses												
Bathhouses and cabanas	NA	P	P	P	P	P	N	N	P	P	N	None
Domestic animal shelters	NA	P	P	P	P	P	N	N	P	P	N	None
Non-commercial greenhouses	NA	P	P	P	P	P	N	N	P	P	N	None
Storage building/workshop	NA	P	P	P	P	P	N	N	P	P	N	None
Swimming pool, tennis courts	NA	P	P	P	P	P	N	N	P	P	N	None
Auxiliary shed, workshop, detached garage	NA	P	P	P	P	P	N	N	P	P	N	None
Home occupation (section 46-306)	NA	C	C	C	C	C	N	C	C	C	N	None
Horticulture, gardening	NA	P	P	P	P	P	N	N	P	P	N	None
Accessory apartments (section 46-307)	NA	N	N	C	C	C	N	N	C	C	N	

Family day care home	NA	P	P	P	P	P	N	P	P	P	N	None
Satellite dishes, etc.	NA	P	P	P	P	P	N	P	P	P	N	None
Accessory uses to nonresidential uses												
Buildings, structures	NA	P	P	P	P	P	P	P	P	P	P	None
Open storage (section 46-308)	NA	N	N	N	N	N	N	N	C	C	C	None
Temporary uses												
All temporary uses (section 46-309)	NA	C	C	C	C	C	C	C	C	C	C	Sec. 318

(a) Off-street parking requirements computed on basis of number of spaces per square feet of Gross Floor Area (GFA)

(b) Lot area, yard, setback, height and lot coverage requirements.

Table 3. Schedule of Lot Area, Yard, Setback, Height, and Lot Coverage Requirements, by Zoning Districts

Minimum Building Setbacks													
District	Minimum Lot Area (a)		Minimum Lot Width (feet) (b)	Front Yard Setback		Side Yard Setback		Rear Yard Setback		Maximum Height (feet)	Maximum Impervious Surface Ratio (%)	Maximum Residential Density (c)	Max. Floor Area Ratio Non-Res. Uses
	Res.	Non-Res.		Local Street	Collector Arterial	Res.	Non-Res.	Res.	Non-Res.				
R-1	20,000	20,000	80	30	40	10	50	30	50	45	<u>35</u>	2	25%
R-2	1,500	15,000	70	30	40	10	40	25	40	45	40	4.5	30%
R-3	(d)	10,000	60	30	40	(e)	40	25	40	45	65	12	55%
RM	5,500	10,000	60	30	40	6	40	25	40	<u>35</u>	55	8	45%
RP	(d)	5,500	60	30	40	6	6	25	25	45	75	12	65%
B-1	8,800	10,000	100	30	40	10	6	20	20	45	75	4.5	65%

B-2	NA	NA	NA	NA	NA	NA	NA	NA	NA	60	100	NA	NA
B-3	NA	10,000	80	30	40	NA	(f)	NA	20	45	75	NA	75%
B-4	NA	10,000	80	30	40	NA	(f)	NA	20	60	75	NA	75%
M	NA	20,000	100	30	40	NA	20	NA	30	60	80	NA	80%

Notes To Table 3:

- a. Lot area is expressed in square feet.
- b. Measurement from front property line.
- c. Number of dwelling units per gross acre, including private streets, common areas, right-of-way, etc.
- d. 5,500 square feet minimum for first unit; 3,300 square feet for each additional unit.
- e. Six foot setback for single and two family dwellings; 10 feet for all other residential uses; for each three feet in building height, over 35 feet.
- f. Six foot setback on one side only, except that commercial condominium projects shall be allowed to share interior property lines; provided a 6' setback is observed at both ends, and that no such project shall exceed 600 feet parallel to a street.

NA: Not applicable.

(Ord. No. 01-05, ch. 46, tbls. 2, 3, 3-15-2005; Ord. No. 2-21-02, § 1, 3-16-2021)

Secs. 44-261—44-281. - Reserved.

DIVISION 4. - PUD, PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 44-282. - Types of PUDs.

There are hereby created two types of PUDs:

- (1) *Type A.* A type A PUD is one which is similar in use and intensity to the district in which it is to be located.
- (2) *Type B.* A type B PUD is one that may include any use or combination of uses and intensity levels, irrespective of prevailing zoning district requirements where it is to be located.

(Ord. No. 01-05, § 46-121, 3-15-2005)

Sec. 44-283. - Permitted uses.

- (a) *Type A PUDs.* Permitted uses in type A PUDs shall coincide with those listed by Table I for the district in which they are to be established. No use shall be permitted in a type A PUD that is not clearly permitted in the district in which it is to be established.
- (b) *Type B PUDs.* Any use or combination of uses meeting the objectives of this section may be established in a type B PUD upon review and approved amendatory action by the planning commission and city council. Once approved, the proposed uses and no others shall be permitted. Such uses shall be identified and listed on the basis of classification, i.e., retail, office, wholesale, residential multifamily, residential single-family detached, manufacturing, etc. The list of approved uses shall be binding on the applicant and any successor in title, so long as the PUD zoning applies to the land, unless otherwise amended by ordinance.

(Ord. No. 01-05, § 46-122, 3-15-2005)

Sec. 44-284. - Establishment of PUD districts.

- (a) *Type A PUDs.* Type A PUDs may be established in any zoning district subject to the requirements of this section, and review and approval

by the planning commission. Rezoning is not required to establish a type A PUD. However, the planning commission shall hold a public hearing on the PUD plan, having given five days' notice of time and place in a newspaper of general circulation in the city. Planning commission approval shall be final for type A PUDs, unless appealed within ten days to the council, who may, after due process, reverse, modify or affirm action by the commission.

- (b) *Type B PUDs.* Type B PUDs shall be established on the official zoning map by the same procedures as for amendments generally (article II, division 5 of this chapter) and in accord with the requirements of this section. Additionally, each PUD district shall be identified by the prefix and number indicating the particular district, as for example PUD (B-1), together with whatever other identification appears appropriate.

(Ord. No. 01-05, § 46-123, 3-15-2005)

Sec. 44-285. - Site plan requirements.

A site plan showing the proposed development of the area (zone) shall be prerequisite to approval of a PUD. The site plan shall adhere to the requirements of sections 44-286 and 44-287 and shall address or show the following:

- (1) The proposed title of the project, project designer and the developer.
- (2) The boundaries of the property involved, the general location of all existing easements, property lines, existing streets, buildings and other existing physical features on the project site.
- (3) The approximate location of existing and proposed sanitary and storm sewers, water mains, street lighting, and other service facilities in or near the project.
- (4) The general location and dimensions of proposed streets, driveways, curb cuts, entrances and exits, parking and loading areas (including numbers of parking spaces).
- (5) The general location of proposed lots, setback lines, easements and a conceptual land use plan.
- (6) The general location and approximate heights of all principal and accessory buildings and dimensions of structures.
- (7) The general location and description of all fences, walls, screens, buffers, plantings and landscaping.
- (8) The general location and number of dwelling units for multifamily projects.
- (9) The general location, character, size and height of all signs.
- (10) The position of the proposed development in relation to its surroundings.
- (11) A tabulation of the number of acres in the project by use.

The planning commission may establish additional requirements for site plan approval, and in special cases, may waive a particular requirement, if, in its opinion, the inclusion of that requirement is not essential to a proper assessment of the project.

(Ord. No. 01-05, § 46-124, 3-15-2005)

Sec. 44-286. - Minimum area required.

Minimum area requirements for establishing a PUD shall be two acres.

(Ord. No. 01-05, § 46-125, 3-15-2005)

Sec. 44-287. - Development standards.

(a) *Density and height requirements.*

- (1) *Type A PUDs.* Residential density and the height of buildings and structures shall not exceed the limits for the district in which a type A PUD is to be located.
 - (2) *Type B PUDs.* Residential density and height of buildings and structures shall be determined by the scale of the project in relation to its surroundings and its impact on existing support facilities, i.e., transportation, water and sewer systems, recreation facilities, etc.
- (b) *Overall site design.* Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, size of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks and size of open spaces shall be encouraged.
- (c) *Parking and loading.* Off-street parking and loading spaces for each PUD shall comply with the requirements of article IV of this chapter.

- (d) *Buffer areas.* Buffer areas shall be required for peripheral uses only, and shall be provided in accord with the minimum requirements for ad uses prescribed by article V, division 2 of this chapter. Buffer areas are not required for internal use.
- (e) *Streets and street improvements.* Private streets are permitted in an approved PUD, provided that such streets meet the design and construction standards for public streets.
- (f) *Landscaping and common open space.* Landscaping and open space requirements for each PUD shall comply with the provisions of article V, divisions 3 and 4 of this chapter.

(Ord. No. 01-05, § 46-126, 3-15-2005)

Sec. 44-288. - Action by planning commission and city council.

Action by the planning commission and city council may be to approve the plan and application to establish a PUD, to include specific modifications to the plan, or to deny the application to rezone or establish a PUD. If the plan and/or zoning are approved, the applicant shall be allowed to proceed in accord with the approved PUD plan as supplemented or modified in a particular case, and shall conform to any time or priority limitations established for initiating and/or completing the development in whole, or in specified stages. If the application is denied, the applicant shall be so notified.

(Ord. No. 01-05, § 46-127, 3-15-2005)

Sec. 44-289. - Administrative action.

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

(Ord. No. 01-05, § 46-128, 3-15-2005)

Sec. 44-290. - Changes in approved PUD plans.

- (a) Except as provided in this section, approved PUD plans shall be binding on the owner and any successor in title.
- (b) Minor changes in approved PUD site plans may be accommodated by the administrator with review and concurrence by the city attorney, on application by the applicant, upon making a finding that such changes are:
 - (1) In accord with all applicable regulations in effect at the time of the amendment creating the PUD district, as modified in the amending action; or
 - (2) In accord with all applicable regulations currently in effect, without modification.
- (c) In reaching a decision as to whether the change is minor or substantial enough to require reference back to the planning commission for approval, the administrator shall use the following criteria:
 - (1) Any increase in intensity of use shall constitute a modification requiring planning commission approval. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in the number of dwelling or lodging units, or an increase in the amount of outside land area devoted to sales, displays or demonstrations.
 - (2) Any change in parking areas resulting in an increase or reduction of five percent or more in the number of spaces approved shall constitute a change requiring planning commission approval.
 - (3) Structural alterations significantly affecting the basic size, form and style of a building, as shown on the approved plan, shall be considered a change requiring planning commission approval.
 - (4) Any reduction in the amount of open space resulting in a decrease of more than five percent or any substantial change in the location or characteristics of open space shall constitute a change requiring planning commission approval.
 - (5) Any change in use from one use group to another shall constitute a change requiring planning commission approval.
 - (6) Substantial changes in pedestrian or vehicular access or circulation shall constitute a change requiring planning commission approval.
- (d) Changes other than as indicated in subsection (c) of this section shall be made only by reference to city council and the creation of a new PUD or other map amendment.

(Ord. No. 01-05, § 46-129, 3-15-2005)

Sec. 44-291. - Expiration of time limits on PUD amendments.

If a time limit is set as part of the establishing agreement and action is not taken within the time limit set, the administrator shall review the circumstances and recommend to the planning commission that:

- (1) PUD status or zoning for the entire area be continued with revised time limits; or
- (2) PUD status or zoning be continued for part of the area, with or without revised time limits, and the remainder be rezoned to an appropriate category.

(Ord. No. 01-05, § 46-130, 3-15-2005)

Secs. 44-292—44-315. - Reserved.

DIVISION 5. - FHO, FLOOD HAZARD OVERLAY DISTRICT

Sec. 44-316. - Definition; no other development alternative.

- (a) The flood hazard overlay district includes:
 - (1) Floodplains;
 - (2) Areas of shallow flooding;
 - (3) Areas of special flood hazard; and
 - (4) Floodways.
- (b) The development of these areas, where shown on flood hazard boundary maps, issued by the Federal Emergency Management Agency (FEMA) for the city, may not occur where alternative locations exist due to the inherent hazards and risks involved. Before a building permit is issued, the applicant shall demonstrate that new structures cannot be located out of the flood hazard district. Where there is no alternative to a location in a flood hazard overlay district, proposed development shall be regulated by this division.

(Ord. No. 01-05, § 46-131, 3-15-2005)

Sec. 44-317. - General development standards.

- (a) New construction and substantial improvements of existing structures shall be anchored to prevent floatation, collapse, or lateral movement of the structure.
- (b) New construction and changes of existing structures below the minimum first floor elevation shall be constructed with materials and utility equipment resistant to flood damage.
- (c) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.
- (d) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (e) Manufactured homes shall be anchored to prevent floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (g) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (h) On-site waste disposal systems shall be located and constructed to avoid impairment or contamination during flooding.
- (i) Any alteration, repair, reconstruction, or improvement to a structure, which is not in compliance with the provisions of this chapter, shall be undertaken only if nonconformity is not furthered, extended, or replaced.

(Ord. No. 01-05, § 46-132, 3-15-2005)

Sec. 44-318. - Specific development standards.

In all areas of special flood hazard where base flood evaluation data are available, the following shall be required:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one foot above the base flood elevation. A pre-construction and post-construction flood evaluation shall be submitted. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, creating a fully enclosed area, said enclosed area shall:
 - a. Be designed to preclude permanent living space;
 - b. Be useable solely for parking vehicles, building access, or storage; and
 - c. Include openings sufficient to facilitate unimpeded movement of floodwaters and/or be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 1. Provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one foot above grade;
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and,
 4. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side.
- (2) *Nonresidential construction.* New construction or substantial improvements of any commercial, industrial, or nonresidential structure shall have the lowest floor elevated no lower than one foot above the level of the base flood elevation. No basements are permitted. A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied.
- (3) *Temporary development.* All applicants for a temporary use must submit to the administrator, prior to the issuance of a building permit, a written plan for the removal of any temporary use or structure in the event of a hurricane or flash flood warning notification. The plan shall be reviewed and approved in writing, and must include the following information:
 - a. A specified time for which the temporary use will be permitted;
 - b. The name, address, and phone number of the individual responsible for the removal of said use;
 - c. The time frame prior to the event at which any structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - d. A copy of a contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed;
 - e. Designation, accompanied by documentation, of a location outside the floodplain to which said temporary structure will be moved; and
 - f. A plan to restore the area to its natural condition once the temporary permit expires or the temporary use is terminated, whichever is first.
- (4) *Accessory structures.* An accessory structure, the cost of which is greater than \$3,000.00, must comply with the elevated structure requirements of this section. When accessory structures of \$3,000.00 or less are to be placed in the floodplain, such structures shall:
 - a. Not be used for human habitation, including work, sleeping, living, cooking, or restroom areas; and
 - b. Be designed to have low flood damage potential, be constructed and placed on the building site so as to offer minimum resistance to floodwaters, and be firmly anchored to prevent flotation, collapse, or lateral movement.
- (5) *Floodways.* The following provisions shall apply within floodways:
 - a. No encroachments, including fill, new construction, substantial improvements, additions, or other developments shall be permitted unless it has been demonstrated through hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of a base flood.
 - b. Where no such increase is certified, new construction and substantial improvements may be permitted in compliance with the requirements of this section.
 - c. Permissible uses exempt from such certification include general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses, lawns, gardens, play areas, picnic grounds, hiking and horseback riding trails, provided that they do not employ structures or fill.

- (6) *Standards for streams and/or floodways without established base flood elevations.* Development contiguous to small streams where no have been provided or where no floodways have been identified shall adhere to the following:
- a. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered, professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of base flood discharge.
 - b. Where no such increase is certified, new construction and substantial improvements may be allowed within such areas provided all applicable provisions of this section are satisfied.
- (7) *Standards for areas of shallow flooding (AO Zones).* Development within the areas subject to shallow flooding in the AO Zone shall adhere to the general and specific development standards of this section.

(Ord. No. 01-05, § 46-133, 3-15-2005)

Sec. 44-319. - Warning and disclaimer of liability.

The degree of flood protection required by this chapter is based on scientific and engineering considerations. However, larger floods can and will occur on rare occasions. Therefore, this chapter shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that may result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. No. 01-05, § 46-134, 3-15-2005)

Secs. 44-320—44-341. - Reserved.

DIVISION 6. - HPO, HISTORIC PRESERVATION OVERLAY DISTRICT

Sec. 44-342. - Establishment, expansion, modification and contraction.

- (a) *Establishment.* The HPO district is hereby established as an overlay district. As such, the "underlying" or primary zone district determines permitted uses.
- (b) *Process for expansion and modification.*
 - (1) An HPO district shall be established, modified, or contracted in size on the official zoning map in accord with the provisions for amendments generally, article II, division 5 of this chapter, and in accord with the requirements of this section.
 - (2) a. However, before an amendment to establish or modify an existing designation is forwarded to the planning commission for action, it must first be referred to the historic preservation commission for consideration and recommendation.
 - b. The historic preservation commission shall conduct investigative studies of the proposed amendment to determine the historical significance of the area, buildings and/or structures in question, conduct a public meeting on the matter, then recommend to the planning commission a course of action to approve, approve with conditions, or disapprove the proposed amendment.
 - (3) Upon receiving the results of such studies, reports, and recommendation from the HPO commission, the planning commission shall review the matter in accord with the guidelines for processing amendments generally, and then forward a recommendation to city council.
 - (4) a. The city council shall then act on such recommendation, following an advertised public hearing and, if approved, shall instruct the administrator to establish the HPO district on the official zoning map.
 - b. Owners of properties proposed for historic designation shall be notified in writing 30 days prior to consideration by city council. Owners may appear before the city council to voice approval or opposition to such designation. Any property owner objecting to a decision by the city council may file suit against the city before the courts of the state.
- (c) *Initiation of process.* HPO districts may be established as follows:
 - (1) By petition to the administrator of more than ten percent of the property owners in a proposed historic district; or
 - (2) By initiative of the HPO commission, the planning commission or the city council.
- (d) *Criteria and requirements for modification and/or expansion.* Consideration and recommendation for historic designation and inclusion in the HPO district shall be based on the following criteria. The proposed building or structure:

- (1) Has significant inherent character, interest, or value as part of the development or heritage of the community, state, or nation;
- (2) Is the site of a significant event in history;
- (3) Is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation;
- (4) Exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation;
- (5) Individually, or as a collection of resources, embodies distinguishing characteristics of a type, style, period, or specimen in architecture or engineering;
- (6) Is the work of a designer whose work has influenced significantly the development of the community, state or nation;
- (7) Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation;
- (8) Is part of or related to a square or other distinctive element of community;
- (9) Represents an established visual feature of the community; or
- (10) Has yielded, or may be likely to yield, important historical information.

(e) *Plan and strategy requirement.* Additionally, an historic district preservation plan and strategy shall be required. The plan shall include an investigation and report describing the significance of the buildings, structures, features, sites, or surroundings included in the proposed historic district, together with a description of the proposed historic district's boundaries. The preservation strategy shall include, but not be limited to, the following:

- (1) The need for the historic district, including the specific reasons why the regulatory provisions of this chapter should be applied in order to effectively accomplish the preservation of the area;
- (2) The principles, design guidelines and criteria to be followed in the historic district for exterior activities involving new construction, alteration, restoration, or rehabilitation and which shall be the basis for the commission's review and action upon an application for a certificate of appropriateness; and
- (3) A description of the various financial incentives proposed for use in promoting preservation within the historic district, how those incentives would be utilized and how property owners will be made aware of them.

(Ord. No. 01-05, § 46-135, 3-15-2005)

Sec. 44-343. - Funding public improvements within district.

(a) *Assessment of real property; lien; collection of tax.* In addition to municipal taxes levied on real property pursuant to S.C. Code 1976, § 5-21-110 and chapter 34, all real property located within the district shall be assessed at non-uniform rates as provided by ordinance 4.3, based on the commercial uses and location of the real property within the district. The assessment shall become a lien on the property as to which it is assessed. The municipal clerk, together with all other municipal real property taxes as provided in this Code, shall collect the tax generated by such assessment.

(b) *Basis of assessment; assessment categories.* The assessment shall be based upon the assessed value of the real property within the district and categorized as follows:

Category	Factor
On the public square	Assessed value × 0.1460 = Assessment
Off the public square	Assessed value × 0.0365 = Assessment
Vacant lots (in both categories)	Assessed value × 0.0185 = Assessment
Residential and nontaxable (in both categories)	Assessed value × 0.000 = Assessment

- (1) No property owner shall pay an assessment in excess of \$3,000.00.

(2) There shall be an accumulated minimum assessment of \$100.00 with respect to property on the public square. Such minimum shall have application to property designated as off the public square.

(c) *Disposition of proceeds from assessment of real property.* The proceeds generated from the assessment on real property within the district shall be paid by the city to the corporation on a monthly basis to pay the costs and expenses incurred by Main Street Laurens USA, Inc. and for such other uses as may be provided for under the Municipal Improvement Act of 1973, S.C. Code 1976, § 5-37-10 et seq.

(Ord. No. 01-05, § 46-136, 3-15-2005)

Sec. 44-344. - Certificate of appropriateness.

(a) *Certificate required.* Once a property or area has been designated and included in an historic preservation overlay district, a certificate of appropriateness, approved by the HPO commission, shall be required before any exterior building or structural alterations not expressly exempt by this section may occur, and no building permit shall be issued without said certificate. In granting a certificate of appropriateness, the commission shall take into account:

- (1) Appropriateness of altering, moving or demolishing any designated building, structure, or landmark. The commission shall consider the historic, architectural, and aesthetic features of buildings, their relationship to the district, and importance to the district.
- (2) Appropriateness of exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be included within the district.
- (3) Appropriateness of exterior design of any extension of any existing building or structure.
- (4) Appropriateness of front yards, location of entrance drives into the property, and sidewalks along the public right-of-way, which might affect the character of any building or structure.
- (5) Appropriateness of the general exterior design, scale, proportion, arrangement, texture, and material of any building or structure in question and the relation of such factors to similar buildings in the immediate area. However, the commission may not make requirements as to the use of such structure as long as the use is permitted by the primary or "underlying" zone district.
- (6) The commission shall not consider interior changes to buildings and no certificate of appropriateness shall be required for interior changes. However, this does not excuse the property owner from obtaining required building permits for interior work.

(b) *Guidelines for determining appropriateness.* In its deliberations of an application for a certificate of appropriateness, the commission shall be guided by local standards, where adopted by the commission, and/or standards included in the Secretary of the Interior's Standards for Rehabilitation, as follows:

- (1) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- (2) The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- (3) Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, will not be undertaken.
- (4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- (5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- (6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- (7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- (8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- (9) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.
- (10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the

essential form and integrity of the historic property and its environment would be unimpaired.

- a. All first floor openings originally designed, as windows shall be maintained as windows, complete with sills, lintels, frame and glass.
- b. The exterior surfaces of all buildings and/or structures shall be painted in a color as approved by the historic preservation commission.
- c. All exterior surfaces, which require paint or sealing in order to protect the underlying surface from deterioration shall be so painted or sealed.
- d. All exterior surfaces, which have been painted, shall be maintained free of peeling and flaking.
- e. All chimneys, flues and vent attachments thereto shall be maintained structurally sound; free from defects so as to capably perform at all times the functions for which they were designed. Chimneys, flues, gas vents or other draft producing equipment shall provide sufficient draft to develop the rated output of the connected equipment; and shall be structurally safe, durable, smoke tight and capable of withstanding the action of flue gases.
- f. All exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railing properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair, and free of defects.
- g. All cornices shall be made structurally sound, and rotten or weakened portions shall be removed and/or replaced to match as closely as possible the original patterns. All exposed wood shall be painted.
- h. Where landscaping has been incorporated in the development plan of a commercial business, or where landscaping has been required by the city as part of a development plan (including parking plans), the landscaped areas shall be maintained in a manner to equal and reflect the original landscaping approved for the development plan.
- i. Damage to public sidewalks and/or curb and gutter located in the public right-of-way shall be repaired or replaced at no expense to the city when such damage is caused by vehicles making deliveries to the premises under the control of the owner and/or operator.
- j. Vending machines, with the exception of newspaper racks, are prohibited from being placed on sidewalks and streets, except during designated special events and festivals.
- k. All unused and non-decorative metal hooks; clips, angles and brackets shall be removed from all building facades.
- l. All exposed electrical wiring shall be removed from the facades of all buildings. Electrical wiring concealed in conduit with weather head installations shall be permitted.
- m. Brackets, support rods, chains, cables and other support systems attached to canopies, awnings or other coverings protruding over the public right-of-way which are visible from 100 feet and at six feet above the ground, must be removed. It shall be the responsibility of the property owner to remove or reinstall all such canopies and awnings to be structurally sound, and to comply with this visual standard.
- n. All windows shall be repaired or replaced, and no windows may be permanently boarded up.
- o. All paneled areas, which cover original brickwork, other than as recessed in the original transom areas or in areas below the original transom area, shall be removed, and the original brickwork restored.
- p. The roofs of all buildings and/or structures shall be maintained in compliance with all applicable building codes.

(c) *Exemptions from requirements for certificate.* The following activity shall be exempt from the requirements for a certificate of appropriateness:

- (1) Ordinary maintenance or repair of any exterior architectural feature that does not involve a change in the design, material, color, or outer appearance of a building or structure.
- (2) Construction, reconstruction, alteration, restoration or demolition of any such feature, which is determined to be a threat to the public safety. The Laurens Inspections Department shall certify in writing to the commission that such action is required for the public safety because of an unsafe or dangerous condition.

(d) *Application filing procedures for certificate.* Applications for a certificate of appropriateness shall be considered by the commission at its next regularly scheduled meeting, provided they have been filed at least 14 business days before the meeting. If the commission fails to take action upon any application within 45 days after the complete application is received, the application shall be considered approved, except in cases where the commission has postponed an application to demolish a structure under the provisions contained in this chapter. All certificates of appropriateness will expire one year from the time they are approved.

(e) *Contents of application.* The commission shall, in its Rules of Procedure, require data as is reasonable and necessary to determine the

nature of the application. An application shall not be considered complete until all the required data has been submitted. Three copies each of the following shall accompany application for a certificate of appropriateness for alterations and/or additions to existing structures, or for erection of any new structures and/or signs, or modification of existing signs:

- (1) Drawings, including plans and exterior elevations, drawn to scale.
- (2) Specifications or other information describing proposed materials, textures and colors, including samples of materials or color samples.
- (3) Plot plan or site layout showing all structures, walls, walks, terraces, plantings, accessory structures, signs, lights and other elements.
- (4) Photographs of the site location, showing contiguous properties and streetscapes.

An application for a certificate of appropriateness shall not be considered complete until all the above data have been submitted; however, the commission may, in appropriate cases, waive submission of any of the foregoing data. All of the data shall be filed with the administrator, and the administrator shall transfer such data, together with the application, to the commission within seven days of receipt of the same. Nothing shall keep an applicant from filing with the application additional relevant information bearing on the application.

- (f) *Notification of application filed.* Upon receipt of an application for a certificate of appropriateness, the commission shall inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard.
- (g) *Denial and submission of new application.*
 - (1) If the commission denies an application for a certificate of appropriateness a new application affecting the same property may be submitted only if substantial change is made in the plans for the proposed work.
 - (2) Where an applicant alleges that denial of his application has created an unnecessary hardship, he may reapply to the commission citing specifics of the hardship. Unnecessary hardship is to be considered by the commission where one or more of the following unusual and compelling circumstances exist:
 - a. The property cannot reasonably be maintained in the manner dictated by the chapter;
 - b. There are no other reasonable means of saving the property from deterioration, or collapse; or
 - c. The property is owned by a nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately. Note: The owner may be required to submit documents to show the inability to comply with the design guidelines and earn a reasonable rate of return on the investment in the property.
 - (3) If the commission denies, or postpones for 180 days, a request to demolish a historic building, the commission shall work closely with the owner to find an appropriate use for the property, to help find a buyer or to obtain funding for rehabilitation, including low interest loans or grants. The commission shall inform the community concerning the threat to the building, its value as part of the fabric of the community and, through publicity and contacts with civic groups, seek to provide assistance in preserving the property.

(Ord. No. 01-05, § 46-137, 3-15-2005)

Sec. 44-345. - Deviations and appeals.

- (a) *Deviations.* City council recognizes that, because of the wide range of locations, buildings and properties to which this chapter must apply, it is neither possible nor prudent to establish inflexible requirements related to minimum standards. Therefore, the administrator and the historic preservation commission may authorize deviations from the requirements of this chapter wherever they find that such deviations are necessary because of particular circumstances associated with a building, property or business. Whenever the commission and administrator allow or require a deviation from the requirements, such deviations shall be noted on the face of the certificate of appropriateness, along with the reasons for allowing or requiring the deviation.
- (b) *Appeal to commission.* Any person aggrieved or having a substantial interest in any decision made by the administrator relative to a notice of noncompliance may appeal such decision.
- (c) *Appeal to circuit court.* Any person who may have a substantial interest in any decision of the historic preservation commission may appeal from any decision of the commission to the circuit court. The person must file a written petition with the clerk of court stating why the decision is contrary to law. The appeal must be filed within 30 days after the affected party receives action notice of the decision of the historic preservation commission. The appeal shall proceed in accordance with Ordinance 6-29-900 of the Code of Laws of South Carolina.

(Ord. No. 01-05, § 46-138, 3-15-2005)

ARTICLE IV. - SUPPLEMENTAL OFF-STREET PARKING AND LOADING REGULATIONS

Sec. 44-364. - Purpose.

The requirements of this article shall supplement the off-street parking requirements contained in Table 1 of this chapter.

Sec. 44-365. - General requirements.

- (a) Areas suitable for parking or storing shall be required at the time of initial construction or conversion in use of any principal building which produces or proposes to produce an increase in dwelling units, guest rooms, floor area, seating or bed capacity.
- (b) Off-street parking spaces shall be provided on the same lot or parcel as the principal use for which they are required.
- (c) All off-street parking facilities including, but not limited to, surfacing, drainage, markings, lighting and landscaping, shall be maintained in a safe, clean and orderly condition at all times.
- (d) The maximum number of off-street parking spaces to be provided shall not exceed 110 percent of the minimum number required.
- (e) The number of off-street parking spaces for uses requiring 100 or more spaces may be reduced by the zoning administrator up to 20 percent on the basis of such data as shared parking, ride sharing programs, provision of public transit, or other acceptable provisions or standards, provided the following requirements are met:
 - (1) The applicant shall enter into a written agreement with the city to provide the additional parking spaces in the future should it be determined that the total required parking spaces are necessary to satisfy the needs of the particular use pursuant to the standards imposed by this chapter.
 - (2) The applicant shall be required to reserve sufficient area to ensure the provision of the additional parking spaces as may be required in the future. The reserved parking area shall not include areas that would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this chapter.
- (f) If there is more than one principal use in the same building or on the same premises, off-street parking may be provided collectively for such uses provided the total number of spaces shall equal the sum of the required spaces for each use calculated separately. The parking spaces provided for one use shall not be used to satisfy the required number of spaces for another. Except that up to 50 percent of the parking spaces required for theaters, public auditoriums, bowling alleys, dancehalls, clubs, churches and religious institutions may be provided and used jointly by financial institutions, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those listed for theaters, public auditoriums, etc.; provided, however, that written agreement ensuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and content by the city attorney, and shall be filed with the application for a building permit.
- (g) Any change in the use of an existing building or premises shall require compliance with the minimum parking requirements applicable to the new use. Any expansion of an existing use shall be required to provide additional off-street parking related to the expansion area only, and shall not be required to provide additional off-street parking related to the existing use.

(Ord. No. 01-05, § 46-146, 3-15-2005)

Sec. 44-366. - Design standards; parking dimensions.

- (a) *Parking spaces.* All required parking spaces shall be not less than nine feet in width and 18 feet in length, exclusive of any access drives, aisles or columns and shall have a vertical clearance of not less than six feet, six inches, with the exception of the following:
 - (1) *Compact spaces.* Not more than 20 percent of the total number of required parking spaces may be designated as spaces for compact vehicles. Such spaces shall be not less than eight feet, six inches in width and 16 feet in length, and must be clearly marked as compact spaces by way of signs and/or surface markings.
 - (2) *Parallel parking spaces.* Parallel parking spaces shall be not less than nine feet in width and 24 feet in length.
- (b) *Aisles.* The width of all driving aisles shall be determined as follows. The angle shall be measured between the centerline of the parking space and the centerline of the aisle.

Parking Angle	Minimum Driving Aisle Width
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90°	24 feet
60°	18 feet
45°	16 feet
Parallel	12 feet
Aisle without parking	20 feet

(Ord. No. 01-05, § 46-147, 3-15-2005)

Sec. 44-367. - Surfacing standards.

- (a) All required off-street parking facilities, except those associated with single-family detached dwellings, shall be covered with an all weather surface material, such as concrete, asphalt, gravel, compacted crushed stone, porous paving blocks, or other material approved by the zoning administrator.
- (b) Loose material surfaces shall be contained with a permanent edging.
- (c) Parking facilities containing ten or more parking spaces shall have surfaces marked by way of painted lines, curbs or other means to delineate individual parking spaces.

(Ord. No. 01-05, § 46-148, 3-15-2005)

Sec. 44-368. - Access to parking.

- (a) Entrances and exits to off-street parking areas shall be designed so as not to obstruct or hinder the free flow of traffic or pedestrian movement on adjacent streets or walkways. Parking facilities for other than single-family dwellings accessing local streets shall be designed so that all movement of vehicles from the parking area onto the street is in a forward motion.
- (b) Any property with frontage not less than 50 feet on an adjoining street or roadway shall have one point of access from the adjoining street.
- (c) Where a property has frontage on two streets, one point of access may be permitted from each, provided that safe and adequate vision clearance can be maintained.
- (d) Where a property has frontage on two streets and the owner agrees to provide access from the secondary street only, the number of parking spaces required may be reduced by not more than 20 percent.
- (e) Where adjoining property owners agree to provide access to their respective properties through a single mutual point of access, the number of parking spaces required for each property may be reduced by not more than 20 percent.

(Ord. No. 01-05, § 46-149, 3-15-2005)

Sec. 44-369. - Landscaping parking lots.

To mitigate the impacts of noise, glare, pollution and other nuisances, and to enhance the appearance and ecology of the site and surrounding area, off-street parking lots consisting of ten or more parking spaces shall be landscaped in accord with the applicable provisions of article V of this chapter.

(Ord. No. 01-05, § 46-150, 3-15-2005)

Sec. 44-370. - Lighting parking lots.

All off-street parking facilities shall be adequately illuminated during nighttime business hours. All light sources shall be white or off-white in color and shall be concealed or shielded so that no light is directed toward adjacent streets or properties.

(Ord. No. 01-05, § 46-151, 3-15-2005)

Sec. 44-371. - Drainage.

All off-street parking facilities shall be designed so as to ensure the adequate drainage of stormwater and to minimize run off from the site. Parking lots shall not drain onto or across public sidewalks, or adjacent property except where there exists a natural watercourse or drainage easement.

(Ord. No. 01-05, § 46-152, 3-15-2005)

Sec. 44-372. - Parking spaces for handicapped persons.

Where off-street parking is required for any use, with the exception of residential dwellings with less than 20 units, parking for handicapped persons shall be included in the overall parking requirements as follows:

Total number of off-street parking spaces required	Number of parking spaces required for handicapped persons
Up to 25	1
<u>26</u> to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	<u>9</u>
Over 500	2 percent of total number required

(1) *Location.* Handicapped parking shall be located as close as possible to ramps, walkways and entrances. The spaces shall be positioned so that a handicapped person need not wheel or walk behind parked vehicles in order to reach the ramp, walkway or entrance.

(2) *Dimensions.* Parking spaces reserved for handicapped parking shall be not less than 12 feet in width and 20 feet in length, and shall be clearly marked by way of signs and/or surface markings.

(Ord. No. 01-05, § 46-153, 3-15-2005)

Sec. 44-373. - Off-street loading areas.

(a) All uses except those in the B-2, central business district shall provide off-street loading space sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street or sidewalk.

(b) Off-street loading and unloading space shall in all cases be located on the same lot or parcel of land as the structures they are intended to serve.

(Ord. No. 01-05, § 46-154, 3-15-2005)

Sec. 44-374. - Parking, storage or use of travel trailers or recreational vehicles in residential zones.

Not more than one recreational vehicle or boat shall be parked or stored in any required front or side yard setback area or within five feet of the rear lot line in a residential district; however, such use may be parked anywhere on a residential premises for a period not to exceed 24 hours during loading or unloading, and recreational vehicles may be used for temporary lodging, up to seven days.

(Ord. No. 01-05, § 46-155, 3-15-2005)

Sec. 44-375. - Parking, storage or use of non-recreational vehicles and equipment in residential zones.

- (a) Up to but not exceeding two automobiles, trucks or trailers of any kind or type, without current license plates, may be parked or stored on any lot zoned for residential use more than 45 days other than in completely enclosed buildings.
- (b) Within any residential zone, the owner or occupant of a dwelling unit may park one commercial motor vehicle with a carrying capacity of not more than two tons.
- (c) Specifically prohibited from parking in any residential zone, including the street right-of-way, when not actively involved in commerce, are flat bed trucks, tow trucks, buses, dump trucks, tractor cabs and/or trailers or combinations thereof.
- (d) Trailers, implements and equipment for commercial use also may be parked or stored on the same lot as a dwelling in any residential zone; provided such uses shall be parked or stored in completely enclosed buildings.

(Ord. No. 01-05, § 46-156, 3-15-2005)

Sec. 44-376. - Parking lot maintenance.

Off-street parking and loading areas shall be maintained in a clean, orderly, dust free, and weed free condition at the expense of the owner or lessee, and shall not be used for the sale, repair or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations.

(Ord. No. 01-05, § 46-157, 3-15-2005)

Secs. 44-377—44-395. - Reserved.

ARTICLE V. - BUFFERING, LANDSCAPING, COMMON OPEN SPACE AND TREE PROTECTION

DIVISION 1. - GENERALLY

Sec. 44-396. - General intent of article.

The regulations contained in this article are intended generally to ensure land use compatibility, to improve aesthetics and to ensure adequate provision of open space.

(Ord. No. 01-05, § 46-171, 3-15-2005)

Secs. 44-397—44-420. - Reserved.

DIVISION 2. - BUFFER AREAS

Sec. 44-421. - Purpose.

The purpose of a buffer area is to ameliorate nuisances between adjacent land uses and streets, and promote land use compatibility. Additionally, the buffer area is designed to safeguard property values and preserve the character and integrity of the community.

(Ord. No. 01-05, § 46-186, 3-15-2005)

Sec. 44-422. - Definitions.

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

Buffer area means a unit of yard, together with plantings, fences, walls and other screening devices required thereon.

(Ord. No. 01-05, § 46-187, 3-15-2005)

Sec. 44-423. - Location.

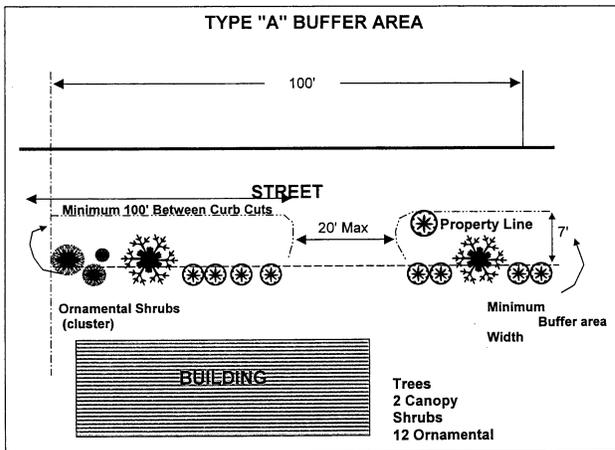
Buffer areas shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. They shall not be located on any portion of an existing street or right-of-way; however, they may occupy part or all of any front, side or rear yard or setback required by this chapter. Where required, buffer areas and/or buffer area structures shall be developed as an integral part of the proposed use.

(Ord. No. 01-05, § 46-188, 3-15-2005)

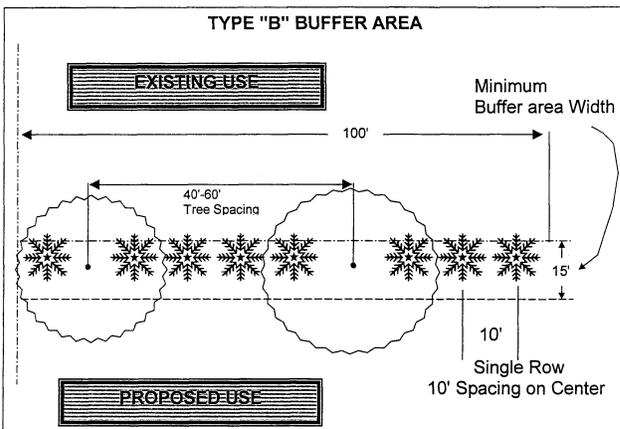
Sec. 44-424. - Design standards.

This chapter requires three types of buffer areas: type A, type B and type C.

- (1) *Type A buffer area.* The type A buffer area consists of low density landscaping between a proposed use and the adjacent street, providing separation between the two. The buffer area shall be a minimum width of seven feet. Per 100 linear feet of frontage, the buffer area shall consist of a combination of 12 ornamental shrubs, two under story trees and landscaped grass areas, or other appropriate ground cover. The shrubs may be clustered to ensure their survival. An example site plan is illustrated by the following diagram:

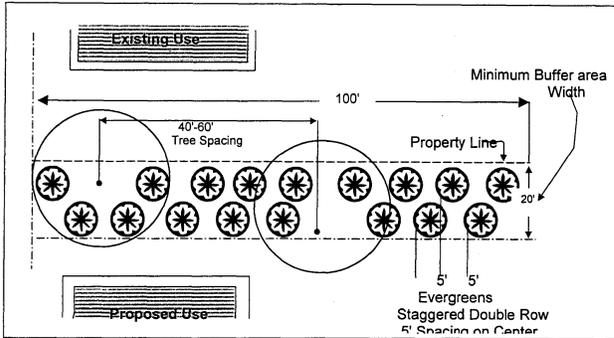


- (2) *Type B buffer area.* The type B buffer area is a medium density screen intended to block visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of ten feet. Per 100 lineal feet, the screen shall consist of a combination of two deciduous trees planted 40 to 60 feet on center and eight evergreen plants ten feet on center. An example site plan is illustrated by the following diagram:



- (3) *Type C buffer area.* The type C buffer area is a high-density screen intended to exclude all visual contact between uses and to create a

spatial separation. The buffer area shall be a minimum width of 20 feet. Per 100 lineal feet, the screen shall consist of a combination of two deciduous trees planted 40 to 60 feet on center and 17 evergreen plants or under story trees planted in a double-staggered row ten feet on center. An example site plan is illustrated by the following diagram:



(Ord. No. 01-05, § 46-189, 3-15-2005)

Sec. 44-425. - Determination of buffer area requirements.

Buffer areas shall be required under the following circumstances:

- (1) *Type A buffer area required.* Whenever a multifamily complex, mobile home park or nonresidential use is proposed, except in the B-2 central business district, a type A buffer area shall be provided along the street right-of-way boundary of the proposed use, separating it from the adjoining street.
- (2) *Type B buffer area required.* Whenever a mobile home park, travel trailer park, multifamily or townhouse project, mini-warehouse, institutional or commercial use is proposed for a site or lot adjoining a residential use in a residentially zoned district with no intervening public or private street or right-of-way of 18 feet or greater, a type B buffer area shall be provided along the boundary of the adjoining residential property line.
- (3) *Type C buffer area required.* Whenever an industrial, warehouse, outdoor storage or related use is proposed for a site or lot adjoining a residential use in a residentially zoned district with no intervening public or private street or right-of-way of 18 feet or greater, a type C buffer area shall be provided along the boundary of the residential property line.

(Ord. No. 01-05, § 46-190, 3-15-2005)

Sec. 44-426. - Buffer area specifications.

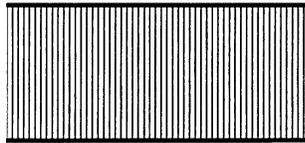
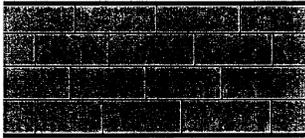
- (a) *Minimum installation size.* At installation or planting, all evergreen (under story) trees and/or shrubs used to fulfill buffer area requirements shall be not less than six feet in height, and all deciduous (canopy) trees shall be not less than eight feet in height, except for ornamental shrubs for type A buffer areas, which may be used.
- (b) *Minimum mature size.* At maturity, evergreen plant material used for screening shall form a continuous opaque screen averaging ten feet in height, and deciduous plant material used for screening shall average 25 feet in height.
- (c) *Staggered planting.* Where required, evergreen and deciduous plant material shall be planted in at least two rows and in an alternating fashion to form a continuous opaque screen of plant material.

(Ord. No. 01-05, § 46-191, 3-15-2005)

Sec. 44-427. - Substitutions.

The following substitutions shall satisfy the requirements of this division:

- (1) *Existing plant materials.* Existing trees of four inches or more in diameter, measured at two feet above the ground, within the required buffer area may be included in the computation of the required buffer area planting, with the approval of the administrator.
- (2) *Fence or wall.* Where, owing to existing land use, lot sizes, or configurations, topography, or circumstances peculiar to a given piece of property, the buffer area requirements of this division cannot reasonably be met, the developer may request and the planning commission may approve the substitution of appropriate screening, in the way of a fence or wall structure along the property line of the proposed use in accord with the following standards: A six-foot fence, as illustrated below, may be substituted for a type B buffer area, and an eight-foot fence may be substituted for a type C buffer area.



Fence and Wall Illustrations

(Ord. No. 01-05, § 46-192, 3-15-2005)

Sec. 44-428. - Responsibility.

It shall be the responsibility of the proposed new use to provide the buffer area where required by this chapter, except that no new detached single-family use shall be required to provide such buffer area.

(Ord. No. 01-05, § 46-193, 3-15-2005)

Sec. 44-429. - Required maintenance.

The maintenance of required buffer areas shall be the responsibility of the property owner, and all such areas shall be properly maintained so as to ensure continued buffering. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences and walls shall be maintained at all times. Failure to do so is a violation of this chapter, and may be remedied in the manner prescribed for other violations.

(Ord. No. 01-05, § 46-194, 3-15-2005)

Sec. 44-430. - Use of buffer areas.

A buffer area may be used for passive recreation; however, no plant material may be removed. All other uses are prohibited.

(Ord. No. 01-05, § 46-195, 3-15-2005)

Secs. 44-431—44-458. - Reserved.

DIVISION 3. - LANDSCAPING

Sec. 44-459. - Purpose.

The purpose of landscaping is to improve the appearance of vehicular use areas and property abutting public rights-of-way; to protect, preserve and promote the aesthetic appeal, scenic beauty, character and value of land; to promote public health and safety through the reduction of noise pollution, stormwater runoff, air pollution, visual pollution and artificial light glare.

(Ord. No. 01-05, § 46-211, 3-15-2005)

Sec. 44-460. - Definitions.

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

Landscaping means a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

(Ord. No. 01-05, § 46-212, 3-15-2005)

Sec. 44-461. - Where required.

Except in the B-2 district, no multifamily or nonresidential use shall hereafter be created or used unless landscaping is provided in accord with the provisions of this division. No existing building, structure or vehicular use area shall be expanded or enlarged unless the minimum landscaping required by the provisions of this division is provided to the extent of the alteration or expansion; landscaping not required for the existing use.

(Ord. No. 01-05, § 46-213, 3-15-2005)

Sec. 44-462. - Landscaping plan.

A landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

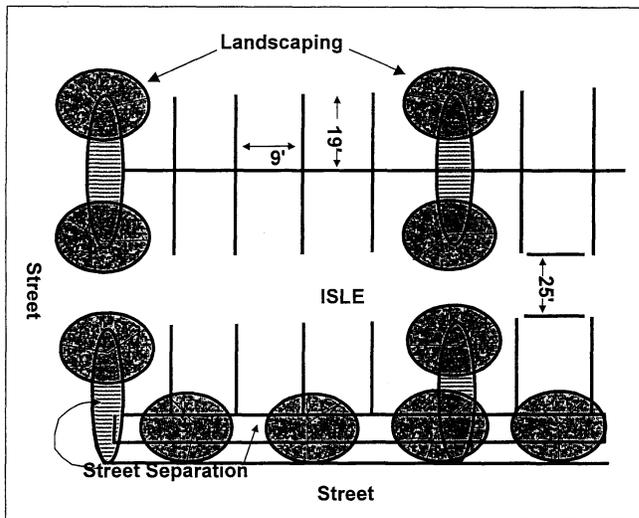
- (1) Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
- (2) Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.
- (3) Identify all existing trees 30 or more inches in circumference (measured at three feet above the ground) in required setback (yard) areas.

(Ord. No. 01-05, § 46-214, 3-15-2005)

Sec. 44-463. - Requirements.

Required landscaping shall be provided as follows:

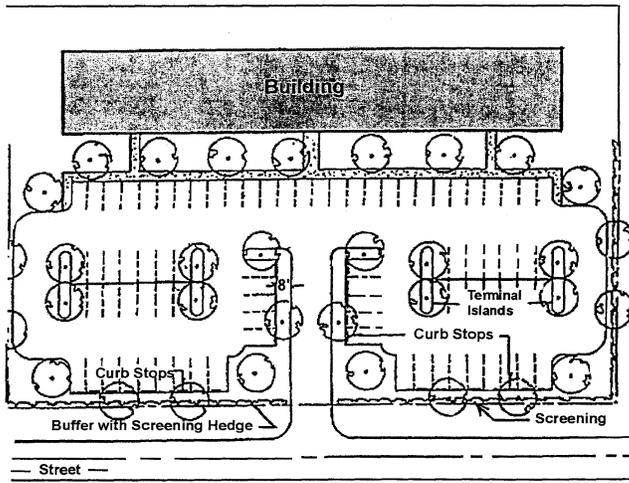
- (1) Along the outer perimeter of a lot or parcel, where required by the buffer area provisions of this article, to separate incompatible land uses. The amount specified shall be as prescribed by division 2 of this article.



- (2) Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 20 or more parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and directions. Elsewhere, landscaped areas shall be designed to soften and complement the building site. At a minimum, interior lot landscaping shall be provided in the following amounts:

Use	Percentage of Lot
Institutional	20
Industrial/wholesale/storage	12
Office	15
Commercial-retail-service	10

Buffer area landscaping may provide up to 50 percent of the above requirement. Landscaping along exterior building walls and structures is suggested to separate with greenery the building from the vehicular surface area.



(Ord. No. 01-05, § 46-215, 3-15-2005)

Secs. 44-464—44-494. - Reserved.

DIVISION 4. - COMMON OPEN SPACE

Sec. 44-495. - Purpose.

The purpose of this division is to ensure adequate open space for high intensity residential development; to integrate recreation, landscaping greenery and/or natural areas into such projects; to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in single-family residential projects.

(Ord. No. 01-05, § 46-231, 3-15-2005)

Sec. 44-496. - Definitions.

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

Common open space means land and/or water bodies used for recreation, amenity or buffer. It shall be freely accessible to all residents of a development, where required by this chapter. Open space shall not be occupied by buildings or structures, roads, parking or road right-of-way; nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

(Ord. No. 01-05, § 46-232, 3-15-2005)

Sec. 44-497. - Where required.

The following uses/projects shall provide open space and/or landscaping in the amounts prescribed:

Proposed Uses/Projects	Common Open Space Ratio (percent of lot)
Cluster developments	15
Townhouse projects	15
Manufactured home parks	20
Multifamily projects	20

Note: Landscaped open areas provided to meet the requirements of division 3 of this article may be applied toward meeting the above requirements if held in common ownership.

- (1) *New sites.* No new development, building or structure in connection with the above shall hereafter be erected or used unless common open space is provided in accord with the provisions of this division.
- (2) *Existing sites.* No existing development, building or structure in connection with the above shall be expanded or enlarged unless the minimum common open space required by the provisions of this division are provided to the extent of the alteration or expansion.

(Ord. No. 01-05, § 46-233, 3-15-2005)

Sec. 44-498. - Common open space plan.

Proposed uses and projects set forth in section 46-497 shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

- (1) Designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.
- (2) Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.
- (3) Specify the manner in which common open space shall be perpetuated, maintained and administered.

(Ord. No. 01-05, § 46-234, 3-15-2005)

Sec. 44-499. - Types of common open space and required maintenance.

The types of common open space, which may be provided to satisfy the requirements of this chapter, together with the maintenance required for each, are as follows:

- (1) *Natural areas.* Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials and brush. Natural watercourses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
- (2) *Recreational areas.* Recreational areas are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ball fields and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances or unhealthy conditions.
- (3) *Greenways.* Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum of removal and avoidance of hazards, nuisances or unhealthy conditions.
- (4) *Landscaped areas, lawns and required buffer yards.* Landscaped areas, lawns and required buffer yards are approved, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two percent of the required open space. Lawns, with or without trees and shrubs shall be watered regularly to ensure survival, and mowed regularly to ensure neatness. Landscaped areas shall be trimmed, cleaned and weeded regularly.

(Ord. No. 01-05, § 46-235, 3-15-2005)

Sec. 44-500. - Preservation of open space.

Land designated as common open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this division by any of the following mechanisms or combinations thereof:

- (1) Dedication of and acceptance by the city.
- (2) Common ownership of the open space by a homeowner's association responsible for its maintenance.
- (3) Deed restricted, with open space and maintenance guarantees.

If any private owner of open space fails to maintain such space, the city may, in accordance with the open space plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain the open space. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

(Ord. No. 01-05, § 46-236, 3-15-2005)

Secs. 44-501—44-523. - Reserved.

DIVISION 5. - TREE PROTECTION

Sec. 44-524. - Purpose.

The purpose of this division is to prevent the clear-cutting of building sites, a practice which destroys the balance of nature, leads to sedimentation and erosion, contributes to air and water pollution, and unnecessarily robs the community of valuable assets.

(Ord. No. 01-05, § 46-251, 3-15-2005)

Sec. 44-525. - Existing trees.

- (a) Because any healthy tree greater than 30 inches in circumference is a valuable natural resource, by virtue of its age and size and its contribution to the environment, all such trees shall be protected to the extent practical and feasible.
- (b) All existing trees, 30 or more inches in circumference, not in the proposed buildable area, shall be flagged and shown on the required plat or site plan for a building permit.
- (c) No more than 20 percent of such trees shall be felled and removed, except by order of the zoning board of appeals owing to unique circumstances surrounding the development of the property.
- (d) Where, due to unusual topographic conditions or circumstances peculiar to a given site, more than 20 percent of the trees to be preserved must be felled, replacement trees not less than 18 inches in circumference shall be planted in like number. To the extent possible, such trees shall be integrated into the required landscaping.

(Ord. No. 01-05, § 46-252, 3-15-2005)

Sec. 44-526. - Development precautions.

After the necessary development approvals have been granted, and before any site work has begun, the developer shall cause protected trees to be marked with a surveyor's flagging. During development, a minimum protective zone with a diameter of one foot per inch of tree diameter, shielded by suitable protective barriers, shall be established (erected) and maintained around all trees to be retained as required by this division.

(Ord. No. 01-05, § 46-253, 3-15-2005)

Secs. 44-527—44-545. - Reserved.

ARTICLE VI. - CONDITIONAL USES

DIVISION 1. - GENERALLY

Sec. 44-546. - Purpose.

The regulations contained in this article are intended to ameliorate the impact and improve the compatibility of uses, buildings, and projects whose design and/or operational characteristics could adversely affect surrounding property and environmental conditions. To this end, standards and criteria over and above those set forth elsewhere in this chapter are imposed herein on all conditional uses listed on Table 1, set out below.

(Ord. No. 01-05, § 46-271, 3-15-2005)

Sec. 44-547. - Uses, buildings, and projects affected by this article.

	Section Reference
Manufacturing uses	<u>44-575</u>
Wrecking, junk and salvage yards	<u>44-576</u>
Vendors	<u>44-577</u>
Communication towers and antennas	<u>44-578</u>
Solid waste landfill, material recovery facilities, and crematories	<u>44-579</u>
Bed and breakfast inns	<u>44-580</u>
Camps and recreational vehicle parks	<u>44-581</u>
General auto repair	<u>44-582</u>
Sexually oriented businesses	46-583
Multifamily, residential care and group occupied dwellings	46-584
Townhouses	46-585
Patio and zero lot line homes	46-586
Residentially designed manufactured dwellings	46-587
Manufactured home parks	46-588
Home occupations	46-589
Accessory apartments	46-590
Open storage	46-591
Temporary uses (portable buildings, tents, etc.)	46-592

(Ord. No. 01-05, § 46-272, 3-15-2005)

Sec. 44-548. - Application.

An application for a permit for any of the uses listed in section 44-547 shall be accompanied by a plat or site plans as appropriate, in accord with the provisions of section 44-60. The application shall describe the proposed use in sufficient detail to determine compliance with the provisions of such regulations and the standards of this article.

(Ord. No. 01-05, § 46-273, 3-15-2005)

Secs. 44-549—44-574. - Reserved.

DIVISION 2. - DEVELOPMENT STANDARDS FOR CONDITIONAL USES

Sec. 44-575. - Manufacturing uses.

The following performance standards are designed to ensure that all permitted manufacturing uses produce no injurious or obnoxious elements related to the operation of such uses beyond the premises.

- (1) *Vibration.* No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line; nor shall any vibration produced exceed the following particle velocity levels, measured with a vibration monitor in inches per second at the nearest:

a.	Residential property line:	0.02
b.	Nonresidential property line:	0.10
Vibration emanating from construction activities between and 9:00 p.m. shall be exempt from these regulations.		7:00 a.m.

- (2) *Fire and explosives.* All activities and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion, including adequate firefighting and fire suppression equipment, as prescribed in the Standard Building Code.

- (3) *Noise.* All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line the following values in any octave band or frequency. Sound pressure level shall be measured with a sound meter and an Octave Band Analyzer that conforms to specifications published by the American Standards Association.

Frequency Band (Cycles Per Second)			Sound Pressure Levels (In Decibels)	
			At Residential Lot Line	At Nonresidential Lot Line
0	—	75	72	79
75	—	150	67	74
150	—	300	59	66
300	—	600	52	59
600	—	1,200	46	53
1,200	—	2,400	40	47
2,400	—	4,800	<u>34</u>	<u>41</u>
4,800	—	10,000	<u>32</u>	<u>39</u>

- (4) *Air pollution.* The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the South Carolina Department of Health and Environmental Control.
- (5) *Odor.* When an industrial plant is operating at close to maximum production the odors emissions, measured at the property line, shall not exceed a D/T (dilution threshold) of 100. Odor samples shall be taken and tested by an independent, qualified, odor-testing laboratory using ASTM (American Society of Testing and Materials) method E679-91.
- (6) *Glare.* There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding or otherwise, so as to be visible in any residence.
- (7) *Fumes and vapors.* There shall be no emission of any fumes or vapors of a noxious, toxic or corrosive nature, which can cause damage or irritation to health, animals, vegetation, or to any form of property.
- (8) *Heat, cold, dampness or movement of air.* Activity, which would produce an adverse impact on the temperature, motion or humidity of the atmosphere beyond the lot line, shall not be permitted.
- (9) *Toxic matter.* The applicant of a permit for any facility which would utilize toxic matter in the process of manufacturing, fabricating, assembling, packaging, or any related activity, shall provide with the application a certificate from the state department of health and environmental control, indicating compliance with the rules and regulations of such agency.
- (10) *Exterior illumination.* All outdoor light fixtures shall be fully shielded and installed in such a way that no light is emitted above a horizontal plane running through the lowest part of the fixture. Low-pressure sodium should be used wherever possible. The pattern of light pooling from each light source shall be carefully considered to avoid throwing light onto adjacent properties. Light sources visible in residential or medical areas shall not exceed 0.1-footcandles. Light sources visible in other areas shall not exceed 0.5-footcandles. Measurements shall be in a vented plane at the property line.
- (11) *Compliance guarantee.* The applicant of a permit for a manufacturing or processing plant which would produce any of the above "objectionable elements" shall acknowledge in writing his understanding of the performance standards applicable to the proposed use and shall submit with the permit application, an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this chapter and shall be treated accordingly. Enforcement of this agreement shall be precipitated by complaint from any person allegedly aggravated by failure of the industrial use to comply with the provisions of this section. Where there is a potential problem in meeting any one of these performance criteria in this section, the applicant shall be required to mitigate to the satisfaction of the zoning administrator any potential adverse impacts of such operation and/or request a variance before the board of zoning appeals, in accord with the provisions of article II of this chapter.

(Ord. No. 01-05, § 46-292, 3-15-2005)

Sec. 44-576. - Wrecking, junk and salvage yards.

The location of these uses, where permitted by Table 1, shall be regulated by the following:

- (1) No such use shall be located closer than 500 feet to any residential use, church, school, historical place or public park.
- (2) No material or products shall be burned on the premises.
- (3) No material shall be placed in open storage in such a manner that it may be transferred out by wind, water or other causes.
- (4) All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully enclosed buildings.
- (5) All materials and activities not within fully enclosed buildings shall be enclosed by an opaque fence or wall or vegetative material, excluding points of ingress or egress, at least eight feet in height.

(Ord. No. 01-05, § 46-293, 3-15-2005)

Sec. 44-577. - Vendors.

Vendors where conditionally permitted by Table 1 shall be governed by the following:

- (1) All vending operations shall be located not less than 20 feet from the nearest street right-of-way and provide at least two off-street parking spaces.

- (2) No portion of a vending operation shall be allowed to occupy or obstruct access to any required off-street parking stall.
- (3) No goods or merchandise offered for sale may be stored in or sold from a tractor-trailer.
- (4) Only one sign per vendor shall be allowed, regardless of where it's mounted. Advertising materials attached to or painted onto automobiles are construed to be signs. Signs shall not exceed ten square feet in area and shall meet all applicable sign requirements contained in article VI of this chapter.

(Ord. No. 01-05, § 46-294, 3-15-2005)

Sec. 44-578. - Communication towers and antennas.

Where conditionally permitted as a principal use by Table 1, communication towers and antennas shall adhere to the following regulations:

- (1) All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements. Prior to the issuance of a permit for a new tower the applicant shall submit documentation indicating a good faith but unsuccessful effort was made to co-locate on an existing communication tower, building or other structure, and that no suitable facilities within the desired coverage area were available. Documentation shall include coverage maps, letters from adjacent tower owners, and calculations from a specialist with appropriate radio frequency credentials.
- (2) All applicable safety code requirements shall be met.
- (3) Towers or antennas shall not be painted or illuminated unless otherwise required by state or federal regulations.
- (4) No tower or antenna shall be located within 2,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.
- (5) The height of a tower or antenna mounted on a building, water tank or other structure shall not be more than 30 percent of the height of the structure.
- (6) Towers or antennas shall be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties. Should this fall zone encroach onto another property, a recorded easement may be prepared and signed by the adjacent property owner to ensure that a structure will not be built within the fall zone.
- (7) A tower or antenna may be used as an accessory use on property upon which a conforming principal use previously has been established in any nonresidential district, provided such tower or antenna meets all applicable requirements of this section.
- (8) Permit requirements for the erection or replacement of a tower or antenna shall be accompanied by the following:
 - a. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, fall zone (as determined by a structural engineer, licensed and certified in South Carolina), photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property (site plan not required if antenna is to be mounted on an approved existing structure).
 - b. A written agreement to remove the tower and/or antenna within 120 days after cessation of use.
 - c. A certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, together with written indemnification of the affected government and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the city.
- (9) Towers no longer in service shall be dismantled and removed by the owner within 120 days of discontinuance. Towers in need of repair or reconstruction shall require a permit.

(Ord. No. 01-05, § 46-295, 3-15-2005)

Sec. 44-579. - Solid waste landfills.

Solid waste landfills are divided by this section into two categories: sanitary landfills, and construction and demolition landfills, and are regulated as follows:

- (1) *Sanitary landfills.*
 - a. Sanitary landfills shall be located no closer than 1,000 feet to any existing residential, recreational, religious, educational, medical or public use (measured in a straight line.)
 - b. A geotechnical engineering firm approved by the zoning administrator shall render a written opinion that, to the best professional

judgment, the formations being used to contain the waste are impermeable and that surrounding ground water sources will not be contaminated.

- c. The facility shall be enclosed by an opaque fence or wall structure illustrated by section 44-427(2), on all sides visible from the street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.
- d. A plan showing restoration of the site on completion of use as a landfill shall accompany the request.

(2) *Construction and demolition landfill.*

- a. A construction and demolition landfill may be located up to, but not closer than 300 feet from any property line, except such landfill shall not be located closer than 500 feet from any dwelling, school building, day care center, religious, recreational, or medical facility.
- b. No material shall be placed in open storage or areas in such a manner that it may be transferred out by wind, water, or other causes.
- c. All materials and activities shall be screened in such fashion as not to be visible from off-site. The zoning administrator may waive the provisions of this subsection where such facility will be utilized for a period not to exceed 90 days.
- d. The site shall be restored and re-vegetated on completion of use as a landfill.

(Ord. No. 01-05, § 46-296, 3-15-2005)

Sec. 44-580. - Bed and breakfast inns.

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

- (1) Be occupied by the resident/owner.
- (2) Only be permitted in older residential structures that are recognized by the Aiken County historical commission as architecturally, historically or culturally significant.
- (3) Serve no regularly scheduled meal other than breakfast.
- (4) Maintain the interior architectural integrity and arrangement of the structure and shall not increase the number of guestrooms above the number of bedrooms in the original structure.
- (5) Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area.
- (6) Provide off-street parking on the basis of one space per guest room, plus two spaces for the resident innkeeper; further provided that sufficient off-street parking space shall be available on site to accommodate private gatherings, where proposed by the applicant.
- (7) Be permitted one non-illuminated identification sign, not to exceed four square feet in area.

(Ord. No. 01-05, § 46-297, 3-15-2005)

Sec. 44-581. - Camps and recreational vehicle parks.

Camps and recreational vehicle (RV) parks, where conditionally permitted by Table 1, shall comply with the following standards:

- (1) The site shall contain at least ten acres, and a minimum of 150 feet of street frontage.
- (2) The site shall be developed in a manner that preserves natural features and landscape, of which not less than 20 percent shall be set aside and maintained as common open space.
- (3) The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
 - a. Maximum impervious surface ratio shall not exceed 15 percent of the project site.
 - b. Minimum setbacks for all structures and recreational vehicles shall be:

Street right-of-way	100 feet
All other property lines	50 feet

- c. Maximum density shall not exceed ten vehicles or campsites per acre.
- d. Buffer areas shall be as specified by article V, division 2 of this chapter.
- (4) Areas designated for parking and loading or for traffic-ways shall be physically separated from public streets by suitable barriers against unmarked motor vehicle ingress and egress.
- (5) All streets within RV parks shall be private and not public.
- (6) Each park site shall be serviced by public water and sewer or other systems approved by DHEC.

(Ord. No. 01-05, § 46-298, 3-15-2005)

Sec. 44-582. - General auto repair.

General auto and other motor vehicle repair operations shall be conducted within fully enclosed buildings. There shall be no open storage of junked vehicles, dismantled parts, scrap parts or other salvage material other than outdoor storage of not more than ten disabled vehicles with current license plates. Servicing shall be conducted in an area that can be cleaned.

(Ord. No. 01-05, § 46-299, 3-15-2005)

Sec. 44-583. - Sexually oriented business.

- (a) *Location.* Owing to potentially objectionable operational characteristics of sexually oriented or adult uses, and the deleterious affect of such uses on existing businesses and/or residential areas around them, the location of such uses where conditionally permitted by Table 1, shall be tempered by the supplemental standards of this section. No such use shall be located within 1,000 feet (measured in a straight line and documented on a map drawn to scale) of:
 - (1) A residence or residential zone;
 - (2) A church or religious institution;
 - (3) Public or private schools and educational facilities;
 - (4) Public parks and recreational facilities;
 - (5) Another sexually oriented business; or
 - (6) Day care facility.
- (b) *License required/revocation.* It shall be a misdemeanor for a person to operate a sexually oriented business without a valid permit and/or license, issued by the responsible governing authority for the particular type of business.
 - (1) An application for a permit and/or license must be made on forms provided by the city.
 - (2) The premises must be inspected and found to be in compliance with the law by health, fire and building officials.

Each permit and/or license shall expire at the end of each calendar year.

- (c) *Inspections.*
 - (1) An applicant or permittee and/or licensee shall permit representatives of the planning department, police, health or fire department or other governmental department or agency involved in code enforcement to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law at any time it is occupied or open for business.
 - (2) A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.
- (d) *Suspension.* The zoning administrator shall suspend a permit and/or license for a period not to exceed 30 days if he determines that a permittee and/or licensee has:
 - (1) Violated or is not in compliance with any section of this chapter; or
 - (2) Refused to allow an inspection of the sexually oriented business premises as authorized by this section.
- (e) *Revocation.* The zoning administrator shall revoke a permit and/or license if he determines that:
 - (1) A permittee and/or licensee gave false or misleading information in the material submitted to the building department during the application process.
 - (2) A permittee and/or licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises.

- (3) A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises.
- (4) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended.
- (5) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises.
- (6) A permittee and/or licensee is delinquent in payment for any taxes or fees past due.

(Ord. No. 01-05, § 46-300, 3-15-2005)

Sec. 44-584. - Multifamily housing, residential care facilities and group occupied dwellings.

Multifamily housing projects consisting of five or more units or two or more residential care facilities, dormitories, roominghouses or group occupied dwellings designed to accommodate 20 or more individuals shall meet the following design standards.

- (1) Buildings shall be set apart not less than 20 feet.
- (2) Not less than 20 percent of the project site shall be designated, landscaped and permanently reserved as usable common open space, as specified in article V, division 4 of this chapter.
- (3) Buildings shall not exceed 400 feet from end to end.
- (4) Multiple buildings shall be oriented toward common open space, away from adjacent single-family residential uses and off-street parking areas.
- (5) Trash receptacles shall be oriented away and screened from adjacent residential uses.

(Ord. No. 01-05, § 46-301, 3-15-2005)

Sec. 44-585. - Townhouses.

Due to the unique design features of townhouses, the following supplemented design requirements shall apply:

- (1) Such projects shall have a minimum of one acre.
- (2) Not more than six or fewer than three townhouses may be joined together, with approximately the same (but staggered) front line.
- (3) Minimum distance between rows of buildings and the side property line shall be not less than 20 feet.
- (4) Minimum lot width shall be 18 feet.
- (5) Sidewalks not less than five feet in width shall be provided along the front property line of all project buildings.
- (6) Not less than 15 percent of the project site shall be diverted to common open space, as specified by section 44-497.

(Ord. No. 01-05, § 46-302, 3-15-2005)

Sec. 44-586. - Patio and zero lot line housing.

Due to the unique design features of patio and zero lot line housing, the following supplemental design requirements shall apply:

- (1) Such projects shall have a minimum of 2.5 acres.
- (2) Minimum lot area shall be 3,000 square feet per unit.
- (3) Minimum lot width shall be 40 feet.
- (4) Where a unit is to be constructed at or on the property line, a five-foot private maintenance easement shall be provided on the adjoining lot.
- (5) At least one side yard extending not less than five feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of five feet.
- (6) The side yard of the exterior units shall be as prescribed by Table 2.

(Ord. No. 01-05, § 46-303, 3-15-2005)

Sec. 44-587. - Residentially designed manufactured dwellings.

Manufactured housing, where permitted by this chapter, shall:

- (1) Be built according to the Federal Manufactured Housing Construction and Safety Standards Code (245 CFR 3280), enacted June 15, 1976. Manufactured housing built prior to the effective date of the Code shall not be permitted for reasons of safety.
- (2) Be installed in accord with the Manufacture's Installation Manual. In the absence of such a manual, the home must be installed in accord with the requirements of S.C. Code Reg. 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
- (3) Be under-skirted around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.
- (4) Have installed or constructed and attached firmly to the home and anchored securely to the ground, permanent landing steps at each exterior doorway, in accord with applicable building codes.
- (5) Have all moving or towing apparatus removed or concealed including hitch, wheels and axles.
- (6) Be provided with a sanitary sewer system approved by DHEC. Evidence of such approval shall accompany each and every permit request to install a manufactured home.
- (7) Be served by a separate electric meter. It shall be unlawful for any such home to receive electricity except by use of this separate meter. It shall be unlawful for any public utility or electrical supplier to connect power to any manufactured home in the absence of all approved permits.

(Ord. No. 01-05, § 46-304, 3-15-2005)

Sec. 44-588. - Manufactured home parks.

The establishment and operation of a manufactured home park shall comply with the following design and development standards:

- (1) The park site shall not be less than five acres, and have not less than 150 feet frontage on a public dedicated and maintained street or road.
- (2) The park shall be served by public water and sewer systems or other systems approved by DHEC, a system of storm drainage, and refuse disposal facilities, plans of which shall be approved by local DHEC officials.
- (3) All manufactured home spaces shall abut upon an interior all weather roadway of crushed stone, asphalt, concrete, or other all weather material of not less than 16 feet in width which shall have unobstructed access to a public street or road.
- (4) All on-site roadway intersections shall be provided with a street light.
- (5) Each individual home site shall be at least 25 feet from any other site and at least 25 feet from the right-of-way of any street or drive providing common circulation.
- (6) All homes shall be installed in accord with the installation requirements of S.C. Code Reg. 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
- (7) Not less than 20 percent of the park site shall be set aside and developed for common open space and recreation usage, in accord with section 44-497.
- (8) Space numbers. Permanent space numbers shall be provided on each manufactured home space and shall be located so as to be visible from the street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection.
- (9) The maximum number of manufactured home spaces shall not exceed seven per acre.
- (10) Two parking spaces shall be provided for each designated manufactured home space. Parking may be provided at the designated space or in community parking areas.
- (11) Existing trees and other natural site features shall be preserved to the extent feasible.
- (12) Buffer areas shall be provided on the perimeter of the park or court in accord with the requirements of section 44-426.
- (13) A license shall be required to open or operate a manufactured home park and shall be subject to annual renewal. Said license may be revoked by the zoning administrator for a violation of this chapter or other applicable ordinances and regulations governing the operation of such uses.
- (14) A site plan showing the above required data, and in all other respects meeting the minimum requirements for a building permit, shall accompany all applications to establish a manufactured home park.

(Ord. No. 01-05, § 46-305, 3-15-2005)

Sec. 44-589. - Home occupations.

Home occupations, as defined by this chapter, shall meet the following requirements, where conditionally permitted by Table 1:

- (1) The home occupation shall be carried on wholly within the principal building.
- (2) The floor area dedicated to such use shall not exceed 25 percent of the floor area of the principal building, up to 400 square feet.
- (3) No activity shall be conducted outside, nor shall there be any outdoor storage, display, or refuse area in the yard.
- (4) No signs shall be allowed.
- (5) No merchandise or articles shall be displayed so as to be visible from outside the building.
- (6) No more than one person not residing in the residence shall be employed in the home occupation.
- (7) No traffic shall be generated in an amount above that normally expected in a residential neighborhood.
- (8) No off-street parking shall be needed above that required by the principal residential use.
- (9) There is no alteration whatsoever of the residential character of the building and/or premises.
- (10) The occupation, profession, or trade generates no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses.
- (11) The occupation shall not involve the retail sale of merchandise manufactured off the premises.

(Ord. No. 01-05, § 46-306, 3-15-2005)

Sec. 44-590. - Accessory apartments.

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

- (1) The principal structure (dwelling) must be owner occupied.
- (2) The apartment, whether attached or detached, cannot exceed 50 percent gross floor area of the principal dwelling, or contain more than two bedrooms.
- (3) The apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.
- (4) An accessory apartment may be accessory only to a single-family dwelling, and not more than one apartment shall be allowed per dwelling lot.
- (5) Minimum lot size shall be at least 50 percent greater than the minimum lot requirement for the district in which the apartment is to be located.
- (6) The apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be setback not less than 20 feet from the principal dwelling.

(Ord. No. 01-05, § 46-307, 3-15-2005)

Sec. 44-591. - Open storage areas.

Open storage as an accessory use may be permitted where indicated by Table 1 provided such storage area does not occupy over 20 percent of the buildable area, is not located in any required setback area, and is screened from public view. Open storage does not include retail sales items such as vehicles, boats, etc.

(Ord. No. 01-05, § 46-308, 3-15-2005)

Sec. 44-592. - Temporary uses.

- (a) *Permit required.* The zoning administrator is authorized to issue a permit for temporary uses as specified in this chapter. No temporary use may be established without receiving such permit. Temporary use permits may be renewed no more than twice within one calendar year, provided said use will not create traffic congestion or constitute a nuisance to surrounding uses. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the zoning administrator.
- (b) *Type and location.* The following temporary uses and no others may be permitted, subject to the conditions herein:
 - (1) Tents or other temporary structures for the conduct of any permitted use in the nonresidential zone districts for a period not to exceed 60 days.
 - (2) Contractor's office and equipment shed, in any district, for a period covering construction phase of a project not to exceed one year unless re-permitted; provided that such office be placed on the property to which it is appurtenant.

- (3) Portable classroom buildings in any district for cultural or community purposes, educational or religious purposes for an indefinite period all required setbacks for the district in which the structures are to be located shall be met and the portable structure shall be located on site as the principal structure.
- (4) Temporary office trailers for the conduct of business in any nonresidential zone district where the principal building is being expanded, rebuilt, or remodeled.
- (5) Festival, carnival, circus, fair or outdoor concert for a period not to exceed seven days provided:
 - a. Said use shall be located no closer than 500 feet to any residential property line;
 - b. The permit application shall be accompanied by a parking plan, showing the number of spaces, and adequate ingress and egress to the site; and
 - c. A bond in the amount of \$200.00 is posted with the zoning administrator, one-half of which will be returned to the applicant if all conditions of the permit are met and the site is cleared within three days after the permit has expired; otherwise the city will have the right to revoke the permit.
- (6) Open lot sale of Christmas trees for a period not to exceed 45 days in any nonresidential district.
- (7) Real estate sales office in any district for a period not to exceed one year, provided no cooking or sleeping accommodations are maintained in the structure.
- (8) Temporary structure for use or storage of material or goods following destruction of a principal use, not to exceed 60 days, unless re-permitted.
- (c) *Removal.* Temporary uses and structures from which temporary uses are operated shall be removed from the site after the temporary permit has expired.

(Ord. No. 01-05, § 46-309, 3-15-2005)

Sec. 44-593. - Conditional uses in the Public Square historical preservation overlay district.

- (a) All current uses prior to Oct. 18, 2016, within the Public Square shall continue to be permitted.
- (b) The following conditional uses shall be permitted on the second or higher floors of buildings located on the Public Square, to wit:
 - (1) condominiums (residential and commercial), in keeping with the South Carolina Horizontal Property Act, § 27-31-10 et seq. of the 1976 South Carolina Code of Laws, as amended;
 - (2) Multifamily residences and/or apartments; and
 - (3) All commercial uses allowed in B-2 zone.
- (c) Only commercial use shall be permitted on the ground or street level of all buildings located within the Public Square unless exempted by subsection (a) above.
- (d) Below street level space, such as basements, shall not be used for residential purposes, but shall be considered street or ground level space.

(Ord. No. 9-16-01, §§ 1—3, 10-18-2016)

Secs. 44-594—44-617. - Reserved.

ARTICLE VII. - SIGN REGULATIONS

Sec. 44-618. - Purpose.

The purpose of this article is to protect the dual interest of the public and the advertiser. They are designed to promote public safety and welfare and ensure the maintenance of landscape quality and environmental preservation, while satisfying the needs of sign users for efficient and adequate identification, communication and advertising.

(Ord. No. 01-05, § 46-376, 3-15-2005)

Sec. 44-619. - Applicability and conformance.

Window	N	N	N	A	A	A	A	A	A	C	A
Temporary (2):											
A-Frame	N	N	N	N	P	P	P	P	P	C	N
Banner	N	N	N	N	N	P	P	P	P	C	N
Posters	A	A	A	A	A	A	A	A	A	N	A
Portable	N	N	N	N	N	P	P	P	P	N	N
Inflatable	N	N	N	N	N	P	P	P	P	N	N
Pennant	N	N	N	N	N	A	A	N	P	N	N
Identification	A	A	A	A	A	A	A	A	A	C	A
Political	A	A	A	A	A	A	A	A	A	A	A
Sign characteristics:											
Animated	N	N	N	N	N	A	A	A	N	N	N
Changeable copy	N	N	N	A	A	A	A	A	A	A	A
Illumination, indirect	A	A	A	A	A	A	A	A	A	A	A
Illumination, internal	A	A	A	A	A	A	A	A	A	A	A
Illumination, exposed bulbs or neon	N	N	N	N	N	A	A	N	A	N	N

Notes to Table 3:

- (1) Signs identifying or announcing land subdivisions, or residential projects, including multifamily, nursing homes and group dwellings.
- (2) See [section 44-623](#).
- (3) This column does not represent a zoning district. It applies to institutional and other nonresidential uses permitted in residential zoning districts (i.e., churches, school, parks, etc. and includes historical markers).

Table 5. Number, Dimension, and Location of Permitted Signs, By Zoning District

	R-1, R-2, R-3	RM	RP	B-1	B-2	B-3, B-4, M	HPO	INS (B)
Freestanding signs:								

Number allowed								
Billboards	NA	NA	NA	NA	NA	(G)	NA	NA
Principal, per lot	(A)	(A)	1	1	NA	1	NA	1
Incidental, per lot	1	1	2	2	NA	2	1	2
Spacing								
Billboards	NA	NA	NA	NA	NA	(E)	NA	NA
Principal	NA	NA	NA	NA	NA	(D)	NA	NA
Maximum Freestanding Sign Area (Square feet)								
Per billboard	NA	NA	NA	NA	NA	378 (F)	NA	NA
Per principal sign	20	20	24	36	NA	160	NA	20
Per incidental sign	6	6	6	6	6	6	6	6
Minimum Setback from Property Line								
Billboards	NA	NA	NA	NA	NA	15'	NA	NA
All other signs	5'	5'	5'	5'	NA	5'	NA	5'
Maximum height	12'	12'	24'	24'	NA	45'	NA	12'
Building Signs								
Number permitted	1	1	1	NA	NA	NA	NA	1
Maximum sign area (s.f.)	4	4	8	NA	NA	NA	NA	8
Maximum wall area (%)	NA	NA	NA	25	25	25	(H)	NA
Temporary Signs:	See section 44-623							

Notes to Table 5:

NA = Not applicable S.f. = Square feet

(A) One identification sign is permitted for each entrance of a subdivision or residential project.

(B) This column does not represent a zoning district. It applies to institutional and other nonresidential uses permitted in residential zones (i.e., churches, schools, parks, etc.).

(C) Lots fronting on two or more streets are allowed one additional sign for each street frontage, but sign area cannot exceed the maximum allowed per street.

- (D) One square foot of signage is allowed for each linear foot of street frontage not to exceed 160 square feet. One additional sign is permitted where the linear street frontage exceeds 300', and spacing between the signs is at least 300'.
- (E) Billboards may be located on a developed lot with a principal (on-premises) sign, but shall not be located closer than 1,000' to another billboard, or 1,500' to an historic property listed on the National Register, an HPO district, or a public park, or within 500' of a residential district or cemetery.
- (F) Plus up to 50 s.f. for extended advertising.
- (G) The maximum number allowed shall not exceed the number legally existing in the city on April 15, 2002. However, the number may increase with annexation by the number legally established in annexed areas at the time of annexation.
- (H) See section 44-626.

(Ord. No. 01-05, § 46-378, 3-15-2005)

Sec. 44-621. - Common signage plan required.

- (a) A common signage plan shall be prerequisite to the issuance of any sign permit involving:
 - (1) Two or more contiguous lots or parcels under the same ownership;
 - (2) A single lot or parcel with more than one principal use or building (not including accessory uses or buildings) or qualifying on the basis of street frontage for more than one free-standing sign; and
 - (3) A PUD (planned use district) project.
- (b) The plan shall contain all information required for sign permits generally and shall specify standards for consistency among all signs on the lot affected by the plan with regard to:
 - (1) Lettering or graphic style;
 - (2) Lighting;
 - (3) Location of each sign on the buildings;
 - (4) Material; and
 - (5) Sign proportions.
- (c) A common signage plan shall limit the number of freestanding signs to a total of one for each street on which there is frontage and shall provide for shared or common usage of such signs; however the maximum signage area permitted on each street may be increased by 50 percent.
- (d) Once approved by the zoning administrator, the common signage plan shall become binding on all businesses and uses occupying the lot, but may be amended by filing a new or revised plan in conformance with the requirements of this chapter.
- (e) If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended plan or to the requirements of this chapter in effect on the date of submission.

(Ord. No. 01-05, § 46-379, 3-15-2005)

Sec. 44-622. - Signs in the public right-of-way.

No sign shall be allowed in the public right-of-way, except for the following:

- (1) Public signs erected by or on behalf of a governmental body;
- (2) Informational signs of a public agency or utility;
- (3) Church signs, in accord with state law;
- (4) Historical signs and markers;
- (5) Emergency signs; and
- (6) Directional signs of a temporary nature not to exceed three square feet in area and 24 hours in duration for such events as yard sales, auctions, public gatherings, etc.; provided they are located no closer than 500 feet apart.

(Ord. No. 01-05, § 46-380, 3-15-2005)

Table 6
Temporary Sign Regulations

Sign Type	Display Period	Display Intervals	Dimensions	Conditions
A-Frame	Daylight hours	Off-hours	15 sq. ft.	A
Banner	30 days	6 months	None	B
Posters	30 days	None	6 sq. ft.	C
Portable	30 days	1 year	<u>32</u> sq. ft.	D
Inflatable	30 days	1 year	None	E
Pennants	30 days	6 months	None	B
Identification	90 days, or project completion	None	200 sq. ft.	F
Political	30 days prior to election	Not applicable	<u>32</u> sq. ft.	C/G

Notes to Table 6:

- A. One A-frame or sandwich board sign per business in the historic preservation district shall be permitted for the purpose of displaying sales, business hours, and hours of operation.
- B. Banners and pennants shall be properly secured and maintained at all times, and shall not interfere with pedestrian or vehicular movement.
- C. Posters shall not be allowed on any telephone or power poles or any public right-of-way, and shall be placed no closer than five feet from a street or curb.
- D. Portable signs shall be limited to one per establishment, shall have no colored or flashing lights, shall not be wired so as to obstruct or hinder pedestrian or vehicular traffic or pose any potential for such hindrance (i.e., exposed drop cord), shall not exceed six feet in height, shall be anchored in accord with the building code, and shall not be converted to a permanent sign.
- E. Inflatable signs shall be properly anchored and shall not interfere with airport traffic.
- F. Temporary subdivision and work under construction identification signs shall adhere to the development standards of section 44-625.
- G. Political signs shall be removed within seven days of the election.

(Ord. No. 01-05, § 46-381, 3-15-2005)

Sec. 44-624. - Prohibited signs.

All signs not expressly permitted by this chapter are prohibited. Such signs include, but are not limited to:

- (1) Signs painted on or attached to trees, fence posts, telephone or other utility poles, stationary vehicles, or natural features.

- (2) Signs displaying intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, rescue or other warning signals, and signs using the rescue vehicles or other warning signals, and signs using the words "stop", "danger", or any other phrase, symbol, or character in a manner that might mislead or confuse motorist.
- (3) Signs that have been abandoned and no longer correctly direct or exhort any person, advertises a bona fide business, lesser, owner, product, or activity conducted or product available.
- (4) Signs that have fallen into disrepair (dilapidated), are not properly maintained, are insecure or otherwise structurally unsound, have defective parts in the support, guys and/or anchors, or which are unable to meet minimum safety requirements of the Standard Building Code.

(Ord. No. 01-05, § 46-382, 3-15-2005)

Sec. 44-625. - General development standards of signs.

- (a) *Visual area clearance.* No sign shall be located within a vision clearance area as defined in section 44-10.
- (b) *Vehicle area clearance.* When a sign extends over an area where vehicles travel or park, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.
- (c) *Pedestrian area clearance.* When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure shall be at least eight feet above the ground.
- (d) *Sign materials; code compliance.* Permanent and temporary identification signs must be constructed in accord with all applicable provisions of the Building Code and National Electrical Code, and consist of durable all-weather materials. Images, logos, graphics, etc., painted on permanent signs or buildings must be performed in a professional and workmanlike manner. Permits for painted signs will only be issued to companies who are engaged as sign painters.
- (e) *Double-decked sign faces.* Stacked or double-decked sign faces or side-by-side sign faces shall not be permitted.
- (f) *Sign illumination.* Illuminated signs shall not directly shine on abutting properties. No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.

(Ord. No. 01-05, § 46-383, 3-15-2005)

Sec. 44-626. - Development standards for signs in HPO district.

- (a) *Sign materials, colors and message.* Materials, colors and shapes of proposed signs and sign structures should be compatible with the related buildings. Colors of paints, stains and other finishes or materials shall be nature-blending, with no more than four colors, including black and white, used on any sign. Fluorescent colors are prohibited. Signs shall respect the overall architectural composition of the building and its scale, and not overwhelm the facade. Signs shall not cover up or interrupt major architectural features of a building. The sign message shall be limited to the name, street address and other identification of the business or establishment, including any logo, trademark or service mark.
- (b) *Wall sign.* Wall signs shall be limited to one sign per business. However, where the business has frontage on more than one street, with building entrances on each street, one such sign will be allowed per street frontage meeting those requirements. The sign surface area oriented toward a specific street shall not exceed the allocation derived from the building frontage on that street. If a building does not front on a street, the administrator shall determine the sign area for the building as if the building had street frontage. No portion of the sign shall extend above the parapet or eave line. A wall sign may be attached to an overhanging eave, but the sign must be at least seven feet above the surface of any pedestrian walkway underneath the sign. No sign or supporting structure may be located over the traveled portion of any right-of-way, sidewalk or public walkway without an encroachment permit. The wall sign may consist of an individual logo and individual letters. The logo and letters shall be full-face, box-type with opaque plastic facing and, if illuminated, shall have fluorescent back lighting. The logo and letters shall have colors that are nature blending, a matte-finish, and a non-reflective surface.
- (c) *Awning sign.* Awning signs shall be limited to one sign per business. However, where the business has frontage on more than one street, with building entrances on each street, one such sign will be allowed per street frontage meeting those requirements. Lettering and the logo, trademark or service mark of the business or establishment may be displayed on the drop flap of the awning, and the letters shall not exceed eight inches in height. No portion of the sign message may be displayed on the main sheet of the awning. The framing for the awning must be at least eight feet above the ground or sidewalk, and the skirt on the bottom of the awning must be at least seven feet above the ground or sidewalk.

(d) *Window sign.*

- (1) A window sign, consisting of individual letters applied directly to the inside surface of the window glass, shall be allowed. The sign must be in proportion to window size. Window signs shall not exceed 12 square feet, nor fill up more than 20 percent of the window area, whichever less. Maximum letter height shall be eight inches.
- (2) In addition to the above, temporary window signs, constructed of paper, cloth or similar material, are permitted for the purpose of advertising a special sale or special promotion. Such a sign may be attached to the interior of a building window. The sign may not cover more than 25 percent of the window in which it is placed. The sign must be removed within 15 business days after placement.

(e) *Projecting sign.* Projecting signs shall be limited to one sign per business. However, where the business has frontage on more than one street, with building entrances on each street, one such sign will be allowed per street frontage meeting those requirements. No portion of the sign shall extend more than ten feet above the ground level or extend above the parapet or eave line. The bottom of the sign must be at least seven feet above the ground or sidewalk. Projecting signs shall be attached to the building through the use of a decorative bracket.

(f) *Multiple occupancy buildings.* Where a single lot contains a building with multiple tenants thereof, the sign area in connection therewith may not exceed 45 square feet. All multi-tenant signs must be designed to allow changes in tenant occupancy. Unused tenant identification areas shall be filled with matching decorative panels.

(g) *Theaters.* A theater, whose primary function is to provide musical, dramatic or motion picture performance, may add a message board to its wall sign. The wall sign otherwise permitted for the business or property may be increased by 20 square feet for the purpose of displaying the message board information. Any message board area shall have colors and materials that are similar to the sign itself. The changeable letters shall be securely fastened to the sign face and shall be neatly maintained.

(h) *Menu boards.* One ground-mounted menu board per site shall be permitted. The sign shall be used for the purpose of displaying menu items and prices. The area of the sign shall not exceed 15 square feet, and that area shall be in addition to the allowable sign area for the building or premises. This sign may have a plastic face and be internally illuminated.

(i) *Automated teller machine signage.* Automated teller machines can be identified by one sign not to exceed six square feet in size, which must be installed at the specific location of the ATM, and shall be wall-mounted or on the ATM device. Such sign shall be in addition to the allowable sign area for the business. This sign may have a plastic face and be internally illuminated. Such sign can display the name of the particular type of machine or banking service in letters not to exceed four inches in height. Credit card decals shall be limited to a small, unobtrusive size, and the group of decals shall not cover an area larger than one square foot. The decals shall be placed on the face of the machine.

(j) *Marquee.* All marquees, including the anchors, bolts, supports, rod and braces thereof shall be constructed of incombustible materials, and shall be properly guttered and connected by downspouts to the storm drains so that the water therefrom shall not drip or flow onto adjacent property. No portion of a marquee shall be less than ten feet above the level of the sidewalk or other public thoroughfare. No marquee shall be permitted to extend beyond a point one foot inside the curbline, or be wider than the entrance of the building, plus five feet on each side thereof; provided, however, that where the entrances to a building are not more than 20 feet apart, a marquee may be made a continuous single structure above such entrances.

(Ord. No. 01-05, § 46-384, 3-15-2005)

Sec. 44-627. - Sign measurements.

(a) *Sign face area.*

- (1) The area of a sign enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face. Sign area does not include foundations or supports. Only one side of a double-faced or V-shaped, freestanding sign is counted.
- (2) For signs on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used in the measurement unless it is clear that part of the base contains no sign related display or decoration.
- (3) For signs constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all the pieces.
- (4) For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face.
- (5) The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.
- (6) For signs incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the

panel contains no sign related display or decoration.

(b) *Clearances*. Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face.

(Ord. No. 01-05, § 46-385, 3-15-2005)

Sec. 44-628. - Removal of signs.

(a) The lawful use of any permanently mounted sign existing at the time of the enactment of this chapter may be continued although such use does not conform with the provisions of this chapter, except those declared abandoned or dilapidated, which shall be removed or remedial action taken upon notification by the zoning administrator.

(b) Nonconforming permanent signs shall be removed or brought into conformity whenever the following occurs:

(1) Property changes ownership and the name of the business is to be changed; or

(2) The occupancy classification of the building is changed.

(c) Any existing sign, which is subsequently abandoned, shall be removed, and any existing sign exceeding the allowable face area by 25 percent, and which is subsequently destroyed or damaged to the extent of 60 percent or more of its replacement cost, shall be removed or brought into conformity with these regulations.

(d) Any nonconforming temporary sign shall be removed or brought into conformity no later than 60 days following the effective date of this chapter.

(e) An order under this section shall be issued in writing to the owner or responsible party of any such sign, or of the building or premises on which such sign is located to comply within 30 days time. Upon failure to comply with such notice, the zoning administrator may cause the sign to be removed and any costs of removal incurred in the process may be collected in a manner prescribed by law.

(Ord. No. 01-05, § 46-386, 3-15-2005)

Secs. 44-629—44-659. - Reserved.

ARTICLE VIII. - LEGAL STATUS PROVISIONS

Sec. 44-660. - Conflict with other laws.

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

(Ord. No. 01-05, § 46-390, 3-15-2005)

Sec. 44-661. - Validity.

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

(Ord. No. 01-05, § 46-391, 3-15-2005)

Sec. 44-662. - Repeal of conflicting ordinances.

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this chapter full force and effect.

(Ord. No. 01-05, § 46-392, 3-15-2005)

Sec. 44-663. - Effective date.

This chapter shall take effect and be in force from and after the date of its adoption.

(Ord. No. 01-05, § 46-393, 3-15-2005)