

CITY OF WESTMINSTER REGULARLY SCHEDULED MEETING

November 15, 2022 @ 6:00 PM

Westminster Depot
135 E Main Street

Call to Order

Invocation & Pledge of Allegiance

Certification of Quorum

Swearing in Ms. Ruth May as Councilmember

Public Comments:

The floor is now open for public comments. Citizens of Westminster or others who have registered for time with the Clerk can now address Council for any matters on tonight's agenda or other matters you wish to bring before the Council. Speakers are allowed up to 3 minutes and possibly longer if that Speaker is recognized in advance as representing a larger group with similar concerns. In order to preserve the decorum of this public meeting, and to allow adequate time for discussion among the elected membership of City Council, this will be the only time we will receive unsolicited comments tonight from the public.

Special recognition of City Employee – Fire Department

Comments from the Mayor and Council

Routine Business

1. Approval of the October 11, 2022 Regular Meeting Minutes
2. Approval of the October 27, 2022 Called Council & Planning Commission Meeting Minutes
3. Comments from the Interim Utilities Director
 - a. Hall Road water line project
 - b. C-Fund sidewalk project
 - c. Other
4. Comments from City Administrator
 - a. 2019 EZGO Golf cart for the Police Department from Boone's Buggies, LLC for \$9,975.20
 - b. Procurement of a new garbage truck, utilizing installment purchase agreement \$350,000
 - c. November 18, 2022 - Oconee County Chamber of Commerce *20 under 40* luncheon
In honor of Officer Catlin Pope @ Blue Ridge Electric Coop 12:00-1:30- pm
 - d. Other

Old Business

1. Second Reading of **AMENDMENT NO. 4 TO THE LOAN AGREEMENT; CONSERFUND LOAN NUMBER 4-201-19 BETWEEN THE CITY OF WESTMINSTER AND THE SOUTH CAROLINA OFFICE OF REGULATORY STAFF ENTERED INTO ON THE 26TH DAY OF FEBRUARY 2019, AMENDED NOVEMBER 19, 2019, MAY 31, 2019 AND JANUARY 17, 2022; AMENDED FROM \$414,556.00 TO \$369,947.23; AND HEREBY AMENDED TO NOVEMBER 15, 2022**

FOR CERTAIN WATER SYSTEM IMPROVEMENTS TO INCREASE OPERATING EFFICIENCIES; AND OTHER MATTERS RELATED THERETO

(City Council passed First Reading of this item on September 13, 2022. At the time, the amendment date was set at October 31, 2022. The date is modified to November 15, 2022.

In 2019, the City entered into a loan agreement with the South Carolina Office of Regulatory (SCORS) staff for the purchase and installation of six Variable Frequency Drive (VFD) pumps. The pumps are intended to increase the efficiency of the operations of the water system and save electricity. The final two VFD pumps were finally installed in August 2022 and are operational. SCORS is eager to close the loan agreement. The loan amortization schedule is provided as Exhibit A of the agreement. Repayment will take place at the rate of \$40,114.92 per year for the next ten (10) years.

The only terms expected changed between Amendment No. 3 and Amendment No. 4 is the closing date, referred to as “the completion of the construction phase to be June 30, 2022,” which is amended to “the completion of the construction phase to be November 15, 2022.”

Staff recommends approval.)

New Business

2. Consideration of **UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT LEGAL SERVICES AGREEMENT (City of Westminster, South Carolina – Water Infrastructure System Improvements)**

(The USDA-RD issued a Letter of Conditions (LOC) for a loan of \$8,705,000 for water system improvements to the City. City Council approved a Resolution to accept the loan at its September 13, 2022 Regular Meeting. A requirement of USDA-RD loan is review and approval of a Legal Services Agreement by the City Council. The agreement details the legal expenses anticipated for the execution of the USDA-RD loan. These expenses are included in the \$8,705,000 loan.

Staff recommends approval.)

3. Consideration of **RESOLUTION NO.11-15-2022-01; A RESOLUTION ADOPTING THE EMERGENCY OPERATIONS PLAN AND EMERGENCY PREPAREDNESS GUIDELINES; AND OTHER MATTERS RELATED THERETO**

(The purpose of this plan is to establish policies and procedures which in the event of a man-made or natural disaster will allow for the most effective utilization of resources within the City and minimize the loss of life and/or injury or loss of property. The plan was last adopted in February of 2022. Historically, the plan was reviewed and re-adopted annually. Going forward, the plan will continue to be reviewed by City staff regularly, no less than annually, and will be adopted every three years.

Staff recommends approval.)

4. Consideration of **RESOLUTION NO.11-15-2022-02; A RESOLUTION COMMITTING TO CELEBRATE AND PROMOTE ARBOR DAY AND ITS IMPORTANCE IN THE CITY OF WESTMINSTER**

(In 1934, the South Carolina General Assembly picked the first Friday in December as Arbor Day in South Carolina because December is the most ideal time for planting trees in the Palmetto State as trees are dormant and it tends to be rainy; both are factors in reducing the shock of transplanting trees.

In 2008, the City Council adopted an ordinance to establish policies, regulations, and standards for the management of public trees within the City limits. From Section 95.03 OBJECTIVES of the Westminster municipal code:

“The objectives of public tree management shall be to maximize the functional benefits of trees while minimizing the costs of management. The objectives of this chapter shall be as listed below:

- (A) Maintain the city's tree canopy cover at or above its current level.*
- (B) Maintain and improve community character.*
- (C) Enhance the aesthetic appearance of the landscape.*
- (D) Provide direction and support to tree management.”*

Further, Section 95.09 TREE CITY U.S.A. requires:

“(A) The City of Westminster shall maintain Tree City U.S.A. status and submit an application for this designation each year by December 15 to the South Carolina Forestry Commission and the National Arbor Day Foundation.

(B) To maintain eligibility for this program, the city shall meet the following criteria:

- (1) Hold an annual Arbor Day Celebration on or around Arbor Day in South Carolina, the first Friday in December. An Arbor Day Proclamation shall be created and included as part of the celebration;*
- (2) Have a tree ordinance. The tree ordinance shall be reviewed, and revised if necessary, at least once every two years;*
- (3) Have an active Tree Board, appointed by the Mayor and Council, responsible for advising the Town on tree-related matters; and*
- (4) Spend at least \$2 per capita on public tree management, including planning, education, tree establishment, maintenance, protection, and removal, and any and all other maintenance or management activities.”*

*An Arbor Day Celebration is scheduled for Friday, December 2, 2022 at 10:00 am at the City Hall parking lot. Mayor Ramey will lead a group from Foothills Christian School in the celebration by planting a tree in a landscape area of the parking lot. The tree is an American hornbeam, *Carpinus caroliniana*, <https://www.thespruce.com/american-hornbeam-3269298>*

Staff recommends approval.)

5. Consideration of Bid Award for **Computers funded by a grant from the South Carolina Department of Public Safety Office of Highway Safety and Justice Programs through the Coronavirus Emergency Supplemental Funding.**

(On October 14, 2022, Westminster Police Department was awarded \$18,990 from the South Carolina Department of Public Safety Office of Highway Safety and Justice Programs through the Coronavirus Emergency Supplemental Funding. The grant will benefit the Westminster Police Department by funding the purchase of new In-Car computers. This

grant funds the continued use of technology to enhance the modernization and policing methods of the Westminster Police Department.

While the City Procurement Ordinance adopted by City Council on October 11, 2022 does not require City Council authorization, the grant award may require City Council approval.

<i>Preferred Communications</i>	<i>\$25,488.91</i>
<i>Dell Technologies</i>	<i>\$18,889.21</i>
<i>Howard Technology Solutions</i>	<i>\$17,916.12</i>

Staff recommends award to Dell Technologies for \$18,889.21.)

5. **Consideration of Assignment and Assumption Agreement from Total Environmental Solutions, Inc., to CSWR-South Carolina Utility Operating Company, LLC.**

(Total Environmental Solutions, Inc., commonly referred to as TESI, entered into a purchase water agreement with the City in August 2005 for the Foxwood Hills Water System. The City maintains a six-inch master meter at the interconnection point to meter the gallons of water sold. From November 2019 thru November 2022 TESI used over 208,000,000 gallons of water, generating approximately \$735,000,000 of revenue.

On February 4, 2021 CSWR-South Carolina Utility Operating Company, LLC entered into a purchase agreement with TESI for the sale of the utility system. Attorneys representing both TESI and CSWR request Council approve the Assignment and Assumption Agreement. The city attorney has reviewed the attached agreement and its exhibit.

Staff recommends approval.)

6. **Discussion of naming a facility in honor of Councilman Yousef Mefleh**

7. **Discussion of Public Relations Committee**

(At the October 11, 2022 City Council Regular Meeting, staff and Council initiated a discussion of future plans for the Public Relations Committee. Staff also discussed the future plans with members of the Public Relations Committee and look forward to guidance from the Council.

Items which Council may choose to discuss (but not limited to):

- What is the mission and scope of responsibilities?*
- What activities should the PR Committee undertake?*
- What is the level of funding appropriate for these activities?*
- How much staff involvement is expected from Council?*
- How much does Council wish to be involved?*
- Whom does Council wish to appoint?*
- What level of decision-making should the committee have for public spaces?*

Other considerations: property and casualty liability insurance, financial oversight and controls, fundraising for special purposes, schedule of meeting dates with minutes.

Included are two documents from the past for Council review; 2019-2020 Events Outline, Mission and Scope of Responsibilities of the Special Events Committee.

Adjourn

**MINUTES
WESTMINSTER CITY COUNCIL
Regular Scheduled Meeting
Tuesday, October 11, 2022**

The City Council of the City of Westminster met in a regular scheduled meeting on Tuesday, October 11, 2022 at 6:00 pm at the Westminster Fire Department with Mayor Brian Ramey presiding. Those in attendance were:

Brian Ramey
Jimmy Powell

Dale Glymph
Audrey Reese

Daby Snipes
Adam Dunn

City Administrator, Kevin Bronson
City Clerk, Rebecca Overton
Police Chief, Matt Patterson
Fire Chief, Michael Smith
City Attorney, Andrew Holliday
Members of the public and press

Notice of the meeting and the agenda was posted on a window at the Fire Department and at westminstersc.org twenty-four hours prior to the meeting and all persons, organizations and local media requesting notification and the agenda were notified by email.

Call to Order

Mayor Ramey called the meeting to order at 6:00 pm.

Invocation and Pledge of Allegiance

Mrs. Audrey Reese led the Council in the invocation and the Pledge of Allegiance.

Certification of Quorum

Rebecca Overton certified a quorum.

At this time Mayor Ramey welcomed Ruth May and informed those in attendance that she was running for the vacant Council seat.

Public Comments

Mr. Franklin Jones of James Street spoke about an open court case he has for meter tampering. He stated concerns he had about not being allowed to attend his court proceedings.

Jessica Glymph of the SC Bigfoot Festival spoke to Council about the upcoming Bigfoot Festival. She stated that this would be the third festival and the first time it would be a two-day event. Mrs. Glymph added that an 80's Band would be performing and a parade was planned.

October 11, 2022

Special Recognition of City Utility Employee – Electric Department

Mayor Ramey recognized Cory Baker of the electric crew for his recent final training of journeyman lineman. He congratulated Cory for this accomplishment and stated to Council that this training will expand his lineman abilities. Mayor Ramey presented Mr. Baker with a certificate of recognition.

Comments from the Mayor and Council

Mrs. Reese thanked Council for passing the Civility Resolution. She stated that supporting and maintaining civility was very important and that the Resolution would also serve as an attribute to the late Yousef Mefleh since he always supported kindness and civility.

Mrs. Snipes thanked city employees for their service and dedication to keeping things flowing smoothly. Mr. Dunn added that he was appreciative as well of the services and attitudes that employees provide.

Mr. Glymph reminded everyone that the Christmas Parade is planned for Friday, December 2 at 6:00 pm and the theme is "West WhoVille." He also added that Music on Main would be October 29th as well as a Haunted House sponsored by the American Legion. Mr. Glymph also noted that the Halloween event would likely be neighborhood trick or treat on Retreat Street.

Mayor Ramey read a letter from the Foxwood Hills Property Association expressing sympathy for the passing of Mr. Yousef Mefleh. Mayor Ramey asked Mr. Bronson about he credit card fee pass through and if that had been implemented. Mr. Bronson informed Mayor Ramey that the QS1 software program was in the process of obtaining a new program with a different credit card payment vendor that would allow the pass through fees based on credit card regulations. He added that the change over is still a few months away but as soon as it is available, the City will move forward with the credit card fee pass through policy.

Old Business

1. Second Reading of ORDINANCE NO. 2022-10-11-01; An Ordinance Authorizing and Establishing an Economic Development Incentive Program to encourage private investment in the incentive area of the City of Westminster, South Carolina; Authorizing and establishing a program to grant special property tax assessments to certain rehabilitated historic properties; and other matters related thereto.

Mr. Bronson reminded Council that they had made several provisions to the Economic Development Incentive Ordinance as presented earlier in August. The Ordinance now includes those revisions.

Upon a motion by Mr. Dunn and seconded by Mrs. Reese, the motion ***to approve Second Reading of Ordinance No. 2022-10-11-01; An Ordinance Authorizing and Establishing an Economic Development Incentive Program to encourage***

private investment in the incentive area of the City of Westminster, South Carolina; Authorizing and establishing a program to grant special property tax assessments to certain rehabilitated historic properties; and other matters related thereto passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph		Yes
Powell		Yes
Reese	Second	Yes
Dunn	Motion	Yes
Snipes		Yes

2. Second Reading of Ordinance No. 2022-10-11-02; An Ordinance Approving the Execution and Delivery of a Pole Attachment License Agreement By and Between the City Of Westminster, South Carolina and Spectrum Southeast, LLC And Other Matters Related Thereto.

Mr. Bronson reminded Council that Spectrum Southeast, LLC has requested the right to attach its communications equipment (aerial cables, wires and other facilities related thereto) to City-owned utility poles. Mr. Bronson added that the City's legal representative Pope Flynn negotiated the agreement, the term of the agreement is five (5) years and includes a cost of \$21.00 per pole.

Upon a motion by Mrs. Reese and seconded by Mrs. Snipes, the motion ***to approve Second Reading of Ordinance No. 2022-10-11-02; An Ordinance Approving the Execution and Delivery of a Pole Attachment License Agreement By and Between the City Of Westminster, South Carolina and Spectrum Southeast, LLC And Other Matters Related Thereto*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph		Yes
Powell		Yes
Reese	Motion	Yes
Dunn		Yes
Snipes	Second	Yes

3. Second Reading of Ordinance No. 2022-10-11-03; An Ordinance Deleting Certain Provisions of Title Iii, Chapter 35 Of The City Of Westminster Code Of Ordinances Pertaining to its Purchasing and Contracting Policy; Adding Title Iii, Chapter 38 Titled "Procurement"; and Other Matters Related Thereto.

Mr. Bronson reminded Council that the Law Office of Pope Flynn had developed a revised Procurement Policy. He stated to Council that this policy provides for a modern approach to procuring goods and services as needed by the City and it complies with South Carolina state law.

Upon a motion by Mrs. Snipes and seconded by Mr. Glymph, the motion ***to approve Second Reading of Ordinance No. 2022-10-11-03; An Ordinance Deleting Certain Provisions of Title Iii, Chapter 35 Of The City Of Westminster Code Of Ordinances Pertaining to its Purchasing and Contracting Policy; Adding Title Iii, Chapter 38 Titled "Procurement"; and Other Matters Related Thereto*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph	Second	Yes
Powell		Yes
Reese		Yes
Dunn		Yes
Snipes	Motion	Yes

New Business

4. Consideration of approval of Mutual Aid Agreement (between Clemson University Police department and Westminster Police Department)

Mr. Bronson informed Council that entities with law enforcement officers within the state of South Carolina may adopt mutual aid agreements to allow for officers from one entity to provide law enforcement assistance to the other entity. The governing body of each entity must approve these agreements.

Upon a motion by Mr. Dunn and seconded by Mr. Glymph, the motion to ***approve a Mutual Aid Agreement between Clemson University Police Department and Westminster Police Department*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph	Second	Yes
Powell		Yes
Reese		Yes
Dunn	Motion	Yes
Snipes		Yes

5. Consideration of Proposals Downtown Master Planning Services

Mr. Bronson informed Council that The Appalachian Regional Commission (ARC) awarded the City a \$32,000 grant requiring a City match of \$32,000 to complete a Downtown Master Plan.

Mr. Bronson stated to Council that Four (4) proposals were submitted by the deadline provided in the Request for Proposals. He added that One (1) proposal did not meet the minimum submission qualifications. Mr. Bronson stated that all three proposals offer a six month timeline. He stated that two of the proposals offer the same price yet have different caveats to the services provided. He suggested that any of the three proposals will create a good downtown master plan. The firms and bid proposals were:

Bolton & Menk / Studio Main / Downtown Strategies	\$64,000
Boudreaux / The Landplan Group South / Fred Delk	\$64,000
SeamonWhite / Studio Main / DP3 Architects	\$37,000-\$50,000

Upon a motion by Mr. Dunn and seconded by Mr. Glymph, the motion to **award the bid proposal for a Downtown Master Plan to Bolton & Menk/Studio Main/Downtown Strategies in the amount of \$64,000** passed unanimously.

6. Consider creation and appointment of the Planning Advisory Committee

Mr. Bronson again reminded Council that The City of Westminster was recently awarded a grant from the Appalachian Regional Commission (ARC) to develop a Downtown Master Plan. He added that the grant award included utilizing a Planning Advisory Committee. Mr. Bronson stated that this Committee is intended to provide general guidance to the planning consultant and to be available to provide input on draft iterations as the plan is developed. He added that eight to twelve members from the community is ideal and that the time commitment is about 16 hours total over the next 5-7 months, with most meetings in the evenings.

Mayor Ramey added that he felt like the Committee needed to be a mixture of business owners and residents of the area. Mr. Bronson added that at least one Council member should also be on the Committee.

After discussion and suggestions the following names were recommended as members of the Planning Advisory Committee:

Audrey Reese	Betty Johnson	Suzette Snedigar
Daby Snips	Matt Patterson	
Lacey Moore	Dave McCutcheon	
Jerry Smith	James McDowell	
Chester Lee	Sandra Powell	
Joe Mullett	Zack Sahrpe	

7. Consideration to approve Memorandum of Agreement For the Detention of Juveniles (between the South Carolina Department of Juvenile Justice and Westminster)

Mr. Bronson informed Council that Juveniles arrested by law enforcement must be detained separately from adults. He added that this agreement with the South Carolina Department of Juvenile Justice provides for that detention for juveniles arrested by the Westminster Police Department.

Upon a motion by Mr. Dunn and seconded by Mr. Glymph the motion to **approve the Memorandum of Agreement for the Detention of Juveniles between the South Carolina Department of Juvenile Justice and the City of Westminster** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph	Second	Yes
Powell		Yes
Reese		Yes
Dunn	Motion	Yes
Snipes		Yes

Routine Business

1. Approval of the September 13, 2022 Regular Meeting Minutes

Mayor Ramey noted the following changes/additions to the minutes: item #11 add “with a yearly payment of \$352,032.00, item #12 add “these bids are for the first 100 homes only”, and item #15 add “a Resolution was included in the OJRSA nomination.”

Upon a motion by Mrs. Reese and seconded by Mr. Dunn, the motion to **approve the September 13, 2022 Regular Meeting Minutes with changes** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph		Yes
Powell		Yes
Reese	Motion	Yes
Dunn	Second	Yes
Snipes		Yes

2. Comments from City Administrator

Mr. Bronson informed Council that as part of the USDA Loan process, encroachment permits were being obtained. He also added that he had asked the County to waive the fees associated with those permits.

Mr. Bronson informed Council that he was in receipt of a request from Reggie Dion for reimbursement for Band expenses. Mr. Bronson reminded Council that they had previously awarded \$2250 to Downtown Main Street but since they do not have a non-profit tax status, those funds were not awarded. Mr. Bronson suggested using the unused awarded funds to reimburse Mr. Dion. Council was in agreement with this request.

Mr. Bronson also informed Council that he is planning to put discussion of the PR Committee on the agenda for November. He added that the Council should decide what they want the PR Committee to do and be responsible for.

Executive Session

Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.

- a) Receipt of legal advice regarding procurement matters

Upon a motion by Mrs. Reese and seconded by Mr. Powell, the motion to ***enter into executive session for the purpose of receipt of legal advice regarding procurement matters*** passed unanimously.

Upon a motion by Mayor Ramey and seconded by Mrs. Reese, the motion to ***exit executive session*** passed unanimously.

Adjourn

Upon a motion by Mayor Ramey and seconded by Mr. Powell, the motion ***to adjourn the meeting at 8:20 pm*** passed unanimously.

(Minutes submitted by Rebecca Overton)

Mayor Brian Ramey

Date

October 11, 2022

**MINUTES
WESTMINSTER PLANNING COMMISSION/
WESTMINSTER CITY COUNCIL
Called Meeting
Thursday, October 27, 2022**

The City Council of the City of Westminster and the Westminster City Planning Commission met in a joint called meeting on Thursday, October 27, 2022 at 4:00 pm at the Westminster Fire Department with Mayor Brian Ramey presiding. Those in attendance were:

Brian Ramey
Jimmy Powell
Sandra Powell

Dale Glymph
Daby Snipes

Larry Dellinger
Adam Dunn

City Administrator, Kevin Bronson
City Clerk, Rebecca Overton
Spencer Wetmore, Wetmore Law Firm
Ruth May, Council Candidate

Notice of the meeting and the agenda was posted on a window at the Fire Department and at westminstersc.org twenty-four hours prior to the meeting and all persons, organizations and local media requesting notification and the agenda were notified by email.

Call to Order

Mayor Ramey called the meeting to order at 4:00 pm.

New Business

1. Discussion on Amendments to the Zoning Ordinance led by the Wetmore Law Firm

Mr. Bronson reminded everyone that Council and the Planning Commission had met back in January with the Wetmore Law Firm. He stated that Council along with the Planning Commission had given feedback regarding what direction they wanted to take to improve the Zoning Ordinance and additions to the Ordinance in order to be prepared for growth.

Spencer Wetmore led Council and the Planning Commission in a discussion relating to Residential District and uses, creation of additional Residential districts, and various other changes to the Ordinance to allow for growth.

A copy of the Draft Version is attached to these minutes.

Adjourn

Upon a motion by Mr. Ramey and seconded by Mr. Glymph, the motion ***to adjourn the meeting at 6:42 pm*** passed unanimously.
October 27, 2022

(Minutes submitted by Rebecca Overton)

Mayor Brian Ramey

Date

October 27, 2022

Westminster, South Carolina, Code of Ordinances

TITLE XV: LAND USAGE

[REVISIONS: WORKING DRAFT]

NOTE:

TABLE OF CONTENTS LINKS ARE TO CURRENT, ADOPTED ORDINANCE. LINKS, SECTIONS, AND PAGE NUMBERS WILL BE UPDATED IN MUNICODE WHEN THE NEW ORDINANCE IS ADOPTED.

KEY:

~~Indicates Matter Stricken~~

[Indicates New Matter](#)

Yellow — Existing but moved

Pink — Questions Items to discuss

-
- TITLE XV: - LAND USAGE
 - CHAPTER 150: - BUILDING REGULATIONS
 - § 150.01 - ADMINISTRATION AND ENFORCEMENT OF CODES.
 - § 150.02 - STANDARDIZED ADDRESSING AND MARKINGS OF RESIDENTIAL AND BUSINESS PROPERTIES TO ASSIST EMERGENCY RESPONSE PERSONNEL.
 - § 150.03 - ADOPTION OF OFFICIAL COMPREHENSIVE PLAN.
 - CHAPTER 151: - ZONING CODE 1
 - GENERAL PROVISIONS 2
 - § 151.001 - PURPOSE.
 - § 151.002 - TITLE.
 - § 151.003 - CITY ORDINANCES. 3
 - § 151.004 - SOIL EROSION AND SEDIMENTATION CONTROL.
 - § 151.005 - PERFORMANCE STANDARDS.

REVISIONS: WORKING DRAFT

Westminster, South Carolina, Code of Ordinances
TITLE XV: LAND USAGE
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Yellow — Existing but moved

Pink — Questions/Items to discuss

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• § 151.016 - DISTRICT BOUNDARIES.	4
• § 151.017 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.	4
• § 151.018 - ANNEXATION AND OTHER ADJUSTMENTS TO CITY LIMITS.	5
• § 151.019 - CONSERVATION AND HISTORIC AREAS.	5
•APPLICATION OF DISTRICT REGULATIONS	5
• § 151.030 - GENERAL.	
• § 151.031 - USE OF LAND STRUCTURES.	6
• § 151.032 - LOT REDUCTION PROHIBITED.	
• § 151.033 - USE OF SUBSTANDARD VACANT LOTS OF RECORD.	6
•REQUIREMENTS BY DISTRICTS	6

REVISIONS: WORKING DRAFT

Westminster, South Carolina, Code of Ordinances

TITLE XV: LAND USAGE

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~~Pink — Questions/Items to discuss~~

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REVISIONS: WORKING DRAFT

Westminster, South Carolina, Code of Ordinances

TITLE XV: LAND USAGE

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Pink — Questions Items to discuss

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REVISIONS: WORKING DRAFT

Westminster, South Carolina, Code of Ordinances

TITLE XV: LAND USAGE

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Pink — Questions/Items to discuss

-
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 - § 151.105 - PUBLIC OR COMMERCIAL RECREATIONAL FACILITIES ADJACENT TO RESIDENTIAL USES. 23
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 - § 151.120 - NONCONFORMING BUILDINGS AND/OR USES.
 - § 151.121 - NONCONFORMING BUILDING AND/OR USE DISCONTINUANCE.
 - ACCESSORY USES
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 - ADD ADU'S AND SWIMMING POOLS (SW) 32

REVISIONS: WORKING DRAFT

Westminster, South Carolina, Code of Ordinances
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Pink — Questions/Items to discuss

-
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LAND USAGE

CHAPTER 150: BUILDING REGULATIONS

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§ 150.01 ADMINISTRATION AND ENFORCEMENT OF CODES.

- (A) *Building codes.* The city has adopted the county's building codes, as codified in the Article II, entitled *Regulatory Codes*, of Chapter 6, entitled *Buildings And Building Regulations*, of the county code, as amended from time to time, and as approved by the South Carolina Building Codes Council or other applicable authority, as the city's building codes and municipal law. The city authorized and directed the use of the county's appellate procedures and bodies as the city's appellate procedures and bodies for the administration and enforcement of the adopted county building codes. The city authorized the creation of an agency relationship that designates and provides authority to county building code personnel to act as the city's agents and building official(s) to administer and enforce the adopted county building codes as the city's building codes within the city's jurisdiction and municipal boundaries.
- (B) *Fire codes.* For administration and enforcement, the city has adopted the *2015 International Fire Code*, including Appendices A and D.

(Ord. 2001-09-18-01, passed 11-19-2001; Am. Ord. 2002-03-19-01, passed 3-26-2002; Am. Ord. 2004-04-20-02, passed 6-28-2004; Am. Ord. 2008-02-26-01, passed 2-26-2008; Am. Ord. 2013-08-20-02, passed 8-20-2013; Am. Ord. 1-10-2016, passed 11-8-2016)

§ 150.02 STANDARDIZED ADDRESSING AND MARKINGS OF RESIDENTIAL AND BUSINESS PROPERTIES TO ASSIST EMERGENCY RESPONSE PERSONNEL.

The City of Westminster specifically adopts by reference the provisions of S.C. Code § 23-47-60 and additionally adopts the requirement that all businesses shall place or cause to be placed the number of each building on the rear of each structure, conspicuously placed; the numbers not being less than four inches in height; all numbers being clearly visible and must contrast with the color of the building. Residents, businesses, owners or others who fail to comply with this section shall be guilty of violation of this section and, upon being issued a written citation by either the Chief of Police or the Chief of the Fire Department shall have ten days to correct the violation. Failure to comply with this section upon receipt of written citation shall require the imposition of a fine of \$10 per day for violation at each location. Violators may appeal citation or imposition of fines to the Magistrate's Court for the city.

(Ord. passed 3-15-1994)

§ 150.03 ADOPTION OF OFFICIAL COMPREHENSIVE PLAN.

In accordance with [S.C. Code 6-29-510, 1976, as amended](#), upon review of the City of Westminster Comprehensive Land Use Plan, 2017 Update, and upon consideration of public input, the recommendation of the Planning Commission to adopt the Comprehensive Plan Update is accepted and is adopted in full force and effect within the City limits of the City of Westminster.

(Ord. 1999-03-16-03, passed 4-20-1999; Am. Ord. 2017-07-11, passed 7-11-2017;

CHAPTER 151: ZONING CODE¹

¹Cross reference(s)—Sign Regulations, see Chapter 152

GENERAL PROVISIONS

§ 151.001 PURPOSE.

- (A) An Ordinance enacted under S.C. Code § 6-29-710 *et seq.* as amended, governing the incorporated portions of the City of Westminster, Oconee County, South Carolina to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and quasi-public or other specified uses IN ORDER TO O PROMOTE THE PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE, AND GENERAL WELFARE; to regulate and limit the height and bulk of buildings and other structures; to accommodate energy conservation; to regulate and to determine the size of yards, courts and open spaces; to regulate and limit the density of population; and for said purposes to divide the city into districts and to establish the boundaries thereof; to provide for changes in the regulations, restrictions and boundaries of such districts; to define certain terms used herein; provide for enforcement; establish a Zoning Board of ZONING Appeals; and impose penalties for the violation of the Zoning Code.
- (B) Whenever in the course of administration and enforcement of this zoning ordinance, it is necessary or desirable to make an administrative decision regarding an unusual or rare situation or a situation that is either not addressed or is inadequately addressed, the decision of the City Council shall be made so that the result will not be contrary to the spirit and purpose of the zoning ordinance or injurious to the surrounding neighborhood or the city in general.
- (C) Further, when making administrative decisions, the city may rely on information, data, or documentation provided by the applicant that supports approval of the unusual or rare situation. The applicant may offer concessions to the city to offset and/or mitigate the impact of any approval of the unusual or rare situation. All such concessions must be deemed as to being in the best interest of the city.
- (D) Upon determining that the situation is "rare or unusual" and that the result of such a decision is not contrary to the spirit and purpose of the zoning ordinance, the City Council may make the administrative decision by a simple majority vote. [DISCUSS]

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2007-07-17-01, passed 7-17-2007)

§ 151.002 TITLE.

The Zoning Code shall be known and may be cited as The Zoning Ordinance of the City of Westminster, South Carolina.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.003 CITY ORDINANCES.

Now, therefore, be it ordained by the City that the following ordinances as amended, are hereby adopted by reference as though it were copied herein fully:

- (A) Mobile Home Ordinance; Is there a copy of this?
- (B) DHEC; which DHEC Ordinances
- (C) 2000 International Building Codes;

(D) Business Licenses; and

(E) Property Identification Ordinance.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.004 SOIL EROSION AND SEDIMENTATION CONTROL.

Whenever it becomes apparent that there is an erosion or sedimentation problem, we shall go by county, state, federal guidelines, or standard engineering practices.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.005 PERFORMANCE STANDARDS.

The applicant shall acknowledge in writing his or her understanding of any applicable performance standards and shall submit an agreement to conform to such performance standards as set forth by OSHA, DHEC, EPA, or other regulatory agency.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

ESTABLISHMENT OF ZONING DISTRICTS AND RULES FOR THE INTERPRETATION OF DISTRICT BOUNDARIES

§ 151.015 ZONING DISTRICTS.

The City is hereby subdivided into the following zoning districts:

R-25	Single-Family Residential District
R-20	Single-Family Residential District
R-15	Single-Family Residential District
R-6	Single-Family Residential District
R-1	Single Family Residential
RR	Rural Residential
GR	General Residential District
PUD	Planned Unit Development
RM	Multi-Family Residential District
RM	Mixed Use District
NC	Neighborhood Commercial District
HC	Highway Commercial District
CC	Core Commercial District
LI	Light Industrial District
G-1	Government District
G-2	Government District
G-3	Government District

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2008-12-16-02, passed 12-16-2008)

§ 151.016 DISTRICT BOUNDARIES.

- (A) The boundaries of the above zoning districts are hereby established as shown on the Official Zoning Map of the city, which together with the explanatory matter thereon, is hereby adopted by reference and declared to be a part of the Zoning Code.
- (B) (1) The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the Seal of the City under the words: Official Zoning Map, City of Westminster, South Carolina, together with the date of the adoption of this Ordinance.

(2) If, in accordance with the provisions of this Chapter and South Carolina, Code of Laws, 1976, Title 6, Chapter 29, being S.C. Code § 6-29 *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 promptly by the Planning Director or Building Official within seven days after the amendment has been approved by the City Council.
- (C) No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Chapter. Any unauthorized change of whatever kind of person or persons shall be considered a violation of this Chapter and punishable by law.
- (D) 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 Planning Director or Building Official shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the city.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.017 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:

- (A) Boundaries indicated as approximately following the center or right-of-way lines of streets, highways, alleys, or public utility easements shall be construed to follow such lines.
- (B) Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.
- (C) Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- (D) Boundaries indicated as following railroad lines shall be construed to be midway between main tracks.
- (E) Boundaries indicated as approximately following the center mean high water mark or shoreline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such lines or marks.
- (F) Boundaries indicated as approximately following topographic elevations shall be construed to follow such elevations.
- (G) Boundaries indicated parallel to or extensions of features indicated in subdivisions (A) through (F) above shall be so construed. Where distances are not specifically indicated on the Official Zoning Map, or in other circumstances not covered by the above subdivisions, then the Board of Appeals shall interpret the district boundaries.

- (H) Boundaries indicated as paralleling a roadway at a given distance shall be interpreted to mean that distance from the right-of-way of the roadway, or the rear property line of lots fronting on the roadway, whichever is the least.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.018 ANNEXATION AND OTHER ADJUSTMENTS TO CITY LIMITS.

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

- (A) (1) The new land areas incorporated or otherwise annexed shall be classified as R-25 One-Family Residential District until such time as the City Council may desire to change such classification through normal amendment procedures, provided, however, that, within 30 days following the effective date of such incorporation, City Council shall direct the Planning Commission to review and make recommendations pertaining to the zoning of the newly incorporated areas.
- (2) The Planning Commission shall then process and act upon such proposed amendments following the necessary public hearing as required by §§ 151.335 through 151.338.
- (B) In all cases, where additions or deletions in the city's total land area require adjustments in the Zoning District Boundaries, said amendments shall be made on the Zoning Map.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.019 CONSERVATION AND HISTORIC AREAS.

Conservation and historic areas may be found in any zoning district when and if the Planning Commission, and/or the City Council set them aside. These areas would not disturb, destroy, or impair the natural flora, fauna, watercourses, or topography. Wildlife, along with the preservation of historic areas are deemed by the city.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

APPLICATION OF DISTRICT REGULATIONS

§ 151.030 GENERAL.

The regulations set by the Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided. Except where provisions for relief are set forth elsewhere in this Chapter, the following general standards for enforcement of District Regulations shall apply.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.031 USE OF LAND STRUCTURES.

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

- (1) With greater height, size, bulk or other dimensions;
 - (2) To accommodate or house a greater number of families;
 - (3) To occupy a greater percentage of lot area;
 - (4) To have narrower or smaller rear yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Chapter.
- (C) No part of a yard, or other open space, off-street parking or loading required about or in connection with any building for the purpose of complying with this Chapter, shall be included as part of a yard, open space, or off street parking or loading space similarly required for any other building, except as otherwise provided herein.
- (D) Rights-of-way and easements for street and roads shall not be considered a part of a lot or open space, or front, rear or side yard for the purpose of meeting yard requirements.
- (Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.032 LOT REDUCTION PROHIBITED.

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

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.033 USE OF SUBSTANDARD VACANT LOTS OF RECORD (Should be in LDRs). PURSUANT TO SC CODE 6-29-1110 et seq.

- (A) Where the owner of a vacant lot at the time of the adoption of this Chapter does not own sufficient land to enable him or her to conform to the dimensional requirements of the Chapter, such lot may nonetheless be used as a building site and the Building Official is authorized to issue a permit for the use of the property provided that said dimensional requirements are not reduced below the minimum specified in this Chapter by more than 20%.
- (B) If, however, the owner of two or more adjoining vacant lots, (any one or more of which, at the time this Chapter is made to be in effect, has insufficient land dimensions) decides to build upon or sell one or more of these lots, then he or she must first combine said lots to comply with the dimensional requirements of this Chapter. Any lot requiring dimensional waivers below the 20% minimum set forth in this section shall be approved by the Board of Appeals, provided that further decreased dimensional requirements shall conform as closely as possible to the required dimensions.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

REQUIREMENTS BY DISTRICTS

§ 151.050 R-25 ONE-FAMILY RESIDENTIAL DISTRICT.

- (A) *Intent of district.* It is the intent of this section that the R-25 District be developed and reserved for low-density one-family residential purposes. No use of activity, including those set below shall be permitted that would disturb or impair the natural character of the district. The regulations which apply within this district

are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots of 25,000 square feet or more, and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

(B) *Permitted uses.* The following uses shall be permitted in any R-25 Zoning District:

- (1) One-family dwelling (other than mobile homes);
- (2) Publicly owned building, facility, or land, except those, which shall be conditionally permitted under division (C) below.
- (3) Unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities.
- (4) Non-commercial horticulture or agriculture.
- (5) Customary home occupation established under the provisions of § 151.107.
- (6) Accessory uses, see §§ 151.135 and 151.136.

(C) *Conditional uses.* The following uses shall be permitted in any R-25 Zoning district subject to conditions set forth in §§ 151.220 and 151.221.

- (1) Public and private schools engaged in teaching general curriculum for educational advancement provided the structures are placed not less than 50 feet from any residential property line, and the lot is not less than four acres in size.
- (2) Church, synagogue, and temple provided that:
 - (a) Such use is housed in a permanent structure;
 - (b) Such use is located on a lot not less than 25,000 square feet in area; and
 - (c) No structure on the lot is closer than 50 feet to any abutting residential property.
- (3) Private kindergarten or pre-school nursery provided that:
 - (a) Such uses meet the minimum standards set forth for such facilities by the State Board of Health;
 - (b) Such use is located on a lot not less than 25,000 square feet in area; and
 - (c) No structure on the lot is closer than 50 feet to any abutting residential property.
- (4) Public utility substation or sub-installation including water towers, provided that:
 - (a) Such use is enclosed by a painted or chain-link fence or wall and a suitable planting screen at least six feet in height above finish grade;
 - (b) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and
 - (c) A landscaped strip not less than five feet in width is planted and suitably maintained around the facility.
- (5) Cemetery, provided that such use:
 - (a) Consists of a site of at least five acres;
 - (b) Includes no crematorium or dwelling unit other than for a caretaker;
 - (c) Has a front yard setback of at least 35 feet from the street right-of-way line, whichever is further; and
 - (d) Maintains a non-illuminated sign no greater than 30 square feet.

(6) Boarding houses as defined by § 151.281, provided that:

- (a) The use would be located in a structure which was originally constructed as a single-family residence.
- (b) At least one owner of the premises who holds at least a 50 percent ownership in the premises or at least a 50 percent ownership in a life estate on the premises, must reside on the premises.
- (c) The property cannot exceed four rental rooms, nor can it exceed four tenants. Furthermore, no more than five individuals can be living on the property at any time, including owners and their family members, so that if an owner has a spouse and dependent living in the residence, he may only have two tenants.
- (d) The owner must have adequate insurance to protect the tenants, their property and guests.
- (e) There must be no more than one kitchen and meals can only be served to monthly boarders and their guests, except that if there is a separate living area and kitchen associated with the bedroom, or what is commonly referred to as an "in-law suite", the owner may provide that separate rental, but it shall count as two and one-half rental rooms, such that if you have one "in-law suite" you may have only one other rented room, and if you have two "in-law suites" you may have no other rented rooms on the property.
- (f) The facility must meet all State and Federal laws and regulations and must have an annual business permit and an annual inspection by the Fire Marshal.
- (g) There must be adequate off street parking, such that there should be at a minimum one space for the owner and additional spaces so that there is one parking space for each tenant.
- (h) There must be at least 162 square feet per parking space based on an average 9' x 18' space.
- (i) Parking must be behind or on the side of the residence; it cannot be forward of the front building line of the residence located on the subject property.

(8) Temporary use in compliance with the provisions of §§ 151.220et seq.

(D) *Other requirements.* Uses permitted in R-25 zoning districts shall be required to conform to the standards set forth in:

- (1) See Appendices A through C;
- (2) Chapter 152;
- (3) §§ 151.003 through 151.005; 151.019; 151.060; 151.100et seq.; 151.120et seq.; 151.185 et seq.; 151.150et seq.; 151.170et seq.; 151.195et seq.; 151.220et seq.; 151.235et seq.; 151.250et seq.; 151.265et seq.; and
- (4) §§ 151.280 and 151.281.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2013-01-15-01, passed 1-15-2013; Am. Ord. 2017-03-21-01, 3-21-2017)

§ 151.051 R-20 ONE-FAMILY RESIDENTIAL DISTRICT.

- (A) *Intent of district.* It is the intent of this section that the R-20 Zoning District be developed and reserved for low and low-to-medium density residential purposes. The regulations, which apply within this district, are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots having an area of 20,000 square feet or more, and to discourage any

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

(B) *Permitted uses.* The following uses shall be permitted in any R-20 Zoning District: All uses permitted in the R-25 One-Family Residential District, as shown in § 151.050(B).

(C) *Conditional use.* The following uses shall be permitted in any R-20 Zoning District, on a conditional basis, subject to conditions set forth in:

1. All conditional uses permitted in the R-25 One-Family Residential District, as shown in § 151.050(C).

2. Short-term rentals, provided the conditions in XX.11 are met ~~Residential Districts R-20, R-25, and R-35~~

(D) *Other requirements.* Uses permitted in R-20 Zoning Districts shall be required to conform to the standards set forth in § 151.050(D).

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.052 R-15 ONE-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent of District.* It is the intent of this Section that the R-15 Zoning District be developed and reserved for medium-density one-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots of 15,000 square feet or more; and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

(B) *Permitted uses.* The following uses shall be permitted in any R-15 Zoning District:

(1) All uses permitted in the R-25 One-Family Residential District, as shown in § 151.050(B).

(2) Kindergarten or nursery as part of a church, synagogue, or temple.

(C) *Conditional uses.* The following uses shall be permitted in any R-15 Zoning District on a conditional basis, subject to conditions set forth in §§ 151.220et seq.: All conditional uses permitted in the R-25 One-Family Residential District as shown in § 151.050(C). ~~Add short-term boarding houses here if necessary.~~

(D) *Other requirements.* Uses permitted in R-15 Zoning Districts shall be required to conform to the standards set forth in § 151.050(D).

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§151. R-6 SINGLE FAMILY RESIDENTIAL

(A) Intent of District. It is the intent of this Section that the R6 District to promote and accommodate housing development that meets the diverse economic and social needs of a diverse population. To this end, this District is designed and intended to allow for the development of housing on 6000 square feet of lot size. The District is intended for application in areas accessible by major streets, and in proximity to commercial uses, employment opportunities and community facilities.

Permitted uses. The following uses shall be permitted in any R-6 Zoning District:

(1) One-family dwellings (other than mobile homes);

(2) Publicly owned building, facility, or land, except those, which shall be conditionally permitted under division (C) below.

- (3) Customary home occupations established under the provisions of § 151.107.
- (4) Accessory uses, see §§ 151.135 and 151.136.
- (C) Conditional uses. The following uses shall be permitted in any R-6 Zoning district subject to conditions set forth in §§ 151.220 and 151.221.
 - (1) Public utility substation or sub-installation including water towers, provided that:
 - (a) Such use is enclosed by a painted or chain-link fence or wall and a suitable planting screen at least six feet in height above finish grade;
 - (b) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and
 - (c) A landscaped strip not less than five feet in width is planted and suitably maintained around the facility.
 - (d) Short term rentals and boarding houses.

NEED DIMENSIONAL STANDARDS – TALK WITH COUNCIL & PG

§151. R-1 SINGLE FAMILY RESIDENTIAL

- (A) Intent of District. It is the intent of this Section that the R-1 District to promote and accommodate development low density development. To this end, this District is designed and intended to allow for the development of housing on a minimum of one acre lot size. The District is intended for application in areas situated between low to medium, medium density, and rural areas.

Permitted uses. The following uses shall be permitted in any R-6 Zoning District:

- (1) One-family dwellings, (including or other than mobile homes?)
- (2) Customary home occupations established under the provisions of § 151.107.
- (4) Accessory uses, see §§ 151.135 and 151.136.
- (C) Conditional uses. The following uses shall be permitted in any R-6 Zoning district subject to conditions set forth in §§ 151.220 and 151.221.
 - (1) Public utility substation or sub-installation including water towers, provided that:
 - (a) Such use is enclosed by a painted or chain-link fence or wall and a suitable planting screen at least six feet in height above finish grade;
 - (b) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and
 - (c) A landscaped strip not less than five feet in width is planted and suitably maintained around the facility.
 - (d) Short term rentals and boarding houses.

NEED DIMENSIONAL STANDARDS – TALK WITH COUNCIL & PG

§ 151. RR RURAL RESIDENTIAL DISTRICTING

- A) Intent of district. It is the intent of this section that the RR District be developed and reserved for very low-density one-family residential purposes, and would include areas with acreage tracts in agriculture, forestry, animal husbandry with pastures, barns, barnyards, corrals, pens and associated facilities. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots of 5.0 acre or more, and to discourage any encroachment by medium or high density residential, commercial, industrial, or other use capable of adversely affecting the residential character of the district. No use of activity, including those set below shall be permitted that would disturb or impair the natural character of the district.
- B) Permitted uses. The following uses shall be permitted in any RR Zoning District:
- (1) One-family dwelling, (including any other uses which may be permitted by the Board);
 - (2) Publicly owned building, facility, or land, except those, which shall be conditionally permitted under division (C) below.
 - (3) Unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities.
 - (4) Non-commercial horticulture or agriculture.
 - (5) Customary home occupation established under the provisions of § 151.107.
 - (6) Accessory uses, see §§ 151.135 and 151.136.
- C) Conditional uses. The following uses shall be permitted in any RR Zoning district subject to conditions set forth in §§ 151.220 and 151.221.
- (1) Public and private schools engaged in teaching general curriculum for educational advancement provided the structures are placed not less than 50 feet from any residential property line, and the lot is not less than five acres in size.
 - (2) Church, synagogue, and temple provided that:
 - (a) Such use is housed in a permanent structure;
 - (b) Such use is located on a lot not less than 25,000 square feet in area; and
 - (c) No structure on the lot is closer than 50 feet to any abutting residential property.
 - (3) Private kindergarten or pre-school nursery provided that:
 - (a) Such uses meet the minimum standards set forth for such facilities by the State Board of Health;
 - (b) Such use is located on a lot not less five acres in area; and
 - (c) No structure on the lot is closer than 50 feet to any abutting residential property.
 - (4) Public utility substation or sub-installation including water towers, provided that:
 - (a) Such use is enclosed by a painted or chain-link fence or wall and a suitable planting screen at least six feet in height above finish grade;
 - (b) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and
 - (c) A landscaped strip not less than five feet in width is planted and suitably maintained around the facility.

(5) Cemetery, provided that such use:

(a) Consists of a site of at least five acres;

(b) Includes no crematorium or dwelling unit other than for a caretaker;

(c) Has a front yard setback of at least 35 feet from the street right-of-way line, whichever is further;
and

(d) Maintains a non-illuminated sign no greater than 30 square feet.

(8) Temporary use in compliance with the provisions of §§ 151.220et seq.

§ 151.053 GR GENERAL RESIDENTIAL DISTRICT.

(A) *Intent of District.* It is the intent of this Section that the GR Zoning District be developed and reserved for medium density residential purposes. The regulations which apply within this district are designed to discourage any uses which would generate non-residential traffic on minor streets, to encourage the formation and continuance of a stable, healthy residential environment, and to discourage unwarranted encroachment of commercial, industrial or other uses capable of adversely affecting the residential character of the district.

(B) *Permitted uses.* The following uses shall be permitted in any GR Zoning District:

(1) All permitted uses in the R-20 and R-15 One-Family Residential District, as shown in §§ 151.051(B) and 151.052(B).

(2) Two-family dwellings and garage apartments accommodating no more than two families per building.

(3) Group dwellings, multi-family (apartments).

(4) Boarding houses, and Short Term Rentals provided they comply with all requirements in R-25 One-Family Residential District as shown in § 151.050(C) and § 151.281, Definitions, Boarding house, and Short Term Rentals.

(5) Mobile/manufactured homes provided: {

(a) The Building Official gives prior approval in writing and that the time between the date of the HUD seal on the used mobile home and the date of the permit issued by Oconee County for that mobile home not exceed ten years.

(b) All setbacks are observed as required in the GR Zoning District.

(c) Tie downs are required per manufacturing instructions or State Act 123 with approved anchors.

(d) The unit meets the requirements of § 151.103.

(e) All mobile homes not located in mobile home parks and all mobile home parks in place at the time of the enactment of this Chapter shall be brought into conformity with the requirements of § 151.053(B)(5) within 12 months from the date of the enactment of this Chapter and/or notification by the Building Official.

(f) Such other requirements as shall be considered conducive to the area by the Building Official

(C) *Conditional uses.* The following uses shall be permitted on a conditional basis in any GR Zoning District subject to the provisions set forth in §§ 151.220et seq.

(1) All conditional uses permitted in the [RR, R-1](#), R-25, R-20, and R-15 Zoning Districts, as shown in §§ 154.050(C), 151.051(C), and 151.052(C).

(2) Public or private care homes, provided such uses meet the following requirements:

- (a) Minimum lot area: One acre.
- (b) Minimum lot width: One hundred feet.
- (c) Minimum front yard depth: Thirty-five feet.
- (d) Minimum side yard depth: Fifteen feet.
- (e) Minimum rear yard depth: Twenty-five feet.
- (f) Maximum building height: Subject to approval of the Fire Chief.
- (g) Screening: Any public or private care home in this district, which adjoins a residential use, shall provide and maintain a suitable screen at least six feet in height above finished grade.
- (h) Additional requirements: Any public or private care home in this district shall meet all standards set forth in §§ 151.050et seq.

(D) *Other requirements.* Uses permitted in GR Zoning Districts shall be required to conform to the standards set forth in § 151.050(D).

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2007-04-17-01, passed 6-19-2007; Am. Ord. 2017-03-21-01, 3-21-2017)

§ 151.054 RM MULTI-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent of district.* It is the intent of this section that the RM Zoning District be developed and reserved for medium and high-density residential purposes. The regulations, which apply within this district, are designed to encourage the formation and continuance of a stable, healthy environment for such dwellings, and to discourage unwarranted uses capable of adversely affecting the residential character of the district.

(B) *Permitted uses.* The following uses shall be permitted in any RM Zoning District:

- (1) Multi-family dwellings (three or more families);
- (2) Two-family dwellings;
- (3) Customary home occupations;
- (4) Temporary uses in compliance with §§ 151.220et seq.; and
- (5) Accessory uses, provided such uses meet all minimum front and side yard requirements for the RM Zoning District, and provided such uses are situated at least 10 feet off the rear lot line, pursuant to §§ 151.135et seq.
- (6) **Manufactured/Mobile homes provided:**
 - (a) The Building Official gives prior approval in writing and that the time between the date of the HUD seal on the used mobile home and the date of the permit issued by Oconee County for that mobile home not exceed ten years.
 - (b) All setbacks are observed as required in the GR Zoning District.
 - (c) Tie-downs are required per manufacturing instructions or State Act 123 with approved anchors.
 - (d) The unit meets the requirements of § 151.103.

(e) All mobile homes not located in mobile home parks and all mobile home parks in place at the time of the enactment of this Chapter shall be brought into conformity with the requirements of § 151.053(B)(5) within 12 months from the date of the enactment of this Chapter and/or notification by the Building Official.

(f) Such other requirements as shall be considered conducive to the area by the Building Official.

(C) *Conditional uses.* The following uses shall be permitted on a conditional basis in any RM Zoning District subject to the provisions set forth in §§ 151.220et seq.

(1) Private kindergarten or pre-school nursery provided that;

(a) Such uses meet the minimum standards set forth for such facilities by the State Board of Health and all local building codes;

(b) Such uses are located on a lot not less than 25,000 square feet in area; and

(c) No structure on the lot is closer than 25 feet to an abutting residential property line.

(2) Public Utility substation or sub-installation including water towers, provided that:

(a) Such use is enclosed by a painted or chain-link fence or wall at least six feet in height above finished grade;

(b) There is no office or commercial operation, or any storage of vehicles or equipment on the premises, and

(c) That a landscaped strip not less than 5 feet wide is planted and suitably maintained around the facility.

(3) Publicly owned open space, recreational facility, or educational facility provided that:

(a) Such use meets all yard requirements set forth for the RM Zoning District; and

(b) Such use conforms to all other appropriate standards as set forth in this Zoning Code.

(c) Swimming pools shall meet the conditions set forth in § 151.104

(4) Single-family dwellings provided that:

(a) The minimum lot area shall be 15,000 square feet; and

(b) The setbacks shall be those required by the R-15 one-family residential district.

(D) *Other requirements.* Unless otherwise specified elsewhere in this Chapter uses permitted in RM Zoning Districts shall be required to conform to the following standards:

(1) *Minimum lot area:* Fifteen thousand square feet.

(2) *Minimum lot area per dwelling unit:* Fifteen thousand square feet, except that the minimum area per dwelling unit on a lot for multiple-family dwellings shall not be less than indicated by dwelling unit type of the following schedule:

LOT AREA SQUARE FOOTAGE REQUIRED FOR MULTIPLE-FAMILY DWELLINGS				
Unit Type	Stories			
	1	2	3	4
Efficiency	2,000	1,435	1,410	1,240
1 Bedroom	2,000	1,775	1,625	1,438

2 Bedroom	2,650	2,475	2,125	1,825
3 Bedroom	3,525	3,175	2,653	2,200
4 or more Bedrooms	4,375	3,975	3,492	2,725

- (3) *Other principal use:* Not Applicable.
- (4) *Maximum dwelling units per acre:* The maximum number of dwelling units per acre shall not exceed the number indicated by dwelling unit type on the following schedule. In instances where the permitted figure is determined to include a fraction, the less round number shall apply.
- (5) *Multiple-family dwelling:* According to the following table:

PERMITTED MULTIPLE-FAMILY DWELLING UNITS PER NET ACRE BY UNIT TYPE				
Unit Type	Stories			
	1	2	3	4 or more
Efficiency Units	21	30	30	35
1 Bedroom	21	24	26	30
2 Bedrooms	16	17	20	23
3 Bedrooms	12	13	16	19
4 or more Bedrooms	9	10	12	15

- (6) *Other permitted uses:*
- See Appendices A through C.
 - Additional Requirements: Uses permitted in RM Zoning Districts shall meet all standards set forth in §§ 151.003 through 151.005; 151.019; 151.060; 151.100*et seq.*; 151.120*et seq.*; 151.135*et seq.*; 151.150*et seq.*; 151.170*et seq.*; 151.195*et seq.*; 151.220*et seq.*; 151.235*et seq.*; 151.250*et seq.*; 151.265*et seq.*; 151.280*et seq.*; and Chapter 152.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2007-10-16-01, passed 10-16-2007)

§ 151.055 MU MIXED USE DISTRICT. Need more clarity in goals here.

- Overlay or zoning district?
- Uses?
- Mixture of uses on single lot or a district that simply allows multiple use categories (with additional buffer, screening, parking requirements)?
- Allow for more or less density?
- Lot size?

§ 151.055 NC NEIGHBORHOOD COMMERCIAL DISTRICT.

- (A) *Purpose.* It is the intent of this Section that the NC Zoning District be developed and reserved for local or neighborhood oriented business purposes. The regulations which apply within this district are designed to encourage the formation and continuous of a stable, healthy and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping and service facilities; reduce

traffic and parking congestion; avoid the development of strip business districts; and discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district.

(B) Permitted uses. The following uses shall be permitted in the NC Zoning District:

(1) Retail business involving the sale of merchandise on the premises in stores specifically including, but not limited to:

- (a) Gift shop;
- (b) Candy store;
- (c) Convenience stores with or without gas pumps; -
- (d) Drug store or pharmacy;
- (e) Grocery store;
- (f) Hardware store;
- (g) Package liquor store;
- (h) Video stores and record shops.

(2) Business involving the rendering of a personal service or the repair and servicing of small equipment specifically including, but not limited to:

- (a) Bank, savings and loan associations, personal loan agency, and branches;
- (b) Barber shop, beauty shop, or combination thereof;
- (c) Dry cleaning self-service and/or laundry self-service facility;
- (d) Medical, dental, or chiropractic office;
- (e) Real estate agency;
- (f) School offering instruction in art, music, dancing, drama, or similar cultural activities;
- (g) Shoe repair shop;
- (h) Church, temple or synagogue;
- (i) Publicly owned and operated building, facility or land;
- (j) Accessory use in compliance with the provisions of §§ 151.135et seq.
- (k) Clubs, lodges, union halls, and social centers.

(l) General office use

(C) Conditional uses. The following uses shall be permitted on a conditional basis in any NC Zoning District, subject to the conditions set forth in §§ 151.220et seq.

- (1) Auto accessory store** provided there is no storage of wrecked automobiles, scrapped, or salvage auto parts on the premises.
- (2) Automobile service station** provided operations involving major repairs, body and fender work, painting, or the sale or rental of new or used cars or trucks, trailers of any type, or boats, are not conducted on the premises; provided all pumps are set back at least 25 feet from the right-of-way line of all abutting streets; and provided parking and/or service areas are separated from adjoining residential properties by a suitable screen, (with no more than 20% voids), or wall at least six feet in height above finished grade.

-
- (3) Bakery provided that goods baked on the premises are sold only at retail on the premises.
 - (4) Childcare facilities provided the facility is licensed by and meets all the requirements of the Department of Social Services.
 - (5) Delicatessen, restaurant, soda fountain or other eating and/or drinking establishments (other than drive-in establishments) provided no outside loud speaker systems are utilized; provided all lights or lighting arrangements used for purposes of advertising or night operations are directed away from adjoining or nearby residential properties; and provided parking and/or service areas are separated from adjoining residential properties by a suitable planting screen, fence or wall at least six feet in height above finished grade.
 - (6) Dry cleaning, and/or laundry pickup stores, provided that no laundering, cleaning, or pressing is done on the premises.
 - (7) Public utility substation or sub installation, including water or fire towers, provided such use is enclosed by a painted or chain-link fence or wall at least six feet in height above finished grade, provided there is neither an office nor commercial operation nor storage of vehicle or equipment on the premises; and provided a landscaped strip not less than five feet in width is planted and suitable maintained.
 - (8) Temporary use in compliance with the provisions of §§ 151.220et seq.
 - (9) Existing Residential use, provided such use was existing at the time of the properties being rezoned to NC. Residential uses are not permitted on properties that were absent any structures at the time of being rezoned to NC.
- (D) *Other requirements.* Uses permitted in NC Neighborhood Commercial Districts shall be required to conform to the standards set forth in Appendices A through C; §§ 151.003 through 151.005; 151.019; 151.060; 151.100et seq.; 151.120et seq.; 151.135et seq.; 151.150et seq.; 151.170et seq.; 151.195et seq.; 151.220et seq.; 151.235et seq.; 151.250et seq.; 151.265et seq.; 151.280et seq.; 151.295et seq.; and Chapter 152.
- (Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.056 HC HIGHWAY COMMERCIAL DISTRICT.

- (A) *Purpose.* It is the intent of this Section that the HC Zoning District be developed and reserved for general business purposes and with particular consideration for the automobile-oriented commercial development existing or proposed along major thoroughfares. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential, or other uses considered capable of adversely affecting the basic commercial character of the district.
- (B) *Permitted uses.* The following uses shall be permitted in any HC Zoning District:
- (1) Any retail, wholesale business involving the sale of merchandise on the premises, as set forth for NC Districts.
 - (2) Business involving the rendering of personal service as set forth for NC Districts.
 - (3) Off-street commercial parking lot or garage.
 - (4) Hotel, tourist home, and motel.
 - (5) Commercial recreation facility, specifically including, but not limited to:
 - (a) Billiard parlor;

- (b) Theatre;
 - (c) Bowling alley; and
 - (d) Golf course (including driving range or Par 3 operation), including such activities customarily considered being auxiliary to a golf course.
- (6) Commercial, trade or vocational school.
 - (7) Eating and/or drinking establishment including drive-in or curbside service.
 - (8) [Reserved.]
 - (9) Public utility installation or sub installation, including water towers.
 - (10) Bakery.
 - (11) Office building and/or office for governmental, business, professional or general purposes.
 - (12) Accessory uses in compliance with the provisions of §§ 151.135 *et seq.*
 - (13) Church, temple, or synagogue.
- (C) *Conditional uses.* The following uses as set forth for NC Districts and subject to the conditions set forth in §§ 151.220 *et seq.*
- (1) Automobile service station provided all pumps are set back at least 50 feet from the right-of-way line on the street; and provided parking and/or service areas are separate from adjoining residential properties by a suitable planting screen, fence (with no more than twenty 20% voids), or wall at least six feet in height above finished grade.
 - (2) Automobile laundry or car wash provided an off-street paved parking area capable of accommodating not less than one half of hourly vehicle washing capacity awaiting entrance to the washing process is suitably located and maintained on the premises (such space to contain at least 200 square feet per waiting vehicle); and provided no standing water, safety hazard or impediment to traffic movement is created by the operation of such an establishment.
 - (3) Garage for the repair and servicing of motor vehicles providing all operations are conducted within a fully enclosed building; and provided there is no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premise.
 - (4) Automobile sales, new or used, provided parking and service areas are separate from adjoining residential properties by a suitable planting screen, fence (with no more than twenty 20% voids), or wall at least six feet in height above finished grade.
 - (5) Animal hospital and/or boarding facility provided all boarding arrangements are maintained within a building; excluding exercise facilities.
 - (6) Childcare facilities provided the facility is licensed by and meets all the requirements of the Department of Social Services.
 - (7) Dry cleaning or laundry pickup agency provided that any laundering, cleaning, or pressing done on the premises involves only articles delivered to the premises by individual customers, or pickup stores.
 - (8) Meat, fish, and/or poultry shop provided that no slaughtering is permitted. Any cleaning of fish or poultry necessary for such use may be permitted provided that cleaning activities are within the principal building enclosure on the premises, and waste is removed daily.
 - (9) Open yard use for the sale, rental and/or storage of materials or equipment excluding junk or other salvage provided that such uses are separate from adjoining residential properties by a suitable planting screen and fence or wall at least six feet in height above finish grade.

- (10) Temporary use in compliance with the provisions of §§ 151.220et seq. those uses the Zoning Administrator finds consistent with the intent of the district.
- (11) Accessory use in compliance with the provision of §§ 151.135et seq.
- (12) Existing Residential use, provided such use was existing at the time of the properties being rezoned to HC. Residential uses are not permitted on properties that were absent any structures at the time of being rezoned to HC.

(D) *Other requirements.*

- (1) Unless otherwise specified elsewhere in this Chapter, uses permitted in HC Highway Commercial Zoning Districts shall be required to conform to the standards set forth in Appendices A through C; §§ 151.003 through 151.005; 151.019; 151.060; 151.100et seq.; 151.120et seq.; 151.135et seq.; 151.150et seq.; 151.170et seq.; 151.195et seq.; 151.220et seq.; 151.235et seq.; 151.250et seq.; 151.265et seq.; and 151.280et seq. and Chapter 152.
- (2) In addition, to minimize congestion at business access points, the following limitation shall apply to all major thoroughfares in the HC Highway Commercial District.
 - (a) There shall be no more than two access points on a major thoroughfare for every one lot of record provided, however, these accesses meet the requirements in §§ 151.056(D)(2)(b) through 151.056(D)(2)(d) below.
 - (b) If a primary access to a lot of record is available on an intersecting roadway, then access on the major thoroughfare shall be limited to one access per lot of record.
 - (c) Such access on a major thoroughfare is granted only provided that there is a minimum of 80 feet from such access to the right-of-way of an intersection roadway. This shall be limited to one access per lot of record.
 - (d) There shall be no more than one access point granted within a given 50 feet of frontage.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2010-07-20-04, passed 7-20-2010; Am. Ord. 2017-02-21-03, passed 2-21-2017; Am. Ord. 05-22-2018, passed 5-22-2018)

§ 151.057 CC CORE COMMERCIAL DISTRICT.

- (A) *Purpose.* The intent of the CC Core Commercial District is to encourage the maintenance of a centrally located trade, commercial, and community service area and to provide for the orderly expansion of such uses.
- (B) *Permitted uses.* The following uses shall be permitted on a conditional basis in any CC Core Commercial District: Any use permitted in any HC Zoning District subject to the conditions of § 151.056(B).
- (C) *Conditional uses.* The following uses shall be permitted on a conditional basis in any CC Core Commercial District:
 - (1) Any use permitted on a conditional basis in any HC District, subject to the conditions of § 151.056(C).
 - (2) Existing Residential use provided it is as set forth in all RMA Districts, provided that it is not on the ground floor
- (D) *Other requirements.* Uses permitted in CC Core Commercial Zoning Districts shall be required to conform to the standards set forth in Appendices A through C; §§ 151.003 through 151.005; 151.019; 151.060; 151.100et seq.; 151.120et seq.; 151.135et seq.; 151.150et seq.; 151.170et seq.; 151.195et seq.; 151.220et seq.; 151.235et seq.; 151.250et seq.; 151.265et seq.; 151.280et seq.; and Chapter 152.

§ 151.058 LI LIGHT INDUSTRIAL DISTRICT.

- (A) *Purpose.* The intent of the LI Zoning District is to provide areas for light industrial purposes, which are not significantly objectionable in terms of noise, odor, fumes, and the like, to surrounding properties. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for use generally classified to be limited industrial in nature; protect and reserve undeveloped areas in the city which are suitable for such industries; and discourage encroachment by those residential, commercial, or other uses capable of adversely affecting the basic industrial character of the district.
- (B) *Permitted uses.* The following uses shall be permitted in any LI Zoning District:
- (1) Research or experimental laboratory;
 - (2) Transportation Terminal;
 - (3) Public building, facility, or land other than a school, playground, hospital, clinic, care home or cultural facility;
 - (4) Public utility installation;
 - (5) [Reserved.]
 - (6) Office building and/or offices for governmental, business, professional, or general purposes;
 - (7) Commercial trade or vocational school.
 - (8) Off-street commercial parking lot or garage, as well as off-street parking or storage area for customer, client, or employee owned vehicles; and
 - (9) Land fill or the extraction of natural materials (temporary and accessory uses).
- (C) *Conditional uses.* The following uses shall be permitted on a conditional basis in any LI Zoning District, subject to the conditions set forth in §§ 151.220et seq.
- (1) Any industrial use which involves manufacturing, processing, assembly, storage operations, provided said manufacturing, processing, assembly or storage in no way involves any junk or salvage operations; provided that any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions related to the operation are not sufficient to create a nuisance beyond the premises.
 - (2) Warehouse or other storage facility, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.
 - (3) Wholesale business outlet, provided that there is no open storage of junk or salvage material of any type in conjunction with the operation.
 - (4) Automobile service station provided that all pumps are set back at least 25 feet from the right-of-way line of any street; and provided that there is no open storage of any type in conjunction with the operation.
 - (5) Any industrial use which may produce injurious or obnoxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other objectionable conditions provided:
 - (a) Such objectionable conditions does not constitute a nuisance to adjoining properties;
 - (b) That such use is located at least 200 feet from any abutting property line; and

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- (c) That such use is located on a site at least 5 acres in size.
 - (6) Open yard use for the sale, rental and/or storage of new, used or salvaged materials, or equipment, provided:
 - (a) That such use is conducted in a manner that it will be located on a site no less than one acre in size; and
 - (b) That no burning of materials or products is conducted on the premises except by means approved by the Fire Chief or Fire Inspector; and in the case of open storage of used or salvaged materials and/or equipment, provided a suitable screen of at least six feet in height above finished grade will be required along all property lines.
 - (7) Bulk storage of petroleum products.
 - (8) Garage or shop for the repair and servicing of motor vehicles, equipment or machine parts provided any open yard storage incidental to such an operation conforms to the provisions of § 151.058(C)(9); and provided no sound, vibration, heat glare or electrical disturbance is created which creates a nuisance beyond the premises.
 - (9) Temporary use in compliance with the provisions of §§ 151.220et seq.
 - (D) *Other requirements.* Uses permitted in the LI Light Industrial Districts shall be required to conform to the standards set forth in Appendices A through C; §§ 151.003 through 151.005; 151.019; 151.060; 151.100et seq.; 151.120et seq.; 151.135et seq.; 151.150et seq.; 151.170et seq.; 151.195et seq.; 151.220et seq.; 151.235et seq.; 151.250et seq.; 151.265et seq.; 151.280et seq.; and Chapter 152.
- (Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2017-02-21-03, passed 2-21-2017)

§ 151.059 PUD PLANNED UNIT DEVELOPMENT [FORMATTING/NUMBERING TO BE MODIFIED]

- (A) *Intent of district.* It is the intent of this Section that the PUD Zoning District be developed to encourage flexibility in the design process, and to promote a mix of residential types and neighborhood convenience facilities while preserving open space and making more efficient use of the land.
- (B) *Permitted uses.* The following uses shall be permitted in any PUD Zoning District:
 - (1) One-family detached dwelling (other than a mobile home).
 - (2) One-family attached dwelling (town house).
 - (3) Two-family dwelling accommodating no more than two families per building.
 - (4) Multi-family dwelling.
 - (5) Retail and business facilities permitted in the NC District, as shown in § 151.055, to the extent that they are to be designed or intended for the use of the residents of the PUD.
 - (6) Customary home occupations.
 - (7) Temporary uses in compliance with §§ 151.220et seq.
 - (8) Accessory uses, provided such uses meet all requirements for PUD Zoning District.
- (C) *Conditional uses.* The following uses shall be permitted on a conditional basis in any PUD Zoning District subject to the provisions set forth in §§ 151.220et seq.: All conditional uses permitted in the APT Zoning District, as shown in § 151.053(C).
- (D) *Other requirements.*

- (1) *Site criteria.* To be eligible for consideration as a Planned Unit Development, the site of such proposed development must meet the following criteria:
 - (a) The system of streets serving the site and its surrounding area must be adequate to handle traffic volumes expected to be generated by the proposed development.
 - (b) The location of the site and the character of the proposed development must be compatible with existing development in the surrounding area.
 - (c) The location and nature of the proposed development must conform to the goals and principles of the city.
 - (d) The site must be accessible to public water and sewer service or a feasible method of providing such service must be demonstrated.
 - (e) The site must not be susceptible to flooding.
- (2) *Minimum development area.* Two acres.
- (3) *Maximum dwelling units per acre.*
 - (a) One-family dwellings: Eight units per gross acre
 - (b) Two-family dwellings: Twelve units per gross acre
 - (c) Multi-family dwellings: Twenty units per gross acre.
- (4) *Minimum yard requirements.* There are no specified minimum yard requirements in the PUD. Approval of a proposed PUD is based in part on the adequacy of yards for allowing sufficient light and air to reach each structure.
- (5) *Maximum building height:* Thirty-five feet. Multi-family dwellings may exceed 35 feet with approval from the Fire Chief, and Building Official.
- (6) *Open space and recreation area.* A minimum of 20% of the gross site area of a PUD shall be preserved as open space and recreation areas. The open space area shall be continuous and evenly distributed throughout the development and shall be directly connected with any recreation area.
- (7) *Streets and driveways.* Refer to the Subdivision and Regulations, §§ 151.003 through 151.005; 151.019; 151.060; 151.100et seq.; 151.120et seq.; 151.135et seq.; 151.150et seq.; 151.170et seq.; 151.195et seq.; 151.220et seq.; 151.235et seq.; 151.250et seq.; and 151.265et seq.;
- (8) *Underground placement of utility lines.* All telephone, cable television, and electrical service lines within a PUD shall be underground.
- (9) *Street lighting.* All streets, driveways, and parking facilities within a PUD shall be adequately lighted at night.
- (10) *Walkways.* All PUD'S shall provide safe, convenient, all-season pedestrian walkways between dwellings, streets, parking facilities, and open space and recreation areas.
- (11) *Additional requirements.* Uses permitted in PUD Zoning Districts shall meet all standards set forth in §§ 151.003 through 151.005; 151.019; 151.060; 151.100et seq.; 151.120et seq.; 151.135et seq.; 151.150et seq.; 151.170et seq.; 151.195et seq.; 151.220et seq.; 151.235et seq.; 151.250et seq.; and 151.265et seq.;
- (E) *Procedures for Approving a Planned Unit Development.* The following procedures shall be followed in reviewing and approving a PUD Zoning Change, the process for which shall be consistent with Sec 151.338 "Procedures for Amendments". COPIED FROM AMENDMENT SECTION, WITH MINOR MODIFICATIONS, TO BE CONSISTENT WITH THE ZONING CHANGE PROCESS.

(1) *Application for planned unit development.*

- (a) A request for a PUD shall be in letterform and shall clearly state the applicant's name, address, and interest in the application; and the name, address, and interest of every other person whom the applicant represents in the case of a joint interest application or representative as the applicant. The applicant shall submit with the letter of application four copies of a vicinity map and four copies of a preliminary site plan of the area proposed as a PUD to the Building Official.
- (b) The vicinity map shall be on a scale of one inch equals 400 feet, shall encompass an area within a 1/2-mile radius of the site, and shall show:
 - 1. Existing streets and roads.
 - 2. Existing water resources.
 - 3. Existing land uses on the site and in the area surrounding the site.
- (c) The vicinity map may be included on the same sheet as the preliminary site plan.
 - 1. Existing and proposed topographic contours at vertical intervals no greater than five feet.
 - 2. The location and approximate outline of all existing and proposed building and structures.
 - 3. The location and width of all existing and proposed roads and parking facilities.
 - 4. The proposed use of each building and open area and the materials proposed to be used in the construction of buildings and in the surfacing of roads and parking areas.
 - 5. An indication of the number and type of dwellings proposed per acre.
 - 6. Plans for drainage of the site and for water and sewer service.
 - 7. Plans for fencing, screening, or otherwise separating the proposed development from adjacent areas.
 - 8. Proposed schedule of development for the various sections of the development.
 - 9. Such other information as required showing the full development intentions of the applicant and the effect of the proposal on adjacent development.
- (d) The applicant shall also submit 4 copies of engineering data and any other documentation necessary to demonstrate the adequacy of existing or proposed water and sewage facilities.

(2) *Application fee.* An application fee of \$200 shall accompany the application to cover the cost of processing the application.

(a) *Initiation of amendments.* A proposed amendment to the Zoning Code may be initiated by the City Council, the Planning Commission, or by application filed with the Planning Department by the owner or owners of the property proposed to be changed, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property, or any part thereof, and requesting the same change in district classification by a property owner or owners more often than once every 12 months. Initiation of the Public Hearing Procedures commences upon payment of the \$75 application fee.

(b) *Application procedure.*

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

2. Applications for amendments must be submitted, in proper form, at least three weeks prior to a Planning Commission meeting in order to be heard at that meeting.
3. The Zoning Administrator shall forward application fees to the City Clerk who shall supervise the application of same to the costs of advertising and other administrative expenses.
4. *Administrative examination.* Upon receipt of the application, the Building Official shall examine it to determine its completeness. The Building Official shall have 15 days to either return the application to the applicants for additional information or to forward it to the Planning Commission for review and recommendation.

(c) Planning Commission Review and Recommendation:

1. The Secretary of the Planning Commission shall transmit all papers and other data submitted by the applicant on behalf of the amendment request to the Planning Commission. The Planning Commission, at a regular meeting, shall review and prepare a report, including its recommendation for transmittal to the City Council. All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person, by agent, or by attorney.
 2. No member of the Planning Commission shall participate in a matter in which he or she has any pecuniary or special interest.
 - 3.
- (3) *Review by planning commission.* Pursuant to The Planning Commission shall meet within 30 days after receipt of the PUD application from the Building Official to review the proposal; consider the adequacy of the site plan; evaluate the probable effect of the proposed development on the surrounding area and the city as a whole; determine the need and desirability of the development at the proposed location; and prepare and submit a written recommendation to the Mayor and City Council. If the Commission fails to submit a report within this 30-day period or is not granted an extension for further study, it shall be deemed to have recommended approval of the application.

Report of the Planning Commission.

- (1) Following each public hearing the Planning Commission shall hold a regular meeting to review and prepare a written record of the conduct of each public hearing. A copy of the record shall be filed with the City Clerk for the public record and a copy shall accompany the Planning Commission's recommendation of the Mayor and City Council.
- (2) The recommendation of the Planning Commission shall be in written form and should evaluate the proposed zoning amendment by answering the following questions:
 - (a) How does the proposed zoning amendment relate to and affect the City's Comprehensive Plan?
 - (b) Are development objectives and recommendations of the City's Comprehensive Plan for the area under consideration still valid or have conditions changed to such a degree that deviation from the Plan is warranted?
 - (c) Will the proposed amendment correct an error or deficiency in the zoning regulations?
 - (d) What benefits would the city as a whole receive from development effectuated under the proposed amendment?
 - (e) Does the cost-benefit relationship indicate that the proposed zoning amendment would be in the public interest over the long-term?

- (f) Following action by the Planning Commission, all papers, and data pertinent to the application shall be transmitted to the City Council for final action.

Public hearing by City Council. Before enacting an amendment to the Zoning Code, the City Council shall hold a public hearing. There shall be at least a minimum of 15-days' notice of the time and place of which shall be published in a newspaper of general circulation in the municipality. The property shall also be posted in a prominent place 15 days prior to the date of the public hearing. The adjacent and adjoining property owners shall be notified by first class mail 15 days prior to the public hearing. The City Council may, at its discretion, delegate the power and responsibility to hold the required public hearing to the Planning Commission for any or all amendments. In such cases as the Planning Commission conducts the Public Hearing, the City Council shall not be required to hold another before acting on the recommendation. This is permissive, however, and certainly does not preclude the City Council from conducting its own public hearing on the amendment.

Changes in the zoning map. Following final action by the City Council, any necessary changes shall be made in the Zoning Map. A written record of the type and date of such change shall be maintained by the Planning Department. Refer to § 151.016.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

- (4) **Public Hearing Disposition by Mayor and City Council.** The Mayor and City Council may vote to approve or deny the PUD request, may refer it back to the Planning Commission for further study, may recommend changes and modifications in the proposal, may attach appropriate conditions, or may take other action as it may deem necessary. Approval by Ordinance is required, with two approved readings, prior to PUD amendment going into effect.

However, prior to approval, the Mayor and City Council shall find:

- (a) That the use and the plan for development are consistent with the goals and principals of the city's Comprehensive Plan and with the intent and purpose of this Chapter.
- (b) That the use will not endanger the public health or safety if located where proposed and developed according to the proposed plan.
- (c) That the use will not injure the value of surrounding properties.
- (d) That the location and character of the use, if developed according to the plan as submitted will be in harmony with the area in which it is located.

- (5) *Registration of approved plan.*

- (a) After approval of the PUD site plan, all building construction and use of buildings and land shall be in conformity with the approved site plan. The site plan and all conditions appended thereto shall be recorded in the Office of the County Registrar and shall thereafter be binding upon the applicants, their heirs, successors, and assigns.
- (b) A copy of the approved site plan shall be filed with the Building Official and no Certificate of Occupancy shall be issued for any building or use within the PUD area unless the Building Official finds that such buildings or uses conform to the approved site plan.
- (c) In the event of failure to comply with the approved site plan and the conditions attached thereto, the Mayor and City Council may, on its own motion or at the request of any interested citizens, in

addition to other remedies, institute injunctions, mandamus, or other appropriate action in proceeding to prevent the occupancy or continuance of such violations. The full penalty for violation of this Chapter shall apply.

- (d) ~~The Mayor and City Council~~ ~~The Zoning Administrator~~ may authorize minor modifications, as to design, placement of the approved uses, or replacement of similar types of uses in the approved site plan and the conditions attached thereto after review and recommendations by the Planning Commission. All major changes, as to density increases or increase in intensity of uses, will need to be resubmitted as an amendment, using the same process as the original PUD approval.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.060 TWO-FAMILY DWELLING UNITS.

Two-family dwelling units can be in any GR, RM, or PUD district, and shall meet the requirements of the district that they are in.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.061 G-1 GOVERNMENT DISTRICT (OFFICE/INSTITUTIONAL).

- (A) *Purpose.* The intent of the G-1 zoning district is to provide areas for buildings used by local, state, or federal governmental entities for routine office/administration or training/classroom functions. Setbacks and other restrictions/requirements will be determined on a case-by-case basis considering the specific use of the planned facilities and the zoning classifications of adjacent and neighboring properties.
- (B) *Permitted uses.* The following uses shall be permitted in the G-1 zoning district (including, but not limited to):
- (1) City Hall;
 - (2) Police Department;
 - (3) Recreation facilities (swimming pool, parks, ball fields, and the like); and
 - (4) Public schools.

(Ord. 2008-12-16-02, passed 12-16-2008)

§ 151.062 G-2 GOVERNMENT DISTRICT (FACILITIES WITH LARGE VEHICLES/EQUIPMENT).

- (A) *Purpose.* The intent of the G-2 zoning district is to provide areas for buildings used by local, state, or federal governmental entities for operations that involve work crews and/or heavy equipment. Setbacks and other restrictions/requirements will be determined on a case-by-case basis considering the specific use of the planned facilities and the zoning classifications of adjacent and neighboring properties.
- (B) *Permitted uses.* The following uses shall be permitted in the G-2 zoning district (including, but not limited to):
- (1) Fire Department;
 - (2) Street Department shop; and
 - (3) Utilities Department shop.

(Ord. 2008-12-16-02, passed 12-16-2008)

§ 151.063 G-3 GOVERNMENT DISTRICT (INFRASTRUCTURE/FACILITIES).

- (A) *Purpose.* The intent of the G-3 zoning district is to provide areas for infrastructure associated with local, state, or federal governmental uses that may or may not be manned. Setbacks and other restrictions/requirements will be determined on a case-by-case basis considering the specific use of the planned facilities and the zoning classifications of adjacent and neighboring properties.
- (B) *Permitted uses.* The following uses shall be permitted in the G-3 zoning district (including, but not limited to):
- (1) Electric substations;
 - (2) Water treatment plants;
 - (3) Water pumping stations; and
 - (4) Sewer lift stations.

(Ord. 2008-12-16-02, passed 12-16-2008)

LAND USES CONDITIONS GENERALLY

151. _____ TABLE OF USES WILL BE ADDED UPON
COMPLETION OF ZONING DISTRICT REVISIONS AND CITY DISCUSSION OF USE PREFERENCES

§ 151.100 USES NOT PERMITTED BY RIGHT OR WITH CONDITIONS ARE PROHIBITED.

For the purpose of this Chapter, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this Chapter, uses not specifically listed [as uses of right or conditional uses](#) are prohibited.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.101 CARE OF PREMISES.

It shall be unlawful for the owner or occupant of a building, structure, or property to utilize the premises of such property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clear, and to remove from the premises all such abandoned items as listed above, and including but not limited to weeds, dead trees, trash, garbage, etc. upon notice from the Planning Director's or Building Official's office. All developed property shall be maintained in accordance to the Zoning Code.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.102 STRIPPING OF TOP SOIL PROHIBITED.

It shall be unlawful to strip, excavate, or otherwise remove topsoil in any district except in conjunction with development for which a permit has been issued.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.103 MOBILE HOMES.

See the City of Westminster Mobile Home Ordinance. **Does this exist?**

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 153.104 [After swimming pools moved] SHORT TERM RENTALS

XX.01 Purpose. The City of Westminster believes in the importance of preserving quality of life and the character of overall neighborhoods, while maximizing the individual use of a property within these parameters. Concerns about short-term rentals include increased noise, traffic, trash, parking, negative impact on long-term housing stock, and undesirable changes to the traditional nature of the City's neighborhoods. This chapter provides a process to balance the protection of existing neighborhoods while allowing limited use as short-term rentals.

XX.02 Definitions.

- A. Short-Term Rental means the legally permitted accessory use of a dwelling unit or portion thereof for a fee or other compensation for a period of less than 30 consecutive rental days. Short-term rentals do not include hotels, motels, bed and breakfast, [boarding houses if you're keeping this section], inns, or other commercial accommodations.
- B. Owner means both the primary resident of the premises and who also holds at least a 50 percent ownership in the premises or at least a 50 percent ownership in a life estate on the premises. The property must be subject to a 4% primary residential tax status, as determined by the County Assessor's Office. **[** Note: This is a strict standard to require both ownership and primary residency using it as only an accessory use, but may be a good starting place for discussion or adoption. If you do NOT require the owner to be on premise, we suggest a local contact be required who can respond to the property within 30 minutes at any time 24 hours per day, 7 days per week.]**

XX.03 Requirements. An Owner who wishes to advertise a property for short-term rental or accept compensation for a short-term rental is responsible for the following requirements. Failure to meet these requirements prior to advertisement or accepting compensation, whichever occurs first, constitutes a violation of this chapter.

- A. [Business License] OR [Rental Registration]: An Owner must complete and sign the registration form provided by the City and pay the fee that shall be established periodically by City Council for short-term rentals. The registration must be renewed annually prior to _____ [month, day].
- B. The Owner must attest that:
 - a. All zoning requirements in Section XX.04 have been met; and
 - b. That the Owner resides on the premises [and will be present on the property during the period of all rentals]; and
 - c. That the property has received a 4% primary residential assessment from the County Assessor's Office; and

- d. [That the property has passed its annual inspection by the Fire Marshall]
- e. [That there are no recorded deed restrictions or restrictive covenants that apply to the property that would prohibit, conflict with, or be contrary to the activity.]
- f. [That the home will not be advertised or used as an event location or party house. This includes use for weddings, bachelor/bachelorette parties, or other special events.]

XX.04 Zoning Requirements for Short-Term Rentals. [Note: These are pulled largely from existing boarding house rules and would not all be contained in a regular model ordinance.] Short term rentals are only permitted in residential districts if the structure and lot meet the following criteria:

- A. The Owner must reside on the premises [and be present during all rental periods].
- B. The property cannot exceed four rental rooms, nor can it exceed four tenants. Furthermore, no more than [five] individuals can be living on the property at any time, including owners and their family members, so that if an owner has a spouse and dependent living in the residence, he may only have two tenants.
- C. The property may not contain any sign, permanent or temporary, advertising the short-term rental.
- D. The owner must have adequate insurance to protect the tenants, their property and guests.
- E. There must be no more than one kitchen and meals can only be served to monthly boarders and their guests, except that if there is a separate living area and kitchen associated with the bedroom, or what is commonly referred to as an "in-law suite", the owner may provide that separate rental, but it shall count as two and one-half rental rooms, such that if you have one "in-law suite" you may have only one other rented room, and if you have two "in-law suites" you may have no other rented rooms on the property.
- F. The facility must meet all State and Federal laws and regulations and [must have an annual [business permit OR rental registration] and an annual inspection by the Fire Marshall].
- G. There must be adequate off street parking, such that there should be at a minimum one space for the owner and additional spaces so that there is one parking space for each tenant. [Parking must be behind or on the side of the residence; it cannot be forward of the front building line of the residence located on the subject property.]

XX.05 Penalties for Violations

- A. Whoever violates any provision of this article shall, upon first offense, be subject to a fine or \$500.00, or imprisoned not more than 30 days, or both.
- B. If, after any conviction or any lawful order issued pursuant thereto, such person continues the violation or noncompliance, each subsequent day of violation may be considered a separate offense punishable by \$500.00 or imprisonment up to 30 days, or both.
- C. In addition, violations may result in revocation or denial of future rental registration [or business license pursuant to Business License code].

NOTE: Council PC will need to decide which districts this ordinance would apply to. As written, it contemplates these regulations only in residential districts. You can certainly allow STRs without conditions in commercial districts if you'd like.

§ 151.104 SWIMMING POOLS.

A swimming pool may be constructed and operated when:

- (A) It is not located in any front yard.
- (B) A side yard pool must be a minimum of ten feet from any structure and a minimum of ten feet from the property line.
- (C) A wall or fence, no less than four feet in height, with self-latching gates at all entrances which completely encloses either the pool area or the surrounding yard area is provided.

- (D) All lighting of the pool is shielded or directed to face away from adjoining residences. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties.
- (E) No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises.
- (F) And meet the requirements of the swimming pool code book.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.105 PUBLIC OR COMMERCIAL RECREATIONAL FACILITIES ADJACENT TO RESIDENTIAL USES.

Public or commercial recreational facilities adjacent to lots, which are zoned or used for residential purposes, shall comply with the following standards:

- (A) They shall not be closer than 50 feet from the property line.
- (B) No lighting used in connection with such activities shall be closer than 50 feet from the property line, and must be shielded or directed to face away from adjoining residences, such that direct rays from the lights shall not be visible from adjacent properties.
- (C) A solid wall or fence or vegetative screening, which furnished protection against noise and light, shall be provided.
- (D) No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.106 CERTAIN PUBLIC SERVICES USES.

- (A) *Uses that may be located in any zoning district.* Due to the unique nature of certain public service uses and the need to locate such uses in certain areas of the city irrespective of prevailing district regulations, the following list of uses may be established in any zoning district in the city provided such uses meet all dimensional requirements of the district, except height, within which they will be located:
 - (1) Post Office;
 - (2) Police and Fire Stations, and other municipal buildings;
 - (3) Sewerage Treatment Facilities;
 - (4) Water Treatment and Storage Facilities;
 - (5) Telephone Exchange and Repeater Stations;
 - (6) Radio and TV Station Masts;
- (B) *Buffer yards.* Post offices, police, fire, telephone repeater stations, and municipal recreational facilities shall observe the buffer yard requirements as required in § 151.268.
- (C) *Public hearing.*
 - (1) Prior to the granting of a building permit for any of the above listed uses, the Planning and Zoning Commission shall hold a public hearing on the matter at least 15-days' notice of time and place of which shall be published in a newspaper of general circulation in the city.

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- (2) Based on the hearing and the probable impact of such uses on contiguous uses and conditions, the Planning Commission may elect to deny such request in favor of a more acceptable site elsewhere.
- (D) *Certificate of occupancy required.*
- (1) No nonconforming structure or use shall be maintained, renewed, changed, or extended until the Zoning Administrator or Building Official shall have issued a certificate of occupancy. The certificate of occupancy shall state specifically wherein the nonconforming use differs from the provisions of this Chapter, provided that upon enactment or amendment of the Zoning Code, owners or occupants of nonconforming uses or structures shall have three months to apply for certificates of occupancy. Failure to make such application within three months shall be considered as a statement by the property owner that the property was in conformance at the time of enactment or amendment of this Chapter.
- (2) No permit for erection, alteration, moving or repair of any building in which temporary occupancy is expected during the above activities shall be issued until an application for a temporary certificate of occupancy has been made and received. Such temporary certificate shall be for a period not to exceed six months during the alterations or partial occupancy of a building pending its completion. Such temporary certificates may include such conditions and safeguards as will protect the safety of the occupants and the general public.
- (3) The Zoning Administrator or Building Official shall maintain a record of all certificates of occupancy and a cop shall be furnished upon request to any person.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2013-11-19-02, passed 11-19-2013)

§ 151.107 HOME OCCUPATION. DISCUSS ABILITY TO USE GARAGE OR OTHER OUTBUILDING

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

- (A) Is conducted either wholly or in part, by no other persons than members of the family residing on the premises;
- (B) Is conducted within the principal building; ~~what about swim lessons or art lessons in outbuildings?~~
- (C) Utilizes not more than 25% of the total floor area of the principal building;
- (D) Produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling;
- (E) No display of products shall be visible from the street and only articles made on the premises may be sold;
- (F) Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition;
- (G) Is not visibly evident from outside the dwelling except for a sign of four square feet or smaller in size and mounted against a wall of the principal building;
- (H) Shall not create any more traffic other than residences in the area.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.108 COMMUNICATION TOWERS.

(1) *Authority of article provisions.* The authority to regulate communication towers in the city is pursuant to S.C. Code 1976, §§ 6-29-310 *et seq.*

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

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

BOARD means the City of Westminster Board of Zoning Appeals ~~zoning board of appeals~~.

COMMUNICATION TOWER means a tower, pole, or similar structure which supports or performs as a telecommunications antenna operated for commercial purposes above the ground in a fixed location, freestanding, guyed, or on a building.

HEIGHT (of a communication tower) means the distance from the base of the communication tower to the top of the communication tower.

STEALTH TOWER means a communication tower designed and installed in a manner such that the antenna, supporting apparatus and associated structures are aesthetically and architecturally complimentary and appropriate with regard to an existing structure or immediate environment in which the communication tower is located. Examples include, without limitation, church steeples, bell towers, flagpoles, etc.

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

Cross reference(s)—Definitions generally, §§ 151.280—151.281.

(3) *Communications tower and antenna permitted.*

(a) *Determination by Zoning Administrator.* All applications for tower placement must be submitted to the Zoning Administrator for review. Applications must be complete and shall include all of the materials required by this article (application requirements) and must meet all applicable requirements and/or conditions in this article before an application will be processed. Incomplete applications will be returned to the applicant. Under the following circumstances, the Zoning administrator may administratively approve applications for placement of towers:

- (1) As a communication tower and/or antenna in any district co-located on existing towers or structures.
- (2) As co-locations, reconstruction or new construction in any district within the footprints of existing electric utility company transmission line towers (such as Duke Power Company transmission line towers).
- (3) As co-locations on existing electric utility company transmission line towers (such as Duke Power Company towers) which increase the height of the towers by no more than 20 feet.
- (4) Applications approved by the Zoning Administrator must comply with all other requirements of this article. The Zoning Administrator may refer any application to the board for final review and approval as a special exception.

MOVE (3) (c) Here re APPEALS OF ZONING ADMINISTRATOR,

FOLLOWED BY SECTION (8)(a)-(c) and (9) (a)-(d)

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- (b) *Special exceptions granted by the ~~board~~ Board of Zoning Appeals.* Communication towers are permitted in NC, HC, LI, G1, G2, and G3 Zoning Districts for use only as a special exception. Applications for tower construction are subject to review and approval by the board. Priority in approving additional telecommunications facilities in the City shall be given to:
- (1) Co-location on existing towers or structures, including electric utility company transmission line towers:
 - (2) Reconstruction of, or new construction within the footprints of existing electric utility company transmission line towers:
 - (3) Only when these possibilities have been exhausted or when it can be demonstrated by an applicant that the alternatives are not technically feasible to provide adequate coverage for the surrounding area, or when it can be documented by the applicant that the cost of the proposed lease for a site or location is more than 20 percent above the prevailing rate of leases in comparable Metropolitan Statistical Areas (M.S.A.'s) in the southeast, shall other sites be considered for approval. Towers in other districts may, at the discretion of the board, be required to be constructed as a stealth design depending on the impact of the tower on the surrounding area. Under no circumstances are communication towers permitted in locally designated historic districts or residential districts.
- (c) *Appeals to the board.* Whenever there is an alleged error by the Zoning Administrator in an order, requirement, decision, or determination, an applicant may request a hearing before the board. The board has the authority to correct, reverse, or uphold the decision of the planning director. The applicant must exhaust this remedy regardless of whether applicant feels the Zoning Administrator is in error, the ordinance is unlawful or too restrictive, or for any other reason.
- (d) *Time limit for determination.* Failure of the Zoning Administrator to act within 45 days from the date of the submission of a properly completed application, unless extended by mutual agreement, may be considered by applicant to be a denial of a permit and may be appealed to the board.
- (e) *Co-locations.* Co-locations on existing communication towers or other structures such as existing electric utility company towers which do not increase the height of the existing communication tower or structure are strongly encouraged. Co-locations, construction of freestanding structures (such as monopoles) which are located within the footprint of the existing tower or reconstruction of existing towers, any of which increase the height of the existing tower by more than 20 feet may be approved by special exception if they do not exceed the total tower height permitted in § 151.108(5). All new towers shall be designed to accommodate the principal provider and at least two additional carriers. At the discretion of the board, new stealth towers shall also be designed to accommodate additional carriers. The City, prior to final approval, must be satisfied that the tower does make reasonable accommodations for an additional user. The applicant shall make unused tower space available at fair market value.
- (4) *General requirements.*
- (a) *Illumination.* Communication towers shall be illuminated only as required by the Federal Communication Commission (FCC) and/or the Federal Aviation Administration (FAA).
 - (b) *Color.* Communication towers shall only be painted with a gray, nonreflective paint unless otherwise required by state or federal regulations. This does not include stealth towers, unless it is a requirement of the Zoning Administrator or Board.
 - (c) *Signs.* A single sign, two square feet in size which included the names of the companies operating the equipment and a phone number for emergencies shall be displayed in a visible location on or near the communication tower. No advertising of any type may be attached to a communication tower.

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- (d) *Removal.* A communication tower which use has been discontinued for a continuous period of one year, shall be removed within 120 days of the date of the end of such period. Companies must notify the city within 30 days if telecommunications cease operations at a tower or antenna. All structures, fencing, screening and other improvements must be removed, and the site must be returned to its original condition at the company's expense.
 - (e) *Security.* A freestanding communication tower and associated structures shall be appropriately secured by means of a wall, fence or other device at least eight feet in height.
 - (f) *Screening.* The purpose of this subsection is to establish control for the visual quality of communication towers from the ground level. A communication tower, as pertains to this subsection, includes the tower and the land and everything within the required security fencing including any other building and equipment. The screen shall be a minimum of ten feet of land surrounding the tower except for one service access. An appropriate plant material screen shall be evergreen plants of a quality and planted in accordance with the standards of the American Nurserymen Association that are indigenous or native to the county area. Such plantings shall be appropriately spaced and of such a size so as to achieve a dense screen with a minimum height of six feet within a three-year period from erection of a tower. Additional screening with deciduous or evergreen trees is desirable and encouraged. Existing trees shall be preserved unless a waiver has been granted by the Zoning Administrator to selectively cut specified trees. If in extreme or unusual situations and where it is proven impossible to properly construct the plant material screen, the Zoning Administrator may grant permission to construct the security fence as a solid masonry wall, either brick or stucco-type finish with a minimum height of six feet above ground level and constructed in accordance with applicable construction codes. A certificate of occupancy shall not be issued by the codes department until the required planting is completed. When the occupancy of a structure is desired prior to the completion of the required planting, a certificate of occupancy may be issued only if the owners or developers provide to the City a form of surety satisfactory to the City attorney and in an amount equal to 125 percent of the costs of the remaining plant materials, related materials, and installation (with the costs agreed to by the planning director or designee). The form of the surety shall be in conformity with the land development regulations for Oconee County. All required planting must be installed and approved by the first planting season following issuance of the certificate of occupancy or bond will be forfeited to the City. The owners and their agents shall be responsible for providing, protecting, and maintaining all required plant material in healthy condition, replacing unhealthy or dead plants within one year or by the next planting season, whichever comes first. Replacement material shall conform to the original intent of the approved plan.
 - (g) *Antenna capacity; wind load.* The communication tower shall be designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards. Certification from a structural engineer registered in the state shall constitute proof that such standard has been met.
 - (h) *FCC license.* The owner of a communication tower shall possess a valid FCC license for the proposed activity, or at the discretion of the board, the owner shall provide other substantial documentation in lieu of FCC licensing proving to the board that the owner has a verifiable history of satisfactory communications tower construction and operation.
 - (i) *Design for multiple use.* A new communication tower shall be designed to accommodate additional antennae as provided for elsewhere in this article.
 - (j) *Safety codes.* A communication tower shall comply with all applicable health, nuisance, noise, fire, building and safety code requirements.
 - (k) *Distance between towers.* A proposed communication tower shall not be permitted within a mile of an existing communication tower, water tower, or similar structure unless the applicant certifies to the board, and the board subsequently finds, that the existing structure would completely fail to meet

applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained. If a current structure is available and will meet a substantial portion of the applicant's requirements, that structure must be used. Furthermore, as provided for elsewhere in this article, existing structures must allow multiple use, if at all possible.

- (l) *Minimum setbacks.* Minimum setbacks of communication tower (not including guy anchors) must be a minimum distance equal to one foot horizontally for every one foot in height plus 50 feet from:

- (1) All lot lines of residential or commercial property.
- (2) The nearest point of any structure meeting minimum standards for human occupation as put forth in applicable building codes adopted by the county and city.
- (3) Properties or districts designated historic.
- (4) Properties containing churches, schools, colleges, children's homes and shelters, hospitals and nursing homes; except that communication facilities which meet the definition of stealth tower may be permitted by special exception on these properties.
- (5) The right-of-way of all streets and roads.
- (6) All guy cables and anchors must be set back at a minimum of 20 feet from all lot lines.

- (5) *Maximum height of freestanding communication towers.* The maximum height of freestanding communication towers shall be as follows:

District	Maximum Height
Commercial NC, HC, LI, G1, G2, G3	Not exceeding 200 feet
Light (LI) Industrial	Not exceeding 250 feet

- (6) *Permitted height of building-mounted communication towers.*

- (a) A communication tower shall not exceed 20 feet in height if mounted on a building or any structure other than a freestanding or guyed communications tower.

- (7) The following information shall be submitted for all applications for approval of a communication tower:

- (a) *Specifications.* Two copies of the specifications for proposed structures and antennae, including description of design characteristics and material.
- (b) *Site plan.* Two copies of a site plan drawn to scale showing property boundaries, communication tower location, communication tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property. A site plan is not required if antenna is to be mounted on an approved existing structure. Prototypical drawings indicating various types of equipment to be located on the communication tower may be submitted at the time of the permit application. Identification of the owners of all antennae and equipment to be located on the site. Other equipment may be added to the communication tower without additional permits or inspections as long as electrical wiring is not required.
- (c) *Location map.* Two copies of a current map, or update for an existing map on file, showing locations of applicant's antennae, coverage areas, facilities, existing communication towers, and proposed communication towers, serving any property within the City are required. An applicant may request that specific proprietary or confidential information be withheld from the public record.
- (d) *Owner authorization.* Proof of ownership and written authorization from the site owner for the application.

- (e) *Visual impact analysis.* A line of sight analysis showing the potential visual and aesthetic impact on adjacent residential districts.
- (f) *Alternative to co-location or stealth design.* Co-located or stealth designs shall be required unless satisfactory documented evidence can be provided indicating that:
 - i. The proposed antenna and equipment cannot be accommodated and function as required;
 - ii. The applicant's technical design requirements are such that without unreasonable modifications they cannot function on any existing structure or communication tower under the control of applicant; and
 - iii. The applicant has considered all available publicly owned sites, and available privately owned sites occupied by a compatible use, including all applicable sites or locations or a combination of sites and locations as described under § 151.108(3)(b) for priority of approval and the applicant has demonstrated that for the reasons described in that section that these sites and/or locations are unsuitable for operation of the facility under applicable state and federal communications regulations, the applicant's technical design requirements and/or valid economic reasons.
- (g) *Indemnity.* The applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Zoning Administrator a written indemnification of the City 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 in a form approved by the City attorney.
- (h) *Application fees.* All communication tower applications shall include a check made out to the City in an amount to be determined by the Zoning Administrator, based upon a schedule of fees enacted by the City Council. Additional fees may be imposed in order to offset the costs associated with processing applications for special exceptions, appeals, or variances.

(8) *Special exceptions, variances and appeals.*

- (a) *Special exception.* Communications towers are permitted in the City only by special exception, approved by the board, within the criteria of the General Requirements. The board shall conduct a public hearing on each request for a special exception. All public hearings shall be advertised by the applicant in a form pre-approved by the Zoning Administrator in a newspaper of general circulation in the Oconee County at least 15 days in advance of the hearing.
- (b) *Variance.* An applicant may submit a request to the board for a variance from this or any other applicable land use ordinance. The board shall hear and decide appeals for a variance from the requirements of the ordinance when strict application of the provisions of the article would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing a unique, exceptional and otherwise unusual circumstance as provided for in general criteria for granting a variance in § 151.319 as from time to time may be amended.
- (c) *Appeals.* Applications for appeal shall be submitted through the Zoning Administrator to the board. All appeals shall be accompanied by copies of the original application, supporting maps and documentation and shall include a detailed written summary of the alleged error or misinterpretation of this article by the Zoning Administrator in not granting approval to the original application. A copy shall be provided for each board member and the Zoning Administrator, and other copies as may be required by the Zoning Administrator. Appeals shall be heard by the board within 45 days of submission of the completed application to the Zoning Administrator. The applicant must exhaust this remedy regardless of whether applicant feels the Zoning Administrator is in error, the ordinance is unlawful or too restrictive, or for any other reason.

(9) **Additional criteria for evaluating special exceptions and variances.**

- (a) **Application: conditions.** All application requirements imposed by the Zoning Administrator must be met.
 - (b) **Setback requirements; additional conditions.** The applicant must demonstrate that the proposed communication tower location is sufficient to satisfy setback requirements and must satisfy such other additional conditions, if any, necessary to remove dangers to safety and to protect adjacent property.
 - (c) **Priority of approval.** If a location is requested which does not meet the requirements under § 151.108(3)(b) for priority of approval the applicant must demonstrate that all alternative sites and locations or combinations thereof provided for in that section have been considered by the applicant, and the applicant has demonstrated that for the reasons described these sites and/or locations or combinations thereof cannot adequately serve the area for valid technical or economic reasons and are unsuitable for operation of the facility under applicable communications regulations.
 - (d) **Denial on substantial evidence.** The Federal Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence. The board shall maintain a written record of all appeal proceedings and shall maintain supporting documentation for any and all decisions.
- (10) **Annual report required.** All companies that operate or maintain ownership of communication towers in the City shall submit an annual report to the Zoning Administrator no later than January 15 of each year. The report shall include a description of all of its active and inactive facilities located in the City, co-locations of its own equipment, co-locations of other companies using its facilities, and shall include telephone numbers and addresses for company officials and maintenance personnel.
- (11) **Technical assistance required.** The Zoning Administrator (prior to issuing a permit) and the board (prior to issuing a permit by special exception or deciding an appeal or request for variance) may make use of technical consultants to review applications and to determine if the standards in this article are met. The permit applicant shall be required to bear the cost of the required technical services. The Zoning Administrator shall estimate any expenses and shall require payment with the completed application. Additional expenses shall be invoiced by the City finance department to the applicant. Amounts in excess of required fees and actual expenses shall be returned to the applicant.

(Ord. 2017-02-21-03, passed 2-21-2017)

NONCONFORMING SITUATIONS

§ 151.120 NONCONFORMING BUILDINGS AND/OR USES.

§ XX NONCONFORMING USES.

XX.01 Purpose. The City of Westminster is committed to its planning and land use goals in order to create harmonious living and working regions throughout the City. As the City updates land uses, reasonable continuation of pre-existing legal uses, while over time bringing a property's use into conformity naturally. For example, the City may wish to allow a business to continue operation or a family to continue living in their home even if the surrounding zoning is changed for different, future uses. This chapter outlines continuation and maintenance requirements for nonconforming structures and uses. However, should such a structure no longer be used as a business or residence, this chapter outlines when it must be brought into conformity.

XX.02 Buildings or uses legally existing on the effective date of this chapter, not conforming to the provisions thereof, are declared non-conforming. However, such uses may be continued, except as outlined in XX.02. This would be a strike all amendment to your current nonconforming use, section, 151.120. We've incorporated some of your existing language, but brought it more into model language.

- A. Continuance. Continuance of existing uses which are non-conforming may be continued except as specified below, unless the use or structure was established in violation of the Zoning Ordinance previously in effect and has not since been brought into conformance.
- B. Maintenance. Repairs, alterations and maintenance of a non-structural nature may be made to a non-conforming structure ~~except reconstruction after substantial damage as defined in XX.02.17. It shall not be necessary to bring the structure to its original condition.~~ Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- C. Expansion. A non-conforming use shall not be expanded or extended beyond the floor area or lot area that it occupied on the effective date of this chapter or the effective date of any amendment to this chapter rendering the use nonconforming.

XX.02

The following conditions shall discontinue the use of a nonconforming use or structure.

- A. Change of Use. A nonconforming use shall not be changed to any other nonconforming use, but may be converted to a conforming use.
- B. Discontinuance or Abandonment. A nonconforming use shall not be re-established after vacancy, abandonment, or discontinuance for any ~~continuous monthly (12 consecutive months)~~ ~~if damage or destruction.~~ Any nonconforming use that is damaged or destroyed, in any manner, to the extent of more than 50% of its market value, shall only be restored in a manner that conforms with these requirements: the building may be restored if damaged less than 50% of its market value, provided restoration is begun within six months, and completed within one year of the date of the destructive occurrence. Fair market value is determined by the assessed value or the appraised value as determined by a state-certified appraiser.
- D. Substantial Improvement. Substantial improvement is defined as any combination of repairs, reconstruction, alteration, or improvements to a building over a ~~12-month period~~ for which the cumulative cost exceeds 50% of the market value of the building prior to the first instance of repairs, reconstruction, alteration, or improvements.]
 - A. Amortization of Certain Uses. [Taken from Current Westminster Code] In accordance with the provisions of the South Carolina Code of Laws, 1968 Supplement, Volume 3, Article 3, Section 14-350.17, Sec. 6-29-730 SC Code of Laws 1976, as amended and notwithstanding other provisions of this Chapter, certain nonconforming building and/or land uses, after this Chapter is enacted into law, shall be discontinued, and/or shall be torn down, altered or otherwise made to conform to this Chapter within the periods of time set below or established by the Board of Appeals.
 - a. In particular, those nonconformities to be discontinued, removed, altered, or made to conform with this Chapter shall consist of, but not be limited to:
 - i. Wrecking, junk, scrap, or salvage yards and other such open uses of land; signs, outdoor advertising structures; automotive storage yards or outdoor storage yards for lumber, building materials, contractor's equipment;
 - ii. Nonconforming fences, hedges, signs, (add) storage sheds, billboards/or other obstructions impeding vision at intersections.
 - b. Nonconformities listed above shall be discontinued within 180 days, with all other nonconformities having a maximum of two and a half years to comply. ~~The Board of Appeals shall determine, on an individual case basis, a fair termination period in which to allow for amortization of property.~~
 - c. The Board of Zoning Appeals may also exercise an option to determine what marginal conditions could be met in order to bring the use into conformance or near conformance, and may stipulate that specified use or uses can meet the revised standards in lieu of termination of the use or compliance with revised standards, on an individual case basis, shall be dependent upon consideration of:
 - i. The nature and extent of the use;
 - ii. The amount of actual investment;
 - iii. The number, size and costs of improvements; and
 - iv. The detriment to the particular area caused by such nonconforming use.

- d. In such cases as time limitations or termination dates are set, the Board of Appeals, either according to general rule or findings in a specific case, may permit not more than one extension period beyond the established date. These extensions are limited to 30 days for subdivision (D)(3) nonconformities, and six months for all others.
- e. Notice shall be sent by the Zoning Administrator to all nonconforming users stating wherein they do not conform to said Chapter, and stating the date by which they must comply, meet revised standards, or cease to exist. The date for compliance or termination shall be measured from the date of enactment of this Chapter.
- f. The date for meeting revised standards for marginal conformity shall be measured from date of notice from the Board of Appeals as to the standards. These dates shall be observed regardless of whether notice of nonconformity is sent by the Zoning Administrator or received by the affected owner, and shall be bound by no other date or extension date unless set by the Board of Appeals. Application for relief from such termination shall be made to the Board of Appeals within one year of the adoption of this Chapter. Should the Board fail to make a decision concerning said appeal within six months of the application by the affected owner, then the termination date shall be automatically extended one year. If a decision is not forthcoming within one year of the application then termination requirements shall be void. (Am. Ord. 2002-07-16-01, passed 8-20-2002)

E. Accessory uses. Once a nonconforming principal use is discontinued, all associated accessory uses shall cease operations within 30 days.

~~(A) Nonconforming buildings or land uses are declared by this Chapter to be incompatible with permitted uses in the districts involved. However, to avoid undue hardship, the lawful use of any building and/or land uses at the time of the enactment of this Chapter may be continued (notwithstanding provisions in § 151.121), even though such use does not conform with the provisions of this Chapter, except that the nonconforming buildings and/or land use or portions thereof, shall not be:~~

- ~~(1) Changed to another nonconforming use;~~
- ~~(2) Reestablished, reoccupied, or replaced with the same or similar buildings, and/or land use after physical removal or relocation from its specific site location at the time of passage of this Chapter;~~
- ~~(3) Repaired, rebuilt, or altered after damage except for a use of the same type. Reconstruction or repair, when legal, must begin within 90 days after damage is incurred.~~

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

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2010-07-20-02, passed 7-20-2010)

~~§ 151.121 NONCONFORMING BUILDING AND/OR USE DISCONTINUANCE.~~

~~(A) In accordance with the provisions of the South Carolina Code of Laws, Section 6-29-730 1968 Supplement, Volume 3, Article 3, Section 14-350.17, and notwithstanding other provisions of this Chapter, certain nonconforming building and/or land uses, after this Chapter is enacted into law, shall be discontinued, and/or shall be torn down, altered or otherwise made to conform to this Chapter within the periods of time set below or established by the Board of Appeals:~~

~~(B) In particular, those nonconformities to be discontinued, removed, altered, or made to conform with this Chapter shall consist of, but not be limited to:~~

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- (1) ~~Wrecking, junk, scrap, or salvage yards and other such open uses of land; signs, outdoor advertising structures; automotive storage yards or outdoor storage yards for lumber, building materials, contractor's equipment;~~
- (2) ~~Nonconforming fences, hedges, signs, or other obstructions impeding vision at intersections.~~
- (C) ~~Nonconformities in (B)(2) above shall be discontinued within 180 days, with all other nonconformities having a maximum of two and a half years to comply. The Board of Appeals shall determine, on an individual case basis, a fair termination period in which to allow for amortization of property.~~
- (D) ~~The Board may also exercise an option to determine what marginal conditions could be met in order to bring the use into conformance or near conformance, and may stipulate that specified use or uses can meet the revised standards in lieu of termination of the use or compliance with revised standards, on an individual case basis, shall be dependent upon consideration of:~~
- (1) ~~The nature and extent of the use;~~
- (2) ~~The amount of actual investment;~~
- (3) ~~The number, size and costs of improvements;~~
- (4) ~~The detriment to the particular area caused by such nonconforming use.~~
- (E) ~~In such cases as time limitations or termination dates are set, the Board of Appeals, either according to general rule or findings in a specific case, may permit not more than one extension period beyond the established date. These extensions are limited to 30 days for subdivision (D)(3) nonconformities, and six months for all others.~~
- (F) ~~Notice shall be sent by the Zoning Administrator to all nonconforming users stating wherein they do not conform to said Chapter, and stating the date by which they must comply, meet revised standards, or cease to exist. The date for compliance or termination shall be measured from the date of enactment of this Chapter.~~
- (G) ~~The date for meeting revised standards for marginal conformity shall be measured from date of notice from the Board of Appeals as to the standards. These dates shall be observed regardless of whether notice of nonconformity is sent by the Zoning Administrator or received by the affected owner, and shall be bound by no other date or extension date unless set by the Board of Appeals. Application for relief from such termination shall be made to the Board of Appeals within one year of the adoption of this Chapter. Should the Board fail to make a decision concerning said appeal within six months of the application by the affected owner, then the termination date shall be automatically extended one year. If a decision is not forthcoming within one year of the application then termination requirements shall be void.~~
- (Am. Ord. 2002-07-16-01, passed 8-20-2002)

ACCESSORY USES

§ 151.135 ACCESSORY USES.

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

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.136 USES CUSTOMARILY ACCESSORY TO PUBLIC USES, BUILDING OR ACTIVITIES.

- (A) *Uses customarily accessory to public uses, building or activities.* There shall be no limitations regarding accessory uses to any use, building or activity operated within the public domain except that such uses, buildings or activities must be directly related and subordinate to the principal public use.
- (B) *Uses customarily accessory to dwellings.*
- (1) Private garage not to exceed the following storage capacities:
 - (a) One- or two-family dwelling: Four automobiles;
 - (b) Multiple-family dwelling: Two automobiles per dwelling unit.
 - (2) Open storage space or parking area for motor vehicles provided that such space does not exceed the maximum respective storage capacities listed under subdivision (B)(1) above; and one commercial vehicle licensed as one-ton or less in capacity per family residing on the premises.
 - (3) Shed or tool room for the storage of equipment used in grounds or building maintenance.
 - (4) Noncommercial horticulture or agriculture, (primary income is not derived from horticulture/agriculture operation). Poultry and farm animals must be fenced in and out buildings must be 200 feet from property lines and kept 50 feet from any well, water and residences.
 - (5) Private swimming pool, bathhouse, or other recreational facility customarily accessory to dwelling units, provided conditions in § 151.104 are met.
 - (6) Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
 - (7) Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight feet in height.
 - (8) A satellite receiving dish, only one per lot, to be placed in the rear lot only, and such dish shall not be located nearer than ten feet from the side and rear lot line.
 - (9) All garages and carports shall be located at the rear of the dwelling. However, if the carport or garage is built to match the dwelling, it may be on the side of the dwelling.
 - (10) Land-sea freight containers must be screened from public view by a walled containment area or an enclosed privacy fence. Any non-complying containers in existence shall be removed within 60 days from the date of enactment of this Chapter at the sole expense of the property owner.
 - (11) Accessory Dwelling Unit that meets the criteria set out in Section 151.37 Discovers if there will be permitted in all 8 districts
- (C) *Uses customarily accessory to church building.*
- (1) Religious education or activity building;
 - (2) Parsonage, pastorium, or parish house, together with any use accessory to a dwelling as listed under § 151.136(B).
 - (3) Off street parking area for the use without charge of members and visitors to the church.
- (D) *Uses customarily accessory to retail businesses, office uses and commercial, recreation facilities, and light industrial.*
- (1) Off street parking or storage area for customers, clients, or employee owned vehicles.
 - (2) Completely enclosed building for the storage of supplies, stock of merchandise.

- (3) Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.
- (4) Sheds or tool rooms for the storage of equipment used in operations or maintenance.
- (5) Boat marina.
- (6) Private docks, boathouses.
- (7) Private swimming pool, bathhouses, or cabanas.
- (8) Swimming beach.
- (9) Bait house.
- (10) Golf course.
- (11) Land-sea freight containers must be screened from public view by a walled containment area or an enclosed privacy fence. Any non-complying containers in existence shall be removed within 60 days from the date of enactment of this Chapter at the sole expense of the property owner.
- (12) Industrial zoned areas shall be exempt from subdivision (D)(11) above.

(E) *Location and setbacks.*

All accessory uses shall be in the rear yard only for residential, and ten feet from lot lines. All others are to be ten feet from lot lines and confirmed by zoning first.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2013-01-15-01, passed 1-15-2013)

151.37 Accessory Dwelling Units

An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home. An ADU may be approved as an accessory use to a principal single-family dwelling unit, if all of the following conditions are met:

- a. A scaled site plan must be submitted which shall show the ADU, the principal single-family dwelling, and compliance with:
 1. Required parking.
 2. Required setbacks, as applicable in the base zoning district; in addition all accessory dwelling units must be located in the rear yard only, 10' from any lot lines
 3. Required lot coverage, as applicable in the base zoning district
 4. Acknowledgement that the ADU would not conflict with any restrictive covenants applicable to the property
 5. Acknowledgement that the property is connected to sewer or a certificate from the South Carolina Department of Health and Environmental Control that the septic tank is approved for the number of bedrooms onsite, including the bedrooms in the ADU.

c. There shall be a limit of one ADU per lot, subject to meeting all other requirements contained in this section, and the total number of dwelling units, including the ADU, shall not exceed two dwelling units per lot. The ADU may be separately metered for electricity, gas, and water.

d. Each ADU shall be limited to 850 square feet of conditioned floor area

e. One (1) off street parking space shall be provided for the occupants of the ADU on the subject property, in addition to providing, on the subject property, required off street parking for existing uses on the property. The parking space provided for the ADU may be situated in tandem with the required spaces for other uses.

g. The following conditions shall be memorialized in a recorded covenant to run with the property. Prior to the issuance of a building permit, the owner shall provide a copy of the recorded covenants to the Zoning Department

1. Either the principal structure or the accessory dwelling unit, hereinafter ADU, must be owner-occupied and serve as the owner's primary residence. If neither unit is owner-occupied, the ADU may not be rented separately from the principal dwelling unit. No subleases of the ADU are permitted;
2. If rented for remuneration, the ADU may only be rented for a minimum period of 6 months (no short-term rentals are permitted, unless situated in zoning districts that allow STRs.
3. Occupancy of an ADU shall be limited to no more than two (2) adults with "adult" defined as any person eighteen years of age or older;
4. Under no circumstances shall the property be subdivided or converted to a horizontal ownership regime;
5. Neither the principal dwelling unit nor ADU shall be utilized for a short term rental unless situated in zoning districts that allow STRs]
6. The covenants shall accord the City of Westminster, or its assignee, rights to enforcement by any legal and/or equitable means, including the revocation of a certificate of occupancy.

LOTS AND PARCELS

SHOULD BE IN SEPARATE LDR/ SUBDIVISION REGULATIONS

PURSUANT TO SC CODE 6-29-1110 ET SEQ

§ 151.150 CORNER LOTS.

On lots having frontage on more than one street at an intersection, the minimum front yard setback may be reduced on one side to a side yard setback, if the two backyards are back to back.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.151 LOCATION OF BUILDINGS ON LOTS AND RESIDENTIAL LIMITATIONS.

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

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.152 DOUBLE FRONTAGE LOTS.

On lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Chapter. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this Chapter on at least two of the street frontages. The minimum front yard on the other frontage or frontages may be reduced along the other streets in accordance with the provisions of § 151.150.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.153 FRONT YARD REQUIREMENTS.

The setback requirements of this Chapter shall not apply to any lot where the average setback on already built upon lots located wholly or in part within 100 feet on each such lot and within the block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. However, in no case, shall setbacks be less than 15 feet.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.154 LOT OF RECORD.

There shall be only one single-family dwelling per lot of record, except for § 151.150 and all GR Districts, where more than one principal structure may be erected on a lot, for every 5,000 square feet of area, but in no case more than two. Provided that yard and other requirements of this Chapter shall be met for each structure as though it were on an individual lot.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.155 ACREAGE PARCELS.

- (A) Acreage parcels of two acres or more must meet the district requirements that they are ~~it is~~ in, except parcels of ten acres or more.
- (B) Acreage parcels of five acres or more, and which may qualify for agricultural tax status for forested or timber growth, must meet the district requirements that they are in.
- (B) Acreage parcels of ten acres or more, and which may qualify for agricultural tax status, may be used for normal horticultural and/ agricultural/produce uses including the keeping of cows and horses.
- (C) Acreage parcels of two to nine acres, if divided, shall meet the requirements of the district it is in. Parcels of ten acres or more shall meet the requirements of RR and R-25 District, unless it is first rezoned.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)



PARKING REQUIREMENTS

§ 151.170 OFF-STREET PARKING REQUIREMENTS.

- (A) Off-street automobile storage or parking space shall be provided on every lot on which any of the following uses are hereafter established except in the CC, Core Commercial District where off street parking and loading are not required except for residential uses. The number of parking spaces provided shall be at least as great as the number specified below for the particular use(s). See Appendix D: Off-street parking requirements, which is incorporated herein by reference and made a part hereof as if appearing in total, for said requirements.
- (B) When application of said provision results in a fractional space requirement, the next larger requirement shall prevail
- (C) Except for shopping centers, mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirement of the various uses computed separately.
- (D) Whenever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of 10% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.171 PARKING SPACE FOR THE PHYSICALLY HANDICAPPED.

- (A) When off-street parking is required for any building or use, with the exception of single-family dwellings and rental apartment complexes of less than 20 units, parking may be included when calculating the overall parking requirements for a building or use.

<i>Number of Required Spaces</i>	<i>Number of Spaces Reserved for Handicapped Persons</i>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total required
Over 1,000	20, plus 1 space for each 100 or 1,000

-
- (B) Parking spaces for the physically handicapped shall measure 12 feet by 20 feet and shall be located as close as possible to ramps, walkways, and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, and walkways.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.172 PARKING SPACE AREA REQUIREMENTS.

Including aisles, entrances, and exits, each required off-street parking area, lot, or other facility shall contain a minimum of 300 square feet of space for each automobile to be accommodated.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.173 LOCATIONS ON OTHER PROPERTY.

If the required automobile parking space cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property provided such property lines within 400 feet of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.174 COMMON OFF-STREET PARKING AREAS.

Two or more principal uses may utilize a common area in order to comply with off-street requirements, provided that the total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of this section, and provided that the owner of said lot relinquish his or her development rights over the property until such time as parking space is provided elsewhere.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.175 EXTENSION OF PARKING SPACE INTO A RESIDENTIAL DISTRICT.

Required parking space may extend up to 120 feet into a residential zoning district, provided that:

- (A) The parking space adjoins a commercial or industrial district,
- (B) Has its only access to or fronts upon the same street as the property in the commercial or industrial district for which it provides the required parking space, and
- (C) Is separated from abutting properties in the residential district by a ten-foot wide evergreen buffer strip.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.176 PARKING SPACE FOR DWELLING UNITS.

Off street parking facilities for dwelling units shall not occupy any part of a required front yard.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.177 DESIGN STANDARDS.

- (A) *Minimum area.* For the purpose of these regulations an off-street parking space is an all-weather surfaced area, not in a street alley, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an asphalt or concrete driveway, which affords ingress and egress.
- (B) *Drainage and maintenance.* Off-street parking facilities shall be properly graded for drainage to prevent damage to abutting property and/or public streets and alleys and surfaced with asphalt, concrete, bituminous, or other impervious material. Off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for sale, repair or dismantling or servicing of any vehicles, equipment, materials, or supplies.
- (C) *Separation from walkways and streets.* Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys, and required yards by a wall, fence, curbing, or other approved protective device.
- (D) *Entrance and exits.* Landscaping, curbing or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles and pedestrians. All parking facilities, except those serving single-family detached and two-family dwellings, shall be designed so that all existing movements onto a public street are in a forward motion. Entrance and exit driveways to public streets and alleys in the vicinity of street intersections must be located at least 50 feet, measured along the curb line, from the intersection of the nearest curb lines. Entrance and exit driveways at other locations or at intersections not covered by the above restrictions may be denied if such a location will create an accident hazard for normal traffic.
- (E) *Marking.* Painted lines, curbs or other means to indicate individual spaces, shall mark parking spaces in lots of more than ten spaces. Signs or markers, as approved by the Zoning Administrator, shall be used as necessary to insure efficient traffic operation of the lot.
- (F) *Lighting.* Adequate lighting shall be provided in off-street parking spaces, which are to be used at night. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential areas.
- (G) *Landscaping.*
 - (1) Where off street, developed in conjunction with a permitted use or as a separate use occupying an individual lot or lots, comprises 20 or more off-street parking spaces, at least 10% of the impervious surface area shall be open and landscaped in such a manner as to divide and break up the expanse of paving with islands and barriers.
 - (2) The natural landscape shall be preserved in all possible instances. Wherever healthy plant material exists on a site, the minimum planting standards may be adjusted for such plant material, if in the opinion of the Planning Commission such adjustment is in the best interests of the city, and preserves all intents of this Chapter.
- (H) *Dimensions.* Parking stalls shall be not less than nine feet, except that a maximum of 10% of the total number of stalls may be 8½ feet by 19 feet. However, the dimensions of all parallel parking stalls shall be not less than 9 feet by 24 feet. All parking spaces shall be located so as to insure off-street maneuvering space.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.178 PARKING, STORAGE AND USE OF RECREATIONAL VEHICLES.

- (A) *Residential districts.* No major recreational equipment shall be parked or stored on any lot in a residential district for more than a 24-hour period except in a carport or enclosed building or behind the nearest portion

of a building to a street. In the case of a "double-frontage" lot, the "behind the nearest portion of a building to a street" shall apply to only one street. Such equipment shall observe all setbacks, yard and other requirements set forth within the residential districts in which they are located. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such uses. Automotive vehicles of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed building.

- (B) *Non-residential districts.* No major recreational equipment shall be parked or stored on any lot in a non-residential district except where the sale of such recreational vehicles is a primary activity of a business located thereon, with that business possessing a valid city business license.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2011-04-21-01, passed 4-21-2011)

§ 151.179 OFF-STREET LOADING AND UNLOADING SPACES.

- (A) Except in the CC Core Commercial District every lot on which a business, trade or industry is hereafter established, shall provide permanent paved off street loading and unloading space as indicated herein. Such space shall have access to an alley, or if there is no alley, to a street.

- (B) For the purpose of this section, an off-street loading space shall be at least 12 feet by 40 feet in area and be clear and free of obstructions at all times. Required space shall be considered as follows:

- (1) *Retail business.* One space for each 5,000 square feet of gross floor area.
- (2) *Whole, industrial, governmental, and institutional uses, including public assembly places, hospitals, and educational institutions.* One space for the first 25,000 square feet the following schedule shall apply:

<u>Square Feet</u>	<u>No. Spaces</u>
25,001 to 99,999	2
100,000 to 159,999	3
160,000 to 239,999	4
140,000 to 349,999	5 for each additional 100,000 or fraction thereof

- (3) *Multi-family residences with ten or more dwelling units.* One space.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.180 USE OF PUBLIC RIGHTS-OF-WAY FOR MANEUVERING.

When determining parking area requirements for individual used, portions of the public rights-of-ways on minor streets may be considered as permissible for maneuvering incidental to parking. On major streets, parking facilities shall provide space outside the public rights-of-way for maneuvering incidental to parking.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.181 ON STREET PARKING OR STORAGE.

No major equipment or trucks used for commercial purposes, either public or private, shall be parked or stored on a public street right-of-way in a residential district; nor shall the above equipment or trucks be parked or stored on a residential lot except in a carport or enclosed building or concealed by the portion of a building nearest to the street; nor shall a public or private vehicle be stored on a public street right-of-way or a residential lot except in a carport or enclosed building or concealed by the portion of a building nearest to the street; all these

provided, however, that such equipment, trucks or vehicles may be parked in the prohibited areas for a period not to exceed 24 hours in a given ten-day period. During such hours, said equipment, trucks, or vehicles shall observe the minimum setbacks, yard and other requirements set forth for the residential districts in which they are located.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

STREETS

SHOULD BE IN SEPARATE LDRS/SUBDIVISION REGULATIONS.

PURSUANT TO SC CODE 6-29-1110 ET SEQ

§ 151.195 STREET ACCESS.

Except as herein provided, no building shall hereafter be erected, constructed, moved or relocated on a lot, located on a publicly dedicated, accepted and maintained street with a right-of-way of not less than 50 feet, except for streets that were under 50 feet at the time of passage of the Zoning Code.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.196 CLASSIFICATION OF STREETS.

For purposes of this Chapter, all public streets in the city are hereby classified as being either major or minor streets. All streets, at this time, are classified minor streets, except for the following: US-76, US-123, SC-24, SC-183, North Avenue, Main Street, Doyle Street, King Street, Campbell, Retreat Street, Lucky Street, Hampton Street, Bibb Street, and Windsor Street, which are major streets.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.197 VISIBILITY AT STREET INTERSECTIONS.

Except in the CC Core Commercial District, no structure or object capable of obstructing driver vision between the heights of two and a half feet and ten feet above the finished street level shall be permitted on a corner lot within 25 feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound said lot.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.198 VISIBILITY AT PRIVATE DRIVES AND ENTRANCES WITH PUBLIC STREETS.

At the intersection of any private drive or entrance or exit with a public street, no impediment to visibility over the height of two and a half feet shall be permitted.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.199 EXCEPTIONS TO HEIGHT LIMITS.

The height limitations of this Chapter shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, silos, chimneys, smoke stacks, conveyors, flag poles, masts and aerals.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2017-02-21-03, passed 2-21-2017)

§ 151.200 STREET RIGHT-OF-WAY WIDTH.

For the purpose of this Chapter, street rights-of-way under 50 feet wide shall be considered 50 feet wide for the purpose of front yard setbacks.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.201 NEW STREET RIGHT-OF-WAY.

All new street right-of-ways shall be a minimum of 50 feet.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.202 PARKING AND STORAGE OF UNLICENSED VEHICLES.

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.203 CURB CUTS AND ACCESS POINTS.

Ingress-egress openings in concrete, asphalt, rock or other street curbing provisions, commonly referred to as curb cuts, as well as other means of vehicular access to and from private property, shall be regulated in the several zoning districts established by this Chapter in accordance with the following requirements:

- (A) *Size and spacing of curb cuts and other access points.* In no case shall a curb cut or other access point be less than nine feet nor more than 50 feet in length. No two curb cuts or other access points shall be closer than 20 feet from each other except in residential zoning districts. (Special requirements for HC Zoning District in § 151.056(D)(2)).
- (B) *Location of curb cuts and other access points.* At street intersections no curb or other access point shall be located closer than 25 feet from the intersection point of the two-street right-of-way or property lines involved (or such lines extended in case of a rounded corner).

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.204 DELIVERIES BY TRUCK.

All deliveries to commercial and industrial places shall be made off major roads, as per § 151.196.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.205 SIZE OF TRUCKS ON MINOR STREETS.

No trucks bigger than U.P.S. trucks shall be on any minor street in the city, unless they are there to make deliveries, a pickup, or moving something.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

CONDITIONAL AND TEMPORARY USES

§ 151.220 CONDITIONAL AND TEMPORARY USES. **MODIFY BELOW CODE SECTIONS IF NECESSARY**

- (A) Conditional uses, as set forth in §§ 151.003 through 151.005; 151.019; 151.060; 151.100*et seq.*; 151.120*et seq.*; 151.135*et seq.*; 151.150*et seq.*; 151.170*et seq.*; 151.195*et seq.*; 151.220*et seq.*; 151.235*et seq.*; 151.250*et seq.*; and 151.265*et seq.* are declared to possess characteristics, which require certain controls in order to insure compatibility with other uses in the district within which they are proposed for location.
- (B) *General requirements.* The Zoning Administrator or Building Official that they conform to all regulations set forth herein and elsewhere in this Chapter, with particular reference to those requirements established for those districts in which they are proposed for location, shall permit conditional uses subject to a determination.
- (C) *Conditional use administration and duration.* Applications for permission to build, erect, or located a conditional use shall be submitted and processed in accordance with the regulations set forth in §§ 151.003 through 151.005; 151.019; 151.060; 151.100*et seq.*; 151.120*et seq.*; 151.135*et seq.*; 151.150*et seq.*; 151.170*et seq.*; 151.195*et seq.*; 151.220*et seq.*; 151.235*et seq.*; 151.250*et seq.*; and 151.265*et seq.* prior to the issuance of any permits.
- (D) *Temporary uses.* The Zoning Administrator or Building Official is authorized to issue a temporary certificate of zoning compliance for temporary uses, as follows:
 - (1) Carnival or circus for a period not to exceed 21 days, subject to the approval of City Council.
 - (2) Religious meeting in a tent or other temporary structure in HC, LI Districts, for a period not to exceed 60 days.
 - (3) Open lot sale of Christmas trees, in the NC, CC, HC, LI Districts for a period not to exceed 45 days.
 - (4) 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.
 - (5) Contractor's Office and equipment sheds, in any district, for a period of one year, provided that such office be placed on the property to which it is appurtenant.
 - (6) The installation of a mobile home on a temporary basis to serve a special personal or humanitarian need based on the following conditions:
 - (a) The request to establish conditional use of a mobile home shall be based on special personal or humanitarian need.
 - (b) The request shall be directed to the Planning Commission, and full explanation with any applicable documentation, shall be provided at the time the request is presented.

- (c) The use, if approved, shall be for a period not to exceed 12 months, and any extension in time must be reviewed by the Planning Commission on a yearly basis.
 - (d) The use must remain the same use as originally requested and cannot be changed at any time during its duration.
 - (e) Once the need for the original request no longer exists, the nonconforming building and/or use shall be discontinued not later than 90 days after the need no longer exists. This includes removing any nonconforming buildings and returning the site to full compliance with the existing Zoning Code.
- (7) The placement of a Recreational Vehicle (RV) is allowed as a temporary living quarters on a piece of property not to exceed seven days, based on the following conditions:
- (a) Notwithstanding, the definitions of § 151.281 of "Camper" and "Trailer", an RV is defined as a vehicle built on a single chassis, containing 400 square feet or less when measured at the largest horizontal projections and designed to be self-propelled or towed by a passenger vehicle with six wheels or less. A recreational vehicle is not designed or intended for use as a permanent dwelling;
 - (b) No one besides the visiting guest, their spouse and dependents are allowed to reside in the RV overnight;
 - (c) The recreational vehicle must be parked and located in the side or rear yard of the subject property. The RV is not permitted in the front yard, that is, forward of the front building line of the facility located on the subject property;
 - (d) If utility connections are used, they must be consistent with any related code requirements and appropriately used in the opinion of the Zoning Administrator or his designee;
 - (e) Not more than one RV shall be permitted on any residential lot or adjoining lots at one time.
- (8) All temporary certificates of zoning compliance may be renewed one time for a period not to exceed the initial time period, provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion, and will not create a nuisance to surrounding uses; the Zoning Administrator may deny the renewal or limit the time period of the temporary use of a renewal if the original reason for the temporary use could have been completed within the original time frame.
- (E) *Sexually oriented businesses.* See § 151.221, below.
- (Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2017-03-21-02, passed 3-21-2017)

§ 151.221 SEXUALLY ORIENTED BUSINESSES.

- (A) *Purpose and intent.* It is the purpose of this Chapter to regulate the secondary effects of sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations ~~to prevent the continued deleterious location and concentration-~~ location and appearance of sexually oriented businesses within the county. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Chapter to condone or legitimize the distribution of obscene material. ~~This Chapter is an Amendment to The Zoning Ordinance of the City of Westminster of July 1989.~~
- (B) *Definitions.*

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

ADULT BOOKSTORE or ADULT VIDEO STORE. A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

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

ADULT CABARET. A nightclub, bar, private club, restaurant, or similar commercial establishment which features:

- (1) Persons who appear in a state of nudity; or
- (2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (4) Activities such as wet T-shirt contests, negligee or lingerie shows, or similar-type activities.

ADULT MOTEL. A hotel, motel or similar commercial establishment which:

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

ADULT MOTION PICTURE THEATER. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

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

ESCORT. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

ESTABLISHMENT. Any of the following:

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

PERMITTEE and/or LICENSEE. A person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

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

NUDITY or STATE OF NUDITY. The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

PERSON. An individual, proprietorship, private club, partnership, corporation, association, or other legal entity.

SEMI-NUDE. A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER CENTER. A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

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

SEXUALLY ORIENTED BUSINESS. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

SPECIFIED ANATOMICAL AREAS. The male genitals in a state of sexual arousal and or the vulva or more intimate parts of the female genitals.

SPECIFIED SEXUAL ACTIVITIES. Any of the following:

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

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS. The increase in floor areas occupied by the business by more than 25%, as the floor areas exists as of the date of the passage of this code.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS. Any of the following:

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

(C) *Clarification.*

- (1) Sexually oriented businesses are classified as follows:
 - (a) Adult arcades;
 - (b) Adult bookstores or adult video stores;
 - (c) Adult cabarets;
 - (d) Adult motels;
 - (e) Adult motion picture theaters;
 - (f) Adult theaters;
 - (g) Escort agencies;
 - (h) Nude model studios, and
 - (i) Sexual encounter centers.
- (2) A person commits a misdemeanor if he or she operates a sexually oriented business without a valid permit and/or license, issued by the city for the particular type of business.
- (3) Sexually-oriented businesses are permitted as a Special Exception with the HC district. All Special Exceptions must be heard before the Board of Zoning Appeals. The application for a special exception and/or license must be made on a form provided by the City Zoning Administrator or Building Official. If approved by the Board of Zoning Appeals, the City Administrator may grant the permit or license if all conditions, regulations, and laws are otherwise met. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. The application must also provide evidence of compliance with the requirements of this chapter.
- (4) The applicant must be qualified according to the provisions of this Chapter and the premises must be inspected and found to be in compliance with the law by the ~~health department~~ South Carolina Department of Health and Environmental Control as applicable, fire department, and the City Building Official.
- (5) If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 10% or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a 10% or greater interest in the corporation must sign the application for a permit and/or license as applicant.

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- (6) The fact that a person possesses other types of state or city permits and/or licenses does not exempt him or her from the requirement of obtaining a sexually oriented business permit and/or license.
- (D) *Issuance of permit and/or license.* The City of Westminster Zoning Administrator ~~or Building Official~~ shall approve the issuance of a permit and/or license to an applicant within 30 days after receipt of an application unless he or she finds one or more of the following to be true:
- (1) An applicant is under 18 years of age.
 - (2) An applicant or an applicant's spouse is overdue in his or her payment to the city of taxes, fees, fines, or penalties assessed against him or her or imposed upon him or her in relation to a sexually oriented business.
 - (3) An applicant has failed to provide information reasonably necessary for issuance of the permit and/or license or has falsely answered a question or request for information on the applicant form.
 - (4) An applicant is residing with a person who has been denied a permit and/or license by the city to operate a sexually oriented business within the preceding 12 months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months.
 - (5) The premises to be used for the sexually oriented business have not been approved by [SCDHEC](#), fire department, and the building official as being in compliance with applicable laws and Chapters.
 - (6) The permit and/or license fee required by this Chapter has not been paid.
 - (7) An applicant of the proposed establishment is in violation of or is not in compliance with [state law or](#) any of the provisions of this Chapter.
 - (8) The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
- (E) *Fees.* The annual fee for a sexually oriented business permit and/or license is \$500.
- (F) *Inspection.*
- (1) An applicant or permittee and/or licensee shall permit representatives of the police department, health department, fire department, zoning (planning commission) department, or other city departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
 - (2) A person who operated a sexually oriented business or his or her agent or employee commits a misdemeanor if he or she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.
- (G) *Expiration of permit and/or license.*
- (1) Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in subdivision (D) above. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the permit and/or license will not be affected.
 - (2) When the City Zoning Administrator or Building Official denies renewal of a license, the applicant shall not be issued a permit and/or license for one year from the date of denial. If, subsequent to denial, the City Zoning Administrator or Building Official finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license if at least 90 days have elapsed since the date denial became final.

(H) *Suspension.* The City Zoning Administrator or Building Official shall suspend a permit and/or licensee or an employee of a permittee and/or licensee has:

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

(I) *Revocation.*

- (1) The City Zoning Administrator or Building Official shall revoke a permit and/or license if a cause of suspension in subdivision (H) occurs and the permit and/or license has been suspended within the preceding 12 months.
- (2) The City Zoning Administrator or Building Official shall revoke a permit and/or license if he or she determines that:
 - (a) A permittee and/or licensee gave false or misleading information in the material submitted to the zoning administrator or building official during the application process;
 - (b) A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - (c) A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises;
 - (d) 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;
 - (e) 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;
 - (f) A permittee and/or licensee is delinquent in payment to the county or state for any taxes or fees past due.
- (3) When the City Zoning Administrator or Building Official revokes a permit and/or license, the revocation shall continue for one year, and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one year from the date revocation became effective. If, subsequent to revocation the City Zoning Administrator or Building Official finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit and/or license if at least six months have elapsed since the date the revocation became effective.

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

(K) *Location of sexually oriented businesses.*

- (1) A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business outside of a designated HC or LI district. All sexually oriented businesses shall be located within a HC or LI district.
- (2) A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business within 300 feet of:

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- (a) A church;
 - (b) A public or private elementary or secondary school;
 - (c) A boundary of any residential district;
 - (d) A public park adjacent to any residential district, PUD, or NC district;
 - (e) The property line of a lot devoted to residential use.
- (3) A person commits a misdemeanor if he or she causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.
 - (4) A person commits a misdemeanor if he or she causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
 - (5) For the purpose of this Chapter, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, residential lot or NC district.
 - (6) For purposes of subdivision (K)(3), above, of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
 - (7) Any sexually oriented business lawfully operating on that is in violation of subdivision (K)(1) through (K)(6) of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.
 - (8) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a church, public park, residential district, or a residential lot within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license is submitted after a permit and/or license has expired or has been revoked.
- (L) *Additional regulations for adult motels.*
- (1) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined, in this Chapter.
 - (2) A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit and/or license, he or she rents or sub rents a sleeping room to a person and, within ten hours from the time the room is rented, he or she rents or sub rents the same sleeping room again.
 - (3) For purposes of subdivision (L)(2) of this section, the terms **RENT** or **SUB RENT**, mean the act of permitting a room to be occupied for any form of consideration.
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(M) *Regulations pertaining to exhibition of sexually explicit films or videos.*

- (1) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - (a) Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The City Zoning Administrator or Building Official may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
 - (b) The application shall be sworn to be true and correct by the applicant.
 - (c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator or building official.
 - (d) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
 - (e) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
 - (f) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in subdivision (M)(1)(e) above remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subdivision (M)(1)(a) of this section.
 - (g) No viewing room may be occupied by more than one person at any time.
 - (h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot candle as measured at the floor level.
 - (i) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above, is maintained at all times that any patron is present in the premises.

- (2) A person having a duty under subdivision (M)(1)(a) through (M)(1)(i) above commits a misdemeanor if he or she knowingly fails to fulfill that duty.
- (N) *Exemptions.* It is a defense to prosecution under subdivisions (D) and (K) above that a person appearing in a state of nudity did so in a modeling class operated:
- (1) By a proprietary school, licensed by the state of South Carolina; a college, junior college, or university supported entirely or partly by taxation;
 - (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - (3) In a structure:
 - (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - (b) Where, in order to participate in a class a student must enroll at least three days in advance of the class; and
 - (c) Where no more than one nude model is on the premises at any one time.
- (O) *Injunction.* A person who operates or causes to be operated a sexually oriented business without a valid permit and/or license or in violation § 151.221(K) of this Chapter is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of ~~\$200~~ \$500 or 30 days imprisonment.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

COMMON OPEN SPACE

§ 151.235 DEFINITION.

OPEN SPACE is 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. Buildings or structures, road, parking or road right-of-way shall not occupy open space; nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.236 WHERE REQUIRED.

Where specifically required by this Chapter, an open space plan shall be submitted as part of the application for a building permit. The plan shall:

- (A) Designate areas to be reserved as open space. The specific design of open space areas shall be sensitive to the physical and design characteristics of the site.
- (B) Designate the type of open space, which will be provided.
- (C) Specify the manner in which the open space shall be perpetuated, maintained, and administered.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.237 PRESERVATION AND MAINTENANCE OF OPEN SPACE.

- (A) 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 is not diminished or destroyed.
- (B) Open space areas may be owned, preserved, and maintained as required by the section, by any of the following mechanisms, or combinations thereof:
 - (1) Dedication of open space on acceptance by the city.
 - (2) Common ownership of the open space by a homeowner's association, which assumes full responsibility for its maintenance.
 - (3) Deed restricted, private ownership, which shall prevent development and/or subsequent subdivision of the open, space lane and provide the maintenance responsibility.
- (C) In the event that any private owner of open space fails to maintain same, the city may, in accordance with the Open Space Plan and following reasonable notice and demand that deficiency of maintenance be corrected, enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

FLOOD HAZARD AREAS

§ 151.250 BUILDING REQUIREMENTS IN ESTABLISHED FLOOD HAZARD AREAS.

In the Flood Hazard Areas of Westminster, as established on Flood Hazard Boundary Maps furnished by the Federal Flood Insurance Agency, and on file in the office of the City Clerk, the following additional requirements shall be observed.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.251 PERMIT REQUIRED.

- (A) All proposed development in a Flood Hazard Area shall require a permit, which shall be reviewed to determine if such development adversely affects the flood-carrying capacity of the flood plain. For purposes of this Chapter, **ADVERSELY AFFECTS** means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent over bank areas.
- (B) If it is determined that there is no adverse effect, and the development is not a building, then the permit shall be granted without further consideration.
- (C) If it is determined that there is an adverse effect, then technical justification (such as, a registered professional engineering analysis) for the proposed development shall be required.
- (D) If the proposed development is a building, then the following requirement are applicable:
 - (1) *Residential construction.* New construction or substantial improvement of a residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
 - (2) *Non-residential construction.* New construction or substantial improvement and commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attendant utility and sanitary facilities, be flood-

proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the building official.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.252 DATA TO ACCOMPANY PERMIT REQUEST.

All applications for development in a Flood Hazard Area shall be accompanied by the following information:

- (A) Elevation in relation to Mean Sea Level (MSL) of the lowest floor (including basement) of all proposed structures.
- (B) Elevation in relation to Mean Sea Level (MSL) to which any nonresidential structure will be flood-proofed.
- (C) Certification by a registered professional engineer or architect that the non-residential flood-proofed structure is suitably flood-proofed.
- (D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.253 MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS.

Mobile home parks and mobile home subdivisions are specifically prohibited in any designated flood hazard area.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

SCREENING AND BUFFER YARDS

§ 151.265 PURPOSE AND DEFINITION.

- (A) The ***BUFFER YARD*** is a unit of yard together with the planting required thereon. Both amount of land and the type and amount of planting specified for each buffer yard required by this Chapter are designed to ameliorate nuisances between adjacent land uses where NC, HC, LI, G-1, G-2, and G-3 districts are contiguous to any of the residential districts.
- (B) Buffer yards shall be required to separate non-residential uses from residential uses in order to screen, eliminate, or minimize potential nuisances such as dirt, litter, noise, flare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2013-11-19-02, passed 11-19-2013)

§ 151.266 LOCATION OF SCREENING AND BUFFER YARDS.

Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of an existing public or private street or right-of-way.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.267 SCREENING AND BUFFER YARDS PART OF REQUIRED YARDS.

Where front, side and rear yards are required by this Chapter buffer yards may be established within such required yards.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.268 SCREENING AND BUFFER YARDS PART OF NC, HC, LI, G-1, G-2, AND G-3 YARDS ALONG COMMON PROPERTY LINES.

In all NC, HC, LI, G-1, G-2, and G-3 districts, there shall be a minimum of ten feet of greenbelt between any and all property lines that abut residential districts and any build area (including parking lots). In lieu of the required ten-foot-wide, six-foot-high (at the time of planting) greenbelt, a solid, six-foot-high stockade fence shall be allowed. As the greenbelt must be maintained and replaced as necessary, so shall the optional stockade fence.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2013-11-19-02, passed 11-19-2013)

INTERPRETATION AND DEFINITIONS

§ 151.280 INTERPRETATION OF CERTAIN WORDS.

- (A) Except when definitions are specifically included in the text, words in the text or tables of this Chapter shall be interpreted in accordance with the definitions set forth in this section. When words are not defined, standard dictionary definitions shall prevail. In every case, the Zoning Administrator or Building Official shall have the authority to define any word or interpret any definition in order to fulfill the intent and purpose of this Chapter.
- (1) Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.
 - (2) The term **BOARD OF ADJUSTMENTS AND APPEALS** or **BOARD OF ADJUSTMENTS** or **BOARD OF APPEALS** refers to the Board of Zoning Appeals of the City of Westminster.
 - (3) The term **CITY APPEARANCE COMMITTEE** refers to that committee so designated by City Council to review any design, landmark, or historical criteria regulations as set forth by City Council.
 - (4) The term **COUNCIL**, **CITY COUNCIL**, or **MAYOR** and **COUNCIL** refer to the legally constituted and elected governing body of the City of Westminster.
 - (5) The word **LOT** includes the word **PLOT** or **PARCEL**.
 - (6) The word **MAP** or **ZONING MAP** shall mean the Official Zoning Map of the City of Westminster, South Carolina.

- (7) The word **MAY** is permissive.
 - (8) The word **PERSON** includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.
 - (9) The term **PLANNING COMMISSION** refers to the Westminster Planning Commission.
 - (10) The word **SHALL** is always mandatory.
 - (11) The word **STRUCTURE** includes the word **BUILDING**.
 - (12) The word **USED** or **OCCUPIED** as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy.
 - (13) The term **ZONING ADMINISTRATOR** refers to that person or persons so designated by the City Council to administer this Chapter.
- (B) Where circumstances may not clearly conform to the standards or definitions herein, then the Board of Appeals shall interpret such standards or definitions.
- (Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.281 DEFINITIONS.

For the purpose of this Chapter, certain words or terms used herein are defined as follows:

ABANDONED VEHICLE. Any vehicle found or left on a public street, parking lot, or wrecker lot for which the owner cannot be identified and/or located within a period of seven days.

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

ACCESSORY DWELLING UNIT. An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home.

ALL WEATHER SURFACE. This surface shall meet one of the following criteria:

- (1) Shall consist of at least a four-inch layer of coarse aggregate, such as crushed stone, slag or gravel, or thoroughly compacted sub layer of clay or other firm subsoil, or
- (2) Shall be at least a four-inch layer of coarse concrete over an intermediate layer of coarse aggregate at least two inches thick when compacted, and both layers over a thoroughly compacted sub layer as above, or
- (3) Shall be at least a three-layer of Bituminous asphalt over an intermediate layer and sub layer as above.

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

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

AUTOMOBILE SERVICE STATION. Building and premises on any parcel or lot where gasoline, oils, grease, batteries, tires and limited automobile accessories may be supplied, dispensed, or installed. No part of the premises may be used for storage or dismantled parts of major automotive repairs.

BOARDING HOUSE. A house at which board and lodging may be obtained for payment on a monthly basis.

BUILDABLE AREA. That portion of any lot which may be used or build upon in accordance with regulations governing the given zoning district within which the particular lot is located once the various front, side, and rear

yard requirements required for the District have been subtracted from the total lot area. For instructions related to the determination of **BUILDABLE AREA**, see § 151.120.

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

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

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

CAMPER. A mobile home, tent, trailer, or other self-contained vehicle or structure designed for recreational or moving purposes, of metal or other materials, mounted or designed for mounting on one or more wheels and/or jacks or similar supports, and either self-propelled or rigged for towing or transporting, provided such structure or vehicle is less than 30 feet in length and is not used for residential purposes in the city (in other than an established campground).

CAR WASH, AUTOMOBILE LAUNDRY. Buildings and premises on any lot where the cleaning of an automobile is operated automatically, manually, or by coin. No part of the premises shall be used for the storage of dismantled or wrecked vehicle parts nor shall any automobile repairs of accessory sales take place.

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

CLINIC. An establishment where medical or dental patients, who are not lodged overnight, are admitted for examination or treatment.

CONDOMINIUM, CONDO. See **DWELLING, CONDOMINIUM.**

DAY CARE CENTER, AGED ADULTS. Any home center, which regularly provides day care for aged adults unattended by a legal guardian in a residential setting. These centers shall meet all county and state requirements.

DENSITY, GROSS. The number of dwelling units per acre of the total acreage developed or used.

DENSITY, NET. The number of dwelling units per acre of land developed or used for residential purposes exclusive of land utilized for streets, alleys, parks, playgrounds, or other public uses. Unless otherwise stated, density requirements in this Chapter are expressed in units per net acre.

DERELICT VEHICLE. Any vehicle that is inoperative (unable to be driven under its own power), is unlicensed and fails to display a current license tag.

DISTRICT. The term applied to various geographical areas of the city the purpose of interpreting the provisions of this Chapter. The Districts are designated with the use of symbols on the Official Zoning Map. Regulations controlling land use in the various districts within the city are set forth in §§ 151.050et seq. The terms **DISTRICT** and **ZONING DISTRICT** are synonymous and are used interchangeably throughout this Chapter.

DRIVE-IN. A retail or service enterprise oriented to automobile driving patrons wherein service is provided to the consumer on the outside and/or inside of the principal building. The term DRIVE-IN includes drive-in restaurants, and dairy bars, theaters, banks, laundries, food stores, car washes, or other similar retail service activities.

DWELLING. A building or portion of a building arranged or designed to provide living and/or sleeping quarters for one or more families. The term **DWELLING** and **RESIDENCE** shall be interchangeable.

DWELLING CLUSTER. The grouping of dwelling units, frequently on lots of different sizes and shape, surrounded by a large expanse of open space with the streets and utilities customized to the needs of the individual cluster.

DWELLING CONDOMINIUM. A building or series of buildings on the same lot or portions thereof containing more than one dwelling unit under private or separate ownership, joint ownership of common open spaces.

DWELLING, GROUP. A building or portion of building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families. The term **GROUP DWELLING** includes but is not limited to the terms **ROOM HOUSE**, **Y.M.C.A.** or **Y.W.C.A.** A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined.

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

DWELLING, MULTIPLE-FAMILY. A building or series of buildings on the same lot portions thereof used or designed as dwellings for two or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. The terms **MULTIPLE-FAMILY** and **MULTI-FAMILY** are synonymous and are used interchangeably throughout this Chapter.

DWELLING, SINGLE-FAMILY ATTACHED, TOWNHOUSE. A single-family dwelling unit construct in a series or group of attached units with property lines separating such unit. Firewalls separating each dwelling unit shall extend from the foundation through the roof.

DWELLING, TWO-FAMILY. A dwelling arranged or designed to be occupied by two families in separate dwelling units living independently of each other on a single lot.

DWELLING, UNITS. One or more rooms connected together and constituting a separate, independent housekeeping establishment with provision for cooking, eating, and sleeping, and physically set apart from any other rooms or dwelling units in the same structure or another structure.

FAMILY. One or more persons occupying a single dwelling unit provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises.

GARAGE, PRIVATE. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.

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

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

GREENBELT. Synonymous with a **BUFFER YARD**. See §§ 151.265 through 151.268.

HOME OCCUPATION. Any use in a residential area, conducted solely by the occupants of a dwelling, and contained entirely within the dwelling or serving as a base of operations or office. This use shall be clearly incidental to the residential purpose and it shall not change the character thereof. Only residents of the dwelling shall be employed in connection with this activity, except the following: a non-resident assistant may be employed by a lawyer, physician, dentist, chiropractor, or similar professional. No more than 25% of the total floor space of any structure may be used in a home occupation.

HOTEL. A building or buildings in which lodging, with or without meals is provided and offered to the public for compensation, which is open to transient or permanent guests. The word **HOTEL** includes the terms **MOTEL** and **TOURIST COURT**.

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

KINDERGARTEN, NURSERY. Any public or private school, operated on a profit or nonprofit basis for preschool children, wherein a specific curriculum is prepared and presented by qualified instructors for educational purposes, but specifically excluding Day Care Centers.

LANDSCAPED STRIP. A greenery space consisting of a year-round planted ground cover, properly maintained, and having an appropriate selection of bushes or shrubs placed at least every five feet of the strip length.

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

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

LOT, DEPTH. The mean horizontal distance between front and rear lot lines.

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

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

LOT, LOT OF RECORD. 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 Oconee County, as maintained in the Oconee County Courthouse. The terms **LOT, PLOT, LOT OF RECORD, PROPERTY, or TRACT** whenever used in this Chapter, are interchangeable.

LOT WIDTH. The distance between side lot lines measured at and along the front building line.

MANUFACTURED HOME/MOBILE HOME PARK. Premises where two or more mobile homes at the time this Chapter comes into effect, are parked for living or sleeping purposes, or where spaces are set aside or offered for sale or rent for use for mobile homes for living in or sleeping purposes, including any land, building, structure, or facility used by occupants of mobile homes on such premises.

MANUFACTURED HOME/MOBILE HOME SPACE. A plot of ground within a mobile home park designed for the accommodation of one mobile home.

MANUFACTURED HOMES/MOBILE HOMES. Any structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation. A **MOBILE HOME** shall bear the label or seal of compliance with the Federal Mobile Home Construction and Safety standards approved by the Department of Housing and Urban Development of the United States of America.

MODULAR BUILDING. A building manufactured off site and transported to the point of use for installation as a finished building not designed for removal to another site. A **MODULAR BUILDING** shall comply with the standards set forth in the South Carolina Modular Buildings Construction Act of 1984 and bear the certification seal of the South Carolina Building Code Council.

MOTEL. A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, which is open to transient or permanent guests. The word **MOTEL** includes the terms **HOTEL** and **TOURIST COURT**.

NET ACRE. The amount of land devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, or other public uses. (See **DENSITY, NET**).

NONCONFORMING STRUCTURE OR USE. A structure or use of land lawfully occupied by an existing use which does not conform with size/setback/lot coverage requirements or the permitted uses for the zoning district in which it is situated, either at the effective date of this Chapter or as the result of subsequent amendments to this Chapter. A **NONCONFORMING USE**, or characteristic of use shall not be reestablished after vacancy, abandonment, or discontinuance for any period of **six consecutive months** ?

OPEN SPACE, IMPROVED. Those changes which will enhance the utilization of the property other than the existence of natural flora.

OPEN SPACE, UNIMPROVED. Those areas left in their natural state.

PARCEL. See **LOT**.

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

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

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

RESIDENCE. A building or portion of a building arranged or designed to provide living and/or sleeping quarters for one or more families. The terms **DWELLING** and **RESIDENCE** shall be interchangeable.

SERVICE STATION. See definition of **AUTOMOBILE SERVICE STATION**.

SETBACK. The depth or width of any required yard. The minimum linear distance from any designated property line or right-of-way to a structure on a lot.

SHORT TERM RENTAL means the legally permitted accessory use of a dwelling unit or portion thereof for a fee or other compensation for a period of less than 30 consecutive rental days. Short-term rentals do not include hotels, motels, bed and breakfast, [boarding houses], inns, or other commercial accommodations.

SIGN. The term **SIGN** shall mean and include every **SIGN**, billboard, poster, panel, freestanding ground sign, roof sign, projecting sign, pylon sign, illuminating sign, sign painted on a wall, window marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise or promote the interests of any persons when the same is placed in view of the general public, traveling along a public street right-of-way. [SEE SIGN DEFINITIONS IN 152.002]

SOCIAL ORGANIZATION. An incorporated or unincorporated association for civic, cultural, religious, literary, political, recreational or like activity operated for the benefit of the members and not generally open to the public.

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

SPOT ZONING. An illegal action; a rezoning that is:

- (1) Inconsistent with existing zoning patterns;
- (2) For the benefit of the landowner;
- (3) Detrimental to neighborhood; and
- (4) Without any substantial public purpose.

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

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

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

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground. A **BUILDING**, as defined herein, is a **STRUCTURE**.

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate, to the process of subdivided provided, however, that the following exceptions are included within this definition only for the purpose of requiring that the local Planning Commission be informed and have record of such subdivisions:

- (1) The combination or recombination of portions or previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority.
- (2) The division of land into parcels of four acres or more where no new street is involved.

SUITABLE PLANTING SCREEN. A properly planted strip composed of evergreen greenery which possesses growth characteristics of such a nature as to produce a dense, compact mass, such as, opaque barrier, that is suitable for blocking or impeding vision to such an extent that images are not generally distinguishable from one side of the mass to the other. The planting screen shall be a minimum of ten feet in width and a minimum of six feet in height at the time of planting. Such barriers shall be maintained and replaced if any of the plantings shall perish. This term shall be synonymous with **BUFFER YARD** and **GREENBELT**.

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

TRACT. See **LOT**.

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

- (1) Provide temporary or permanent quarters;
- (2) Serve as a carrier of people, new or used goods, products, or equipment; and
- (3) Be used as a selling, advertising or display device.

For purposes of this Chapter, the term **TRAILER** shall not include the terms camper, mobile home, or house trailer.

TRAILER, HOUSE. The term **HOUSE TRAILER**, for purposes of this Chapter, shall be interchangeable with the term **MANUFACTURED HOME/MOBILE HOME**, as defined herein.

USE, ACCESSORY. Purpose for which a lot is occupied and used when criteria is met and approved.

VARIANCE. A modification of the strict terms of this Chapter granted by the Board of [Zoning 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 the 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.

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

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

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

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

ZONING DISTRICT. See **DISTRICT**.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2007-04-17-02, passed 6-19-2007; Am. Ord. 2013-11-19-02, passed 11-19-2013; Am. Ord. 2017-03-21-01, passed 3-21-2017)

ADMINISTRATION, ENFORCEMENT, APPEAL, COMPLAINTS AND REMEDIES

§ 151.295 ADMINISTRATION.

- (A) The duty of administering and enforcing the provisions of this Chapter is hereby conferred upon the duly appointed Planning Director of the city. It shall also be the duty of all officers and employees of the city, and especially of all members of the police and fire departments, to assist the Director by reporting to him or her new construction, reconstruction, or new land uses and apparent violations of this Chapter.
- (B) If at anytime the Planning Director feels he or she needs help in administering this Chapter or if the position is currently not occupied, a Zoning Official and/or Building Official may be appointed with approval from City Council to administer this Chapter.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.296 ENFORCEMENT.

- (A) [Pursuant to S.C. Code 6-29-950](#), if the Planning Director shall find that any of the provisions of the Chapter are being violated, he or she shall notify in writing the person and/or persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuances of illegal uses of land, buildings, or structures; removal or illegal buildings or structures with illegal additions, or structural changes, and discontinuance of any illegal work being done; and shall take any other action authorized by this Chapter to ensure compliance with, or to prevent violation of its provisions.
- (B) In accordance with S.C. Code § 56-7-80, the Zoning Administrator may issue an ordinance summons for violations of the zoning regulations when all other remedies have failed to remove the violation.
- (C) [Each day that the violation exists constitutes a separate offense, pursuant to SC Code 6-29-950 \(A\).](#)

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2012-01-17-01, passed 1-17-2012)

§ 151.297 BUILDING CODES, PERMITS AND CERTIFICATES OF OCCUPANCY.

The above is to be administered per §§ 151.003 through 151.005; 151.019; 151.060; 151.100*et seq.*; 151.120*et seq.*; 151.135*et seq.*; 151.150*et seq.*; 151.170*et seq.*; 151.195*et seq.*; 151.220*et seq.*; 151.235*et seq.*; 151.250*et seq.*; and 151.265*et seq.*; and the 2000 International Building Codes as adopted by City Ordinances 2001-09-18-01 and 2001-09-18-02.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.298 COMPLAINTS.

Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Planning Director, who shall properly record such complaint, forthwith investigate, and take action thereon as provided by this Chapter.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.299 REMEDIES.

In the event any building or structure is proposed to be or is erected, constructed, reconstructed, altered, maintained or used, or any land is proposed to be or is used in violation of this Chapter, the Planning Director, the City Council, the City Attorney, or any other person aggrieved may, in addition to other remedies provided by law, institute injunction, abatement, or any other appropriate action, or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.300 APPEAL FROM THE DECISION OF THE PLANNING DIRECTOR.

It is the intention of this Chapter that all questions arising in connection with the enforcement of this Chapter shall be presented first to the Planning Director and such questions shall be presented to the Board of [Zoning](#) Appeals only on appeal from the decision of the Planning Director.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

BOARD OF APPEALS

§ 151.315 ESTABLISHMENT OF BOARD OF [ZONING](#) APPEALS.

(A) A five member Board of [Zoning](#) Appeals is hereby established.

- (1) All Board Members shall be a resident of the city. Initial appointment shall be as follows: one for five years; one for four years; one for three years; one for two years; and one for one year.
- (2) Thereafter, each new member shall serve for a term of five years or until a successor has been appointed.
- (3) The Building Official shall be an *ex officio* member of said board but shall have no vote on any matter before the board.

- (4) Wherever possible, the members shall be architects, engineers, building contractors, and/or building material suppliers, and one Member at Large. If there is none of the above available, members should have as closely related occupations as possible or other Members at Large.
 - (5) The applicable governing body shall appoint the said Board. Members shall serve without pay, but may be reimbursed for any expenses incurred while representing the Board.
 - (B) Vacancies shall be filled for unexpired terms; no members shall be appointed for a term in excess of five years. A vacancy in a term of office shall occur whenever it is found that a member has resigned or has not maintained the qualifications required for appointment; or whenever a member:
 - (1) Has repeatedly failed to attend properly called meeting of the Board without just cause; or
 - (2) Has been guilty of malfeasance or misconduct in office and based upon such findings has been removed from office;
 - (3) Shall be removed for cause by the Mayor or City Council upon written charges and after public hearing.
- (Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.316 PROCEEDINGS OF THE BOARD OF ZONING APPEALS.

- (A) The Board of Zoning Appeals shall elect a chairman and a vice chairman from its members who shall serve for one year or until reelected or until their successors are elected. The Board shall appoint a secretary, who may be a City Officer, an employee of the city, a member of the Planning Commission or a member of the Board or Appeals.
- (B) The Board shall adopt rules and bylaws in accordance with the provisions of this Chapter and the South Carolina Code of Laws, Title 6 chapter 29 (2000 Supplement), being S.C. Code § 6-29-790, et seq.
- (C) Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall meet within 15 days after receipt by City Hall of the notice of appeal and the \$ 15 application fee, discuss fee amount. Notifications of the public and neighboring property owners shall be in accordance with § 152.318(D) and Sec. 6-29-800 et seq.
- (D) Every decision shall be made by the Board in accordance with § 151.317, and promptly filed in writing in the office of the Planning Director and shall be open to public inspection; a certified copy shall be sent by mail or otherwise to the applicant.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2006-01-17-02, passed 2-14-2006)

§ 151.317 DECISIONS OF THE BOARD OF ZONING APPEALS.

- (A) The concurring vote of three members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Planning Director or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter or to affect any variation of the Chapter.
- (B) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- (C) On all appeals, applications and matters brought before the Board of Appeals, the Board shall inform in writing all the parties involved by Certified Mail of its decisions and the reasons therefore.

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- (D) [Written decisions of the Board of Zoning Appeals shall be in writing and must include Findings of Fact and Conclusions of Law, pursuant to S.C. Code 6-29-800\(F\).](#)

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.318 APPEALS, HEARINGS AND NOTICE.

- (A) Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality or county. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Appeals notice of appeal specifying the ground thereof. The Planning Director shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- (B) 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 of stay would, in his or her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application.
- (C) Each applicant for an appeal, or variance, shall at the time of making application pay a fee for the cost of advertising and mailing notices, as required by this Chapter, and the rules of the Board of Appeals. The appeal process will commence with the payment of the \$75 application fee.
- (D) The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof by advertising for a minimum of one week in a newspaper of general circulation in the community, as well as due notice to the parties in interest, including all property owners within a minimum of 200 feet of the affected property, and decide the same within a reasonable time. Mailed notices shall be certified with a return receipt requested. At the hearing any party may appear in person or by agent or by attorney.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2006-01-17-03, passed 2-14-2006)

§ 151.319 POWERS AND DUTIES OF THE BOARD OF [ZONING](#) APPEALS.

[Pursuant to S.C. Code 6-29-780](#), the Board of [Zoning](#) Appeals shall have the following powers and duties:

- (A) **ADMINISTRATIVE APPEALS:** To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Planning Director/[Zoning Administrator](#) in the enforcement of this act.
- (B) **VARIANCES:** To authorize upon appeal in specific cases a variance from the terms of the Chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Chapter will, in an individual case, result in unnecessary hardship, so that the spirit of the Chapter shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual cases of unnecessary hardship upon a finding by the Board of Appeals that:
- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
 - (2) The application of the Chapter on this particular piece of property would create an unnecessary hardship;
 - (3) Such conditions are peculiar to the particular piece of property involved;

- (4) 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 use of land or building or structure that is prohibited in a given district, except as provided in § 151.107.

A. (C) SPECIAL EXCEPTIONS: Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use:

1. Is consistent with the recommendations contained in the City's Comprehensive Plan and the character of the base Zoning District "Purpose and Intent";
2. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
3. Adequate provision is made for such items as Setbacks and buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, Vibration, dust, glare, odor, traffic congestion, and similar factors;
4. Where applicable, will be developed in a way that will preserve and incorporate any important natural features;
5. Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to, any use conditions, Zoning District standards, or Site Plan Review requirements of this Ordinance; and
6. Does not hinder or endanger vehicular traffic and pedestrian movement on adjacent roads.
7. In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed Building or Structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

NEED TO DENOMINATE USES FOR SPECIAL EXCEPTIONS IN A TABLE

(D) REMAND TO PLANNING DEPARTMENT: To review specific cases for administrative appeals, variances, and special exceptions, upon motion by a party or the board's own motion, and in the opinion of the Board, a decision to remand the case to the Planning Department/Zoning staff if the board determines the record, including testimony and evidence presented is insufficient for review. A party's motion for remand may be denied if the board determines that the record is sufficient for review. The board must set a rehearing on the remanded matter without further public notice for a time certain within sixty days unless otherwise agreed to by the parties. The board must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing, and notice of the rehearing must be mailed to these persons prior to the rehearing. Pursuant to SC Code 6-29-800(4)

~~To decide on other such matters where a decision of the Board of Zoning Appeals may be specifically required by the provisions of the Chapter.~~

- (E) In exercising the above powers, the Board of Zoning Appeals may, in conformity with the provisions of this act, reverse or affirm wholly or in part, or may modify the order, requirements, decision, or determination, and, to the end, shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in execution of the duties for which

appointed, may administer oaths, may subpoena witnesses, may take testimony, and in case of contempt, may certify such fact to the circuit court in and for the County of Oconee.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.320 APPEALS FROM DECISION OF THE BOARD OF ZONING APPEALS.

Pursuant to S.C. Code 6-29-820 (A), 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 of Oconee 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. Such appeal shall be filed within 30 days after ~~receipt~~ the date of the certified mailing of the decision the Board has rendered in your case.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

AMENDMENTS

§ 151.335 AUTHORITY.

The Zoning Code, including the Official Zoning Map of Westminster, South Carolina, may be amended from time to time by the City Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have 30 days from public hearing date, 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.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.336 REQUIREMENTS FOR CHANGE.

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

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.337 LIMITATIONS TO PARCELS TO BE REZONED.

- (A) There shall be no limitation to the shape or quality of any parcel that City Council may consider for amendment to the Zoning Code provided the requested district is contiguous to the parcel under consideration. The requirement for being contiguous shall not apply to Government Districts, G-1, G-2, or G-3.
- (B) In order to determine the contiguous nature of properties separated by railroads, streets, street intersections or other such dividing entities within the city, those entities should be "collapsed" thereby making the dividing entity nonexistent.

§ 151.338 PROCEDURE FOR AMENDMENTS.

Requests to amend the Zoning Code shall be processed in accordance with the following requirements:

- (A) *Initiation of amendments.* A proposed amendment to the Zoning Code may be initiated by the City Council, the Planning Commission, or by application filed with the Planning Department, or by the owner or owners of the property proposed to be changed, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property, or any part thereof, and requesting the same change in district classification by a property owner or owners more often than once every 12 months. Initiation of the Public Hearing Procedures commences upon payment of the \$75 application fee. (Discuss increase or price per acre, etc.)
- (B) *Application procedure.*
 - (1) Application forms for amendment requests shall be obtained from the Zoning Administrator. Completed forms, together with an application fee to cover administrative costs, plus any additional information the applicant feels to be pertinent will be filed with the Zoning Administrator. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the form required.
 - (2) Applications for amendments must be submitted, in proper form, at least three weeks prior to a Planning Commission meeting in order to be heard at that meeting.
 - (3) The Zoning Administrator shall forward application fees to the City Clerk who shall supervise the application of same to the costs of advertising and other administrative expenses.
- (C) *Hearings by the Planning Commission Review and Recommendation*
 - (1) The Secretary of the Planning Commission shall transmit all papers and other data submitted by the applicant on behalf of the amendment request to the Planning Commission. The Planning Commission, at a regular meeting, shall review and prepare a report, including its recommendation for transmittal to the City Council. All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person, by agent, or by attorney.
 - (2) No member of the Planning Commission shall participate in a matter in which he or she has any pecuniary or special interest.
 - (3) Following action by the Planning Commission, all papers, and data pertinent to the application shall be transmitted to the City Council for final action.
- (D) *Report of the Planning Commission. MOVED AND RENUMBERED -FROM (F)*
 - (1) Following each public hearing the Planning Commission shall hold a regular meeting to review and prepare a written record of the conduct of each public hearing. A copy of the record shall be filed with the City Clerk for the public record and a copy shall accompany the Planning Commission's recommendation of the Mayor and City Council.
 - (2) The recommendation of the Planning Commission shall be in written form and should evaluate the proposed zoning amendment by answering the following questions:
 - (a) How does the proposed zoning amendment relate to and affect the City's Comprehensive Plan?

- (b) Are development objectives and recommendations of the City's Comprehensive Plan for the area under consideration still valid or have conditions changed to such a degree that deviation from the Plan is warranted?
- (c) Will the proposed amendment correct an error or deficiency in the zoning regulations?
- (d) What benefits would the city as a whole receive from development effectuated under the proposed amendment?
- (e) Does the cost-benefit relationship indicate that the proposed zoning amendment would be in the public interest cover the long-term?

(E) *Public hearing by City Council.* Before enacting an amendment to the Zoning Code, the City Council shall hold a public hearing. There shall be at least a minimum of 15-days' notice of the time and place of which shall be published in a newspaper of general circulation in the municipality. The property shall also be posted in a prominent place 15 days prior to the date of the public hearing. The adjacent and adjoining property owners shall be notified by first class mail 15 days prior to the public hearing. The City Council may, at its discretion, delegate the power and responsibility to hold the required public hearing to the Planning Commission for any or all amendments. In such cases as the Planning Commission conducts the Public Hearing, the City Council shall not be required to hold another before acting on the recommendation. This is permissive, however, and certainly does not preclude the City Council from conducting its own public hearing on the amendment.

(Pursuant to SC Code 6-29-760, 1976 as amended)

(F) *Changes in the zoning map.* Following final action by the City Council, any necessary changes shall be made in the Zoning Map. A written record of the type and date of such change shall be maintained by the Planning Department. Refer to § 151.016.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.999 PENALTY.

Any person violating any provision of this Chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined up to \$200 or up to 30 days in jail or both, as determined by the court for each offense. Each day such violation continues shall constitute a separate offense.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

APPENDIX A: REQUIREMENTS BY DISTRICT; R-25, R-20, R-15: ADD REQUIREMENTS FOR RR, R-1 and R-0

Zoning District: ADD REQUIREMENTS FOR RR, R-1, R-0		R-25 One-family	R-20 One-family	R-15 One-family
Minimum lot per size	Minimum. area in sq. ft.	25,000	20,000	15,000
	Width in ft.	100 C	80 C	70 C
Minimum yard setback per lot in ft.	Front	50	40	35
	Side	15	15	10
	Rear	40	40	35

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APPENDIX A: REQUIREMENTS BY DISTRICT; R-25, R-20, R-15

Maximum height of building in ft.		35	35	35
Maximum percentage of lot coverage by all buildings		35%	35%	35%
Minimum sq. ft. per home		1400	1200	800
Notes: A - Side yard setback to be 10 feet for the first story and five feet for each story thereafter. B - Total for both is a minimum for 25 feet. C - Width of lot to be measured at the front setback line, but in no case is the lot to be less than 25 feet at the right-of-way line.				

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

APPENDIX B: REQUIREMENTS BY DISTRICT; GR, RM, NC *Mixed Use, if added*

Zoning District		GR Two families	RM Multiple families	NC Neighborhood Commercial
Minimum lot per size	Minimum area in sq. ft.	5,000	15,000	8,000
	Width in ft.	60 C	75 C	60
Minimum yard setback per lot in ft.	Front	30	35	40
	Side	10	10 A	10 B
	Rear	25	35	20
Maximum height of building in ft.		35	50	40
Maximum percentage of lot coverage by all buildings		35%	35%	NA
Minimum sq. ft. per home		480	NA	NA
Notes: A - Side yard setback to be 10 feet for the first story and five feet for each story thereafter. B - Total for both is a minimum for 25 feet. C - Width of lot to be measured at the front setback line, but in no case is the lot to be less than 25 feet at the right-of-way line.				

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

TITLE XV: - LAND USAGE
CHAPTER 151: - ZONING CODE
- AMENDMENTS
APPENDIX C: REQUIREMENTS BY DISTRICT; HC, CC, LI, PUD

APPENDIX C: REQUIREMENTS BY DISTRICT; HC, CC, LI, PUD

Zoning District		HC Highway Commercial	CC Core Industrial	LI Light Industrial	PUD Planned Unit Developments
Minimum lot per size	Minimum area in sq. ft.	5,000	NA	40,000	87,120
	Width in ft.	100	NA	100	NA
Minimum yard setback per lot in ft.	Front	40	NA	100	NA
	Side	10 B	NA	50	NA
	Rear	10	NA	10 B	NA
Maximum height of building in ft.		40	55	55	35
Maximum percentage of lot coverage by all buildings		NA	NA	NA	35%
Minimum sq. ft. per home		NA	NA	NA	NA
Notes: A - Side yard setback to be 10 feet for the first story and five feet for each story thereafter. B - Total for both is a minimum for 25 feet. C - Width of lot to be measured at the front setback line, but in no case to be less than 25 feet at the right-of-way line.					

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2008-12-16-04, passed 12-16-2008; Am. Ord. 2010-07-02-05, passed 7-20-2010)

APPENDIX D: OFF-STREET PARKING REQUIREMENTS

Principal Use	Required Off-Street Parking
Auditorium, theater, places of public assembly	One space for each four seats based on maximum capacity
Auto service station, full service	Two spaces for each gasoline pump, plus three spaces for each service rack or wash rack
Auto service station, self-service	Two spaces for each gasoline pump
Auto service station self-service with convenience store	Two spaces for each gasoline pump plus one space for each 300 square feet of gross floor area
Child care centers	One space for each four children per maximum capacity
Church	One space for each four seats based on maximum capacity

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Dormitory, fraternity or sorority house, or other group dwelling	One space for each bedroom or sleeping room
Dwelling unit, multi-family	One and one-half spaces for each efficiency or one-bedroom unit; two spaces for each two-bedroom unit and one additional space for each additional bedroom
Dwelling unit, single-family and two-family	Two spaces for each dwelling unit
Financial institution	One space per 300 square feet of gross floor area
Funeral home	Five spaces minimum, plus one space for each four seating capacity in the main assembly room
Grocery, convenient	One space for each 100 square feet of gross floor space
Grocery or supermarket	One space for each 150 square feet of gross floor space
Hospital	One space for each patient, bed, plus one space for each 300 square feet of office and administrative area
Hotel, motel, or motor court	One and one tenth space per rental unit plus requirement for any uses associated with the establishment
Industrial, manufacturing, and processing uses	One space per 600 square feet of gross floor area
Mobile home park	Two spaces for each mobile home space, plus one space for each two employees
Nursing home	One and one tenth space for each patient bed
Office and professional building	One space per 250 square feet of gross floor area
Office, medical or dental	Five spaces per doctor or dentist
Public or private club, not dispensing alcoholic beverages	One space for each 300 square feet of gross floor area
Public utility building	One space per 300 square feet of gross floor area
Recreation	
Bowling alleys	Five spaces for each bowling lane
General outdoor recreational areas, parks, and the like	One space for each 5,000 square feet of land area
Golf course	Four spaces for each hole, plus requirements for any other associated use
Indoor or outdoor swimming pools (except when built as an accessory to a residential use)	One space for 100 square feet of water area or one space per four spectator seats, whichever is greater
Softball, baseball, or football fields	One space per 3,000 square feet of field area or one space per six spectator seats, whichever is greater
Tennis courts: Indoor or outdoor (except when built as an accessory)	Four spaces per court or one space per four spectator seats, whichever is greater
Restaurants, all others	One space for each 100 square feet of gross floor area
Restaurants, fast-food types including those with drive-ins and/or distinguished by disposable dishware	One space for each 50 square feet of gross floor area
Retail store and personal service shops	One space per 200 square feet of gross floor area
Sales and service not listed elsewhere	One space per 200 square feet of gross floor area

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Schools	
Colleges or Universities	Based on comparable building uses as prescribed elsewhere in this schedule
Elementary and Junior High	Two spaces per 200 square feet of gross floor area
Senior High, Business and Vocational	One space for each vehicle operated by or for the school, plus two spaces per classroom, plus two spaces per office plus one space for every four seats of maximum seating capacity in the main assembly room
Shopping Center	One space for each 200 square feet of gross floor space
Taverns, discos, night clubs and/or public or private clubs (dispensing alcoholic beverages)	Parking spaces equal to 30% of capacity in persons as determined by the fire marshal
Wholesaling, warehousing and distribution operations	One space per 500 square feet of gross floor area
The parking space requirements for a use not specifically listed above shall be the same as for listed use of similar characteristics of parking demand generations.	

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

CHAPTER 152: SIGN REGULATIONS

GENERAL PROVISIONS

§ 152.001 PURPOSE.

- (A) The regulations herein shall apply and govern all signs located in the city. This section establishes the standards for the design, location, and characteristics of signs that are permitted as principal or accessory uses. No sign is permitted in the city except in conformity with this section.
- (B) The purposes of these sign regulations are to:
- (1) *Encourage effective communication.* Encourage the effective use of signs as a means of communication in the city;
 - (2) *Maintain a pleasing appearance.* Maintain and enhance the pleasing look of the city, which attracts to the city major events of local, regional, and statewide interest;
 - (3) *Attract business.* Preserve Westminster as a community that is attractive to business;
 - (4) *Improve safety.* Improve pedestrian and traffic safety;
 - (5) *Minimize adverse effects.* Minimize the possible adverse effects of signs on nearby public and private property; and
 - (6) *Ensure compatibility.* Ensure that signs in the community are compatible with the high quality image that the city seeks and in which the city continuously invests.

- (7) *Freedom of speech.* It is not the purpose or intent of this chapter to impede or diminish any Constitutional Rights afforded to any individual or entity.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.002 SIGN DEFINITIONS. [INTEGRATED 1-6 FROM GENERAL DEFINITIONS]

- (1) **BUSINESS IDENTIFICATION PYLON SIGN.** A **BUSINESS IDENTIFICATION PYLON SIGN** is a sign that contains the name of the business enterprise located on the same premises as the sign erected on a single pole or multiple poles, which contains only the names, or the nature of the business conducted in the premises on which it is located.
- (2) **BUSINESS IDENTIFICATION SIGN.** A **BUSINESS IDENTIFICATION SIGN** is a sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.
- (3) **FREESTANDING SIGN STRUCTURE.** A **FREESTANDING SIGN STRUCTURE** may contain a sign or signs on one side only or it may be an A-shaped structure or one containing signs back to back. A **FREESTANDING SIGN STRUCTURE** is one sign.
- (4) **ILLUMINATED SIGN.** When artificial illumination techniques are used in any fashion to project the message on a sign, that sign shall be an **ILLUMINATED SIGN**.
- (5) **PORTABLE SIGN.** A moveable sign placed on a temporary basis on a lot, such sign being attached to a chassis with wheels or to a vehicle or designed to be transported from one location to another for uses generally accorded to signs.
- (6) **SIGN AREA.** The area of a sign is the area of the face of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. The area of a freestanding sign structure is the area of the face or faces on one side only.

For the purposes of this section, certain terms and words are hereby defined. As used in this section, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:

ABANDONED SIGN. A permanent principal use sign on property containing a building or activity that has ceased operations. Permanent principal use signs on property shall be considered abandoned when there is clear evidence that a business or activity has vacated the building or grounds; provided, however, that this definition shall not apply to any case where a business or activity is temporarily suspended and there is evidence that the business or activity will resume operations within a six-month period.

ADVERTISING DEVICE. Any structure or device erected or intended for the purpose of displaying advertising or for which is designed to or attracts attention to the premises, situated upon or attached to real property. For purposes of this chapter, an advertising device is a "sign."

ANIMATED SIGN. A sign with action, motion, sound, or changing colors which accomplishes such action, motion, sound, or changing colors with or without electrical energy. This includes signs with lights or other illuminating devices that blink, flash, fluctuate, or have a changing light intensity, brightness, or color. This definition does not include a "swinging sign" or "multiple message sign" as defined by this section.

AREA OF SIGN. The area within a continuous perimeter enclosing the limits of writing, representation, emblem, figure, or character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such writing, representation, emblem, figure, or character from the background against which it is placed. For double-faced signs, only the largest display face shall be measured in computing the sign area, or only one face shall be measured in computing sign area if the display faces are the

same size. The display of street address on a ground sign, wall, or window shall not be computed in determining the maximum allowable area of a ground, wall, or window sign.

AWNING. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

AWNING SIGN. An awning that contains letters, numbers, symbols, pictures, logos, or visual display, or other communication, attached, painted on, or made an integral part of an awning. For purposes of this section, "awning signs" shall be considered "wall signs."

BANNER. A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a backing. For purposes of this code section, a "banner" is a "sign" and as such shall be considered only as a temporary sign when used outdoors.

BUILDING MARKER. Any sign cut into a masonry surface or made of bronze or other permanent material.

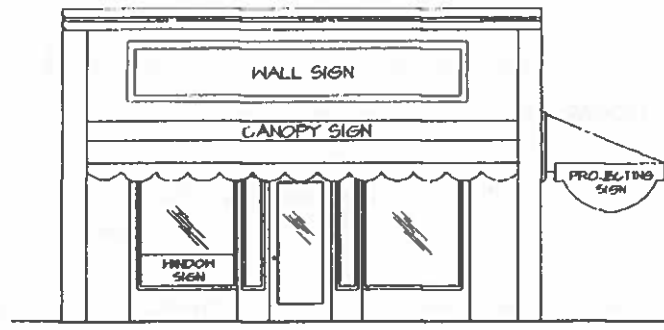
BUSINESS IDENTIFICATION PYLON SIGN. A **BUSINESS IDENTIFICATION PYLON SIGN** is a sign that contains the name of the business enterprise located on the same premises as the sign erected on a single pole or multiple poles, which contains only the names, or the nature of the business conducted in the premises on which it is located.

BUSINESS IDENTIFICATION SIGN. A **BUSINESS IDENTIFICATION SIGN** is a sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.

CANOPY, ATTACHED. A multi-sided structure or architectural projection supported by attachment to a building on one or more sides and also supported by columns at additional points. Signs placed on attached canopies are considered "wall signs" for the purposes of this section.

CANOPY, FREESTANDING. A multi-sided structure or architectural projection supported by columns. Signs placed on freestanding canopies are considered "wall signs" for the purposes of this section.

CANOPY SIGN. A sign on a canopy. For purposes of this section, a sign on a canopy is a "wall sign" (see figure, "Types of Attached Signs").



DERELICT SIGN. A sign that is dilapidated or in such condition as to create a hazard or nuisance, or to be unsafe or fail to comply with the building or electrical codes applicable in the jurisdiction.

DIRECTORY SIGN FOR MULTI-TENANT DEVELOPMENT. A sign, distinguished from a project entrance sign, which is allowed on a premise with more than one tenant or occupants of a building. It may be freestanding or a building (wall) sign. Such signs are not usually visible from the public street right-of-way of a development which

provides initial access to the property, but rather are located within the development, along a driveway, access way, or parking aisle.

DOUBLE-FACED SIGN. A sign which has two display areas against each other or where the interior angle formed by the display areas is 60 degrees or less, where one face is designed to be seen from one direction and the other face from another direction. Only one face shall be used in computing allowable sign area.

ERECT. To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or the normal maintenance or repair of a sign structure.

FLAG. A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a backing. For purposes of this chapter, except as otherwise provided herein, a FLAG is a "sign."

FREESTANDING SIGN STRUCTURE. A **FREESTANDING SIGN STRUCTURE** may contain a sign or signs on one side only or it may be an A-shaped structure or one containing signs back to back. A **FREESTANDING SIGN STRUCTURE** is one sign.

FRONTAGE, BUILDING. The width in linear feet of the front exterior wall of a particular building in which an establishment is located.

FRONTAGE, ROAD. The distance in linear feet of each lot where it abuts the right-of-way of any public street.

GROUND SIGN. A permanently affixed sign which is wholly independent of a building for support (i.e., freestanding). A ground sign may consist of more than one sign panel, provided all such sign panels are attached to or integrated into one sign structure.

HEIGHT OF SIGN. The distance in vertical feet from the ground to the highest point of the sign, whether that highest point is the frame of the sign face or panel or the support of the sign.

HOLIDAY DECORATIONS. Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent.

ILLUMINATED SIGN. When artificial illumination techniques are used in any fashion to project the message on a sign, that sign shall be an **ILLUMINATED SIGN**.

INFLATABLE SIGN. Any sign that is or can be filled with three cubic feet or more of air or gas.

INTERNALLY ILLUMINATED SIGN. A sign illuminated by an internal light source which is viewed through a translucent panel.

LANDSCAPED ISLAND. The area directly under and surrounding a sign. This area may be landscaped with grass; mulch (natural or synthetic); gravel or any such material as to provide coverage of the area disturbed during the erection of any sign.

MARQUEE SIGN. A sign painted on, attached to, or hung from a marquee. For purposes of this chapter, **MARQUEE SIGNS** shall be considered "wall signs."

MONUMENT SIGN. A sign where the structural part of the sign below the sign face encompasses an area at least 40% of the area of the sign face but no more than one and one half times the area of the sign face, and which is composed of brick, stone, or other material approved by the Zoning Official. A **MONUMENT SIGN** is a ground sign.

MULTIPLE MESSAGE SIGN. A sign, display, or device which changes the message or copy on the sign electronically by movement or rotation of panels or slats.

NONCONFORMING SIGN. Any sign which lawfully existed on the effective date of this chapter but which does not conform to the provisions of this chapter, or which does not comply with this chapter due to amendments to this chapter since the date of erection of the sign.

PENNANT. A small, triangular or rectangular flag or multiples thereof, made of lightweight plastic, fabric, or other material, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures, and which is designed to move in the wind. For purposes of this chapter, pennants are "signs."

PORTABLE SIGN. A moveable sign placed on a temporary basis on a lot, such sign being attached to a chassis with wheels or to a vehicle or designed to be transported from one location to another for uses generally accorded to signs.

- (1) Any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols (i.e., a changeable copy sign). Even if the wheels or supports of such sign are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, said sign shall remain a portable sign.
- (2) In addition, the following shall be deemed a portable sign: A sign mounted or painted upon a parked vehicle that is positioned for the primary purpose of acting as a sign exposed to the public and is not in use in the ordinary course of carrying out its transportation function.

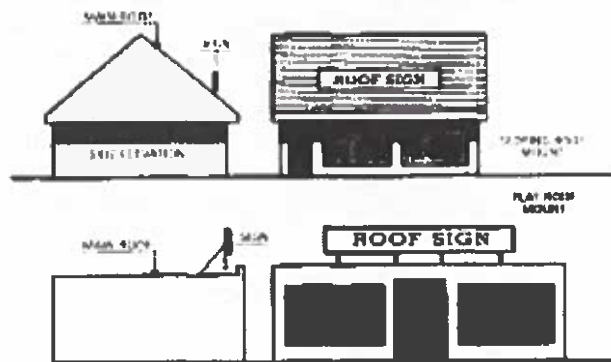
PORTICO. A porch or walkway, open to the outside air, that is covered by a roof supported by columns or pillars, typically leading to the entrance of a building. Signs attached to porticos are considered "wall signs" for purposes of this chapter.

PRINCIPAL USE SIGN. Any notice or advertisement, which is permitted in conjunction with (but not necessarily containing copy specifically related to a single principal use or single principal building located on the property, and which may display a noncommercial, commercial, or other message, the content of which is not regulated by this chapter.

PROJECT ENTRANCE SIGN. A sign located at a discernible entrance into a property consisting of more than one subdivided lot or developed with more than one principal building (e.g., a particular residential subdivision, multi-family residential development, or office or industrial park).

PROJECTING SIGN. A sign projecting more than 14 inches from the outside wall or walls of any building, or canopy, portico, or awning, upon which it is located (see also figure, "Types of Attached Signs").

ROOF SIGN. A sign projecting higher than the front building wall or any sign supported by or attached to said roof.



SIDEWALK SIGN. A movable sign not secured or attached to the ground or surface upon which it is located.

SANDWICHBOARD SIGN. Any sign designated or constructed in such a manner that it is hinged at the top and can be moved or relocated without involving any structural or support changes.

SIGN. A lettered, numbered, symbolic, pictorial, illuminated, or colored visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bring to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this chapter. For purposes of this chapter, the term "sign" includes but is not limited to "banners," "balloons," "flags," "pennants," "streamers," "windblown devices," and "advertising devices." Furthermore, the term "sign" includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers. **Signable area:** In the case of a wall sign, signable area shall be the building face on which the sign is proposed, excluding windows and doors. In the case of marquees or canopies, signable area shall be the area of the marquee or canopy wall on which the sign is proposed. For window signs, signable area shall be measured and calculated on the basis of the proportion of area within each individual window frame, not the total window area of all building windows visible from a street.

SIGN AREA. The area of a sign is the area of the face of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. The area of a freestanding sign structure is the area of the face or faces on one side only.

SIGN FACE. That part of a sign that is or can be used for advertising purposes.

STREAMERS. See "Pennants."

SWINGING SIGN. A sign other than an animated sign as defined by this chapter, where the sign copy area is attached to a sign structure in a way that can be set in motion with pressure, and where the sign structure is attached to a building at a height above normal eye level. This term does not include any freestanding signs. A **SWINGING SIGN** may be considered in lieu of permitted wall signage.

TEMPORARY SIGN. A sign of a nonpermanent nature and erected for a limited duration.

VISIBLE. Capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

WALL SIGN. A single-sided sign with one visible face applied to or mounted to the wall or surface of a building or structure, the display surface of which if attached to a wall or portico and does not project more than 14 inches from the outside wall of such building or structure, or if on an awning or canopy, is flush with the material of said awning or canopy (see also figure, "Types of Attached Signs").

WINDBLOWN OR AIR-BLOWN DEVICE. Any device not otherwise specifically defined in this Code Section, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by wind or mechanically compressed air. For purposes of this Code Section, windblown devices are "signs."

WINDOW SIGN. A sign installed on or within two feet of an exterior window or door and intended to be visible from the exterior of the building. Displays which show products or depict services sold on the premises and which are more than two feet from an exterior window or door shall not be classified as window signs (see also figure, "Types of Attached Signs").

(Ord. 2011-07-26-01, passed 7-26-2011; Am. Ord. 2012-04-17-02, passed 4-17-2012)

SIGN STANDARDS

§ 152.010 GENERAL PROVISIONS.

- (A) A permit shall be required for the erection, alteration, or reconstruction of any sign intended for view from the public right-of-way unless otherwise noted, and shall be issued by the Zoning Administrator in accordance with this chapter.
- (B) All signs shall be constructed and installed in accordance with the structural and safety requirements of the International Building Code. All signs shall be maintained in sound structural condition. No sign shall be allowed to deteriorate to a condition in which it requires repairs or renovations in an amount that exceeds 50% of its current replacement cost. This includes signs which are defaced, missing some or all illumination or characters, and whose finishes or facings are chipping, peeling, cracking, or broken in any way shall be deemed to be in disrepair. Signs that deteriorate to such a condition that they are in violation of this chapter shall be removed, repaired, or replaced within 60 days. If a sign is repaired or replaced, it shall comply with the standards in this section at the time of replacement.
- (C) No part of a freestanding sign, while permitted in required setbacks, shall be located closer than ten feet to any property line.
- (D) No signs, except as otherwise provided, shall exceed the height limitations of the district in which they are located.
- (E) Illuminated signs or sign lighting devices shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent rotating or moving light or lights. No sign or lighting device shall be placed or directed to permit the beams and illumination to be directed or beamed upon a public road, highway, sidewalk or adjacent premises or residence, or skyward so as to cause a traffic hazard or nuisance.
- (F) The placement of signs shall ensure visibility at intersections and ingress and egress drives in accordance with § 152.068.

(Ord. 2011-07-26-01, passed 7-26-2011; Am. Ord. 2012-04-17-02, passed 4-17-2012)

§ 152.011 APPLICABILITY.

- (A) *General.* Unless exempted in accordance with this chapter, no sign allowed by this section shall be erected, repaired, altered, relocated, maintained or displayed without first being issued a sign permit and complying with the relevant standards of this section.
- (B) *Responsibility for compliance.* Review for compliance with the standards of this section shall occur at the time of application for a sign permit, site plan, minor subdivision, and preliminary plat for subdivision, planned development or zoning permit, whichever is appropriate.
- (C) *Termination.* If a business discontinues the use of a site, signs used by the business that were previously erected on the site, or off-premise freestanding signs shall be considered as abandoned and shall be

removed or covered within 180 days of vacation of the site. It shall be the responsibility of the owner of the land to remove all abandoned signs.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.012 PROHIBITED SIGNS.

The following signs are prohibited in the city unless otherwise permitted by City Council.

- (A) *Signs imitating warning signals.* No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any sign use the words "stop", "danger", or any other phrase, symbol, or character in a manner that might mislead or confuse the driver of a motor vehicle.
- (B) *Flashing, animated or moving signs.* Flashing, animated, non-stationary or rotating signs or appurtenances to signs, or signs that are not effectively shielded to prevent beams or rays of light from being directed at the main-traveled way of the street and that are of such intensity or brilliance as to cause glare or to impair the vision of any driver of any motor vehicle, or which may otherwise interfere with any driver's operation of a motor vehicle or pose a hazard to traffic safety. This includes signs or other displays with either kinetic or illusionary motion powered by natural, manual, mechanical, electrical or other means, including but not limited to flags having commercial messages, and all pennants, banners, streamers, propellers, and discs, as well as flashing signs, signs with illuminated elements that are used to simulate the impression of motion, and searchlights or beacons.
- (C) *Signs in the public rights-of-way.* No signs, whether temporary or permanent, except traffic signs, signals, or information signs erected by a public agency approved by the Zoning Administrator are permitted within any street or highway right-of-way including bridges and overpasses.
- (D) *Signs obscuring official signage/signals.* Signs located or illuminated to interfere with the effectiveness of or obscure an official traffic sign, device or signal, such as by providing a background of colored lights blending with traffic signal lights or that might otherwise reasonably confuse a motorist when viewed from a normal approach position of a vehicle at a distance of up to 400 feet.
- (E) *Signs inside sight triangles.* On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half and eight feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.
- (F) *Certain attached and painted signs.* Signs painted on or attached to trees, fence posts, and telephone or other utility poles, rocks or other natural features, the roofs of buildings, pavement of any street or sidewalk, or on other unapproved supporting structures outside of the public right-of-way.
- (G) *Fluttering ribbons and banners.* Fluttering ribbons, banners, wind-blown or air-blown devices, or similar devices are prohibited within the NC, HC, CC, and LI Districts, except the flags of governments and their agencies or as otherwise listed in this chapter for special events. Placement of banners on or between sign supports, buildings, utility poles, or otherwise outside of the allowed sign face is prohibited.
- (H) *Vehicular signs.* Any sign displayed on a parked trailer or other vehicle where the primary purpose of the vehicle is to advertise a product, service, business, or other activity. This regulation shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes.
- (I) *Portable signs.* Portable signs will not be allowed as freestanding on-premises signs within the city limits.
- (J) *Billboards.* New billboards are prohibited. Billboards, for the purposes of this chapter, are signs used for off-site advertising for hire or general advertising; and the sign is a principal use of a parcel. Companies have the

right to maintain any non-conforming billboard sign in existence at the time of adoption of this chapter. However, this right shall be terminated and cease to exist when the billboard structure is destroyed or is damaged. A billboard structure is considered damaged when the structural support has failed either by fracture or exceeding its yield point. No nonconforming billboard shall be structurally altered, enlarged, moved or replaced.

(K) *Roof signs.* No signs are permitted on the roofs of any building.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.013 SIGNS FOR WHICH A PERMIT IS NOT REQUIRED.

- (A) Including one home occupation sign as allowed in this division (17).
- (B) A permit is not required for the following types of signs in any zoning district. However, such signs shall conform to the applicable requirements set forth in this section.
 - (1) Traffic, directional, warning, or information signs authorized by any public agency.
 - (2) Traffic safety and traffic directional signs (including direction of travel, speed limits, and the like) along private streets and driveways, and in off-street parking lots that are installed per the requirements of the Zoning Administrator and which do not exceed four square feet each.
 - (3) Public notice signs and signs of a public interest, erected by or on the order of a public officer in the performance of their duty.
 - (4) One non-illuminated "for sale," "for rent", or "for lease" sign not exceeding six square feet in area in residential districts and 20 square feet in other than residential districts and located at least ten feet back from the street right-of-way line, unless attached to the front wall of a building. In addition, realty directional signs not to exceed two square feet are allowed from 6:00 a.m. Friday until 6:00 a.m. Monday of any calendar week at the intersections or subdivision entrance leading to the property being advertised. Real estate signs must be removed within seven days following the property closing.
 - (5) Signs erected in connection with elections or political campaigns. A "Political Sign Application" must be completed with an accompanying map indicating the locations of all the signs. A cash (or money order) performance bond must be posted with the City Treasurer in the amount of \$250. This is refundable in its entirety after the city has been notified of the removal and has verified such removal of all the candidate's signs. Such signs shall be removed within seven days following the election or conclusion of the campaign. After the seven days have expired and all of the signs have not been removed, the bond will be cashed by the city and the city will use those funds to defray the costs of removal and disposal. No such sign may exceed 16 square feet in surface area. In accordance with S.C. law, no such political signs shall be placed within 200 feet of any building in which an election poll is being conducted. Signs are not permitted in the public right-of-way and must be confined to private property with the permission of the property owner. Efforts shall be made to contact the campaign headquarters for any signs that shall appear within the city limits that have not been covered by a performance bond. When contacted, notice shall be given to the campaign headquarters that the required performance bond payment shall be made within ten days of the notice or the campaign signs will be removed. If efforts to contact the campaign headquarters are unsuccessful, the efforts to contact them shall be documented and the campaign signs will be removed after ten days. Furthermore, any such campaign signs that have been removed by the city shall be held for an additional ten days and then, if not retrieved by the campaign personnel, the signs shall be discarded.
 - (6) (a) On site directional signs provided such sign bears no commercial message and does not exceed four square feet in area. Also, signs not oriented or intended to be legible from a public right-of-way,

private road or private driveway, including signs or stickers which are designed to be read only from close range (i.e., five feet), attached to a device or structure more than 25 feet from the right-of-way of a road, not to exceed four square feet each sign or sticker. Examples include but are not limited to the following: lettering, credit card stickers, and inspection certificates on gasoline pumps; "flammable" signs on enclosures for fuel canisters, and similar information.

- (b) Signs attached or integrated into a gasoline pump, automatic bank teller machine, or drive through component of a fast food restaurant, which give operational instructions to users, the price of the product, the brand name of the product, or descriptive information about the product. Display/ menu boards located next to drive-through lanes are allowed provided they do not exceed six feet in height or 36 square feet in area and shall be limited to one per ordering station.
- (7) Sandwich board signs are allowed in all commercial zoning districts. They will be limited to a maximum area of nine square feet in area per side and cannot exceed 42 inches in height. They shall not be placed more than five feet from the front primary entrance of the business and be displayed only during business hours of the business utilizing the sandwich board. Only one sandwich board sign per business is allowed and they shall not be allowed within a roadway or public right of way, except in cases where the Zoning Administrator may approve a permit for it to be located within a public sidewalk directly adjacent to a business. In such cases it shall not be placed so as to cause the width of the sidewalk to be reduced below four feet in width, nor shall it prevent free ingress or egress from any door, window or fire escape.
- (8) Street address identifiers and building identification numbers on multi-tenant buildings located in the NC, HC, CC, and LI Districts, which are essential to the location of such buildings as long as such sign does not exceed four square feet of copy area and do not contain a commercial message.
- (9) Bulletin boards, which are defined as permanent signs which primarily display the name of a noncommercial place of public assembly and announces the upcoming events of that organization but is not intended to be read from the public right of way. To not require a permit, such a sign shall not exceed 15 square feet of copy area or five feet in height. Signs of this type shall be restricted to one per parcel of land.
- (10) Signs to identify a new subdivision development or announcing new buildings or projects, erected after the commencement of construction. Signs will not exceed 25 square feet in residential districts, or 100 square feet in non-residential zones, is not illuminated and shall be set back at least ten feet from any street right of way or boundary line of the subdivision land. The signs may not be illuminated and must be removed prior to the completion of 90% of the development or upon erection of the approved subdivision ground sign, whichever occurs first.
- (11) Signs identifying a project under construction which denote the name of the project, the architect, engineer, contractor, owner, etc., as long as such sign does not exceed 25 square feet in residential districts, or 100 square feet in non-residential zones, is not illuminated, and is removed within 30 days of receipt of certificate of occupancy. Each construction site shall be limited to one construction sign per road frontage.
- (12) Signs on the interior side of window glass are permitted. Signs may be hung inside the window, painted, affixed, or etched on the glass, or included within stained glass. The signage shall cover no more than 25% of the total window area on the side of the building on which it is displayed. For commercial zoning districts and uses, such signs can advertise the business, merchandise, services, and/or events within the business/institute or within the community, help wanted, coming soon, open/closed, going out of business, real estate, contractor/builder, auction, warning, directions, short-term personal information/event signs, and expressive/seasonal signs.

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- (13) Decorative flags and banners which contain no commercial message when displayed on a residence or at the entrance to a subdivision or apartment complex.
 - (14) Holiday lights and decorations.
 - (15) Handicapped parking signs, when required per local, state or federal law.
 - (16) (a) Murals may be painted on the walls of buildings provided that said murals are non-advertising and do not display lewd or illegal portrayals. Murals depicting historical events from the city, the state or the nation are encouraged. All murals must receive prior approval from the Planning Commission.
(b) In any case where a sign of a certain size is exempted by this section and an applicant desires to erect a larger size sign than the area of sign exempted but said sign is not allowed, said sign shall only be permitted upon approval of a variance in accordance with the provisions of this chapter.
 - (17) One allowable home occupation sign, provided it is non-illuminating, no larger than four square feet and mounted against a wall of the principal building shall be allowed.

(Ord. 2011-07-26-01, passed 7-26-2011; Am. Ord. 2012-03-20-01, passed 3-20-2012)

REGULATIONS APPLYING TO SPECIFIC TYPES OF SIGNS

§ 152.020 GENERAL PROVISIONS.

A permit shall be obtained prior to the erection, installation, or display of any signs except those as described in § 152.012. The following permanent signs and no others shall be allowed, subject to the issuance of a sign permit and compliance with all applicable development standards of this article. The following regulations apply to the following specified types of signs.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.021 WALL SIGNS.

Signs on the wall of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:

- (A) *Allowable area.* If there is no ground sign on the site or developed lot, one and one-half square feet of wall signage shall be permitted for each lineal foot of the building front of the principal building. If a ground sign is on the site or developed lot, then only one square foot of wall signage shall be permitted for each lineal foot of the building front of the principal building.
- (B) *Double frontage lots.* With regard to wall sign allowances, if a building, structure, or freestanding canopy faces more than one road frontage, each wall facing a road frontage shall be permitted to have the sign area specified for such building, structure, or freestanding canopy in this section.
- (C) *Signs on the front surface of a building.* The total area of signs on the exterior front surface of a building shall not exceed 20% of the front surface of the building, as long as the figure does not exceed the total amount of sign area permitted within the zoning district where the sign or signs are to be located.

- (D) *Signs on the side and rear surface of a building.* The total area of signs on a side or rear surface of a building shall not exceed 25% of the exterior side or rear surface of the building, respectively, as long as this figure does not exceed the total amount of sign area permitted within the Zoning District where the sign or signs are to be located.
- (E) *Projecting signs.* Wall signs attached flat against a wall may extend not more than 24 inches from the wall. Signs projecting from a wall may be located no closer than 18 inches to a vertical plane at the street curb line. A projecting sign shall not extend above the top of the structure. In no case shall signs project beyond property lines except that signs may project over public sidewalks in the CC district provided that the minimum height above grade or sidewalk level of such signs shall be at least ten feet.

(Ord. 2011-07-26-01, passed 7-26-2011)

§152.022 GROUND SIGNS.

- (A) One ground sign is allowed for each developed site, lot or parcel. Where a site or parcel fronts on more than one street, one additional ground sign is permitted for each additional street upon which it fronts.
- (B) With regard to ground sign allowances, if a property faces more than one road frontage, each road frontage shall be permitted to have the number of signs and sign area specified for such property in this chapter.
- (C) Where two or more detached buildings occupy the same lot or parcel, only one ground sign for the aggregate business shall be permitted per street frontage.
- (D) Where two or more attached buildings occupy the same site, lot or parcel, only one ground sign for the aggregate business shall be permitted per street frontage.
- (E) The sign area allotted to one road frontage or building frontage shall not be transferred to another road frontage or building frontage.
- (F) Landscaped islands shall be required to be placed around all new signs within 30 days of sign erection. Shrubbery and/or plantings must not exceed a height that would interfere with foot or vehicle traffic or visibility of the sign. At any time an existing sign is altered or improved, not including regular maintenance, the landscaped island must be installed in accordance with the requirements for a new sign within 90 days of notification from the Zoning Official.
- (G) Free-standing signs shall meet International Building Code structural provisions and UL (Underwriter's Laboratories) electrical requirements.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.023 SIGNS ON CORNER AND DOUBLE-FRONTAGE LOTS.

- (A) *Wall signs.* With regard to wall sign allowances, if a building, structure, or freestanding canopy faces more than one road frontage, each wall facing a road frontage shall be permitted to have the sign area specified for such building, structure, or freestanding canopy in this section.
- (B) *Ground signs.* With regard to ground sign allowances, if a property faces more than one road frontage, each road frontage shall be permitted to have the number of signs and sign area specified for such property in this chapter.
- (C) *Transfer of allowances between road frontages.* The sign area allotted to one road frontage or building frontage shall not be transferred to another road frontage or building frontage.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.024 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.

Within residential districts as delineated by the Westminster Zoning Ordinance, permanent signs are permitted subject to the provisions as set forth herein.

- (A) Signs for which permits are not required.
- (B) Signs may be permitted at the main entrances to subdivisions or to planned unit or multi-family developments that consist of 36 or more dwelling units subject to the approval of the Westminster Zoning Official. One sign may be permitted, on each side of any entrance, if such sign is on private property. No such sign may be located in a median unless approved by the Westminster Zoning Official.
 - (1) All large residential signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be landscaped. A large residential sign shall not exceed 75 square feet in size. The maximum height of such sign shall be four feet when constructed as a ground sign. A ground sign which is integrated into a brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet in height to a maximum of seven feet.
 - (2) Any large residential sign and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowner's association. Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any nearby residential structure.
- (C) For multiple family dwellings, group dwellings, mobile home parks, attached dwellings/ duplexes and for buildings other than dwellings, one non-illuminated business identification sign or bulletin board per entrance, not exceeding 24 square feet in area. Such sign or bulletin board shall be set back at least ten feet from any street right-of-way line.
- (D) (1) A public facilities activity as defined by Chapter 94, may have one civic sign constructed as a ground sign and one as a wall sign. A ground sign shall not exceed four feet in height and 48 square feet in size. Ground signs which are integrated into a brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet in height to a maximum of seven feet. Ground signs may not be located in the right-of-way. Civic signs shall be set back from the street right-of-way a minimum of ten feet.
 - (2) A wall sign shall not exceed 32 square feet in size. Civic signs may be illuminated by indirect means or with luminous background. Indirect lighting shall not exceed 50 foot candles, and a luminous background shall not exceed 90 foot lamberts in brightness. In no event shall the light from any sign exceed one foot candle at the lot line.
- (E) A home occupation sign in a residential district is permitted provided the dimensions do not exceed four square feet. Only one sign per residence is authorized.

(Ord. 2011-07-26-01, passed 7-26-2011)

SIGNS PERMITTED IN NON-RESIDENTIAL ZONING DISTRICTS

§ 152.030 PERMITTED SIGNS AND CONDITIONS.

The following types of signs are permitted in the commercial and industrial districts:

- (A) *Permitted signs.* All signs permitted in residential districts are permitted in commercial and industrial districts.
- (B) *Allowable area.* In addition to the limitations addressed in §§ 152.021, 152.022, and 152.023, freestanding signs are allowed in commercial districts with allowable space as set forth by the following table:

Zoning District	Number or Street Frontages	
	One Street	Two Streets
NC, Neighborhood Commercial	75	75 each street
HC, Highway Commercial	32	75 each street
CC, Core Commercial	75	75 each street
LI, Light Industrial	32	75 each street
CU, Mixed Use	[152.023]	

- (C) *Electronic message boards.* Electronic message boards (EMB) are signs that convey a changing message intended to be viewed off-site or attract the attention of motorists including but not limited to EMBs specifically designed to enhance motorist safety and performance; EMBs intended for on-site viewing located outside of all building setbacks; time and/or temperature signs located outside all building setbacks, and EMBs similar to that of a manually changeable sign face on traditional commercial signage. EMBs are permitted with the following conditions:
- (1) Only one such sign shall be permitted per developed lot whether installed as a wall sign or part of a free standing sign on the site.
 - (2) The maximum square footage allowed is 1/2 of the maximum square footage allowed by the zoning classification.
 - (3) To protect the integrity of the Downtown District, no EMBs will be allowed within the CC District.
 - (4) Off-premise advertising is prohibited.
- (D) *Illuminated signs in commercial districts.* Signs in commercial districts may be illuminated subject to the following standards:
- (1) Exposed bulbs are prohibited with the exception of neon lights meeting the following illumination requirements.
 - (2) No sign shall change color or intensity.
 - (3) The brightness and surface illumination shall not exceed:
 - (a) Luminous background - 150 foot lamberts.
 - (b) Indirect illumination - 50 foot candles.
 - (4) In no event shall the light from any illuminated sign exceed one foot-candle at the property line of any lot that is zoned residential.
 - (5) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure.
 - (6) This section shall apply only to those uses engaged in the retail petroleum and petroleum products business. The following additional (supplemental) provisions shall apply:

- (a) One permanent price sign per street frontage. Such sign shall be affixed to or made part of the permitted pole sign and shall not exceed 20 square feet in size. Such sign shall be setback from the right-of-way a minimum of ten feet.
- (b) Two non-illuminated self-service or full-service signs per pump island. Such signs shall not exceed 160 square inches per sign and shall be located at the ends of the pump island perpendicular to the street. Also, a "pump topper" sign no larger than 80 square inches per sign shall be allowed on each pump.

(Ord. 2011-07-26-01, passed 7-26-2011; Am. Ord. 2013-03-12-02, passed 3-12-2013)

§ 152.031 SIGNS IN THE CORE COMMERCIAL DISTRICT.

The following regulations shall apply to all signs located within the Core Commercial District.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.032 DESIGN GUIDELINES FOR SIGNS.

- (A) When feasible, place a wall sign such that it aligns with others on the block. If decorative moldings exist that could define a sign panel, locate a flush-mounted sign to fit within the panel formed by the moldings or transom panels.
- (B) Window signs may be painted on the glass or hung inside the window and should cover no more than 25 percent of the total window area.
- (C) Projecting signs may be considered. Small projecting signs should be located near the business entrance, just above the door or to the side of it while large projecting signs should be mounted higher and centered on the façade or positioned at the corner.
- (D) Signs not attached to buildings should be ground mounted signs that are no more than 20 square feet in area and five feet in height. All ground mounted signs shall be located a minimum of five feet behind the street right-of way. No ground-mounted sign greater than five square feet in area shall be located closer than ten feet to any adjacent lot line. A 15 foot side-yard setback shall be required if the side lot line abuts a residential district. An arm sign may be substituted for a ground mounted sign but shall meet all height and area requirements as provided. The height of a sign shall be measured from the highest point of a sign to the point of ground surface beneath it. Ornamentation such as caps and spires are not included in this measurement. The use of berms or raised landscape areas is only permitted to raise the base of the sign to the mean elevation of the fronting street.
- (E) All lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign.
- (F) No commercial sign within 100 linear feet of a pre-existing residential structure may be illuminated between the hours of 12:00 midnight and 6:00 a.m. A residence shall be deemed "pre-existing" for purposes of this Section if it has a valid building permit in effect for construction of said structure or if construction of said structure was complete on or prior to the effective date of this provision.
- (G) Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color (except government signs and signs which give time and temperature information) are prohibited. If a time and temperature sign alternates between a time message and a temperature message it shall continuously show one message a minimum of three seconds in time before switching to the other message.

(Ord. 2011-07-26-01, passed 7-26-2011; Am. Ord. 2012-04-17-02, passed 4-17-2012)

TEMPORARY SIGN PROVISIONS

§ 152.040 GENERAL REQUIREMENTS.

Temporary signs shall be allowed for any lawful activity on a lot or parcel subject to the provisions set forth herein.

- (A) A permit shall be required for all temporary signs except as permitted in this chapter.
- (B) The sign permit for banners that are used outdoors shall be limited to 30 days. Thereafter, the permit may be renewed for additional six-month periods with the payment of additional permit fees. Banners which are used indoors do not need a sign permit but if hung within one foot of the interior side of window glass must conform to the window coverage limitation cited in § 152.032.
- (C) All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.
- (D) No temporary sign shall be displayed on a roof.
- (E) Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, and the like, and shall be limited to one sign per road frontage. Signs must be removed within 30 days of receipt of certificate of occupancy.
- (F) Temporary development signs are permitted to announce the name, developer, and type of development for a new development which has either a plot (site) plan, or preliminary master plan approval.

(Ord. 2011-07-26-01, passed 7-26-2011; Am. Ord. 2012-04-17-02, passed 4-17-2012)

§ 152.041 SPECIAL EVENT SIGNAGE.

Temporary signs and advertising devices may be permitted on properties in the HC, NC, CC, and LI Districts subject to the issuance of a special event sign permit by the Zoning Official. Such temporary signs and advertising devices shall conform to the following:

- (A) Three special event sign shall be allowed per approved event. Shall it become necessary, the Event Chairperson or designee, shall make a request to the Zoning Official for any additional sign requirements. It shall be at the discretion of the Zoning Official to approve or disapprove the additional sign request. Special Event signage will be limited to six special events per year for each applicant.
- (B) No special event sign permit shall be valid for more than 30 days.
- (C) One banner shall be permitted per lot, which shall not exceed 32 square feet in area or 15 feet in height. Such banner may be temporarily placed or attached to a building wall, window, or ground sign, or it may be freestanding between two poles or stakes; or
- (D) One gas or air-filled advertising device may be permitted per lot, not to exceed a height of 15 feet.
- (E) Pennants, streamers, and other wind-blown devices shall not be permitted as part of a special event sign permit.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.042 DISPLAY SURFACE AREA, HEIGHT, AND ILLUMINATION.

(A) Maximum display surface area shall be 32 square feet total on any lot except for street banners which shall not be limited.

(B) Temporary signs shall not be illuminated except in commercial or industrial districts.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.043 LOCATION OF TEMPORARY SIGNS.

No temporary sign shall be located closer than ten feet from any public right of way except in zoning districts as established by the Westminster Zoning Ordinance which have a front building setback established at less than ten feet. In these districts, the front setback for the temporary sign shall be equal to the front setback as established for the zoning district.

(Ord. 2011-07-26-01, passed 7-26-2011)

NONCONFORMING AND NON-COMPLYING SIGN PROVISIONS

§ 152.050 GENERAL PROVISIONS.

Any sign lawfully existing at the time of the enactment of this chapter or any amendment thereto but which is not permitted either by type of sign, location, or district or which fails to meet the standards or regulations herein shall be classified as either nonconforming or non-complying as per definitions. Nonconforming signs shall be classified as "grand-fathered" signs, and shall be removed only when the Enforcing Officer utilizing certain appropriate sections of the adopted building code, the Westminster Code of Ordinances, and/or various provisions of this chapter deem such signs as being dilapidated or constituting a hazard to the public. Nonconforming signs which are exempted from the requirements of this chapter by reason of their existence prior to the enactment of this chapter shall no longer be exempted from compliance in the event that ownership of the premises where the sign is displayed changes. Signs that do not conform to § 152.012(E) and § 152.068 are not given "grand-fathering" protection.

(Ord. 2011-07-26-01, passed 7-26-2011; Am. Ord. 2012-04-17-02, passed 4-17-2012)

§ 152.051 BILLBOARDS.

Billboards, for the purposes of this chapter, are signs used for off-site advertising for hire or general advertising; and the sign is a principal use of a parcel. Companies have the right to maintain any non-conforming billboard sign in existence at the time of adoption of this chapter. However, this right shall be terminated and cease to exist when the billboard structure is destroyed or is damaged. A billboard structure is considered damaged when the structural support has failed either by fracture or exceeding its yield point. No nonconforming billboard shall be structurally altered, enlarged, moved or replaced. Upon adoption of this chapter, no billboards, other than those existing at the time of enactment, shall be allowed within the municipal limits.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.052 ALTERATIONS TO NONCONFORMING AND NON-COMPLYING SIGNS.

A nonconforming or non-complying sign may be altered subject to the following conditions:

- (A) That the degree of nonconformance or noncompliance is not increased as applied to on-premises signs. Such alterations are limited to the changing of a copy of a permitted changeable copy sign, or the painting or refinishing of the surface of a sign face or sign structure so as to maintain an adequate appearance. The alterations of advertising signs which are nonconforming or non-complying must adhere to all the requirements cited in the chapter. In all cases, the business owner shall obtain a sign permit in accordance with the terms of this chapter.
- (B) If any nonconforming sign is removed as per the requirements of this chapter or for any other reason, with the exception of billboards, any new sign shall be required to conform with this chapter upon replacement of the sign.
- (C) If any non-complying sign is removed it can only be reconstructed if it is brought into compliance with all applicable yard, setback, size, and height requirements as stipulated within this section.

(Ord. 2011-07-26-01, passed 7-26-2011)

CALCULATION OF DISPLAY AREA FOR SIGNAGE

§ 152.060 GENERAL PROVISIONS.

The sign face area shall be the advertising display surface of the sign.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.061 SIZE OF SIGN FACE AREA.

In the case of freestanding signs, the sign face area consists of the entire surface area of the sign on which copy could be placed.

(Ord. 2011-07-26-01, passed 7-26-2011)

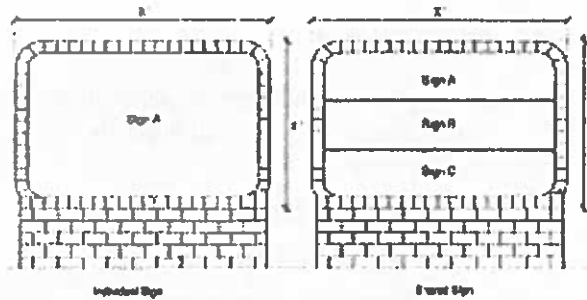
§ 152.062 SUPPORTING STRUCTURE NOT COUNTED.

The supporting structure or bracing of a sign shall not be counted as part of sign face area unless such structure or bracing is made a part of the sign's message.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.063 COLLOCATION.

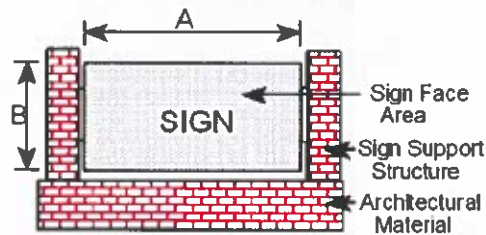
Individual uses on adjoining lands may place their individual freestanding signage on a single sign support structure provided the combined sign face area does not exceed the amount of sign face area permitted if the freestanding signs would have been constructed separately. Sign support structures shall comply with the height limits regardless of the number of collocated signage.



(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.064 TWO-SIDED SIGNS.

Where a sign has two display faces back to back, the area of only one face shall be considered the sign face area. Where a sign has more than one display face, all areas that can be viewed simultaneously shall be considered the sign face area as depicted in Figure 2, Two-Sided Sign:



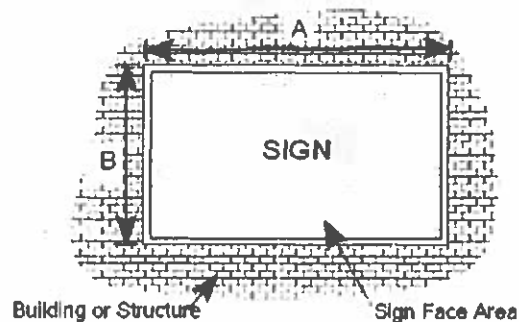
$$\text{Sign Area} = (A) \times (B)$$

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.065 SIGNS WITH A BACKGROUND.

In the case of a sign whose message is fabricated together with the background which borders or frames that message, the sign face area shall be the total area of the entire background as depicted in Figure 3, Signs with a Background:

Figure 3: Signs with a Background



$$\text{Sign Area} = (A) \times (B)$$

(Ord. 2011-07-26-01, passed 7-26-2011)

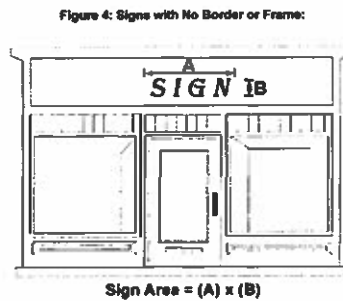
(Supp. No. 20)

Created: 2021-10-05 14:14:53 [EST]

§ 152.066 SIGNS WITH NO BORDER OR FRAME.

In the case of a sign whose message is applied to a background which provides no border or frame, sign face area shall be the area of the smallest rectangle that can encompass all words, letters, figures, emblems, and other elements of the sign message as depicted in Figure 4.

Figure 4: Signs with No Border or Frame:



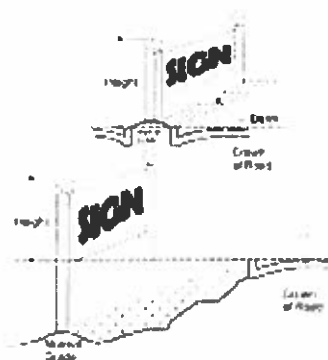
$$\text{Sign Area} = (A) \times (B)$$

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.067 SIGN HEIGHT.

- (A) No freestanding sign shall exceed 35 feet in height as measured from the base of the sign in any district. All signs in all districts shall be maintained.
- (B) Sign height shall be measured from the base of the sign at normal grade to the highest point of the sign support structure, or sign face, whichever is higher. For the purposes of this subsection, "normal grade" shall mean the newly established grade after construction, not including any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade is below the grade of the street to which the sign is oriented, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the crown of the adjacent street as depicted in Figure 5.

Figure 5: Sign Height



(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.068 VISIBILITY.

All signs shall conform to both the sight distance and the sight triangle standards and no sign shall be erected so it obstructs vision or sight distances at driveway entrances and exits.

(Ord. 2011-07-26-01, passed 7-26-2011)

SIGN APPLICATION PROCESS

§ 152.080 GENERAL PROVISIONS.

Applications for sign permits shall include a scaled drawing of the sign, which depicts and describes:

- (A) Size.
- (B) Shape.
- (C) Colors.
- (D) Materials to be utilized.
- (E) Copy/wording and designs.
- (F) Illumination type and electrical detail.
- (G) Location on building, if wall sign.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.081 GROUND SIGNS.

In addition, permit applications for detached signs shall be accompanied by a plot plan or sketch of the site, to show:

- (A) The location of the sign on the lot.
- (B) Scale.
- (C) Dimensions of parcel lines.
- (D) Height of the sign.
- (E) Any support structure to be utilized.
- (F) Electrical sources.
- (G) Base landscaping.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.082 APPLICATION DETERMINATION.

The following shall apply to all permitted signs in the city:

- (A) A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted and shall be issued by the Zoning Official. A sign application shall be required for each sign. The

sign application fee shall be \$50 for all signs other than banners. The sign application fee for banner shall be \$25. The fee is per application and the fee is non-refundable.

(Ord. 2011-07-26-01, passed 7-26-2011; Am. Ord. 2012-04-17-02, passed 4-17-2012)

ENFORCEMENT

§ 152.090 ENFORCEMENT.

- (A) Signs which are found to be in violation of the provisions of this article shall be subject to the following provisions. Where notice is required, such notice shall be by regular mail or by facsimile or by phone call, or all, as may be reasonable under the circumstances surrounding the violation. Notices sent by mail shall be addressed to the last known address of the business for which the sign represents.
- (B) The Zoning Official and/or his or her assignees shall have the authority to enter upon the premises of any nonconforming and/or violating property to address the sign issue or to remove the non-compliant sign from the premises.
- (C) The Zoning Official may send notice to the sign owner and/or the business for which the sign represents, stating the nature of the violation and granting an appropriate period of time to correct the violation. Continued violation may be subject to the following:
 - (1) *Impoundment.* The Zoning Official or other authorized city staff may impound the sign. The zoning official shall have the authority to dispose of such sign without compensation to the sign owner/business for which the sign represents.
 - (2) *Payment of costs of sign removal.* If the Zoning Official determines that it is necessary under the terms of this article to remove a sign, he shall use either city staff or a private contractor, depending on the availability of budgeted funds and /or manpower and equipment to undertake this work. The sign owner/business for which the sign represents shall pay all costs incurred directly to the city or the cost will become a lien against the real property upon which such cost was incurred, and such costs shall be collected in the same manner as city taxes are collected, or by such other method as applicable law may permit. When private contractors are utilized, the lowest bidder shall be awarded the contract.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.091 VARIANCE.

Recognizing that the strict application of the requirements of this chapter may cause an undue hardship on certain applicants, variances from strict application of the provisions of this chapter may be granted as set out in the Variance Procedures for the Zoning Ordinance by the Board of Zoning Appeals. Each application shall be made a part of the public records of the duly assigned committee's minutes. The Board of Zoning Appeals meets as warranted. Application to appear before this committee must be submitted to the City Administrator or to the city's Zoning Administrator.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.999 PENALTY.

Whenever in this chapter the doing of an act is required or failure to any act is declared to be unlawful or an offense, where no specific penalty is provided therefore, the violation of any such provision of this chapter shall be

punished by a fine of not more than \$500 or imprisonment for a period not exceeding 30 days, plus any additional state assessments; provided, that such penalty shall not exceed the penalty provided by state law for similar offenses. Except where otherwise provided, each day any violation of any provision of this chapter shall continue shall constitute a separate offense. Violator has the right to appeal to the Planning Commission. If not satisfied with the results of this appeal, violator has the right to appeal to the City Council.

(Ord. 2011-07-26-01, passed 7-26-2011)

TABLE OF SPECIAL ORDINANCES

Table

I. FRANCHISES

II. ZONING CHANGES

III. MISCELLANEOUS

TABLE I: FRANCHISES

Ord. No.	Date Passed	Description
77-T-001	4-19-1977	Granting a franchise to the Community Antenna Television Company, its successors and assigns to operate and maintain a community antenna television system in the city for a period of 15 years.
-	12-11-1984	Amending the franchise granted to Community Antenna Television Company by deregulating the rates charged to cable television subscribers within the city.
-	3-18-1986	Approving and granting consent to the assignment and transfer of the Community Antenna Television franchise and system from Video Properties, LTD. to Northland Cable Television, Inc.
2009-05-19-01	5-19-2009	Renewing franchise agreement with Duke Energy Carolinas for four percent for ten years. Franchise period from July 1, 2009 to June 30, 2019.
2012-03-20-03	3-20-2012	Granting consent to the application of Northland Cable Television, Inc., to operate cable or video service within the city.
2013-11-19-01	11-19-2013	Granting consent to the application of BellSouth Telecommunications, LLC, d/b/a AT&T South Carolina, to operate cable or video service within the city.
2013-11-19-01	11-19-2013	Granting consent to application of BellSouth Telecommunications, LLC d/b/a/ ATT&T South Carolina for franchise for cable or video service and setting franchise fee.

TABLE II: ZONING CHANGES

Ord. No.	Date Passed	Description
98-616-2	7-21-1998	Classifying the property located at 1613 E. Main Street and identified by Oconee Tax Map #530-18-12-001 as a Highway Commercial Zoning District.

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98-721-2	8-18-1998	Classifying the property located at 207 North Hampton Street and identified by Oconee Tax Map #530-22-07-005-006 as a Highway Commercial Zoning District.
98-818-1	9-15-1998	Classifying the property located on West Main and identified by Oconee Tax Map #530-06-02-007 as a Highway Commercial Zoning District.
98-1117-1	12- 8-1998	Classifying the property located on North Avenue, Lakeside Drive and Park View Avenue and identified by Oconee Tax Map #530-28-07-002 and 003 as a Light Industrial Zoning District.
2000-03-21-01	3-28-2000	Rezoning 536 West King Street, identified by Oconee Tax Map #530-14-01-025, from R-15 to G-R.
2000-03-21-02	3-28-2000	Rezoning 1631 East Main Street, identified by Oconee Tax Map #530-18-03-001, from R-25 to H-C.
2000-03-21-03	3-28-2000	Rezoning 1641 East Main Street, identified by Oconee Tax Map #530-19-01-001, from R-25 to H-C.
2000-03-21-04	3-28-2000	Rezoning 1643 and 1645 East Main Street, identified by Oconee Tax Map #530-19-01-002, from R-25 to H-C.
2000-06-20-01	7-18-2000	Rezoning Lots 2 through 16, identified by Oconee Tax Map #530-23-01-021, 530-23-01-047 and 530-23-01-065, from R-25 to G-R.
2000-06-20-02	7-18-2000	Rezoning 401 Hampton Street, identified by Oconee Tax Map #530-22-11-008, Lots 9, 10, 11 and 12, from R-15 to H-C with the stipulation that the easternmost 20 feet of Lot 9 be maintained as a buffer zone between the commercial development and the residential neighborhood.
2000-06-20-03	7-18-2000	Rezoning 107 Skyland Drive, identified by Oconee Tax Map #530-19-02-004 and 530-19-02-033, Lots 11 through 15, from R-20 to G-R.
2000-08-15-01	9-19-2000	Rezoning 202 Butler Street, identified by Oconee Tax Map #530-20-02-005, from R-20 to G-R.
2000-08-15-02	9-19-2000	Rezoning 204 Butler Street, identified by Oconee Tax Map #530-20-02-006, from R-20 to G-R.
2006-12-12-01	12-12-2006	Rezoning lots 7, 10, and 11 off of Marcengill Road, identified by Oconee Tax Map #530-15-01-007, #530-15-01-010, and #530-15-01-011, from R-25 to GR.
2007-12-11-01	12-11-2007	Rezoning lot #17 on Huff Street, identified by Oconee Tax Map #530-13-01-017, from R-25 to GR.
2007-12-11-02	12-11-2007	Rezoning lot #6 on Hope Street, identified by Oconee Tax Map #530-21-01-006, from R-25 and NC to LI.
2007-12-11-03	12-11-2007	Rezoning lot #19 off of E. North Avenue, identified by Oconee Tax Map #530-10-02-012 from R-25 to GR.
2008-03-18-01	3-18-2008	Rezoning lot on E. North Avenue identified by Oconee Tax Map #530-17-02-010 from R-20 to HC.
2008-03-18-02	3-18-2008	Rezoning lot on E. North Avenue identified by Oconee Tax Map #530-17-02-001 from LI to HC.
2008-12-16-03	12-16-2008	Rezoning governmental properties as follows: Oconee Tax Map #530-27-01-001 from R-25 to G-2; Oconee Tax Map #530-29-06-016 from R-20 to G-3; Oconee Tax Map #530-16-13-008 from R-25 to G-2; Oconee Tax Map #530-16-13-014 from R-25 to G-1; Oconee Tax Map #530-11-08-001 from RMF to G-3; Oconee Tax Map #530-30-01-001 from R-25 to G-1; Oconee Tax Map #530-02-01-001 from R-

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		25 to G-1; Oconee Tax Map #530-07-06-001 from NC to G-3; Oconee Tax Map #530-16-03-001 from HC to G-1; Oconee Tax Map #530-16-03-002 from HC to G-1; Oconee Tax Map #530-09-01-002 from R-25 to G-3; Oconee Tax Map #530-24-01-007 from R-25 to G-2; Oconee Tax Map #530-11-02-001 from NC to G-3; Oconee Tax Map #530-04-01-015 from R-25 to G-1; Oconee Tax Map #530-12-03-005 from R-25 to G-1; Oconee Tax Map #530-12-03-003 from R-25 to G-1.
2008-12-16-05	12-16-2008	Rezoning lot on E. North Avenue identified by Oconee Tax Map #530-16-05-005 from RMF to HC.
2009-03-17-01	3-17-2009	Rezoning city property formerly known as the Butler Street School, Oconee Tax Map #530-20-02-013, from NC to R-15.
2010-07-20-03	7-20-2010	Rezoning properties on Highway 24: from R-15 to HC, Oconee Tax Map #530-22-09-011, #530-22-09-012, #530-22-09-013; from R-20 to HC, #530-21-05-004, #530-21-05-005, #530-21-05-006, #530-24-03-006, #530-24-03-007; from R-25 to HC, #530-24-04-012; from NC to HC, #530-22-09-014, and #530-24-04-015.
2011-12-13-03	12-13-2011	Rezoning lot on corner of Mimosa Street and Jack Street identified by Oconee Tax Map #530-11-13-007 from R-25 to HC.
2012-04-17-01	4-17-2012	Rezoning Carolina Estates (23 parcels: Tax Map #530-15-05-001 - #530-15-05-010, #530-15-06-001 - #530-15-06-012, #530-15-06-016) from R-25 to R-15.
2017-02-21-02	2-21-2017	Rezoning parcel identified as Oconee Tax Map #530-13-010-022 from R-25 to GR.
2014-02-18-03	2-18-2014	Rezoning the parcel identified as Oconee Tax Map #530-15-02-002 from R-25 District to General Residential (GR) District.
2018-03-27-01	3-27-2018	Rezoning the parcels identified as Oconee Tax Map #530-06-01-024 and #530-06-01-09 from R-25 Single-Family Residential to GR General Residential.
2018-12-01	12-10-2018	Rezoning the indicated parcels on the Official Zoning Map as follows: 530-16-08-014 located at 207 Augusta Street from Gen Res. to R-15; 530-16-08-006 located at 205 Augusta Street from Gen Res. to R-15; 530-16-08-007 located at 203 Augusta Street from Gen Res. to R-15; 530-16-08-008 located at 201 Augusta Street from Gen Res. to R-15; 530-16-08-009 located at 211 Retreat Street from Gen Res. to R-15; 530-16-08-010 located at 207 Retreat Street from Gen Res. to R-15; 530-16-03-006 located at Retreat Street from Gen Res. to R-15; 530-16-03-007 located at 2016 Retreat Street from Gen Res. to R-15; 530-16-03-008 located at Retreat Street from Gen Res. to R-15; 530-16-03-009 located at 105 Augusta Street from Gen Res. to R-15; 530-16-03-010 located at 101 Augusta Street from Gen Res. to R-15; 530-16-03-011 located at 207 Mimosa Street from Gen Res. to R-15; 530-11-13-006 located at 208 Mimosa Street from Gen Res. to R-15; 530-16-02-009 from Gen Res. to R-15; 530-16-02-006 located at 303 S Isundega Street from Gen Res. to R-15; 530-16-02-005 located at 305 S Isundega Street from Gen Res. to R-15; 530-16-02-004 located at 307 S Isundega Street from Gen Res. to R-15; 530-16-02-003 located at 309 S Isundega Street from Gen Res. to R-15; 530-16-02-002 located at 311 S Isundega Street from Gen Res. to R-15; 530-15-04-004 located at 110 Pumphouse Road from Gen Res. to R-15; 530-16-

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		02-013 located at 106 Pumphouse Road from Gen Res. to R-15; 530-16-02-012 located at 414 Mimosa Street from Gen Res. to R-15; 530-11-12-001 located at 306 Westminster from R-25 to Hwy Comm.; 530-16-13-002 located at 200 West Windor from R-25 to Hwy Comm.
2019-06-11-03	6-11-2019	Rezoning the parcels identified as Oconee Tax Map #530-13-01-006 and #530-13-01-007 from their current classification to Neighborhood Commercial (NC).
2020-02-01	2-25-2020	Rezoning the parcels identified as Oconee Tax Maps 530-32-01-001 through 530-32-01-041 be rezoned from R-25 Single-Family Residential to R-15 Single Family Residential.
2021-02-16-01	2-16-2021	Rezoning the parcel identified as Oconee Tax Map## 530-16-13-020 be rezoned from R-20 Single-Family Residential to RMF Residential Multi Family.
2021-03-16-02	3-16-2021	Rezoning parcel identified as Oconee Tax Map## 530-06-05-009 be rezoned from R-25 Single-Family Residential to R-15 Single Family Residential.
2021-04-20-01	4-20-2021	That the boundaries of the zoning districts as indicated on the Official Zoning Map of the City which is part of the Westminster Zoning Code, be amended to reflect that the parcel identified as Oconee Tax Map## 530-06-05-001 be rezoned from R-25 Single-Family Residential to R-15 Single-Family Residential.
2021-04-20-02	4-20-2021	That the boundaries of the zoning districts as indicated on the Official Zoning Map of the City which is part of the Westminster Zoning Code, be amended to reflect that the parcel identified as Oconee Tax Map## 530-21-05-006 be rezoned from GR General Residential to R-15 Single-Family Residential.
2021-08-10-2021-2	8-10-2021	That the boundaries of the zoning districts as indicated on the Official Zoning Map of the City which is part of the Westminster Zoning Code, be amended to reflect that the parcel identified as Oconee Tax Map## 530-06-02-014 be zoned to Highway Commercial.

TABLE III: MISCELLANEOUS

Ord. No.	Date Passed	Description
2009-07-21-01	7-28-2009	Adoption of an amended Flood Damage Prevention Ordinance.
2010-05-18-02	5-18-2010	Adoption of supplement to the Code of Ordinances.
2010-06-15-01	6-15-2010	Approving FY 2010/2011 budget.
2011-02-08-01	2- 8-2011	Adoption of supplement to the Code of Ordinances.
2011-06-21-01	6-21-2011	Approving FY 2011/2012 budget.
2011-12-13-01	12-13-2011	Adoption of changes to the Flood Damage Prevention Ordinance.
2012-02-21-01	2-21-2012	Adoption of supplement to the Code of Ordinances.
2012-03-20-02	3-20-2012	Amending the bond proceeds budget associated with the 2008 G.O. Bond Ordinance.
2012-06-19-01	6-19-2012	Approving FY 2012/2013 budget.
2013-02-19-01	2-19-2013	Adoption of supplement to the Code of Ordinances.

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2013-06-11-01	6-11-2013	Approving FY 2013/2014 budget.
2013-06-11-02	6-11-2013	Authorizing the execution and delivery of an intergovernmental agreement, whereby the City adopts the County's building codes as the City's building codes, and grants jurisdiction to the County to administer and enforce its adopted building codes in the City.
2013-06-11-03	6-11-2013	Authorizing an intergovernmental agreement, whereby the City transfers authority for municipal elections to the County.
2014-01-21-01	1-21-2014	Providing the Registration and Elections Commission of Oconee County the conditions regarding future City municipal elections.
2014-02-18-01	2-18-2014	Adoption of a supplement to the Code of Ordinances.
2014-06-17-01	6-17-2014	Adopting budget for FY 2014/2015.
2014-09-23-04	10-21-2014	Providing for the issuance and sale of City combined utility system improvement and refunding revenue bond, series 2014, in the principal amount of not exceeding \$2,150,000.
2015-01-20-01	2-17-2015	Amending zoning code for adoption of one-year moratorium on enforcement of minor nuisance violations.
2015-04-21-01	5-19-2015	Authorizing agreement for conservation easement between the City and Upstate Forever.
2015-06-24-01	6-24-2015	Adopting budget for FY 2015/2016.
2015-09-15-01	10-20-2015	Amending sign regulations for adoption of one-year moratorium on collection of fees for temporary and events sign permits.
2017-6-03	6-20-2017	Making appropriations for operating and capital budget for FY 2017/2018
2018-6-12-01	6-12-2018	Making appropriations for certain expenses, capital improvements and indebtedness of the City for the year beginning July 1, 2018 and ending June 30, 2019.
2019-6-01	6-11-2019	Making appropriations for certain expenses, capital improvements and indebtedness of the City for the year beginning July 1, 2019 and ending June 30, 2020.
2020-05-19-1	4- 9-2020	Declaring a state of emergency in the City of Westminster, and providing emergency procedures for meetings.
2020-06-16-02	6-16-2020	Making appropriations for certain expenses, capital improvements and indebtedness of the City for the year beginning July 1, 2020 and ending June 30, 2021.
2020-09-08-01	9- 8-2020	Adoption of changes to the Flood Damage Prevention Ordinance.
2021-01-19-01	1-19-2021	Authorizing real property lease agreement between the City and Oconee County, South Carolina.
2021-03-16-01	3-16-2021	Authorizing real property lease agreement between the City and Westminster Senior Outreach.
2021-06-15-01	6-15-2021	Making appropriations for certain expenses, capital improvements and indebtedness of the City for the year beginning July 1, 2021, and ending June 30, 2022.
2021-07-13-01	7-13-2021	Authorizing real property lease agreement between the City and Oconee County First Steps School Readiness.
2021-08-10-01	8-10-2021	Authorizing an equipment lease purchase agreement between the City and Truist Bank, to defray the cost of acquiring certain equipment; and other matters relating thereto.

PARALLEL REFERENCES

References to South Carolina Code

References to 1962 Code of Ordinances

References to Resolutions

References to Ordinances

REFERENCES TO SOUTH CAROLINA CODE

South Carolina Code

Code Section

5-5-10 <i>et seq.</i>	30.01
5-7-30	10.99
5-7-80	93.25
5-7-300	110.34; Ch. 110, Apps. C and D
5-15-20	30.01
5-15-61	30.01
5-15-125	30.01
6-1-530	37.49
6-29 <i>et seq.</i>	151.016; 151.316
6-29-310 <i>et seq.</i>	32.20
	151.108
6-29-360	32.24
6-29-710 <i>et seq.</i>	151.001
6-29-790	32.05
6-29-800 <i>et seq.</i>	32.01
7-13-190	30.01
12-51-140	37.31
12-5610 <i>et seq.</i>	37.07
14-25 <i>et seq.</i>	36.01
14-25-15	36.02
14-25-35	36.02
14-25-75	96.10
15-1-30	10.05
15-1-40	10.05
15-1-50	10.05
16-11-760	96.01
23-9-310 - 23-9-470	33.25
23-47-60	150.02
26-6-190(A)	35.04
30-4-10 <i>et seq.</i>	30.03
30-4-70	30.03
30-4-70(a)(1)	32.04; 32.23
31-17-20	37.20

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PARALLEL REFERENCES

34-11 <i>et seq.</i>	35.02
38-45-10	Ch. 110, App. D
38-45-60	Ch. 110, App. D
40-41-710	111.02
56-7-80	151.296
58-9-2200	Ch. 110, App. C
58-9-2220	110.30, 110.34, Ch. 110, App. C

REFERENCES TO 1962 CODE OF ORDINANCES

1962 Code	2002 Code
2-19	31.40
2-20	31.41
2-21	31.42
2-23	31.55
2-24	31.56
2-25	31.57
2-29	31.01
2-30	31.02
2-31	31.03
2-32	31.04
2-33	31.05
2-34	31.06
4-1	33.20
4-3	33.21
4-5	33.22
4-6	33.23
4-7	60.01
4-8	33.24
4-9	60.05
4-10	60.10
4-11	60.15
4-12	60.20
4-13	33.25
4-14	33.25
4-15	33.25
4-16	33.25
4-17	33.25
5-1	33.01
5-2	33.02
5-3	33.03
5-4	33.04
5-5	33.05

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5-6	33.06
6-3	93.17
6-4	93.18
6-5	93.19
6-6	93.20
6-7	93.21
6-8	93.36
6-9	93.37
6-9.1	93.38
6-14.2	93.39
6-17	93.40
6-18	93.41
7-1	70.01
7-2	70.02
7-3	70.03
7-4	70.04
7-5	70.05
7-7	72.01
7-9	72.03
7-10	72.04
7-11	72.05
8-1	130.01
8-12	130.15
8-15	130.45
8-21	130.16
8-22	130.46
8-23	130.30
8-27	130.75
8-35	130.76
8-39	130.60
9-6	93.42
9-7	93.42
9-8	93.42
10-1	37.01
10-2	37.02
10-3	37.03
11-1	37.04
11-2.1	37.05
11-3	37.06
13-1	92.01
13-2	92.02
13-3	92.02
14-5	130.17

REFERENCES TO RESOLUTIONS

<i>Res. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
R11-94	11-15-1994	35.01

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	9-17-1960	130.32
-	4-14-1969	50.01
-	6-17-1975	93.35
-	8-24-1975	30.01
-	1-20-1976	30.02-30.11; 30.25-30.32
77-T-001	4-19-1977	TSO I
79-T-011	5-15-1979	52.01-52.04; 52.15-52.17; 52.30-52.33; 52.45-52.49; 52.60-52.66; 52.99
1979-T-014	11-20-1979	92.20-92.27; 92.99
-	1-1-1981	36.01; 36.02
-	6-21-1983	35.20-35.33
84-1	2-21-1984	90.01
-	9-20-1984	37.20-37.31
-	12-11-1984	TSO I
-	12-10-1985	35.02
-	3-18-1986	TSO I
-	7-16-1991	130.31
920408	4-8-1992	51.01; 51.15-51.18; 51.30-51.32
920408A	4-8-1992	91.30-91.37
1992-5-5	5-5-1992	34.01
1992-5-19	- -	34.01
-	5-26-1992	34.01
-	10-20-1992	34.01
-	3-15-1994	150.02
19944B	4-19-1994	72.01
1994-5B	6-21-1994	94.01-94.11; 94.98; 94.99
1994-6A	7-19-1994	72.01
-	10-18-1994	35.25
-	9-19-1995	130.46
1995-11	12-5-1995	130.75
1996-0521	- -	35.45
1997-05	- -	35.45

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98-616	7-1-1998	150.01
98-616-2	7-21-1998	TSO II
98-616-3	7-21-1998	91.15-91.18
98-721-1	8-18-1998	91.01
98-721-2	8-18-1998	TSO II
98-818-1	9-15-1998	TSO II
98-1117-1	12-8-1998	TSO II
1999-01-19-01	2-25-1999	31.20-31.26
1999-03-16-03	4-20-1999	150.03
1999-03-16-05	4-20-1999	32.20-32.24
1999-05-18-01	6-15-1999	34.01
90902	10-16-1999	37.05
2000-03-21-01	3-28-2000	TSO II
2000-03-21-02	3-28-2000	TSO II
2000-03-21-03	3-28-2000	TSO II
2000-03-21-04	3-28-2000	TSO II
2000-04-18-01	5-1-2000	110.01-110.20; 110.99; Ch. 110, App. A-App. C
2000-04-18-02	5-1-2000	51.02
2000-04-18-03	--	150.01
2000-06-20-01	7-18-2000	TSO II
2000-06-20-02	7-18-2000	TSO II
2000-06-20-03	7-18-2000	TSO II
2000-07-18-01	8-15-2000	51.03
2000-08-15-01	9-19-2000	TSO II
2000-08-15-02	9-19-2000	TSO II
2001-08-21-01	9-18-2001	130.18
2001-09-18-01	11-19-2001	150.01; 151.297
2001-09-18-02	10-16-2001	151.297
2001-11-19-01	7-1-2002	37.45-37.51
2002-02-19-01	3-19-2002	32.01-32.05
2002-03-19-01	3-26-2002	150.01; 150.02
2002-04-16-01	4-16-2002	35.03; 35.45
2002-04-25-01	4-25-2002	33.45
2002-05-16-01	6-18-2002	37.65-37.68; 37.99
2002-05-16-02	6-18-2002	51.20
90901	6-18-2002	91.02
2002-07-16-01	8-20-2002	151.001-151.005; 151.015-151.019; 151.030-151.033; 151.050-151.060; 151.100-151.107; 151.120; 151.121; 151.135; 151.136; 151.150-151.155; 151.170-151.181; 151.195-151.205; 151.220; 151.221; 151.235-151.237; 151.250-151.253; 151.265-151.268; 151.280; 151.281; 151.295-151.300; 151.315-151.320; 151.335-151.338; 151.999; Ch 151, App. A-App. D
2002-07-16-03	8-20-2002	31.02
2003-01-21-01	2-18-2003	Adopting Ordinance
2004-03-16-01	4-20-2004	51.20
2004-04-20-02	6-28-2004	150.01
2004-08-17-01	9-2-2004	110.30-110.34
2004-10-19-01	11-16-2004	110.20; Ch. 110, App. C
2004-11-16-01	12-14-2004	Adopting Ordinance

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2006-01-17-01	2-14-2006	37.01
2006-01-17-02	2-14-2006	151.316
2006-01-17-03	2-14-2006	151.318
2006-01-17-04	2-14-2006	94.09
2006-06-20-01	6-20-2006	110.06
2006-07-18-01	7-18-2006	31.41, 31.42
2006-10-17-01	10-18-2006	50.02, 52.61, 52.99
2006-10-17-02	10-18-2006	36.03
2006-10-17-03	10-18-2006	93.42
2006-11-14-01	11-14-2006	53.01
2006-12-12-01	12-12-2006	TSO II
2007-02-20-01	2-20-07	52.17
2007-02-20-02	2-20-07	51.31
2007-02-20-04	2-20-07	130.61
2007-02-20-05	2-20-07	51.34
2007-02-20-06	2-20-07	51.02
2007-03-20-01	3-20-07	33.20 - 33.25, 60.01, 60.05, 60.10, 60.15, 60.20
2007-04-17-01	6-19-07	151.053
2007-04-17-02	6-19-07	93.41, 151.281
2007-07-17-01	7-17-07	151.001
2007-08-21-07	8-21-07	30.01
2007-10-16-01	10-16-2007	151.054
2007-12-11-01	12-11-2007	TSO II
2007-12-11-02	12-11-2007	TSO II
2007-12-11-03	12-11-2007	TSO II
2008-02-26-01	2-26-2008	150.01
2008-02-26-02	2-26-2008	30.02
2008-03-18-01	3-18-2008	TSO II
2008-03-18-02	3-18-2008	TSO II
2008-09-16-01	9-16-2008	33.20, 33.24, 60.01, 60.05, 60.10, 60.15, 60.20, 60.25
-	10-21-2008	95.01 - 95.16, 95.99
2008-11-18-01	11-18-2008	110.02
2008-12-16-01	12-16-2008	51.02, 51.03, 51.15, 51.17, 51.20, 51.30, 51.32, 51.34
2008-12-16-02	12-16-2008	151.015, 151.061-151.063, 151.337
2008-12-16-03	12-16-2008	TSO II
2008-12-16-04	12-16-2008	Ch. 151, App. C
2008-12-16-05	12-16-2008	TSO II
2009-03-17-01	3-17-2009	TSO II
2009-03-17-02	3-17-2009	60.01
2009-03-17-03	3-17-2009	60.20
2009-05-19-01	5-19-2009	TSO I
2009-07-21-01	7-28-2009	TSO III
2009-08-18-03	8-18-2009	50.01
2009-09-29-01	9-29-2009	94.09
2010-01-12-02	1-12-2010	111.01
2010-01-12-03	1-12-2010	32.21
2010-02-09-01	2-9-2010	51.01-51.03, 51.15-51.18, 51.20, 51.30-51.32
2010-02-09-02	2-9-2010	32.02
2010-03-16-01	3-16-2010	37.67

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2010-03-16-02	3-16-2010	37.45-37.51
2010-05-18-01	5-18-2010	Ch. 110, App. C
2010-05-18-02	5-18-2010	TSO III
2010-06-15-01	6-15-2010	TSO III
2010-06-15-02	6-15-2010	110.06
2010-07-20-01	7-20-2010	110.04
2010-07-20-02	7-20-2010	151.120
2010-07-20-03	7-20-2010	TSO II
2010-07-20-04	7-20-2010	151.056
2010-07-20-05	7-20-2010	Ch. 151, App. C
2010-10-19-01	10-19-2010	93.42
2010-11-16-01	11-16-2010	35.20-35.33
2010-12-14-01	12-14-2010	110.04, 110.15
2011-01-18-01	1-18-2011	51.02
2011-02-08-01	2- 8-2011	TSO III
2011-02-08-02	2- 8-2011	96.01 - 96.10
2011-03-15-01	3-15-2011	35.34
2011-04-21-01	4-21-2011	151.178
2011-04-21-02	4-21-2011	96.03, 96.10
2011-05-03-01	5- 3-2011	92.22
2011-05-26-01	5-26-2011	32.21
2011-06-21-01	6-21-2011	TSO III
2011-07-26-01	7-26-2011	152.001, 152.002, 152.010 - 152.013, 152.020 - 152.024, 152.030 - 152.032, 152.040 - 152.043, 152.050 - 152.052, 152.060 - 152.068, 152.080 - 152.082, 152.090, 152.091, 152.999
2011-09-20-01	9-20-2011	37.46
2011-10-18-01	10-18-2011	30.01
2011-12-13-01	12-13-2011	TSO II
2011-12-13-02	12-13-2011	152.050
2011-12-13-03	12-13-2011	TSO II
2012-01-17-01	1-17-2012	151.296
2012-01-17-02	1-17-2012	110.12
2012-01-17-03	1-17-2012	30.01
2012-02-21-01	2-21-2012	TSO III
2012-03-20-01	3-20-2012	152.013
2012-03-20-02	3-20-2012	TSO III
2012-03-20-03	3-20-2012	TSO I
2012-04-17-01	4-17-2012	TSO II
2012-04-17-02	4-17-2012	152.002, 152.010, 152.032, 152.040, 152.050, 152.082
2012-06-19-01	6-19-2012	TSO III
2012-06-19-02	6-19-2012	93.17 - 93.21, 93.36 - 93.39
2012-06-19-03	6-19-2012	130.19
2012-06-19-04	6-19-2012	130.50
2012-08-21-01	8-21-2012	35.34
2012-09-18-02	9-18-2012	37.65
2012-10-16-01	10-16-2012	35.20, 35.32, 35.35
2012-11-13-01	11-13-2012	Ch. 110, App. D
2013-01-15-01	1-15-2013	92.28, 151.050, 151.136
2013-01-15-02	1-15-2013	94.09

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2013-02-19-01	2-19-2013	TSO III
2013-03-12-01	3-12-2013	35.45
2013-03-12-02	3-12-2013	152.030
2013-03-12-03	3-12-2013	30.01
2013-03-12-04	3-12-2013	37.67
2013-04-09-01	4- 9-2013	94.09
2013-06-11-01	6-11-2013	TSO III
2013-06-11-02	6-11-2013	TSO III
2013-06-11-03	6-11-2013	TSO III
2013-06-11-04	6-11-2013	51.19
2013-08-20-01	8-20-2013	94.09
2013-08-20-02	8-20-2013	150.01
2013-10-15-01	10-15-2013	130.61
2013-11-19-01	11-19-2013	TSO I
2013-11-19-02	11-19-2013	151.106, 151.265, 151.268, 151.281
2014-01-21-01	1-21-2014	TSO III
2014-02-18-01	2-18-2014	TSO III
2014-02-18-03	2-18-2014	TSO II
2014-06-17-01	6-17-2014	TSO III
2014-09-23-01	10-21-2014	71.01—71.03
2014-09-23-02	10-21-2014	111.01, 111.02, 111.11—111.17, 111.21—111.37, 111.41—111.44, 111.51, 111.61
2014-09-23-03	10-21-2014	92.01, 92.02, 92.21—92.23, 92.25, 92.26, 92.99
2014-09-23-04	10-21-2014	TSO III
2014-11-11-01	12-16-2014	35.04
2015-01-20-01	2-17-2015	TSO III
2015-03-17-1	4-21-2015	50.01(E)
2015-04-21-01	5-19-2015	TSO III
2015-06-24-01	6-24-2015	TSO III
2015-09-15-01	10-20-2015	TSO III
2016-02-16-01	3-15-2016	30.11
2016-02-16-02	3-15-2016	50.01(E)
2016-02-16-03	3-15-2016	35.45
1-10-2016	11- 8-2016	150.01(B)
2016-11-08-01	2-21-2017	Ch. 96
2017-02-21-02	2-21-2017	TSO II
2017-02-21-03	2-21-2017	151.108
		151.199
		151.056(B)(8)
		151.058(B)(5)
2017-03-21-01	3-21-2017	151.050(C)(6)
		151.053(B)(4)
		151.281
2017-03-21-02	3-21-2017	151.220(D)(7), (8)
2017-03-21-04	3-21-2017	30.03
		30.05(C)
		30.08
		30.11
		30.28(A)(6), (7)

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		30.29
		30.30
2017-06-01	6-20-2017	50.02(G)
2017-06-16-02	6-20-2017	30.02
2017-6-03	6-20-2017	TSO III
2017-06-20	6-20-2017	30.02
2017-07-11	7-11-2017	150.03
2017-08-08	8- 8-2017	50.02(G)
2017-11-13	11-13-2017	93.17
		93.18
		93.25
2017-11-14-01	11-14-2017	35.26(E),(F)
2018-03-27-01	3-27-2018	TSO II
05-22-2018	5-22-2018	151.056(B)(12)
2018-6-12-01	6-12-2018	TSO III
2018-09-01	10- 9-2018	51.30
2018-12-01	12-10-2018	TSO II
2018-12-2	12-10-2018	37.07
2019-6-01	6-11-2019	TSO III
2019-06-11-02	6-11-2019	130.77
2019-06-11-03	6-11-2019	TSO II
2019-06-11-01	6-14-2019	130.46
2019-08-01	8-13-2019	93.25
2019-08-02	9-10-2019	51.01, 51.15, 51.17, 51.19
2019-09-02	9-10-2019	52.01—52.04, 52.12—52.17, 52.30—52.33, 52.45—52.49, 52.60— 52.66, 52.99
2020-01-21-1	1-21-2020	110.01—110.06, 110.08—110.20, 110.30, 110.34, 110.40, Ch. 110, App. A—D
2020-02-01	2-25-2020	TSO II
2020-4-14-01	4-14-2020	35.45
2020-05-19-1	4- 9-2020	TSO III
2020-06-16-02	6-19-2020	TSO III
2020-07-07-01	7- 7-2020	111.03
2021-04-20-01	4-20-2021	TSO II
2021-04-20-02	4-20-2021	TSO II
2021-05-11-01	5-11-2021	50.01(E)
2021-06-15-01	6-15-2021	TSO III
2021-07-13-01	7-13-2021	TSO III
2021-08-10-01	8-10-2021	TSO III
2021-08-10-2021-2	8-10-2021	TSO II

Boone's Buggies LLC
17049 S Highway 11
Fair Play, SC 29643 US
boonesbuggiessc@gmail.com



Estimate

ADDRESS

Westminster Police
Department
106 E Windsor St Ste A,
Westminster, South Carolina
29693 US

ESTIMATE # 1132

DATE 10/13/2022

ACTIVITY	QTY	RATE	AMOUNT
2019 EZGO Valor (Gas)	1	10,500.00	10,500.00T
Cart Trade In	1	-1,600.00	-1,600.00
EZGO TXT Drop Spindle Lift Kit	1	380.00	380.00T
23x10x14 Carlisle A/T Tire tire trade factored in	4	10.00	40.00T
SUBTOTAL			9,320.00
TAX (6%)			655.20
TOTAL			\$9,975.20

Accepted By

Accepted Date

All sales final on electrical parts. All used golf carts are sold as it no warranty. Trojan Battery Warranty is 24 months Continental Battery Warranty is 1 year. Battery Warranty will be voided due to lack of water, improper charging, a lose or burnt connection, or any other form of lack of maintenance. ** 3% Card Processing fee added to all card purchases**

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

CONSERFUND LOAN
LOAN NUMBER 4-201-19

AMENDMENT NO. 4

This Amendment No. 4 is made this _____ day of _____, 2022 (the "Amendment Date"), by and between the **City of Westminster, 100 East Windsor Street, Westminster SC, 29693-1729** ("Borrower") and **South Carolina Office of Regulatory Staff** ("ORS").

RECITALS

WHEREAS, Borrower and ORS entered into a loan agreement dated the 26th day of February 2019, amended November 19, 2019, May 31, 2021 and January 17, 2022 (the "Loan Agreement");

WHEREAS, the Loan Agreement authorized disbursements to be made up to \$414,556.00 and amended to \$369,947.23;

WHEREAS, the Amortization Schedule attached as Appendix A to the Loan Agreement reflected payments to be made based on repayment commencing upon June 1, 2022, amended to July 1, 2023; and

WHEREAS, the parties now wish to modify the Loan Agreement to revise the completion of the construction phase to be October 22, 2022;

NOW THEREFORE, Borrower and ORS hereby agree to amend the Loan Agreement as follows:

1. Section 3 of the Loan Agreement is hereby modified by deleting Section 3 in its entirety and replacing it with the following Section 3.

In order to receive any disbursement on the Loan, Borrower must submit requests for disbursement to ORS, via an interdepartmental transfer, if applicable, and a completed ORS ConserFund Loan Disbursement Request Form (substantially as in the form of Attachment 1, attached hereto and incorporated herein) together with all relevant documentation verifying the disbursement request is for payments made on Project services rendered or cost incurred up to and including the completion of the construction phase on **October 22, 2022** (the "Completion Date"). ORS has no obligation to make disbursements for expenses not in accordance with this Agreement or not incurred as a result of the Project. All loan disbursement requests must be made within one year of the Completion Date. Absent a written amendment to this Agreement executed by both ORS and Borrower, the amortization schedule ("Amortization Schedule") attached hereto as Exhibit A, dictates when payment is due. In the event the ORS has not paid out the maximum principal of the Loan to Borrower within one year of the Completion Date, the Loan will be reduced to the amount actually paid out to Borrower for the Project and this Agreement will be amended to reflect such change.

2. Section 10 of the Loan Agreement is hereby modified by deleting Section 10 in its entirety and replacing it with the following Section 10.

In accordance with the amortization schedule, attached hereto as Exhibit A, Borrower promises to pay the Loan in **Ten (10)** annual equal installments of principal and interest, each in the amount of **Forty Thousand, One Hundred and Fourteen and 92/100 dollars (\$40,114.92)**, commencing **November 1, 2023** and due annually thereafter on the first day of the month, beginning on **November 1, 2024** until paid in full.

In addition to the scheduled payments outlined above, any amount outstanding on the Loan may be prepaid at any time without penalty. Unless otherwise advised by Borrower, ORS shall apply advanced Loan repayments to the principal owed. Advanced repayments will require issuance of an amended Amortization Schedule by ORS. Unless other arrangements are agreed to in writing, all payments of principal and interest shall be made by interdepartmental transfer or check, mailed or delivered to Office of Regulatory Staff, 1401 Main Street, Suite 900, Columbia, SC 29201.

3. Exhibit A to the Loan Agreement is hereby deleted and replaced with revised Exhibit A, attached hereto and incorporated herein.
4. Except as amended and/or modified by this Amendment No. 4, the Loan Agreement is hereby ratified and confirmed and all other terms of the Loan Agreement shall remain in full force and effect, unaltered and unchanged by this Amendment No. 4. Whether or not specifically amended by this Amendment No. 4, all of the terms and provisions of the Loan Agreement are hereby amended to the extent necessary to give effect to the purpose and intent of this Amendment No. 4.

(Remainder of this page is intentionally left blank)

Facsimile signatures and email signatures shall be as effective as original signatures to bind any party. This document may be signed in counterparts, with the various signature pages combined with the body of the document constituting an original and provable copy of this Settlement Agreement.

IN WITNESS WHEREOF, the parties have caused this Amendment No. 4 to be duly executed as of the date written above.

Witness:

City of Westminster

By: _____ (blue ink)
(Signature)


Name: Kevin Bronson
(Typed/Printed)

Title: City Administrator
(Typed/Printed)

Witness:

South Carolina Office of Regulatory Staff



By:  (blue ink)
(Signature)

Name: Nanette Edwards
(Typed/Printed)

Title: Executive Director
(Typed/Printed)

SC Office of Regulatory Staff - Energy Office - ConserFund Loan Agreement

AMORTIZATION SCHEDULE - AMENDMENT #4

Prepared by Ann Harmon

Vendor#:	7000030183	Customer No.:	2960001
Name:	City of Westminster	Duns No.:	077994093
Loan #:	4-201-19	IO.:	10009900
Federal ID:	57-6001122	Amend #3:	Amend #4
Previous Completion Date:	5/31/2021	6/30/2022	Revised: 10/22/2022

Principal	\$369,947.23
Interest	\$31,201.97
Term in Years	10
Beginning Interest Rate	1.50%
Annual Payment	\$40,114.92
Total Payments	\$401,149.20

Payment Number	Payment Date	Annual Payments	Interest	Principal	Principal Balance
1	11/1/2023	\$40,114.92	\$5,549.21	\$34,565.71	\$335,381.52
2	11/1/2024	\$40,114.92	\$5,030.72	\$35,084.20	\$300,297.32
3	11/1/2025	\$40,114.92	\$4,504.46	\$35,610.46	\$264,686.86
4	11/1/2026	\$40,114.92	\$3,970.30	\$36,144.62	\$228,542.24
5	11/1/2027	\$40,114.92	\$3,428.13	\$36,686.79	\$191,855.45
6	11/1/2028	\$40,114.92	\$2,877.83	\$37,237.09	\$154,618.36
7	11/1/2029	\$40,114.92	\$2,319.28	\$37,795.64	\$116,822.72
8	11/1/2030	\$40,114.92	\$1,752.34	\$38,362.58	\$78,460.14
9	11/1/2031	\$40,114.92	\$1,176.90	\$38,938.02	\$39,522.12
10	11/1/2032	\$40,114.92	\$592.80	\$39,522.12	(\$0.00)
		Payments	Interest	Principal	
		\$401,149.20	\$31,201.97	\$369,947.23	

Page 1 of 1

UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT
LEGAL SERVICES AGREEMENT
(City of Westminster, South Carolina – Water Infrastructure System Improvements)

This agreement made on this ____ day of November, 2022, between the City of Westminster, South Carolina (the “City”) and Andrew K. Holliday, Esq. of Derrick, Ritter, Williams & Morris, P.A., (the “Attorney”):

WHEREAS, the City is a municipality of the State of South Carolina and a body corporate and politic; and

WHEREAS, the Attorney agrees to perform all necessary and customary legal services necessary for certain improvements to the City’s water system (the “Project”); and

WHEREAS, the Project costs of the Project will be defrayed by a \$8,705,000 loan from the United States Department of Agriculture, Rural Development (“Rural Development”); and

WHEREAS, such loan will be evidenced by combined utility system revenue bond of the City; and

WHEREAS, the Attorney will perform such services as are necessary to accomplish the above recited objectives including, but not limited to, the following:

1. Employ the services of a recognized bond counsel firm to prepare the necessary bonds and bond transcripts and render an unqualified opinion on the bond issues. The name and address of the bond counsel firm is stated in this Legal Services Agreement. The fees for employing bond counsel are included in the compensation section of this Agreement.

2. Issue a certification as to any judgments and/or litigation pending or outstanding against the City. This will include an opinion on the effect that such litigation might have on the bond issue. Two copies will be provided.

3. Assist the City with the acquisition of necessary properties, rights-of-way, and easements for the Projects.

4. Issue preliminary title opinions on the properties owned or to be acquired by the City utilizing Form RD 1927-9, “Preliminary Title Opinion.” This opinion will include all properties that will be a part of the facilities securing the loan. Two copies will be provided.

5. Issue final title opinions on the properties described in #4 above in letter form.

6. Complete and have the City execute Form RD 442-21, “Right-of-Way.” Two copies will be provided.

7. Complete and execute Form RD 442-22, “Opinion of Counsel Relative to Rights-

of-Way.” Two copies will be provided.

8. Cooperate with bond counsel and Rural Development in assisting the City with the adoption of the bond ordinances and the closing of the bond issues.

9. Items #2, 4, 6, and 7 above are to be completed prior to Rural Development issuing loan closing instructions and a commitment for construction to begin under interim financing and again (except item #5 instead of #4) on the day the bond issue is closed.

10. Item #2 above is also to be completed prior to each advance of loan funds on the bond issues.

11. Assist bond counsel and the City with meeting the local lender’s requirements for interim financing.

12. Review and approve construction contracts.

13. Attorney’s fees relating to any litigation or condemnation proceedings in connection with the Project will be paid by the City to the Attorney in accordance with a separate agreement. Any of such fees paid from Rural Development loan funds must receive prior concurrence of the City and Rural Development.

The name and address of Counsel to the City is:

Andrew K. Holliday, Esq.
Derrick, Ritter, Williams & Morris, P.A.
P.O. Box 795
Seneca, SC 29679

The name and address of employed bond counsel firm is:

Burr & Forman LLP
Attention: Michael W. Burns, Esq.
104 South Main Street, Suite 700
Post Office Box 447
Greenville, South Carolina 29601 (29602)

COMPENSATION

The City will pay to the Attorney for professional services rendered in accordance herewith, fees as follows:

A. \$40,000 plus not exceeding \$500.00 for expenses to Andrew K. Holliday, Esq. of Derrick, Ritter, Williams & Morris, P.A.;

B. \$20,000.00 plus not exceeding \$500.00 in expenses incurred to Burr & Forman LLP in connection with the Interim Financing (Bond Anticipation Note); and

C. \$45,000.00 plus not exceeding \$500.00 for expenses incurred to Burr & Forman LLP in connection with the Combined Utility System Revenue Bond to be purchased by Rural Developmen (the "RD Loan").

Such fees and expenses are payable in the following manner and at the following times:

Derrick, Ritter, Williams & Morris, P.A.	Closing of Interim Financing	25% of fee, plus expenses
	Rural Development Loan Closing	65% of fee, plus expenses
	Completion of Project	10% of fee, plus expenses
Burr & Forman LLP:	Closing of Interim Financing	\$20,000.00, plus expenses
	Rural Development Loan Closing	90% of fee for RD Loan, plus expenses
	Completion of Project	10% of fee for RD Loan, plus expenses

City of Westminster, South Carolina

By: _____
City Administrator

Attorney

Andrew K. Holliday, Esq.
Derrick, Ritter, Williams & Morris, P.A.

RESOLUTION NO. 11-15-2022-01

A RESOLUTION ADOPTING THE EMERGENCY OPERATIONS PLAN AND EMERGENCY PREPAREDNESS GUIDELINES; AND OTHER MATTERS RELATED THERETO

WHEREAS, the City of Westminster, South Carolina (the “*City*”) is a legally constituted municipal corporation incorporated by Act No. 744 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1875, and maintains a combined utility system (the “*System*”); and

WHEREAS, the City recognizes the threat natural hazards pose to people and property; and

WHEREAS, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars; and

WHEREAS, an adopted all hazards mitigation plan is required as a condition of future grant funding of mitigation projects; and

WHEREAS, the City participated jointly in the planning process with the other units of Government in Oconee County and Anderson County to prepare an all hazards mitigation plan; and

WHEREAS, the City is aware that revision and updating of the plan is critical for active and effective hazard mitigation and that city of Westminster will monitor and record hazard related data and events that can be used to update the all-natural hazards mitigation plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Westminster (the “*Council*”), the governing body of the City, in a meeting duly assembled:

Hereby adopts the update to the Emergency Operations Plan & Emergency Preparedness Guidelines – amended February 8, 2022, the Mitigation Plan, in its entirety as an official plan and will undertake annual recording of hazard events, their impact duration and cost.

[Remainder of Page Intentionally Left Blank]

DONE AND ADOPTED IN COUNCIL ASSEMBLED, this 15th day of November 2022.

CITY OF WESTMINSTER, SOUTH CAROLINA

Brian Ramey, Mayor

[SEAL]

Rebecca Overton, City Clerk

City of Westminster

Emergency Operations Disaster Plan & Emergency Preparedness Guidelines

Amended November 15, 2022

This book contains a plan of local emergency preparedness for the City of Westminster. It also contains the City's Emergency Operations Disaster Plan. This book is not intended for or to be given to the public. Department heads are to keep this with them in their office and/or vehicles, for reference.

The Emergency Preparedness Guidelines have been formulated and published by the Westminster Fire Department for use by department heads, supervisors, and political officials. This plan will be reviewed annually by all staff of the City of Westminster, the plan will remain active for a period of 36 months from date of adoption.

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Purpose

The purpose of this plan is to establish policies and procedures, which in the event of a man made or natural disaster will allow for the most effective utilization of resources within the City of Westminster and minimize the loss of life and/or injury or loss of property.

Authority

This plan is adopted and authorized by the City Council, City of Westminster under Resolution 11-15-2022-01; Resolution dated 11-15-2022

In compliance with Oconee County Ordinance No. 80-13. Dated December 22, 1980.

Authorized Under South Carolina Act 223 of 1967, as amended and South Carolina Act Number 199, July 30, 1979

Key Elements of Emergency Management

All department heads and city officials are to be engaged in pre-disaster planning, proper management of the disaster, and post-disaster recovery. The city's emergency management system consists of the following elements:

MITIGATION. These are activities designed to avoid or prevent emergencies from occurring and to reduce the ill effects of those which are unavoidable. This is the most effective, yet perhaps the least practiced element of emergency management.

PREPAREDNESS. If an emergency cannot be avoided, then be prepared to cope with it. Planning and training are the essential elements of preparedness, as are having proper and adequate supplies, equipment, facilities, and personnel.

RESPONSE. Speed, training and competency are the most essential elements of response. Getting to the scene of an emergency quickly and taking immediate, proper and decisive actions will eliminate or reduce the severity of the incident. Such actions may include a warning, isolation, evacuation, suppression, rescue, treatment and, in extreme cases, withdrawal for safety reasons.

RECOVERY. Recovery is the return of a situation to normal or to an improved state of being. Recovery applies to both individuals and organization. It may include repairing, replacing, or rebuilding properties and possessions, regaining health and well being, state of mind, and re-establishing economic stability to both employees and the public.

Emergency Preparedness Before the Disaster

The following are preparatory and precautionary actions which should be taken before an emergency actually occurs:

1. Update all disaster plans every third year.
2. Identify potential and actual hazards within the City of Westminster.
3. Plan, prepare, maintain and practice internal, departmental emergency operating procedures.
4. Conduct training, education and exercise programs to test the capability of disaster response measures.
5. Study procedures for alerting, notifying and mobilizing key officials and emergency response personnel.
6. Establish mutual support agreements, as required, with local and county governments and contractors.
7. Prepare plans for the “key Elements of Emergency management” for both the City by each department.
8. Update roster of key department personnel.
9. Review inventory and sources of supply for needed protection, equipment, food, water, and supplies.
10. Prepare and conduct public information programs on disaster preparedness, to educate the public

Emergency Preparedness During the Disaster

1. Operations will center protecting life and property, health and welfare, mitigating the effects of the disaster, assessing damage and providing for recovery from the disaster’s effects.
2. Furnish food, appropriate clothing, supplies, equipment, transportation, and facilities for emergency operations. Establish provisions for both the city and outside emergency workers.
3. Plan to rotate crisis workers to avoid excess fatigue. Provide for having on-duty and off-duty shifts. Perform specific tasks, for which they are responsible, by appropriate departments.
4. Remain calm, collected and cooperative.

Emergency Preparedness After the Disaster

1. Clean, repair, and replenish all supplies, equipment, and facilities.
2. Restore law and order, repair damage to facilities, administer to the sick and injured, resettle the homeless, and restore the economy.
3. Bring all involved departments and city officials together to critique the incident, to review and improve operating procedures, and to better prepare for the next one.

Chain of Command

The Safety Director/City Administrator is responsible for direction of the emergency operations within the City of Westminster.

The Safety Director/City Administrator shall appoint one department head and one alternate department head to serve as EOC Commander.

The Safety Director/City Administrator shall coordinate all departments, services and resources within the EOC.

The Safety Director/City Administrator works as a liaison between activities of the EOC and the Mayor and City Council Members.

The EOC Commander shall co-ordinate all emergency activities with City Department Heads.

Each Department Head will co-ordinate activities of their respective departments.

Emergency Operations Center (EOC) for the City

LOCATION: Westminster Fire Department
216 Emergency Lane, Westminster, SC

ACTIVATION:

1. The EOC can be utilized, at any time , by any of the following city personnel, when needed:
 - City Safety Director
 - Fire Chief
 - Police Chief
 - Utility Director
 - Street Department Supervisor
2. The EOC is to be activated, as described, during any Level Charlie or Delta readiness condition.
3. The Westminster EOC is a backup EOC facility for Oconee County and can be utilized, at any time, at the request of the County E.P.D.

RESPONSIBILITIES:

- Department heads and city officials shall be notified of activation and, if needed, shall respond to the EOC.
- 2 When the EOC is fully activated, the above personnel shall be notified, as soon as possible. These persons shall report to the EOC.

3. Each department head shall be responsible for maintaining records of their personnel and supplies
4. Upon activation of the EOC, one individual from each department shall be assigned to monitor the radio and another person is assigned for each telephone line:
 - 647-3234 Police
 - 647-3235 Utilities
 - 647-3236 Fire
 - 647-3237 City Council and Street
 - 647-3238 County EOC
 - 647-3239 Fax Machine

Readiness Levels

Most emergency situations follow some recognizable period, preceding the incident, during which actions may be taken which would help achieve maximum readiness. The Safety Director can establish a particular readiness level for the City of Westminster. However, department heads have both the freedom and responsibility to establish a readiness level for their own department. The following readiness levels will be used as a means of recognizing, modifying, and coordinating the City's state of readiness.

CONDITION ALPHA (NORMAL ALERT LEVEL)

This is the normal readiness level which all departments will operate under when normal, daily emergency conditions have been anticipated, practiced, and planned for.

Examples:

1. Onset of normal seasonal weather conditions such as dry weather, rains, or during pleasant weather
2. Potential for civil unrest.
3. Potential for energy or utility emergency.

Actions:

1. Establish applicable emergency plans.
2. Update personnel notification list.
3. Check equipment and supplies, daily.

CONDITION BRAVO (HEIGHTENED ALERT LEVEL)

A term used to describe a more heightened alert condition which presents a greater threat than Condition Alpha, but does not present an immediate threat to life or property.

Examples:

1. Tornado Watch
2. Flash Flood Watch
3. Severe Weather Alert
4. "Red Flag Alert" for burning conditions
5. Civil unrest with an incident

Actions:

- Alert key personnel and citizens of the situation

- Implement departmental plans & SOP's
- Prepare Emergency Operations Center for use.

CONDITION CHARLIE

This is a serious condition, which denotes that hazardous conditions are probable, or in fact, are already occurring in certain areas adjacent to or within the jurisdiction. A high potential exist for property damage and/or loss of life.

Examples:

1. Tornado Warning (cycle activation of tornado siren)
2. Flash Flood or Winter Storm Warning.
3. Large scale power or water outage,, more than 8 hours.
4. Civil disorder with large scale, localized violence.
5. When international tension dictates that a local attack or terrorist event is eventual or probable.

Actions:

- Carry out department plans and SOP's
- Initiate call-up of additional personnel
- Notify the members or partially mobilize the EOC
- Cancel leave time.

CONDITION DELTA (HIGHEST ALERT LEVEL)

This signifies that hazardous conditions are imminent or are, in fact, occurring. This condition indicates a great sense of danger and urgency which may result in a great loss of life.

Examples:

1. Tornado actually sighted, approaching city.
2. Area Haz-Mat incident, requires a large evacuation.
3. Mass casualties or severe life safety incidents.
4. Massive fires, flooding, earthquakes or nuclear fallout.

Actions:

- Alert citizens; general call-in of off-duty personnel
- Activate and fully staff the EOC.
- Carry out departmental plans and SOP's
- Implement mitigation, response, & recovery plans.

Receiving State and Federal Assistance

Westminster, as a municipality, is not permitted to contact State and Federal agencies directly for assistance. Assistance from State and Federal agencies can be requested only after all mutual-aid assistance and local resources have been utilized and additional assistance is still needed. At that time, the first appropriate contact is the Oconee County Emergency Preparedness Director, Mr. Scott Krein, at 638-4200. To contact this director after working hours, call the Oconee County sheriff dispatcher's office at 638-4111.

Department heads are charged with the responsibility for documenting completely all costs and expenditures in connection with emergency operations. This is necessary to support a claim for State / Federal assistance, should it become available. A careful record must be maintained of all regular time and overtime during which personnel and equipment are employed. Obtain detailed receipts for all local purchases, including meals. Keep a record of parts and supplies used, through city invoices. All such records are subject to an in-depth audit; so completeness and accuracy are essential. If it isn't documented, it did not happen.

Emergency Shelters Location

City Shelters:

Location: M.D. Cleveland Civic Center
Anderson Avenue @ College Street
Westminster, SC

Facilities: Kitchen with sink (no stove)
Men & Women restrooms with showers

Red Cross Evacuation Shelters:

Locations: Westminster Elementary School
206 Hamilton Drive
Westminster, SC

Westminster Baptist Church
212 E. Windsor Street
Westminster, SC

First Baptist Church
426 West-Oak Hwy
Westminster, SC

Relax Inn Motel
100 West Windsor Street
Westminster, SC

EOC Control and Succession

Emergency field operations will normally be handled and mitigated by those departments and department heads that are responsible for controlling such emergencies.

However, during some disasters, extraordinary and unusual incidents tax the entirety of the city government, requiring the coordination, planning, and decision-making of various inside and outside agencies. In these cases, overall power, command and control must reside with one person within the EOC.

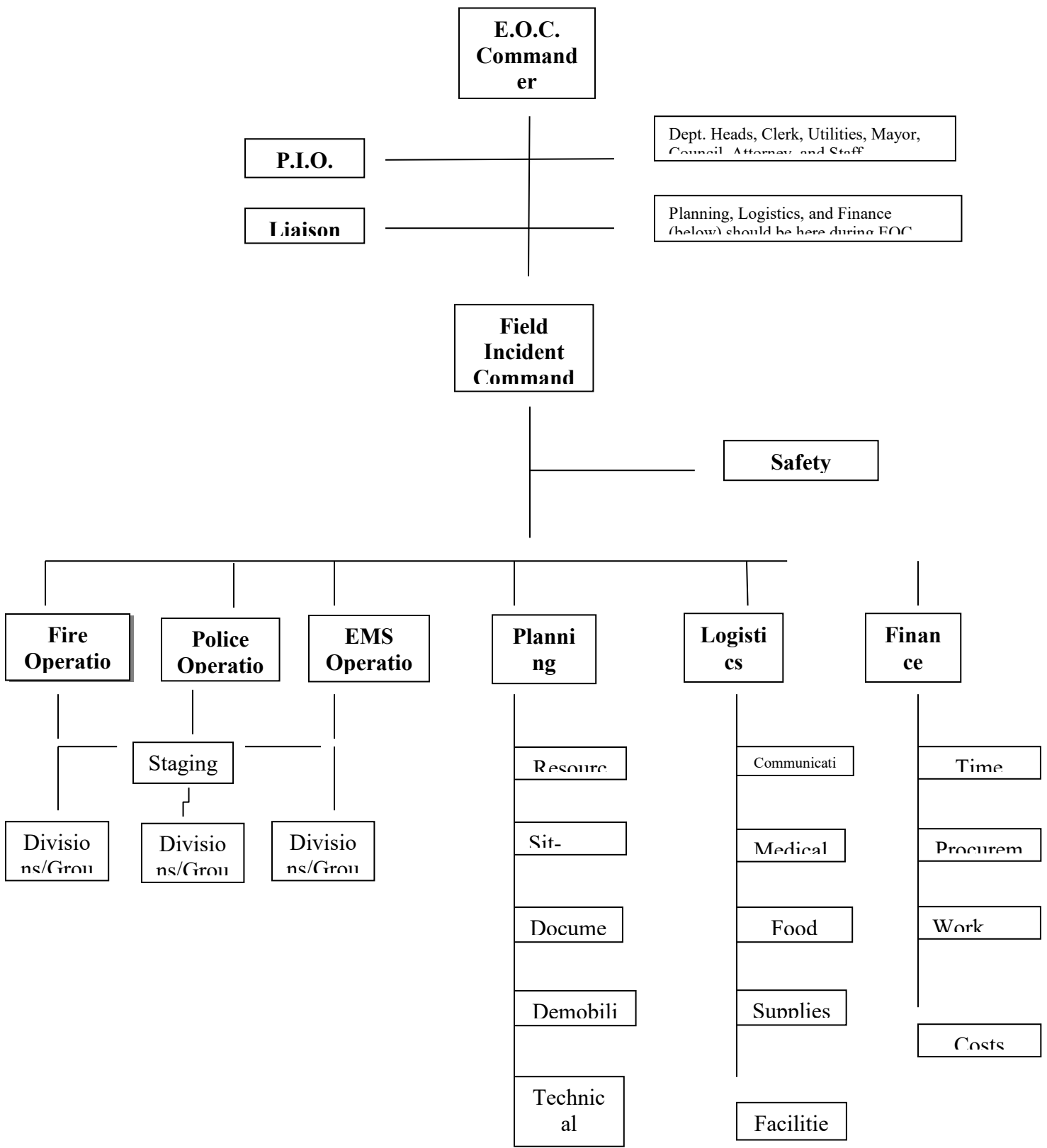
The line of succession, direction and control of the person in charge of the EOC shall be as follows:

1. City Administrator
2. In the absence of the City Administrator, next in succession of authority for city emergency preparedness operations would be the Fire Chief or his delegate.
3. In the absence of the Fire Chief, next in succession of authority for city emergency preparedness operations would be the Police Chief or his delegate
4. In the absence of the Police Chief, the next in succession would be a designated Department Head or city employee, as determined by the City Administrator.

The person who is assigned primary operational control of the EOC may call upon any department, supplier or agency for any means of support or assistance which he/she deems necessary to mitigate the emergency.

During times of disaster, the person in charge of the EOC shall have complete and unquestioned decision making power and control.

****** Incident Flow Chart on following page:**



City of Westminster – Primary Incident Commander and Support Agencies

Disaster Incident Examples	IC	Support	Assisting Agencies
Accidents, MVA w/ injuries	Fire	Police, Street, Utilities	EMS, Rescue, SCHP
Aircraft Crash	Fire	Police, Street, Utilities	EMS, Rescue, SCHP, FAA, NTSB, ARC
Bomb, Bomb threat, Explosives	Police	Fire	EPD, EMS, Rescue, Co. & State Law
Building Collapse	Fire	Police, Street, Utilities	EPD, Special Res, EMS, Contractors
Casualty, Mass	Fire	Police	EPD, EMS, Coroner, Schools, Funeral H.
Cave In, Trench, Confined Space	Fire	Utilities, Police	EPD, Special Resc, Rescue, EMS
Civil Disturbance	Police		County and State Law Enforcement
Electrical Power / Water Outage	Utilities	Fire, Police	EPD
Explosion or bomb detonation	Fire	Police	EMS, SLED, EPD, ATF, ARC
Fire (Structure / Personal Property)	Fire	Utilities, Police	Rescue, EMS, ARC
Fire (Forest / Brush)	Fire	Utilities, Police	Rescue, State Forestry
Flammable, Toxic Liquid Spill	Fire	Police	Haz-mat, Rescue, DHEC, EMS,
Flooding (street and residence)	Fire	Police, Utilities, Street	State / County Public Works, ARC, EPD
Gas Vapors / Leakage	Fire	Police, Utilities, Street	Haz-mat, Rescue, EMS, DHEC
Hazardous Materials Spill, leak	Fire	Police, Utilities, Street	Haz-mat, Rescue, EMS, DHEC, EPD
Nuclear Materials Spill / leak	Fire	Police, Utilities, Street	EPD, DHEC, NRC, DOE, Rescue, EMS
Pollution of Water Supply	Utilities	Police, Fire	EPD, DHEC
Railroad accident / derailment	Fire	Police, Utilities, Street	EPD, CSX, Norfolk, EMS, SCHP, NTSB
Snowstorms (heavy blizzard / ice)	Street	Utilities, Police	State / County Highways
Terrorist Actions or Hostage	Police	Fire	EPD, FBI, ATF, DHS, SLED
Tornado (high wind damage)	Fire	Utilities, Street, Police	EPD, Contractors, ARC
Water Supply failure / Sabotage	Utilities	Police	EPD

ARC – American Red Cross
 ATF – Alcohol, Tobacco & Firearm
 EPD – Emergency preparedness Director
 DOE – Dept. of Energy
 FAA – Federal Aviation Admin.
 FBI – Federal Bureau of Investigation
 NTSB – National Transp. And Safety Board
 NRC – Nuclear Regulatory Comm.
 SCHP – SC Highway Patrol
 SLED – SC Law Enforcement Div.

DEPARTMENTAL ACTIVITIES AND EMERGENCY TASK ASSIGNMENTS

The following section is a listing of those task assignments for which each and every department is responsible, during a disaster. These task assignments apply to practically all hazards and emergency situations. The duties are not necessarily all-inclusive, but will involve some of the most urgent tasks which each department is responsible for accomplishing. The exercise of individual judgment, initiative, common sense, awareness, urgency, cooperation and coordination is essential for accomplishing these emergency task assignments.

The following department and agencies are responsible for developing, maintaining, and practicing their own internal emergency plans and operating procedures, to be confident of their capacity to carry out assigned tasks and responsibilities:

MAYOR AND CITY COUNCIL

The City of Westminster operates under a Council / Administrator form of government. In a disaster, difficult decisions which impact the City are often decided by City Council, as overseen by the Mayor.

The Mayor and City Council assume ultimate responsibility for and to the employees and citizens of Westminster, for the state of emergency preparedness and for the capability of the City to cope with and recover from emergencies and disasters. Other duties of the Mayor and Council include:

- Calm and inform the populace of the situation and of public actions required, with the Public Information Officer.
- Make emergency policy decisions governing the direction of the disaster situation.
- Sign mutual-aid agreements with adjoining departments.
- Authorize requests for aid from the State and Federal governments, as needed.
- Support, empower, encourage emergency responders.

SAFETY DIRECTOR

The Safety Director informs the Mayor and the members of City Council that an existing or impending disaster has been verified and that the city's Emergency Operations Center (EOC) will be activated. The Safety Director role will be filled by the City Administrator then the Fire Chief, then the Police Chief.

- Activates the City EOC or City Hall, as necessary.
- Takes charge of and coordinates all departments, services and resources within the EOC.
- Receives and responds to reports from Incident Commander at the disaster scene.
- Works with the P.I.O., Mayor and Council to coordinate all public information; to ensure that the news media is accurately informed of current situations and conditions.
- Ensure that the Mayor and members of City Council are kept abreast of emergency operations.
- Supervises the operation of city departments for the efficient performance of duties in the disaster area, by utilizing the respective department heads/managers.
- Prepares, maintains and operates the city disaster plan, operational plans and EOC during an emergency.
- Coordinates increased readiness actions and emergency preparedness training, through supervision and drills.

CITY CLERK

- Maintains a list of and contracts with emergency resources, contractors, and vendors, as requested and as needed by the various department heads.
- Coordinates the maintenance of detailed time, resources, equipment and personnel records to support claims for State / Federal financial assistance.
- Provides financial information, authorized and needed
- Provides payment to employees, contractors, vendors and outside agencies, to help mitigate and respond to the emergency.

PUBLIC INFORMATION OFFICER

- Prepares pre-approved news release text that are easy, “fill in the blank” format, which may be reviewed by the Mayor and City Council, and released to the media.
- Coordinates with other PIO’s, involved with the incident, in order to provide consistent information to the public.
- Maintains a Liaison with the news media.
- Establishes a news media briefing room.
- Briefs the news media at regular, periodic intervals.
- Controls the news media reports and photographers from interfering with emergency operations, assisted by the police as required.
- Serves as a central clearing house for media information.
- Serves as the source through which media will gain information from and access to public officials, if required. The Mayor will be the visible city head, when available.
- Establishes procedures for the flow of information to the public in an emergency / disaster situation.
- Prepares and maintains lists of newspapers, radio, and television stations, including the names and numbers of their key personnel and contact points.
- Publicizes the telephone number(s) of the “Public Information Center” where the public may obtain official disaster updates and information.

CITY ATTORNEY

- Prepares pre-approved emergency ordinances for special actions to be taken, such as curfews, the restricting of alcohol, firearm, or gasoline sales; “State of Emergency”, etc. Planning, before an event occurs, lessens the time needed to pass emergency ordinances.
- Meets with city officials to render legal advice.

FIRE CHIEF

- Assumes primary operational control of fire suppression, fire code enforcement, rescue, life safety, explosion, and haz-mat operations.
- May fill role as Safety Director as needed during emergency.
- Develops Emergency Action Guidelines and SOP’s for members within the fire department.
- Ensures that the Incident Command procedures have been implemented.

- Responds to the EOC and/or field command post, as conditions dictate.
- Ensures that (2) two members of the Fire Department are stationed at the EOC, when operating.
- Ensures that mutual aid agreements have been arranged with other jurisdictions, as necessary.
- Assists in the initial damage assessment, including fatalities and injuries, and updating such assessments.

POLICE CHIEF

- Assumes primary operational control of law enforcement, traffic and crowd control, security of emergency, traffic and crowd control, security of emergency area, bomb threat or detonation, civil disorder, hostage or terrorist situations.
- May fill role as Safety Director as needed during emergency.
- Ensures that (2) two members of the Police Department are stationed at the EOC.
- Responds to the EOC and/or field command post, as conditions dictate.
- Exercises traffic and crowd control.
- Secures the Emergency Scene.
- Develops evacuation routes, methods, and plans.
- Develops SOP's for the Police Department.
- Assists displaced/threatened citizens.
- Arbitrates emergency related differences between landlords and tenants.

UTILITY DIRECTOR

- Provides for domestic, commercial, and emergency water supplies and sewage disposal.
- Provides for uninterrupted supply of domestic, commercial, and emergency electrical generation.
- Provides for the proper operation, maintenance and supply of fire hydrants and water supply systems.
- Provides heavy equipment and operators, as needed.
- Coordinates and contracts with local contractors to obtain additional equipment and operators.
- Performs initial damage assessment and revisions, concentrating on streets, bridges and waterways.
- Cleans streets: conducts snow, tree and debris removal.

AMERICAN RED CROSS

- Responds as requested to emergency situations in accordance with ARC directives.
- Provides for traditional emergency needs of evacuees.
- Coordinates activates of other volunteer agencies.
- Provides rest areas for emergency workers.

SUPERINTENDENT, SDOC

- Conducts disaster training for both students and staff.
- Furnishes school buses and drivers during evacuations.
- Makes school facilities available as evacuation centers, aid stations as required.
- Performs initial damage assessment in schools.
- Prepares to evacuate children from schools.
- Prepares to recall essential workers for school cafeteria, maintenance, and security workers.

Primary Responders Telephone List

1. City Administrator 864-557-1935
Kevin Bronson
2. Fire Chief 864-557-0543
Micheal Smith
3. Police Chief 864-482-1883
Matt Patterson
4. Utility Director 864-280-2171
Kevin Harbin
5. City Clerk 864-247-0895
Rebecca Overton

RESOLUTION NO. 11-15-2022-02

A RESOLUTION COMMITTING TO CELEBRATE AND PROMOTE ARBOR DAY AND ITS IMPORTANCE IN THE CITY OF WESTMINSTER

WHEREAS, the City of Westminster, South Carolina (the “City”) is a legally constituted municipal corporation incorporated by Act No. 744 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1875, and maintains a combined utility system (the “System”); and

WHEREAS, Arbor Day was established in the 1800’s with an estimated one million trees planted on the very first Arbor Day; and

WHEREAS, in 1934 the South Carolina General Assembly picked the first Friday in December as Arbor Day in South Carolina because December is the most ideal time for planting trees in the Palmetto State as trees are dormant and it tends to be rainy; both are factors in reducing the shock of transplanting trees; and

WHEREAS, trees are needed in abundance to provide oxygen as they are one of the longest living organisms on earth; and

WHEREAS, planting trees diminish energy costs by serving as shade and windbreakers and trees increase property values and beautify the entire community; and

WHEREAS, the City Council regards these enhancements as high priorities to enjoy and ensure for future generations; and

WHEREAS, in order to publicly affirm its commitment to Arbor Day and to embody its concern for the common good, the Council has determined to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council hereby proclaim the December 2, 2022 as Arbor Day in Westminster, SC.

DONE AND ADOPTED IN COUNCIL ASSEMBLED, this 15th day of November 2022.

CITY OF WESTMINSTER, SOUTH CAROLINA

Brian Ramey, Mayor

[SEAL]

Rebecca Overton, City Clerk

ASSIGNMENT AND ASSUMPTION AGREEMENT

For Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **TOTAL ENVIRONMENTAL SOLUTIONS, INC.**, (“Assignor”) hereby assigns to **CSWR-SOUTH CAROLINA UTILITY OPERATING COMPANY, LLC** a South Carolina limited liability company (“Assignee”) all of its right, title and interest in and to the Water Supply Agreement by and between Assignor and City of Westminster, South Carolina, as set forth on Exhibit A attached hereto (the “Water Contract”).

Any capitalized terms not expressly defined herein shall have the meaning set forth in that certain Agreement for Sale of Utility System dated February 4, 2021, by and between Assignor and Assignee, or its affiliate. (the “Agreement”).

Assignee hereby assumes and agrees to perform all of the obligations of Assignor under the Water Contract, to the extent any such obligations accrue and are applicable to periods from and after the date hereof or which accrue prior to the date hereof for which Assignee received a credit on the closing statement of even date herewith between the parties (or pursuant to any post-closing adjustment thereof).

Assignor hereby agrees to indemnify, defend and hold harmless Assignee and its affiliates from and against any and all liabilities, claims, costs and expenses, including, without limitation, reasonable attorney’s fees, relating to acts or omissions accruing under the Water Contract prior to the date hereof. Assignee hereby agrees to indemnify, defend and hold harmless Assignor and its affiliates from and against any and all liabilities, claims, costs and expenses, including, without limitation, reasonable attorney’s fees, relating to acts or omissions accruing under the Water Contract from and after the date hereof or with respect to obligations otherwise assumed by Assignee herein. The Agreement contains provisions which govern actions for indemnity under any document or instrument executed pursuant to the Agreement to which reference is here made for all purposes. The obligations of the parties hereunder shall survive the Closing.

If any litigation between Assignor and Assignee arises out of the obligations of the parties under this Assignment and Assumption Agreement or concerning the meaning or interpretation of any provision contained herein, the losing party shall pay the prevailing party’s costs and expenses of such litigation including, without limitation, reasonable attorneys’ fees.

This Assignment and Assumption Agreement may be executed and delivered in any number of counterparts, each of which so executed and delivered shall be deemed to be an original and all of which shall constitute one and the same instrument. Signatures to this Assignment and Assumption Agreement transmitted by telecopy or electronic transmission (for example, through use of a Portable Document Format or “PDF” file, or electronic signature software, such as “DocuSign”) shall be valid and effective to bind the party so signing.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Assignor and Assignee have executed this Assignment as of November ____, 2022.

ASSIGNOR:

TOTAL ENVIRONMENTAL SOLUTIONS,
INC., a Louisiana corporation

By: _____
Wayne Owens, CEO

ASSIGNEE:

CSWR-SOUTH CAROLINA UTILITY
OPERATING COMPANY, LLC, a South Carolina
limited liability company

By: Central States Water Resources, Inc., a Missouri
corporation, its manager

By: _____
Josiah M. Cox, President

Agreed and Accepted by:

CITY OF WESTMINSTER, a municipality and body politic
Located in Oconee County, South Carolina

By: _____
Name: _____
Title: _____

Exhibit A to Assignment and Assumption Agreement

EXHIBIT A

WATER SUPPLY AGREEMENT

TOTAL ENVIRONMENTAL SOLUTIONS, INC.

AND

CITY OF WESTMINSTER, SOUTH CAROLINA

FOXWOOD HILLS WATER SYSTEM

THIS AGREEMENT, made and entered into on this 22nd day of August, 2005, by and between Total Environmental Solutions Inc. a Louisiana Corporation (hereinafter "Utility"), and the City of Westminster ("City"), a municipality and body politic located in Oconee County South Carolina (Utility and City collectively referred to as the "Parties").

WITNESSETH

WHEREAS, Utility is the exclusive provider of water service to the public in its Service Area located in Oconee County, South Carolina, known generally as "Foxwood Hills" (hereinafter referred to as the "Utility Service Area"), and more fully described in **Exhibit 1**; and

WHEREAS, the Parties acknowledge Utility's continuing and exclusive right to serve the Utility Service Area; and

WHEREAS, City is now providing the bulk water to Utility for Utility's existing customers within the Utility Service Area; and

WHEREAS the Parties desire to enter into a new bulk water supply agreement incorporating the terms of that service (hereinafter referred to as the "Agreement").

NOW, THEREFORE, in consideration of the above acknowledgments and recitals which shall be deemed an integral part of this Agreement and of the mutual covenants as hereinafter set forth, the Parties hereto agree as follows:

Section 1

Purpose

1. This Agreement creates a contract through which the Parties agree that shall sell and Utility shall purchase all potable water from City's water system necessary for the Utility to provide water service to its present and future customers within the current and any future expanded Utility Service Area. All terms and conditions contained herein shall be read and interpreted in a manner consistent with and in furtherance of this purpose and intent and consistent with the laws of South Carolina governing contracts by a municipality.

Section 2

Supply Service

2. City shall provide water to Utility through City's water mains that interconnect to the Utility's water distribution system at the existing interconnection location (the "Interconnection Point"). City maintains a six-inch Master Meter at the Interconnection Point. The Master Meter on City's side of the Interconnection Point is or shall become the property of City. City will maintain the accuracy and function of all such Master Meters at its sole expense. Neither Party shall make any changes to the Interconnection Point without the prior approval of the other Party. Any such changes shall meet all applicable code requirements and regulatory standards.

3. City shall use its best efforts to provide the necessary water supply capacity and pressure needed by Utility to service Utility's current and future customers within and outside of the Utility Service Area. This will include adequate pressure of at least 120 psi at the

Interconnection Point. Utility presently provides service only to Customers within the Utility Service Area described in Exhibit 1. If Utility either expands the current Utility Service Area, or establishes relationship(s) with customers outside of the Utility Service Area (collectively the "Expanded Area"), the Parties agree to amend this Agreement to reflect such expansion. City shall provide Utility with Service necessary for Utility to serve the proposed Expanded Area as long as 1) City has adequate capacity to service such expansion, and 2) at the time of the proposed expansion City is not providing service directly to retail end-users within the proposed Expanded Area.

4. City will provide water at the Interconnection Point equal to or exceeding all applicable state and/or federal drinking water standards and regulations. City is not responsible for any degradation in the quality of the water after it passes the Interconnection Point and enters the Utility's system. The Utility will not use alternative water sources as long as City meets the Utility's water demands. Should City fail to provide the Utility with adequate potable water with adequate pressure to meet the needs of Utility's customers, the Utility shall have the right to obtain alternative sources of water or, at Utility's sole option, terminate this Agreement.

5. City shall read its Master Meter at periodic intervals of approximately thirty (30) days to determine the amount of water provided by City to Utility. The volume of water measured through the Master Meter shall be used to calculate monthly service charges. Utility shall pay City these monthly service charges on or before the due date indicated on the monthly bill. Such due date shall, in no event, be sooner than twenty (20) days from the date City mails the bill to Utility. In the event that Utility fails to make payment of any bill by the due date, City may, at its discretion and after providing written notice to the Utility, charge a one-time late fee

equal to 10% of the unpaid bill.

6. Utility shall pay City monthly service charges for all water provided under the terms of this Agreement in accordance with the following monthly rates:

Meter Charge (6 inch meter):	\$ 352
0-1,000,000 gallons:	\$ 2.53 /1,000 gallons
over 1,000,000 gallons:	\$ 1.49 /1,000 gallons
DHEC meter charge:	\$.30

7. City may increase the billing rates set forth in the immediately preceding paragraph by appropriate official action of the City. City agrees to provide Utility at least ninety (90) days written notice before implementing any new rates. City agrees that rates and charges to Utility shall be at least as favorable as rates and charges City applies to its most-favored bulk water customers who are purchasing water for resale. City may meet this obligation through a volume sensitive rate structure providing per-gallon rates that decrease as the customer's total usage increases, as long as City offers to Utility the same volume-sensitive rate structure as that most-favored customer.

8. City acknowledges that Utility has received and paid for water service from City and/or its predecessor, the Westminster Commission of Public Works, since January 2001, and that Utility has paid a \$2,500 deposit that is currently in City's possession. City shall return this deposit to Utility if, during any consecutive twelve (12) month period, there are 1) no returned checks; and 2) no disconnections for non-payments; and 3) no assessed late fees. In the event that City returns the current deposit, City may require Utility to pay another \$2,500 deposit if, during any consecutive twelve (12) month period 1) there are two or more returned checks; or 2)

City disconnects the Utility three or more times for non-payment; or 3) City assesses six (6) or more late fees. City shall return any future customer deposits pursuant to the provisions set forth herein.

Section 3

PSC Authorization

9. This Agreement is expressly contingent upon the written approval of this Agreement in its entirety by the South Carolina Public Service Commission ("PSC"). The Parties agree to cooperate (and, if necessary, actively participate) in securing the PSC approval for this Agreement in its entirety. City's participation in any PSC approval proceeding will not be deemed to subject City to the jurisdiction of the PSC.

Section 4

Exclusive Supply Commitment and Exclusive Water Service

Commitment

10. As long as City is able to meet the Utility's water needs pursuant to the terms of this Agreement, the Utility agrees not to utilize alternative water supply sources. However, the Utility may retain any existing wells and supply facilities as an emergency back-up to be used in the event City is unable to provide the necessary and/or sufficient water supply capacity to meet Utility's service demand requirements. The Utility will provide City reasonable access to its wells, supply facilities, and records, if any, in order to verify that Utility is not using water from other sources in violation of this exclusive supply commitment.

11. City acknowledges the Utility's continuing and exclusive right to provide water service to customers within the Utility Service Area and shall not provide water service to any other customer or entity that would conflict in any way with Utility's provision of water service to customers within the Utility Service Area. City agrees to immediately terminate its provision of any such conflicting service upon receipt of written notice of the conflict from Utility. The Parties acknowledge that their recognition of the Utility Service Area as set forth herein does not denote or place upon Utility any obligation to serve customers within the Utility Service Area, such obligation being generally governed by applicable statutes, rules, and regulations of the State of South Carolina, and rulings of the PSC, if any. The provisions of the paragraph shall survive any termination or expiration of this Agreement.

Section 5

Term

12. This Agreement shall have an initial term of ten (10) years commencing on the date of execution of this Agreement. At the end of this term, the Agreement shall continue on a year-to-year basis ("Extension Term"), unless renegotiated by the Parties. During any Extension Term, the Parties agree that any party wishing to cancel the Agreement must give written notice of its intention to cancel at least one (1) year prior to the natural expiration of the Extension Term. Said Agreement shall not be considered an obligation on the part of City or Utility to perform in any way other than as indicated in this Agreement.

Section 6

General Provisions

13. The Parties acknowledge that Utility may provide wholesale and/or retail water service to areas and customers outside Utility Service Area, subject to the expansion requirements set forth in paragraph 3, above. This acknowledgment is conditioned upon Utility's corresponding agreement not to provide such expanded service 1) directly to any other bulk-service customer to which City is directly providing service, or 2) in any geographic service area where City is providing service directly to retail end-users.

14. This Agreement contains all of the terms and provisions of the Agreement between the Parties from the date of its execution and all prior negotiations are merged into this written agreement. No amendment or alteration shall be binding unless both Parties have executed a written instrument amending this Agreement. Whenever one Party gives notice to the other Party concerning any of the provisions of this Agreement, such notice shall be given to all addresses below by certified mail, return receipt required. Said notice shall be deemed given when it is deposited in the United States mail with sufficient postage prepaid (notwithstanding that the return receipt is not subsequently received).

Notices shall be addressed as follows:

CITY OF WESTMINSTER

P.O. Box 399
Westminster, South Carolina 29693
Attn: City Administrator

TOTAL ENVIRONMENTAL
SOLUTIONS, INC
PO Box 14056
Baton Rouge LA 70898-4056
Attn: Mr. Paul E. Maeder

with copy to:

John F. Beach
Ellis Lawhorne & Sims, P.A.
P.O. Box 2285
Columbia, SC 29202

These Addresses may be changed by giving notice as provided for in this paragraph.

15. No waiver of breach of any of the terms of this Agreement shall be construed to be a waiver of any preceding and/or succeeding breach.

16. Utility hereby agrees to defend, indemnify, and hold harmless City from any and all liability and/or damages arising out of Utility's distribution and sale of water City has provided under this Agreement, as long as City has met all of its obligations under this Agreement.

17. City hereby agrees to defend, indemnify, and hold harmless Utility from any and all liability and/or damages arising out of or caused by City's distribution and sale of water to Utility under this Agreement, as long as Utility has met all of its obligations under this Agreement.

Section 7

Default

18. If either Party materially fails or defaults in keeping, performing, or abiding by the terms and provisions of this Agreement, then the non-defaulting Party shall give written

notice to defaulting Party specifying the nature of the default. If the defaulting Party does not cure the default within thirty (30) days after the date of written notice, then this Agreement, at the option of the non-defaulting Party, shall terminate. Neither Party shall be relieved of liability to the other for damages sustained by virtue of any Party wrongfully exercising this provision. This paragraph is not intended to replace any other legal or equitable remedies available to any non-defaulting Party under South Carolina law, but it is in addition thereto.

19. BREACH OF AGREEMENT: In addition to all other available remedies at law or in equity, the Parties agree that no adequate remedy at law exists with respect to the damages resulting from a breach of this Agreement. Accordingly, the Parties agree that, at the option of the aggrieved Party, specific performance of the Agreement will be a proper remedy upon a proper showing of a breach of this Agreement by either Party in a court of competent jurisdiction hearing any such dispute. In addition to the above-described remedy the aggrieved Party may seek monetary damages, attorney's fees, and costs.

Section 8

Force Majeure

20. If, by reason of force majeure, either Party hereto shall be rendered unable in whole or in part, to carry out its obligations under this Agreement, then, and in that event, said Party shall give notice in writing to the other Party within a reasonable time thereafter, giving the full particulars of such force majeure. The obligations of the Party so affected shall thereupon be suspended and such suspension shall continue during the period in which such inability continues; provided, however, that the disabled Party shall endeavor with all reasonable dispatch, to remove

or overcome such liability.

21. The term "force majeure" shall mean acts of God, strikes, lockouts or other industrial disturbances, acts of the public enemy, orders of the PSC and courts of this State, orders of any kind of the government of the United States or the State of South Carolina, or any military authority, insurrection, riots epidemics, landslides, earthquakes, fires, storms, hurricanes, floods, wash-outs, droughts, arrests and restraints of government and people, civil disturbances, or inability of Utility to receive water hereunder for any reason or cause not reasonably within the control of the Utility.

Section 9

Miscellaneous Provisions

22. In the event the Utility disputes the accuracy of any Master Meter reading, it must notify City in writing within ninety (90) days of billing and request City demonstrate through appropriate calibration testing that the Master Meter is functioning properly and accurately in accordance with manufacturer's standards and specifications. All Master Meter readings not disputed within ninety (90) days of billing receipt by Utility are final and not subject to dispute. In the event Utility disputes the billing, it shall pay the disputed amount billed by City unless otherwise arranged with City. If it is subsequently determined that the billing is in error, then City will reimburse Utility for any difference between the actual billing and the otherwise correct billing within thirty (30) days of such determination. If City's Master Meter is not working properly or accurately, City shall immediately repair, or, if necessary, replace the Master Meter at City's sole cost. In the even of any unresolved dispute concerning the Master Meter's

performance or accuracy, the Parties shall mutually select an independent testing company qualified to perform appropriate tests upon the Master Meter. The decision of this mutually selected testing company as to the Master Meter's performance or accuracy shall be binding upon the Parties. In the event the Master Meter is determined to be accurate within the range of tolerance, then Utility shall pay the cost of testing. If the Master Meter is determined to be inaccurate and outside the range of tolerances, then City shall pay the cost of testing.

23. The Parties shall, upon request of the other, execute and deliver such other documents and instruments and take other actions as may be reasonably required to carry out the intent of this Agreement.

24. Utility will submit this Agreement for PSC approval within twenty (20) days of execution by City.

25. This Agreement shall be binding upon the heirs, representatives and assigns of the Parties hereto unless otherwise specified herein, and the provisions hereof shall constitute covenants running with the land for the benefit of the heirs, representatives and assigns of the Party.

[Signature page to follow]

IN WITNESS WHEREOF, the Parties have here unto set their hands and seals the date first above-written:

CITY OF WESTMINSTER,
SOUTH CAROLINA

Attest: Gail W. Llanos

By: [Signature]

Attest: Jennifer D. Adams

Its: CITY ADMINISTRATOR

TOTAL ENVIRONMENTAL SOLUTIONS
INC.

Attest: [Signature]

By: [Signature]

Attest: [Signature]

Its: CHIEF EXECUTIVE OFFICER

Mission and Scope of Responsibilities of the Special Events Committee

Mission Statement: *The appointed Special Events Committee will serve as an ad hoc group working on the City's behalf to develop and support events that bring visitors to Westminster. It will work directly with organizers and interested individuals seeking to promote and hold events in Westminster and serve as a point of contact (POC) for City staff and officials.*

Responsibilities:

- To serve as the go-between between City officials and staff, and those interested in hosting a special event that will draw visitors to Westminster.
- To evaluate proposed events for purpose and to determine if these would be a good fit for Westminster.
- To coordinate and plan the annual special events being conducted in Westminster

Resources:

- The City will set aside funding in the HTAX portion of the City's ATAX/HTAX Fund for the Committee to use for expenses relating to coordinating events.
- The City will allow use of its meeting spaces for Special Event Committee Meetings. The point of contact for staff support will be Rebecca Overton @ 864-647-3212 or roverton@westminstersc.org

Appointed Committee Members (2-21-2017)

- Katie Campbell.
- Sarah Moore.
- Tonya Watkins
- Tracy Sanders.

2019-2020 PR/Events Committee Planned Budget and Events Draft

Month	Event	Budget
August	Warriorama	\$100
September	9/11 Recognition	\$100
	Fall Decorating	\$150
October	Bluegrass Jam	\$800
	Car Show	
	Hanging of the Quilts	
	Bigfoot Festival	\$1,500
	Boo on Main	\$300
November	Christmas Decorations	\$800
	Veteran's Day Recognition	\$300
	Small Business Saturday	\$150
December	Christmas Parade/Tree Lighting	\$1,000
	Tour of Homes	\$300
	NYE Ball	\$1,200
January		
February	Sweetheart Dinner	\$300
March	Birthday Bash	\$600
April		
May	Bluegrass Jam	\$600
June	July 4th Prep	\$400
Extra	Promotional Items	\$250
	Popcorn Machine, Inflatable Bounce House, Inflatable Projector Screen/Projector	\$1,150

Explanation of Events:

Warriorama — The committee will partner with WOHS and their organizations to help organize and promote the annual Meet the Warriors event. It is planned for August 16th. We will work with local churches and businesses to offer them free spaces at Warriorama to promote themselves and provide free handouts to the students.

Fall Decorations — We will utilize the pumpkins that have been planted in the community pumpkin patch for decorating main street. We will also use decorations from the previous years, and anything new that we may need to spruce up the town for the fall activities.

9/11 Recognition — We plan on organizing a short memorial in remembrance of 9/11.

Bluegrass Jam — We will sponsor this event by providing portables for public restrooms, and advertising.

Bigfoot Festival — We will sponsor this event by providing additional advertising and portables for public restrooms.

Boo on Main — We will sponsor this event by providing candy.

Christmas Decorations — We will purchase additional decorations to go along with what we have left from previous years. We will also continue to purchase the Christmas tree from the boy scout's tree farm as we have been doing.

Veteran's Day — We plan on organizing a Veteran's Day gratitude event to recognize local veterans.

Small Business Saturday — We will be applying to be an American Express Small Business Saturday sponsored city to help our local businesses promote themselves during the holiday shopping season.

Christmas Parade/Tree Lighting — We will secure a Santa for the parade, candy, refreshments for the tree lighting.

Tour of Homes — We will be available to partner with this event to provide additional help and advertising as needed.

New Years Eve Ball — This is a new event that we are looking to organize by partnering with other organizations within in the town to provide citizens a fun night to ring in the New Year.

Sweetheart Dinner — This is a new event that we are looking to organize by partnering with other organizations within the town to provide couples a night out in honor of Valentine's Day. We will arrange a children's activity night while the adults enjoy a nice dinner.

Birthday Bash — Westminster's annual birthday celebration.

Bluegrass Jam — We will again provide advertising and portables, if needed, depending on the amount of available restrooms from businesses on Main Street.

July 4th — We plan to partner with the Sons of American Legion and sponsor their event.

Extras: We also plan to purchase a few items that can be reused for multiple events in the city and that we can provide at other organizations events as well (popcorn machine, inflatable projector screen and projector, inflatable bounce house).

These are all estimates of what we will be doing throughout the year, but are available to partner with other events that may come up as needed. We are also planning to have a special spring meeting where organizations can come and let us know how we can help them promote their future events for 2020-2021.

Our meeting schedule is currently as follows, but is subject to change:

August 14th
September 4th
October 9th
November 13th
December 11th
January 8th
February 12th
March 11th
April 8th
May 13th
June 10th

All meetings are held at City Hall at 6:30. Other meetings may be scheduled depending on preparation for upcoming events.