

**AGENDA**  
**PLANNING COMMISSION**  
**City of Westminster**

**Monday, October 30, 2023**

**6:00PM**

**Regular Meeting**

**Westminster City Hall**  
**100 E. Windsor St,**  
**Westminster, SC 29693**

## **Westminster Planning Commission**

**October 30, 2023 meeting**

**6:00pm- City Hall**

### **Call to Order**

### **Invocation and Pledge of Allegiance**

### **Certification of Quorum**

### **Routine Business**

#### **Item #1: Approval of Minutes from September 18, 2023**

### **New Business**

#### **Item #2: Nominations of the Chair and Vice-Chair.**

The new bylaws, adopted by City Council at their September 12 meeting, necessitates the election of a Chair, Vice-Chair, and Secretary. After tabling the item until this month's meeting, the Planning Commission requested an update on terms for the commission to inform their election process:

<b>Name</b>	<b>Term Expires (Dec. 31)</b>
Jarrold Brucke	2020
Sandra Powell	2021
Ben Lewis	2022
Larry Dellinger	2023
Truman Holdbrooks	2024

At the October 10 City Council Meeting, the Council directed staff to inquire which members with expired or expiring terms wish to continue serving, and indicated a willingness to renominate members who would like to serve again.

#### **Item #3: Westminster Zoning Ordinance- Public Hearing**

Staff has worked closely with zoning attorney and consultant Spence Wetmore to update the Zoning Ordinance, based on feedback from the Planning Commission and City Council during two joint meetings in 2022. City Council has formally remanded the Zoning Ordinance to Planning Commission for review. State law requires us to have a public hearing for the Zoning Ordinance, to be held today by the Planning Commission.

Staff has further identified the parking requirements for fast-food restaurant parking as an area of potential improvement. Currently, we require 1 parking space for every 50 square feet of floor space. A typical fast-food restaurant would require over 80 spaces of parking, often more than what is available on available lots. For comparison, we require full-service restaurants to have 1 parking space for every 100 SQFT of space, despite doing a greater percentage of business in store (as opposed to drive thru or take out). See page 87.

*Staff recommends amending Appendix D from 1 parking spot per 50 SQFT to 150 SQFT.*

*Staff recommends approval of the Zoning Ordinance, as amended.*

### **Comments from Staff**

Next steps: Future Land Use Map

### **Adjourn**

**City of Westminster**  
**MINUTES OF THE PLANNING COMMISSION**  
**September 18, 2023, 6:00 pm**  
**Westminster City Hall**

The meeting was called to order at 6:00pm. In attendance were Sandra Powell, Ben Lewis, Larry Dellinger, Jarrod Brucke, and Truman Holbrooks

City Administrator, Kevin Bronson  
Assistant to the City Administrator, Reagan Osbon  
City Clerk, Rebecca Overton

**Approval of Minutes**

Upon a motion by Mr. Dellinger and seconded by Mr. Holbrooks, the motion to approve the August 21, 2023, meeting minutes passed unanimously.

**Nominations of the Chair, Vice-Chair, and Secretary**

Upon a motion by Mr. Lewis and seconded by Mr. Dellinger, the motion to table Chair and Vice-Chair nominations until the October meeting passed unanimously.

Upon a motion by Mrs. Powell and seconded by Mr. Dellinger, the motion to appoint Regan Osbon as Secretary passed unanimously.

**Workshop Review of Zoning Ordinance Updates**

Mr. Osbon reminded the Board that staff had been working closely with Zoning Attorney and consultant Spencer Wetmore to update the Zoning Ordinance based on feedback from the Planning Commission and City Council.

Mr. Osbon led the Board in a review of the updated Zoning Ordinance.

Upon a motion by Mr. Lewis and seconded by Mr. Brucke, the motion to remove the wording of "or continuous aluminum or fiber glass" of section 150.01 (B), Special Building Rules for Manufactured and Mobile Homes passed unanimously.

Upon a motion by Mr. Brucke and seconded by Mr. Lewis, the motion to increase the lot size in Rural Residential from 5 acres to 6 acres in Section 151.055 passed unanimously.

The Committee directed Mr. Osbon to prepare language to simplify Section 151.109 (G) to present at the next meeting.

**Adjourn**

Upon a motion by Mr. Holbrooks and seconded by Mr. Dellinger, the motion to adjourn the meeting passed unanimously.

(Minutes prepared by Rebecca Overton)

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Sandra Powell, Chairperson

## AN ORDINANCE TO REPEAL AND REPLACE THE WESTMINSTER ZONING CODE

\*NOTE: THIS ORDINANCE IS INTENDED TO REPEAL AND REPLACE THE ENTIRE ZDO. FOR DISCUSSION PURPOSES ONLY, THE FOLLOWING COLORS ARE USED TO HIGHLIGHT CHANGES FROM THE PREVIOUS CODE:

~~Indicates Matter Stricken~~

Indicates New Matter

Amended After Introduction, as of October 11, 2023

### TITLE XV:

### LAND USAGE

### CHAPTER 150: BUILDING REGULATIONS

#### § 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.~~

#### (B) Special Building Rules for Manufactured and Mobile Homes.

1. Construction. All manufactured and mobile homes must be placed on a permanent brick, permanent block, or other concrete reinforced foundation and shall be underpinned with brick or concrete block, or continuous aluminum or fiber glass sitting extending to the ground around the perimeter of the dwelling, and shall be anchored on at least each corner by steel cables or straps. Each dwelling shall have a 6'x6 concrete pad and shall include porch or decking around the home.
2. Water and Wastewater. Each lot containing a manufactured or mobile must have at least a three (3) inch diameter sewer riser pipe that is an approximate vertical position. All sewer connections shall be water tight. Tapped connections are prohibited. All sewer lines shall be properly vented and

shall be laid with sufficient earth cover to prevent breakages from vehicular traffic. If the lot is not connected to sewer, no manufactured or mobile home shall be permitted without a valid septic permit from the Department of Health and Environmental Control. The water supply and wastewater disposal systems of all manufactured and mobile homes shall be inspected and approved by the Building Official prior to the issuance of any Permits or Occupancy Certificates.

3. Abandoned or Nuisance Structures. Any mobile home which has been abandoned and is declared to be a nuisance under the terms of this Ordinance, shall be removed by the owner of the land. A mobile home shall be considered abandoned if:
  - a. it has been unoccupied for a period of more than one year; or
  - b. it has been deemed unfit by the Building Inspector, or Health Authority; or
  - c. If repairs needed exceed 75% of the structure's replacement value.
4. For any mobile home that does not comply with this section, the City is authorized to recover from the owner of an abandoned mobile home or from the owner of the land upon which such abandoned mobile home is located, the expense of removal and disposal.

(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~~ **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 CODE

## 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 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.~~

(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;~~ The most recently-adopted International Property Maintenance Code.
- (B) ~~DHEC Ordinance~~ The most recently-adopted International Fire Code
- (C) ~~2000 International Building Codes;~~ The most recently-adopted 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 <a href="#">R-6</a> <a href="#">R-1</a> <a href="#">RR</a>	Single-Family Residential District <a href="#">Single-Family Residential District</a> <a href="#">Single Family Residential</a> <a href="#">Rural Residential</a>
GR	General Residential District
PUD	Planned Unit Development
RM	Multi-Family Residential 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

(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

[Dimensional Requirements for each district may be found in Appendix A](#)

#### § 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) Non-commercial horticulture or agriculture.

- 4) Customary home occupation established under the provisions of § 151.139.
- 5) Accessory uses, including Accessory Dwelling Units, as defined in 151.137, provided that all conditions in §§ 151.135 and 151.136. 151.137 are met.

~~(3) — Unlighted, regulation size, or par three golf courses, including normal clubhouse and pro shop activities.~~

(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) Short-term Rentals, as defined in 151.103, provided that all conditions in 151.103 are met.
- 6) Boarding Houses, as defined in 151.103, provided that all conditions in 151.103 are met.
- 7) Outdoor recreational use, provided that:
  - a) Golf courses must be unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities
  - b) Other outdoor recreational uses should not create lighting, noise, or other adverse impact to neighboring residential lots; and
- 8) 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.
- 9) Temporary use in compliance with the provisions of §§ 151.220 *et seq.*

~~(6) — Boarding houses as defined by~~

~~(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.~~

(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; [see parking requirements in Appendix D.](#)
- (2) Chapter 152;
- (3) §§ 151.003 through 151.005; 151.019; 151.060; 151.100*et seq.*; 151.120*et seq.*; 151.185 *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.*; 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).~~
  - 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) [Non-commercial horticulture or agriculture.](#)
  - 4) [Customary home occupation established under the provisions of § 151.139.](#)
  - 5) [Accessory uses, see §§ 151.135 and 151.136. Accessory Dwelling Units are not permitted in this base zoning district.](#)
- (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).~~

- 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) Short-term Rentals, as defined in 151.103, provided that all conditions in 151.103 are met.
- 6) Boarding Houses, as defined in 151.103, provided that all conditions in 151.103 are met.
- 7) Outdoor recreational use, provided that:
  - a) Golf courses must be unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities
  - b) Other outdoor recreational uses should not create lighting, noise, or other adverse impact to neighboring residential lots; and
  - c) No structure on the property is within 50' of any property line.

(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) 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) Non-commercial horticulture or agriculture.
- 4) Customary home occupation established under the provisions of § 151.139.

- 5) Accessory uses, see §§ 151.135 and 151.136. Accessory Dwelling Units are not permitted in this base 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 §§ 151.220*et seq.*: ~~All conditional uses permitted in the R-25 One Family Residential District as shown in § 151.050(C).~~

- 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) Short-term Rentals, as defined in 151.103, provided that all conditions in 151.103 are met.
- 6) Boarding Houses, as defined in 151.103, provided that all conditions in 151.103 are met.
- 7) Outdoor recreational use, provided that:
  - a) Golf courses must be unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities
  - b) Other outdoor recreational uses should not create lighting, noise, or other adverse impact to neighboring residential lots; and
  - c) No structure on the property is within 50' of any property line.

(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)

#### §151.053 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 § 151.139.
- 4) Accessory uses, see §§ 151.135 and 151.136. Accessory Dwelling Units are not permitted in this base zoning district.

(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.

#### §151.054 R-1 Acre 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.

(B) Permitted uses. The following uses shall be permitted in any R-6 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) Non-commercial horticulture or agriculture.
- 4) Customary home occupation established under the provisions of § 151.107.
- 5) Accessory uses, including Accessory Dwelling Units, provided that all conditions in §§ 151.135 and 151.136, and 151.137 are met.

(C) Conditional uses. The following uses shall be permitted in any R- 1 Acre 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) Short-term Rentals, as defined in 151.103, provided that all conditions in 151.103 are met.
- 6) Boarding Houses, as defined in 151.103, provided that all conditions in 151.103 are met.
- 7) Outdoor recreational use, provided that:
  - a) Golf courses must be unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities
  - b) Other outdoor recreational uses should not create lighting, noise, or other adverse impact to neighboring residential lots; and
  - c) No structure on the property is within 50' of any property line.
- 8) 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.

#### § 151.055 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~~ 6.0 acres 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 (mobile homes are a conditional use and must follow requirements in Section C, below).
  - 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) Commercial horticulture, animal agriculture, or agriculture if the owner's residence is also located on the same lot
  - 5) Customary home occupation established under the provisions of § 151.139.

- 6) Accessory uses, including Accessory Dwelling Units, provided that all conditions in §§ 151.135 and 151.136, and 151.137 are met.

(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 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) Short-term Rentals, as defined in 151.103, provided that all conditions in 151.103 are met.
- 6) Boarding Houses, as defined in 151.103, provided that all conditions in 151.103 are met.
- 7) Outdoor recreational use, provided that:
  - a) Golf courses must be unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities
  - b) Other outdoor recreational uses should not create lighting, noise, or other adverse impact to neighboring residential lots; and
  - c) No structure on the property is within 50' of any property line.
- 8) 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.
- 9) A single mobile or manufactured home, provided that:
  - a) All Building Codes from Chapter 150.01(B) are met including rules regarding underpinning, securing the structure, sewage waste disposal, and abandoned or nuisance mobile home structures.
  - b) The structure includes a porch or deck attached to the home
  - c) All setback and dimensional requirements of Appendix A are met.
  - d) The lot has two parking spaces outside of any public right-of-way
  - e) The applicant demonstrates that the dwelling meets all health, safety, and general welfare requirements in local and state codes, along with approved Building, Fire, and Property Maintenance Codes

- f) The Building Official gives prior approval in writing and that the time between the date of the HUD seal on the used manufactured/mobile home and the date of the permit issued by Oconee County for that manufactured/mobile home not exceed ten years.
- 10) Recreational Vehicle Parks, if they meet the conditions in Section 151.109.

§ 151.056 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) One-family dwelling (mobile or manufactured homes must meet the conditions set forth in Section (C below);
  - 2) Two-family dwellings and garage apartments accommodating no more than two families per building (mobile or manufactured homes must meet the conditions set forth in Section (C below);
  - 3) Group dwellings, multi-family (apartments).
  - 4) Non-commercial horticulture or agriculture.
  - 5) Customary home occupation established under the provisions of § 151.139.
  - 6) Accessory uses, see §§ 151.135 and 151.136. Accessory Dwelling Units are not permitted in this base 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).~~

- (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 §§ 151.220 *et seq.*

- 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) Short-term Rentals, as defined in 151.103, provided that all conditions in 151.103 are met.
- 6) Boarding Houses, as defined in 151.103, provided that all conditions in 151.103 are met.
- 7) Outdoor recreational use, provided that:
  - a) Golf courses must be unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities
  - b) Other outdoor recreational uses should not create lighting, noise, or other adverse impact to neighboring residential lots; and
  - c) No structure on the property is within 50' of any property line.
- 8) A single mobile or manufactured home, provided that:
  - a) All Building Codes from Chapter 150.01(B) are met including rules regarding underpinning, securing the structure, sewage waste disposal, and abandoned or nuisance mobile home structures.
  - b) The structure includes a porch or deck attached to the home
  - c) All setback and dimensional requirements of Appendix A are met.
  - d) The lot has two parking spaces outside of any public right-of-way
  - e) The applicant demonstrates that the dwelling meets all health, safety, and general welfare requirements in local and state codes, along with approved Building, Fire, and Property Maintenance Codes
  - f) The Building Official gives prior approval in writing and that the time between the date of the HUD seal on the used manufactured/mobile home and the date of the permit issued by Oconee County for that manufactured/mobile home not exceed ten years.
- 9) Mobile Home Parks provided each mobile home meets the standard for a single mobile or manufactured home, above, and that the park meets the requirements of Section 151.104.
- 10) 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 §§ 151.050 <i>et seq.</i>

~~(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).~~

(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)

§ 151.057 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) One-family dwelling (mobile or manufactured homes must meet the conditions set forth in Section (C below);
- 2) Two-family dwellings and garage apartments accommodating no more than two families per building (mobile or manufactured homes must meet the conditions set forth in Section (C below);
- 3) Multi-family dwellings (apartments, or three or more families)
- 4) Non-commercial horticulture or agriculture.
- 5) Customary home occupation established under the provisions of § 151.139.
- 6) Accessory uses, see §§ 151.135 and 151.136. Accessory Dwelling Units are not permitted in this base zoning district.

(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 §§ 151.220*et seq.*

- 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) Short-term Rentals, as defined in 151.103, provided that all conditions in 151.103 are met.
- 6) Boarding Houses, as defined in 151.103, provided that all conditions in 151.103 are met.
- 7) Outdoor recreational use, provided that:
  - a) Golf courses must be unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities
  - b) Other outdoor recreational uses should not create lighting, noise, or other adverse impact to neighboring residential lots; and
  - c) No structure on the property is within 50' of any property line.
- 8) A single mobile or manufactured home, provided that:

- a) All Building Codes from Chapter 150.01(B) are met including rules regarding underpinning, securing the structure, sewage waste disposal, and abandoned or nuisance mobile home structures.
- b) The structure includes a porch or deck attached to the home
- c) All setback and dimensional requirements of Appendix A are met.
- d) The lot has two parking spaces outside of any public right-of-way
- e) The applicant demonstrates that the dwelling meets all health, safety, and general welfare requirements in local and state codes, along with approved Building, Fire, and Property Maintenance Codes
- f) The Building Official gives prior approval in writing and that the time between the date of the HUD seal on the used manufactured/mobile home and the date of the permit issued by Oconee County for that manufactured/mobile home not exceed ten years.
- 9) Mobile Home Parks provided that each mobile home meets the standards for a single mobile home, above and that the entire park meets all special requirements for Mobile Home Parks, Section 151.104 are met.
- 10) 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 § 151.138
- 11) 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:

<b><i>LOT AREA SQUARE FOOTAGE REQUIRED FOR MULTIPLE-FAMILY DWELLINGS</i></b>				
<b><i>Unit Type</i></b>	<b><i>Stories</i></b>			
	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:

<b>PERMITTED MULTIPLE-FAMILY DWELLING UNITS PER NET ACRE BY UNIT TYPE</b>				
<b>Unit Type</b>	<b>Stories</b>			
	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:~~

~~a. See Appendices A through C.~~

(E) 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)

## COMMERCIAL DISTRICTS

### § 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 §§ 151.135*et 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 §§ 151.220*et 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 §§ 151.220*et 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.



10) Recreational Vehicle Parks, if they meet the conditions in Section 151.109.

- (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; 151.100*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.*; 151.295*et 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 §§ 151.220*et seq.* those uses the Zoning Administrator finds consistent with the intent of the district.
- (11) Accessory use in compliance with the provision of §§ 151.135*et 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.
- (13) Recreational Vehicle Parks, if they meet the conditions in Section 151.109.

(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; 151.100*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.*; and 151.280*et 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 RM 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; 151.100*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)

§ 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 §§ 151.220*et 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 or 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
    - (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 §§ 151.220*et seq.*

(10) Recreational Vehicle Parks, if they meet the conditions in Section 151.109.

- (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; 151.100*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. 2017-02-21-03, passed 2-21-2017)

## § 151.059 PUD PLANNED UNIT DEVELOPMENT

- (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 §§ 151.220*et 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 §§ 151.220*et seq.*: All conditional uses permitted in the GR Zoning District, as shown in § 151.056(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; 151.100*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.*;

- (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; 151.100*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.*;
- (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"](#).
- (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) *Review by planning commission.* 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 cover 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**

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§ 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 BOARDING HOUSES & SHORT TERM RENTALS

151.103.01 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 boarding houses and short-term rentals.

### 151.103.02 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 a person 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.
- C. **BOARDING HOUSE.** A house at which board and lodging may be obtained for payment on a monthly basis.

151.103.03 Requirements. An Owner who wishes to advertise a property as a boarding home or for short-term rental or accept compensation 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 & Registration: An Owner must complete and sign the license and registration application 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 April 30.
- B. The Owner must attest that:
  - a. All zoning requirements in both the underlying base zoning district and the zoning requirements in 151.103.04 have been met; and
  - b. That the property has received a 4% primary residential assessment from the County Assessor's Office; and
  - c. That the property has passed its annual business license inspection
  - d. 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.
  - e. 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.

151.103.04 Zoning Requirements for Short-Term Rentals. Short-term rentals and boarding houses are only permitted in residential districts if the structure and lot meet the following criteria:

- A. The property cannot exceed four rental rooms, nor can it exceed four tenants. Furthermore, no more than six individuals can be staying overnight 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 three tenants.
- B. The property may not contain any sign, permanent or temporary, advertising the short-term rental.
- B. The owner must have adequate insurance to protect the tenants, their property and guests.
- D. 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.
- E. The facility must meet all State and Federal laws and regulations and must have an annual business license.
- G. There must be adequate off street parking, such that there should be at a minimum one parking space per bedroom. 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.

#### 151.103.05 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 business license pursuant to Business License code.

#### 151.104 RULES FOR MOBILE HOME PARKS

##### I. Dimensional and Lot Requirements

- A. The minimum area for a mobile home park shall be two (2) acres.
- B. The maximum number of mobile homes per acre shall not exceed six (6).
- C. No mobile homes in the park may not be located closer than twenty-five (25) feet from the property lines. This twenty-five (25) feet shall not be used for parking or refuse receptacles.
- D. All new mobile home parks shall reserve and develop a minimum of ten (10) percent of its land for common grounds. This recreational area shall not be less than three hundred (300) square feet in area.
  - 1. If an existing park is expanded, a recreational area equal to ten (10) percent of the gross park area must be provided.

##### II. General Requirements

- A. The mobile home park shall be located in a well-drained area. A mobile home park shall not be located in an identified flood area.
- B. A mobile home park shall be screened along its sides as deemed appropriate by the Building Inspector. Required screening may be: evergreen trees or shrubs, walls, or any other type of proper screening.
- C. Signs shall not exceed a combined total area of one hundred (100) square feet per mobile home park.
- D. Each dwelling unit in the park shall meet the Building Requirements in Section 150.01(B), Special Rules for Manufactured or Mobile Homes.
- E. The Building Inspector, Health Authorities, or other authorized employees of the City of Westminster, South Carolina, are authorized to enter mobile home parks or individual lots and inspect them within the jurisdiction of this ordinance at a reasonable time of the day.

##### III. SEWAGE DISPOSAL

- A. Where the sewer lines of the mobile home park are not connected to a public sewer, a method of sewage disposal approved by the health authority shall be provided. The design of the treatment facility shall be based on the maximum design population of the mobile home park.

#### IV. REFUSE DISPOSAL

- A. A. The storage, collection and disposal of refuse in the mobile home park shall be controlled so that it creates no health hazards, rodent or insect breeding areas, or accident or fire hazards.
- B. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers. Racks or holders shall be provided for the containers to minimize spillage.
- C. All refuse shall be collected at least once weekly. Accumulations of debris which may provide harborage for insects, rodents, or any animal shall not be permitted.

#### V. UTILITY DISTRIBUTION

- A. Every mobile home park shall contain an electrical system which shall be installed and maintained in accordance with applicable codes and regulations.
- B. Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and any mobile home.

#### VI. APPLICATIONS FOR NEW MOBILE HOME PARKS

- A. An applicant must present an application to the Building Official for approval of any new Manufactured or Mobile Home Parks. The application must include:
  - 1. Name and address of mobile home park.
  - 2. Location and legal description of the property.
  - 3. One copy of the site plan showing the area, existing and proposed structures, topography, parking, roadways and utilities.
- B. The City Planning Commission shall review each application based on the following criteria:
  - 1. The Building Inspector has thirty (30) business days for review of permit request and must submit his recommendations to the Planning Commission for action.
  - 2. After receiving the recommendation of the Building Inspector, the City Planning Commission must act to either approve or disapprove the building permit request within forty-five (45) days.
  - 3. 3. If the Planning Commission disapproves a request for a building permit, the applicant must be notified, in writing, and given the reasons for disapproval. The decision of the Planning Commission is final and may only be appealed to Circuit Court.

#### VII. AMORTIZATION OF NONCONFORMING STRUCTURES

- A. 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 this chapter within 12 months from the date of the enactment of this Chapter and/or notification by the Building Official.

### § 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.
  - (2) Based on the hearing and the probable impact of such uses on contiguous uses and conditions, the Planning Commission may elect to recommend denial of ~~deny~~ such request in favor of a more acceptable site elsewhere.
  - (3) City Council shall review the recommendation of the Planning Commission and make the final determination regarding the placement of the public service use.

#### 151.107 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 copy 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)

#### § 151.108 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.
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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 Zoning 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.
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- (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.
- (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.

- (1) *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)

#### § 151.109 Recreational Vehicle Parks

A. **Location and Access.** Recreational Vehicle Parks shall be located in a public park or with direct access to a state or federal numbered highway or an approved County Road. No entrance to or exit from a Recreational Vehicle Park shall be through an established residential neighborhood and are allowed only in the Rural Residential and Highway Commercial Districts.

**B. Site Conditions.** Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. No portion of the site that is subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose that would expose Persons or property to hazards. Stormwater drainage facilities shall be designed and installed in accordance with all City regulations.

**C. Spaces for Occupancy; Uses Permitted; Lengths Of Stay.** Spaces in a Recreational Vehicle Park may be used by Recreation Vehicles, as defined herein. Spaces shall be rented by the day, week, or month only, and no Recreational Vehicle shall remain in the same park for more than ninety (90) days. The Recreational Vehicle Park owner shall be responsible for maintaining records of all Recreational Vehicles and their lengths of stay and shall make these records available to the Zoning Administrator for review upon request. Recreational Vehicles shall not be used as Short-Term Rental Properties.

**D. Site Planning and Required Improvements.** Site Planning and Improvements shall provide for:

1. Facilities and amenities appropriate to the needs of the occupants;
2. Safe, comfortable, convenient and sanitary use by occupants under all weather conditions to be expected during periods of occupancy; and
3. Protection of occupants from adverse environmental influences, and where appropriate, protection of the neighborhood from potential adverse influences within the Recreational Vehicle Park.

**E. No permanent Use:** A travel trailer or recreational vehicle shall not under any circumstances be considered as a dwelling unit and shall not be allowed as a principal or accessory residential structure in any zoning district. When set up for use, a travel trailer or recreational vehicle shall not be installed on any type of permanent foundation such as a masonry foundation nor have the running lights, moving hitch, wheels or axle removed. Continuous occupancy extending beyond three continuous months (90 days) shall be presumed to be permanent occupancy and is prohibited by this Section.

**F. Limited Conventional Construction:** One recreational vehicle on each approved lot or space. No manufactured homes or dwelling units or buildings of conventional construction shall be permitted on a lot or space for living purposes, except as specified below:

1. Manager's office and residence, which may be of conventional construction.
2. Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child\care, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended and used primarily as a resident amenity. Such facility may be of conventional construction.
3. Outdoor recreation facilities, such as parks, swimming pools, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the campground occupants.
4. Common use laundry facilities, maintenance buildings, and security guard houses that may be of conventional construction.
5. Recreation center parking lots and guest parking areas.

**G. Development Requirements:** Recreational vehicle parks shall meet the following requirements:

1. Minimum site area. The minimum site shall be 1 acres in the HC District and 6 Acres in the RR District.
- ~~2. Site frontage, access and minimum width. Properties containing recreation vehicle parks shall have a minimum of 200 feet of property frontage on a public street. The recreation vehicle park shall have a minimum lot width of 200 feet throughout the entire depth of the developed portion of the property. No space shall be located so that any part intended for occupancy for sleeping purposes shall be within 50 feet of the Right of Way line of any major thoroughfare or Collector Street, or within 25 feet of the Right of Way line of any other Street. No RV shall be parked for sleeping purposes within 50' of the edge of the property line.~~
3. Perimeter buffer or landscape screen.
  - (a) A minimum landscape buffer of 10' wide must be planted and/or fenced so as to obscure the visibility of the park from any public adjacent street. A landscape buffer meeting the requirements for landscape buffers for a multi-family use in the Landscaping and Buffers Article of this Code shall be provided.
  - (b) A minimum 10-foot wide landscape strip shall be provided and maintained along any side or rear property line comprising the perimeter of the development wherever no buffer is required, except for approved access and utility crossings.
  - (c) A minimum 10-foot wide landscape strip shall be provided and maintained along any street right of way line abutting the property, which shall contain a six foot high decorative masonry wall, except for approved access and utility crossings.
4. Open space and recreational areas. A minimum of 20 percent of the site area shall be open space and recreational area, excluding any required buffer or perimeter landscape strip. A minimum of eight percent of the total site area, counted as part of the required 20 percent

site area that is open space and recreation area, shall be devoted to one or more active recreation facilities.

5. Interior access roads, addresses and signing. The road system within the recreational vehicle park shall be designed as follows:

(a) All interior roads shall be private but constructed and paved to public road standards as to the thickness of the base and paving courses. Roads shall be located within 50-foot-wide access and utility easements.

(b) Two-way interior roads shall be constructed with a minimum surface width of 20 feet, and shall be designated “no parking,” or 24 feet if on-street parking is to be allowed.

(c) Interior roads shall be clearly marked at each intersection with signs to identify traffic directions and space numbers served by the road.

(d) Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other material, and elsewhere as needed.

6. Walkways. Sidewalks shall be required along one side of all interior streets and in areas where pedestrian traffic is expected, such as around recreation, management, mailbox groupings if provided, and community services areas.

## **NONCONFORMING SITUATIONS**

### **§ 151.120 NONCONFORMING BUILDINGS AND/OR USES.**

#### **§ 151.120 NONCONFORMING USES.**

151.121 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 wishes 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.

151.122 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 151.124, below.

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.

A. Maintenance. Repairs, alterations and maintenance of a non-structural nature may be made to a non-conforming structure to maintain its sound 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.

- B. 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.

151.123 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 12 consecutive months.
- C. Damage or Destruction. Any nonconforming use that is damaged or destroyed, by any means, to the extent of more than 50% of fair 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 fair 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 5 year/10 year 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.

151.124 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:~~

~~(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 § 151.138 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, only in the RR, R-1 acre, and R-25 Districts.](#)

- (C) *Uses customarily accessory to church buildings.*
- (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 pools, 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)

### 151.137 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. ADU's are only permitted in the RR, R-1 Acre, and R-25 Districts. 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. Acknowledgement that the ADU would not conflict with any restrictive covenants applicable to the property
  - 4. 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 all utilities.
- d. Each ADU shall be limited to 800 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. 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;
3. Under no circumstances shall the property be subdivided or converted to a horizontal ownership regime;
4. The ADU may only be used as a short-term rental if all requirements are met and the underlying district allows short-term rentals.
5. 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.

§ 151.138 SWIMMING POOLS.

1. A swimming pool may be constructed and operated when:
2. (A) It is not located in any front yard.
3. (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.
4. (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.
5. (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.
6. (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.

~~7. (F) And meet the requirements of the swimming pool code book.~~

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

§ 151.139 HOME OCCUPATION.

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; except swim lessons and small outdoor recreation lessons not to exceed 2 clients may be offered.
- (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)



## **LOTS AND PARCELS**

### **§ 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 R-1 Acre ~~R-25~~ District unless it is first rezoned.
- (Am. Ord. 2002-07-16-01, passed 8-20-2002)
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**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>of Required Spaces</i>	<i>of Spaces Reserved for Disabled 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. Any residential unit used as a short-term rental or boarding house must have one parking space per bedroom, including the bedrooms used by the owner of the property.

(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 or [operation of a residential vehicle park, Section 151.109](#) 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:

<i>Square Feet</i>	<i>No. Spaces</i>
25,001 to 99,999	2
100,000 to 159,999	3
160,000 to 239,999	4
140,000 to 349,999	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**

#### § 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)

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### CONDITIONAL AND TEMPORARY USES

#### § 151.220 CONDITIONAL AND TEMPORARY USES.

- (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 city. 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.

- (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:
    - (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.
- (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)
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## 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 of 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/RV (Recreational Vehicle)** A highway vehicular, portable Structure designed as a temporary dwelling for travel, recreational, and vacation uses. The term includes camping trailer, motor home, travel trailer, and truck campers, 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).  
[The term does not include Manufactured Housing Units.](#)

**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 §§ 151.050 *et 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 twelve 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 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.

**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.

**RV (Recreational Vehicle) Park** Any Lot of land upon which two or more Recreational Vehicle sites, or Campground sites, are located, established, or maintained for occupancy as temporary living quarters for purposes of recreation or vacation. This term does not include any premises on which unoccupied Recreational Vehicles, whether new or used, are parked for the purposes of inspection, sale, storage, or repair.

**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 ZONING 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 \$75 application fee. 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.
- (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.

(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.

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

#### § 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.
- (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.*

(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; RR, R-1 Acre; R-25, R-20, R-15, and R-6:**

Zoning District:			<a href="#"><u>Rural Residential</u></a>	<a href="#"><u>1 Acre Single-Family</u></a>	<i>R-25 One-family</i>	<i>R-20 One-family</i>	<i>R-15 One-family</i>	<a href="#"><u>R-6 Single-Family</u></a>
Minimum lot per size	Minimum Area in sq. ft.		<a href="#"><u>6 acres</u></a>	<a href="#"><u>1 acre</u></a>	25,000	20,000	15,000	<a href="#"><u>6,000</u></a>
	Width in ft.		<a href="#"><u>100 C</u></a>	<a href="#"><u>100 C</u></a>	100 C	80 C	70 C	<a href="#"><u>70 C</u></a>
Minimum yard setback per lot in ft.	Front		<a href="#"><u>50</u></a>	<a href="#"><u>50</u></a>	50	40	35	<a href="#"><u>5</u></a>
	Side		<a href="#"><u>15</u></a>	<a href="#"><u>15</u></a>	15	15	10	<a href="#"><u>10</u></a>
	Rear		<a href="#"><u>40</u></a>	<a href="#"><u>40</u></a>	40	40	35	<a href="#"><u>35</u></a>
Maximum height of building in ft.			<a href="#"><u>35</u></a>	<a href="#"><u>35</u></a>	35	35	35	<a href="#"><u>35</u></a>
Maximum percentage of lot coverage by all buildings			<a href="#"><u>35%</u></a>	<a href="#"><u>35%</u></a>	35%	35%	35%	<a href="#"><u>30%</u></a>
Minimum sq. ft. per home			<a href="#"><u>1400</u></a>	<a href="#"><u>1400</u></a>	1400	1200	1800	<a href="#"><u>800</u></a>
		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 of 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.						



## APPENDIX B: REQUIREMENTS BY DISTRICT; GR, RM, NC

<i><b>Zoning District</b></i>		<i><b>GR Two families</b></i>	<i><b>RM Multiple families</b></i>	<i><b>NC Neighborhood Commercial</b></i>
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
<p>Notes:</p> <p>A - Side yard setback to be 10 feet for the first story and five feet for each story thereafter.</p> <p>B - Total for both is a minimum for 25 feet.</p> <p>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.</p>				

## APPENDIX C: REQUIREMENTS FOR COMMERCIAL DISTRICTS & PLANNED UNIT DEVELOPMENTS

<b>Zoning District</b>		<b>CH Highway Commercial</b>	<b>CC Core Industrial</b>	<b>LI Light Industrial</b>	<b>PUD Planned Unit Developments</b>
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

<b>Principal Use</b>	<b>Required Off-Street Parking</b>
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
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
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	spaces minimum, plus one space for each four seating capacity in the main assembly room
Grocery, convenient	space for each 100 square feet of gross floor space
Grocery or supermarket	space for each 150 square feet of gross floor space
Hospital	space for each patient, bed, plus one space for each 300 square feet of office and administrative area
Hotel, motel, or motor court	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	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
Bar or private club, not dispensing alcoholic beverages	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	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)	space for 100 square feet of water area or one space per four spectator seats, whichever is greater
Softball, baseball, or football fields	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)	spaces per court or one space per four spectator seats, whichever is greater
<a href="#">Residential, for Boarding House &amp; Short-Term Rental Use</a>	<a href="#">One space per bedroom, including the bedrooms belonging to the Owner and dependents</a>
Restaurants, all others	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	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
Schools	
Colleges or Universities	a 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	space for each vehicle operated by or for the school, plus 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	space for each 200 square feet of gross floor space
Bars, 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
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.

- (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.
- (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
C, 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

- (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:

(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**

**Sign Area = (A) x (B)**

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

§ 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:

Sign Area = (A) X (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)