

DARLINGTON ZONING ORDINANCE

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ZONING ORDINANCE OF THE CITY OF DARLINGTON, SOUTH CAROLINA

AN ORDINANCE OF THE CITY OF DARLINGTON, SOUTH CAROLINA, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE HEIGHT OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, THE DENSITY AND DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; ESTABLISHING DEVELOPMENT STANDARDS; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

PREAMBLE

IN ACCORDANCE WITH AUTHORITY CONFERRED BY THE GENERAL STATUTES OF SOUTH CAROLINA, 1976 CODE OF LAWS, TITLE 6, CHAPTER 29 OF THE COMPREHENSIVE PLANNING ENABLING ACT OF 1994, AS AMENDED, AND FOR THE PURPOSE OF PROMOTING PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, APPEARANCE, PROSPERITY, AND GENERAL WELFARE OF THE CITIZENS OF DARLINGTON; LESSENING CONGESTION IN THE STREETS; SECURING SAFETY FROM FIRE; PROVIDING ADEQUATE LIGHT, AIR, AND OPEN SPACE; PREVENTING THE OVERCROWDING OF LAND; AVOIDING UNDUE CONCENTRATION OF POPULATION; FACILITATING THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY; PROTECTING AND PRESERVING SCENIC, HISTORIC AND ECOLOGICALLY SENSITIVE AREAS; FACILITATING THE PROVISION OF PUBLIC SERVICES, AFFORDABLE HOUSING, AND DISASTER EVACUATION, IN HARMONY WITH THE ADOPTED COMPREHENSIVE PLAN FOR THE CITY OF DARLINGTON, SOUTH CAROLINA, THE CITY COUNCIL HEREBY ORDAINS AND ENACTS INTO LAW THE FOLLOWING ARTICLES AND SECTIONS, WHICH SHALL COMPRISE AND BE KNOWN AS **THE ZONING ORDINANCE OF THE CITY OF DARLINGTON, SOUTH CAROLINA**, AND SHALL BE APPLICABLE THROUGHOUT THE LEGALLY RECORDED CORPORATE LIMITS OF THE CITY, AS NOW OR HEREAFTER ESTABLISHED.

ARTICLE I

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

Section 1-1. Establishment of Districts

For the purpose of this Ordinance, the City of Darlington is hereby divided into the following zoning districts:

PRIMARY ZONING DISTRICTS

<u>Map Symbol</u>	<u>District Name</u>
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R-10	Low Density Residential District
R-8	Medium Density Residential District
R-6	High Density Residential District
RG	General Residential District
OR	Office and Residential District
LC	Limited Commercial District
GC	General Commercial District
CC	Core Commercial District
LI	Limited Industrial District
BI	Basic Industrial District

SPECIAL PURPOSE DISTRICTS

PDD	Planned Development District
HOD	Historic "Overlay" District
NRC	Natural Resource Conservation "Overlay" District

Section 1-2. Purpose of Districts

Collectively, these districts are intended to advance the purposes of this Ordinance, as stated in the Preamble. Individually, each district is designed and intended to accomplish the following more specific objectives.

PRIMARY DISTRICTS

R-10, Low Density Residential Districts. The R-10 District is intended to foster, preserve and protect areas of the community in which the principal use of land is for detached, single-family dwellings, and limited residential support facilities at low densities.

R-8, Medium Density Residential District. The R-8 District is intended to foster, protect and accommodate medium density residential development, including duplexes and limited residential support facilities in areas so designated.

R-6, High Density Residential District. The R-6 District is intended to accommodate higher density residential development and a variety of housing types on small lots or in project settings, in areas accessible by major streets and in proximity to commercial uses and employment opportunities.

RG, General Residential District. The RG District is intended to accommodate mobile and manufactured home development in concert with conventional dwellings in planned parks or courts.

OR, Office and Residential District. The OR District is intended to accommodate office, institutional and residential uses in areas whose character is mixed or in transition. It is designed principally for use along major streets and subdivision borders characterized by older houses to help ameliorate the consequences of change impacting these areas, and provide a transitional buffer between potentially incompatible commercial and residential development.

LC, Limited Commercial District. The LC District is intended to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in this district are of the "convenience variety". The size of these districts should relate to surrounding residential markets and the locations should be at or near major intersections, in proximity to residential areas and/or on the periphery of residential areas, moderating transition between residential and commercial uses.

GC, General Commercial District. The GC District is intended to provide for the development and maintenance of commercial and business uses strategically located to serve the community and the larger region of which it is a part. Toward this end, a wide range of business and commercial uses are permitted herein.

CC, Core Commercial District. The CC District is intended to promote the concentration and vitality of commercial and business uses in Downtown Darlington. This district is characterized by wall-to-wall and lot-line-to-lot-line development, pedestrian walkways, and public parking lots.

LI, Limited Industrial District. The intent of the LI District is to accommodate wholesaling, distribution, storage, processing and manufacturing uses in an environment suited to such uses and operations while promoting land use compatibility through the application of performance standards within and beyond the boundaries of this district.

Toward these ends, residential development is not permitted herein, nor is the establishment of this district on a street providing primary access to or traversing a residential district.

BI, Basic Industrial District. The intent of the BI District is to accommodate certain industrial and related uses which because on their operational characteristics, are potentially incompatible with residential, social, medical and commercial environs. As a result, the establishment of such districts shall be restricted to areas geographically removed or buffered from such environs.

As in the LI District, residential development is not permitted herein, nor is the establishment of this district on a street providing primary access to or traversing a residential district.

SPECIAL PURPOSE DISTRICTS

PDD, Planned Development District. The intent of the Planned Development District is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance the public health, safety, morals, and general welfare of local residents.

Within the PDD, regulations adapted to unified planning and development are intended to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots or tracts, to promote economical and efficient land use, provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment.

In view of the substantial public advantage of "planned development", it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly in large undeveloped tracts.

NRC, Natural Resource Conservation "Overlay" District. The intent of the NRC District is to preserve and protect to the extent possible lands that:

- (1) are essentially undevelopable because of the danger they pose from floods or other inundation or from menaces to health, safety or public welfare, and
- (2) contribute to the natural drainage of the community, and
- (3) provide natural habitats, life cycles and open areas.

HOD, Historic "Overlay" District. The Historic "Overlay" District is designed and intended to promote the educational, cultural, economic and general welfare of the community by providing a mechanism for the identification, recognition, preservation, maintenance, protection and enhancement of existing historic and architecturally valuable structures and properties which serve as visible reminders of the social, cultural, economic, political and/or architectural history of the City of Darlington, thereby:

- (1) fostering civic pride;
- (2) preserving local heritage;
- (3) fostering public knowledge and appreciation of structures and

areas which provide a unique and valuable perspective on the social, cultural, and economic mores of past generations;

- (4) fostering architectural creativity by preserving physical examples of outstanding architectural techniques of the past; and
- (5) encouraging new structures and development that will be harmonious with existing structures, properties and sites included in said districts.

Section 1-3. Establishment of Official Zoning Map

The boundaries of the use districts established by this Ordinance are shown on the official zoning map which shall be identified by the signature of the Mayor, attested by the City Clerk and maintained in the office of the Building Official, Darlington City Hall. The official zoning map and all amendments, certifications, citations and other matters entered on to the official zoning map are hereby made a part of this Ordinance and have the same legal effect as if fully set out herein.

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

Section 1-4. Amendments to the Official Zoning Map

Amendments to the official zoning map shall be adopted by Ordinance as provided for by this Ordinance. Promptly after the adoption of an amendment the Building Official shall alter or cause to be altered the official zoning map to indicate the amendment and the effective date of the Ordinance amending the map.

Section 1-5. Rules for Interpretation of District Boundaries on the Official Zoning Map

Where uncertainty exists as to the boundaries of districts shown on the

official zoning map, the following rules shall apply.

- (1) Boundaries indicated as approximately following the center lines of streets, highways, alleys, or public utility easements shall be construed to follow such center lines.
- (2) Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.
- (3) Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as approximately following the center lines of natural barriers such as, marshes and streams, shall be construed to follow such center lines.
- (6) Boundaries indicated as parallel to, or extensions of features indicated in Subsections 1 through 5 above shall be so construed. If distances are not specifically indicated on the official zoning map, or in other circumstances not covered by Subsections 1 through 5 above, the boundaries shall be determined by the use of scale of such map.
- (7) Where uncertainties continue to exist after the application of the other rules in this Section, appeal for clarification may be taken to the Board of Zoning Appeals.

Section 1-6. Zoning Annexed Property

Whenever any petition for the annexation of any area to the City of Darlington pursuant to the provisions of any procedure for annexation now or hereafter authorized under the laws of South Carolina is presented to City Council, the City Council shall, upon acceptance of such petition refer same to the Planning Commission for a recommended zoning designation. The applicant-petitioner may meet with the Planning Commission to

request a specific zone designation. Upon hearing the matter, the Planning Commission shall recommend to City Council a zoning classification for said property. The Council shall take under advisement the recommendation of the Planning Commission, and by separate ordinance zone such area at the time of annexation.

ARTICLE II

PRIMARY DISTRICT REGULATIONS

Section 2.1 Establishment of Regulations

The uses permitted in the primary zoning districts established by Article 1, the off-street parking requirements, and the dimensional requirements of each are set forth in this article.

Section 2.3 (Table 1) sets forth use and off-street parking requirements for each zoning district. Section 2.4 (Table 2) sets forth lot area, yard, setback, height, density, and impervious surface requirements for all districts.

Section 2.2 Application of Regulations

The North American Industry Classification System, 2002, is the basis for determining the use of property permitted by the various zoning districts. Where uncertainty exists relative to a given use not specifically listed by Table 1, the NAICS Manual should be consulted. In general, all uses listed by a given NAICS number and category should be construed as being permitted in the assigned zoning district, unless separately listed.

Uses not listed in the NAICS Manual are identified by the letters "NA" (Not Applicable) in the NAICS Column.

Where the letter "P" is shown, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable development standards of this Ordinance.

Where the letter "C" is shown, the use to which it refers is conditionally permitted in the indicated district, subject to applicable requirements set out in Article IV.

Where the letter "N" is shown, the use to which it refers is not permitted in the indicated district.

Where a given use or NAICS reference is not listed by Table 1 said use shall not be permitted.

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

To aid in the use of Table 1, it is arranged by NAICS Sectors, followed by the uses and codes included in the respective sector:

Sector 11:	Agriculture, Forestry, Fishing and Hunting
Sector 21:	Mining
Sector 22:	Utilities
Sector 23:	Construction
Sector 31-33:	Manufacturing
Sector 42:	Wholesale Trade
Sector 44-45:	Retail Trade
Sector 48-49:	Transportation and Warehousing
Sector 51:	Information
Sector 52:	Finance and Insurance
Sector 53:	Real Estate and Rental and Leasing
Sector 54:	Professional, Scientific, and Technical Services
Sector 55:	Management of Companies and Enterprises
Sector 56:	Administrative and Support and Waste Management and Remediation Services
Sector 61:	Educational Services
Sector 62:	Health Care and Social Assistance
Sector 71:	Arts, Entertainment, and Recreation
Sector 72:	Accommodation and Food Services
Sector 81:	Other Services (except Public Administration)
Sector 92:	Public Administration

Uses and NAICS code references are displayed within the appropriate sector in numerical order, beginning with Sector 11 (Agricultural, Forestry, Fishing and Hunting) and running through Sector 92 (Public Administration). Residential uses are listed following Public Administration, without sector references.

Section 2.3, Table 1: Schedule of Permitted and Conditional Uses, and Off-Street Parking Requirements, By Zoning Districts

Zone Districts	NAICS	R-10	R-8	R-6	RG	OR	LG	GC	CC	LI	BI	Required Off-street Parking Spaces (a)
Sector 11: Agriculture, Forestry, Fishing and Hunting												
Agricultural Production, Crops	111	P	N	N	N	N	N	P	N	P	P	NONE
Agricultural Production, Livestock. animals	112											
Livestock	112111	N	N	N	N	N	N	N	N	N	N	NONE
Hog and Pig farming	1122	N	N	N	N	N	N	N	N	N	N	NONE
Poultry & eggs	1123	N	N	N	N	N	N	N	N	N	N	NONE
Sheep & goat farming	1124	N	N	N	N	N	N	N	N	N	N	NONE
Animal Aquaculture	1125	N	N	N	N	N	N	N	N	P	P	NONE
Other animal production	1129	N	N	N	N	N	N	N	N	N	N	NONE
Horses & other equine	11292	N	N	N	N	N	N	N	N	N	N	NONE
Fur-Bearing animal production	11293	N	N	N	N	N	N	N	N	N	N	NONE
Forestry and logging	113	N	N	N	N	N	N	P	N	P	P	NONE
Fishing, Hunting, Trapping	114	N	N	N	N	N	N	N	N	N	N	NONE
Support activities for agricultural/forestry	115	N	N	N	N	N	N	P	N	P	P	1 per 1,000 GFA
Sector 21: Mining												
Mining	212	N	N	N	N	N	N	N	N	N	P	NONE
Sector 22: Utilities												
Electric, gas, & sanitary services	221											
Electric	2211											
Generation	22111	N	N	N	N	N	N	P	N	P	P	1 per 500 GFA
Transmission	22112	P	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Natural gas distribution	2212	N	N	N	N	N	N	P	N	P	P	1 per 500 GFA
Water supply systems	22131											
Storage/Treatment	22131	P	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Transmission	22131	P	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Sewerage systems	22132											
Collection	22132	P	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Treatment	22132	P	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Steam and Air Conditioning Supply	22133	N	N	N	N	N	N	P	N	P	P	1 per 500 GFA

Zone Districts	NAICS	R-10	R-8	R-6	RG	OR	LC	GC	CC	LI	BI	Off-street parking
Sector 23: Construction												
Building Construction-general contracts	236	N	N	N	N	N	N	P	N	P	P	1 per 1,000 GFA
Heavy & Civil Engineering Construction	237	N	N	N	N	N	N	N	N	P	P	1per 1,000 GFA
Special Trade Contractors	238	N	N	N	N	N	N	P	N	P	P	1 per 1,000 GFA
Sector 31-33: Manufacturing (Sec. 4-9)												
Food	311	N	N	N	N	N	N	N	N	C	P	1 per 1,000 GFA
Beverage & Tobacco	312	N	N	N	N	N	N	N	N	C	P	1 per 1,000 GFA
Textile mills	313	N	N	N	N	N	N	N	N	C	P	1 per 1,000 GFA
Textile Product Mills	314	N	N	N	N	N	N	N	N	C	P	1 per 1,000 GFA
Apparel	315	N	N	N	N	N	N	N	N	C	P	1 per 1,000 GFA
Leather & allied Products	316	N	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Wood Products	321	N	N	N	N	N	N	N	N	C	P	1 per 1,000 GFA
Paper	322	N	N	N	N	N	N	N	N	C	P	1 per 1,000 GFA
Printing & related activities	323	N	N	N	N	N	C	C	C	C	P	1 per 1,000 GFA
Petroleum Products	324	N	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Chemical Products	325	N	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Plastic & Rubber Products	326	N	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Nonmetallic Mineral Products	327	N	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Primary Metal	331	N	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Fabricated metal Products	332	N	N	N	N	N	N	C	N	C	P	1 per 1,000 GFA
Machinery	333	N	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Computer & Electronic Products	334	N	N	N	N	N	N	N	N	C	P	1 per 1,000 GFA
Electrical Equipment, Appliances & Components	335	N	N	N	N	N	N	N	N	C	P	1 per 1,000 GFA
Transportation equipment	336	N	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Furniture & related Products	337	N	N	N	N	N	N	N	N	C	P	1 per 1,000 GFA
Miscellaneous manufacturing	339	N	N	N	N	N	N	N	N	C	P	1 per 1,000 GFA
Sector 42: Wholesale Trade												
Wholesale trade-durable goods	423	N	N	N	N	N	N	P	N	P	P	1 per 5,000 GFA
Wrecking, scrap and salvage (Sec. 4-12)	42314	N	N	N	N	N	N	N	N	N	C	1 per 5,000 GFA
Wholesale trade-non-durable goods	424	N	N	N	N	N	N	P	N	P	P	1 per 5,000 GFA
Wholesale Electronic markets	425	N	N	N	N	N	N	P	N	P	P	1 per 5,000GFA
Sector 44-45: Retail Trade												
Motor Vehicle Dealers	4411	N	N	N	N	N	N	P	N	N	N	1 per 1,000 GFA
Motorcycle, Boat & Other Vehicle Dealers	4412	N	N	N	N	N	N	P	N	N	N	1 per 1,000 GFA
Automotive parts, accessories and tires	4413	N	N	N	N	N	P	P	P	N	N	1 per 500 GFA

Zone Districts	NAICS	R-10	R-8	R-6	RG	OR	LC	GC	CC	LI	BI	Required parking
Furniture & home furnishings	442	N	N	N	N	N	N	P	P	N	N	1 per 1,000 GFA
Electronics & Appliances	443	N	N	N	N	N	N	P	P	N	N	1 per 1,000 GFA
Building materials, garden supplies	444											
Home Centers	44411	N	N	N	N	N	N	P	N	P	P	1 per 350 GFA
Paint & Wallpaper stores	44412	N	N	N	N	N	P	P	P	P	P	1 per 350 GFA
Hardware Stores	44413	N	N	N	N	N	P	P	P	P	P	1 per 350 GFA
Other Building Material Dealers	44419	N	N	N	N	N	N	P	P	P	P	1 per 1,000 GFA
Lawn, garden equipment & supply stores	4442	N	N	N	N	N	P	P	P	P	P	1 per 1,000 GFA
Food & Beverage stores	445	N	N	N	N	N	P	P	P	P	P	1 per 350 GFA
Convenience Stores	4451	N	N	N	N	N	P	P	P	P	P	1 per 350 GFA
Fruit & Vegetable	44523	N	N	N	N	N	P	P	P	P	P	1 per 350 GFA
Liquor	4453	N	N	N	N	N	N	P	P	N	N	1 per 350 GFA
Health & Personal Care	446	N	N	N	N	N	P	P	P	N	N	1 per 350 GFA
Gasoline stations	447	N	N	N	N	N	N	P	N	P	P	1 per 600 GFA
Truck stops	44719	N	N	N	N	N	N	P	N	P	P	1 per 600 GFA
Clothing & Accessory Stores	448	N	N	N	N	N	N	P	P	N	N	1 per 350 GFA
Sporting goods, Hobbies, Books, Music	451	N	N	N	N	N	P	P	P	N	N	1 per 350 GFA
General Merchandise stores	452	N	N	N	N	N	N	P	P	N	N	1 per 350 GFA
Miscellaneous retail	453	N	N	N	N	N	N	P	P	N	N	1 per 350 GFA
Flea Markets	4533	N	N	N	N	N	N	P	N	P	N	1.5 per stall
Manufactured home dealer	45393	N	N	N	N	N	N	P	N	P	N	1 per 1,000 GFA
Fire Works Stand	45399	N	N	N	N	N	N	P	N	N	N	1 per 350 GFA
Non-store retail	454	N	N	N	N	N	P	P	P	N	N	1 per 350 GFA
Fuel Dealers	45431	N	N	N	N	N	N	P	N	P	P	1 per 1,000 GFA
Vendors (Sec. 4-15)	4542	N	N	N	N	N	N	C	N	C	N	2 per vendor
Sector 48-49: Transportation and Warehousing												
Air Transportation	481	N	N	N	N	N	N	N	N	P	P	By Individual Review
Rail Transportation	482	N	N	N	N	N	N	P	N	P	P	1 per 500 GFA
Water Transportation	483	N	N	N	N	N	N	N	N	P	P	1 per 500 GFA
Truck Transportation	484	N	N	N	N	N	N	N	N	P	P	1 per 500 GFA
Transit & ground passenger transportation	485	N	N	N	N	N	N	P	P	P	P	1 per 500 GFA
Pipeline Transportation	486	N	N	N	N	N	N	N	N	P	P	1 per 500 GFA
Scenic & Sightseeing Transportation	487	N	N	N	N	N	N	P	P	P	P	1 per 500 GFA
Support Activities for Transportation	488	N	N	N	N	N	N	P	P	P	P	1 per 500 GFA
U. S. Postal Service	491	N	N	N	N	P	P	P	P	P	P	1 per 350 GFA
Warehousing & Storage (Dead storage only)	493	N	N	N	N	N	N	P	N	P	P	1 per 1,000 GFA

Zone Districts	NAICS	R-10	R-8	R-6	RG	OR	LC	GC	CC	LI	BI	Required parking
Sector 51: Information												
Publishing Industries	511	N	N	N	N	N	P	P	P	P	P	1 per 750GFA
Motion pictures & Sound Industries	512	N	N	N	N	N	P	P	P	P	P	1 per 500 GFA
Motion picture theaters	512131	N	N	N	N	N	N	P	P	N	N	1 per 5 seats
Broadcasting & Telecommunications	515-7	N	N	N	N	N	P	P	P	P	P	1 per 500GFA
Communication Towers & Antennas (Sec. 4-11)	5172	N	N	N	N	N	N	C	N	C	C	NONE
Internet & other information providers	518-9	N	N	N	N	N	P	P	P	P	P	1 per 500 GFA
Libraries	51912	N	N	N	N	N	P	P	P	N	N	1 per 400 GFA
Sector 52: Finance & Insurance												
Banks	521	N	N	N	N	P	P	P	P	N	N	1 per 350 GFA
Credit Intermediation	522	N	N	N	N	P	P	P	P	N	N	1 per 350 GFA
ATM Machines	52211	N	N	N	N	P	P	P	P	N	N	2 Spaces
Pawn Shops	522298	N	N	N	N	N	N	P	P	N	N	1 per 350 GFA
Security & financial investments	523	N	N	N	N	P	P	P	P	N	N	1 per 350 GFA
Insurance Carriers & related activities	524	N	N	N	N	P	P	P	P	N	N	1 per 350 GFA
Funds, Trust, & other financial vehicles	525	N	N	N	N	P	P	P	P	N	N	1 per 350 GFA
Sector 53: Real Estate & Rental & Leasing												
Real Estate	531	N	N	N	N	P	P	P	P	N	N	1 per 350 GFA
Mini-Warehouses (Sec. 4-10)	53113	N	N	N	N	N	C	C	N	P	P	1 per 6 storage units
Rental & Leasing Services	532	N	N	N	N	N	N	P	P	N	N	1 per 500 GFA
DVD and other visual rental equipment	53223	N	N	N	N	N	P	P	P	N	N	1 per 350 GFA
Sector 54: Professional, Scientific, & Technical Services												
Professional, Scientific, Technical Services	541	N	N	N	N	N	P	P	P	P	P	1per 300 GFA
Display Advertising - Signs	54185	See Article V										NONE
Veterinary Services	54194	N	N	N	N	N	N	P	N	P	P	1 per 350 GFA
Sector 55: Management of Companies												
Mgmt. Of Companies & Enterprises	551	N	N	N	N	P	P	P	P	P	P	1per 500 GFA
Sector 56: Administrative Support And Waste Management Services												
Administrative & support services	561	N	N	N	N	P	P	P	P	P	P	1 per 750 GFA
Landscape services	56173	N	N	N	N	N	P	P	N	P	P	1per 1,000 GFA
Waste Management services	562											
Waste Collection	5621	N	N	N	N	N	N	P	N	P	P	1 per 1,000 GFA
Hazardous Waste Treatment & disposal	562211	N	N	N	N	N	N	N	N	N	N	NA
Solid Waste Landfill (Sec. 4-9)	562212	N	N	N	N	N	N	N	N	N	C	1per 1,000 GFA

Zone Districts	NAICS	R-10	R-8	R-6	RG	OR	LC	GC	CC	LI	BI	Required Parking
Material Recovery Facilities (Sec. 4-9)	562920	N	N	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Solid Waste Incinerators (Sec. 4-9)	562213	N	N	N	N	N	N	N	N	N	C	1per 1,000 GFA
Other Non hazardous Waste Treatment	562219	N	N	N	N	N	N	N	N	N	P	1 per 1,000 GFA
All Other Waste Management Services	56299	N	N	N	N	N	N	N	N	P	P	1per 1,000 GFA
Sector 61 Educational Services												
Educational Services	611											
Elementary & middle Schools	6111	P	P	P	P	P	P	P	N	N	N	1per 15 students, design capacity
High Schools	6111	P	P	P	P	P	P	P	N	N	N	1 per 7 students, design capacity
Jr. Colleges, Colleges, Universities, Professional Schools	6112-3	N	N	N	N	N	P	P	P	P	P	8per classroom, plus 2 per office
Business Schools, Computer, & Management Training	6114-5	N	N	N	N	N	P	P	P	P	P	8per classroom, plus 2 per office
Other Schools and instruction	6116	N	N	N	N	N	P	P	P	P	P	8 per classA-3om, plus 2 per office
Educational Support Services	6117	N	N	N	N	N	P	P	P	P	P	1 per 500 GFA
Sector 62: Health Care and Social Assistance												
Ambulatory Health Care Services	621											
Offices of Physicians, Health Practitioners	6211-3	N	N	N	N	P	P	P	P	N	N	1 per 200 GFA
Out Patient Care Centers	6214	N	N	N	N	N	P	P	P	N	N	1 per 300 GFA
Medical & Diagnostic Labs	6215	N	N	N	N	N	P	P	P	P	P	1 per 400 GFA
Home Health Care Services	6216	N	N	N	N	P	P	P	N	N	N	1 per 500 GFA
Other Ambulatory Health Care Services	6219	N	N	N	N	N	P	P	N	N	N	1 per 500 GFA
Hospitals	622	N	N	N	N	N	N	P	N	P	P	0.7 per bed
Nursing & residential care facility (Sec 4-20)	623											
Nursing Care Facilities	6231	C	C	C	C	C	C	C	N	N	N	1 per 4 beds
Residential Mental Retardation, Mental Health, and Substance Abuse Facilities	6232	N	N	C	C	C	C	C	N	N	N	1 per 4 beds
Community Care for Elderly	6233	C	C	C	C	C	C	C	N	N	N	1 per 4 beds
Social Assistance	624											
Individual & family services	6241	N	N	N	N	N	P	P	P	N	N	1 per 350 GFA
Community, Food, & Housing & Emergency & Relief services	6242	N	N	N	N	N	P	P	P	N	N	1 per 350 GFA
Community Food	62421	N	N	N	N	N	N	P	P	N	N	1 per 500 GFA
Community Housing	62422	N	N	P	P	P	N	P	N	N	N	1 per 500 GFA
Vocational Rehabilitation services	6243	N	N	N	N	N	N	P	P	N	N	1 per 350 GFA
Child/Adult Day Care services	6244	N	N	P	P	P	P	P	N	N	N	1 per 600GFA

Zone Districts	NAICS	R-10	R-8	R-6	RG	OR	LC	GC	CC	LI	BI	Required Parking
Sector 71: Arts, Entertainment, and Recreation												
Performing Arts	7111	N	N	N	N	N	P	P	P	N	N	1 per four seats
Spectator Sports	7112	N	N	N	N	N	N	P	N	N	N	By individual review
Museums & Similar Institutions	712	N	N	N	N	P	P	P	P	N	N	1 per 800 GFA
Zoos & Botanical Gardens	71213	N	N	N	N	N	N	P	N	N	N	By Individual Review
Nature parks, public parks	71219	P	P	P	P	P	P	P	P	P	P	By Individual Review
Amusement & Recreation Industries	713											
Amusement parks, arcades	7131	N	N	N	N	N	N	P	P	N	N	1 per 500 GFA
Golf Courses & Country Clubs	71391	P	P	P	P	P	N	P	N	N	N	5 per hole
Marinas	71393	N	N	N	N	N	N	P	N	P	P	1.5 per slip
Fitness and Recreational Sport Centers	71394	N	N	N	N	N	P	P	P	N	N	1 per 500 GFA
Bowling Centers	71395	N	N	N	N	N	N	P	N	N	N	5 per lane
All other Amusement not elsewhere classified	713990	N	N	N	N	N	N	P	N	N	N	1 per 500 GFA
Sector 72: Accommodation and Food Services												
Accommodations	721											
Hotels & Motels	72111	N	N	N	N	N	P	P	P	P	N	1.5 per rental unit
Bed & Breakfast Inns (Sec. 4-7)	721191	N	N	C	C	P	P	P	N	N	N	1.5 per bedA-3om
Camps & RV Parks (Sec. 4-14)	72121	N	N	N	N	N	N	C	N	N	N	Not Applicable
Rooming & Boarding Houses, Dormitories, Group Housing	72131	N	N	P	P	P	N	P	N	N	N	1 per bedA-3om
Eating Places, excluding drive-ins	7221-2	N	N	N	N	N	P	P	P	P	N	1 per 150 GFA
Eating Places, including drive-ins	7221-2	N	N	N	N	N	P	P	N	P	N	1 per 150 GFA
Specialty food services	7223	N	N	N	N	N	P	P	P	N	N	1 per 350 GFA
Drinking Places	7224	N	N	N	N	N	P	P	P	N	N	1 per 150 GFA
Sector 81: Other Services (except Public Administration)												
Auto Repair & Maintenance	8111											
General Auto Repair (Sec. 4-16)	811111	N	N	N	N	N	N	C	N	N	N	3 per service bay
Self Service Car Wash	811192	N	N	N	N	N	N	P	N	N	N	None
Other Repair	8112-4	N	N	N	N	N	N	P	N	N	N	1 per 350 GFA
Personal & Laundry services	812											
Personal Care Services -Beauty, Barber, etc	8121	N	N	N	N	P	P	P	P	N	N	2.5 per chair
Body Piercing/Tattoo Parlors	812199	N	N	N	N	N	N	N	N	N	N	1 per 350 GFA
Funeral Homes & Death Care Services	8122	N	N	N	N	P	P	P	P	N	N	1 per 4 chapel seats
Cemeteries	81222	P	P	P	P	P	P	P	N	N	N	None
Crematories	81222	N	N	N	N	N	N	N	N	N	P	1 per 4 chapel seats
Laundry & Dry Cleaning services	8123	N	N	N	N	N	N	P	P	P	P	1 per 500 GFA
Coin operated laundries/dry cleaning	81231	N	N	N	N	N	N	P	P	N	N	1 per 250 GFA
Other Personal Services	8129											

Zone Districts	NAICS	R-10	R-8	R-6	RG	OR	LC	GC	CC	LI	BI	Required Parking
Pet Care (enclosed facility)	81291	N	N	N	N	N	P	P	N	P	N	1 per 1,000 GFA
Pet Care/Pounds (unenclosed facility)	81291	N	N	N	N	N	N	P	N	P	P	1 per 1,000 GFA
Photo finishing	81292	N	N	N	N	P	P	P	P	N	N	1 per 500 GFA
Automotive parking lots & garages	81293	N	N	N	P	P	P	P	P	P	P	Not applicable
Sexually Oriented Business (Sec. 4-13)	81299	N	N	N	N	N	N	C	N	N	N	1 per 250 GFA
All Other Personal Services	81299	N	N	N	N	N	N	P	N	N	N	1 per 350 GFA
Religious, Fraternal, Civic, Professional, Political and Business Organizations	813											
Religious Organizations (Sec. 4-21)	8131	P	P	P	P	P	P	P	C	P	N	1 per 4 seats in sanctuary
All Other Organizations	8132-9	N	N	N	N	P	P	P	P	P	N	1 per 500 GFA
Sector 92: Public Administration												
Executive, Legislative, & General Govt.	921	N	N	N	N	P	P	P	P	N	N	1 per 350 GFA
Justice, Public Order & Safety	922											
Courts	92211	N	N	N	N	P	P	P	P	N	N	1 per 350 GFA
Police Protection	92212	P	P	P	P	P	P	P	P	P	P	1 per 350 GFA
Correctional Institutions	92214	N	N	N	N	N	N	P	P	P	P	By individual review
Fire Protection	92216	P	P	P	P	P	P	P	P	P	P	4 per bay
Administration of Human Resources	923	N	N	N	N	P	P	P	P	N	N	1 per 350 GFA
Administration Of Environmental & Housing	924-5	N	N	N	N	P	P	P	P	N	N	1 per 350 GFA
Administration of Economic Programs	926	N	N	N	N	P	P	P	P	N	N	1 per 350 GFA
Residential Uses												
Site Built Dwellings												
Single-family detached	NA	P	P	P	P	P	P	P	N	N	N	2 per dwelling
Duplex	NA	N	P	P	P	P	N	N	N	N	N	2 spaces per unit
Multi-family, Apartments (Sec. 4-20)	NA	N	N	C	C	C	N	N	N	N	N	1.5 spaces per unit
Upper story Apartments (Sec.4-17)	NA	N	N	N	N	N	N	N	C	N	N	Not Applicable
Townhouses (Sec. 4-5)	NA	C	C	C	C	C	N	N	N	N	N	2 spaces per unit
Patio Homes (Sec. 4-6)	NA	C	C	C	C	C	N	N	N	N	N	2 spaces per unit
Triplex & Quadruplex	NA	N	N	P	P	P	N	N	N	N	N	2 spaces per unit
Manufactured Dwellings (individual lots)												
Mobile/Manufactured Home Parks(Sec.4-4)	NA	N	N	N	C	N	N	N	N	N	N	2 spaces per unit
Modular Homes	NA	P	P	P	P	P	P	P	N	N	N	2 spaces per unit
Accessory Uses to Residential Uses												
Bathhouses & Cabanas	NA	P	P	P	P	P	P	P	N	N	N	None
Domestic animal shelters	NA	P	P	P	P	P	P	P	N	N	N	None

Zone Districts	NAICS	R-10	R-8	R-6	RG	OR	LC	GC	CC	LI	BI	Required Parking
Non-commercial greenhouses	NA	P	P	P	P	P	P	P	N	N	N	None
Storage building/workshop, except shipping containers which are prohibited	NA	P	P	P	P	P	P	P	N	N	N	None
Accessory Apartment (Sec. 4-8)	NA	C	C	C	C	C	C	C	N	N	N	
Swimming pool, tennis courts	NA	P	P	P	P	P	P	P	N	N	N	None
Detached garages	NA	P	P	P	P	P	P	P	N	N	N	
Auxiliary shed, workshop	NA	P	P	P	P	P	P	P	N	N	N	None
Home Occupation	NA	P	P	P	P	P	P	P	N	N	N	None
Horticulture, gardening	NA	P	P	P	P	P	P	P	N	N	N	None
Family day care home	NA	P	P	P	P	P	P	P	N	N	N	None
Satellite dishes, etc.	NA	P	P	P	P	P	P	P	N	N	N	None
Accessory Uses to Non-Residential Uses												
Buildings, structures	NA	P	P	P	P	P	P	P	P	P	P	None
Open Storage/display area (Sec. 4-18)	NA	N	N	N	N	N	C	C	C	C	C	None
Shipping Containers (Sec. 4-22)	NA	N	N	N	N	N	N	C	N	C	C	None
Temporary Uses												
All Temporary Uses (Sec. 4-19)	NA	C	C	C	C	C	C	C	C	C	C	See Section 4-19

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

Section 2.3, Table 2, Schedule of Lot Area, Yard, Setback, Height, Density, Floor Area and Impervious Surface Requirements, By District

Districts	Minimum Lot Area (s.f.)			Minimum Yard and Building Setback (ft.)						Maximum Height (ft.) (B)	Maximum Impervious Surface Ratio	Maximum Residential Density (C)	Maximum Floor Area Ratio Non-Res. Uses (H)
	Res.	Non-Res.	Width	Front (A)		Side		Rear					
				Major Street	Minor Street	Res.	Non-Res.	Res.	Non-Res.				
R-10	9,000	12,000	100	70	50	15	25	15	25	35	.55	4.5	.25
R-8	(D)	12,000	80	70	50	10	25	10	25	35	.65	8.0	.30
R-6	(E)	12,000	60	70	50	8	25	8	25	50	.75	10.0	.35
RG	(D)	12,000	80	70	50	10	25	10	25	35	.65	8.0	.35
OR	6,000	6,000	60	70	50	8	8	8	8	35	.75	8.0	(G)
LC	6,000	5,000	50	70	50	5	5	5	5	35	.75	8.0	.60
GC	6,000	4,000	40	70	50	5	5	5	5	NONE	.85	8.0	.75
CC	NA	NA	NA	NONE	NONE	(F)	(F)	(F)	(F)	NONE	1.00	NA	NA
LI	NA	10,000	100	70	50	NA	25	NA	25	NONE	.85	NA	NA
BI	NA	20,000	100	70	50	NA	50	NA	50	NONE	.85	NA	NA

(A) through (H) see Table Notes

Refer Sections 8.2 and 8.3 for yard and setback modifications.(s.f. = square feet. (ft.) = feet. (NA) = Not applicable.

NOTES TO TABLE II

- (A) Measurement from centerline of street.
- (B) Measurement from average elevation of the finished grade within 20 feet of the structure.
- (C) Measurement in units per gross acre.
- (D) 7,500 square feet for single-family dwelling; 10,000 square feet for duplex.
- (E) 6,000 square feet single-family dwelling (unit); 4,000 square feet for each additional dwelling unit.
- (F) No setback requirement except where a building or use is contiguous to a residential use in a Residential Zone District, then a minimum setback equal to the setback required in the contiguous residential district shall be required.
- (G) 50 percent, but not to exceed 5,000 square feet in gross floor area.
- (H) Measured as percent of total lot area.

ARTICLE III

SPECIAL PURPOSE DISTRICT REGULATIONS

Section 3-1. Establishment and Jurisdiction.

The requirements of this Article shall apply to the following Special Purpose Districts established by Section 1-1.

PDD, Planned Development District
HOD, Historic "Overlay" District
NRC, Natural Resource Conservation "Overlay" District

Section 3-2. PDD, Planned Development District.

There are hereby created two types of Planned Development Districts: Type A and Type B.

Type A. A type "A" PDD is one which is similar in use and intensity to the district in which it is to be located.

Type B. A type "B" PDD is one which may include any use or combination of uses and intensity levels irrespective of prevailing zoning district requirements where it is to be located.

3-2.1 Permitted Uses in PDDs

(1) Type A PDDs

Permitted uses in Type A PDDs shall include only those listed in Tables I and II for the district in which the PDD is to be established. No use shall be permitted in a Type A PDD that is not clearly permitted in the district in which it is to be established.

(2) Type B PDDs

Any use or combination of uses meeting the objectives of this

section may be established in a Type B PDD upon review and approved amendatory action by the Planning Commission and City Council. Once approved, the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed on the basis of classification, i.e. retail, office, wholesale, residential multi-family, residential single-family detached, manufacturing, etc. The list of approved uses shall be binding on the applicant and any successor in title, so long as the PDD zoning applies to the land, unless otherwise amended by Ordinance.

3-2.2 Establishment of PDD Districts

(1) Type A PDDs

Type A PDDs may be established in any zoning district, subject to the requirements of this section and review and approval by the Planning Commission.

(2) Type B PDDs

Type B PDDs shall be established on the official Zoning Map by the same procedure as for amendments generally (Article X) and in accord with the requirements of this section.

Additionally, each PDD shall be identified by a prefix and number indicating the particular district, as for example "PDD-1", together with whatever other identification appears appropriate.

3-2.3 Site Plan Requirements

A Site Plan showing the proposed development of the area (zone) shall be prerequisite to approval of a PDD. The Site Plan shall adhere to the requirements of Section 3-2.4 and 3-2.5 and shall address or show the following:

- (1) The proposed title of the project, project designer, and the

developer.

- (2) The boundaries of the property involved; the general location of all existing easements, property lines, existing streets, buildings; and other existing physical features on the project site.
- (3) The approximate location of existing and proposed sanitary and storm sewers, water mains, street lighting, and other service facilities in or near the project.
- (4) The general location and dimensions of proposed streets, driveways, curb cuts, entrances and exits, parking and loading areas (including numbers of parking spaces).
- (5) The general location of proposed lots, setback lines, easements and a conceptual land use plan.
- (6) The general location and approximate heights of all principal and accessory buildings and dimensions of structures.
- (7) The general location and description of all fences, walls, screens, buffers, plantings and landscaping.
- (8) The general location and number of dwelling units for multi-family projects.
- (9) A Common Signage Plan, as required by Section 5-4.
- (10) The position of the proposed development in relation to its surroundings.
- (11) A tabulation of (1) the number of acres in the project by use, (2) impervious surface ratios, and (3) floor area ratio for non-residential uses.

The Planning Commission may establish additional requirements for Site Plan approval, and in special cases, may waive a particular requirement if,

in the opinion of the Commission, the inclusion of that requirement is not essential to a proper assessment of the project.

3-2.4 Minimum Area Required

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

3-2.5 Development Standards

(1) Density and Height Requirements

Type A PDDs

Residential density, impervious surface ratios, floor area ratios, and building heights shall not exceed the limits for the district in which a Type A PDD is to be located.

Type B PDDs

Residential density, setbacks, impervious surface ratios, floor area ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities, i.e. transportation, water and sewer systems, recreation facilities, etc.

(2) Overall Site Design

Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, size of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks and size of open spaces shall be encouraged.

(3) Parking and Loading

Off-street parking and loading spaces for each PDD shall comply with the requirements of Article II, Table I or II, as applicable, for the various uses proposed for the PDD, and

Article VII.

(4) Buffer Areas

Buffer areas shall be required for peripheral uses only, and shall be provided in accord with the minimum requirements for adjacent uses prescribed by Section 6-1.5. Buffer areas are not required for internal use.

(5) Streets and Street Improvements

Private streets may be permitted in a PDD provided such streets meet the design and construction standards promulgated for public streets in accord with the city's Subdivision Ordinance, further provided that an acceptable maintenance plan be submitted to and approved by the City Administrator or his designee prior to permitting.

(6) Landscaping and Common Open Space

Landscaping and open space requirements for each PDD shall comply with the provisions of Sections 6-3 and 6-4 of this Ordinance.

(7) Signage

Signage permitted in a Type "A" PDD shall comply with all applicable requirements of Article V for the district in which the Type A PDD is to be located. Signage permitted in a Type "B" PDD shall be in harmony and scale with and reflective of the proposed Type B PDD.

3-2.6 Financial Guarantees

Where public improvements and/or "common" amenities or infrastructure are proposed, such improvements shall be installed in accord with a development schedule to be approved as part of the PDD Plan.

Where proposed or required improvements have not been completed by the applicant/developer prior to the scheduled target date, the applicant/developer shall provide financial guarantees to ensure the proper installation of such required improvements by posting with the City of Darlington a surety bond, certified check, or other instrument readily convertible to cash. The surety must be in an amount equal to at least one hundred twenty-five percent of the cost of the improvements. This surety must be in favor of the city to ensure that in the event of default by the developer, funds will be available and used to install the required improvements at the expense of the developer. The nature and duration of the guarantees shall be structured to achieve this goal without adding unnecessary costs to the developer.

3-2.7 Action By Planning Commission and/or City Council

Action by the Planning Commission and/or City Council may be to approve the Plan and application to establish a PDD, to include specific modifications to the Plan, or to deny the application to rezone or establish a PDD. If the Plan and/or rezoning are approved, the applicant shall be allowed to proceed in accord with the approved PDD Plan as supplemented or modified in a particular case by the Commission and/or City Council, and shall conform to any time or priority limitations established for initiating and/or completing the development in whole, or in specified stages. If the application is denied, the applicant shall be so notified.

3-2.8 Administrative Action

After a PDD Plan or District has been approved, building and sign permits shall be issued in accord with the approved Plan as a whole or in stages or portions thereof, as approved. Said permits shall be issued in the same manner as for building and sign permits generally.

3-2.9 Changes In Approved PDD Plans

Except as provided below, approved PDD plans shall be binding on the owner and any successor in title.

Changes in an approved Type "A" PDD Site Plan may be accommodated and approved by the Planning Commission.

Minor changes in an approved Type "B" PDD Site Plan also may be accommodated and approved by the Planning Commission, upon a finding that such changes are:

- (1) In accord with all applicable regulations in effect at the time of the creation of the PDD District; or
- (2) In accord with all applicable regulations currently in effect.

Major changes to an approved Type "B" PDD shall require approval of the City Council. The following constitutes major changes.

- (1) Any increase 20 percent or greater in intensity or use. An increase in intensity of use shall be considered to be an increase in usable floor area; an increase in the number of dwelling or lodging units; or an increase in the amount of outside land area devoted to sales, displays or demonstrations.
- (2) Any change in parking areas resulting in an increase or reduction of twenty (20) percent or more in the number of spaces approved.
- (3) Structural alterations significantly affecting the basic size, form, style and location of a building, as shown on the approved Plan.
- (4) Any reduction in the amount of open space or buffer area resulting in a decrease of more than five (5) percent or any substantial change in the location or characteristics of open space.
- (5) Any change in use from one use group to another
- (6) Substantial changes in pedestrian or vehicular access or circulation.

3-2.10 Expiration of Time Limits on Type "B" PDD Amendments

If a time limit is set as part of the establishing agreement and action is not taken within the time limit set, the Planning Commission shall review the circumstances and recommend to City Council:

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

3-2.11 Vested Right

1. Definition

'Vested right' means the right to undertake and complete the development of property under the terms and conditions provided in this section.

2. Duration

A vested right is established for two years upon the approval of a PDD plan, including a phased development plan.

A vested right may be extended at the end of the vesting period for an additional 12 months, or 36 months for a phased development plan, upon request by the applicant and a determination by the Planning Commission that there is just cause for extension and that the public interest is not adversely affected.

A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code.

3. Amendment

A vested site specific development plan or vested phased development plan may be amended if approved by the Planning Commission or City Council, as applicable, pursuant to the provisions of this ordinance.

4. Revocation

A vested right to a site specific development plan or phased development plan is subject to revocation by the Planning Commission or City Council, as applicable, upon determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

5. Applicability of Other Regulations

A vested site specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit;

A vested site specific development plan or vested phased development plan is subject to subsequent local governmental overlay zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses;

A change in the zoning district designation or land use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a vested site specific development plan or vested phased development plan without consent of the landowner;

The Planning commission or City Council, as applicable, must not require a landowner to waive his vested rights as a condition of approval of a site specific development plan or a phased development plan.

6. Vested Right to Run with Property

A vested right pursuant to this section is not a personal right, but attaches to and runs with the applicable real property. The landowner

and all successors to the landowner who secure a vested right pursuant to this Section may rely upon and exercise the vested right for its duration subject to applicable federal, state, and local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. This Section does not preclude judicial determination that a vested right exists pursuant to other statutory provisions. This Section does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Government Development Agreement Act in Chapter 31 of Title 6.

Section 3-3. HOD, Historic "Overlay" District

3-3.1 Type of District; Permitted Uses

The HOD is an "overlay" district. As such, permitted uses are determined by the "underlying" or primary zoning district. Where this district overlays a Residential Zoning District, for example, only those uses permitted in the Residential Zoning District shall be permitted in the HOD Overlay District, subject to the additional requirements and standards of this Section.

3-3.2 Historical Landmarks Commission To Govern

To help accomplish historic conservation and preservation in this district, an Historical Landmarks Commission is hereby established in accord with the provisions of 6-29-870 of the Code of Laws of South Carolina. The Commission shall consist of seven (7) members of whom the chairperson and no fewer than four (4) members shall be residents of the City of Darlington. Members shall be appointed by the Mayor, subject to confirmation by City Council.

The following criteria shall be used in the selection of members:

- (1) Residency or ownership in the City of Darlington.
- (2) Ownership in the Historic District and/or a demonstrated interest in historic conservation and preservation, and/or

- (3) If available in the community, professionalism in historic preservation, housing, architecture, building construction and design, real estate and/or finance.

Commission members shall be appointed for overlapping two (2) year terms and shall serve until their successors are appointed. Any vacancy in the membership shall be filled for the unexpired term by the Mayor, subject to Council confirmation. None of the Commission members may hold any other public office.

3-3.3 Organization and Meetings of the Commission

The Commission shall elect a Chairman and a Vice-Chairman who shall serve for one year or until reelected. The Commission shall adopt rules of procedure and keep a record of its proceedings in accordance with the State Statutes and these regulations.

Four (4) members of the Commission shall constitute a quorum for the conduct of business. The members shall serve without compensation, except for reimbursement for expenses attendant to the performance of their duties and authorized by the City Council. The Commission shall meet upon the call of the Chairman and at such regular intervals as determined by the Commission, but not less than once a quarter. The first regular meeting following the City's fiscal year shall be designated the annual organization meeting for the election of officers and the organization of the Commission.

3-3.4 Power and Duties of the Commission

Where within a designated Historic Overlay District, the exterior appearance of any building or structure is involved, the Building Official shall issue no permit for erection, alteration, improvement, demolition or moving of such structure unless and until a project application has been approved by the Commission, and a **Certificate of Appropriateness** issued at the Commission's direction.

Any action by an applicant following issuance of a permit requiring a Certificate of Appropriateness shall be in accord with the approved certificate. The Commission shall not cause to be issued a Certificate

of Appropriateness authorizing issuance of any permit if it finds that the action proposed would adversely affect the character and environment of the effected area. Where certification is denied, the Commission shall record its reasons for denial.

Additionally, the Commission shall have the powers and duties:

- (1) To conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas that exemplify the cultural, social, economic, political, or architectural history of the city, and to recommend the nomination of buildings, structures, sites, objects or districts to the National Register of Historic Places;
- (2) To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation;
- (3) To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another;
- (4) To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
- (5) To call upon available city staff members as well as other experts for technical advice;
- (6) To testify before all boards and commissions, including the Planning Commission and the Board of Zoning Appeals, on any matter affecting historically significant property, structures and/or areas.
- (7) To hear appeals from decisions of the Building Official or

other appropriate administrative official in matters under the purview of the Commission where there is alleged error in any order, requirement, determination or decision.

3-3.5 General Review Standards for Determining Appropriateness

In considering the issue of appropriateness, the Commission shall be guided by the following:

- (1) A property will be used as it was historically or be given a new use that requires minimal change in its distinctive materials, features, spaces, and spatial relationships.
- (2) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- (3) Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
- (4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- (5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- (6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

- (7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- (8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- (9) New additions, exterior alterations, or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- (10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

3-3.6 General Design Standards for Determining Appropriateness

At a minimum, the following general design standards shall be considered by the Commission when considering an application for appropriateness:

- (1) **Height** - The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures.
- (2) **Proportions of Windows and Doors** - The proportions and relationships between doors and windows should be compatible with the architectural styles and character of the landmark and with surrounding structures.

- (3) **Relationships** - The relationship of a structure to the open space between it and adjoining structures should be compatible.
- (4) **Roof Shape** - The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures.
- (5) **Landscaping** - Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes.
- (6) **Scale** - The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures.
- (7) **Directional Expression** - Facades should blend with other structures with regard to directional expression. Structures should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.
- (8) **Architectural Details** - Architectural details including materials, colors, and textures should be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a landmark or historic district.

3-3.7 Certain Work Exempt From Commission Review

Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any building or any structure which does not require a building permit, nor to prevent the demolition of any structure or building characterized by neglect in the maintenance of

such building or structure to the extent that it creates hazardous or unsafe conditions.

Such a determination by the Building Official shall be forwarded to the Commission for review and comment before a permit to demolish such building or structure is issued.

The Commission shall have the right to override the decision of the Building Official to demolish, subject to appeal to Circuit Court as provided by Section 3-3-11.

3-3.8 Development and Dimensional Standards

Development and dimensional standards of the primary zoning district shall be applicable, but may be waived or modified by the Commission in a particular situation.

3-3.9 Applications and Materials to be Submitted to the Commission

Applications for Certificates of Appropriateness shall be submitted through the office of the Building Official to the Historical Landmarks Commission for review and action. The Commission shall act on such application within 30 days of receipt thereof.

By general rule or by specific request in a particular case, the Commission may require submission of any or all of the following information in connection with the application: architectural plans, site plans, landscaping plans, proposed signs and appropriate detail as to character, proposed exterior lighting arrangements, elevations of all portions of structures with important relationships to public view and indications as to construction materials, design of doors and windows, ornamentation, colors and the like, photographs or perspective drawings indicating visual relationships to adjoining structures and spaces, and such other exhibits and reports as are necessary for its determination.

General certification of appropriateness for specific classes of uses may be issued by the Commission if it is found that particular materials, designs, architectural features or styles, or other

characteristics are generally acceptable and appropriate within the district, and that continued detailed consideration of individual applications involving such matters would be superfluous. If the Building Official finds, upon examining the application, that all aspects which would otherwise require Commission review are covered by general certification, he/she may proceed without referral to the Commission, identifying the general certification in the record of the application.

3-3.10 Appeal To Historical Landmarks Commission

- (1) Appeals to the Commission may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality or county. The appeal must be taken within 30 days of a decision, by filing with the officer from whom the appeal is taken and with the Commission notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken immediately shall transmit to the Commission all the papers constituting the record upon which the action appealed from is taken.
- (2) 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 Commission, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the Commission or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- (3) The Commission shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice of it, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

3-3.11 Appeals from Decision of Historical Landmarks Commission to Circuit Court

Any person who may have a substantial interest in any decision of the Commission or any officer, or agent of the City of Darlington may appeal from any decision of the Commission to the Circuit Court in and for the County of Darlington by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the affected party receives actual notice of the decision of the Historic Landmarks Commission.

Section 3-4. NRC, Natural Resource Conservation "Overlay" District

3-4.1 Permitted Uses

The NRC is an "overlay" district. As such, permitted uses are determined by the "underlying" or primary zoning district. Where this district overlays a Residential Zoning District, for example, only those uses permitted in the Residential Zoning District shall be permitted in the NRC overlay district, subject to the review requirements of this section.

3-4.2 Planning Commission Review Required

All uses and development proposed for the NRC District shall be submitted to the Planning Commission for review and approval prior to permitting by the Building Official.

In its review the Planning Commission shall consider the potential impact of the proposed use on prevailing natural features, i.e. vegetation, hydrology, ecology, geology, topography, and soils.

To the maximum extent practicable, the Commission shall guide and mitigate proposed development so as to preserve natural features within the district, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.

The following specific areas shall be preserved and protected to the extent consistent with the reasonable utilization of a proposed building site in the district.

- (1) Unique and/or fragile areas, including wetlands as defined in Section 404, Federal Water Pollution Control Act Amendments of 1972, as determined by the U.S. Corps of Engineers;
- (2) Lands in flood hazard areas, as delineated on Flood Boundary and Floodway Maps for the City of Darlington; and
- (3) Habitats of endangered wildlife as identified on federal and state lists.

3-4.3 Appeal Decision of the Commission

In case of failed mitigation and disapproval by the Planning Commission of any application brought before it, the applicant shall have the right to appeal the decision to the City Council, which shall have the power to overrule such disapproval and instruct the Building Official to issue said permit, having given due notice of the matter in a newspaper of general circulation in the City of Darlington.

ARTICLE IV

CONDITIONAL USE REGULATIONS

Section 4-1. Application

The requirements of this Article shall apply to all conditional uses listed on Table I, as applicable.

Section 4-2. Reserved

Section 4-3. Reserved

Section 4-4. Mobile and Manufactured Home Parks

Mobile and manufactured home parks, where conditionally permitted by Table I, shall comply in full with the City's Mobile/Manufactured Home Ordinance, enacted 09-06-98.

Section 4-5. Townhouses

Due to the unique design features of townhouses, the dimensional requirements of Table II are hereby waived and the following design requirements imposed for all such projects:

- (1) Such projects shall have a minimum of 0.5 acres.
- (2) Not more than eight (8) nor fewer than three (3) townhouses may be joined together, with approximately the same (but staggered) front line.
- (3) Side yard setbacks at the end unit shall be as required for the district in which the project is to be located, with not less than 20 foot distance between buildings in the project area.
- (4) Rear yard setbacks shall be 20 feet.
- (5) Minimum lot width shall be 18 feet.

- (6) Sidewalks not less than three (3) feet in width shall be provided along the front property line of each project, building.
- (7) Impervious surface area shall not exceed 65 percent of a townhouse lot, on average; except where common open space is provided in the amount of 20 percent or more. In such instances, impervious surface areas may increase to 85 percent of a townhouse lot, on average.
- (8) Maximum height of buildings shall not exceed 35 feet.
- (9) Front yard setbacks shall be as prescribed by Table II, but may be waived or modified by the Board of Zoning Appeals due to the unique style of such housing.
- (10) Rear yards shall be enclosed by a six-foot wall or fence, unless used for parking, and may include one accessory building no greater than 500 square feet in GFA.

Section 4-6. Patio and Zero Lot Line Housing

Due to the unique design features of patio and zero lot line housing, the dimensional requirements of Table II are hereby waived and the following requirements imposed on all such projects:

- (1) Such projects shall have a minimum of 1.5 acres.
- (2) Minimum lot area shall be 3,000 square feet per unit, on average.
- (3) Minimum lot width shall be 40 feet.
- (4) Maximum height of buildings shall not exceed 35 feet.
- (5) Where a unit is to be constructed at or on the property line, a five-foot maintenance easement shall be provided on the adjoining lot.
- (6) A minimum patio or yard area of 700 square feet shall be

provided on each lot, not more than 15 percent of which shall be impervious to water.

- (7) At least one side yard extending not less than 5 feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of 5 feet.
- (8) The side yard of the exterior units shall be five (5) feet from the "outside" property line.
- (9) Rear yard setbacks shall be not less than 10 feet.
- (10) Front yard setbacks shall be as prescribed by Table II, but may be waived or modified by the Board of Zoning Appeals due to the unique style of such housing.

Section 4-7. Bed and Breakfast Inns

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

- (1) Be located no closer than 400 feet from an existing Bed and Breakfast Inn.
- (2) Be occupied by the resident/owner.
- (3) Only be permitted in older residential structures that are recognized as architecturally, historically or culturally significant and that, through renovation and use as a bed and breakfast inn, will contribute significantly to the ambience, character, or economic revitalization of the area and/or continued use of the property in question for residential purposes.
- (4) Serve no scheduled meal other than breakfast; however, lunch

and dinner meals may be prepared and served for business meetings, clubs, social gatherings, private parties, together with catering for parties on and off premises.

- (5) Maintain the interior architectural integrity and arrangement of the structure and shall not increase the number of guest rooms above the number of bedrooms in the original structure.
- (6) Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area.
- (7) Provide off-street parking on the basis of one space per guest room, plus two spaces for the resident innkeeper; further provided that sufficient off-street parking space shall be available on site to accommodate business and club meetings, social gatherings, and private parties, where proposed by the applicant.
- (8) Be permitted one non-illuminated identification sign, not to exceed four square feet in area.
- (9) Be reviewed for compatibility with surrounding properties and be approved by the Darlington Planning Commission, following an advertised public hearing in a newspaper of local circulation, given five (5) days notice of time and place of said hearing.

Section 4-8. Accessory Apartments

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

- (1) The principal structure (dwelling) must be owner occupied.
- (2) The apartment, whether attached or detached, cannot exceed 50 percent of the gross floor area of the principal dwelling, or contain more than two bedrooms.
- (3) The apartment must be a complete living space, with kitchen

and bathroom facilities separated from the principal unit.

- (4) An accessory apartment may be accessory only to a single unit dwelling, and not more than one apartment shall be allowed per dwelling or lot.
- (5) Minimum lot size shall be at least 50 percent greater than the minimum lot requirement for the district in which the apartment is to be located.
- (6) The apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be setback not less than 10 feet from the principal dwelling.
- (7) Evidence of the accessory apartment should not be apparent from the street.
- (8) A third off-street parking space shall be required.

Section 4-9. Manufacturing Uses; Refuse Systems

The following performance standards shall be used to ensure that all conditionally permitted manufacturing uses and refuse systems shall produce no injurious or obnoxious conditions related to the operation of such uses sufficient to create a nuisance beyond the premises.

- (1) **Vibration.** No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line; nor shall any vibration produced exceed the following particle velocity levels, measured with a vibration monitor in inches per second at the nearest:
 - (a) Residential property line: 0.02
 - (b) Non-residential property line: 0.10

Vibration emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these regulations.

- (2) **Fire and Explosives.** All activities and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion, including adequate fire fighting and fire suppression equipment.
- (3) **Odor.** There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process which may involve the creation or emission of any such odor shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.
- (4) **Air Pollution.** The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the South Carolina Pollution Control Authority.

Air pollution emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements.

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

**Table 3
Night Time Schedule**

Maximum permissible sound pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9 p.m. and 7 a.m.

Frequency Band (In Cycles Per Second)	Sound Pressure Levels (In Decibels)	
	At Non-Residential Lot Line	At Residential Lot Line
20 - 75	69	65
75 - 150	60	50
150 - 300	56	43
300 - 600	51	38
600 - 1,200	42	33
1,200 - 2,400	40	30
2,400 - 4,800	38	28
4,800 - 10,000	35	20

**Table 4
Day Time Schedule**

Maximum permissible sound pressure levels at the lot line for noise radiated from a facility between the hours of 7 a.m. and 9 p.m. shall not exceed the limits of the preceding table except as specified and corrected below.

<u>Type of Operation in Character of Noise</u>	<u>Correction In Decibel*</u>
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5
Noise source operates less than 5% of any one-hour period	plus 10
Noise source operates less than 1% of any one-hour period	plus 15
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5

* Apply to the preceding table one of these corrections only.

Noises emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements.

- (6) **Glare.** There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding or otherwise, so as to be visible in any residence.
- (7) **Fumes and Vapors.** There shall be no emission of any fumes or vapors of a noxious, toxic or corrosive nature which can cause damage or irritation to health, animals, vegetation, or to any form of property.
- (8) **Heat, Cold, Dampness or Movement of Air.** Activities which could produce any adverse affect on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.
- (9) **Toxic Matter.** The measurement of toxic matter shall be at ground level or habitable elevation and shall be the average of any 24-hour sampling period. The release of any airborne toxic matter shall not exceed the quantities permitted for those toxic materials currently listed in Threshold Limit Values, adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in said listing, the applicant shall satisfy the Building Official that the proposed levels will be safe to the general population.
- (10) **Exterior Illumination.** All outdoor street lights and similar outdoor area fixtures shall be installed in accord with applicable requirements of Section 6-6.

Section 4-10. Mini-warehouses

Due to the need to better integrate mini-warehouses into the urban fabric of the community, the following standards shall be observed:

- (1) **Size.** Mini-warehousing sites shall not exceed two acres.
- (2) **Lot Cover.** Lot coverage of all structures shall be limited to 50 percent of the total area.
- (3) **In/Out.** Vehicular ingress-egress shall be limited to one point

for each side of property abutting any street lot line.

- (4) **Storage Only.** No business activities other than rental of storage units shall be conducted within or from the units.
- (5) **Storage Space.** The storage space or gross floor area of a single unit shall not exceed 300 square feet.

Section 4-11. Communication Towers and Antennas

Where conditionally permitted by Table I, communication towers and antennas shall adhere to the following regulations.

- (1) All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.
- (2) All applicable safety code requirements shall be met.
- (3) The tower or antenna shall not be painted or illuminated unless otherwise required by state or federal regulations.
- (4) No tower or antenna shall be located within 1,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.
- (5) Towers or antennas shall be exempt from the height requirements of this ordinance, except as provided in Section 8-5.
- (6) Permit requirements for the erection or placement of a tower or antenna shall be accompanied by the following:
 - (a) \$200 processing fee.
 - (b) One copy of typical specifications for proposed structures and antennae, including description of design

characteristics and material.

- (c) A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property; [site plan not required if antenna is to be mounted on an approved existing structure].
- (d) A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the city.
- (e) A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.
- (f) Identification of the owners of all antennae and equipment to be located on the site.
- (g) Written authorization from the site owner for the application.
- (h) Evidence that a valid FCC license for the proposed activity has been issued.
- (i) A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
- (j) A written agreement to remove the tower and/or antenna within 180 days after cessation of use.
- (k) Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file a written

indemnification of the municipality 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 form approved by the city attorney.

Section 4-12. Wrecking, Scrap and Salvage Operations

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

- (1) No such use shall be located closer than 500 feet to any residential use, church, school, historical place or public park.
- (2) No material because it is discarded and incapable of being reused in some form shall be placed in open storage.
- (3) No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water or other causes.
- (4) All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully enclosed buildings.
- (5) All materials and activities not within fully enclosed buildings shall be enclosed by an opaque fence or wall or vegetative material, excluding points of ingress or egress, at least eight (8) feet in height.

Section 4-13. Sexually Oriented Business

4-13.1 Location

Owing to potentially objectionable operational characteristics of sexually oriented or adult uses, and the deleterious affect of such uses on existing businesses and/or residential areas around them, the location of such uses shall be tempered by the supplemental siting criteria of this section. No such use shall be located within 1,000 feet (measured in a straight line) of:

- (1) a residential property line in a Residential Zone,
- (2) a church or religious institution,
- (3) public or private schools and educational facilities,
- (4) public parks and recreational facilities, or
- (5) any other adult or sexually oriented business.

4-13.2 License Required

It shall be a misdemeanor for a person to operate a sexually oriented business without a valid Permit and/or License, issued by the city for the particular type of business.

- (1) An application for a permit and/or license must be made on a form provided by the Office of the City Clerk.
- (2) The premises must be inspected and found to be in compliance with the law by health, fire and building officials.

4-13.3 Expiration of License

Each permit and/or license shall expire at the end of each calendar year and may be renewed only by making application as provided herein.

4-13.4 Fees

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

4-13.5 Inspection

- (1) An applicant or permittee and/or licensee shall permit the Zoning Administrator and representatives of the police, health or fire departments or other city departments or agencies involved in code enforcement to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is open for business.
- (2) A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to

permit such lawful inspection of the premises at any time it is occupied or open for business.

4-13.6 Suspension

The city Zoning Administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if he determines that a permittee 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 Ordinance.
- (2) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises.
- (3) Refused to allow an inspection of the sexually oriented business premises as authorized by this Section.
- (4) Knowingly permitted gambling by any person on the sexually oriented business premises.

4-13.7 Revocation

- (1) The city Zoning Administrator shall revoke a permit and/or license if a cause of suspension occurs and the permit and/or license has been suspended within the preceding twelve (12) months.
- (2) The city Zoning Administrator shall revoke a permit and/or license if he determines that:
 - (a) A permittee and/or licensee gave false or misleading information in the material submitted to the building department 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 city or state for any taxes or fees past due.

Section 4-14 Camps and Recreational Vehicle Parks

Camps and recreational vehicles (RV) parks, where permitted by this Ordinance, shall comply with the following site and design standards.

- (1) The site shall be at least two (2) acres.
- (2) The site shall be developed in a manner that preserves natural features and landscape.
- (3) The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
 - (a) Maximum impervious surface ratio shall not exceed 15 percent of the project site.
 - (b) Maximum density shall not exceed 12 vehicles per acre.
 - (C) Minimum setbacks for all structures and recreational vehicles shall be:

Street frontage	50'
All other property lines	25'

- (d) Bufferyards shall be as specified by Section 6.1.

- (4) Areas designated for parking and loading or for trafficways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicle ingress and egress. All drives shall be located at least one hundred fifty (150) feet from any street intersection and shall be designated in a manner conducive to safe ingress and egress.
- (5) All streets within RV Parks shall be private and not public.
- (6) Each park site shall be serviced by public water and sewer systems approved by DHEC.

Section 4-15. Vendors

Vendors shall be governed by the following:

- 1) All vending operations shall be located not less than twenty (20') feet from the nearest street right-of-way and provide at least two off-street parking spaces.
- 2) Only one vendor shall be allowed for each one hundred (100') feet of street frontage.
- 3) No portion of a vending operation shall be allowed to occupy or obstruct access to any required off-street parking stall.
- 4) No merchandise, vehicles, structures, signage, etc. shall be left on the site past sundown.
- 5) No goods or merchandise offered for sale may be stored in or sold from a tractor-trailer.

Only one sign per vendor shall be allowed, regardless of where it is mounted. Advertising materials attached to or painted onto automobiles are construed to be signs. Signs shall not exceed ten (10) square feet in area and shall meet all applicable sign requirements contained in Article V.

Section 4-16 General Auto Repair

General auto and other motor vehicle repair operations shall be conducted within fully enclosed buildings. There shall be no open storage of junked vehicles, dismantled parts, scrap parts or other salvage material other than outdoor storage of not more than 10 disabled vehicles with current license plates. Servicing shall be conducted in an area that can be cleaned.

Section 4-17 Apartments in the CC District

Apartments and condominiums may be permitted in the CC District; provided first floor units shall not have ground level street frontage; further provided that off-street parking shall not be required, but may be provided in contiguous zone districts, notwithstanding restrictions against off-street parking facilities in such districts.

Section 4-18 Open Storage

Open storage as an accessory use may be permitted where indicated by Table I; provided such storage area does not occupy over 20 percent of the building area, is not located in the required setback area, and is relatively obscured from public view by screening or placement on the lot.

Section 4-19 Temporary Uses

4-19.1 Permit Required

The Building Official is authorized to issue a permit for temporary uses as specified in this Ordinance. No temporary use may be established without receiving such permit.

Temporary use permits may be renewed no more than twice within one calendar year, provided that said use will not create traffic congestion or constitute a nuisance to surrounding uses. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Building Official.

4-19.2 Type and Location

The following temporary use and no others may be permitted by the Building Official, subject to the conditions herein.

- (1) Religious meetings in a tent or other temporary structure in the GC District for a period not to exceed sixty (60) days.
- (2) Open lot sales of Christmas trees in the LC, GC and LI Districts for a period not to exceed forty-five (45) days.
- (3) Contractor's office and equipment shed, in any district, for a period covering construction phase of a project not to exceed one (1) year unless re-permitted; provided that such office be placed on the property to which it is appurtenant.
- (4) Temporary "sale" stands in the GC and LI Districts for a period not to exceed sixty (60) days.
- (5) Portable classrooms in any district for cultural or community facilities, educational facilities or religious complexes, for an indefinite period provided all required setbacks for the district in which the structures are to be located shall be observed and maintained.
- (6) Temporary office trailers in any commercial or industrial district where the principal building is being expanded, rebuilt, or remodeled for the conduct of business while the principal building is under construction.
- (7) Portable Storage Facilities, not to include portable shipping containers designed for overseas transport, may be permitted in any District not to exceed 30 days within any 12 month period, starting with the first day; provided such facilities are not located within any required side yard setback area. Applicable sign regulations notwithstanding,

leasing information may be displayed on the storage facilities.

4-19-3 Removal

Temporary uses and structures from which temporary uses are operated shall be removed from the site after the temporary permit has expired.

4-19.4 Off-Street Parking

Unless specified by Table I for a specific use, a minimum of five off-street parking spaces shall be required, and ingress/egress areas shall be clearly marked.

4-20 Multi-Family Housing and Residential Care Facilities

Multi-family housing projects consisting of five or more units or two or more residential care facilities designed to accommodate 20 or more individuals shall meet the following design standards.

- a. Buildings shall be set apart not less than 20 feet.
- b. Not less than 20 percent of the project site shall be designated, landscaped and permanently reserved as usable common open space, as specified in Section 6-4.3.
- c. Buildings shall not exceed 400 feet from end to end.
- d. Multiple buildings shall be oriented toward common open space, away from adjacent single-family residential uses and off-street parking areas.
- e. Trash receptacles shall be oriented away and screened from adjacent residential uses.
- f. Not less than 50 percent of the required front yard setback area shall be devoted to landscaping, as per Section 6- 3.5.

- g. Off-street parking areas shall be landscaped in accord with the provisions of Section 6-3.5.

Section 4-21 Religious Organizations

Religious and other groups and organizations relying on assembly space in commercial districts shall not occupy previously occupied commercial buildings. Such buildings shall be reserved exclusively for commercial, business and/or economic development use.

Section 4-22 Shipping Containers

Where conditionally permitted by Table I, the use and storage of shipping containers shall be governed by the following:

- a. Shipping containers shall not be used as a principal use or structure.
- b. Shipping containers shall not be located in front of any principal building or structure.
- c. Shipping containers shall be permanently screened from public view.
- d. Shipping containers shall not be stacked.
- e. Shipping containers shall not be located in any required side or rear yard set back area.
- f. The number of accessory shipping containers shall not exceed one per establishment or lot, except where the building to which it is accessory exceeds 20,000 square feet, then an additional shipping container may be established; provided it shall meet in full the above requirements.
- g. Shipping containers shall not be placed or stored on any lot or parcel for sale or distribution.

h. Shipping containers shall be rust and damage free, and properly maintained at all times.

ARTICLE V

SIGN REGULATIONS

Section 5-1. Purpose

The purpose of this Article is to protect the dual interest of the public and the advertiser. The regulations herein are designed to protect public safety and welfare and to ensure the maintenance of an attractive community environment while satisfying the needs of sign users for adequate identification, communication and advertising.

Section 5-2. Applicability and Conformance

This Article regulates the number, size, placement and physical characteristics of signs; allows certain signs without permits; prohibits certain signs; and requires permits for certain signs.

From and after the adoption of this Ordinance, no sign may be erected or enlarged in the City of Darlington unless it conforms to the requirements of this Article.

Section 5-3. Signs on Private Property

Signs shall be allowed on private property in the city in accord with Table 5. If the letter "A" appears for a sign type in a column, such sign is allowed without prior permit approval but must comply with the requirements of Table 6. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

TABLE 5

REGULATION OF SIGNS BY TYPE, CHARACTERISTICS AND ZONING DISTRICTS

SIGN TYPE	R-10 R-8	R-6 RG	INS(3)	OR	LC	CC	GC	LI BI
PERMANENT								
Freestanding								
Billboards	N	N	N	N	N	N	P	P
Principal	N(1)	N(1)	P	P	P	P	P	P
Incidental	N	A	A	A	A	A	A	A
Building								
Awning, Canopy	N	N	N	P	P	P	P	P
Identification	A	A	A	A	A	A	A	A
Incidental	N	A	A	A	A	A	A	A
Marquee	N	N	N	N	P	P	P	P
Projecting	N	N	N	N	P	P	P	P
Roof	N	N	N	N	N	N	N	N
Roof, Integral	N	N	N	N	N	N	P	P
Wall	N	N	N	N	P	P	P	P
TEMPORARY (2)								
A-Frame	N	N	A	N	A	A	A	A
Banner, pennants	N	N	A	A	A	A	A	A
Posters, political	A	A	A	A	A	A	A	A
Portable	N	N	N	N	N	N	P	P
Inflatable	N	N	N	N	N	N	P	N
Window	N	N	N	A	A	A	A	A
Identification	A	A	A	A	A	A	A	A
<u>SIGN CHARACTERISTICS</u>								
Animated	N	N	N	N	N	P	P	N
Changeable Copy	N	N	A	A	A	A	A	A
Illumination Indirect	A	A	A	A	A	A	A	A
Illumination Internal	A	A	A	A	A	A	A	A
Illumination, Exposed bulbs	N	N	N	N	N	N	N	N
Digital	N	N	N	N	N	N	P(4)	N

(1) Signs identifying or announcing land subdivisions or residential projects shall be allowed by permit only, in accord with the requirements of Table VII and Section 5-4; (2) See Section 5-6; (3) This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts, i.e. churches, schools, parks, etc., and includes historical markers.(4)Signs shall be located no closer than 300 feet to nearest dwelling.

TABLE 6

NUMBER, DIMENSION AND LOCATION OF PERMITTED SIGNS, BY ZONING DISTRICT

	<u>R-10(a)</u> <u>R-8</u>	<u>R-6(a)</u> <u>RG</u>	<u>INS(b)</u>	<u>OR</u>	<u>LC</u>	<u>CC</u>	<u>GC</u>	<u>LI</u> <u>BI</u>
FREESTANDING SIGNS								
Number Permitted:								
Principal (Per Lot)	NA	NA	1	1	1	1 (d)	(e)	(e)
Billboards	NA	NA	NA	NA	NA	NA	(f)	(f)
Maximum Sign Area (Sq. Ft.)								
Principal Signs	NA	NA	20	20	36	36	(C)	(C)
Billboards	NA	NA	NA	NA	NA	NA	378(g)	378(g)
Minimum Setback from								
Property Line	NA	NA	10'	10'	10'	0	10'	10'
Maximum Height	NA	NA	12'	12'	24'	24'	(h)	(h)
BUILDING SIGNS								
Number Permitted	1	1	1	1	NA	NA	NA	NA
Maximum Sign Area (sq. ft.)	2	6	10	6	NA	NA	NA	NA
Maximum Wall Area (%)	NA	NA	NA	NA	15%	15%	25%	25%
TEMPORARY SIGNS	See Section 5-6							

(a) Subdivision identification and residential project signs, not to exceed 20 square feet in area are permitted in these districts, provided they meet the requirements for a Common Signage Plan, in accord with Section 5-4.

(b) This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the zoning ordinance in residential zoning districts, i.e. churches, schools, parks, etc.

(c) One (1) square foot of sign area for each three (3) feet of street frontage (on one street), not to exceed 378 square feet per sign.

(d) Free standing signs shall be permitted only where yard depth is at least 20 feet.

(e) One per lot or street upon which lot is located if more than one, plus one for each 400 feet street frontage (on one street).

(f) No billboard shall be located within 1,200 feet of another billboard, whether within or without the city limits. The total number shall not exceed the number in place as of the date of adoption of this ordinance, except by annexation.

(g) Billboards may include extensions or cutouts totaling no more than 150 square feet. Billboards shall be designed and constructed with monopole support structure, in accord with city code with respect to wind load and foundation design. No stacked or side-by-side sign faces shall be allowed.

(h) 40' feet when located on the By-Pass; 24' when located elsewhere.

Section 5-4. Building Official and Design (Sign) Review Board Approval Required for Sign Permit

The Building Official and Design Review Board shall have the responsibility of reviewing for approval all sign applications for which a sign permit is required, as indicated by Table V. No sign permit for which a permit is required shall be issued and no sign shall be constructed, modified or altered in any manner, except for changing copy, without approval of the Building Official Design Review Board.

Should the Building Official and Design Review Board reject an application for a permanent sign, the applicant for said sign may appeal the decision to the Board of Zoning Appeals. The Board of Zoning Appeals shall set a time and place to hear the appeal, in accord with the appeal proceedings of Section 9-9.2.

Should the Building Official and Design Review Board approve an application for a permanent sign, the Building Official shall issue the required permit, in accord with the conditions for approval established by the Building Official and Board.

Section 5-5. Design Criteria

In its review of a sign application, the Building Official and Design Review Board shall consider the proposed general design, arrangement, texture, materials, colors, lighting, placement and appropriateness of the proposed sign in relation to other signs and other structures on the premises and in the surrounding area. More specifically, proposed signs shall adhere to the following design criteria:

- (1) Each sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
- (2) The colors, materials, and lighting of each sign shall be restrained and harmonious with the building and site to which it principally relates.
- (3) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.

- (4) Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
- (5) Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.
- (6) No sign shall be hand drawn or lettered, unless done so in a professional artistic fashion.

Section 5.6 Temporary Signs

Sign Type	Display Period	Display Intervals	Dimensions	Conditions
A-Frame	operation hours only	off-hours	12 sq. ft.	A
Banner	None	None	None	B
Posters	30 days	None	6 sq. ft.	C
Portable	30 days	11 Months	32 sq. ft.	D
Inflatable	30 days	1 year	None	E
Pennants & Streamers	None	None	None	I
Identification	90 days, or project completion	None	200 sq. ft.	F
Political	30 days prior to election	Not Applicable	32 sq. ft.	C/G
Window	Not Applicable	Not Applicable	50% Window Area	H

Table Notes:

- A.** A-Frame signs, where located on sidewalks, shall be located in front of the business to which they relate and in such a manner as not to obstruct pedestrian movement.
- B.** Banners, shall be properly maintained at all times. The number of

banners shall not exceed one per lot or street frontage, whichever is greater. Banners shall not extend over a public right-of-way, except for public announcement approved and permitted by DOT and the Zoning Administrator.

- C.** Posters shall not exceed one per lot, shall not be allowed on any telephone or power poles or any public right-of-way, and shall be placed no closer than five (5) feet from a street or curb.
- D.** Portable signs shall be limited to one per lot, shall have no colored or flashing lights, shall not be wired so as to obstruct or hinder pedestrian or vehicular traffic or pose any potential for such hindrance (i.e. exposed drop cord), shall not exceed six (6) feet in height, shall be anchored in accord with the Building Code, and shall not be converted to a permanent sign.
- E.** Inflatable signs shall be properly anchored.
- F.** Temporary subdivision and work under construction identification signs shall adhere to the Development Standards of Section 5-11.
- G.** Political signs shall be removed within 7 days of the election.
- H.** Paper and poster signs intended for short-term use (less than 30 days) may be hand drawn and lettered. Signs designed for longer display periods such as painted signs on windows and signs made of more durable, long lasting material (not to include poster or paper products) shall be professionally prepared and installed.
- I.** Banners, streamers and signs of lightweight fabric or similar material are permitted in the GC District only; provided they are properly maintained and not allowed to become weathered, discolored, worn or otherwise deteriorated.

Section 5-7. Common Signage Plan Required

A Common Signage Plan shall be prerequisite to the issuance of any sign

permit involving:

- (1) Two or more contiguous lots or parcels under the same ownership,
- (2) A single lot or parcel with more than one principal use or building (not including accessory uses or buildings) or qualifying on the basis of street frontage for more than one free-standing sign, and
- (3) The identification or announcement of a land subdivision or development project.
- (4) A PDD (Planned Development District) application.

The Plan, which shall be approved by the Design Review Commission, shall contain all information required for sign permits generally (Section 9-2.4) and shall specify standards for consistency among all signs on the lot or parcel affected by the Plan with regard to:

Lettering or graphic style;
Lighting;
Location of each sign on the buildings;
Material; and
Sign proportions.

The Common Signage Plan shall limit the number of free-standing signs to a total of one for each street on which the zone lots included in the Plan have frontage and shall provide for shared or common usage of such signs; however the maximum sign area may be increased by 25%.

Once approved by the Design Review Commission, the Common Signage Plan shall become binding on all business and uses occupying the affected zone lots, but may be amended by filing a new or revised Plan that conforms with all requirements of this Ordinance.

If any new or amended Common Signage Plan is filed for a property on

which existing signs are located, it shall include a schedule for bringing into conformance within three years all signs not conforming to the proposed amended Plan or to the requirements of this Ordinance.

Section 5-8. Signs In The Public Right-Of-Way

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

- (1) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate traffic;
- (2) Bus stop signs erected by a public transit company, and bench signs in association therewith;
- (3) Informational signs of a public agency or utility;
- (4) Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions established by this Section;
- (5) Emergency signs; and
- (6) Directional signs of a temporary nature not to exceed 24 hours for such events as yard sales, auctions, public gatherings, etc.

5-8.1 Signs Forfeited

Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal.

Section 5-9. Prohibited Signs

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

- (1) Beacons
- (2) Signs painted on or attached to trees, fence posts, telephone or other utility poles, rocks or other natural features.
- (3) Signs displaying intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, rescue vehicles or other warning signals, and signs using the words "stop", "danger", or any other word, phrase, symbol, or character in a manner that might mislead or confuse motorists.
- (4) Abandoned signs. A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available.
- (5) Dilapidated signs. Any sign which is insecure or otherwise structurally unsound, has defective parts in the support, guys and/or anchors or which is unable to withstand the wind pressure as determined by the Building Official using applicable codes. Also includes the entire area of a sign on which advertising copy could be placed and the permanent form or removable letter form wording on a sign surface which is not properly maintained as provided by applicable Building Codes.

Section 5-10. Flags

The following flags are not signs: flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction are permitted on any private lot or property, provided that such flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 25 feet in height. These flags must be flown in accordance with protocol established by the Congress of

the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

Section 5-11. Development Standards

All signs allowed by this Article shall comply with the development standards of this Section.

5-11.1 Visual Clearance At Intersections

No sign shall be located in a vision clearance area defined in Section 8-6.

5-11.2 Vehicle Clearance Area

When a sign extends over an area where vehicles travel or are parked, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading areas.

5-11.3 Pedestrian Clearance Area

When a sign extends over sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least 8-1/2 feet above the ground.

5-11.4 Sign Materials; Code Compliance

Signs shall be constructed in accord with all applicable provisions of the Building Code and National Electrical Code, consist of durable all-weather materials, maintained in good condition, not torn, worn, tattered, discolored or in any state of disrepair, including temporary signs.

5-11.5 Sign Illumination

Signs when illuminated shall meet the requirements of Section 6-6 and shall have such lighting top mounted and shielded so as to prevent misdirected or excessive artificial light, light trespass, and/or unnecessary

sky glow.

No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.

Section 5-12. Sign Measurement

5-12.1 Sign Face Area

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

5-12.2 Clearances

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

Section 5-13. Removal of Signs

- (1) The lawful use of any permanently mounted sign existing at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance, except those declared abandoned, in disrepair or dilapidated, which shall be removed or remedial action taken within 30 days, upon notification by the Building Official.
- (2) Any existing sign which is subsequently abandoned shall be removed, and any existing sign exceeding the allowable face area by 25 percent, which is subsequently destroyed or damaged to the extent of 60 percent or more of its replacement cost, shall be removed or brought into conformity with these regulations.
- (3) Any nonconforming temporary sign which is not permanently mounted shall be removed or brought into conformity no later than 30 days following the effective date of this Ordinance or upon notification by the Building Official
- (4) An order under this Section shall be issued in writing to the owner or responsible party of any such sign, or of the building or premises on which such sign is located to comply within five (5) days time. Upon failure to comply with such notice, the Building Official may cause the sign to be removed and any costs of removal incurred in the process may be collected in a manner prescribed by law.

ARTICLE VI

COMMUNITY APPEARANCE, BUFFERING, SCREENING LANDSCAPING, OPEN SPACE. TREE PROTECTION REGULATIONS, AND OUTDOOR LIGHTING

The regulations contained in this Article are intended generally to promote land use compatibility between uncomplimentary and incompatible land uses, create an aesthetically pleasing environment and maximize the retention of trees, a valuable natural resource.

Section 6-1 Buffer Areas

6-1.1 Definition

A buffer area is a unit of yard, together with plantings, fences, walls, and other screening devices required thereon.

6-1.2 Purpose

The purpose of a buffer area is to ameliorate any potential adverse impact between adjacent land uses and streets, and promote land use compatibility.

6-1.3 Location

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

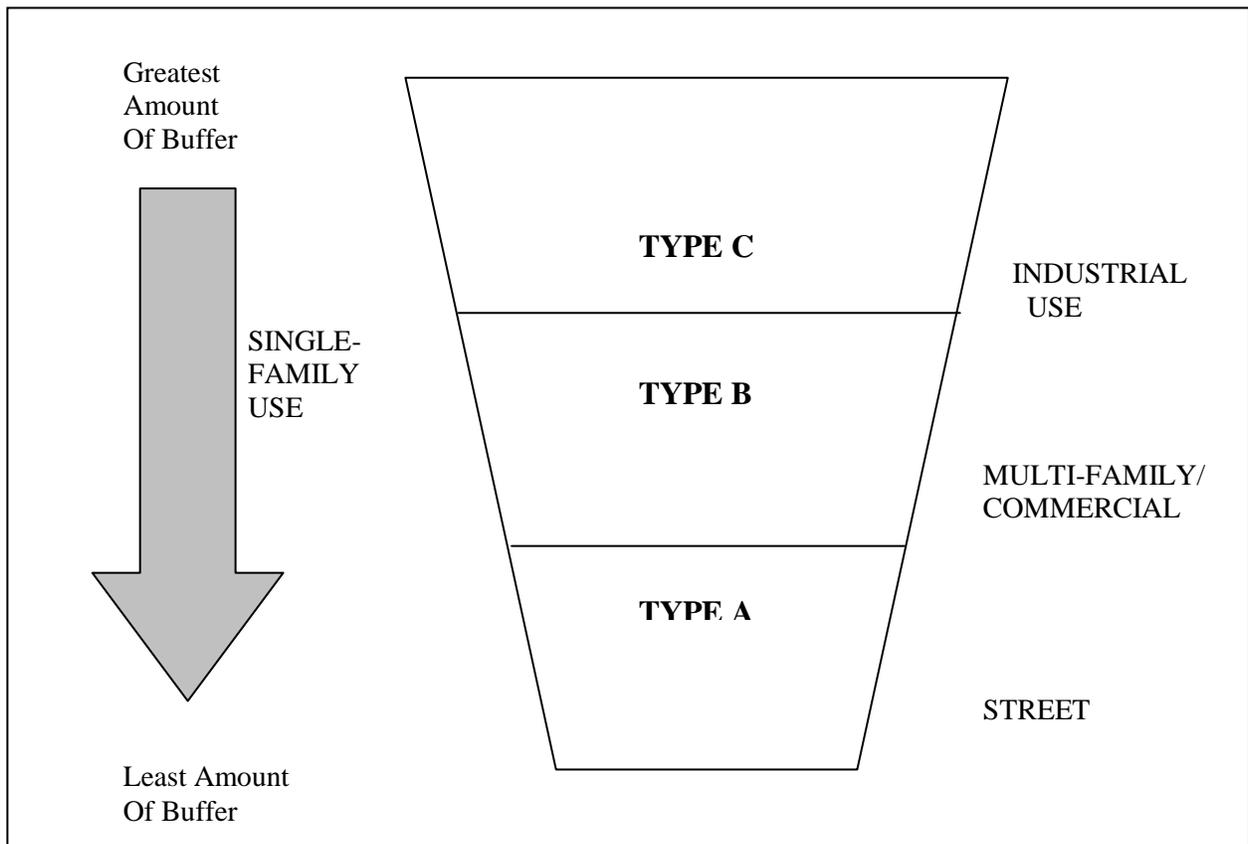
6-1.4 Determination of Buffer Area Requirements

Buffer Areas shall be required under the following circumstances.

- (1) **Type A Buffer Area Required.** Wherever a Multi-family building or non-residential use is proposed, a Type A buffer area shall be provided along the street right-of-way boundary of the proposed use, separating it from the adjoining street, except for driveways and uses in the CC District.

- (2) **Type B Buffer Area Required.** Wherever a Multi-family building, institutional or commercial use is proposed for a site or lot adjoining a single-family residential dwelling in a residentially zoned district, with no intervening street, a Type B Buffer Area shall be provided along the boundary of the adjoining residential property line.

- (3) **Type C Buffer Area Required.** Wherever an industrial, warehouse, or related use is proposed for a site or lot adjoining any residential use in a residentially zoned district with no intervening street, a Type C Buffer Area shall be provided along the boundary of the adjoining residential property line.

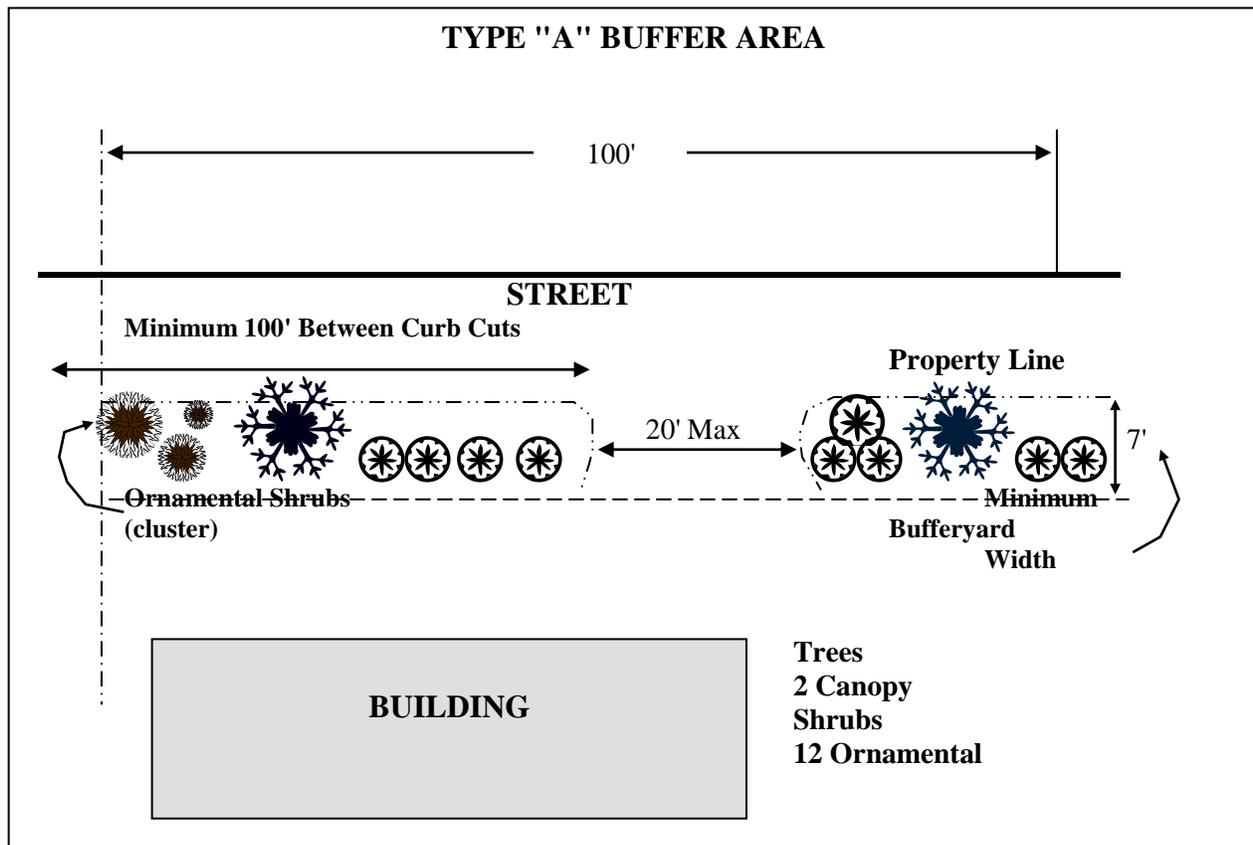


Section 6-1.5 Design Standards

Three types of buffer areas are required by this Ordinance, Type A, Type B, and Type C. A description of each follows:

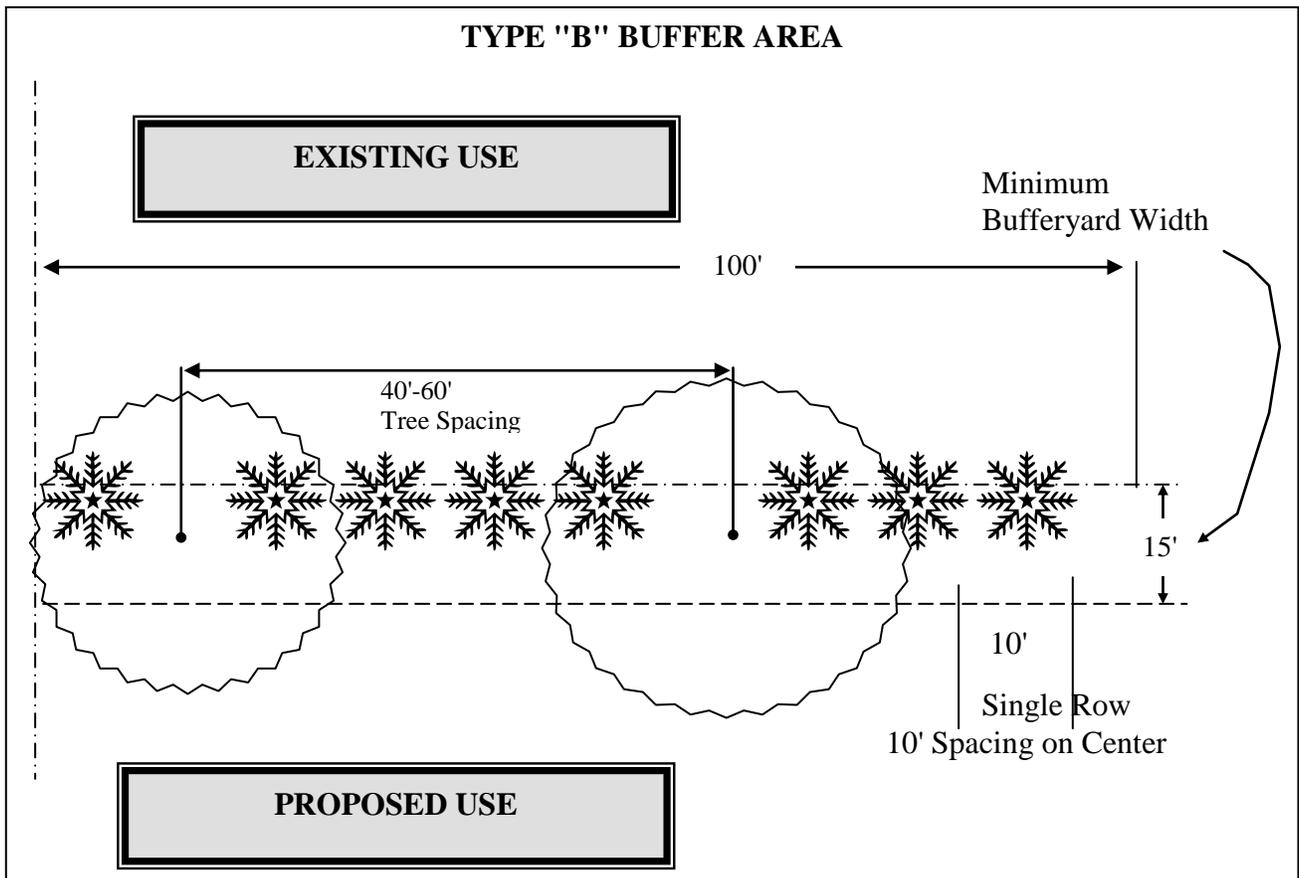
- (1) **Type "A" Buffer Area.** The Type A Buffer Area consists of low density landscaping and minimal acceptable separation between uses. The buffer area shall have an average width of 10' and a minimum width of 7'. Per 100 lineal feet of frontage, the buffer area shall consist of a combination of not less than 12 ornamental shrubs, two understory trees and landscaped grass areas, or other appropriate ground cover. The shrubs may be clustered to ensure their survival. The following diagram illustrates an example site plan.

Where a parking or maneuvering area is adjacent and parallel to a street, a decorative wall, evergreen hedge or similar screen shall be established within the required buffer area. The required wall or screening shall provide breaks, as necessary, to allow for access to



the site, and visual surveillance of the site for security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches at maturity, and shall be of such species, number and spacing to provide the required screening within one year after planting.

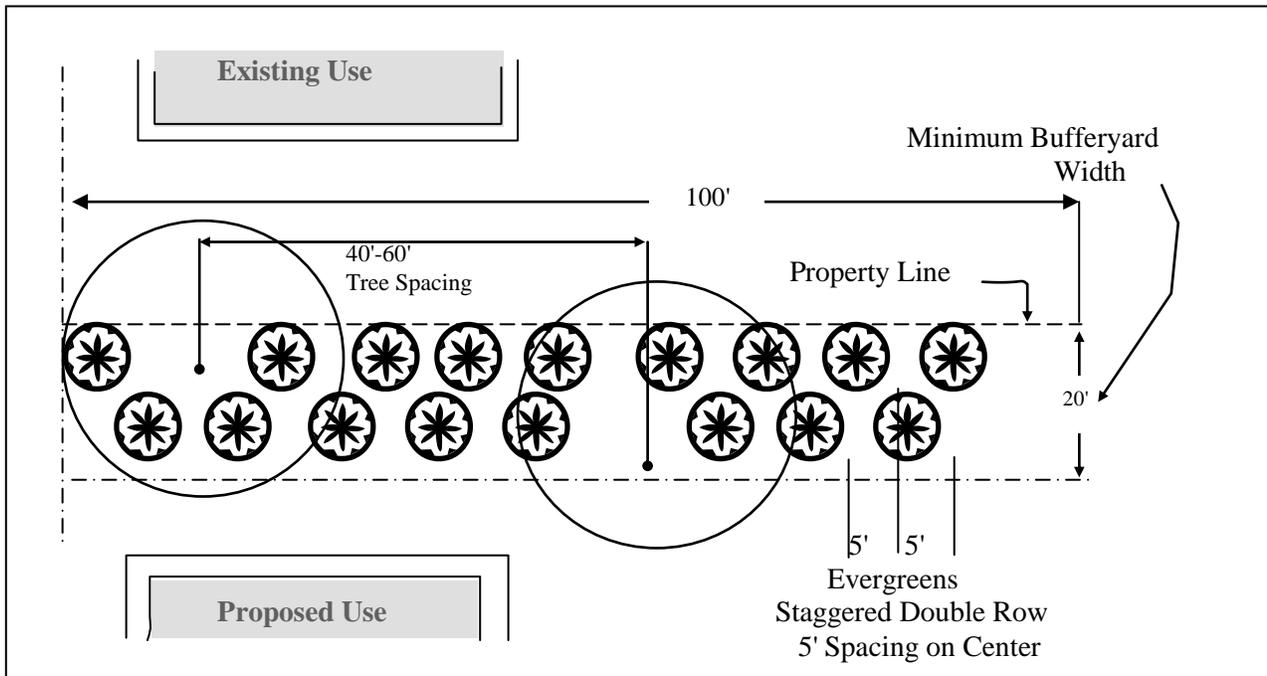
- (2) **Type "B" Buffer Area.** The Type B Buffer Area is a medium density screen intended to block visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 15 feet. Per 100 lineal feet the screen shall consist of a combination of 2 deciduous trees planted 40 to 60 feet on center and 8 evergreen plants 10 feet on center. The following diagram illustrates an example site plan.



- (3) **Type "C" Buffer Area.** The Type C Buffer Area is a high-density screen intended to exclude all visual contact between

uses and to create spatial separation. The buffer area shall be a minimum width of 20 feet. Per 100 lineal feet the screen shall consist of a combination of 2 deciduous trees planted 40 to 60 feet on center and 17 evergreen plants or understory trees planted in a double-staggered row 10 feet on center. The following diagram illustrates an example site plan.

TYPE "C" BUFFER AREA



6-1.6 Buffer Area Specifications

- (1) **Minimum Installation Size.** At installation or planting, all evergreen (understory) trees and/or shrubs used to fulfill buffer area requirements shall be not less than 6 feet in height, and all deciduous (canopy) trees shall be not less than 8 feet in height, except for ornamental shrubs for Type A Buffer Areas.
- (2) **Minimum Mature Size.** At maturity, evergreen plant material used for screening shall form a continuous opaque screen averaging 10 feet in height, and deciduous plant material used for screening shall average 25 feet in height.

- (3) **Staggered Planting.** Where required, evergreen and deciduous plant material shall be planted in at least two rows and in an alternating fashion to form a continuous opaque screen of plant material.

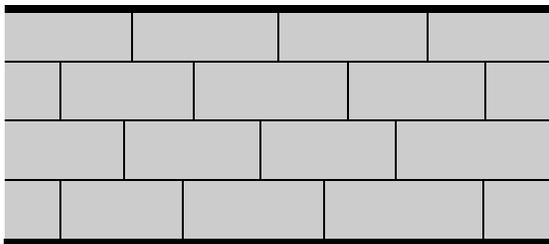
6-1.7 Substitutions

The following substitutions shall satisfy the requirements of this section:

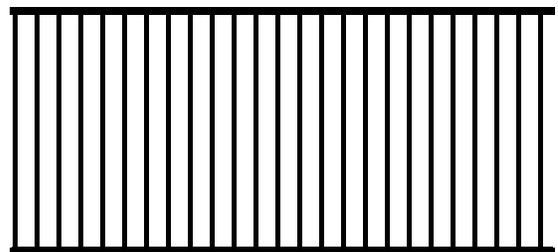
- (1) **Existing Plant Materials.** Existing trees of 4 inches DBH (Diameter Breast High) or more in diameter, within the required buffer area may be included in the computation of the required buffer area planting, with approval of the Zoning Administrator.
- (2) **Fence or Wall.** Where, owing to existing land use, lot sizes or configurations, topography, or circumstances peculiar to a given piece of property, the buffer area requirements of this section cannot reasonably be met, the developer(s) may request and the Zoning Administrator may approve the substitution of appropriate screening, in the way of a fence or wall structure along the property line of the proposed use in accord with the provisions of this Section.

An eight-foot fence or wall, as illustrated below, may be substituted for a Type "B" or "C" Buffer Area.

Fence and Wall Illustrations



Masonry Wall



Wood Stockpile

All fences and walls used as part of the buffer area requirements must have a finished side that is facing adjoining property. The interior side of

the fence or wall may be finished, as owner deems appropriate. Chain link fences with or without slats are not an acceptable substitute and not permitted as such.

6-1.8 Responsibility

It shall be the responsibility of the proposed new use to provide the buffer area where required by this Ordinance, except that no new detached single-family dwelling or duplex shall be required to provide a buffer area.

6-1.9 Required Maintenance

The maintenance of required buffer areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

6-1.10 Use of Buffer Areas

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

Section 6-2 Screening

6-2.1 Definition

Screening is a type of buffer that is designed to block or obscure a particular element or use from view.

6-2.2 Purpose

The purpose of screening is to minimize if not eliminate the visual impact of off-street surface parking areas, open storage areas and refuse disposal

facilities.

6-2.3 Where Required

Screening specified by this section shall be required of all off-street surface parking areas, open storage areas not devoted to retail sales visible from any public street, including open storage areas for boats, trailers, building materials, appliances, container-sized trash of 4 or more cubic yards, salvage materials, service areas and similar unenclosed uses.

6-2.4 Type Screening Required

Screening for off-street parking areas shall be accomplished by an opaque divide not less than four (4) feet high and 33 percent opaque. For all other uses covered by this section the required screening shall be not less than 75 percent opaque and at least one foot higher than the object to be screened, but not less than 6' in height. Screening may be accomplished by the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, proper siting of disruptive elements, building placement or other design techniques approved by the Building Official.

When screening fences or walls are provided to meet the requirements of this section, the area between the screening and perimeter of the site or parking area shall be landscaped with one large evergreen shrub or small tree for each 10 linear feet of screen wall or fence, or one large tree for each 30 linear feet of screen fence or wall.

Section 6-3 Landscaping

Section 602.1 Definition

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

6-3.2 Purpose

The purpose of landscaping is to improve the appearance of vehicular use

areas and development abutting public rights-of-way; to protect, preserve, and promote the aesthetic appeal, scenic beauty, character and value of land; and to promote public health and safety through the reduction of noise pollution, storm water run off, air pollution, visual pollution, and artificial light glare.

6-3.3 Where Required

No proposed commercial, institutional, industrial or other non-residential use, multi-family or off-street parking lot containing 15 or more spaces shall hereafter be established and subsequently used unless landscaping is provided in accord with the provisions of this section. No existing building, structure or vehicular use area shall be expanded or enlarged by 50 percent or more unless the minimum landscaping required by the provisions of this section is provided throughout the building site. Enlargements involving less than 50 percent shall meet the minimum requirements of the enlargement only. Landscaping is not required for existing uses, nor is it required for uses in the CC District.

6-3.4 Landscaping Plan

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

- (1) Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
- (2) Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.
- (3) Identify all existing trees 10" DBH (Diameter Breast High).

6-3.5 Landscaping Requirements.

Required landscaping shall be provided as follows:

- (1) **Along the outer perimeter of a lot or parcel**, where required

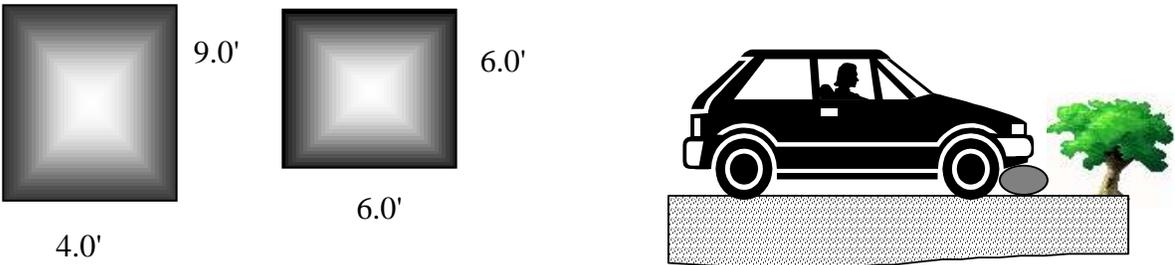
by the buffer area provisions of this Article to buffer and separate incompatible land uses. The amount specified shall be as prescribed by **Section 600.5, Buffer Areas**.

- (2) **Within the interior**, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 10 or more parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and directions. Large canopy trees shall be provided in each parking lot at a minimum average of one tree per 10 parking spaces on the lot. Elsewhere, landscaped areas shall be designed to soften and complement the building site and separate the building from the vehicular surface area, and the vehicle surface area from adjacent property. At a minimum, interior lot landscaping shall be provided in the following amounts:

<u>Use</u>	<u>% of Lot</u>
Institutional	18%
Industrial/wholesale/storage	12%
Office	15%
Commercial-retail-service	10%
Multi-family Projects	25%

6-3.6 Landscaped Areas

- (1) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six inches in height. The barrier need not be continuous.
- (2) Landscaped areas must be at least 36 square feet in size.



6-3.7 Required Maintenance

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or a readily available water supply. Failure to monitor such areas is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

Section 6-4 Tree Protection

6-4.1 Purpose

The purpose of this section is to protect and sustain the intrinsic value of trees and their ability to promote the public health, safety and general welfare, to lessen air pollution, to increase air filtration, to reduce noise, heat and glare, to prevent soil erosion, to aid in surface drainage and minimize flooding, and to beautify and enhance the environment.

6-4.2 Protected Trees

Any tree, except a pine tree, measuring 10" DBH (Diameter Breast High) shall constitute a "significant tree" for purposes of this section and shall be protected to the extent practical and feasible. To this end, no person, firm, organization, society, association or corporation, or any agent or representative thereof shall directly or indirectly destroy or remove any tree in violation of the terms of this section.

6-4.3 Tree Survey

Prior to grading or clearing a lot or parcel for development, the developer/owner applicant shall have conducted a tree survey identifying the location of all significant trees. Said trees shall be shown on a survey plat and physically marked with brightly colored tape or other markings.

6-4.4 Site Design

The design of any land development project or subdivision shall take into

consideration the location of all significant trees identified on the tree survey. Lot and site design shall minimize the need to fell such significant trees, of which no more than 25 percent may be removed to accommodate a proposed use or development.

The site design shall be presented on a site plan showing:

- (1) Existing location and size of all significant trees;
- (2) Trees to be removed;
- (3) Trees to be preserved;
- (4) Areas to be cleared; and
- (5) Areas for proposed structures and improvements.

Site plan approval by the Zoning Administrator shall be prerequisite to the issuance of a building permit. Relief from the literal terms of this section shall be granted by the Administrator within 15 working days of receipt of formal written request where more than 12" of fill is required to elevate a site above the required flood protection elevation, or the lot may not be reasonably used without removal of a significant tree or trees.

6-4.5 Tree protection and Replacement

- (1) **Prior to Development.** Where a building permit has not been issued, the destruction of any significant tree, as defined by this Ordinance, without prior approval of the Zoning Administrator, shall be prohibited.
- (2) **During Development.** During development, a minimum protective zone, marked by barriers, shall be established (erected) at the "drip line" and maintained around all trees to be retained as required by this section. There shall be no construction, paving, grading, operation of equipment or vehicles, or storage materials within this protected zone.
- (3) **After Development.** A minimum of 25 percent of the all significant trees shall be preserved.

6-4.6 Exceptions

This section shall not apply to the following:

1. Any public road, utility or right-of-way.
2. Any single family or two-family dwelling on a recorded lot.
3. Any tree which the Tree Board has certified in writing as being hazardous to the public health.
4. Any land zoned or used for agricultural purposes.

6-4.7 Significant Trees Removed Without Permits

Where significant trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sites were cleared of significant trees in violation of this section, replacement trees shall be planted in accordance with a replacement schedule approved by the Tree Board, specifying the number, species, DBH, and location of replacement trees, using the following criteria:

- (1) Combined DBH of replacement trees is equal to or greater than the DBH of the tree removed or;
- (2) individual replacement trees are of the largest transplantable DBH available.

Section 6-5 Common Open Space

6-5.1 Definition

Common open space is land and/or water bodies used for recreation, amenity or buffer; it shall be freely accessible to all residents and property owners of a development, where required by this Ordinance. Open space shall not be occupied by buildings or structures other than those in conjunction with the use of open space, roads, or parking nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

6-5.2 Purpose

The purpose of this section is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery, and/or natural areas into such projects; to promote the health and safety of residents of such projects; and to compensate for the loss of

open space inherent in single-family residential projects.

6-5.3 Where Required

The following uses/projects consisting of seven (7) or more units shall provide common open space in the amounts prescribed:

<u>Proposed Uses/Projects</u>	<u>Ratio (% Lot)</u>
Cluster Developments	20%
Townhouse Projects	15%
Manufactured Home Parks	15%
<u>Multi-family Projects</u>	<u>20%</u>

Note: Landscaped buffer areas provided to meet the requirements of Section 600 for multi-family projects and manufactured home parks may be applied toward meeting the above requirements if held in common ownership.

New Sites: No proposed development, building or structure in connection with the above shall hereafter be erected or used unless common open space is provided in accord with the provisions of this section.

Existing Sites: No existing development, building or structure in connection with the above shall be expanded or enlarged unless the minimum common open space required by the provisions of this section are provided to the extent of the alteration or expansion.

6-5.4 Common Open Space Plan

Proposed uses/projects set forth in 604.3 shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

Designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.

Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.

Specify the manner in which common open space shall be perpetuated,

maintained and administered.

6-5.5 Types of Common Open Space and Required Maintenance

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

Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural watercourses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.

Recreational areas are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ball fields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances, or unhealthy conditions.

Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum or removal and avoidance of hazards, nuisances, or unhealthy conditions.

Landscaped areas, lawns and required buffer areas, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two percent of the required open space. Lawns, with or without trees and shrubs shall be watered regularly to ensure survival, and mowed regularly to ensure neatness. Landscaped areas shall be trimmed, cleaned regularly.

6-5.6 Preservation of Open Space

Land designated as common open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that

their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

1. Dedication of and acceptance by the City.
2. Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.
3. Deed restricted, private ownership, which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.

In the event that any private owner of open space fails to maintain same, the county may in accordance with the Open Space Plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

Section 6-6 Outdoor Lighting

6-6.1 Purpose

These regulations are intended to minimize light pollution; reduce glare, light trespass and prevent unnecessary up-light; to discourage energy waste; and to maintain or improve nighttime public safety, security and productivity. These regulations apply, but are not limited to lighting for: Streets, Parking Areas, Walkways, Signs/Billboards, Architectural Lighting, Buildings and Structures, Outdoor Displays/Sales Areas, and Equipment Storage Areas.

6-6.2 Exterior Illumination

All outdoor lighting fixtures rated 1800-lumens or more shall be full cutoff or fully shielded fixtures. Except for streetlights, all lighting fixtures shall be designed, installed, and maintained to avoid casting direct light onto adjacent properties and streets or creating glare in the eyes of motorists. Lighting for streets and parking areas shall be full cut off fixtures.

For all lighting applications the “maintained horizontal illuminance recommendations” set by the Illuminating Engineering Society of North America (IES) shall not be exceeded.

Floodlighting is discouraged, and if used, must be shielded to prevent (1) disability glare for drivers or pedestrians, (2) light trespass beyond the property line, and (3) light above a 90 degree horizontal plane. (Unshielded wall pack type fixtures are not acceptable.)

6-6.3 Gas Station/Convenience Store Canopies

Light fixtures for canopies shall be recessed and have a flat lens mounted flush with the surface (ceiling) or the canopy so as to minimize off-site glare and light trespass. Surface mounted fixtures are acceptable so long as they incorporate a flat lens and provide a full cut-off or fully shielded light distribution. The average maintained illuminance level shall not exceed IES recommendations. All area lighting shall be full cut off fixtures.

6-6.4 Sports/Recreational Lighting

Fixtures used for sports and recreational lighting shall be fully shielded or designed with full cut off capability so as to prevent direct glare, light trespass and up light. The hours of operation shall not exceed one hour after the end of the event or 12:00 midnight, whichever is sooner unless authorized in writing by the City.

6-6.5 Outdoor Displays/ Sales Areas

All lighting fixtures shall be full cut off and designed, installed and maintained to prevent direct flare, light trespass, and up light. Lighting for all areas shall not exceed IES recommendations for maintained horizontal illuminance levels.

6-6.6 Signs /Billboards

Top mounted and fully shielded fixtures that direct light downward are required where feasible. When top mounted fixtures are not feasible, up lighting is permissible as long as the fixtures are fully shielded, carefully

located and aimed so that the light is directed only onto the sign so as to prevent direct glare, light trespass and up light.

Billboards shall use to mounted and fully shielded fixtures that direct light downward onto the sign facade.

6-6.7 Architectural Lighting

The maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 average maintained foot-candles. Light fixtures shall be carefully selected, located, aimed and shielded so that light is directed only onto the building facade. Fixtures shall not be directed toward adjacent streets or properties. To the extent practicable, fixtures shall be mounted on the building, shielded and directed downward to light the facade or roof.

6-6.8 Exceptions

1. Temporary lighting used by the police, fire department or emergency services.
2. Federal hazard warning lights.
3. Individual homeowners.
4. Cut-off fixtures are acceptable for historical lighting where deemed appropriate by the Planning Commission.

6-6.9 Grandfathering

Any fixture lawfully in place prior to this ordinance shall be exempt until the fixture is replaced, moved, modified or upgraded.

6-6.10 Site Plan Submission Required

Any individual, business or other entity applying for a permit which includes the installation, renovation, replacement or addition of outdoor lighting fixtures shall submit to the City Building Official for approval a site plan showing the locations and types of any outdoor fixtures including supports and poles. The Building Official must issue a certificate of approval/denial within 30 days of receipt thereof.

ARTICLE VII

SUPPLEMENTAL OFF-STREET PARKING AND LOADING REGULATIONS

The provisions of this Article shall supplement the off-street parking requirements contained in Table I of this Ordinance.

Section 7-1. Off-Street Parking

7-1.1 General Requirements

- (1) Where application of the requirements of Tables I or II results in a fractional space requirement, the next larger requirement shall apply.
- (2) Wherever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- (3) Off-street parking facilities provided to comply with the provisions of this Ordinance shall not be reduced below the requirements of this Ordinance.
- (1) Off-street requirements of Table I shall not apply to uses located in the CC District.

7-1.2 Land To Provide Parking

Required off-street parking must be provided on the same lot or parcel or within 200 feet of the principal use for which it is required.

7-1.3 Design Standards

Where off-street parking for more than ten (10) or more vehicles is

required, the following design and development standards shall apply:

(1) Parking Dimensions

Parking stalls shall be not less than nine (9) feet by nineteen (19) feet, except that a maximum of ten percent (10%) of the total number of stalls may be 8.5 feet by eighteen (18) feet. However, the dimensions of all parallel parking stalls shall be not less than nine (9) feet by twenty-four (24) feet. Minimum isle width shall be as follows:

90 degree parking	25 feet
60 degree parking	18 feet
45 degree parking	13 feet

(2) Construction, Paving

Expansive impervious surface parking lots shall be avoided. Instead parking lots shall be broken down into sections as appropriate for the type and size of the development, and shall be separated by landscaped dividing strips, berms and similar devices. Paving may consist of asphalt, crushed stone, gravel or other material approved by the Building Official. Parking lot construction shall be designed to minimize off-site storm water run off.

(3) Drainage

Parking lots shall be designed so as not to drain into or across public sidewalks or on to adjacent property, except into a natural watercourse or a drainage easement. In developed areas where this condition may be impossible to meet, the Building Official may exempt the developer from this requirement, provided adequate provision is made for drainage.

(4) Separation From Walkways and Streets

Off-street parking spaces shall be separated from walkways,

sidewalks, streets, or alleys, and required yards and buffer areas by a wall, fence, curbing, or other protective device approved by the Building Official.

(5) Entrances and Exits

Landscaping, curbing or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. All off-street parking areas shall be designed so that all movement on to a public street is in a forward motion. Entrance and exit driveways to public streets and alleys in the vicinity of street intersections must be located at least forty (40) feet, measured along the curblines, from the intersection of the nearest curblines.

(6) Marking

Parking lots shall be marked by painted lines, curbs or other means to indicate individual spaces. Signs or markers, as approved by the Building Official, shall be used as necessary to ensure efficient traffic operation of the lot.

(7) Lighting

Adequate lighting shall be provided if off-street parking spaces are to be used at night. Equipment for lighting parking facilities shall be shielded so as to prevent misdirectional or excessive artificial light, light trespass, and/or unnecessary sky glow.

(8) Landscaping

Off-street parking areas shall be landscaped in accord with the provisions of Section 6-3.

7-1.4 Maintenance

All 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 the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations.

7-1.5 Parking Space For The Physically Handicapped

When off-street parking is required for any building or use, except for residential dwellings with fewer than 20 units, parking for the handicapped shall be included when calculating the overall parking requirements for such building or use, based on the following formula:

<u>Number of Required Spaces</u>	<u>Number of Spaces Reserved For Handicapped Persons</u>
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
over 500	2% of total required

Parking spaces for the physically handicapped shall measure 12 feet by 20 feet or 8 feet in width, with an adjacent access isle 8 feet in width, 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.

7-1.6 Joint Use of Off-Street Parking Lots

Up to 50 percent of the parking spaces required for (1) theaters, public auditoriums, bowling alleys, dance halls, clubs, churches and religious institutions may be provided and used jointly by (2) financial institutions, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those listed

in (1); provided however, that written agreement thereto is properly executed and filed as specified below.

Where such spaces are proposed to be collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and content by the City Attorney and shall be filed with the application for a Building Permit.

Section 7-2. Off-Street Loading

All uses shall provide off-street loading space sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley, or private street.

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

Section 7-3. Approval of Parking and Off-Street Loading Plans and Layouts

Designs and plans for areas to be used for off-street parking and off-street loading shall be subject to approval by the Building Official, who may withhold a permit or take other action if the layout of either would create avoidable safety or traffic congestion problems, pending acceptable modification of the layout, or appeal to the Board of Zoning Appeals.

ARTICLE VIII

GENERAL PROVISIONS AND REGULATIONS

The regulations contained in this Article are intended to clarify, supplement or modify the regulations set forth elsewhere in this Ordinance.

Section 8-1. Street Access

Each principal building shall be located on a lot or parcel having direct vehicular and pedestrian access to a publicly dedicated or publicly maintained street; or approved private street.

Section 8-2. Yard and Setback Modifications

8-2.1 Setbacks on Corner Lots

Where a side yard abuts a street, the minimum side yard requirements along the street shall be not less than the minimum front yard setback required by Table III for the district in which the lot is located.

8-2.2 Front Yard Setbacks From Streets

The street (front yard) setback requirements of this Ordinance shall not apply on any lot where the average setback of existing buildings located wholly or in part within 200 feet on each side of such lot within the same block and fronting on the same side of the street is less than the minimum required. In such cases the average alignment of the existing buildings shall be the minimum setback line. For the purpose of this Ordinance, the frontage along the side line of a corner lot is excluded.

8-2.3 Setbacks From Railroads

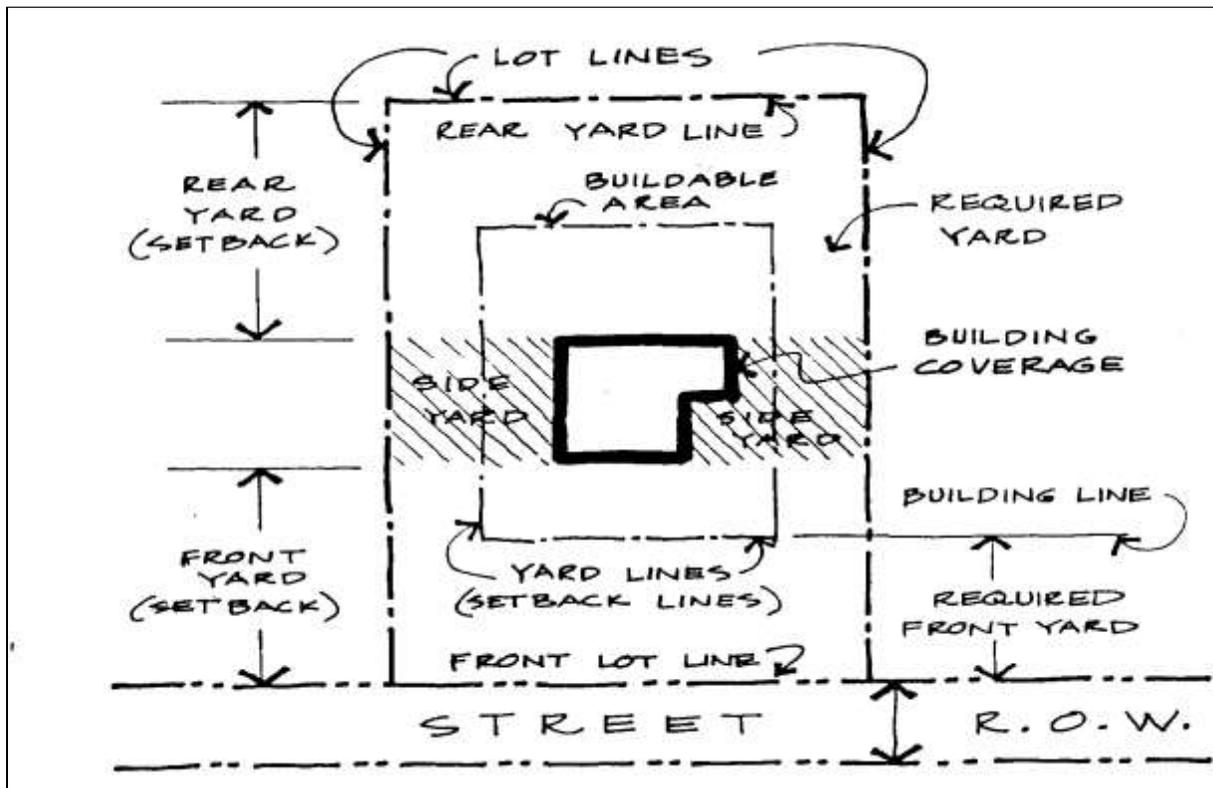
Structures within commercial and industrial districts which are adjacent to railroads may locate closer to the railroad right-of-way than the permitted side or rear yard setbacks of the respective zoning districts. However, the location must be in accordance with applicable railroad standards and conform to all other pertinent provisions of the Zoning Ordinance.

Section 8-3. Yard Measurements - Buildable Area

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

YARDS AND SETBACKS

Section 8-4. Structures and Projections Into Required Yards



Every building or structure hereafter erected or established shall be located within the buildable area as defined by this Ordinance, and in no case shall such buildings extend beyond the buildable area into the respective front, side, rear yards or other setbacks required for the district

in which the lot is located, except for the following:

- (1) Ornaments, eaves, chimneys, cornices, window sills, awnings and canopies, which may project into any required yard a distance not to exceed three (3) feet.
- (2) Accessory uses, as specified by Section 8-7.1.
- (3) Fences, walls, and hedges, provided that no such structure or hedge shall impede visibility as required by Section 8-6.

Section 8-5. Exceptions To Height Limitations

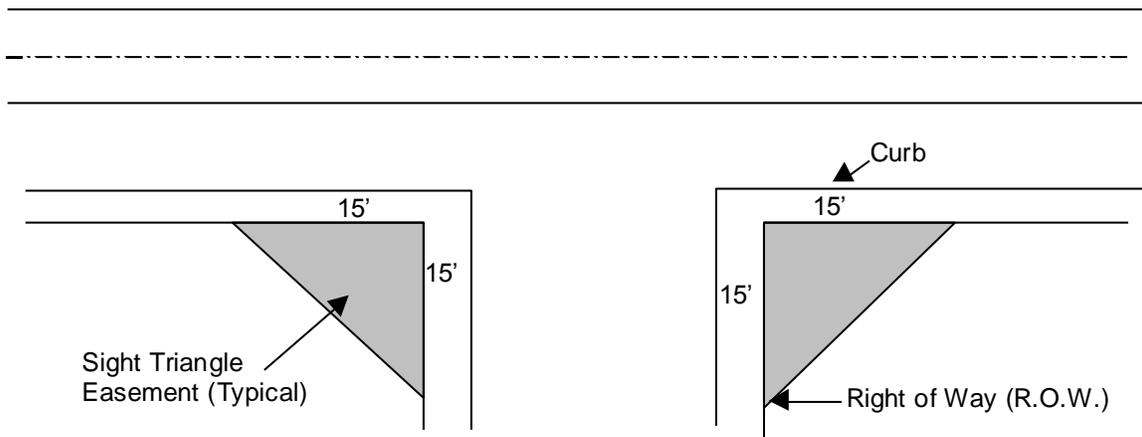
The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes not intended for human occupancy, monuments, water towers, utility poles, chimneys, conveyors, flag poles, masts, or roof mounted mechanical equipment or communication towers and antennas; provided, however, that communication towers/antennas and water towers shall be separated from any adjoining property line in the R-10, R-8 R-6 and the R-G Residential Zoning Districts by a distance equal to one foot for each one foot in height, measured from the residential property line.

Section 8-6. Visibility At Intersections

Visibility at railroad and street intersections shall be unobstructed. No planting shall be placed or maintained and no fence, building, wall or other structure shall be constructed after the effective date of this Ordinance, in such a manner as to obstruct visibility at intersections. No structure or planting shall be permitted at any point between a height of two and a half (2-1/2) feet and ten (10) feet above the upper face of the nearest curb (or street center line if no curb exists) and within the triangular area bounded on two sides by the street or railway right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines as required by the site triangular and vertical vision clearance illustration. However, poles and support structures less than 12" in diameter may be permitted in such areas.

Vision Clearance Illustration

Sight Triangles



Section 8-7. Accessory Buildings and Uses

8-7.1 Generally

- (1) The number of accessory buildings shall not exceed two on any lot or parcel in the R-10, R-8, R-6, RG, OR or LC District.
- (2) Accessory buildings in residential districts shall not be used for storage in connection with a trade.
- (3) Non-farm accessory buildings shall not exceed 50 percent of the Gross Floor Area (GFA) of the principal building or use in the R-10, R-8, R-6, RG, OR or LC District.
- (4) The use of mobile homes as accessory buildings shall not be permitted in any zone district.
- (2) Trash containers and dumpsters of 4 or more cubic yards shall be placed on concrete slabs and screened in accord with provisions of Section 6-2.

8-7.2 Location

Accessory buildings and uses are permitted anywhere within the buildable area of a lot or parcel unless specifically regulated; and are permitted within required yards and setback areas under the following conditions:

- (1) Accessory buildings and uses are permitted in required yards and setback areas in the GC, LI and BI Districts and in approved PDDs; provided such uses are located no closer than five (5) feet to any property line, are not located in any required buffer area, and otherwise comply with the regulations for accessory uses in said districts.
- (2) Accessory buildings and uses in the R-10, R-8, R-6, RG, OR and LC Districts are permitted within required yards and setback areas; provided no such uses shall be closer than five (5) feet to a property line, and where indicated shall meet the following conditions.

ACCESSORY USE

CONDITIONS

Off-Street Parking

Not more than four off-street parking spaces shall be allowed in any required front yard.

Accessory buildings, including garages, sheds, structures

Are permitted in required rear and side yards only, and if located in the buildable area shall not be located in front of any principal building.

Swimming pools, tennis courts, recreational uses

Are permitted in all required yards; provided said uses shall be no closer than 10 feet to a residential property line, and shall have all lighting shielded from adjoining residences.

Section 8-8. Use of Land or Structures

8-8.1 Conformity With Regulations

No land or structure shall be used or occupied, and no structure or portions thereof shall be constructed, erected, altered, or moved, unless in conformity with all of the regulations specified for the district in which it is located.

No structure shall 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, front yards, side yards or other open spaces, than required by this Ordinance, or in any other manner contrary to the provisions of this Ordinance.

8-8.2 Number of Principal Buildings Per Lot

Except for the following uses and projects, no more than one principal building may be located upon a lot of record.

- (1) Institutional buildings
- (2) Industrial buildings
- (3) Multi-family dwellings, apartments
- (4) Commercial buildings
- (5) Planned Development Projects
- (6) Mobile/Manufactured Home Parks

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

8-8.3 Minimum Requirements Established

The minimum lot area, yards, buffer areas, and open space required by these regulations for each lot, parcel or building existing at the time of the passage of this Ordinance shall not be encroached upon or reduced, or considered as required yards or open space for any other building. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 8-9. Nonconformities

8-9.1 Existing Nonconforming Lots Of Record

Where the owner of a lot at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may nonetheless be used as a building site and the Building Official is authorized to issue a permit for the use of the property provided that all applicable setback requirements are not reduced below the minimum specified in this Ordinance by more than 40%. Dimensional (setback) reductions greater than 40% shall be referred to the Board of Zoning Appeals for consideration, observing normal review procedures. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined to comply with the dimensional requirements of this Ordinance.

8-9.2 Existing Nonconforming Uses, Buildings, and Structures

Nonconforming uses, buildings, or structures are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located.

However, to avoid undue hardship, the lawful use of any such use, building or structure at the time of the enactment, amendment, or revision of this Ordinance may be continued even though such structure does not conform with the provisions of this Ordinance, except that said nonconforming use, building, structure or portions thereof shall not be:

- (1) **Changed to another nonconforming use** which would not otherwise be permitted in the same zoning district in which the existing nonconforming use is permitted.
- (2) **Repaired, rebuilt, or altered after damage** in such a way as to increase the nonconformity of side, rear or front yard setbacks or other applicable requirements or reduce the amount of off-street parking below the amount provided prior to such damage.
- (3) **Enlarged or extended by more than 10% of the gross floor area.** Where such enlargement is proposed, it shall be allowed only if all applicable setbacks, buffer area and off-street parking requirements are met.

- (4) **Reestablished, reoccupied or replaced** after discontinuance of use or physical removal or relocation of the use or structure from its original location for a period of 120 days, except that:
- (a) non-conforming mobile homes once removed shall be replaced within 30 days of removal or forfeit nonconforming status, and if replaced shall not infringe on established setbacks, and shall meet in full the requirements of Section 4-3 of this Ordinance, and
 - (b) nonconforming buildings structurally designed for commercial or other non-residential uses may be renovated and reoccupied provided that:
 - 1. All off-street parking requirements associated with the new occupant (use) shall be met on site,
 - 2. Buffer area requirements of Section 6-1 shall be met,
 - 3. The re-occupied use shall be permitted in the OR and/or LC Zone Districts,
 - 4. There is no encroachment into existing side, rear or front yard setback.

Section 8-10. Parking, Storage or Use of Campers or Recreational Vehicles in Residential Zones

No recreational vehicle or boat in excess of 17 feet shall be parked or stored in any required front or side yard setback area in a residential district; however, such use may be parked anywhere on a residential premise for a period not to exceed twenty-four (24) hours during loading or unloading, and recreational vehicles may be used for temporary lodging, up to seven (7) days.

Section 8-11. Parking, Storage and Use of Non-Recreational Vehicles and Equipment in Residential Zones

- (1) No automobile, truck or trailer of any kind or type, without current license plates, shall be parked, and construction equipment shall not be stored on any lot zoned for residential use, other than in completely enclosed buildings, or physically removed from vision from the public street serving the property.
- (2) Parking of vehicles, implements and/or equipment used for commercial, industrial, farm or construction purposes in the R-10, R-8, R-6, RG and OR Districts shall be limited to one vehicle per residence, except for tractor trailer cabs and/or truck beds, which are prohibited from parking overnight in such areas.

Section 8-12. Burial of Human Remains

Burial of human remains, whether above ground or below ground, within the corporate limits of the City of Darlington is prohibited. This prohibition does not apply to burial in existing cemeteries, nor does it apply to human remains which have been cremated.

ARTICLE IX

ADMINISTRATIVE PROCEDURES AND ENFORCEMENT REGULATIONS

Section 9-1. Administration and Enforcement

The Building Official is hereby designated and duly charged with the authority to administer and enforce the provisions of this Ordinance.

The Building Official shall accept and examine all applications for construction, land use or reuse, and shall issue permits where such applications are in accord with the provisions of this Ordinance and applicable building codes. He shall direct parties in conflict with this Ordinance, and cause to be kept records and files of any and all matters referred to him.

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

Section 9-2. Administrative Procedures and Requirements

No building, structure or sign requiring a permit or any part thereof shall be erected, added to or structurally altered, nor shall any excavation or grading be commenced until the required permits have been issued.

No building, structure or land shall be used; nor shall any building, structure or land be converted, wholly or in part to any other use, until all applicable and appropriate licenses, certificates and permits have been issued certifying compliance with the requirements of this Ordinance.

No permits inconsistent with the provisions of this Ordinance shall be

issued unless accompanied by an approved variance as provided by this Article.

The provisions of this Section shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, crossarms, guys, wire, cable and drops.

9-2.1 Filing Applications

Applications for permits shall be signed by the owner or his/her designee and shall be filed on forms provided by the Building Official.

9-2.2 Application Requirements for a Grading (Land Disturbing) Permit

Requirements for a grading permit are contained in the South Carolina Stormwater Management and Sediment Reduction Regulations hereby adopted by reference.

9-2.3 Application Requirements for a Building Permit

Each application for a permit for a building or structure other than a sign shall be accompanied by two (2) sets of the following or as much thereof as the Building Official shall find necessary to determine whether the proposed building or use will be in compliance with the provisions of this Ordinance:

- (1) A plat and/or Site Plan with date and scale, showing the actual shape and dimensions of the lot to be built upon; the size, height and location on the lot of existing and proposed buildings and structures; the existing and intended use of each building or part of a building; the number of families or housekeeping units the building is designed to accommodate; flood and wetland areas; proposed parking; building elevations and such other information with regard to the lot and contiguous land uses as required to determine compliance with and provide for the enforcement of this Ordinance.

To satisfy the requirements of Article VI, the Site Plan shall in addition to the above, be drawn at a scale not less than one

inch equals one hundred feet and shall show:

- (a) All proposed landscaping and watering systems required by Article VI, with all plant species labeled and scaled to indicate location and spread at time of installation;
 - (b) A table of planting materials stating species, number, and size at planting for all plants;
 - (c) All existing significant trees by species and size (DBH) and indicating those to be removed;
 - (d) All buffer areas, and specify plant materials, size and plant locations.
- (2) For projects involving historical buildings or premises in the HOD Historical Overlay District, the following additional information or as much thereof as deemed necessary by the Building Official shall accompany a permit application: architectural plans, site plans, landscaping plans, proposed signs and appropriate detail as to character, proposed exterior lighting arrangements, elevations of all portions of structures with important relationships to public view and indications as to construction materials, design of door and windows, ornamentation, colors and the like, photographs or perspective drawings indicating visual relationships to adjoining structures and spaces, and such other exhibits and reports as are necessary for a determination of compliance with the intent of the district.

9-2.4 Application Requirements For a Sign Permit

Each application to erect a sign, where a sign permit is required by this Ordinance, shall be accompanied by the following information:

- (1) Common signage plan, where applicable, in accord with the requirements of Section 5-4.
- (2) Identification of ownership and/or leaseholder of property on

- which the sign is to be erected, including street address.
- (3) Name and address of the owner of the sign.
 - (4) Site plan sketch with dimensions (non-professionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and buildings, parking areas, existing free-standing signs, and buffer areas.
 - (5) Correct size, shape, configuration, face area, height, nature, number and type of sign to be erected, including the size of letters and graphics.
 - (6) Description of sign and frame materials and colors.
 - (7) Anchorage details.
 - (8) The value of the sign and sign structure.
 - (9) The Building Official and/or Design Review Commission may waive any of the informational requirements listed above deemed unnecessary to process an application.
 - (10) For signs exceeding thirty-six (36) square feet in area, the applicant shall include a drawing by a registered South Carolina engineer or architect and a written certification from a registered South Carolina engineer or architect that the sign is structurally sound and safe, does not constitute a hazard to persons or property on the premises, on adjoining property, or in the vicinity of its location, that the sign is in compliance with all building or other construction codes and the requirements of this Ordinance.

Section 9-3. Inspections for Compliance

The Building Official and/or other appropriate city officials may make or require inspections of any land disturbing activity, construction or maintenance requirement to ascertain compliance with the provisions of this Ordinance and to ascertain compliance with approved permit

applications, plats and/or plans.

Section 9-4. Certificate of Zoning Compliance

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a **Certificate of Zoning Compliance** shall have been issued therefor by the Building Official stating that the proposed use of the building or land conforms to the requirements of this Ordinance, including the installation of plant materials and landscaping requirements of Article VI.

No nonconforming structure or use shall be maintained, renewed, changed or extended until a Certificate of Zoning Compliance shall have been issued by the Building Official. The Certificate of Zoning Compliance shall state specifically wherein the nonconforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of nonconforming uses or structures shall have three (3) months to apply for Certificates of Zoning Compliance. Failure to make such application within three (3) months shall be presumptive evidence that the property was in conformance at the time of enactment or amendment of this Ordinance.

No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a Certificate of Zoning Compliance, and the Certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

A temporary Certificate of Zoning Compliance may be issued by the Building Official prior to completion of all required improvements including landscaping, for a period not exceeding six (6) months; provided that assurances for the completion of all required work, including the installation of required landscaping are acceptable to and approved by the Building Official, in consultation with the Building Official.

The Building Official shall maintain a record of all Certificates of Zoning Compliance and a copy shall be furnished upon request to any person.

Failure to obtain a Certificate of Zoning Compliance shall be a violation of

this Ordinance, and punishable under Section 9-7 of this Ordinance.

Section 9-5. Expiration of Building Permit

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

Section 9-6. Complaints Regarding Violations

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

Section 9-7. Penalties For Violation

Any persons violating any provision of this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the Court for each offense.

Where any building, structure or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign or land is or is proposed to be used in violation of this Ordinance, the Building Official or other appropriate administrative officer, may in accord with the provisions of Section 56-7-80 of the South Carolina Code of Laws 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate the violation or to prevent the occupancy of the building, structure or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues shall be deemed a separate offense.

Section 9-8. Right of Appeal

Any decision or determination by the Building Official or other

administrative official may be appealed to the Board of Zoning Appeals, or in matters involving compliance with the provisions of Article VI, the Beautification Board.

Section 9-9. Appeals To Beautification Board

Any developer who wishes to approach the objectives addressed by Article VI in a different manner from that prescribed herein shall have the freedom to appeal to the beautification board for approval as follows:

- (1) Present proposed solutions to the Building Official in writing by the required deadline for a regularly scheduled meeting of the Beautification Board.
- (2) Explain in detail the problem for which an alternative solution is offered, the proposed alternative, and a written statement, graphic presentation, or both, prepared by a registered landscape architect, architect or engineer explaining how the alternative meets the intent and spirit of Article VI.
- (3) Include a statement, binding upon the developer, that if the alternative is approved by the Beautification Board the developer will install the alternative as described, or meet the literal terms of Article VI within one year.
- (4) The Beautification Board shall, at its next meeting, consider the proposed alternative and determine whether it would meet the intent and spirit of Article VI. If the Board finds that the proposed alternative would address the problem as well as or better than applicable requirements, it may grant approval of the alternative and accept the developer's statement described in support of the alternative plan, and instruct the Building Official to approve the Plan for permitting.

Section 9-10. Appeals From Beautification Board to Board of Zoning Appeals

Any person or corporation aggrieved by the administration, interpretation, or enforcement of the requirements of Article VI may appeal any decision of

the Beautification Board to the Board of Zoning Appeals, in accord with the procedures set forth in Section 9-9.2.

Section 9-11. Establishment of Board of Zoning Appeals

A Board of Zoning Appeals is hereby established. Said Board shall consist of five (5) members, who shall be citizens of the city and shall be appointed by the Mayor and City Council for overlapping terms of four years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment and any member may be removed by the City Council for cause, after a public hearing. Members shall serve without pay, but may be reimbursed for any expenses incurred while representing the Board.

9-11.1 Proceedings of the Board of Zoning Appeals

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. The Board shall appoint a Secretary, who may be a city officer or a member of the Board of Zoning Appeals. The Board shall adopt rules and by laws in accordance with Section 6-29-790 of the South Carolina Code of Laws. 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. A quorum shall be required to take any official action by the Board. Three members present shall constitute a quorum.

9-11.2 Appeals to the Board of Zoning Appeals; Hearings and Notices

Appeals to the Board shall be taken within 30 days of the date of the action which is appealed, by filing notice of appeal with the Building Official, who shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.

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/her, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall

not be stayed except by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Building Official and on due cause shown.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give at least 15 days public notice thereof in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

9-11.3 Powers and Duties of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the following powers and duties:

- (1) **To Hear and Decide Appeals, Generally.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Official in the enforcement of this Ordinance.

- (2) **To Grant Variances, Generally.** To authorize upon appeal in specific cases a variance from the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in the unnecessary hardship so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship if the Board makes and explains in writing the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - (b) These conditions do not generally apply to other property in the vicinity;
 - (c) Because of these conditions, the application of the Ordinance to the particular piece of property

would effectively prohibit or unreasonably restrict the utilization of the property; and

- (d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

9-11.4 Decisions of the Board of Zoning Appeals

In exercising the above powers, the concurring vote of two-thirds of the members present and voting shall be required to reverse or affirm, wholly or in part, or modify any order, requirement, decision, or determination of the Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, and to that end, shall have the powers of the officer from whom the appeal is taken and may direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and, in case of contempt may certify such fact to the Circuit Court having jurisdiction.

All final decisions and orders of the Board must be in writing and be permanently filed in the office of the Board as public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to parties of interest by certified mail.

Section 9-12. Appeal From Board of Zoning Appeals to Circuit Court

A person who may have a substantial interest in any decision of the Board of Appeals or an officer or agent of the City of Darlington may appeal from a decision of the Board to the Circuit Court in and for the county by filing with the Clerk of Court a petition in writing setting forth plainly, fully and

distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the Board is mailed.

Section 9-12. Establishment of Design Review Board

A Design Review Board is hereby established. Said board shall consist of five (5) members, who shall be appointed by the mayor and city council for overlapping terms of four years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment and any member may be removed by the city council for cause, after a public hearing. Members shall serve without pay, but may be reimbursed for any expenses incurred while representing the board.

ARTICLE X
AMENDMENTS

Section 10-1. Authority

This Ordinance, including the official zoning map, 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 have first been submitted to the Planning Commission for review and recommendation.

Section 10-2. Procedure

Requests to amend the Zoning Ordinance shall be processed in accordance with the following procedures:

- (1) **Initiation of amendments:** A proposed amendment to the Zoning Ordinance may be initiated by the Planning Commission, City Council or by application filed with the Planning Commission by the owner or owners of any 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, by a property owner or owners more often than once every twelve (12) months.

- (2) **Application procedure:** Application forms for amendments shall be obtained from the office of the Building Official. Completed forms, together with the required application fee to cover administrative costs (advertising), plus any additional information the applicant feels to be pertinent, shall be filed with the Building Official. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the form required.

Applications for amendments must be received in proper form, at least two (2) weeks prior to a Planning Commission meeting

in order to be heard at that meeting.

- (3) **Review by the Planning Commission:** All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted by the Building Official to the Planning Commission.

The Planning Commission, at a regular meeting or public hearing, if authorized by city council, shall review and prepare a report, including its recommendation for transmittal to City Council.

All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person or by agent, or by attorney.

No member of the Planning Commission shall participate in a matter in which he has any pecuniary or special interest.

- (4) **Report of Planning Commission:** Following review of the proposed amendment, the Planning Commission shall reach a decision regarding said amendment and report its findings and recommendation to City Council for final action.

The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the thirty-day period, it shall be deemed to have approved the proposed amendment. No change in or departure from the text or maps as recommended by the Planning Commission may be made pursuant to the public hearing unless the change or departure first be submitted to the Planning Commission for review and recommendation.

Section 10-3. Notice of Public Hearing

10-3.1 Public Notice

In scheduling a public hearing for a proposed zoning map and/or text

amendment, notice of the time and place shall be published in a newspaper of general circulation in the city at least fifteen (15) days in advance of the scheduled public hearing. The City Council may hold such hearing or designate the Planning Commission to hold the public hearing.

10-3.2 Posting of Property

In cases involving rezoning, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. Such notice shall be posted at least 15 days prior to the announced hearing, indicating the nature of the proposed change, identification of the affected property, and time, date and place of the hearing.

Section 10-4. Action By City Council

The City Council shall take action on the proposed amendment within 60 days of receipt of the Planning Commission's recommendation on an application. If no action is taken by the City Council within such time, the proposed amendment shall be considered denied, unless otherwise specified by Council.

Following final action by City Council, any necessary changes shall be made to the official zoning map and/or text. A written record of the type and date of such change shall be maintained by the Clerk of Council.

ARTICLE XI

DEFINITIONS

Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Plumbing Code, Standard Gas Code or Standard Fire Prevention Code. Words not defined in the Standard Codes shall have the meanings in Webster's Ninth New Collegiate Dictionary, as revised.

Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "may" is permissive.

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

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

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

The word "map" or "zoning map" shall mean the Official Zoning Map of the City of Darlington, South Carolina.

The term "Planning Commission" refers to the Planning Commission for the City of Darlington. The term Council, Mayor and Council, or City Council shall mean the legally elected governing body of the City of Darlington. The term "Board of Zoning Appeals" refers to the Board of Zoning Appeals for the City of Darlington.

Animal Shelter, Domestic - A pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine including pot bellied pigs, sheep, ponies, grazing animals and fowl of any kind, are boarded or kept.

Berm - Any hill or slope which represents a change of elevation of at least two feet at a slope of between twenty-five and fifty percent and which is covered with an appropriate stabilizing vegetation.

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

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

Building - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons or property.

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

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

Billboard - A sign of any type designed, intended or used to advertise or inform and identifies a message that is not related to the primary activity, service or commodity provided on the premises where the sign is located.

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

Child Care Services - Child care services shall mean and include any home, center, agency or place, however styled, where children not related to the operator are received for custodial care, apart from their parents, whether for compensation, reward, or otherwise during part or all of the day or night and upon any number of successive days or nights.

Club, Private - An organization catering exclusively to members and their guests including buildings and grounds with commercial activities serving the membership only.

Cluster Subdivision - A form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.

Conditional Use - A use of land or structure which is permitted in a district under conditions specified in the zoning ordinance.

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

Cutoff fixture - A fixture designed so that no more than 2.5% of the light(per 1000 lumens) emitted by the fixture is projected above the horizontal plane passing through the base of the fixture.

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

Developed Lot - Any existing lot upon which development has taken place.

Developer - An individual, partnership or corporation (or agent therefor) that undertakes the activities covered by these regulations.

Development - Any manmade change to improved or unimproved real

estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Display Area - Any unenclosed area or lot used for the display of merchandise.

Driveway - A paved or unpaved area used for ingress and egress of vehicles, and allowing access from a street to a building or other structure or facility.

Dwelling - A building or portion of a building arranged or designed exclusively for human habitation.

Dwelling, Apartment - (See dwelling, multi-family)

Dwelling, Attached - A dwelling unit attached to one or more other dwelling units by common vertical walls.

Dwelling, Detached - A single dwelling unit, other than a mobile home, surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Duplex - A building containing two dwelling units.

Dwelling, Group Occupied - A dwelling unit occupied by four (4) or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit.

Dwelling, Mobile/Manufactured Home - A three dimensional, transportable, factory-built structure designed for long term residential use.

Dwelling, Multi-Family - A building containing five or more dwelling units.

Dwelling, Patio House - A single-family detached or semi-detached dwelling unit. It is built on a small lot generally enclosed by walls which provide privacy. The term is synonymous with zero lot line dwellings.

Dwelling, Quadruplex - A building containing four dwelling units.

Dwelling, Single-family - A building containing one dwelling unit.

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

Dwelling, Triplex - A single building containing three dwelling units.

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

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

Evergreen Tree - A coniferous or deciduous tree that remains green throughout the year.

Family - One or more persons related by blood, marriage, adoption or guardianship, and not more than four (4) persons not so related, except that nine (9) mentally or physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accord with the provisions of 6-7-830 of the South Carolina Code of Laws, including approval or licensing of the home in which they are located by a state agency for that purpose.

Family Day Care Home - A family day care home is one in which care is given by a family member and no others during the day only for one and not more than seven children, including the day care parents' own children.

Floor - The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. Term does not include floor of a garage used solely for parking vehicles.

Floor Area - The sum of the floor area for each of a building's stories measured from the exterior limits of the faces of the structure, including basement floor area. It does not include unenclosed porches or any floor

space in an accessory building or in the principal building which is designed for parking of motor vehicles.

Floor Area Ratio - An intensity measure of land use derived at by dividing the total floor area of a building by the total site area.

Full Cut-off fixture - A fixture designed so that all light emitted by the fixture is projected below the horizontal plane passing through the base of the fixture.

Garage, Private - (As defined by the Standard Building Code.)

Garage, Public - (As defined by the Standard Building Code.)

Ground Cover - Any plant material which serves to prevent soil erosion by covering large areas of ground, and which does not grow beyond twelve inches in height.

Height - The vertical distance of a structure or vegetation measured from the average grade elevation within 20 feet of the structure to the highest point of the structure.

Home Occupation - Any occupation within a dwelling, including a family day care home, and clearly incidental thereto, carried on by a member or members of the family residing on the premises and not more than one additional person, provided that:

- (1) no exterior indication of the use or change in the character or exterior appearance is evident other than a sign permitted by these regulations;
- (2) the maximum floor area used for such operation shall not exceed 600 square feet or 25 percent of the gross floor area;
- (3) no display of products shall be visible from the street;
- (4) creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition.

Impervious Surface - Impervious surfaces are those that do not absorb water. All buildings, paved parking areas, driveways, roads, sidewalks, and any areas in concrete or asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Building Official to be impervious within the meaning of this definition also will be classed as impervious surfaces.

Impervious Surface Ratio - The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.

Junk or Salvage - Any materials consisting of waste, discarded or salvage matter which is bought, sold, exchanged, stored, baled, packed or disassembled for profit, trade or hire, and shall include any vehicle damaged so as not to comply with state or federal safety regulations, incapable of self-propulsion or partially dismantled if retained on the premises for more than seventy-two (72) hours whether for repair or not. The term junk shall also mean, but not be limited to old or scrap copper, brass, aluminum, rope, rags, paper, trash, tire carcasses, rubber debris, old vehicle parts, non-working major appliances, and other old ferrous or non-ferrous material.

Junk or Salvage Yard - Any premises where salvage or junk as defined herein are found and have been permitted to remain with the consent of the owner, lessee, or person(s) responsible for maintenance of such premises.

Light Trespass - direct light from a fixture that shines beyond the boundaries of the property on which the fixture is located. It is light that intrudes into an area where it is not wanted or does not belong.

Lot - A parcel of land considered as a unit. The terms "lot", "lot of record", "property", or "tract", whenever used in this Ordinance are interchangeable.

Lot, Corner - A lot located at the intersection of two or more streets.

Lot, Depth - The horizontal distance between front and rear lot lines.

Lot, Double Frontage - A lot which has frontage on more than one street.

Lot, Interior - A lot, other than a corner lot, which has frontage on only one

street other than an alley.

Lot, Width - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Lot Area - The area contained within the boundary line of a lot.

Lot Line - A line bounding a lot which divides one lot from another or from a street or any other public or private space.

Lot of Record - A lot, the boundaries of which are filed as legal record.

Mini-warehouse - A building or group of buildings in a controlled-access and fenced compound that contains individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customer's goods or wares.

Mobile or Manufactured Home Park - A lot or parcel with space, improvements and utilities for the long-term parking of two (2) or more mobile or manufactured homes which may include services and facilities for the residents.

Mobile or Manufactured Home Park Space - A plot or ground within a mobile or manufactured home park designed for the accommodation of one unit.

Modular Building Unit or Modular Structure - Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. When meeting the requirements of the Modular Building's Construction Act (23-43-10 of the S. C. Code of Laws), said building unit or structure may be located in any of the city's several zoning districts.

Nonconformity - A nonconformity is any lot of record, use, building, structure or vegetation in existence prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision or

amendment, to conform to the present requirements of the Ordinance.

Non-residential Use - A principal use of land for other than residential purposes, i.e. commercial, industrial, institutional.

Open Space Ratio - The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the Total Site Area.

Parcel - A land area bounded by property lines that is recognized as such by the County Assessor's Office.

Park - A public facility open for recreation, with commercial activities for recreational uses only, open space and public gardens.

Premises - A lot, plot, or parcel of land including the buildings or structures thereon, under control by the same owner or operator together with all adjacent land.

Sexually Oriented Businesses - For purposes of this Ordinance, sexually oriented businesses shall mean and include the following:

- (1) **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 (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".
- (2) **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:
 - (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations

which depict or describe "specified sexual activities" or "specified anatomical areas"; or

- (b) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as: one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

(3) Adult Cabaret. A nightclub, bar, restaurant or similar commercial establishment which regularly features:

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

(4) Adult Motel. A hotel, motel or similar commercial establishment which:

- (a) 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

- (b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- (c) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

(5) 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".

(6) 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 of "specified anatomical areas" or by "specified sexual activities".

(7) Sexual Encounter Center. A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (b) 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 seminude.

Sign - Any object, device, display or structure, or part thereof, situated

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

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

Sign, Animated - Any sign that uses movement or change of lighting to depict action or creates a special effect or scene.

Sign, Awning, Canopy or Marquee - A sign that is mounted or painted on or attached to an awning, canopy or marquee.

Sign, Banner - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Sign, Bench - A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Sign, Building - Any sign attached to any part of a building.

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

Sign, Face - The area or display surface used for the message.

Sign, Free-Standing - Any non-movable sign not affixed to a building.

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

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

Sign, Political - A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Sign, Portable - A sign that is not permanently affixed to a building, structure or the ground.

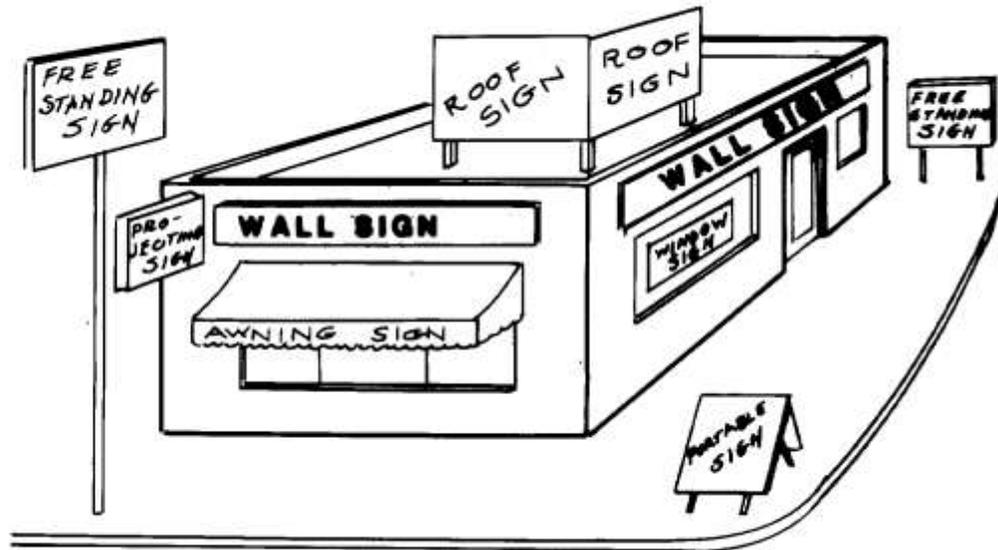
Sign, Projecting - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

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

Sign, Temporary - A sign that is used only for a short period of time and is not permanently mounted.

Sign, Wall - A sign attached to and within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

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



SIGN TYPES

South Carolina Manufactured Housing Board - Is authorized by State Statute to regulate the construction, repair, modification, installation, tie-down, hook-up, and sale of manufactured homes in South Carolina, which Board has adopted for regulation of manufactured homes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the Board's Manufactured Housing Regulations, May 26, 1990.

Specified Anatomical Areas means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified Sexual Activities means and includes any of the following:

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

Street - Any thoroughfare (drive, avenue, boulevard) or space more than 18 feet in right-of-way width which has been dedicated, deeded or

designated for vehicular traffic, public or private.

Street, Major - Includes all state primary and federal aid highways and streets that serve to circulate traffic on to, out or around the city, having signals at important intersections and stop signs on side streets and/or one having controlled access and channelized intersections.

Street, Minor - A street designed principally to collect traffic from subdivisions and provide access to abutting property.

Street, Private - A street not dedicated for public use or maintenance.

Structure - (As defined by the Standard Building Code.)

Structural Alteration - Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Travel Trailer or Recreational Vehicle - A structure that (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (2) is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile or manufactured home or modular unit.

Understory Tree - A small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees and others.

Use, Accessory - See Building, Accessory.

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

Use, Principal - The primary purpose for which land is used.

Variance - A modification of the area regulations of this Ordinance, 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, a literal enforcement of the Ordinance 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.

Vegetation - Any object of natural growth.

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

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

Yard, Rear - A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

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

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

ARTICLE XII

LEGAL STATUS PROVISIONS

Section 12-1. Conflict With Other Laws

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

Section 12-2. Validity

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

Section 12-3. Repeal of Conflicting Ordinances

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

Section 12-4. Effective Date

This Ordinance shall take effect and be in force from and after the date of its adoption by the Mayor and City Council of the City of Darlington.