

ARTICLE G. GENERAL AND SUPPLEMENTAL REGULATIONS

Sec. 6-3-101. Scope of article.

The regulations set forth in this article clarify, supplement or modify the district regulations set out in article D of this chapter.

(Ord. No. 13-86, § VII, 12-2-86)

Sec. 6-3-102. Compliance with chapter.

No building, structure or land shall hereafter be used, and no building, structure or part thereof shall be erected, reconstructed, converted, enlarged, moved or structurally altered, unless in conformity with the regulations set forth in this chapter.

(Ord. No. 13-86, § VII.A, 12-2-86)

Sec. 6-3-103. Permitted and prohibited uses.

For the purpose of this chapter, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this chapter, uses not specifically listed are prohibited.

(Ord. No. 13-86, § VII.B, 12-2-86)

Sec. 6-3-104. Reduction of yards, parking space, open spaces or lot area.

The minimum yards, parking space, open spaces and lot area required by this chapter for each and every building existing at the time of the passage of this chapter, or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as provided in this chapter, nor shall any lot area or lot dimensions be reduced below the requirements of this chapter.

(Ord. No. 13-86, § VII.C, 12-2-86)

Sec. 6-3-105. Measurement of yards abutting street right-of-way.

Yards which abut public streets shall be measured from the abutting street right-of-way line, except where the line is less than 25 feet from the street centerline, in which case yards shall be measured from a line located 25 feet from the street centerline.

(Ord. No. 13-86, § VII.D, 12-2-86)

Sec. 6-3-106. Modifications of yard regulations.

(a) Generally.

- (1) Whenever a lot abuts upon an alley, one-half of the alley width may be considered as a portion of the required yard.

- (2) Whenever more than one main building is to be located on a lot, the required yards shall be maintained around the group of buildings, and buildings shall be separated by a horizontal distance that is at least equal to the height of the highest adjacent building, unless otherwise specified.

(b) Front yards.

- (1) The front yard setback requirements for dwellings shall not apply on any lot where the average setback of existing buildings located wholly or in part within 200 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the setbacks of such existing buildings.
- (2) Where a lot fronts on two nonintersecting streets, or two intersecting streets forming an angle of 60 degrees or less, front yards shall be provided on both streets.
- (3) Where the principal building or structure is oriented to face inward, away observe the required front yard setback for the district in which it is located, and any accessory use prohibited from required front yards within such districts also shall be prohibited within the required front yard setback for the reoriented use facing inward away from the street.
- (4) Where a frontage is divided among districts with different front yard requirements, the deepest front yard shall apply to the entire frontage.
- (5) No structure other than a driveway or a sidewalk shall be erected or permitted to be located in a required front yard area.

- (c) Side yards.** Where a side yard abuts a street (corner lot), the minimum side yard requirement shall be not less than 50 percent of the front yard required on the lot lying to the rear of such corner lot when the rear lot faces the side street. No accessory building on such corner lot shall extend beyond the front yard line of the lot to the rear of such corner lot. If, however, the rear lot faces the opposite street, and in fact constitutes another corner lot, then the side yard setbacks for the district in which the lot is located shall prevail.

(Ord. No. 13-86, § VII.E, 12-2-86)

Sec. 6-3-107. Projections into required yards.

The following structures, within the limits set forth, may project into required yards:

- (1) Buttresses, chimneys, cornices and piers, not more than 12 inches; and projecting overhangs, but not including second floor overhangs, not more than 30 inches into the front yard and not more than two inches per foot of side yard.
- (2) Open fire escapes for existing buildings, not over three feet in side yards.
- (3) Unenclosed steps not extending above the first floor level and not closer than three feet to a side property line or 18 inches to a street line.
- (4) Retaining wall of any necessary height, but not closer than 18 inches to a street line or alley line.
- (5) Protective hood or overhang over a doorway, which may extend not more than three feet into the required minimum yards.

(Ord. No. 13-86, § VII.F, 12-2-86)

Sec. 6-3-108. Exceptions to height limitations.

The height limitations shall not apply to chimneys, church spires, water tanks or necessary mechanical features not occupying more than one-tenth of the roof area.

(Ord. No. 13-86, § VII.G, 12-2-86)

Sec. 6-3-109. Accessory structures and uses.

The following accessory structures and uses may be located in required yards, provided the location meets with all applicable requirements. With the exception of fences or walls, no accessory use shall be located within any required buffer area.

Accessory building or structure – provided the use is commonly associated with a residential use, including, but not limited to: detached, private garages; private kennels; disaster shelters and storage sheds. The setbacks for accessory uses shall meet the side setback standard established for the zoning district; the standard side setback shall be the required setback for the side or rear of the property, except for lakefront lots where the rear setback shall be 50 feet from the 440' contour line or property line, whichever is greater. More than one (1) accessory structure may be added to a property provided that such structures shall not exceed 25 feet in height or the height of the primary structure, whichever is less, and 1,200 square feet in gross floor area cumulatively or 50% of the gross floor area of the principal structure, whichever is greater. The setbacks for accessory uses shall meet the side setback standard established for the zoning district; the standard side setback shall be the required setback for the side or rear of the property. Accessory structures and uses shall be allowed in the side or rear yards unless specified below; accessory uses may be allowed in the front, side or rear yards if located on a lake-front lot. Specific accessory uses listed may be located as follows:

- A. Barn – may be located in any agricultural, forest or rural zoning district and no primary structure is required. Barns may be larger than 900 square feet.
- B. Boat house, boat dock, or boat lift – provided the structure is no closer than ten (10) feet to the side property line. The City/County Engineer shall approve construction drawings for these structures if located along Lake Greenwood.
- C. Fences or walls – provided the fence or wall is located no closer than 18 inches to a street or road right-of-way and does not impede visibility as outlined in Section 6-3-146.
- D. Garage/yard sales and auctions – provided that such sales or auctions of second-hand merchandise, which has been used on the premises, are conducted on the property as an accessory use. Such sales may be conducted only four (4) times within a calendar year from the same property and limited to two (2) consecutive days.
- E. Greenhouse, private – provided the structure is no larger than 900 square feet in total area and does not exceed twelve (12) feet in height.
- F. Off-street parking – provided the use meets the standards as specified in Section 6-3-141.
- G. Satellite dishes, ham radio towers and group supported TV antennas – provided the structure is located in the rear yard, no closer than ten (10) feet from all property lines.
- H. Signs – provided the use meets the standards, as specified in Section 6-3-115.
- I. Swimming pool, private – including deck, bath house or cabana, provided the pool is located in the rear or side yard, and the pool meets the setbacks of the district and all lighting is shielded or

directed away from adjoining residences.

- J. Tennis courts, private – provided the court is located in the rear or side yard, and the court meets the setbacks of the district. All provisions for lights, screening and buffering within this ordinance shall be adhered to.
- K. Wood decks – provided the deck is not covered. Covered decks are required to meet the setback standards of the permitted use.
- L. Other accessory uses appropriate to residential uses, as determined by the Zoning Official.

(Ord. No. 13-86, § VII.H, 12-2-86; Ord. No. 23-95, § I, 12-19-95; Ord. No. 04-04, 3-2-04)

Sec. 6-3-110. Visual clearance at street intersections.

On any corner lot except in the C-3 district, no structure or fence, shrubbery or other planting or obstruction to vision shall be permitted within the limits of 25 feet, in any direction, from the right-of-way of any street or road intersection.

(Ord. No. 13-86, § VII.I, 12-2-86)

Sec. 6-3-111. Building requirements in flood hazard areas.

In the flood hazard areas of Greenwood and the county, as established on flood hazard boundary maps furnished by the federal Flood Insurance Agency, the following additional requirements shall be observed:

- (1) *Permit required.* All proposed development in a flood hazard area shall require a permit, which shall be reviewed to determine if such development adversely affects the flood-carrying capacity of the floodplain. For purposes of this section, the term "adversely affects" means causing damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
 - a. If it is determined that there is no adverse effect, and the development is not a building, then the permit shall be granted without further consideration.
 - b. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineering analysis) for the proposed development shall be required.
 - c. If the proposed development is a building, the zoning administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source as criteria for requiring, within an area of special flood hazard (zone A), the following:
 - 1. *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation. Mobile homes are specifically prohibited in any designated flood hazard area except in an existing mobile home park or existing mobile home subdivision.
 - 2. *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or

architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the building official. As used in this section, the term "lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter. In all construction, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. *Encroachments in floodways.* Encroachments, including fill, new construction, substantial improvements and other development, shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) *Data to accompany permit request.* In addition to the general requirements for a building permit, all applications for development in a flood hazard area shall be accompanied by the following information:
- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all proposed structures.
 - b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
 - c. Certification by a registered professional engineer or architect that the nonresidential floodproofed structure is suitably floodproofed.
 - d. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

(Ord. No. 13-86, § VII.J, 12-2-86; Ord. No. 20-89, § I, 7-18-89)

Cross references: Floodplain management, tit. 6, ch. 6.

Sec. 6-3-112. Common open space.

- (a) **Definition.** Open space is land or water bodies used for recreation, amenity or buffer; it shall be freely accessible to all residents of a development, where required by this chapter. Open space shall not be occupied by buildings or structures, roads, parking or road right-of-way, nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.
- (b) **Open space plan.** Where specifically required by this chapter, an open space plan shall be submitted as a part of the application for a building permit. The plan shall:
 - (1) Designate areas to be reserved as open space. The specific design of open space areas shall be sensitive to the physical and design characteristics of the site.
 - (2) Designate the type of open space which will be provided.
 - (3) Specify the manner in which the open space shall be perpetuated, maintained and administered.

- (c) *Preservation and maintenance.* 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 governing authority.
 - (2) Common ownership of the open space by a homeowners' association which assumes full responsibility for its maintenance.
 - (3) Deed-restricted private ownership which shall prevent development or subsequent subdivision of the open space land and provide for the maintenance responsibility.

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

(Ord. No. 13-86, § VII.K, 12-2-86)

Sec. 6-3-113. Performance standards.

All nonresidential uses shall comply with the standards set forth in this section regulating the emission or existence of dangerous, detrimental and objectionable elements.

- (1) ***Fire and explosive hazards.*** All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against the hazards of fire and explosion, including adequate firefighting and fire suppression equipment.
- (2) ***Radioactive emissions.*** There shall be no radiation emitted from radioactive emission at the property line.
- (3) ***Smoke, dust and dirt.*** There shall be no emission of visible smoke, dust, dirt, fly ash or particulate matter from any pipes, vents or other openings, or from any other source, into the air. All fuel shall be either smokeless in nature or shall be used so as to prevent any emission of visible smoke, fly ash or cinders into the air.
- (4) ***Fumes, vapors and gases.*** There shall be no emission of any fumes, vapors or gases of a noxious, toxic or corrosive nature which can cause any damage or irritation to health, animals or vegetation, or to any form of property.
- (5) ***Vibration.*** There shall be no perceptible earth vibrations measured at the property line.
- (6) ***Heat, cold, dampness or movement of air.*** Activities which could produce any adverse effect on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.
- (7) ***Noise.*** The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not exceed the values given in the following table in any octave band or frequency. The 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.

MAXIMUM SOUND PRESSURE LEVEL IN DECIBELS
(1 Decibel = 0.002 Dynes per Square Centimeter)

Cycles per Second	Districts	
	RII	M
75	70	79
75 - 150	65	74
150 - 300	57	66
300 - 600	50	56
600 - 1,200	44	53
1,200 - 2,400	38	45
2,400 - 4,800	32	41
4,800 and Over	30	39

- (8) **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.
- (9) **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 at the property line.
- (10) **Compliance guarantee.** The applicant shall also acknowledge in writing his understanding of the applicable performance standards and shall submit an agreement to conform with such performance standards at all times. Any violation of the agreement shall constitute a violation of this chapter, and shall be treated accordingly.

(Ord. No. 13-86, § VII.L, 12-2-86)

Sec. 6-3-114. Exemption for certain public service uses.

- (a) **Exempted uses.** Due to the unique nature of certain public service uses and the need to locate such uses in certain areas of the city or county irrespective of prevailing district regulations, the following list of uses may be established in any zoning district, provided such uses meet all dimensional requirements, except height, of the district within which they will be located:
 - (1) Post offices.
 - (2) Police and fire stations.
 - (3) Sewage treatment facilities.
 - (4) Water treatment and storage facilities.
 - (5) Telephone exchange and repeater stations.
 - (6) Radio and TV station masts.
- (b) **Bufferyards.** Post offices and police, fire and telephone repeater stations shall observe the bufferyard requirements for office buildings set out in the table of bufferyard requirements. All other uses shall observe the bufferyard requirements for research, institutional and industrial uses.

(Ord. No. 13-86, § VII.M, 12-2-86; Ord. No. 3-97, § I, 2-4-97)

Sec. 6-3-115. Signs.

- (a) **Ground signs.** Ground signs shall be stoutly constructed in a secure and substantial manner. The ends of all such signs shall be at least six feet distant from any wall or fence or any obstruction that would prevent a clear passage around the ends, and shall be at least ten feet distant from any lot line. Ground signs shall not be permitted in required bufferyards.
- (b) **Wall signs.** No wall sign shall extend beyond the building more than 12 inches. No wall sign shall be so erected as to cover the doors or windows of any building or otherwise prevent free ingress or egress to or from any window, door or fire escape of any building.
- (c) **Projecting signs.** Projecting signs may extend not more than six feet from the building. Projecting signs may not project any closer than two feet to the face of a curb, and must have a minimum clearance of nine feet.
- (d) **Post signs.** No post sign shall extend closer than ten feet to the ground or pavement.
- (e) **Marquee signs.** Marquees may extend eight feet into a front yard. A marquee shall be not less than 11 feet above the ground at its lowest level. A sign may be placed upon a marquee provided such sign does not extend more than three feet above or one foot below such marquee.
- (f) **Prohibited signs.** Paper posters applied directly to the wall or building or pole or other support, and letters or pictures in the form of advertising printed or applied directly on the wall of a building, are prohibited. Temporary signs may be displayed in or attached to the inside of show or display windows provided the total sign area does not exceed 70 percent of the show or display window area. Signs or devices which by color, location or design resemble or conflict with traffic control signs or devices are prohibited. No sign shall contain flashers, or animators of any kind, excepting time and temperature displays.
- (g) **Portable signs.** Every portable sign shall be stoutly constructed in a substantial manner. The ends of all signs shall be at least six feet in distance from any wall, fence or other obstruction that would prevent a clear passage around the ends, and shall be at least ten feet in distance from any property line.
- (h) **Off-premise directional signs for churches and schools.** Off-premise directional signs for churches and schools are limited to one sign per intersection directional change and may only be located on a federally and state numbered highway. Should more than one establishment wish to locate a directional sign at any one intersection, all such signs shall be consolidated into one sign structure not to exceed 20 square feet in area nor six feet in height. Individual signs are limited to four square feet and may not be utilized when the establishment abuts the street on which the sign is to be located. Such signage shall be submitted to the zoning administrator for approval prior to placement of the sign on the property.
- (i) **Directional signs.** (*Greenwood County Only*) Directional signs shall be located at least five feet not of the road right-of-way. The sign shall not be elevated higher than 30 inches above the general level of the roadway, and may not exceed four (4) square feet in area for each sign. A maximum of one such sign shall be permitted at each point of ingress or egress.
- (j) **Sign placement.** (*Greenwood County Only*) No sign shall be placed within a road right-of-way.
- (k) **Automatic Changeable Copy Boards.** The message board may not exceed 50 square feet in surface area. The board must be maintained in such a way that the sign is programmed and light sources replaced so that text shall be legible at all times. No temporary sign permit shall be allowed for any location with an automatic changeable copy board. No such automatic changeable copy board may be utilized as a portable or temporary sign unless a temporary sign permit has been issued.

Automatic changeable copy boards are allowed in the General Commercial (C-2) Zoning Districts subject to the following conditions:

- (1) The sign shall not flash or scroll
- (2) The sign may not utilize animated graphics as a background for the display of text
- (3) The copy shall not change more than once every 15 seconds
- (4) Transitions between copy shall be less than one (1) second

Automatic changeable copy boards are allowed in all other zoning districts subject to the following conditions:

- (1) The sign shall be located on the same property as a religious, public, educational and public recreational use with a minimum lot size of three (3) acres and may not provide off-site advertising
- (2) The sign shall not flash or scroll
- (3) The sign shall not utilize animation of any kind
- (4) The copy shall not change more than once every 60 seconds
- (5) Transitions between copy shall be less than one (1) second

The Zoning Administrator may revoke the sign permit at any time he/she determines that the requirements of this section are not met.

(Ord. No. 13-86, § VII.N, 12-2-86; Ord. No. 19-03, 10-2-03; Ord. No. 11-04, § 1, 5-4-04)

Cross references: Nonconforming signs, § 6-3-169; sign permit, § 6-3-182; political signs, tit. 9, ch. 1.

Sec. 6-3-116. Special exception; temporary hardship mobile home.

- (a) In the event of a family medical hardship, a permit to locate a mobile home may be issued as a temporary use subject to approval of the petition by the joint board of zoning appeals. An affirmative vote of two-thirds of the members present and voting shall be required for the granting of a special exception for a temporary hardship mobile home permit. The joint board of zoning appeals shall consider, at a minimum, the following information:
 - (1) Statement from a licensed physician stating the nature of the medical condition for which the hardship mobile home is being requested.
 - (2) Statement of the exact nature of the family relationship.
 - (3) A site plan showing the location of the proposed mobile home and all other structures. The mobile home must be sited on the same lot as the principle structure and must comply with all dimensional requirements of the district.
 - (4) Certification that the mobile home can be served by an approved sanitary water and sewer system subject to the requirements of the county health department.
 - (5) The joint board of zoning appeals shall permit hardship mobile homes as a temporary dwelling. The joint board of zoning appeals shall instruct the planning department staff to review the status of the dwellings occupancy once every six months so as to verify that the occupant of the dwelling is the individual for whom the permit was issued and that it is not being used as a rental dwelling. The temporary permit shall become void 30 days after the hardship has been remedied. At that time the unit shall be moved to an appropriately zoned area and the site restored to its original state.
 - (6) A permit may be issued to establish a mobile home on the same lot as the principal structure of the guardian attendant of the affected family member or the guardian attendant may establish a mobile home on the same lot as the principal structure of the affected family member's residence.
- (b) Where a single family structure is damaged or destroyed by fire or other natural disaster, a permit may be issued for a temporary mobile home permit to be used as a temporary dwelling while the house is being repaired or rebuilt. The joint board of zoning appeals shall consider, at a minimum, the following information:
 - (1) Documentation that the single-family structure is not otherwise habitable due to the extent damage caused by the fire or other disaster.
 - (2) The nature of the event that damaged or destroyed the structure.
 - (3) Certification that the mobile home can be served by an approved sanitary water and sewer system subject to the requirements of the county health department.
 - (4) A site plan showing the location of the proposed mobile home and all other structures. The mobile home must be sited on the same lot as the principle structure and must comply with all dimensional requirements of the district.
 - (5) The joint board of zoning appeals shall permit hardship mobile homes as a temporary dwelling. The joint board of zoning appeals shall instruct the planning department staff to review the status of the dwellings occupancy once every six months so as to verify that the occupant of the dwelling is the individual for whom the permit was issued and that it is not being used as a rental dwelling. The temporary permit shall become void 30 days after the

hardship has been remedied. At that time the unit shall be moved to an appropriately zoned area and the site restored to its original state.

(Ord. No. 13-86, § VII.O, 12-2-86; Ord. No. 14-99, § XXI, 4-20-99; Ord. No. 22-03, 12-16-03)

Sec. 6-3-117. Supplemental development standards for certain uses and large scale projects.

- (a) **Purpose.** The purpose of this section is to improve the impact and siting of certain land uses, whose characteristics could adversely affect surrounding property and environmental conditions. Toward this end, standards over and above those set forth elsewhere by this chapter are hereby imposed when the use is permitted in the district where the property is located.
- (b) **Applicability.** The additional requirements of this section shall apply to the following uses:
- (1) Sanitary landfills, incinerators and inert dump sites.
 - (2) Hazardous waste and nuclear waste disposal sites.
 - (3) Automotive race and testing tracks.
 - (4) Mining and extraction operations.
 - (5) Pistol, rifle or skeet ranges.
 - (6) Adult uses.
 - (7) Stockyards, slaughterhouses, poultry houses and animal auction houses.
 - (8) Large scale projects.
 - (9) Mobile home lots, parks, and courts.
 - (10) Salvage yards and junkyards.
 - (11) Miniwarehouses.
- (c) **Site plan required.** Site plans, at a scale of one inch equals 50 feet, or other appropriate scale, shall accompany the permit request for those uses listed by this section. The site plan shall show the relationship of the proposed use to the surrounding area, all required bufferyards, offstreet parking, entrances and exits, permeable areas, open space and other such information as required by this chapter.
- (d) **Public hearing; approval of use.**
- (1) The joint planning commission shall review and evaluate each application with respect to all applicable development standards contained in this section and elsewhere in this chapter. At the conclusion of its review, the joint planning commission may approve the proposal as presented, approve it with specified modifications, or disapprove it.
 - (2) If the application is approved, the joint planning commission shall cause the appropriate permit to be issued, or, if conditionally approved, the joint planning commission shall cause such permit to be issued contingent on any specified modifications imposed. If disapproved, the applicant shall be notified in writing, with the reasons therefor.

(e) **Solid waste management facility.** Due to the consideration for public health and safety and potential pollution to the environment resulting from solid waste collection and disposal sites, the following standards shall apply.

(1) *Sanitary landfill, incinerator and dump sites.*

- a. No such use shall be located within 1,500 feet of any existing residential use (measured in a straight line).
- b. A geo-technical engineering firm shall certify in writing that the rock formations being used to contain the waste are impermeable and that the surrounding groundwater sources will not be contaminated.
- c. A drainage and sedimentation plan shall accompany the request, showing all offsite runoff.
- d. The proposed facilities shall have direct access off a collector or arterial street.
- e. The facility shall be enclosed on all sides by an opaque cyclone fence and shall meet the bufferyard requirements for heavy industrial uses.
- f. No waste material capable of being blown from the site shall remain uncovered or unsecured at the end of a workday.
- g. When the site is full or no longer operational, it shall be fully restored and re-vegetated where applicable.
- h. Sites used for a sanitary landfill, incinerator or dump site shall be a minimum of ten acres in size.
- i. Prior to beginning any site work, all local, state and federal regulatory permits must be obtained and copies of the permits required for such use must be provided to the zoning administrator.

(2) *Transfer stations.*

- a. No such use shall be located within 1,500 feet of any existing residential use (measured in a straight line).
- b. A geo-technical engineering firm shall certify in writing that the rock formations being used to contain the waste are impermeable and that the surrounding groundwater sources will not be contaminated.
- c. A drainage and sedimentation plan shall accompany the request, showing all offsite runoff.
- d. The proposed facilities shall have direct access off a collector or arterial street.
- e. The facility shall be enclosed on all sides by an opaque cyclone fence and shall meet the bufferyard requirements for heavy industrial uses.
- f. No waste material capable of being blown from the site shall remain uncovered or unsecured at the end of a workday.
- g. When the site is full or no longer operational, it shall be fully restored and re-vegetated where applicable.

- h. A minimum two acre tract shall be required for development.
- i. No waste stored on-site shall remain at on-site for longer than 48 hours.
- j. A drainage and sedimentation plan shall accompany the request, showing all offsite runoff.
- k. The proposed facilities shall have direct access off a collector or arterial street.
- l. The facility shall be enclosed on all sides by an opaque cyclone fence and shall meet the bufferyard requirements for heavy industrial uses.
- m. No waste materials capable of being blown from the side shall remain uncovered or unsecured at the end of a workday.
- n. When the site is full or no longer operational, it shall be fully restored and re-vegetated where applicable.
- o. Prior to beginning any site work, all local, state and federal must be provided to the zoning administrator.

(3) *Convenience centers or drop-off centers.*

- a. A minimum one acre tract shall be required to develop a convenience center.
- b. No such waste center shall be located within 500 feet of an existing residential use.
- c. All convenience center sites shall comply with the bufferyard requirements for a general commercial use.
- d. Prior to beginning any site work, all local, state and federal permits required for such use must be obtained and copies of these permits provided to the zoning administrator.
- e. A drainage and sedimentation plan shall accompany the request, showing all offsite runoff.
- f. The proposed facilities shall have direct access off a collector or arterial street.
- g. No waste materials capable of being blown from the site shall remain uncovered or unsecured at the end of a workday.

(f) *Hazardous waste and nuclear waste disposal sites.* All hazardous and nuclear waste sites are declared by this chapter to be incompatible with prevailing environmental conditions, and existing and planned development in the county. All such uses are therefore, prohibited, and no such sites shall be reviewed or permitted without the submission by the applicant of a comprehensive environmental impact statement prepared by a registered engineer.

(g) *Automotive race and testing tracks.* Automotive race and testing tracks are declared by this chapter to be incompatible with residential development. Additionally, such use has the potential of negatively impacting many nonresidential uses. As a result, any such proposed use for the county shall comply with the following development standards:

- (1) No such use shall be located within 2,500 feet of any residential use (measured in a straight line).
- (2) Dirt tracks shall be located no closer than one mile to any residential use.

(3) Bufferyards as specified for heavy industrial uses shall be provided along all property lines.

(4) The proposed facilities shall have direct access off collector or arterial streets only.

(h) **Mining and extraction operations.** Due to the land disturbing nature of these operations, pollution to air and water, and use of explosives to break up earth materials, such uses shall be permitted in the county only under the following conditions:

(1) A mining permit must be obtained from the state department of health and environmental control prior to securing a county permit. The mining permit shall have been issued within six months of the date of the request for the county permit.

(2) A drainage and sedimentation plan shall accompany the application, showing all offsite runoff.

(3) No such use shall be located less than 2,500 feet from any residential use. Where explosives are to be employed, the minimum distance shall be one mile (measured in a straight line).

(4) A vegetated strip shall be required along the margins of the excavation site to reduce sedimentation and airborne debris.

(5) The site must take direct access to a collector or arterial street.

(6) Bufferyards as specified for heavy industrial uses shall be provided along all property lines.

Mining and extraction uses in existence on the date of passage of the ordinance from which this section is derived which are nonconforming, and any extension of such uses, operations, activities or business on such parcel or contiguous parcels under the same ownership on the date of passage of the ordinance from which this section is derived, shall be exempt from these and all other requirements contained herein.

(i) **Pistol, rifle or skeet ranges.** The unique nature of this use is such that the following criteria shall be observed in siting any such use in the county:

(1) No such use shall be located within one mile from any residential use (measured in a straight line).

(2) The use shall be oriented away from habitable areas.

(3) The site upon which the use is proposed shall be suitable in size and topography to ensure the safety of area residents.

(j) **Stockyards, slaughterhouses, poultry houses and livestock auction houses.** Stockyards, slaughterhouses, poultry houses and livestock auction houses shall be located no closer than 1000 feet to any residential use and no closer than 500 feet from front property lines nor closer than 1000 feet from side or rear property lines. No incineration of animals or animal refuse shall be permitted. Such uses shall meet the bufferyard requirements for light industrial uses.

(k) **Adult uses.** Owing to the serious objectionable operational characteristics of sexually oriented or adult uses, and the deleterious effect of such uses on existing businesses and/or residential areas around them, the location of such uses, where permitted by this chapter, shall be subject to the supplemental siting criteria of this section.

(1) Adult uses shall be permitted in the C-2, C-3, I-1, I-2, and rural development districts only.

- (2) No adult use shall be located within 1,000 feet (measured radially from property line to property line) of any other adult use, a house of worship, a residential use or residentially zoned district, a public or private elementary or secondary school, a day care facility, cemetery or funeral home, movie theater showing G or PG films, a public park, courthouse, or other publicly owned facility, or a long term medical care facility (i.e. hospital, nursing home, etc.).
- (3) Such use shall have direct access off collector or arterial streets only.
- (4) No adult use shall be open, operated, presented, or conducted between the hours of 12:00 a.m. Saturday and sunrise Monday morning.
- (5) No adult use shall allow any person under the age of 21 years upon the premises.
- (6) Such use shall comply with all requirements of section 6-3-113, Performance standards, for any new or existing structure proposed for an adult use.
- (7) Such use shall comply with the bufferyard requirements of article E, Bufferyards, for any new or existing structure proposed for an adult use.
- (8) No more than one adult use shall be permitted on any tract of land.
- (9) Signs shall contain no photographs, silhouettes, drawings, or pictorial representations of any manner, and may contain only the name of the regulated establishment. Signs shall comply with all other requirements for this district.
- (10) Any sexually oriented business lawfully operating on November 16, 1993, that is in violation of subsections (1) through (10) of this subsection, shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered, except that the use may be changed to a conforming use. Such nonconforming uses shall cease and end upon the expiration of the above two-year period.

(I) Large scale projects.

- (1) *Purpose.* Large scale projects can substantially impact environmental features, surrounding land use, traffic conditions and facilities, and public utilities. The purposes of this subsection, therefore, are to ensure the proper siting of such projects in relation to their surroundings, and to avoid any negative fallout from improper planning and design.
- (2) *Definition.* For purposes of this section, a large scale project is defined as follows:
 - a. Any project that generates a need for 100 or more offstreet parking spaces, as determined by section 6-3-146, excluding single-family subdivisions.
 - b. A truck or bus terminal, including service facilities designed principally for such uses.
 - c. Any project with two or more principal uses or buildings.
- (3) *External relationships.*
 - a. External relationships shall be measured against and shall comply with the land use intensity standards of section 6-3-47(c)(3).

- b. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movement and minimize hazards to vehicular or pedestrian traffic. Merging and turning lanes or traffic dividers shall be required where existing or anticipated heavy flows indicate need.
- c. Such projects shall not be permitted access to a minor local street, but may border or front on a major local street. Where a major local street intersects with a collector or arterial street, access drives shall be restricted to the major local street, where feasible.
- d. Pedestrian access, where provided, shall be by safe and convenient routes. Where there are crossings or pedestrian ways and vehicular routes at edges of the project, such crossings shall be safely located, marked and controlled. Where such ways are exposed to substantial automotive traffic, safeguards, including fencing, may be required to prevent crossings except at designated points.
- e. More specifically, ingress and egress openings in concrete, asphalt, rock or other street curbing provisions, commonly referred to as curb cuts, as well as other means of vehicular access to and from such projects, shall be in accordance with the following requirements:
 - 1. Exit lanes shall be not less than 12 feet wide and entrance lanes shall be not less than 16 feet wide. Entrances and exits may not take access closer than 150 feet to the right-of-way line of an intersecting major local or collector street and 200 feet to an intersecting arterial street.
 - 2. In no case shall any point of access or other means of vehicular ingress or egress to a public street be permitted closer than 250 feet to the intersecting point of that street's right-of-way line with the right-of-way of any portion of an interchange involving grade separations, including all portions of all ramps, accelerating and decelerating lanes, merge lanes and other facilities specifically designed to facilitate traffic movement onto and off of the limited access highway.

(4) *Internal relationships.*

- a. Streets, drives, and parking and service areas shall provide safe and convenient access for service and emergency vehicles. Streets shall be laid out so as not to encourage outside traffic to traverse the development or create unnecessary fragmentation of the project into small blocks. In general, the project shall be consistent with the use and shape of the site and the convenience and safety of occupants and persons frequenting the project.
- b. Vehicular access to collector and arterial streets or portions of streets from offstreet parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic to and from such areas conveniently, safely, and in a manner that minimizes traffic friction and promotes free flow of traffic on streets without excessive interruption.

(m) **Mobile home lots, parks, or courts.** Where permitted by this chapter, mobile home lots, parks or courts shall comply with the following development standards:

- (1) The minimum park or court area shall be two acres.
- (2) The maximum number of mobile homes per acre in an approved mobile home park or court shall not exceed five.
- (3) Sanitary sewers, a system of storm drainage, water and refuse disposal facilities shall be provided for all mobile home parks or courts.

- (4) Roadways, which are not to be dedicated as public streets, in an approved mobile home park or court shall have a minimum travel width of 20 feet of asphalt, exclusive of parking.
- (5) All roadways shall be paved in an approved mobile home park or court.
- (6) All onsite roadway intersections shall be provided with a streetlight, and interior lights shall be provided at not less than 400-foot intervals in an approved mobile home park or court.
- (7) Each mobile home stand in an approved mobile home park or court shall be at least 30 feet from any other stand and at least 30 feet from the right-of-way of any drive which provides common circulation.
- (8) No mobile home stand in an approved mobile home park or court shall have direct access to a public street.
- (9) Two parking spaces shall be provided for each mobile home space or lot. Parking may be provided on the mobile home lot or in community parking areas in an approved mobile home park or court.
- (10) Existing trees and other natural site features shall, to the extent feasible, be preserved. Variations in the street pattern, block shapes and location of mobile home stands shall be employed in an approved mobile home park or court.
- (11) A minimum of ten percent of the mobile home park or court site shall be reserved and developed for recreational purposes; however, no recreation area shall be less than 500 square feet in area.
- (12) All mobile homes shall be placed upon a foundation consisting of footings and piers which meet the requirements of the manufacturer's installation manual. In the event that the manufacturer's installation manual is not provided, the home must be installed according to section 19-425.39 of the Manufactured Home Minimum Installation, as promulgated by the state manufactured housing board. At a minimum, the following standards shall apply:
 - a. All piers shall have a minimum dimension of no less than 16 inches by 16 inches.
 - b. The base of all piers shall have a minimum of a four-inch solid block consisting of one four-inch by 16-inch by 16-inch or two four-inch by eight-inch by 16-inch concrete blocks.
 - c. If the mobile home is placed on a poured concrete footing, the solid four-inch base shall not be required.
 - d. The spacing of all piers along the I-beam of the home shall not exceed a distance of eight feet. Should the mobile homeowners manual require spacing of piers closer, then the HUD guidelines of the manual shall be followed.
 - e. Perimeter blocking and marriage wall blocking on all mobile homes shall be done in accordance with the HUD guidelines in the setup manual.
 - f. Piers shall not have more than two-inch thickness of wood or wood shims between the top of the pier and the I-beam.
- (13) All mobile homes shall have a minimum of one anchor on each side of the home per every 15 linear feet. All single-wide mobile homes are required to have a minimum of two overhead straps if the length is less than 60 feet. All single-wide homes in excess of 60 feet must have three overhead straps. Sectional homes may be anchored by frame ties. For

single section units, all built-in over-the-top tiedown straps shall be connected to anchors. Over-the-top ties shall be located within two feet of each end of the home and at intervals in between as recommended by the home manufacturer, placed at stud and rafter locations. Frame ties must always be used with over-the-top ties. Each strap should be attached to the nearest I-beam that runs the length of the manufactured home (never to cross member). The strap should be wrapped around the beam and secured with a buckle or other clamping device. Ties made of galvanized steel strapping shall have a minimum breaking strength of 4,750 pounds or galvanized steel cable with a breaking strength of at least 4,800 pounds; ties shall have a device that permits ties to be tightened.

- (14) Permanent landing and steps with handrails shall be required at each exterior doorway. The structure shall include steps which lead to the ground level. All exterior exits of the home shall have a landing of no less than three feet by three feet in size with 26-inch guardrails.
 - (15) Skirting or a curtain wall, unpierced except for required ventilation and access door, shall be installed and consist of brick masonry, vinyl, block, stone, or pressure-treated wood designed and manufactured for permanent outdoor installation. The minimum ventilation requirement shall be one square foot of ventilation per 150 square feet of crawl space. All skirting shall be able to withstand the 80 miles-per-hour wind zone standard set forth in the Standard Building Code. The requirements of this subsection shall be complied with on or before the ninetieth day after the final mobile home permit is issued. No additional charge shall be made for additional inspections made to insure compliance with this subsection.
 - (16) A 20-foot setback is required from any other dwelling unit on the site or the same lot.
 - (17) All mobile homes must be connected to the water and sewer system or well and septic tank, whichever is applicable, approved by the county health department. All fresh water lines to the mobile home must be installed with a gate valve or stop valve in order to cut off water supply at the home, as necessary. All drain lines shall be connected in accordance with the setup manual. If the manual is not available, drain lines must be connected with proper elevation and "all," as described in the Standard Plumbing Code guidelines. All lines must be properly supported and strapped to prevent sagging and insure drainage. A minimum three-inch cleanout "T" shall be located on the main line leaving the home and located within three feet of the perimeter of the home.
 - (18) A mobile home, when used as a dwelling, shall be located to the rear of the principal structure. A mobile home may not be used as an accessory structure.
 - (19) The electrical system to the home shall be required to meet the standards as set forth in the National Electrical Code.
- (n) **Automotive wrecking yards, salvage yards and junkyards.** Owing to the environmental consequences and potential impact of automotive wrecking yards, salvage yards, and junkyards, such uses shall be permitted only under the following conditions:
- (1) Such uses shall be located no closer than 500 feet to any property line of a residential use, church, school, historical place or public park and meet the remaining standards contained in this subsection.
 - (2) 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.
 - (3) All paper, rags, cloth and other fibers, and activities involving such materials, other than loading and unloading, shall be within fully enclosed buildings.

- (4) All materials and activities not within fully enclosed buildings shall be enclosed by a 100 percent opaque screen of at least six feet in height to fully screen any item from an adjacent property boundary or road right-of-way. The screen may be a fence, wall, berm, landscaping or a combination thereof and shall be in place according to the approved plan prior to the issuance of the certificate of occupancy. Berms shall be constructed at a 2:1 slope. However, all berms must be setback at least 10 feet from the property line or road right-of-way, fences and walls may be within 18 inches of the property line or road right-of-way and plant materials must be approved by the planning department staff from a listing of appropriate evergreen species and spacing that meet the intent of this ordinance. The fence, wall or berm must remain in a good state of repair at all times as determined by the zoning official.
 - (5) Owners and/or operators shall prevent infestations of rodents, vermin, reptiles and other pests on the property.
 - (6) Owners and/or operators shall mitigate all other harmful environmental impacts such as the removal of batteries containing battery acid, removal of gas and oil, and removal and disposal of tires.
 - (7) Hazardous materials, use storage and/or disposal must comply with fire department, Department of Health and Environmental Control (DHEC) and U.S. Environmental Protection Agency (EPA) regulations.
 - (8) One main entrance may be unbermed for a total of 50 feet along the street side property line. Additional entrances may be gates that are at least 80 percent opaque and at least six feet in height. Automobiles shall be set back at least 20 feet from the street side property line.
- (o) **Miniwarehouses.** Due to the need to better integrate miniwarehouses into the urban fabric of the community, the following standards shall be observed:
- (1) *Size of site.* Miniwarehousing sites shall not exceed two acres.
 - (2) *Lot coverage.* Lot coverage of all structures shall be limited to 50 percent of the total area.
 - (3) *Ingress and egress.* Vehicular ingress and egress shall be limited to one point for each side of the property abutting any street lot line.
 - (4) *Other business activities.* No business activities other than rental of storage units shall be conducted on the premises.
 - (5) *Bufferyards and screening.* Miniwarehouses shall meet the bufferyard requirements for office and commercial uses with a floor area ratio of less than 0.25.

(Ord. No. 21-90, § II, 8-7-90; Ord. No. 15-93, § 1, 11-16-93; Ord. No. 3-97, § II, 2-4-97; Ord. No. 15-97, §§ I, III, 5-6-97; Ord. No. 1-99, § 8, 1-5-99; Ord. No. 14-99, §§ XXII--XXV, 4-20-99; Ord. No. 22-04, § I, 11-16-04; Ord. No. 23-04, § I, 12-7-04)

Sec. 6-3-118. Home auto repairs and sales.

- (a) The repair of an automobile or a motor vehicle at a place of residence is subject to the following restrictions:
 - (1) Only minor repairs and maintenance may be performed, which for purposes of this section are defined as the changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid and lubricating oil; the replacement of sparkplugs and ignition points;

the rotation of tires and the checking of adequate pressure; and the replacement of drive belts and hydraulic lines.

- (2) Any other repairs shall be restricted to totally enclosed spaces and only accomplished on privately registered vehicles having current state license plates, or motor vehicles designated by the state as qualifying for an antique or horseless carriage designation.

- (b) The sale of automobiles at a place of residence shall be restricted to no more than one vehicle at any given time. The vehicle may be displayed by appropriate window or other attached signage.

(Ord. No. 21-90, § III, 8-7-90)

Sec. 6-3-119. Garage sales, yard sales, etc.

Garage, yard, tag, patio and apartment sales are specifically permitted as an accessory use in all districts. Such sales shall be limited at a place of residence to four during each 12-month period, for a maximum duration of two days per sale.

(Ord. No. 21-90, § IV, 8-7-90)

Sec. 6-3-120. Day care and child care facilities.

- (a) Day care and child care centers must meet the minimum standards set forth by the department of social services and other licensing agencies, unless higher standards are required in this chapter. A letter of approval from the department of social services will be required prior to zoning approval.
- (b) Centers shall conform to all applicable standards of any ordinance in effect within the county or the City of Greenwood. The zoning administrator shall ensure that all standards are met prior to issuing certificates of zoning compliance.
- (c) No other business enterprise shall be allowed on the same lot with a child care center unless the center is operated for the primary use of the employees of that business enterprise. Industrial plants and shopping centers or malls are exempt from this subsection.
- (d) Entrances, exits and parking areas shall be located off collector and residential streets rather than arterial streets unless such access is not available.
- (e) In commercial areas passenger loading and unloading areas shall not abut primary commercial streets or highways and shall provide one-way drive-through service areas where traffic congestion may occur. All centers shall provide parking lots with one parking space for each employee and one parking space per six children cared for in the facility.
- (f) The zoning administrator shall conduct a site inspection to review the probable impact by the proposed project on the surrounding area. Approval will not be given at sites where it is determined by the zoning administrator that the existing road surface is structurally inadequate to handle additional traffic and/or there exists identifiable problems with sight distances, sight lines and/or other recognized traffic hazards.
- (g) Each center shall provide a minimum of 75 square feet of usable unpaved outdoor play area per child. This area shall not abut any commercial street or highway. For purposes of this section, play area is defined as a usable area not covered by buildings or required parking lots.

- (h) Outdoor areas must be enclosed with a four foot high fence. The zoning administrator shall require a privacy or screening fence to reduce noise and/or block objectionable views when the site is adjacent to a more intense land use that has the potential to produce smoke, dust, fumes, noise, or other potentially hazardous emissions.
- (i) Child care centers in industrial zones and shopping malls may establish play areas indoors in climate-controlled conditions in order to separate children from industrial pollutants such as smoke, dust, fumes, noise, etc. However, play area requirements shall remain 75 square feet per child.
- (j) All outdoor lighting shall be directed away from residential properties.
- (k) A detailed site plan shall be submitted for review and approved by the zoning administrator.
- (l) Any day care center with 13 or more children that is adjacent to a single-family zoned area must comply with the bufferyard requirements of article E of this chapter.
- (m) All facilities must be operated and housed in a permanent structure. All such structures shall meet requisite fire codes, and the required site plan shall be approved by the Greenwood city fire marshal or the state fire marshal prior to receiving permission to operate the facility.
- (n) All proposed child care centers must be physically inspected for compliance with all of the requirements of this section prior to granting permission to operate.
- (o) Adult day care centers will be required to comply with the above standards.

(Ord. No. 3-92, § II, 3-3-92; Ord. No. 14-99, §§ XXVI--XXIX, 4-20-99)

Sec. 6-3-121. Communications towers and antennae.

(a) *Definitions.*

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

Communications tower, as used in this chapter, means a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building.

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

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

- (b) *Permitted as conditional use.* A communications tower and/or antenna may be permitted by the zoning administrator without further review upon determination that all of the applicable conditions in this section are met.

(1) *Districts in which conditional uses are permitted; height limitations.*

- a. *Permitted height; free-standing or guyed tower.*

1. Residential R-1 through R-7 and RI-1: Free-standing tower with height not exceeding 100 feet is a permitted conditional use; height exceeding 100 feet requires special exception.
 2. Commercial C-1, C-2, C-3, OP-1: Free-standing or guyed tower with height not exceeding 180 feet is a permitted conditional use; height exceeding 180 feet requires special exception.
 3. Industrial I-1 and I-2: Free-standing or guyed tower with height not exceeding 360 feet is a permitted conditional use; height exceeding 360 feet requires special exception.
 4. Development; agricultural AG-1, AG-2, AG-3, RDD: Free-standing or guyed tower with height not exceeding 500 feet is a permitted conditional use; height exceeding 500 feet requires special exception.
 5. Planned development: Tower with height specified in approved plan is permitted under conditions set forth in plan.
- b. *Permitted height above structure.*
1. All districts: Tower and/or antenna mounted on building, water tank or structure other than a free-standing or guyed communications tower must not extend more than 30 feet above the highest part of the structure.
- c. *Special exceptions and variances.*
1. All districts except planned development: Free-standing or guyed tower and/or antenna exceeding height limitations may be permitted by the zoning board of appeals as a special exception. See requirements for special exceptions in subsection (c) of this section.
 2. All districts: Variances from conditions imposed by this section may not be granted by the zoning board of appeals. Variances from other general district regulations may be granted under standards in S.C. Code 1976 § 6-29-800.
- (2) *Application requirements.* The applicant for a conditional use zoning permit for construction of a communications tower or placement of a commercial telecommunication antenna on an existing structure other than a tower previously permitted must file with the zoning administrator an application accompanied by a fee and the following documents, if applicable:
- a. *Specifications.* One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.
 - b. *Site plan.* A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property. A site plan is not required if antenna is to be mounted on an approved existing structure.
 - c. *Tower location map.* A current map, or update for an existing map on file, showing locations of applicant's antennae, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the city.
 - d. *Antenna capacity; wind load.* A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA-222 (latest revision) standards.

- e. *Antenna owners.* Identification of the owners of all antennae and equipment to be located on the site;
 - f. *Owner authorization.* Written authorization from the site owner for the application.
 - g. *FCC license.* Evidence that a valid FCC license for the proposed activity has been issued.
 - h. *Visual impact analysis.* A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
 - i. *Removal agreement.* A written agreement to remove the tower and/or antenna within 180 days after cessation of use. In the event of bankruptcy, it will remain the sole responsibility of the tower's owner to remove the tower along with all appendages.
 - j. *Conditions met.* Evidence that applicable conditions in subsection (b)(3) of this section are met.
 - k. *Additional information.* Additional information required by the zoning administrator for determination that all applicable zoning regulations are met.
- (3) *Conditions.* Applicant must show that all applicable conditions are met.
- a. *Location, visual impact.* The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.
 - b. *Inability to locate on existing structure.* Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements without unreasonable modifications on any existing structure or tower under the control of applicant.
 - c. *Necessity for location in residential district.* Applicant for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a non-residential district for valid technical reasons.
 - d. *Public property or other private property not suitable.* Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements.
 - e. *Design for multiple use.* Applicant must show that new tower is designed to accommodate additional antennae equal in number to applicant's present and future requirements.
 - f. *Safety codes met.* Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.
 - g. *Paint; illumination.* A communications tower must not be painted or illuminated unless otherwise provided by state or federal regulations.
 - h. *Distance from existing tower.* A permit for a proposed tower site within one mile of an existing tower (regardless of ownership) shall not be issued unless the applicant certified

that the existing tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.

- i. *Indemnity; claim resolution.* Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the zoning administrator a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in form approved by the municipal attorney.
 - j. *Application of zoning regulations.* Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except setback and height, shall apply to the use. Setback and height conditions in this section apply.
 - k. *Minimum setbacks.* A tower must be a minimum distance equal to one-half the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines distances equal to the district setback requirements or 25 percent of the tower height, whichever is greater.
- (4) *Appeal to board.* Applicant may appeal to the board of zoning appeals as follows:
- a. *Time limit for action by zoning administrator on complete application.* Failure of the zoning administrator to act on an application which is determined to be complete under this section within 45 days, unless extended by agreement, may be considered by applicant to be a denial of a permit which is subject to appeal to the board of zoning appeals.
 - b. *Variance.* Applicant may appeal to the board of zoning appeals for a variance from general zoning district regulations and setback requirements in this section, but not from any other conditions in this section. Towers exceeding height limitations may be permitted only by special exception pursuant to subsection (c) of this section.
 - c. *Special exception.* Applicant may apply directly to the board of zoning appeals for a permit for any tower as a special exception pursuant to subsection (c) of this section.
- (c) *Special exceptions.* A tower, pole, or antenna may be permitted by special exception granted by the board of zoning appeals after public hearing and findings of fact based on the following criteria. The board of zoning appeals must find and conclude:
- (1) *Application; conditions.* All application requirements and conditions imposed by subsection (b) of this section for conditional uses are met except height limitations and setbacks.
 - (2) *Height limitations.* If additional tower height is requested, total tower height will not exceed 150 percent of the maximum height permitted in the district as a conditional use.
 - (3) *Necessity for additional height.* Applicant has demonstrated that additional height above that permitted by conditional use regulations is necessary for service to occupants of an area within the municipality.
 - (4) *Setback requirements; additional conditions.* Setback requirements and such additional conditions are established by the board of zoning appeals as it deems necessary to remove danger to health and safety, and to protect adjacent property.
 - (5) *Denial on substantial evidence.* The Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence.

- (6) *Variance prohibited.* The board of zoning appeals may not grant a variance from the standards imposed for a communications tower or antenna in connection with granting a special exception, except as permitted by subsection(b)4.b of this section.

(Ord. No. 25-98, §§ I-III, 11-2-98)

Sec. 6-3-122. Incentives for cluster development.

- (a) ***Definition and purpose.*** A cluster development is a grouping of residential, commercial or industrial land uses within a development site. Lot sizes and setbacks are reduced in exchange for preservation of rural character and substantial amounts of open space. While clustering can help protect environmentally sensitive areas, forests, rural character, visual quality, and historic sites, it can also substantially reduce the cost of site, street and infrastructure construction for a development. Its purpose is to encourage the erection of cluster housing in those areas appropriate to such use, subject to the conditions and safeguards which will promote the purpose of zoning and the comprehensive plan. In addition to or in modification of other applicable provisions and requirements, the following provisions shall apply in the case of cluster housing developments.
- (b) ***Intent to utilize clustering option.*** In order to use the cluster development option, developers must declare their intent to use the cluster development provisions at the time that the preliminary plat for the subdivision is submitted.
- (c) ***Density incentives.*** The overall density of the development shall be calculated using the development standards of the zoning district in which the development occurs. A percentage of preserved open space shall be established. The open space percentage shall be at least 25 percent. The land uses may then be "clustered" together on the remaining portion of the property. The minimum lot area, minimum lot width and minimum setbacks of the zoning district may be reduced by the same percentage as the open space percentage.
- (d) ***Open space defined; use of preserved open space.*** For the purposes of this article, open space is defined as any area that is not divided into private building lots, streets or rights-of-way. It is that land area devoted to common use by all the homeowners, exclusive of parking areas, street rights-of-way, which is designed to meet the primary objective of supplying open space or recreational needs. Open space areas used to qualify for bonus density may be used for agriculture, forestry, undeveloped (passive) open space areas, nature preserves, and wildlife habitat areas.
- (e) ***Resources to be preserved.*** To the maximum extent feasible, open space areas used to satisfy cluster requirements shall be located to preserve a site's most significant environmental, historic, cultural, and natural resources. Determination of the areas to be set aside as open space areas within a cluster development shall be based on a site-specific analysis prepared by the applicant and submitted with the preliminary plat. The site analysis shall identify topography, natural features, environmental resources, existing buildings, fences, tree lines, woodlands, pastures, bridges, ponds, fence lines, hedgerows and proposed building envelopes.
- (f) ***Development restrictions.*** All open space areas used to satisfy bonus density requirements and all open space subdivisions shall be permanently restricted from further subdivision and further development. The form of such restriction shall require express approval of the city/county planning department.
- (g) ***Minimum setbacks.*** The minimum setback from the exterior property lines for a cluster housing development shall be 30 feet.

- (h) **Minimum required open space.** For attached cluster housing developments, a minimum of 30 percent common ownership open space shall be required, exclusive of parking areas and roadways. For detached cluster housing, a minimum of 25 percent common ownership open space shall be required, exclusive of parking areas and roadways.
- (i) **Minimum space between buildings.** The minimum spacing between principal buildings in an attached cluster housing development shall not be less than 20 feet. The minimum spacing between principal buildings in a detached cluster housing development shall not be less than ten feet.
- (j) **Minimum size for a cluster housing development.** The minimum site size for a cluster development shall be five acres in size.
- (k) **Other lot requirements.** Notwithstanding other provisions of this chapter, lots within a cluster development are not subject to minimum lot area, lot width or lot frontage.

(Ord. No. 11-04, § 1, 5-4-04)

Secs. 6-3-123--6-3-140. Reserved.

