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ADOPTION AND INTERPRETATION

AUTHORITY

§ 1-100 Zoning ordinance published separately.

The zoning ordinance shall be published in a separate volume, a copy of which shall be filed with the Clerk of Court for Chester County.

ADOPTION AND INTEPRETATION

AUTHORITY

§ 1-101 Authority and title.

This zoning ordinance is adopted pursuant to authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code §§ 6-29-310, et seq. (1994 Supp.). This ordinance may be cited as “Chester County Zoning Ordinance.”

ADOPTION AND INTEPRETATION

AUTHORITY

§ 1-102 Jurisdiction and purposes.

The provisions of this ordinance shall apply to all land and improvements within the unincorporated areas of Chester County, South Carolina. The purposes of the zoning ordinance are to implement the land use element of the comprehensive plan for those purposes set forth in S.C. Code § 6-29-710.

ADOPTION AND INTEPRETATION

Definitions

§ 1-200 Interpretation.

(a) Words used in this ordinance shall have their customary and ordinary meanings as defined in a standard dictionary, except for specific words and phrases defined in this ordinance.

(b) The present tense includes the past and future tenses. Singular words shall include the plural, and plural words shall include the singular.

(c) The word “person” includes an individual, a firm, association, partnership, trust, company, corporation or any other legal entity.

(d) The word “shall” is mandatory; the word “may” is permissive.

(e) References to NAICS codes shall mean those codes assigned to businesses in the current North American Industry Classification System (NAICS) manual published by the United States Office of Management and Budget. NAICS codes are listed in the tables of uses for each district as an aid in interpretation and determination of those specific uses included in a general class of uses.

ADOPTION AND INTEPRETATION

§ 1-201 Definitions.

Accessory. A building or use subordinate to and serving a principal building or use which is subordinate in area, extent or purpose to the principal building or use served; designed for the comfort, convenience or necessity of occupants of the principal use served; located on the same lot as the principal building or use served, except for permitted off-site accessory. Accessory uses shall include, but not be limited to: barns, sheds, home tennis courts, swimming pools, boat houses, docks, automobile garages, decks, patios, and private recreation areas.

Adult Use. Adult use is defined in Chapter 4-117 General Commercial District under Special Exception # 4 Sexually Oriented Business.

Alteration of building. Any change in the supporting members of a building, such as bearing walls, columns, or girders; any addition or reduction to a building.

Antenna. Any device for radiating or receiving electromagnetic waves, including, but not limited to, radio, television, telephone, communication, microwave, and satellite dish antennas.

Apartment. A portion of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or family.

Bar. See Drinking Place.

Bed and breakfast. An owner-occupied dwelling or portion thereof offering five or fewer guest rooms to transient lodgers in return for compensation, with or without meals. If meals are served, they shall be restricted to breakfast only. The use of a dwelling as a Bed and Breakfast Inn shall not be considered as an accessory use or a customary home occupation.

Boarding house. [See NAICS Code 7213 - rooming and boarding houses.] A dwelling other than a motel or hotel in which rooms are rented, with or without meals, on a fee basis. A structure in which five (5) or more rooms are rented shall be classified as a hotel or motel.

Buildable area. That portion of a lot which may be used or built upon in accordance with zoning district regulations.

ADOPTION AND INTEPRETATION

§ 1-201 Definitions.

Building. Any structure having a roof supported by columns or walls and which is designed for shelter, support or enclosure of persons, animals or property of any kind.

Camper. A tent, trailer, or other self-contained vehicle, designed for recreational purposes, mounted on two or more wheels, self-propelled or towed, and not used for permanent residential purposes.

Community residential care facility. An institution providing for a period exceeding 24 consecutive hours' room, board, some personal assistance in feeding, dressing or other living activities to two or more individuals not related to the operator, including chemical abuse residential treatment facility or half-way house providing inpatient or detoxification services.

Conditional use. A use permitted by the district regulations upon compliance with specified conditions without review by the Board of Zoning Appeals.

Confined Animal Feeding Operation. An agricultural facility, subject to DHEC approval, where poultry, hogs, cattle, ratites, alligators or fish are confined and fed or maintained prior to commercial sale for a total of 45 days or more in a twelve-month period, and crops, forage, or post-harvest residues are not sustained in the normal growing season over a portion of the lot or facility. Structures used for the storage of animal waste from animals in the operation also are part of confined animal feeding operations.

Day care. The care, supervision or guidance of an unrelated person, unaccompanied by the parent, guardian or custodian, on a regular basis for periods of less than 24 hours per day.

Day care facility. A state licensed facility providing day care, for profit or nonprofit. This definition includes, but is not limited to, day nurseries, nursery schools, kindergartens, day care centers, group day care homes, family day care homes, and day care provided in commercial and industrial uses for benefit of employees. It does not include education facilities for grades one or above, summer or day camps, or vacation Bible schools.

Density. The number of dwelling units per net acre of developed land, excluding land devoted to streets, alleys, parks, playgrounds, schools or other public uses.

ADOPTION AND INTEPRETATION

§ 1-201 Definitions

District. A geographical area assigned a zoning district designation pursuant to the provisions of this ordinance.

Drinking place. [See NAICS Code 7224.] Establishment primarily engaged in retail sale of alcoholic drinks for consumption on premises. Sale of food may account for a portion of receipts.

Duplex. See Dwelling, two-family.

Dwelling. A building or portion thereof designed, occupied, or intended for human residential occupancy, not including a hotel, motel, rooming or boarding house.

Dwelling, group. A dwelling occupied by several unrelated persons or families, but in which separate cooking facilities are not provided for each group. Group dwellings include rooming houses, apartment hotels, and similar facilities. Hotels, motels and tourist homes are not group dwellings.

Dwelling, multi-family. A dwelling containing three or more separate dwelling units in one building. Apartments, tenements, condominiums, cooperatives and similar structures are multi-family dwellings.

Dwelling, one-family. A detached dwelling, other than a mobile or manufactured home, designed, occupied or intended for occupancy by a single-family unit.

Dwelling, two-family. A detached dwelling, other than a mobile or manufactured home, containing two (2) separate dwelling units in one building, commonly known as a duplex.

Dwelling unit. A dwelling for occupancy by a single-family unit.

Easement. Access to property through a strip of land whose Owner granted limited use of his property for public or quasi-public or private purpose, and within which the owner of the property shall not have the right to make use of the land in any manner that violates the right of the grantee. (Eff. 7/17/17)

Family. One or more persons related by blood or marriage, or not more than five unrelated persons, occupying a single dwelling unit. Domestic employees may be housed on the premises.

ADOPTION AND INTEPRETATION

§ 1-201 Definitions

Gross floor area. The total horizontal area of all floors of a building, including exterior balconies and mezzanines, measured from the faces of the exterior walls.

Home occupation. A customary occupation, profession, or trade carried on by an occupant of a one-family dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the unit, and which does not involve more than 25% of the total floor area of the unit.

Hotel. [See NAICS Code 72111.] A building in which lodging for pay is offered to the public, with or without meals, for transient or permanent guests, including motel or tourist court, containing five (5) or more guest rooms.

Hunting

a. *Commercial Hunting and Commercial Game Preserves:* These activities involve the harvesting of animals from their natural habitat as primary commercial ventures and are included in NAICS Code 1142. Zoning regulations are applicable. *July 17, 2000

b. *Hunting / Property Owner:* hunting of animals by the property owner, family and guests without charge on an occasional basis is a customary incident of land ownership. This type of hunting is not considered an industry or use which is subject to separate classification. It is included in the primary use of noncommercial property by the owner. It is not regulated by this ordinance. No permit or registration is required. *July 17, 2000

c. *Recreational Hunt Clubs or Camps with facilities or accommodations:* hunting of animals on rented or leased lands for recreational purposes which provide overnight facilities, cabins, campsites, lodges, etc., is considered a commercial venture and is included in NAICS Code 721214. Zoning regulations are applicable. *July 17, 2000

d. *Recreational Hunt Clubs without facilities or accommodations:* hunting of animals on rented or leased lands for recreational purposes is considered a commercial venture and is included in NAICS Code 71399 - which covers recreation industries not otherwise classified. Zoning regulations are applicable. *July 17, 2000

ADOPTION AND INTEPRETATION

§ 1-201 Definitions

Junk, salvage, scrap, or wrecking yards. [See NAICS Code 42193.] Any use involving storage or processing of inoperable, unused, dismantled, or wrecked vehicles, equipment, or machinery or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials, or other scrap, salvage, waste, or junk materials.

Landfill.

- a. *Cellulose landfill:* A landfill which disposes of wood, wood products, stumps, brush, etc.
- b. *Inert landfill:* A landfill which disposes of nondurable nontoxic and nonhazardous waste such as ash and cinders, broken concrete, crushed stone, clay wastes, and glass.
- c. *Sanitary landfill:* A landfill which disposes of household garbage, other nontoxic and non-hazardous solid waste, and nontoxic and non-hazardous industrial waste.

Lot. An area, plot, parcel or tract of land defined by metes and bounds in a deed or plat recorded in the land records of Chester County.

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

Lot depth. The mean horizontal distance between front and rear lot lines.

Lot, double frontage. A lot which has frontage on more than one street, other than an alley. A corner lot is not a double frontage lot unless it has frontage on three or more streets.

Lot, interior. A lot other than a corner lot, with only one street frontage.

Lot width. The distance between side lot lines measured at the front building line.

ADOPTION AND INTEPRETATION

§ 1-201 Definitions

Manufactured home. A structure manufactured after June 15, 1976, bearing certification of compliance with HUD standards pursuant to S.C. Code § 40-29-70, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it.

Manufactured home park. A lot providing rented parking space for five or more manufactured homes used for dwelling units, including service buildings and facilities. Manufactured home sales or storage lots for unoccupied units are not manufactured home parks.

Mini-warehouse. [See NAICS Code 53113.] A building or group of buildings on a fenced controlled access lot which contain individual locked compartments leased for storage of personal property.

Mobile home. A structure manufactured prior to June 15, 1976, or manufactured after June 15, 1976 without certification of compliance with HUD standards pursuant to S.C. Code § 40-29-70, which is a movable or portable dwelling unit over thirty (30) feet in length constructed to be towed on its own chassis, without permanent foundation, consisting of a single or two or more connected components. The term does not include prefabricated, modular or unitized dwelling on a permanent foundation, or travel trailer, camper, or similar recreational unit.

Modular building. A structure consisting of two or more prefabricated components designed to be transported to a lot and placed on a permanent foundation, and which is certified by the South Carolina Building Codes Council as conforming to Southern Building Code standards for site built units. A mobile home, house trailer, or manufactured home is not a modular building.

Motel. [See NAICS Code 72111.] A building or buildings in which lodging, with or without meals, is offered to the public for compensation, including a hotel, tourist court, or inn.

Nonconforming. A term applied to lots, structures, uses of land or structures, and characteristics of use of land or structures which were lawful before the passage or amendment of this zoning ordinance, but which are prohibited by this ordinance or are not in compliance with the requirements of this ordinance.

ADOPTION AND INTEPRETATION

§ 1-201 Definitions

Park. A public or private lot or facility for active or passive recreation, exercise, sports or similar activities, enhancement of natural features or beauty, but not including a commercially operated amusement park.

Parking lot. A public or private open lot for parking motor vehicles as a principal use or as an accessory to a commercial or industrial use.

Parking space. An area on a lot designated for parking a motor vehicle.

Permanent building. A structure on a separately constructed permanent foundation intended to remain in one location and last indefinitely.

Permitted use. A use permitted outright by district regulations.

Porch. A covered entrance to a building, usually projecting from the wall and having a separate roof.

Principal structure or use. A structure or use which is significant or primary rather than accessory.

Residence. A dwelling.

Right-of-Way. The total width of any land reserved or dedicated as a Street, Alley or Pedestrian Way; or for any other public or private purpose. Usage of the term “Right-of-Way” shall mean every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimension or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by a public agency shall be dedicate to public use by the maker of the plat on which such right-of-way is established. (Eff. 7/17/17)

Road. A public or private thoroughfare for vehicular and pedestrian travel which provides the principal means of access to abutting property, but not including an alley or driveway. The term road means the entire right-of-way, whether or not it is paved or improved.

Setback. The depth or width of any required yard; the minimum distance between a structure and an adjacent lot or street; the area required to be unobstructed except for fences, flagpoles, clothes lines, bird houses or yard accessories. Setback from a street is measured from the right-of-way line of the street.

ADOPTION AND INTEPRETATION

§ 1-201 Definitions

Sign. Any device designed to inform, advertise or attract attention such as a billboard, poster, painted surface, announcement, display, ribbon, pennant, flag, banner, illustration, or insignia, lighted or unlighted, stationary or moving.

Special Exception. A use specifically permitted after review and approval by the Board of Zoning Appeals, subject to ordinance standards and additional conditions set by the Board of Zoning Appeals.

Stoop. A small platform at the door of a dwelling.

Structure. Anything constructed or erected, the use of which requires location of the ground, or attachment to something located on the ground, including buildings, mobile homes, travel trailers, signs, swimming pools, fences, and antennae, but excluding minor landscaping features such as ornamental pools, planters, bird baths, paved surfaces, walkways, driveways, recreational equipment, flagpoles, and mailboxes.

Structure, Principal. A structure in which or on which is conducted the main or primary use of the lot on which the structure is located.

Variance. Relief granted by the Board of Zoning Appeals from the strict application of zoning regulations in an individual case of unnecessary hardship based on factual findings required by law.

Yard. A required open space unoccupied and unobstructed by structures except those specifically permitted.

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

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

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

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Chapter 2: DISTRICTS AND MAP

§ 2-100 Establishment of districts; minimum area.

The following zoning districts are hereby established in Chester County:

DISTRICT	DISTRICT TITLE - USES	MINIMUM LOT SIZE
R-1	Rural One - Rural Residential	Residential - 1 acre
R-2	Rural Two - Residential, Agricultural and Manufactured Housing	Residential - 2 acres
R-3	Rural Three - Residential, Agricultural	Residential - 2 acres
R-4	Rural Four - Residential, Agricultural & Limited	Residential - 1 acre
RS-1	Single Family Residential	Residential - 20,000 sq. ft
RG-1	Multi-family Residential	Single Family -- 10,000 sq. ft. Multi - 12, 000 + 3, 000 + 2,500 sq. ft.
RG-2	General Residential And Manufactured Housing	Single Family- 10,000 sq. ft. Multi - 12, 000 + 3, 000 + 2,500 sq. ft. Manufactured home parks-8 acres
LC	Limited Commercial - Residential and Limited Retail	Single Family- -10,000 sq. ft. Multi-family -1 acre; All other none
GC	General Commercial	Utility – 10,000 sq. ft. None, or as specified in conditions
ID-1	Restricted Industrial	None
ID-2	Limited Industrial	None
ID-3	General Industrial	None
AG	Agricultural - Farming, Residential & Manufactured Housing	Residential, church, nursery - 4 acres All other - 20 acres or as specified
RIV	River Preservation - Recreation, Agricultural	None
PD	Planned Development	4 acres
AP	Airport Overlay	None

The minimum area for creation of a new stand alone zoning district shall be as follows: Rural Two (R-2), Rural Three (R-3), and Planned Development (PD) - **4 acres**; Agricultural (AG) - **8 acres**; All other districts - **2 acres**.

The minimum requirement does not apply to extension of an existing district, or addition of any commercial or industrial district to any other commercial or industrial district.

Chapter 2: DISTRICTS AND MAP

§ 2-101 District Purposes

The zoning districts established in this ordinance are for the purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare, and all of the purposes set forth in S. C. Code § 6-29-710. The following statements of intent shall be used in interpretation and application of the district regulations.

The rural district regulations are intended to protect and preserve areas which are predominantly rural in character or use. Low density development is appropriate in areas which are not generally served by public water and sewer.

R-1 - Rural One Districts. R-1 districts are intended primarily for rural residential uses, community and recreational uses, and limited public and service uses. Noncommercial equestrian uses are permitted. Manufactured homes are permitted as temporary emergency housing.

R-2 - Rural Two Districts. R-2 districts require large parcels for uses, allow more extensive rural and residential uses, including manufactured homes on individual lots, agricultural and related uses, ranching, recreation and hunting, a variety of government and service uses, and limited business uses. *7-20-00

R-3 - Rural Three Districts. R-3 districts allow essentially all uses permitted in R-2 districts, except mobile and manufactured homes. Manufactured homes are permitted as temporary emergency housing.

R-4 - Rural Four Districts. R-4 districts allow most uses permitted in R-1, plus limited nursery and forestry uses, and limited livestock and equestrian uses. Business uses may be permitted by special exception. Manufactured homes are permitted as temporary emergency housing. The residential district regulations are designed to encourage a stable and healthy environment for residential purposes and to discourage encroachment by commercial, industrial, or other uses adversely affecting the residential character of the district.

RS-1-Single Family Residential Districts. RS-1 districts are intended to be single family residential areas with detached units and low population densities. Use regulations allow educational, religious, and limited recreational uses which are compatible with the character of the district. Manufactured homes and businesses are not permitted.

Chapter 2: DISTRICTS AND MAP

§ 2-101 District Purposes

RG-1 - Multi-Family Residential Districts. RG-1 districts allow single family and multi-family residential uses, schools, day care, recreation, religious, civic and social uses. Health care uses and government facilities may be permitted by special exception. Manufactured homes are permitted as temporary emergency housing.

RG-2 -General Residential Districts. RG-2 districts allow all uses in RG-1. In addition, conditional uses include manufactured homes on individual lots, in manufactured home parks, and as temporary emergency housing. Special exceptions which may be permitted after review by the Board of Zoning Appeals include health care and government facilities.

LC -Limited Commercial Districts. LC districts are intended for areas of office, institutional, residential, and limited neighborhood commercial and service uses. District characteristics may include a mixture of residential and business uses along major streets or highways.

GC -General Commercial Districts. GC districts are intended to accommodate a variety of general commercial and nonresidential uses characterized primarily by retail, including shopping centers, wholesale, office and service establishments in a business area.

ID-1 -Restricted Industrial Districts. ID-1 districts are intended for a limited variety of light industrial and commercial uses which do not create nuisances. Agricultural uses and some light manufacturing and warehousing uses are permitted.

ID-2 -Limited Industrial Districts. ID-2 districts are intended for a general variety of medium industrial and commercial uses which do not create nuisances beyond the property boundaries.

ID-3 -General Industrial Districts. ID-3 districts are intended for heavy industrial, manufacturing and processing uses in areas isolated from residential, rural and agricultural districts.

AG -Agricultural Districts. AG districts are intended for all types of agriculture, silviculture, aquaculture, and specified animal and poultry production. Uses include single family homes, and manufactured homes are permitted as conditional uses. *7-20-2000

Chapter 2: DISTRICTS AND MAP

§ 2-101 District Purposes

RIV -River Preservation Districts. RIV districts are intended to protect water quality in rivers and to preserve riparian lands and vegetation as natural buffer areas. Passive recreation, boating, agriculture, silviculture, and some public uses are permitted.

PD- Planned Development District. This district designates an area for which an approved development plan constitutes the district regulations. It is intended to utilize the factors of efficiency, economy, flexibility, creative site design, improved appearance, compatibility of mixed uses, maximum benefits from open space, safe and efficient vehicular and pedestrian access for a development characterized by a unified site design for mixed uses. A planned development district may be predominately residential or predominately commercial or industrial, and may be proposed for any area.

AP- Airport Overlay District. This district designation may be appended to any zoning district as an overlay to restrict uses and conditions, which are adverse to safe operation of aircraft in the vicinity of an airport.

Chapter 2: DISTRICTS AND MAP

§ 2-102 District boundaries on map.

The boundaries of the zoning districts established by this ordinance shall be as shown on the Chester County Zoning Map.

Chapter 2: DISTRICTS AND MAP

§ 2-103 Official Zoning Map.

The official copy of the Chester County Zoning Map shall be maintained in the office of the Zoning Administrator. All zoning district boundaries shall be clearly shown on the Zoning Map, and amendments shall be recorded immediately after adoption. The official copies of the Zoning Map shall be dated and attested by the Zoning Administrator, and shall be available for public inspection. The official Zoning Map and any amendments adopted by County Council shall constitute the final authority for determination of zoning district boundaries. It shall be unlawful for any person to make unauthorized changes to the Zoning Map.

Chapter 2: DISTRICTS AND MAP

§ 2-104 Interpretation of district boundaries.

The Zoning Administrator shall interpret the Zoning Map and determine the location of zoning district boundaries, using the following rules of interpretation:

1. District boundaries indicated as approximately following the centerlines of streets, alleys, railroads, or bodies of water shall be construed to follow those centerlines.
2. District boundaries indicated as approximately following platted lot lines or tax map lot lines shall be construed as following those lot lines.
3. District boundaries indicated as approximately following town limits shall be construed as following town limits.
4. District boundaries indicated as approximately parallel to or extensions of features indicated in subsections above shall be so construed for the distances indicated on the Zoning Map. Distances not specifically indicated shall be determined by scale of the map.

Chapter 2: DISTRICTS AND MAP

§ 2-105 Lot divided by district boundaries.

No structure or accessory use may be placed, structurally altered, or have a change in use where the structure or use is or would be included within two or more zoning districts unless such structure or use conforms to the requirements of all applicable district regulations.

**Chapter 3: GENERAL REGULATIONS
Application**

§ 3-100 Application of regulations.

a. No structure or land shall hereafter be erected, constructed, reconstructed, moved, structurally altered, used or occupied unless in conformity with the regulations in this ordinance applicable to the district in which it is located, except permitted nonconforming uses.

b. District regulations shall apply uniformly to each class of structure or land, and shall be interpreted as minimum requirements adopted for the purposes of zoning. When requirements of this ordinance are at variance with requirements of any other applicable rule, regulation, ordinance or statute, the most restrictive requirements, or those imposing the higher standards shall apply.

**Chapter 3: GENERAL REGULATIONS
Application**

§ 3-101 Prohibited uses.

A use which is not listed in district regulations as a permitted use, conditional use, or permitted special exception, is prohibited.

**Chapter 3: GENERAL REGULATIONS
Application**

§ 3-102 Public road access required.

Except as otherwise specifically provided no building shall be located used or occupied on a lot without direct vehicular and pedestrian access to a public road or street.

**Chapter 3: GENERAL REGULATIONS
Application**

§ 3-103 Right-of-way not included in lot area, yard or setback.

Public rights-of-way or private easements for access shall not be included for purposes of meeting minimum lot area, yard or setback requirements.

**Chapter 3: GENERAL REGULATIONS
Application**

§ 3-104 Reduction of lot or yard area prohibited.

No lot or yard existing on the effective date of this ordinance shall be reduced in dimension or area below the applicable district minimum requirements. New lots or yards shall meet the applicable district minimum requirements.

**Chapter 3: GENERAL REGULATIONS
Application**

§ 3-105 Setback from residential district or property.

- a. Required setback from “residential district or property line” shall be measured from the nearest residential district line or from the nearest property line of a lot on which a permitted residential use exists in a district zoned other than residential, whichever is applicable.

- b. Every dwelling must have a land survey cut out to meet zoning regulations.

**Chapter 3: GENERAL REGULATIONS
Application**

§ 3-106 Land Survey for Rezoning

Any portion of property to be rezoned must be surveyed and cut out.

**§ 3-107 Accessory Structure
Application**

- a. No accessory structure or building shall be constructed prior to construction of the principle building on the lot. Buildings intended to serve as accessory structures constructed prior to the principal buildings shall be considered the principal building and shall meet all applicable district and building code regulations. (Exception: Property classified as Agriculture use in the Tax Assessor's Office)
- b. Accessory structures shall be located in the rear or sides of the principal building and shall meet accessory yard setbacks and applicable district regulations.
- c. Manufactured or Mobile Homes cannot be used as accessory units.
- d. Accessory buildings shall occupy the same lot as the principal building unless identified as agriculture use.

**Chapter 3: GENERAL REGULATIONS
Nonconformities**

§ 3-200 Nonconforming structures or uses.

Nonconforming structures or land uses are declared to be incompatible with permitted uses in the districts established by this ordinance. It is the intent of this ordinance to allow nonconformities to continue until they are removed, but not to encourage their survival. The lawful use of any structure or land on the effective date of this ordinance may be continued subject to the following regulations:

1. A nonconforming use shall not be changed to any other nonconforming use.
2. A permitted use in a structure which is on a nonconforming lot or which does not meet minimum yard requirements may be converted to another permitted use without enlargement.
3. A nonconforming structure for which a certificate has been issued pursuant to § 6-102.b may be repaired, altered or rebuilt in conformity with this ordinance after sustaining damage or deterioration exceeding seventy-five (75%) percent of the appraised market value of the structure for tax purposes at the time of application for a permit. (Revised 2/21/2000)
4. A nonconforming structure existing on the effective date of this ordinance for which a certificate has been issued pursuant to § 6-102.b is grandfathered and may be continued in use although it does not conform to the provisions of this ordinance, and it may be removed or demolished and replaced in the same location with a structure of the same type and size or which reduces the nonconformity, and which meets applicable building codes. Replacement of mobile and manufactured homes shall be in accordance with § 3-201.
5. A nonconforming structure or use shall not be extended, enlarged, or intensified except in conformity with this ordinance; provided, however, a nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but the use shall not be extended outside the building.
6. A nonconforming use shall not be reestablished after vacancy, abandonment, or discontinuance for a period of six (6) consecutive months. (Revised 2/21/2000)

**Chapter 3: GENERAL REGULATIONS
Nonconformities**

§ 3-200 Nonconforming structures or uses.

7. Nothing in this section shall prevent work on a structure which is necessary to protect public safety upon the order of the Zoning Administrator.
8. Ordinary repairs to a nonconforming structure, such as repairs to interior non-bearing walls, fixtures, wiring or plumbing to meet building codes may be permitted, provided the cubic content of the structure is not increased.

**Chapter 3: GENERAL REGULATIONS
Nonconformities**

§ 3-201 Mobile home declared nonconforming structure; replacement.

(a) A mobile home, as defined in § 1-201, manufactured prior to June 15, 1976, or manufactured after June 15, 1976 without certification of compliance with HUD standards, and which does not presently meet HUD standards, is declared a nonconforming structure unsuitable for a dwelling in Chester County. A mobile home may not be replaced by another mobile home, but may be replaced pursuant to § 3-200 by a manufactured home meeting and maintained in compliance with HUD standards. (Revised 2/1/2000)

(b) A manufactured home, as defined in § 1-201, manufactured after June 15, 1976, which is not a permitted use in a zoning district under this ordinance, but which was in compliance with HUD standards at the time it was installed pursuant to a valid permit, may continue to be used as a nonconforming use provided it is maintained in compliance with HUD standards. (Revised 2/1/2000)

**Chapter 3: GENERAL REGULATIONS
Nonconformities**

§ 3-202 Temporary nonconforming uses.

A temporary use permit may be issued by the Zoning Administrator for appropriate periods of time not to exceed 12 month increments for a nonconforming structure or use incidental to building construction or land development upon the condition that the structure or use be removed upon expiration of the permit.

**Chapter 3: GENERAL REGULATIONS
Nonconformities**

§ 3-203 Dwellings on nonconforming lots of record.

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of this ordinance, provided setback requirements of the district are met.

**Chapter 3: GENERAL REGULATIONS
Nonconformities**

§ 3-204 Nonconforming substandard structures prohibited.

No site built structure, modular structure, or manufactured structure which fails to meet the standards prescribed in the national standard codes adopted by reference pursuant to S. C. Code §6-9-60 shall be placed in any zoning district after the effective date of this ordinance, except those districts in which manufactured structures meeting HUD standards are permitted. Existing structures which fail to meet applicable code standards are nonconforming structures. (Revised 2/1/2000)

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Chapter 4: DISTRICT REGULATIONS

§ 4-100 District use classifications.

General Regulations in Chapter 3, District Regulations in Chapter 4, and Supplemental Regulations in Chapter 5 are applicable to all following classes of uses:

(a) **Permitted uses.** Permitted uses listed in the district use tables in this Division are permitted outright.

(b) **Conditional uses.** Conditional uses in the district use tables are permitted by the Zoning Administrator without further review upon compliance with conditions specified in the tables.

(c) **Special exceptions.** Special exceptions are permitted after review and approval by the Board of Zoning Appeals upon compliance with general conditions in the regulations.

(d) **Tables of uses.** References to NAICS codes in the following tables of uses shall mean those codes assigned to businesses in the current North American Industry Classification manual published by the United States Office of Management and Budget. NAICS codes are listed in the tables of uses for each district as an aid in interpretation and determination of those specific uses included in a general class of uses.

Chapter 4: DISTRICT REGULATIONS

§ 4-101 R-1 - Rural One District Uses.

R-1 <u>PERMITTED USES</u>	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Single-family Dwelling, including garage apartment on single lot	814	Private households	2 for each dwelling unit
2. Equestrian uses, non-commercial	11292	Horses and other equine production, non-commercial only	None
3. Schools, kindergartens, elementary or secondary (K-12)	6111	Kindergartens, elementary & secondary schools	2 per classroom or office, plus 1 for each 4 seats in senior high auditorium.
4. Outpatient and emergency health care facilities	621, 6221,	Ambulatory health care services, medical and surgical hospitals	<u>Office, lab or outpatient facility</u> : 1 per 200 sq. ft. of gross floor area; <u>Hospital</u> : 1.5 for each patient bed;
5. Neighborhood and community public park and recreational facilities, tennis court, swimming pool, ball field or golf course	71219, 71391, 71394	Parks; Golf course; Fitness and recreational sports	1 per 4 patrons at maximum capacity
6. Church, synagogue, temple, or place of worship, including religious education building, parsonage or parish house, off-street parking for members and visitors, recreation facilities, kindergarten or pre-school nursery, in permanent structures	8131	Religious organizations, churches, etc.	1 for each 4 seats in main assembly room, or 1 for each 150 sq. ft. of gross floor area, whichever requires the least number of spaces
7. Civic and social clubs not licensed to serve alcoholic beverages	8134	Civic and social organizations - no alcohol	1 per 150 sq. ft. of gross floor area
8. Taxidermy *Rev. 7-20-00	711510	Independent taxidermist	1 per 150 sq. ft. of gross floor area

Chapter 4: DISTRICT REGULATIONS

§ 4-101 R-1 - Rural One District Uses.

R-1 PERMITTED USES (continued)

9. Accessory use on same lot with principal use, as follows:

- (1) private garage for motor vehicles;
- (2) open parking area for two motor vehicles per dwelling unit, may be used for one (1) commercial vehicle up to one (1) ton in capacity per dwelling unit;
- (3) shed for storage of building or lot maintenance equipment;
- (4) barns and outbuildings for non-commercial equestrian uses;
- (5) private swimming pool, including deck, bath house or cabana; boat dock; boat house; boat lift;
- (6) private garden or greenhouse;
- (7) private tennis, outdoor recreation and picnic facilities;
- (8) Private kennels for dogs or cats setback 15 feet from residential, rural or agricultural district or property line.

Chapter 4: DISTRICT REGULATIONS

§ 4-101 R-1 - Rural One District Uses.

R-1 CONDITIONAL USES [approved by Zoning Administrator if all conditions are met]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Public utility substation, water tower, [see Chapter 5 for communication tower] provided all following conditions are met: a. structures enclosed by six (6) foot fence; b. no office, commercial operation, or storage of vehicles or equipment is permitted; c. a landscaped strip at least five (5) feet wide is planted and maintained along all exterior lot lines; d. accessed by minimum 30-foot-wide easement or road.	22112, 2212, 22131	Electric, gas, water, sanitary utilities	1 space
2. Cemetery, provided all following conditions are met: a. minimum two (2) acre lot; b. no crematorium or dwelling; c. front yard setback ten (10) feet from street right of way line; d. non-illuminated sign not over thirty (30) square feet in area or ten (10) feet in height.	81222	Cemetery only	None
3. Temporary contractor office & equipment shed, residential construction, provided all following conditions are met: a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; c. for term up to one (1) year; may be renewed once.	2332	Residential building construction	1 for each 300 square feet of office area.
4. Meat Processing (Deer Meat Only), provided all following conditions are met: a. structure in which processing takes place must be 100 feet from property lines; b. during processing deer carcasses must not be visible from public view; c. all remains must be discarded in accordance with applicable DHEC regulations.	311612	Meat Processing (limited to deer meat)	1 for each 300 square feet of floor area

Chapter 4: DISTRICT REGULATIONS

§ 4-101 R-1 - Rural One District Uses.

R-1 CONDITIONAL USES (continued)

5. Customary home occupation in single-family dwelling, provided following conditions are met:

- a. conducted inside dwelling by resident family members;
- b. utilizes not more than 25% of total dwelling floor area, or 50% of an accessory building;
- c. no change in exterior appearance of dwelling;
- d. no outside display of products;
- e. no sale of products except those made on premises or consumables incidental to a service;
- f. creates no health or safety hazard, noise, offensive emission, traffic hazard, unsightly condition or nuisance;
- g. activity is not visibly evident outside dwelling, except for a wall-mounted non-illuminated nameplate not over two (2) square feet in area.

6. Manufactured home as emergency housing, provided following conditions are met:

- a. temporary use may be permitted for 12 months while repairs are made to dwelling damaged by fire or natural disaster;
- b. permit may be extended for additional 6 months provided repairs are in progress and will be completed by expiration of 18-month period. No additional extensions may be granted.

Chapter 4: DISTRICT REGULATIONS

§ 4-101 R-1 - Rural One District Uses.

R-1 SPECIAL EXCEPTIONS [approved by Board of Zoning Appeals after hearing]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Solid waste convenience centers provided the Board of Zoning Appeals determines: a. applicable health regulations are met; b. containers minimum of 300 feet from residential property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.	562111	Solid waste collection	None
2. Nursing, convalescent and group homes, provided the Board of Zoning Appeals determines: a. applicable State regulations are met; b. minimum 2-acre lot; c. structures minimum of 50 feet from residential property line; d. conditions imposed for safety, traffic, impact on district; e. the use is compatible with the district.	623	Nursing and residential care facilities	1 space per 3 patient beds plus 1 space per employee
3. Child day care, preschool nursery, provided the Board of Zoning Appeals determines: a. applicable State regulations are met; b. minimum 1-acre lot; c. minimum 200 square feet of open space per child enclosed by fence at least 5 feet in height; d. structures minimum of 25 feet from residential property line; e. conditions imposed for safety, traffic, impact on district; f. the use is compatible with the district.	6244	Child day care services	1 per employee, plus, one off-street drop off & pick up space
4. Cultural and community facilities, arts and sports (except recreational hunt clubs without facilities or accommodations), provided the Board of Zoning Appeals determines: a. applicable State regulations are met; b. minimum 1-acre lot; c. structures minimum of 50 feet from residential property line; d. conditions imposed for safety, traffic, impact on district; e. the use is compatible with the district. Rev 12/11/02	71 (except 7112, 7113, 71399)	Performing arts, spectator sports (except racetracks, stadium, fairgrounds, hunt clubs without facilities or accommodations)	1 per 4 patrons at maximum capacity

Chapter 4: DISTRICT REGULATIONS

§ 4-101 R-1 - Rural One District Uses.

R-1 <u>SPECIAL EXCEPTIONS</u> (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>5. Bed and breakfast inn, tourist (guest) home, provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. applicable State regulations are met; b. minimum 1-acre lot; c. the use is compatible with the district. 	72119	Traveler accommodations	2 for owner plus 1 per guest room
<p>6. Government building or facility (except jail or correctional facility), provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. structures minimum of 25 feet from residential property line; b. conditions imposed for safety, traffic, impact on district; c. the use is compatible with the district. 	92	Public administration, justice, safety, fire, etc. (except 92214 correctional institutions)	1 for each 200 square feet of floor area
<p>7. Manufactured home for temporary accessory use provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. the accessory use is limited to single family residential; b. the purpose of the use is to meet health or physical need related to the principal residential use or the accessory use on the same lot c. the duration of the temporary use is limited to one year; extensions of six months may be granted upon a showing of continuing health or physical need; d. applicable health and code standards are met; e. conditions are imposed to provide safe minimum distance for separation of structures, setbacks, and parking; f. the use is compatible with the district, and conditions are imposed to protect the aesthetics of the district and adjacent properties. <p style="text-align: right;">Rev. 9-17-01</p>	814		2 for each dwelling unit
<p>8. Sports, racetracks, fairgrounds, provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. applicable State regulations are met; b. structures minimum of 150 feet from all property lines; racetrack minimum of 1,000 feet from residential, rural or agricultural district or property lines; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district. <p style="text-align: right;">Revised 12/11/02</p>	7112, 7113		1 per 4 patrons at maximum capacity

Chapter 4: DISTRICT REGULATIONS

§ 4-102 R-1 - Rural One District Regulations.

The following regulations apply to all uses in R-1 districts:

Minimum lot area:	Residential: 1 acre Other uses: None, or as specified in conditions
Minimum lot width at building line:	One hundred thirty (130) feet
Minimum front yard depth:	Twenty-five (25) feet from road right-of-way
Minimum side yard:	15 feet from interior side lot line
Minimum rear yard:	20 feet from interior rear lot line
Maximum structure height:	Thirty-five (35) feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antenna]
Visibility requirements:	<u>Corner lot</u> : no obstruction between heights of 3 and 10 feet above finished street level within 15 feet of intersection of road right-of-way lines. <u>Private drive</u> : no obstruction over 30 inches high within 10 feet of road.
Off street parking area requirements:	See supplemental regulations, Chapter 5
Signs:	See supplemental regulations, Chapter 5
Supplemental regulations:	See Chapter 5

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Chapter 4: DISTRICT REGULATIONS

§ 4-103 R-2 - Rural Two District Uses.

R-2 PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Single-family Dwelling, including garage apartment on single lot (see conditional uses for manufactured homes)	814	Private households	2 for each dwelling unit
2. Agriculture, aquaculture, nurseries, livestock production, ranching, equestrian uses, and forestry activities (except confined animal feeding - see special exceptions)	111, 112, 113, 114	Crop production, animal production, forestry and logging (except 112112-confined animal feeding) Fishing & hunting (except hunt clubs & preserves)	None
3. Roadside stands for sale of agricultural products	44523	Fruit and vegetable markets	1 per 150 sq. ft. of sales area
4. Educational services: kindergarten, elementary and secondary schools (K-12); colleges; arts, business, technical and trade schools	61	Educational services	<u>6111 - Elem. & Sec. Schools</u> : 2 per classroom or office, plus 1 for each 4 seats in senior high auditorium. <u>Kindergarten</u> : 1 per employee, plus one off-street loading space <u>All other</u> : 1 per 3 student capacity.

Chapter 4: DISTRICT REGULATIONS

§ 4-103 R-2 - Rural Two District Uses.

R-2 PERMITTED USES (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
5. Health care, medical and dental services, hospitals, clinics, laboratories, ambulance services, nursing and residential care, group homes, social services, adult and child day care	62	Health care and social assistance, including adult and child day care	<u>622 - Hospital</u> : 1.5 for each patient bed. <u>623 - Nursing & residential care</u> : 1 per 5 resident beds. <u>6244 - Day care</u> : 1 per employee, plus 1 loading space. <u>All other</u> : 1 per 200 sq. ft. of gross floor area.
6. Neighborhood and community public park and recreational facilities, tennis court, swimming pool, ballfield or golf course	71219, 71391, 71394	Parks; Golf course; Fitness and recreational sports	1 per 4 patrons at maximum capacity
7. Bed and breakfast inn, tourist (guest) home	72119	Traveler accommodations	2 for owner plus 1 per guest room
8. Church, synagogue, temple, or place of worship, including religious education building, parsonage or parish house, off-street parking for members and visitors, recreation facilities, kindergarten or pre-school nursery, in permanent structures	8131	Religious organizations, churches, etc.	1 for each 4 seats in main assembly room, or 1 for each 150 sq. ft. of gross floor area, whichever requires the least number of spaces
9. Civic and social clubs, <u>not</u> licensed to serve alcoholic beverages	8134	Civic and social organizations - no alcohol	1 per 150 sq. ft. of gross floor area
10. Taxidermy Rev. 7-20-00	711510	Independent taxidermist	1 per 150 sq. ft. of gross floor area
11. Personal Care Services	8121	Personal Care Services	1 per 200 sq. ft. of gross service area

Chapter 4: DISTRICT REGULATION

§ 4-103 R-2 - Rural Two District Uses.

R-2 <u>PERMITTED USES</u> (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>12. Accessory use on same lot with principal use, as follows:</p> <ul style="list-style-type: none"> (1) private garage for motor vehicles; (2) open parking area for motor vehicles may be used for one (1) commercial vehicle per dwelling unit; (3) shed for storage of building or lot maintenance equipment; (4) barns, silos and outbuildings for agricultural uses and equipment; (5) private swimming pool, including deck, bath house or cabana; boat dock; boat house; boat lift; (6) private garden or greenhouse; (7) private tennis, outdoor recreation and picnic facilities; (8) private kennels for dogs or cats, setback 15 feet from residential property line. 			

Chapter 4: DISTRICT REGULATION

§ 4-103 R-2 - Rural Two District Uses.

R-2 CONDITIONAL USES [approved by Zoning Administrator if all conditions are met]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Public utility substation, water tower, [see Chapter 5 for communication tower], provided all following conditions are met: a. structures enclosed by six (6) foot fence; b. no office, commercial operation, or storage of vehicles or equipment is permitted; c. a landscaped strip at least five (5) feet wide is planted and maintained along all exterior lot lines; d. accessed by minimum 30-foot-wide easement or road.	22112, 2212, 22131	Electric, gas, water, sanitary utilities	1 space
2. Cemetery, provided all following conditions are met: a. minimum two (2) acre lot; b. no crematorium or dwelling; c. front yard setback ten (10) feet from street right of way line; d. non-illuminated sign not over thirty (30) square feet in area or ten (10) feet in height.	81222	Cemetery only	None
3. Temporary contractor office and equipment shed, residential construction, provided all following conditions are met: a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; c. for term up to one (1) year; may be renewed once.	2332	Residential building construction	1 for each 300 square feet of office area.
4. Temporary Christmas tree sales, on vacant lot for a period not to exceed 45 days	N/A		None
5. Meat Processing (Deer Meat Only), provided all following conditions are met: a. structure in which processing takes place must be 100 feet from property lines; b. during processing deer carcasses, must not be visible from public view; c. all remains must be discarded in accordance with applicable DHEC regulations.	311612	Meat Processing (limited to deer meat)	1 for each 300 square feet of floor area

Chapter 4: DISTRICT REGULATION

§ 4-103 R-2 - Rural Two District Uses.

R-2 CONDITIONAL USES (continued)

[approved by Zoning Administrator if all conditions are met]

6. Customary home occupation in single-family dwelling, provided following conditions are met:

- a. conducted inside dwelling by resident family members;**
- b. utilizes not more than 25% of total dwelling floor area, or 50% of an accessory building;
- c. no change in exterior appearance of dwelling;
- d. no outside display of products;
- e. no sale of products except those made on premises or consumables incidental to a service;
- f. creates no health or safety hazard, noise, offensive emission, traffic hazard, unsightly condition or nuisance;
- g. activity is not visibly evident outside dwelling, except for a wall-mounted non-illuminated nameplate not over two (2) square feet in area.

7. Manufactured homes (single and double wide's) used as residence on a single lot, provided all following conditions are met:

- a. wheels are removed and unit is placed on a permanent foundation complying with building code;
- b. concrete or masonry underpinning is installed;
- c. unit is tied down for 90 miles per hour wind resistance;
- d. all mobile features are removed;
- e. two off street parking spaces per unit are provided;
- f. owner shall certify in writing that unit meets HUD standards and will be maintained in compliance with HUD standards;
- g. failure to bring a unit into compliance with HUD standards within 15 days after notice of deficiencies are a violation of these conditions subject to penalties provided by the County Code;
- h. the roof of manufactured homes shall have no less than a nominal 3:12 pitch;
- i. each manufactured home shall have vinyl siding and shingled roofs, porches and/or stoops at all entrances to the home built in accordance with current International Residential Code.

Chapter 4: DISTRICT REGULATION

§ 4-103 R-2 - Rural Two District Uses.

R-2 SPECIAL EXCEPTIONS [approved by Board of Zoning Appeals after hearing]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>1. Confined animal feeding operations, provided the Board of Zoning Appeals determines: a. applicable health regulations are met; b. containment and waste disposal facilities must be a minimum of 1,000 feet from the property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.</p>	112112 and as defined in § 1-201	Cattle feedlots and confined animal feeding - see § 1-201	None
<p>2. Hunt clubs, hunting preserves, provided the Board of Zoning Appeals determines: a. applicable government regulations are met; b. improvements are a minimum of 500 feet from residential property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.</p>	1142	Limited to: Hunt clubs and operating commercial game preserves (no trapping)	None
<p>3. Retail and wholesale establishments, provided the Board of Zoning Appeals determines: a. the structure will not exceed 4,800 square feet in area; b. the use will be at least 100 feet from residential property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.</p>	42, 44, 45	Wholesale trade; Retail trade	1 per 150 feet of gross floor area
<p>4. Airports, aviation hangers and runways, provided the Board of Zoning Appeals determines: a. applicable government regulations are met; b. improvements are a minimum of 500 feet from residential, rural or agricultural district or property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.</p>	4811 4881	Air transportation; Airport operations	Set by Board of Appeals
<p>5. Veterinary facilities, kennels and animal auctions, provided the Board of Zoning Appeals determines: a. applicable government regulations are met; b. improvements and animals are a minimum of 500 feet from residential property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.</p>	54194, 81291, 42252, 42259	Veterinary services; Pet care; Livestock wholesale; Horses wholesale	1 space per 150 sq. ft. of gross service or sales area

Chapter 4: DISTRICT REGULATION

§ 4-103 R-2 - Rural Two District Uses.

R-2 SPECIAL EXCEPTIONS (continued) [approved by Board of Zoning Appeals after hearing]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>6. Solid waste convenience centers, provided the Board of Zoning Appeals determines: a. applicable health regulations are met; b. containers are minimum of 300 feet from residential property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.</p>	562111	Solid waste collection	None
<p>7. Landfills, inert and cellulose, provided the Board of Zoning Appeals determines: a. applicable government regulations are met; b. all uses are a minimum of 1,000 feet from property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.</p>	562212	Solid waste landfill, nonhazardous inert and cellulose only	None
<p>8. Cultural and community facilities, arts and sports, provided the Board of Zoning Appeals determines: a. applicable State regulations are met; b. minimum 1-acre lot; c. structures minimum of 50 feet from residential property line; d. conditions imposed for safety, traffic, impact on district; e. the use is compatible with the district.</p> <p style="text-align: right;">Revised 12/11/02</p>	71 (Except 7112, 7113, 71399)	Performing arts, spectator sports (except race tracks 7112, fairgrounds and stadiums 7113, and hunt clubs. [See Special Exception # 15]	1 per 4 patrons at maximum capacity

Chapter 4: DISTRICT REGULATION

§ 4-103 R-2 - Rural Two District Uses.

R-2 SPECIAL EXCEPTIONS (continued) [approved by Board of Zoning Appeals after hearing]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>9. Recreational hunt clubs with or without facilities or accommodations, shooting ranges, archery ranges, parks, recreational day camps, commercial campgrounds, provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. applicable government regulations are met; b. improvements are a minimum of 500 feet from residential, rural or agricultural district or property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district; e. targets for shooting and archery ranges shall be located between 2 and 6 feet above ground, and shielded on sides and rear by minimum 10-foot-high earth berm, a 20-foot-high earth berm down range at the rear of the property for stray bullets, and an uninhabited area one mile to the rear of targets; provided, for archery ranges the Board may waive side berms and reduce the uninhabited area to ¼ mile. 	<p>71399</p> <p>7212</p>	<p>71399 limited to: Archery & shooting ranges; recreational day camps; recreational hunt clubs without facilities or accommodations and sports clubs.</p> <p>7212 limited to: Parks, recreational camps, recreational hunt clubs with facilities or accommodations.</p>	<p>1 space per 3 patrons at maximum capacity</p>
<p>10. Motor vehicle service and repair establishments, provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. improvements are a minimum of 500 feet from residential property line; b. conditions imposed for safety, traffic, impact on district; c. the use is compatible with the district. 	<p>8111</p>	<p>Automotive repair and maintenance</p>	<p>1 per 1,000 sq. ft. of gross floor area</p>
<p>11. Government building or facility (except jail or correctional facility), provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. improvements are a minimum of 100 feet from residential property line; b. conditions imposed for safety, traffic, impact on district; c. the use is compatible with the district. 	<p>92</p>	<p>Public administration, justice, safety, fire, etc. (except 92214 correctional institutions)</p>	<p>1 for each 200 square feet of floor area</p>

Chapter 4: DISTRICT REGULATION

§ 4-103 R-2 - Rural Two District Uses.

R-2 SPECIAL EXCEPTIONS (continued) [approved by Board of Zoning Appeals after hearing]			
<p>12. Manufactured home for temporary accessory use provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. the accessory use is limited to single family residential; b. the purpose of the use is to meet health or physical need related to the principal residential use or the accessory use on the same lot. c. the duration of the temporary use is limited to one year; extensions of six months may be granted upon a showing of continuing health or physical need; d. applicable health and code standards are met; e. conditions are imposed to provide safe minimum distance for separation of structures, setbacks, and parking; f. the use is compatible with the district, and conditions are imposed to protect the aesthetics of the district and adjacent properties. 			
<p>13. Food Services (NAICS Code 7221-722330), Provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. the structure will not exceed 4,800 square feet in area; b. the use will be at least 100 feet from residential property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district. <p style="text-align: right;"><i>Rev. 5/6/02</i></p>	<p>7221-722330</p>		<p>1 for each three (3) seats</p>
<p>14. Finance and Insurance, Real Estate, Rental and Leasing, Professional Scientific and Technical Services, Management Companies and Enterprises, Administration and Support. Provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. the structure will not exceed 2,400 square feet in area; b. must meet the minimum district requirements for setbacks; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.. <i>(Rev. 5/6/02)</i> 	<p>52 53 54 561 – 561990</p>		<p>1 per every 150 sq. ft. of gross floor area.</p>

Chapter 4: DISTRICT REGULATION

§ 4-103 R-2 - Rural Two District Uses.

R-2 SPECIAL EXCEPTIONS (continued)			
[approved by Board of Zoning Appeals after hearing]			
15. Sports, racetracks, fairground Provided the Board of Zoning Appeals determines: a. applicable State regulations are met; b. structures minimum of 150 feet from all property lines; racetrack minimum of 1,000 feet from residential, rural or agricultural district or property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district (Revised 12-11-02)	7112, 7113		1 per 4 patrons at maximum capacity
16. Solar Farms: See Supplemental Regulations: Chapter 5 § 701			

Chapter 4: DISTRICT REGULATION

§ 4-104 R-2 - Rural Two District Regulations.

The following regulations apply to all uses in R-2 districts.

Minimum lot area:	Residential: 2 acres Other uses: None, or as specified in conditions
Minimum lot width at building line:	One hundred thirty (130) feet
Minimum front yard depth:	Twenty-five (25) feet from road right-of-way
Minimum side yard:	15 feet from interior side lot line
Minimum rear yard:	20 feet from interior rear lot line
Minimum front, side and rear setback For animal shelters, barns and pens	Fifty (50) feet
Minimum setback from preexisting animal shelters, barns and pens on adjacent property	One hundred (100) feet (not applicable to agricultural uses)
Maximum structure height:	Thirty-five (35) feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae, and agricultural structures]
Visibility requirements:	<u>Corner lot</u> : no obstruction between heights of 3 and 10 feet above finished street level within 15 feet of intersection of road right-of-way lines. <u>Private drive</u> : no obstruction over 30 inches high within 10 feet of road.
Off street parking area requirements:	See supplemental regulations, Chapter 5
Signs:	See supplemental regulations, Chapter 5
Supplemental regulations:	See Chapter 5

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Chapter 4: DISTRICT REGULATION

§ 4-105 R-3 - Rural Three District Uses.

R-3 PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Single-family Dwelling, including garage apartment on single lot (See conditional uses for manufactured homes)	814	Private households (except mobile or manufactured homes)	2 for each dwelling unit
2. Agriculture, aquaculture, nurseries, livestock production, ranching, equestrian uses, and forestry activities (except confined animal feeding - see special exceptions)	111, 112, 113, 114	Crop production, animal production, forestry and logging (except 112112-confined animal feeding) Fishing & hunting (except hunt clubs & preserves)	None
3. Roadside stands for sale of agricultural products	44523	Fruit and vegetable markets	1 per 150 sq. ft. of sales area
4. Educational services: kindergarten, elementary and secondary schools (K-12); colleges; arts, business, technical and trade schools	61	Educational services	<u>6111 - Elem. & Sec. Schools</u> : 2 per classroom or office, plus 1 for each 4 seats in senior high auditorium. <u>Kindergarten</u> : 1 per employee, plus one off-street loading space <u>All other</u> : 1 per 3 student capacity.

Chapter 4: DISTRICT REGULATION

§ 4-105 R-3 - Rural Three District Uses.

R-3 PERMITTED USES (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
5. Health care, medical and dental services, hospitals, clinics, laboratories, ambulance services, nursing and residential care, group homes, social services, adult and child day care	62	Health care and social assistance, including adult and child day care	<u>622 - Hospital</u> : 1.5 for each patient bed. <u>623 - Nursing & residential care</u> : 1 per 5 resident beds. <u>6244 - Day care</u> : 1 per employee, plus 1 loading space. <u>All other</u> : 1 per 200 sq. ft. of gross floor area.
6. Neighborhood and community public park and recreational facilities, tennis court, swimming pool, ballfield or golf course	71219, 71391, 71394	Parks; Golf course; Fitness and recreational sports	1 per 4 patrons at maximum capacity
7. Bed and breakfast inn, tourist (guest) home	72119	Traveler accommodations	2 for owner plus 1 per guest room
8. Church, synagogue, temple, or place of worship, including religious education building, parsonage or parish house, off-street parking for members and visitors, recreation facilities, kindergarten or pre-school nursery, in permanent structures	8131	Religious organizations, churches, etc.	1 for each 4 seats in main assembly room, or 1 for each 150 sq. ft. of gross floor area, whichever requires the least number of spaces
9. Civic and social clubs, not licensed to serve alcoholic beverages	8134	Civic and social organizations - no alcohol	1 per 150 sq. ft. of gross floor area
10. Taxidermy Rev. 7-20-00	711510	Independent taxidermist	1 per 150 sq. ft. of gross floor area
11. Personal Care Services	8121	Personal Care Services	1 per 200 sq. ft. of gross service area

Chapter 4: DISTRICT REGULATION

§ 4-105 R-3 - Rural Three District Uses.

R-3 <u>PERMITTED USES</u> (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>12. Accessory use on same lot with principal use, as follows:</p> <ul style="list-style-type: none"> (1) private garage for motor vehicles; (2) open parking area for motor vehicles may be used for one (1) commercial vehicle per dwelling unit; (3) shed for storage of building or lot maintenance equipment; (4) barns, silos and outbuildings for agricultural uses and equipment; (5) private swimming pool, including deck, bath house or cabana; boat dock; boat house; boat lift; (6) private garden or greenhouse; (7) private tennis, outdoor recreation and picnic facilities; (8) private kennels for dogs or cats, setback 15 feet from residential property line. 			

Chapter 4: DISTRICT REGULATION

§ 4-105 R-3 - Rural Three District Uses.

R-3 <u>CONDITIONAL USES</u> [approved by Zoning Administrator if all conditions are met]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Public utility substation, water tower, [see Chapter 5 for communication tower], provided all following conditions are met: a. structures enclosed by six (6) foot fence; b. no office, commercial operation, or storage of vehicles or equipment is permitted; c. a landscaped strip at least five (5) feet wide is planted and maintained along all exterior lot lines; d. accessed by minimum 30-foot-wide easement or road.	22112, 2212, 22131	Electric, gas, water, sanitary utilities	1 space
2. Cemetery, provided all following conditions are met: a. minimum two (2) acre lot; b. no crematorium or dwelling; c. front yard setback ten (10) feet from street right of way line; d. non-illuminated sign not over thirty (30) square feet in area or ten (10) feet in height.	81222	Cemetery only	None
3. Temporary contractor office and equipment shed, residential construction, provided all following conditions are met: a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; c. for term up to one (1) year; may be renewed once.	2332	Residential building construction	1 for each 300 square feet of office area.
4. Temporary Christmas tree sales, on vacant lot for a period not to exceed 45 days	N/A		None
5. Meat Processing (Deer Meat Only), provided all following conditions are met: a. structure in which processing takes place must be 100 feet from property lines; b. during processing, deer carcasses must not be visible from public view; c. all remains must be discarded in accordance with applicable DHEC regulations.	311612	Meat Processing (limited to deer meat)	1 for each 300 square feet of floor area

Chapter 4: DISTRICT REGULATION

§ 4-105 R-3 - Rural Three District Uses.

R-3 CONDITIONAL USES (continued)

[approved by Zoning Administrator if all conditions are met]

6. Customary home occupation in single-family dwelling, provided following conditions are met:

- a. conducted inside dwelling by resident family members;
- b. utilizes not more than 25% of total dwelling floor area, or 50% of an accessory building;
- c. no change in exterior appearance of dwelling;
- d. no outside display of products;
- e. no sale of products except those made on premises or consumables incidental to a service;
- f. creates no health or safety hazard, noise, offensive emission, traffic hazard, unsightly condition or nuisance;
- g. activity is not visibly evident outside dwelling, except for a wall-mounted non-illuminated nameplate not over two (2) square feet in area.

7. Manufactured home as emergency housing, provided following conditions are met:

- a. temporary use may be permitted for 12 months while repairs are made to dwelling damaged by fire or natural disaster;
- b. permit may be extended for additional 6 months provided repairs are in progress and will be completed by expiration of 18-month period. No additional extensions may be granted.

Chapter 4: DISTRICT REGULATION

§ 4-105 R-3 - Rural Three District Uses.

R-3 <u>SPECIAL EXCEPTIONS</u> [approved by Board of Zoning Appeals after hearing]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Confined animal feeding operations, provided the Board of Zoning Appeals determines: a. applicable health regulations are met; b. containment and waste disposal facilities must be a minimum of 1,000 feet from the property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.	112112 and as defined in § 1-201	Cattle feedlots and confined animal feeding - see § 1- 201	None
2. Hunt clubs, hunting preserves, provided the Board of Zoning Appeals determines: a. applicable government regulations are met; b. improvements are a minimum of 500 feet from residential property line; d. the use is compatible with the district.	1142	Limited to: Hunt clubs and operating commercial game preserves (no trapping)	None
3. Retail and wholesale establishments, provided the Board of Zoning Appeals determines: a. the structure will not exceed 4,800 square feet in area; b. the use will be at least 100 feet from residential property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.	42, 44, 45	Wholesale trade; Retail trade	1 per 150 feet of gross floor area
4. Airports, aviation hangers and runways, provided the Board of Zoning Appeals determines: a. applicable government regulations are met; b. improvements are a minimum of 500 feet from residential, rural or agricultural district or property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.	4811 4881	Air transportation; Airport operations	Set by Board of Appeals
5. Veterinary facilities, kennels and animal auctions, provided the Board of Zoning Appeals determines: a. applicable government regulations are met; b. improvements and animals are a minimum of 500 feet from residential property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.	54194, 81291, 42252, 42259	Veterinary services; Pet care; Livestock wholesale; Horses wholesale	1 space per 150 sq. ft. of gross service or sales area

Chapter 4: DISTRICT REGULATION

§ 4-105 R-3 - Rural Three District Uses.

R-3 SPECIAL EXCEPTIONS (continued) [approved by Board of Zoning Appeals after hearing]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
6. Solid waste convenience centers, provided the Board of Zoning Appeals determines: a. applicable health regulations are met; b. containers are minimum of 300 feet from residential property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.	562111	Solid waste collection	None
7. Landfills, inert and cellulose, provided the Board of Zoning Appeals determines: a. applicable government regulations are met; b. all uses are a minimum of 1,000 feet from property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.	562212	Solid waste landfill, nonhazardous inert and cellulose only	None
8. Cultural and community facilities, arts and sports, provided the Board of Zoning Appeals determines: a. applicable State regulations are met; b. minimum 1-acre lot; c. structures minimum of 50 feet from residential property line; d. conditions imposed for safety, traffic, impact on district; e. the use is compatible with the district. Revised 12/11/02	71 (Except 7112, 7113, 71399)	Performing arts, spectator sports (except race tracks 7112, fairgrounds and stadiums 7113, and hunt clubs. [See Special Exception # 15}	1 per 4 patrons at maximum capacity

Chapter 4: DISTRICT REGULATION

§ 4-105 R-3 - Rural Three District Uses.

R-3 SPECIAL EXCEPTIONS (continued) [approved by Board of Zoning Appeals after hearing]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>9. Recreational hunt clubs with or without facilities or accommodations, shooting ranges, archery ranges, parks, recreational day camps, commercial campgrounds, provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. applicable government regulations are met; b. improvements are a minimum of 500 feet from residential, rural or agricultural district or property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district; e. targets for shooting and archery ranges shall be located between 2 and 6 feet above ground, and shielded on sides and rear by minimum 10-foot-high earth berm, a 20-foot-high earth berm down range at the rear of the property for stray bullets, and an uninhabited area one mile to the rear of targets; provided, for archery ranges the Board may waive side berms and reduce the uninhabited area to ¼ mile. <p>Campgrounds;</p> <ul style="list-style-type: none"> a. applicable government regulations are met; b. minimum of 10 acres; c. minimum setback from all residential property lines of 500 feet d. 10 vehicles or campers per acre e. each campsite identified by number f. site plan approval from DHEC-Reg. 61-39 g. SCDOT road standards- CCCO-46-196 h. conditions imposed for safety, traffic, impact on district i. the use is compatible with the district. 	<p>71399</p> <p>7212</p> <p>721211</p>	<p>71399 limited to: Archery & shooting ranges; recreational day camps; recreational hunt clubs without facilities or accommodations and sports clubs.</p> <p>7212 limited to: Parks, recreational camps, recreational hunt clubs with facilities or accommodations.</p> <p>721211 limited to: Campers, tents, travel trailers, RV</p>	<p>1 space per 3 patrons at maximum capacity</p>
<p>10. Motor vehicle service and repair establishments, provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. improvements are a minimum of 500 feet from residential property line; b. conditions imposed for safety, traffic, impact on district; c. the use is compatible with the district. 	<p>8111</p>	<p>Automotive repair and maintenance</p>	<p>1 per 1,000 sq. ft. of gross floor area</p>

Chapter 4: DISTRICT REGULATION

§ 4-105 R-3 - Rural Three District Uses.

R-3 SPECIAL EXCEPTIONS (continued) [approved by Board of Zoning Appeals after hearing]			
<p>12. Manufactured home for temporary accessory use provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. the accessory use is limited to single family residential; b. the purpose of the use is to meet health or physical need related to the principal residential use or the accessory use on the same lot. c. the duration of the temporary use is limited to one year; extensions of six months may be granted upon a showing of continuing health or physical need; d. applicable health and code standards are met; e. conditions are imposed to provide safe minimum distance for separation of structures, setbacks, and parking; f. the use is compatible with the district, and conditions are imposed to protect the aesthetics of the district and adjacent properties. 			
<p>13. Food Services (NAICS Code 7221-722330), provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. the structure will not exceed 4,800 square feet in area; b. the use will be at least 100 feet from residential property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district. <p style="text-align: right;">Rev. 5/6/02</p>	<p>7221-722330</p>		<p>1 for each three (3) seats</p>
<p>14. Finance and Insurance, Real Estate, Rental and Leasing, Professional Scientific and Technical Services, Management Companies and Enterprises, Administration and Support provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. the structure will not exceed 2,400 square feet in area; b. must meet the minimum district requirements for setbacks; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district. <p style="text-align: right;">Rev. 5/6/02</p>	<p>52 53 54 561 – 561990</p>		<p>1 per every 150 sq. ft. of gross floor area.</p>

Chapter 4: DISTRICT REGULATION

§ 4-105 R-3 - Rural Three District Uses.

<p>R-3 <u>SPECIAL EXCEPTIONS</u> (continued) [approved by Board of Zoning Appeals after hearing]</p>			
<p>15. Sports, racetracks, fairgrounds, provided the Board of Zoning Appeals determines: a. applicable State regulations are met; b. structures minimum of 150 feet from all property lines; racetrack minimum of 1,000 feet from residential, rural or agricultural district or property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district</p> <p style="text-align: right;">Revised 12-11-02</p>	<p>7112, 7113</p>		<p>1 per 4 patrons at maximum capacity</p>

Chapter 4: DISTRICT REGULATION

§ 4-106 R-3 - Rural Three District Regulations.

The following regulations apply to all uses in R-3 districts.

Minimum lot area:	Residential: 2 acres Other uses: None, or as specified in conditions
Minimum lot width at building line:	One hundred thirty (130) feet
Minimum front yard depth:	Twenty-five (25) feet from road right-of-way
Minimum side yard:	15 feet from interior side lot line
Minimum rear yard:	20 feet from interior rear lot line
Minimum front, side and rear setback For animal shelters, barns and pens	Fifty (50) feet
Minimum setback from preexisting animal shelters, barns and pens on adjacent property	One hundred (100) feet (not applicable to agricultural uses)
Maximum structure height:	Thirty-five (35) feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae, and agricultural structures]
Visibility requirements:	<u>Corner lot</u> : no obstruction between heights of 3 and 10 feet above finished street level within 15 feet of intersection of road right-of-way lines. <u>Private drive</u> : no obstruction over 30 inches high within 10 feet of road.
Off street parking area requirements:	See supplemental regulations, Chapter 5
Signs:	See supplemental regulations, Chapter 5
Supplemental regulations:	See Chapter 5

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Chapter 4: DISTRICT REGULATION

§ 4-107 R-4 - Rural Four District Uses.

R-4 <u>PERMITTED USES</u>	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Single-family Dwelling, including garage apartment on single lot	814	Private households	2 for each dwelling unit
2. Plant nurseries, beef and goat production, equestrian uses, and forestry activities	11142, 112111, 11242, 11292, 113	Nursery & floriculture; Beef and goat production; Horse & equine prod.; Forestry and logging	None
3. Roadside stands for sale of agricultural products	44523	Fruit and vegetable markets	1 per 150 sq. ft. of sales area
4. Educational services: kindergarten, elementary and secondary schools (K-12); colleges; arts, business, technical and trade schools	61	Educational services	<u>6111 - Elem. & Sec. Schools</u> : 2 per classroom or office, plus 1 for each 4 seats in senior high auditorium. <u>Kindergarten</u> : 1 per employee, plus one off-street loading space <u>All other</u> : 1 per 3 student capacity.
5. Outpatient and emergency health care facilities	621, 6221,	Ambulatory health care services, medical and surgical hospitals	<u>Office, lab or outpatient facility</u> : 1 per 200 sq. ft. of gross floor area; <u>Hospital</u> : 1.5 for each patient bed;
6. Child day care, preschool nursery	6244	Child day care services	1 per employee, plus, one off-street loading space
7. Neighborhood and community public park and recreational facilities, tennis court, swimming pool, ballfield or golf course	71219, 71391, 71394	Parks; Golf course; Fitness and recreational sports	1 per 4 patrons at maximum capacity

Chapter 4: DISTRICT REGULATION

§ 4-107 R-4 - Rural Four District Uses.

R-4 PERMITTED USES (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
8. Bed and breakfast inn, tourist (guest) home	72119	Traveler accommodations	2 for owner plus 1 per guest room
9. Church, synagogue, temple, or place of worship, including religious education building, parsonage or parish house, off-street parking for members and visitors, recreation facilities, kindergarten or pre-school nursery, in permanent structures	8131	Religious organizations, churches, etc.	1 for each 4 seats in main assembly room, or 1 for each 150 sq. ft. of gross floor area, whichever requires the least number of spaces
10. Civic and social clubs, <u>not</u> licensed to serve alcoholic beverages	8134	Civic and social organizations - no alcohol	1 per 150 sq. ft. of gross floor area
11. Taxidermy Rev. 7-20-00	711510	Independent taxidermist	1 per 150 sq. ft. of gross floor area
12. Accessory use on same lot with principal use, as follows: <ol style="list-style-type: none"> (1) private garage for motor vehicles; (2) open parking area for two motor vehicles per dwelling unit, may be used for one (1) commercial vehicle up to one (1) ton in capacity per dwelling unit; (3) shed for storage of building or lot maintenance equipment; (4) barns and outbuildings for equestrian uses, beef and goat production; (5) private swimming pool, including deck, bath house or cabana; boat dock; boat house; boat lift; (6) private garden or greenhouse; (7) private tennis, outdoor recreation and picnic facilities; (8) private kennels for dogs or cats, setback 15 feet from residential property line. 			

Chapter 4: DISTRICT REGULATION

§ 4-107 R-4 - Rural Four District Uses.

R-4 CONDITIONAL USES [approved by Zoning Administrator if all conditions are met]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Public utility substation, water tower, [see Chapter 5 for communication tower] provided all following conditions are met: a. structures enclosed by six (6) foot fence; b. no office, commercial operation, or storage of vehicles or equipment is permitted; c. a landscaped strip at least five (5) feet wide is planted and maintained along all exterior lot lines; d. accessed by minimum 30-foot-wide easement or road.	22112, 2212, 22131	Electric, gas, water, sanitary utilities	1 space
2. Cemetery, provided all following conditions are met: a. minimum two (2) acre lot; b. no crematorium or dwelling; c. front yard setback ten (10) feet from street right of way line; d. non-illuminated sign not over thirty (30) square feet in area or ten (10) feet in height.	81222	Cemetery only	None
3. Temporary contractor office & equipment shed, residential construction, provided all following conditions are met: a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; c. for term, up to one (1) year; may be renewed once.	2332	Residential building construction	1 for each 300 square feet of office area.
4. Meat Processing (Deer Meat Only), provided all following conditions are met: a. structure in which processing takes place must be 100 feet from property lines; b. during processing deer carcasses, must not be visible from public view; c. all remains must be discarded in accordance with applicable DHEC regulations.	311612	Meat Processing (limited to deer meat)	1 for each 300 square feet of floor area

Chapter 4: DISTRICT REGULATION

§ 4-107 R-4 - Rural Four District Uses.

R-4 CONDITIONAL USES (continued)

[approved by Zoning Administrator if all conditions are met]

5. Customary home occupation in single-family dwelling, provided following conditions are met:

- a. conducted inside dwelling by resident family members;
- b. utilizes not more than 25% of total dwelling floor area, or 50% of an accessory building;
- c. no change in exterior appearance of dwelling;
- d. no outside display of products;
- e. no sale of products except those made on premises or consumables incidental to a service;
- f. creates no health or safety hazard, noise, offensive emission, traffic hazard, unsightly condition or nuisance;
- g. activity is not visibly evident outside dwelling, except for a wall-mounted non-illuminated nameplate not over two (2) square feet in area.

6. Manufactured home as emergency housing, provided following conditions are met:

- a. temporary use may be permitted for 12 months while repairs are made to dwelling damaged by fire or natural disaster;
- b. permit may be extended for additional 6 months provided repairs are in progress and will be completed by expiration of 18-month period. No additional extensions may be granted.

Chapter 4: DISTRICT REGULATION

§ 4-107 R-4 - Rural Four District Uses.

R-4 SPECIAL EXCEPTIONS [approved by Board of Zoning Appeals after hearing]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>1. Retail and wholesale establishments, provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. the structure will not exceed 2,500 square feet in area; b. use will be at least 100 feet from a residential property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district. 	42, 44, 45	Wholesale trade; Retail trade	1 per 150 feet of gross floor area
<p>2. Commercial Hunting and Commercial Game Preserves (no trapping), provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. applicable government regulations are met; b. improvements are a minimum of 500 feet from residential, rural or agricultural district or property line; c. if present: targets for shooting and archery ranges shall be located between 2 and 6 feet above ground, and shielded on sides and rear by minimum 10-foot-high earth berm, a 20-foot-high earth berm down range at the rear of the property for stray bullets, and an uninhabited area one mile to the rear of targets; provided, for archery ranges the Board may waive side berms and reduce the uninhabited area to ¼ mile; d. conditions imposed for safety, traffic, impact on district; e. the use is compatible with the district. 	1142	Commercial Hunting (no trapping)	None
<p>3. Solid waste convenience centers, provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. applicable health regulations are met; b. containers minimum 300 feet from residential property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district. 	562111	Solid waste collection	None
<p>4. Nursing, convalescent and group homes, provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. applicable State regulations are met; b. minimum 2-acre lot; c. structures minimum of 50 feet from residential property line; d. conditions imposed for safety, traffic, impact on district; e. the use is compatible with the district. 	623	Nursing and residential care facilities	1 space per 3 patient beds plus 1 space per employee

Chapter 4: DISTRICT REGULATION

§ 4-107 R-4 - Rural Four District Uses.

R-4 <u>SPECIAL EXCEPTIONS</u> (continued) [approved by Board of Zoning Appeals after hearing]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>5. Cultural and community facilities, arts and sports (except recreational hunt clubs without facilities or accommodations), provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. applicable State regulations are met; b. minimum 1-acre lot; c. structures minimum of 50 feet from residential property line; d. conditions imposed for safety, traffic, impact on district; e. the use is compatible with the district. 	71, (except 7112, 7113, 71399)	Performing arts, spectator sports (except racetracks, stadium, fairgrounds, and hunt clubs) [See Special Exception # 11]	1 per 4 patrons at maximum capacity
<p>6. Recreational camps for children, provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. applicable State regulations are met; b. minimum 10-acre lot; c. structures minimum of 500 feet from residential property line; d. the use is compatible with the district. 	721214	Recreational and vacation camps for children only	None
<p>7. Government building or facility, (except jail or correctional facility), provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. improvements are minimum of 100 feet from residential property line; b. conditions imposed for safety, traffic, impact on district; c. the use is compatible with the district. 	92	Public administration, justice, safety, fire, etc. (except 92214 correctional institutions)	1 for each 200 square feet of floor area

Chapter 4: DISTRICT REGULATION

§ 4-107 R-4 - Rural Four District Uses.

R-4 SPECIAL EXCEPTIONS (continued) (approved by Zoning Board of appeals after hearing)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
10. Manufactured home for temporary accessory use provided the Board of Zoning Appeals determines: a. the accessory use is limited to single family residential; b. the purpose of the use is to meet health or physical need related to the principal residential use or the accessory use on the same lot. c. the duration of the temporary use is limited to one year; extensions of six months may be granted upon a showing of continuing health or physical need; d. applicable health and code standards are met; e. conditions are imposed to provide safe minimum distance for separation of structures, setbacks, and parking; f. the use is compatible with the district, and conditions are imposed to protect the aesthetics of the district and adjacent properties.	814		2 for each dwelling unit
11. Sports, racetracks, fairgrounds, provided the Board of Zoning Appeals determines: a. applicable State regulations are met; b. structures minimum of 150 feet from all property lines; racetracks minimum of 1,000 feet from residential, rural or agricultural district or property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district Rev 12-11-02	7112, 7113		1 per 4 patrons at maximum capacity

Chapter 4: DISTRICT REGULATION

§ 4-108 R-4 - Rural Four District Regulations.

The following regulations apply to all uses in R-4 districts.

Minimum lot area:	Residential: 1 acre Other uses: None, or as specified in conditions
Minimum lot width at building line:	One hundred thirty (130) feet
Minimum front yard depth:	Twenty-five (25) feet from road right-of-way
Minimum side yard:	15 feet from interior side lot line
Minimum rear yard:	20 feet from interior rear lot line
Minimum front, side and rear setback For animal shelters, barns and pens	Fifty (50) feet
Minimum setback from preexisting animal shelters, barns and pens on adjacent property	One hundred (100) feet (not applicable to agricultural uses)
Maximum structure height:	Thirty-five (35) feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae, and agricultural structures]
Visibility requirements:	<u>Corner lot</u> : no obstruction between heights of 3 and 10 feet above finished street level within 15 feet of intersection of road right-of-way lines. <u>Private drive</u> : no obstruction over 30 inches high within 10 feet of road.
Off street parking area requirements:	See supplemental regulations, Chapter 5
Signs:	See supplemental regulations, Chapter 5
Supplemental regulations:	See Chapter 5

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Chapter 4: DISTRICT REGULATION

§ 4-109 RS-1 - Single Family Residential District Uses.

RS-1 PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Single-family dwelling (other than manufactured or mobile home)	814	Private households	2 for each dwelling unit
2. Schools, kindergartens, elementary or secondary (K-12)	6111	Kindergartens, elementary & secondary schools	<u>Elem. & Sec. Schools:</u> 2 per classroom or office, plus 1 for each 4 seats in senior high auditorium. <u>Kindergarten:</u> 1 per employee, plus one off-street loading space
3. Public park or playground, and recreational facilities limited to tennis court, swimming pool or golf course	71219, 71391, 71394	Nature park; Golf course; Tennis & swimming only	1 per 200 sq. ft. of building area plus 4 for each golf hole
4. Church, synagogue, temple, or place of worship, including religious education building, parsonage or parish house, off-street parking for members and visitors without pay, recreation facilities, kindergarten or pre-school nursery, in permanent structures	8131	Religious organizations, churches, etc.	1 for each 4 seats in main assembly room
5. Government building or facility (except jail or correctional facility)	921, 922 except 92214	General government, justice, public order & safety (except 92214 - correctional institutions)	1 per 200 sq. ft. floor area

Chapter 4: DISTRICT REGULATION

§ 4-109 RS-1 - Single Family Residential District Uses.

RS-1 PERMITTED USES (continued)

6. Accessory use on same lot with principal use, as follows:

- (1) private garage for motor vehicles;
- (2) open parking area for two motor vehicles per dwelling unit;
- (3) shed for storage of building or lot maintenance equipment;
- (4) private kennel for not more than three (3) dogs or three (3) cats, four (4) months of age or older, with minimum 6-foot fence for exterior kennel;
- (5) private swimming pool, including deck, bath house or cabana; boat dock; boat house; boat lift;
- (6) private garden or greenhouse up to eight (8) feet high;
- (7) private tennis, outdoor recreation and picnic facilities

Chapter 4: DISTRICT REGULATION

§ 4-109 RS-1 - Single Family Residential District Uses.

RS-1 <u>CONDITIONAL USES</u> [approved by Zoning Administrator if all conditions are met]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Public utility substation, water tower, [see Chapter 5 for communication tower], provided all following conditions are met: a. structures enclosed by six (6) foot fence; b. no office, commercial operation, or storage of vehicles or equipment is permitted; c. a landscaped strip at least five (5) feet wide is planted and maintained along all exterior lot lines; d. accessed by minimum 30-foot-wide easement or road.	22112, 2212, 22131	Electric, gas, water, sanitary utilities	1 space
2. Temporary contractor office and equipment shed, residential construction, provided all following conditions are met: a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; c. for term up to one (1) year; may be renewed once.	2332	Residential building construction	1 for each 300 square feet of office area.
3. Customary home occupation in single-family dwelling, provided following conditions are met: a. conducted inside dwelling by resident family members; b. utilizes not more than 25% of total dwelling floor area, or 50% of an accessory building; c. no change in exterior appearance of dwelling; d. no outside display of products; e. no sale of products except those made on premises or consumables incidental to a service; f. creates no health or safety hazard, noise, offensive emission, traffic hazard, unsightly condition or nuisance; g. activity is not visibly evident outside dwelling, except for a wall-mounted non-illuminated nameplate not over two (2) square feet in area.			

Chapter 4: DISTRICT REGULATION

§ 4-109 RS-1 - Single Family Residential District Uses.

RS-1 SPECIAL EXCEPTION [approved by Board of Zoning Appeals after hearing]	NAICS CODE	DESCRIPTION	PARKING SPACES REQUIRED
1. Child day care, preschool nursery, provided the Board of Zoning Appeals determines: a. applicable State regulations are met; b. minimum 1-acre lot; c. minimum 200 square feet of open space per child enclosed by fence at least 5 feet in height; d. structures minimum of 25 feet from residential property line; e. conditions imposed for safety, traffic, impact on district; f. the use is compatible with the district.	6244	Child day care services	1 per employee, Plus, one off-street drop off & pick up space
2. Clustered single-family development, provided the Board of Zoning Appeals determines: a. detached single-family units on minimum of 2 acre development parcel; b. maximum density of three (3) dwellings per acre; c. lot requirements per house may be waived; d. zero interior lot line setback may be allowed; e. Subdivision Regulations are met; f. adequate provisions for access and traffic safety; g. public water and sewer are available for the property; h. the use is compatible with the district.	N/A	Private households	2 for each dwelling unit

Chapter 4: DISTRICT REGULATION

§ 4-110 RS-1 - Single Family Residential District Regulations.

The following regulations apply to all uses in RS-1 districts:

Minimum residential lot area:	With public water and sewer: 20,000 square feet. With individual water or sewer: 1 acre as directed by DHEC.
Minimum lot area for non-residential uses	Utility substations and water towers: 10,000 square feet. Other: 1 acre
Minimum lot width at building line:	With public water and sewer: 70 feet. Other: 130 feet.
Minimum front yard depth:	25 feet from road right-of-way
Minimum setback from second street frontage:	Side street on corner lot - 12 feet. Rear street on double frontage lot - 50 feet.
Minimum side yard:	<u>Principal structure</u> - 15 feet from interior side lot line. <u>Accessory structure</u> - 6 feet from interior side lot line.
Minimum rear yard:	<u>Principal structure</u> - 20 feet from interior rear lot line. <u>Accessory structure</u> - 6 feet from interior rear lot line.
Minimum setback from a pre-existing Commercial, Industrial or Agricultural District:	One-half of the applicable setback from a residential district specified for uses in the Commercial, Industrial or Agricultural District regulations.
Maximum structure height:	Thirty-five (35) feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae]
Visibility requirements:	<u>Corner lot</u> : no obstruction between heights of 3 and 10 feet above finished street level within 15 feet of intersection of street right-of-way lines. <u>Private drive</u> : no obstruction over 30 inches high within 10 feet of street
Off street parking area requirements:	See supplemental regulations, Chapter 5
Signs:	See supplemental regulations, Chapter 5
Supplemental regulations:	See Chapter 5

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Chapter 4: DISTRICT REGULATION

§ 4-111 RG-1 - Multi-Family Residential District Uses.

RG-1 <u>PERMITTED USES</u>	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Single-family Dwelling, including garage apartment on single lot (except mobile or manufactured homes)	814	Private households (except mobile or manufactured homes)	2 for each dwelling unit
2. Multi-family dwelling	814	Private households	2 for each dwelling unit
3. Schools, kindergartens, elementary or secondary (K-12)	6111	Kindergartens, elementary & secondary schools	<u>Elem. & Sec. Schools:</u> 2 per classroom or office, plus 1 for each 4 seats in senior high auditorium. <u>Kindergarten:</u> 1 per employee, plus one off-street loading space
4. Day care, adult or child	62412, 62441	Adult day care; Child day care	1 per employee, plus, one off-street drop off & pick up space
5. Community public park or playground, and recreational facilities limited to tennis court, swimming pool or golf course	71219, 71391, 71394	Parks; Golf course; Tennis & swimming only	1 per 4 patrons at maximum capacity
6. Church, synagogue, temple, or place of worship, including religious education building, parsonage or parish house, off-street parking for members and visitors, recreation facilities, kindergarten or pre-school nursery, in permanent structures	8131	Religious organizations, churches, etc.	1 for each 4 seats in main assembly room, or 1 for each 150 sq. ft. of gross floor area, whichever requires the least number of spaces
7. Civic and social clubs, not licensed to serve alcoholic beverages	8134	Civic and social organizations	1 per 150 sq. ft. of gross floor area

Chapter 4: DISTRICT REGULATION

§ 4-111 RG-1 - Multi-Family Residential District Uses

<p>RG-1 <u>PERMITTED USES</u> (continued)</p>
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<p>8. Accessory use on same lot with principal use, as follows:</p>
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| <ul style="list-style-type: none">(1) private garage for motor vehicles;(2) open parking area for two motor vehicles per dwelling unit;(3) shed for storage of building or lot maintenance equipment;(4) private kennel for not more than three (3) dogs or three (3) cats, four (4) months of age or older, with minimum 6-foot fence for exterior kennel;(5) private swimming pool, including deck, bath house or cabana; boat dock; boat house; boat lift;(6) private garden or greenhouse up to eight (8) feet high;(7) private tennis, outdoor recreation and picnic facilities |
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Chapter 4: DISTRICT REGULATION

§ 4-111 RG-1 - Multi-Family Residential District Uses

RG-1 CONDITIONAL USES [approved by Zoning Administrator if all conditions are met]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Public utility substation, water tower, [see Chapter 5 for communication tower], provided all following conditions are met: a. structures enclosed by six (6) foot fence; b. no office, commercial operation, or storage of vehicles or equipment is permitted; c. a landscaped strip at least five (5) feet wide is planted and maintained along all exterior lot lines; d. accessed by minimum 30-foot-wide easement or road.	22112, 2212, 22131	Electric, gas, water, sanitary utilities	1 space
2. Cemetery, provided all following conditions are met: a. minimum two (2) acre lot; b. no crematorium or dwelling; c. front yard setback ten (10) feet from street right of way line; d. non-illuminated sign not over thirty (30) square feet in area or ten (10) feet in height.	81222	Cemetery only	None
3. Temporary contractor office and equipment shed, residential construction, provided all following conditions are met: a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; c. for term up to one (1) year; may be renewed once.	2332	Residential building construction	1 for each 300 square feet of office area.
4. Customary home occupation in single-family dwelling, provided following conditions are met: a. conducted inside dwelling by resident family members; b. utilizes not more than 25% of total dwelling floor area, or 50% of an accessory building; c. no change in exterior appearance of dwelling; d. no outside display of products; e. no sale of products except those made on premises or consumables incidental to a service; f. creates no health or safety hazard, noise, offensive emission, traffic hazard, unsightly condition or nuisance; g. activity is not visibly evident outside dwelling, except for a wall-mounted non-illuminated nameplate not over two (2) square feet in area.			

Chapter 4: DISTRICT REGULATION

§ 4-111 RG-1 - Multi-Family Residential District Uses

RG-1 CONDITIONAL USES (continued)

[approved by Zoning Administrator if all conditions are met]

- 5. Manufactured home as emergency housing**, provided following conditions are met:
- a. temporary use may be permitted for 12 months while repairs are made to dwelling damaged by fire or natural disaster;
 - b. permit may be extended for additional 6 months provided repairs are in progress and will be completed by expiration of 18-month period. No additional extensions may be granted.

Chapter 4: DISTRICT REGULATION

§ 4-111 RG-1 - Multi-Family Residential District Uses

RG-1 SPECIAL EXCEPTIONS [approved by Board of Zoning Appeals after hearing]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>1. Outpatient and emergency health care facilities provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. applicable State regulations are met; b. structures minimum of 25 feet from residential property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district. 	621, 6221,	Ambulatory health care services, medical and surgical hospitals	<p><u>Office, lab, outpatient facility:</u> 1 per 200 sq. ft. of gross floor area;</p> <p><u>Hospital:</u> 1.5 for each patient bed;</p>
<p>2. Nursing, convalescent and group homes provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. applicable State regulations are met; b. minimum 2-acre lot; c. structures minimum of 50 feet from residential property line; d. conditions imposed for safety, traffic, impact on district; e. the use is compatible with the district. 	623	Nursing and residential care facilities	1 space per 3 patient beds plus 1 space per employee
<p>3. Bed and breakfast inn, tourist (guest) home, provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. applicable State regulations are met; b. minimum 1-acre lot; c. the use is compatible with the district. 	72119	Traveler accommodations	1 per guest room
<p>4. Government building or facility, (except jail or correctional facility) provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. applicable State regulations are met; b. structures minimum of 50 feet from residential property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district. 	92	Public administration, justice, safety, fire, etc. (except 92214 correctional institutions)	1 for each 200 square feet of floor area

Chapter 4: DISTRICT REGULATION

§ 4-112 RG-1 - Multi-family Residential District Regulations.

The following regulations apply to all uses in RG-1 districts:

Minimum residential lot area:	<u>Single family</u> : With public water and sewer: 10,000 square feet. With public water; individual sewer: ½ acre as directed by DHEC. With individual water and sewer: 1 acre as directed by DHEC. <u>Multi-family</u> : 12,000 square feet for first dwelling unit; 3,000 square feet for second dwelling unit; thereafter 2,500 square feet for each additional dwelling unit.
Minimum lot area for non-residential uses	Utility substations and water towers: 10,000 square feet. Other: As specified in conditions, or none.
Minimum lot width at building line:	With public water and sewer: 70 feet. Other: 130 feet.
Minimum front yard depth:	Residential uses: 25 feet from road right-of-way Other uses: 35 feet from road right-of-way
Minimum setback from second street frontage:	Side street on corner lot - 12 feet. Rear street on double frontage lot - 50 feet.
Minimum side yard:	<u>Principal structure</u> - 15 feet from interior side lot line. <u>Accessory structure</u> - 6 feet from interior side lot line.
Minimum rear yard:	<u>Principal residential structure</u> - 20 feet from interior rear lot line. <u>Other principal uses</u> : 30 feet from interior rear lot line. <u>Accessory structure</u> - 6 feet from interior rear lot line.
Minimum setback from a pre-existing Commercial, Industrial or Agricultural District:	One-half of the applicable setback from a residential district specified for uses in the Commercial, Industrial or Agricultural District regulations.
Multi-family development additional regulations:	Maximum length of structure: 200 feet. Setback from other residential buildings in development: 30 feet.
Maximum structure height:	Thirty-five (35) feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae]

Chapter 4: DISTRICT REGULATION

§ 4-112 RG-1 - Multi-family Residential District Regulations.

The following regulations apply to all uses in RG-1 districts:

Visibility requirements:	<u>Corner lot</u> : no obstruction between heights of 3 and 10 feet above finished street level within 15 feet of intersection of street right-of-way lines. <u>Private drive</u> : no obstruction over 30 inches high within 10 feet of street
Off street parking area:	See supplemental regulations, Chapter 5
Signs:	See supplemental regulations, Chapter 5
Supplemental regulations:	See Chapter 5

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§ 4-113 RG-2 - General Residential District Uses.

RG-2 PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Single-family Dwelling, including garage apartment on single lot (see conditional uses for manufactured homes)	814	Private households	2 for each dwelling unit
2. Multi-family dwelling	814	Private households	2 for each dwelling unit
3. Schools, kindergartens, elementary or secondary (K-12)	6111	Kindergartens, elementary & secondary schools	<u>Elem. & Sec. Schools:</u> 2 per classroom or office, plus 1 for each 4 seats in senior high auditorium. <u>Kindergarten:</u> 1 per employee, plus one off-street loading space
4. Day care, adult or child	62412, 62441	Adult day care; Child day care	1 per employee, plus, one off-street drop off & pick up space
5. Community public park or playground, and recreational facilities limited to tennis court, swimming pool or golf course	71219, 71391, 71394	Parks; Golf course; Tennis & swimming only	1 per 4 patrons at maximum capacity
6. Bed and breakfast inn, tourist (guest) home	72119	Traveler accommodations	2 for owner plus 1 per guest room
7. Church, synagogue, temple, or place of worship, including religious education building, parsonage or parish house, off-street parking for members and visitors, recreation facilities, kindergarten or pre-school nursery, in permanent structures	8131	Religious organizations, churches, etc.	1 for each 4 seats in main assembly room, or 1 for each 150 sq. ft. of gross floor area, whichever requires the least number of spaces
8. Civic and social clubs, not licensed to serve alcoholic beverages	8134	Civic and social organizations	1 per 150 sq. ft. of gross floor area

§ 4-113 RG-2 - General Residential District Uses.

RG-2 PERMITTED USES (continued)

9. Accessory use on same lot with principal use, as follows:
- (1) private garage for motor vehicles;
 - (2) open parking area for two motor vehicles per dwelling unit;
 - (3) shed for storage of building or lot maintenance equipment;
 - (4) private kennel for not more than three (3) dogs or three (3) cats, four (4) months of age or older, with minimum 6-foot fence for exterior kennel;
 - (5) private swimming pool, including deck, bath house or cabana; boat dock; boat house; boat lift;
 - (6) private garden or greenhouse up to eight (8) feet high;
 - (7) private tennis, outdoor recreation and picnic facilities

RG-2 CONDITIONAL USES [approved by Zoning Administrator if all conditions are met]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Public utility substation, water tower, [see Chapter 5 for communication tower], provided all following conditions are met: a. structures enclosed by six (6) foot fence; b. no office, commercial operation, or storage of vehicles or equipment is permitted; c. a landscaped strip at least five (5) feet wide is planted and maintained along all exterior lot lines; d accessed by minimum 30-foot-wide easement or road.	22112, 2212, 22131	Electric, gas, water, sanitary utilities	1 space
2. Cemetery, provided all following conditions are met: a. minimum two (2) acre lot; b. no crematorium or dwelling; c. front yard setback ten (10) feet from street right of way line; d. non-illuminated sign not over thirty (30) square feet in area or ten (10) feet in height.	81222	Cemetery only	None
3. Temporary contractor office and equipment shed, residential construction, provided all following conditions are met: a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; c. for term up to one (1) year; may be renewed once.	2332	Residential building construction	1 for each 300 square feet of office area.
4. Temporary Christmas tree sales, on vacant lot for a period not to exceed 45 days	N/A		None
5. Customary home occupation in single-family dwelling, provided following conditions are met: a. conducted inside dwelling by resident family members; b. utilizes not more than 25% of total dwelling floor area, or 50% of an accessory building; c. no change in exterior appearance of dwelling; d. no outside display of products; e. no sale of products except those made on premises or consumables incidental to a service; f. creates no health or safety hazard, noise, offensive emission, traffic hazard, unsightly condition or nuisance; g. activity is not visibly evident outside dwelling, except for a wall-mounted non-illuminated nameplate not over two (2) square feet in area.			

§ 4-113 RG-2 - General Residential District Uses.

RG-2 <u>CONDITIONAL USES</u> (continued)	
6. Manufactured home park (see definitions in § 1-201), provided all following conditions are met:	
Minimum area:	A manufactured home park shall contain a minimum of eight (8) acres
Maximum density:	Five (5) units per acre.
Minimum unit space; markers:	7,500 square feet per space; minimum width 50 feet; minimum length 150 feet; indicated by permanent flush markers at each corner
Minimum open space:	There shall be 2,500 square feet of common open space for each acre or major fraction of an acre in the park.
Access roads:	All home spaces shall be accessible by an interior roadway at least 66 feet wide, paved at least 20 feet in width for local/access roads, and at least 22 feet in width for collector/sub-collector roads, with unobstructed access to a public road. Roads shall comply with Chester County Land Development Regulations and the Chester County Road Acceptance Ordinance.
Minimum parking:	Two all weather surfaced parking spaces per unit shall be provided on or adjacent to the home space with car stops for head-in parking, in addition to adequate turn around space. Parking spaces may be provided on one side of a private driveway at least 34 feet in width, and on both sides of a private driveway at least 43 feet in width.
Minimum unit setbacks and clearances:	Front yard: twenty-five (25) feet. Abutting driveway: fifteen (15) feet. Park property lines: fifty (50) feet. Adjacent units: twenty (20) feet, side & end. Accessory structures shall be at least four (4) feet from the unit space line and twenty (20) feet from common buildings such as offices or laundry facilities.
Park screening:	A park shall be screened by a greenbelt of evergreen trees or shrubs along rear and side park property lines at least 6 feet in height and 5 feet in width within 24 months of planting, or by an opaque wall or fence of commercial grade at least six (6) feet high.
Occupancy of park:	Construction of required driveways, utilities, unit spaces, and other improvements shall be completed for at least 25% of the unit spaces shown on the site plan before any part of the park is occupied.

Chapter 4 DISTRICT REGULATIONS

§ 4-113 RG-2 - General Residential District Uses.

RG-2 CONDITIONAL USES

6. Manufactured home park (see definitions in § 1-201), provided all following conditions are met: (continued)

Site plan:	<p>A site plan, drawn to a scale of 1 inch to 40 feet or larger, showing the details of development shall be submitted with an application for a manufactured home park showing compliance with all conditions imposed by this ordinance.</p> <p>The site plan shall show:</p> <ol style="list-style-type: none"> 1. Total park area, including shape and dimensions of the site and a north arrow; 2. Location and dimensions of access roads, proposed driveways, entrances, exits, walkways, unit spaces, stands, parking areas, refuse receptacles, recreation areas, open space, screening and landscaping; 3. The plan of sewage disposal, water, gas and electrical supply; 4. Tax map number and zoning designation; and 5. Owners and zoning designations of adjoining property. <p>A plan must comply with all applicable regulations before a permit is issued. Denial of a permit shall be in writing with reasons stated.</p>
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	<p>7. Manufactured home used as a residence on a single lot, provided all following conditions are met:</p> <ol style="list-style-type: none"> a. wheels are removed and unit is placed on a permanent foundation complying with building code; b. concrete or masonry underpinning is installed; c. unit is tied down for 90 miles per hour wind resistance; d. all mobile features are removed; e. two off street parking spaces per unit are provided; f. owner shall certify in writing that unit meets HUD standards and will be maintained in compliance with HUD standards g. failure to bring a unit into compliance with HUD standards within 15 days after notice of deficiencies are a violation of the conditions subject to penalties provided by the County Code; h. the roof of the manufactured home shall have no less than a nominal 3:12 pitch; i. each manufactured home shall have vinyl siding and shingled roofs, porches and/or stoops at all entrances to the home built in accordance with the current International Residential Code.
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	<p>8. Manufactured home as emergency housing provided following conditions are met:</p> <ol style="list-style-type: none"> a. temporary use may be permitted for 12 months while repairs are made to dwelling damaged by fire or natural disaster; b. permit may be extended for additional 6 months provided repairs are in progress and will be completed by expiration of 18-month period. No additional extensions may be granted.
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Chapter 4 DISTRICT REGULATIONS

§ 4-113 RG-2 - General Residential District Uses.

RG-2 CONDITIONAL USES (continued)

- 9. Non-conforming Manufactured homes to be located in existing* Manufactured Housing Parks provided that the following conditions are met:**
- a. The manufactured home may not be more than twenty years old from the date of the permit request and must meet the minimum standard for a dwelling unit as required by the IBC, IRC, and HUD at the time of the permit request;
 - b. The manufactured homes must be installed in accordance with the IRC, Appendix E;
 - c. A letter of understanding shall be signed at the time the permit is issued stating that owner of the manufactured home is aware that this home **may not be moved elsewhere in the county unless it is to another manufactured home park;** and
 - d. An existing *manufactured home park shall be those that are identified and recognized at the date of this amendment request by the Chester County Tax Assessor's Office, Chester County Planning Department, and SC DHEC. **All recognized manufactured housing parks shall be appropriately zoned to RG-2.** Effective Date 7-14-03

Chapter 4 DISTRICT REGULATIONS

§ 4-113 RG-2 - SPECIAL EXCEPTIONS

RG-2 SPECIAL EXCEPTIONS [approved by Zoning Administrator if all conditions are met]	NAICS CODE	NAICS DESCRIPTI ON	PARKING SPACES REQUIRED
1. Outpatient and emergency health care facilities, provided the Board of Zoning Appeals determines: <ul style="list-style-type: none"> a. applicable State regulations are met; b. structures minimum of 25 feet from residential property lines; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the districts 	621, 6221,	Ambulatory health care services, medical and surgical hospitals	<u>Office. Lab. outpatient facility:</u> 1 per 200 sq. ft. of gross floor area; <u>Hospital:</u> 1.5 for each patient bed
2. Nursing, convalescent and group homes, provided the Board of Zoning Appeals determines: <ul style="list-style-type: none"> a. applicable State regulations are met; b. minimum 2-acre lot; c. structures minimum of 50 feet from residential property line; d. conditions imposed for safety, traffic, impact on district; e. the use is compatible with the district 	623	Nursing and residential care facilities	1 space per 3 patient beds plus 1 space per employee
3. Government building or facility, (except jail or correctional facility) provided the Board of Zoning Appeals determines: <ul style="list-style-type: none"> a. applicable State regulations are met; b. structures minimum of 50 feet from residential property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district. 	92	Public administration, justice, safety, fire, etc. (except 92214 correctional institutions)	1 for each 200 square feet of floor area.

Chapter 4 DISTRICT REGULATIONS

§ 4-114 RG-2 - General Residential District Regulations

The following regulations apply to all uses in RG-2 districts:

Minimum residential lot area:	<p><u>Single family</u>: With public water and sewer: 10,000 square feet. With public water; individual sewer: ½ acre as directed by DHEC. With individual water and sewer: 1 acre as directed by DHEC. <u>Multi-family</u>: 12,000 square feet for first dwelling unit; 3,000 square feet for second dwelling unit; thereafter 2,500 square feet for each additional dwelling unit. <u>Manufactured home parks</u>: eight (8) acres.</p>
Minimum lot area for non-residential uses	<p>Utility substations and water towers: 10,000 square feet. Other: As specified in conditions, or none.</p>
Minimum lot width at building line:	<p>With public water and sewer: 70 feet. Other: 130 feet.</p>
Minimum front yard depth:	<p>Residential uses: 25 feet from road right-of-way Other uses: 35 feet from road right-of-way</p>
Minimum setback from second street frontage:	<p>Side street on corner lot - 12 feet. Rear street on double frontage lot - 50 feet.</p>
Minimum side yard:	<p><u>Principal structure</u> - 15 feet from interior side lot line. <u>Accessory structure</u> - 6 feet from interior side lot line.</p>
Minimum rear yard:	<p><u>Principal residential structure</u> - 20 feet from interior rear lot line. <u>Other principal uses</u>: 30 feet from interior rear lot line. <u>Accessory structure</u> - 6 feet from interior rear lot line.</p>
Minimum setback from a pre-existing Commercial, Industrial or Agricultural District:	<p>One-half of the applicable setback from a residential district specified for uses in the Commercial, Industrial or Agricultural District regulations.</p>
Multi-family development additional regulations:	<p>Maximum length of structure: 200 feet. Setback from other residential buildings in development: 30 feet.</p>
Maximum structure height:	<p>Thirty-five (35) feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae]</p>

Chapter 4 DISTRICT REGULATIONS

§ 4-114 RG-2 - General Residential District Regulations (continued)

Visibility requirements:	<u>Corner lot</u> : no obstruction between heights of 3 and 10 feet above finished street level within 15 feet of intersection of street right-of-way lines. <u>Private drive</u> : no obstruction over 30 inches high within 10 feet of street
Off street parking area:	See supplemental regulations, Chapter 5
Signs:	See supplemental regulations, Chapter 5
Supplemental regulations:	See Chapter 5

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Chapter 4 DISTRICT REGULATIONS

§ 4-115 LC - Limited Commercial District Uses.

LC - <u>PERMITTED USES</u>	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Single-family and Multi-Family Dwellings (except mobile or manufactured homes)	814	Private households	2 for each dwelling unit
2. Retail trade , limited to NAICS codes listed, not exceeding 2,500 square feet of gross sales area, including roadside stands for sale of agricultural products	443 44512 44523 446 448 451 453 4542	Electronics, appliances, computers, photo supply; Convenience stores without fuel pumps; Fruit & vegetable markets; Health, personal care, drug stores, cosmetics, beauty supplies, optical goods, health food; Clothing, jewelry, etc. stores; Sporting goods, hobby, toys, sewing, music, books, news, tapes, discs, records; Miscellaneous retailers, florists, office supplies, gifts, antiques, used merchandise, pet stores, art and supplies, other misc., (except 45393 - manufactured home dealers); Vending machines.	1 per 200 square feet of gross sales area
3. Post office, courier services	491 492	Postal service; Couriers & messengers	1 per 200 square feet of gross floor area

Chapter 4 DISTRICT REGULATIONS

§ 4-115 LC - Limited Commercial District Uses.

LC - <u>PERMITTED USES</u> (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
4. Information Services, publishing, motion picture theater (except drive-in), broadcasting and telecommunications (except towers - see conditional uses)	511 512131 513 514	Newspaper & software; Theater (except drive-in); Broadcasting, program distribution, & telecommunications (except towers); Information & data processing services.	Theater: 1 for each 4 seats. All other: 1 per 200 square feet of gross office or sales area
5. Finance and insurance, banks, credit unions, security brokers, insurance agencies	52	Finance and insurance	1 per 200 square feet of gross office or sales area
6. Real estate, and rental and leasing services; mini-warehouses (except open storage); auto and consumer goods rental and leasing services	53	Real estate; mini-warehouses (except open storage); Rental & leasing services	1 per 200 square feet of gross office or sales area
7. Professional and technical services, art, legal, accounting, architectural, engineering (except listed scientific research and development services and off-premises advertising)	54	Professional, scientific & technical services (except 541690 - other scientific and technical consulting services; 5417 - scientific research and development services; 541710 - research and development services; and 54185 display advertising)	1 per 200 square feet of gross office area

Chapter 4 DISTRICT REGULATIONS

§ 4-115 LC - Limited Commercial District Uses.

LC - <u>PERMITTED USES</u> (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
8. Schools, kindergarten, elementary and secondary; art, dance, music and other instruction	6111 6116	Kindergartens, elementary & secondary schools; Other schools & instruction	<u>School</u> : 2 per classroom or office, plus 1 for each 4 seats in senior high auditorium. <u>Other</u> : 1 per employee, plus, one off-street drop off & pick up space
9. Health care services, physicians, dentists, hospitals, nursing homes, group homes, adult and child day care	62	Health care and social assistance; day care	1 per 200 square feet of gross service area
10. Public or private park or playground, and recreational facilities limited to tennis court, swimming pool	71219, 71394	Nature park; Tennis & swimming only	1 per 200 sq. ft. of building area
11. Bed and breakfast inns, boarding houses	721191 7213	Bed and breakfast inns; Rooming & boarding houses	1 per guest room
12. Restaurants, bars	722	Food service & drinking places	1 for each 3 seats
13. Personal services, repairs (except auto repairs), beauty shop, funeral home and crematorium, etc.	8112 8113 8114 8121 81221 8129	Electronic repair services; Equipment repair; Household goods repair; Personal care services; Funeral home, crematorium; Other personal services.	1 per 200 square feet of gross office, sales or service area

Chapter 4 DISTRICT REGULATIONS

§ 4-115 LC - Limited Commercial District Uses.

LC - <u>PERMITTED USES</u> (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
14. Church, synagogue, temple, or place of worship, including religious education building, parsonage or parish house, off-street parking, recreation facilities, kindergarten or pre-school nursery, in permanent structures	8131	Religious organizations, churches, etc.	1 for each 4 seats in main assembly room
15. Civic and social clubs	8134	Civic and social organizations	1 per 150 sq. ft. of gross floor area
16. Government facility (correctional facility limited to pre-trial detention)	92	General government, justice, public order, safety (92214 limited to pre-trial detention facility)	1 for each 200 square feet of floor area
17. Diagnostic Biological Laboratories	325412	Pharmaceutical preparation manufacturing	1 for each 200 square feet of office area
18. Accessory use on same lot with principal use, as follows: <ul style="list-style-type: none"> a. Off-street parking or storage area for vehicles owned by members, customers or employees of business; b. Completely enclosed building for storage of supplies or merchandise for use in the principal business. 			
19. Corporate, Subsidiary and Regional Managing Offices (except government establishments) (Eff. 7/17/17)	551114	Centralized Administrative Offices; Head Offices; Corporate Offices; Holding Companies that Manage; District and Regional Offices; and Subsidiary Management Offices (Except Government Establishments)	1 for each 200 square feet of office area

Chapter 4 DISTRICT REGULATIONS

§ 4-115 LC - Limited Commercial District Uses.

LC - <u>CONDITIONAL USES</u> [approved by Zoning Administrator if all conditions are met]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Communications tower, see Chapter 5, Supplemental Regulations	5133	Communications	1 space
2. Cemetery, provided all following conditions are met: a. minimum two (2) acre lot; b. no crematorium or dwelling; c. front yard setback ten (10) feet from street right of way line; d. non-illuminated sign not over thirty (30) square feet in area or ten (10) feet in height.	81222	Cemetery only	None
3. Dwelling unit in a business structure, provided all following conditions are met: a. dwelling unit must be on a level above the grade level floor within a permitted principal use building; b. dwelling units must have access to a street as required by building and fire codes.	814	Private dwelling	1 for each dwelling unit in excess of 2 units per building
4. Temporary Christmas tree sales, on vacant lot for a period not to exceed 45 days	N/A		None
5. Contractor's office & equipment shed, provided all following conditions are met: a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; c. for a term up to one (1) year; may be renewed once.	N/A		1 for each 300 square feet of office area.

Chapter 4 DISTRICT REGULATIONS

§ 4-115 LC - Limited Commercial District Uses.

LC - SPECIAL EXCEPTIONS [approved by Board of Zoning Appeals after hearing]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>1. Public utility substation, water tower, [see Chapter 5 for communication tower], provided the Board of Appeals determines:</p> <ul style="list-style-type: none"> a. the use is compatible with the district; b. parking & service areas are separated from adjoining residential district or property line by planting screen, fence or wall at least 6 feet high; c. accessed by minimum 30-foot-wide easement or road. 	22112, 2212, 22131	Electric, gas, water, sanitary utilities	1 space
<p>2. Automobile service station, including limited sale of groceries, provided the Board of Appeals determines:</p> <ul style="list-style-type: none"> a. the use is compatible with the district; b. parking & service areas are separated from adjoining residential district or property line by planting screen, fence or wall at least 6 feet high; c. no major repairs or vehicle sales conducted on premises; d. adequate provisions are made for access and traffic safety; e. conditions are imposed to protect adjacent property from adverse impact; 	447	Gasoline stations	2 for each fuel pump, plus 3 for each service bay or wash rack
<p>3. Car wash, either automatic or self-service, provided the Board of Appeals determines:</p> <ul style="list-style-type: none"> a. the use is compatible with the district; b. adequate spaces for vehicles awaiting entry are required; more than minimum may be required; c. the area is required to be adequately screened from adjoining residential district or property line; d. adequate provisions are made for access and traffic safety; e. hours of operation may be limited to prevent late night noise. 	811192	Carwashes	<u>Self-service wash:</u> 3. <u>Automatic wash:</u> set by Board; minimum 6.

Chapter 4 DISTRICT REGULATIONS

§ 4-116 LC - Limited Commercial District Regulations.

The following regulations apply to all uses in LC districts:

Minimum residential lot area:	<u>Single family</u> : With public water and sewer: 10,000 square feet. With public water; individual sewer: ½ acre or as directed by DHEC. With individual water and sewer: 1 acre or as directed by DHEC. <u>Multi-family</u> : 1 acre.
Minimum lot area for non-residential uses	<u>Utility substations and water towers</u> : 10,000 square feet. <u>Other</u> : As specified in conditions, or none.
Minimum lot width at building line:	<u>With public water and sewer</u> : 70 feet. <u>Other</u> : 130 feet.
Minimum street frontage	50 feet.
Minimum front yard depth:	30 feet from road right-of-way; except gasoline island may be 20 feet from road right-of-way.
Minimum setback from second street frontage:	Side street on corner lot - 10 feet. Rear street on double frontage lot - 30 feet.
Minimum side yard:	<u>Principal structure</u> - 10 feet from interior side lot line. <u>Accessory structure</u> - 6 feet from interior side lot line. <u>All uses</u> - 30 feet from a residential district.
Minimum rear yard:	<u>Principal structure</u> - 15 feet from interior rear lot line. <u>Accessory structure</u> - 6 feet from interior rear lot line. <u>All uses</u> - 30 feet from a residential district.
Multi-family development additional regulations:	Maximum length of structure: 200 feet. Setback from other residential buildings in development: 30 feet.
Maximum structure height:	35 feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae]
Outdoor storage:	Wrecked or junk vehicles prohibited. Outdoor storage of materials used in assembly, fabrication or processing limited to 25% of floor area of buildings on same lot is permitted if screened from view from public right-of-way.
Visibility requirements:	<u>Corner lot</u> : no obstruction between heights of 3 and 10 feet above finished street level within 15 feet of intersection of street right-of-way lines. <u>Private drive</u> : no obstruction over 30 inches high within 10 feet of street

Chapter 4 DISTRICT REGULATIONS

§ 4-116 LC - Limited Commercial District Regulations. (continued)

Off street parking and loading:	See supplemental regulations, Chapter 5
Signs:	See supplemental regulations, Chapter 5
Supplemental regulations:	See Chapter 5

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Chapter 4 DISTRICT REGULATIONS

§ 4-117 GC - General Commercial District Uses.

GC - <u>PERMITTED USES</u>	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Public utility operations center, office	22112, 2212, 22131	Electric, gas, water, sanitary utilities - office or operations center only	1 per 200 square feet of gross office area
2. Wholesale trade	42	Wholesale trade, durable and nondurable goods	1 per 300 square feet of gross sales area
3. Retail trade	441 442 443 444 445 446 447 448 451 452 453 454	Motor vehicles & parts; Furniture & home furnish; Electronics & appliances; Building material, garden; Food & beverage stores; Health & personal care; Auto service station; Clothing stores; Sporting goods; General merchandise; Miscellaneous retailers; Non-store retailers	1 per 200 square feet of gross sales area
4. Information Services, publishing, motion picture theater, broadcasting and telecommunications (except towers - see conditional uses)	511 512131 513 514	Newspaper & software; Theater; Broadcasting, program distribution, & telecommunications (except towers); Information & data processing services.	<u>Theater</u> : 1 for each 4 seats. <u>All other</u> : 1 per 200 square feet of gross office or sales area
5. Finance and insurance, banks, credit unions, security brokers, insurance agencies	52 except listed codes	Finance and insurance (except 522220 sales financing; 522290 other non-depository credit intermediation; (eff date: 7-15-13) 522291 consumer lending; 522390 other activities related to credit intermediation)	1 per 200 square feet of gross office or sales area

Chapter 4 DISTRICT REGULATIONS

§ 4-117 GC - General Commercial District Uses.

GC - <u>PERMITTED USES</u> (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
6. Real estate, and rental and leasing services; mini-warehouses (except open storage), auto and consumer goods rental and leasing services	53	Real estate; mini-warehouses (except open storage); Rental & leasing services	1 per 200 square feet of gross office or sales area
7. Professional and technical services, art, legal, accounting, architectural, engineering (except listed scientific research and development services, off-premises advertising, and veterinary related services)	54	Professional, scientific & technical services (except 541690 other scientific & technical consulting services; 5417 scientific research & development services; 541710 research & development services; 54185 display advertising; 54194 - veterinary services)	1 per 200 square feet of gross office area
8. Educational services: kindergartens, elementary and secondary schools (K-12); colleges; business and vocational schools; art, dance, music and other instruction	61	Educational services	<u>School</u> : 2 per classroom or office, plus 1 for each 4 seats in senior high auditorium. <u>Other</u> : 1 per employee, plus, one off-street drop off & pick up space

Chapter 4 DISTRICT REGULATIONS

§ 4-117 GC - General Commercial District Uses.

GC - <u>PERMITTED USES</u> (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
9. Health care and social assistance, medical and dental services, hospitals, clinics, laboratories, ambulance services, nursing and residential care, group homes, social services, adult and child day care	62	Health care and social assistance, including adult and child day care	<u>622 - Hospital</u> : 1.5 for each patient bed. <u>623 - Nursing & residential care</u> : 1 per 5 resident beds. <u>6244 - Day care</u> : 1 per employee, plus 1 loading space. <u>All other</u> : 1 per 200 sq. ft. of gross floor area.
10. Parks and entertainment, amusement rides and arcades (except gambling), skating, physical fitness, bowling, miniature golf and driving ranges, billiard and pool parlors	712 71312 71394 71395 71399	Museums and parks Amusement arcades; Fitness & sports centers; Bowling centers; Amusement rides, pool parlors, miniature golf & driving ranges only.	1 per 200 square feet of gross service area
11. Accommodations and food services, hotels, motels, bed and breakfast inns, boarding houses, restaurants, bars	72111 72119 7213 722	Hotels and motels; Bed & breakfast inns; Rooming & boarding; Food service & drinking places	<u>Hotel, motel</u> : 1 for each room. <u>Eating & drinking places</u> : 1 for each 3 seats
12. Personal services, repairs, beauty shops, diet and weight control, funeral home and crematorium, dry-cleaning, photofinishing, parking, etc.	8111 8112 8113 8114 8121 81221 8123 8129	Automotive repairs, gen., carwashes; Electronic repair services; Equipment repair; Household goods repair; Personal care services; Funeral home, crematorium; Dry-cleaning & laundry; Other personal services.	1 per 200 square feet of gross office, sales or service area

Chapter 4 DISTRICT REGULATIONS

§ 4-117 GC - General Commercial District Uses.

GC - <u>PERMITTED USES</u> (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
13. Church, synagogue, temple, or place of worship, including religious education building, parsonage or parish house, off-street parking, recreation facilities, kindergarten or pre-school nursery, in permanent structures	8131	Religious organizations, churches, etc.	1 for each 4 seats in main assembly room
14. Civic and social clubs	8134	Civic and social organizations	1 per 150 sq. ft. of gross floor area
15. Government facility, including postal facility (correctional facility limited to pre-trial detention)	491 92	U.S. Postal Service; General government, justice, public order, safety (92214 limited to pre-trial detention facility)	1 for each 200 square feet of floor area
16. Diagnostic Biological Laboratories	325412	Pharmaceutical preparation manufacturing	1 for each 200 square feet of office area
17. Administrative and Support Services Effective date 4-2-12	561	Employment services, Business support service, Telephone call centers, Credit bureaus, travel agencies, convention and visitor bureaus, security guards, patrol services, exterminating and pest control services, convention and trade shows	1 for each 200 Square feet of Of gross floor area
18. Accessory use on same lot with principal use, as follows: a. Off-street parking or storage area for vehicles owned by members, customers or employees of business; b. Completely enclosed building for storage of supplies or merchandise for use in the principal business.			

Chapter 4 DISTRICT REGULATIONS

§ 4-117 GC - General Commercial District Uses.

GC - <u>PERMITTED USES</u> (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>19. Corporate, Subsidiary and Regional Managing Offices (except government establishments)</p> <p>Effective: 7/17/17</p>	551114	Centralized Administrative Offices; Head Offices; Corporate Offices; Holding Companies that Manage; District and Regional Offices; and Subsidiary Management Offices (Except Government Establishments)	1 for each 200 square feet of office area

Chapter 4 DISTRICT REGULATIONS

§ 4-117 GC - General Commercial District Uses.

<p align="center">GC <u>CONDITIONAL USES</u> [approved by Zoning Administrator if all conditions are met]</p>	<p align="center">NAICS CODE</p>	<p align="center">NAICS DESCRIPTION</p>	<p align="center">PARKING SPACES REQUIRED</p>
<p>1. Communications tower, see Chapter 5, Supplemental Regulations</p>	<p align="center">5133</p>	<p align="center">Communications</p>	<p align="center">1 space</p>
<p>2. Temporary Christmas tree sales, on vacant lot for a period not to exceed 45 days</p>	<p align="center">N/A</p>		<p align="center">None</p>
<p>3. Contractor’s office & equipment shed, provided all following conditions are met: a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; c. for term up to one (1) year; may be renewed once.</p>	<p align="center">N/A</p>		<p align="center">1 for each 300 square feet of office area.</p>
<p>4. Manufacturing goods for retail sale on premises, provided all following conditions are met: a. accessory to retail use on same premises; b. process is contained inside permitted structure;</p>	<p align="center">N/A</p>		<p align="center">No additional</p>
<p>5. Veterinary services, provided animals are kept inside buildings at night.</p>	<p align="center">54194</p>	<p align="center">Veterinary services</p>	<p align="center">1 per 200 square feet of gross office area</p>
<p>6. Kennels, pet care services, provided animals are kept inside buildings</p>	<p align="center">81291</p>	<p align="center">Pet care services</p>	<p align="center">1 per 200 square feet of gross office area</p>
<p>7. Dwelling unit in a business structure, provided all following conditions are met: a. dwelling unit must be on a level above the grade level floor within a permitted principal use building; b. dwelling units must have access to a street as required by building and fire codes.</p>	<p align="center">814</p>	<p align="center">Private dwelling</p>	<p align="center">1 for each dwelling unit in excess of 2 units per building</p>

Chapter 4 DISTRICT REGULATIONS

§ 4-117 GC - General Commercial District Uses.

<p align="center">GC CONDITIONAL USES [approved by Zoning Administrator if all conditions are met]</p>	<p align="center">NAICS CODE</p>	<p align="center">NAICS DESCRIPTION</p>	<p align="center">PARKING SPACES REQUIRED</p>
<p>8. Tattoo parlors, body piercing and body branding provided all following conditions are met:</p> <ol style="list-style-type: none"> 1. the use shall be located no closer than 500 feet from the following uses; <ol style="list-style-type: none"> a. adult day care b. child day care; c. educational institution (public or private) d. religious institution; e. residential zoning district; f. another body piercing establishment, body branding establishment or tattoo parlor. g. any permits required by SCDEC, LLC and any other federal, state or local governmental department or agency which has rules and regulations governing these types of uses. 	<p align="center">812199</p>	<p>Permanent marks by puncturing the skin with needles or branding iron</p>	<p>1 per 200 square feet of gross office, sales or service area</p>
<p>9. Finance - provided all following conditions are met:</p> <ol style="list-style-type: none"> 1. Repossessed cars, equipment, etc. may not be parked or stored; temporarily, short term or long term, in designated customer parking; but must instead be kept in an opaque, enclosed privacy fence. 2. Opaque white, opaque beige, opaque grey and opaque green privacy fences are permitted; use of other opaque colors require approval from the Zoning Administrator. 3. Privacy fence must be maintained at all times. 	<p align="center">522220 522290 522291 522390</p>	<p>Sales Financing Other Non-Depository Credit Intermediation Consumer Lending; Other Activities Related to Credit Intermediation</p>	<p>1 per 200 square feet of gross office or sales area</p>

Chapter 4 DISTRICT REGULATIONS

§ 4-117 GC - General Commercial District Uses.

<p align="center">GC <u>SPECIAL EXCEPTIONS</u> [approved by Board of Zoning Appeals after hearing]</p>	<p align="center">NAICS CODE</p>	<p align="center">NAICS DESCRIPTION</p>	<p align="center">PARKING SPACES REQUIRED</p>
<p>1. Public utility substation, water tower, (see Chapter 5 for communication tower), provided the Board of Appeals determines:</p> <ul style="list-style-type: none"> a. parking & service areas are separated from adjoining residential district or property line by planting screen, fence or wall at least 6 feet high; b. accessed by minimum 30-foot-wide easement or road; c. the use is compatible with the district; 	<p>22112, 2212, 22131</p>	<p>Electric, gas, water, sanitary utilities</p>	<p>1 space</p>
<p>2. Transportation terminals for bus and railroad service, warehousing and storage, provided the Board of Appeals determines:</p> <ul style="list-style-type: none"> a. adequate maneuvering and parking spaces are set; b. adequate provisions are made for access and traffic safety; c. the area is screened from residential areas; d. the use is compatible with the district. 	<p>482 48849 493</p>	<p>Railroad; Terminal for motor vehicle passenger transportation, bus terminal; General storage</p>	<p>Set by the Board; minimum: 1 for each 200 square feet of gross floor space</p>
<p>3. Cultural and community facilities, arts and sports, provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. applicable State regulations are met; b. minimum 1-acre lot; c. structures minimum of 50 feet from residential district or property line; d. conditions imposed for safety, traffic, impact on district; e. the use is compatible with the district. 	<p>71</p>	<p>Performing arts, spectator sports</p>	<p>1 per 4 patrons at maximum capacity</p>
<p>4. Sexually Oriented Business (See Supplemental Regulations Article 5-600 thru 613)</p>			

Chapter 4 DISTRICT REGULATIONS

§ 4-118 GC - General Commercial District Regulations.

The following regulations apply to all uses in GC districts:

Minimum lot area	<u>Utility substations and water towers</u> : 10,000 square feet. <u>Other</u> : As specified in conditions, or none.
Minimum lot width at building line:	<u>With public water and sewer</u> : 70 feet. <u>Other</u> : 130 feet.
Minimum street frontage	75 feet
Minimum front yard depth:	30 feet from road right-of-way; except gasoline island may be 20 feet from road right-of-way.
Minimum setback from second street frontage:	Side street on corner lot - 10 feet. Rear street on double frontage lot - 30 feet.
Minimum side yard:	<u>Principal structure</u> - 10 feet from interior side lot line. <u>Accessory structure</u> - 6 feet from interior side lot line. <u>All uses</u> - 30 feet from a residential district.
Minimum rear yard:	<u>Principal structure</u> - 15 feet from interior rear lot line. <u>Accessory structure</u> - 6 feet from interior rear lot line. <u>All uses</u> - 30 feet from a residential district.
Maximum structure height:	50 feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae]
Outdoor storage:	Wrecked or junk vehicles prohibited. Outdoor storage of materials used in assembly, fabrication or processing limited to 25% of floor area of buildings on same lot is permitted if screened from view from public right-of-way.
Visibility requirements:	<u>Corner lot</u> : no obstruction between heights of 3 and 10 feet above finished street level within 15 feet of intersection of street right-of-way lines. <u>Private drive</u> : no obstruction over 30 inches high within 10 feet of street
Off street parking and loading:	See supplemental regulations, Chapter 5
Signs:	See supplemental regulations, Chapter 5
Supplemental regulations:	See Chapter 5

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Chapter 4 DISTRICT REGULATIONS

§ 4-119 ID-1- Restricted Industrial District Uses.

ID-1 PERMITTED <u>USES</u>	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Agriculture and forestry, farming crops, & roadside stand for sale of produce	111, 113	Crop production; Forestry and logging	None
2. Contractors, limited to NAICS codes listed	2351, 2352, 2353, 2354, 2355, 2356, 2358	Plumbing, heating & air cond.; Painting, wall covering; Electrical; Masonry, drywall, tile; Carpentry & floor; Roofing, siding, metal; Water well drilling.	1 per 200 square feet of gross office area

Chapter 4 DISTRICT REGULATIONS

§ 4-119 ID-1- Restricted Industrial District Uses.

ID-1 PERMITTED USES (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
3. Manufacturing, limited to NAICS codes listed	3112, 3113, 3114, 3115, 3118, 3119, 312, 315, 3162, 3169, 321214, 321219, 3219, 3222, 323, 32513, 3252, 3254, 3256, 3259, 3261, 3262, 327111, 327112, 327113, 3272, 327992, 327993, 327999, 3312,	Grain milling (except 311225-fats, oils); Sugar & confectionery; Fruit & vegetable; Dairy products; Bakeries & tortilla; Other Misc. food; Beverage, tobacco products; Apparel; Footwear; Leather products & allied products; Truss Mfg.; Reconstituted wood products; Other wood products; Converted paper products (except 322299); Printing, related support; Dye & pigment; Resin, plastic, synthetic fibers; Pharmaceutical, medicine; Soap, cleaners; Other chemicals (except 32592-explosives); Plastics; Rubber products (except 32621 - tires); Vitreous plumbing fixtures; China & pottery; Porcelain electrical supply; Glass & glass products; Mineral & earth; Mineral wool; Misc. nonmetallic mineral; Steel products;	1 per employee for maximum shift plus 1 per office and 1 per 200 square feet of sales area

Chapter 4 DISTRICT REGULATIONS

§ 4-119 ID-1- Restricted Industrial District Uses.

ID-1 PERMITTED USES (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
3. Manufacturing, (limited to NAICS codes listed (continued)	3313, 332, 333, 334, 335, 336213, 336214, 3363, 3366, 3369, 337, 339,	Aluminum production; Fabricated metal products (except 3321 & 33299); Machinery; Computer & electronic prod; Electrical equip., appliances; Motor homes; Travel trailer & camper; Motor vehicle parts; Ship & boat building; Transportation equip. (except 336992 - military, tanks); Furniture & related products; Miscellaneous, medical, jewelry, toys, etc.	
4. Wholesale trade	42	Wholesale trade, durable and nondurable goods	1 per 300 square feet of gross sales area
5. Retail trade, limited to NAICS codes listed	441, 444, 447	Motor vehicle & parts dealers; Building material, garden equip. & supply, nursery; Gasoline stations, with or without convenience stores	1 per 200 square feet of gross floor area
6. Transportation	485, 488	Ground passenger transportation Transportation support activities;	1 per 300 square feet of terminal or office area
7. Postal service,	491	Postal service	1 per 200 square feet of gross floor area
8. Publishing, motion picture production, radio & TV stations	51	Information, publishing, motion picture, recording, broadcasting & telecommunications	1 per 300 square feet of gross floor area
9. Mini-warehouses (except open storage)	53113	Mini-warehouses (except open storage)	1 per 200 square feet of gross office area

Chapter 4 DISTRICT REGULATIONS

§ 4-119 ID-1- Restricted Industrial District Uses.

ID-1 <u>PERMITTED USES</u> (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
10. Testing laboratories, research, scientific & technical consulting services	54138, 541690 5417	Testing laboratories; Scientific & technical consulting; Scientific R&D services	1 per 300 square feet of gross floor area
11. Landscaping services	56173	Landscaping services	None
12. Vocational schools	61151	Technical and trade schools	1 per 3 students plus 1 per staff member
13. Repair services	811	Repair and maintenance	1 per 200 square feet of gross service area
14. Warehousing and storage, general merchandise, refrigerated, farm products.	49311,	General merchandise warehousing and storage;	1 per 200 square feet of gross office area <i>Eff. Date 09-22-03</i>
15. Corporate, Subsidiary and Regional Managing Offices (except government establishments)	551114	Centralized Administrative Offices; Head Offices; Corporate Offices; Holding Companies that Manage; District and Regional Offices; and Subsidiary Management Offices (Except Government Establishments	1 for each 200 square feet of office area
Effective: 7/17/17			

Chapter 4 DISTRICT REGULATIONS

§4-119 ID-1 Restricted Industrial District Uses.

ID-1 CONDITIONAL USES [approved by Zoning Administrator if all conditions are met]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Public utility substation, water tower, pump station, provided all following conditions are met: a. separated from adjoining residential district or property line by planting screen, fence or wall at least 6 feet high; b. accessed by minimum 30-foot-wide easement or road.	22112, 2212, 22131	Electric, gas, water, sanitary utilities	1 space
2. Communications tower, see Chapter 5, Supplemental Regulations	5133	Communications	1 space
3. Zoos and botanical gardens, provided all following conditions are met: a. minimum five (5) acre lot; b. building setback from residential district 150 feet; c. parking setback from residential district 200 feet.	71213	Zoos, botanical gardens	1 per 200 square feet of building area
4. Solar Farms: See Chapter 5 § 701, Supplemental Regulations	221114	Electric	1 space

Chapter 4 DISTRICT REGULATIONS

§ 4-119 ID-1 - Restricted Industrial District Regulations.

The following regulations apply to all uses in ID-1 districts:

ID-1 SPECIAL EXCEPTIONS [approved by Board of Zoning Appeals after hearing]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Fishing and hunting (except trapping);	114	Fishing and hunting (except trapping);	None
2. Poultry hatcheries, cattle ranching	11234, 112111	Poultry hatcheries; Cattle ranching & farming	None
3. Government facility (correctional facility limited to pre-trial detention), provided the Board of Zoning Appeals determines: a. applicable State regulations are met; b. structures setback minimum of 50 feet from all property lines; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.	92	General government, justice, public order, safety (92214 limited to pre-trial detention facility)	1 for each 200 square feet of floor area

Chapter 4 DISTRICT REGULATIONS

§ 4-120 ID-1 - Restricted Industrial District Regulations.

The following regulations apply to all uses in ID-1 districts:

Minimum lot area	<u>Utility substations and water towers</u> : 10,000 square feet. <u>Other</u> : As specified in conditions, or none.
Minimum street frontage	100 feet, or access as specified in conditions.
Minimum front yard depth:	30 feet from road right-of-way; except gasoline island may be 20 feet from road right-of-way.
Minimum setback from second street frontage:	Side street on corner lot - 10 feet. Rear street on double frontage lot - 30 feet.
Minimum side yard:	<u>Principal structure</u> - 10 feet from interior side lot line. <u>Accessory structure</u> - 6 feet from interior side lot line.
Minimum rear yard:	<u>Principal structure</u> - 15 feet from interior rear lot line. <u>Accessory structure</u> - 6 feet from interior rear lot line.
Minimum setback from any commercial or industrial district	50 feet
Minimum setback from any rural, residential or agricultural district	150 feet, <u>or</u> 75 feet with a 50-foot-wide densely planted buffer maintained at least 6 feet high along the rural, residential or agricultural district line, <u>or</u> as specified in conditions
Maximum structure height:	50 feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae]. Manufacturing, processing and assembly plants may exceed 50 feet in height provided setbacks from residential districts shall be increased by four additional feet for every two feet in height over 50 feet.
Outdoor storage:	Wrecked or junk vehicles prohibited. Outdoor storage of materials used in assembly, fabrication or processing is permitted; provided, junk or salvage is limited to 25% of floor area of buildings on same lot. Outdoor storage shall be screened from view from a public road.
Off street parking and loading:	See supplemental regulations, Chapter 5
Signs:	See supplemental regulations, Chapter 5
Supplemental regulations:	See Chapter 5

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Chapter 4 DISTRICT REGULATIONS

§ 4-121 ID-2 - Limited Industrial District Uses.

ID-2 PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. All uses permitted in ID-1		See ID-1	See ID-1
2. Contractors, special trade	235	Special trade contractors	1 per 200 square feet of gross office area
3. Manufacturing, <u>all types except: animal slaughtering and processing, petrochemicals and industrial gas, other basic chemicals, pesticides and fertilizers, explosives, arms, ammunition, and missiles - see NAICS codes listed</u>	31-33 (except listed codes)	Manufacturing (except: 3116 - animal slaughtering & processing; 324 - petroleum products, asphalt; 32511, 32512 - petrochemical and industrial gas; 32518, 32519 - other basic inorganic & organic chemicals; 3253 - pesticides & fertilizers; 32592 - explosives; 332992-995 - arms, ammunition; 336414, 336415 - missiles)	1 per employee for maximum shift plus 1 per office and 1 per 200 square feet of sales area
4. Transportation (<u>except air and hazardous waste</u>)	48	Transportation and support activities (except 481 - air transportation, and 484230 - hazardous waste carriers)	1 per 300 square feet of terminal or office area
5. Warehousing and storage, general merchandise, refrigerated, farm products	49311, 49312, 49313	General merchandise warehousing and storage; Refrigerated warehousing; Farm product warehousing.	1 per 200 square feet of gross office area
6. Mini-warehouses (<u>except open storage</u>)	53113	Mini-warehouses (except open storage)	1 per 200 square feet of gross office area
7. Septic tank service	562991	Septic tank and related services	1 per 200 square feet of gross floor area
8. Testing laboratory, scientific and consulting services, scientific research and development services	54138, 541690, 5417	Testing laboratory; Scientific & technical consulting; Scientific research & development	1 per 200 square feet of gross office area
9. Corporate, Subsidiary and Regional Managing Offices (<u>except government establishments</u>)	551114	Centralized Administrative Offices; Head Offices; Corporate Offices; Holding Companies that Manage; District and Regional Offices; and Subsidiary Management Offices (Except Government Establishments)	1 for each 200 square feet of office area
Effective 7/17/17			

Chapter 4 DISTRICT REGULATIONS

§ 4-121 ID-2 - Limited Industrial District Uses.

<p align="center">ID-2 CONDITIONAL USES [approved by Zoning Administrator if all conditions are met]</p>	<p align="center">NAICS CODE</p>	<p align="center">NAICS DESCRIPTION</p>	<p align="center">PARKING SPACES REQUIRED</p>
<p>1. Public utility substation, water tower, pump station, provided all following conditions are met: a. separated from adjoining residential district or property line by planting screen, fence or wall at least 6 feet high; b. accessed by minimum 30-foot-wide easement or road.</p>	<p align="center">22112, 2212, 22131</p>	<p>Electric, gas, water, sanitary utilities</p>	<p align="center">1 space</p>
<p>2. Communications tower, see Chapter 5, Supplemental Regulations</p>	<p align="center">5133</p>	<p>Communications</p>	<p align="center">1 space</p>
<p>3. Solar Farms: See Chapter 5, § 701, Supplemental Regulations</p>	<p align="center">221114</p>	<p>Electric</p>	<p align="center">1 space</p>

**Chapter 4 DISTRICT REGULATIONS
§ 4-121 ID-2 - Limited Industrial District Uses.**

<p align="center">ID-2 SPECIAL EXCEPTIONS [approved by Board of Zoning Appeals after hearing]</p>	<p align="center">NAICS CODE</p>	<p align="center">NAICS DESCRIPTION</p>	<p align="center">PARKING SPACES REQUIRED</p>
<p>1. All special exceptions permitted in ID-1</p>	<p align="center">See ID-1</p>	<p align="center">See ID-1</p>	<p align="center">See ID-1</p>
<p>2. Construction contractors, provided the Board of Zoning Appeals determines: a. conditions imposed for safety, traffic, impact on district; b. asphalt production (23411) is at least 1000 feet from a rural, residential or agricultural district or property line; c. the use is compatible with the district.</p>	<p align="center">233, 234</p>	<p>Building and heavy construction contractors</p>	<p>Set by Board - minimum 1 per 200 square feet of office area</p>
<p>3. Petroleum products manufacturing, asphalt, provided the Board of Zoning Appeals determines: a. conditions imposed for safety, traffic, impact on district; b. production is at least 1000 feet from a rural, residential or agricultural district or property line; c. the use is compatible with the district.</p>	<p align="center">324</p>	<p>Petroleum and coal products, asphalt manufacturing</p>	<p>Set by Board - minimum 1 per 200 square feet of office area</p>
<p>4. Airports, provided the Board of Zoning Appeals determines: a. applicable State & federal regulations are met; b. structures minimum of 1,000 feet from residential district or property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.</p>	<p align="center">481</p>	<p>Air transportation</p>	<p>Set by Board - minimum 1 for each 200 square feet of terminal space</p>
<p>5. Sports, racetracks, fairgrounds, provided the Board of Zoning Appeals determines: a. applicable State regulations are met; b. structures minimum of 150 feet from all property lines; racetrack minimum of 1,000 feet from residential, rural or agricultural district or property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.</p>	<p align="center">7112, 7113</p>	<p>Spectator sports, racetracks, stadiums, fairs, etc.</p>	<p>Set by Board - minimum 1 per each 4 spectator seats</p>
<p>6. Government facility (correctional facility limited to pre-trial detention), provided the Board of Zoning Appeals determines: a. applicable State regulations are met; b. structures setback minimum of 50 feet from all property lines; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.</p>	<p align="center">92</p>	<p>General government, justice, public order, safety (92214 limited to pre-trial detention facility)</p>	<p>1 for each 200 square feet of floor area</p>

§ 4-122 ID-2 - Limited Industrial District Regulations.

The following regulations apply to all uses in ID-2 districts:

Minimum lot area	Utility substations and water towers: 10,000 square feet. <u>Other</u> : As specified in conditions, or none.
Minimum street frontage	100 feet, or access as specified in conditions.
Minimum front yard depth:	30 feet from road right-of-way; except gasoline island may be 20 feet from road right-of-way.
Minimum setback from second street frontage:	Side street on corner lot - 10 feet. Rear street on double frontage lot - 30 feet.
Minimum side yard:	<u>Principal structure</u> - 10 feet from interior side lot line. <u>Accessory structure</u> - 6 feet from interior side lot line.
Minimum rear yard:	<u>Principal structure</u> - 15 feet from interior rear lot line. <u>Accessory structure</u> - 6 feet from interior rear lot line.
Minimum setback from any commercial or industrial district	50 feet
Minimum setback from any rural, residential or agricultural district	<u>Petroleum products & asphalt production - 23411 & 324</u> : 1000 feet from a rural, residential or agricultural district or property line. <u>Other</u> : 150 feet, <u>or</u> 75 feet with a 50-foot-wide densely planted buffer maintained at least 6 feet high along the rural, residential or agricultural district line, <u>or</u> as specified in conditions.
Maximum structure height:	50 feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae]. Manufacturing, processing and assembly plants may exceed 50 feet in height provided setbacks from residential districts shall be increased by one additional foot for every two feet in height over 50 feet.
Outdoor storage:	Wrecked or junk vehicles prohibited. Outdoor storage of materials used in assembly, fabrication or processing is permitted; provided, junk or salvage is limited to 25% of floor area of buildings on same lot. Outdoor storage shall be screened from view from a public road.
Off street parking and loading:	See supplemental regulations, Chapter 5
Signs:	See supplemental regulations, Chapter 5
Supplemental regulations:	See Chapter 5

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Chapter 4 DISTRICT REGULATIONS

§ 4-123 ID-3 - General Industrial District Uses

ID-3 PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Agriculture and forestry, farming crops, & roadside stand for direct sale of produce	111, 113	Crop production; Forestry and logging	None
2. Utilities, electric power generation & transmission, gas, water, sewage facilities	22	Utilities	1 per 200 sq. ft. of gross office area
3. Contractors, construction, all types	23	Construction companies, contractors	1 per 200 sq. f t. of gross office area
4. Manufacturing (except listed animal, chemical, gas, arms and munitions activities)	31-33	Manufacturing (except: 3116 - animal slaughtering and processing; 32511 & 31512 - petrochemical and industrial gas; 32518 & 32519 - other basic inorganic & organic chemicals; 332992-332995 - arms and ammunitions; and 336414 & 336415 - missiles)	1 per employee for maximum shift plus 1 per office and 1 per 200 square feet of sales area
5. Petroleum products, wholesale	4227	Petroleum & petroleum products, bulk stations, wholesale	1 per 200 square feet of gross office area
6. Fuel dealers, retail	45431	Fuel dealers	1 per 200 square feet of gross office area
7. Transportation (except air and hazardous waste)	48	Transportation and support activities (except 481 - air transportation, and 484230 - hazardous waste carriers)	1 per 300 square feet of terminal or office area
8. Warehousing and storage	493	Warehousing and storage	1 per 200 square feet of gross office area
9. Mini-warehouses (except open storage)	53113	Mini-warehouses (except open storage)	1 per 200 square feet of gross office area

Chapter 4 DISTRICT REGULATIONS

§ 4-123 ID-3 - General Industrial District Uses

ID-3 PERMITTED USES (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
10. Waste collection and treatment, non-hazardous	562111, 562119, 562991	Solid waste collection; Other waste collection (brush, rubble); Septic tank and related services	1 per 200 square feet of gross office area
11. Testing laboratory, scientific and consulting services, scientific research and development services	54138, 541690, 5417	Testing laboratory; Scientific & technical consulting; Scientific research & development	1 per 200 square feet of gross office area
12. Biological and allied wholesaling	422210	Drugs, wholesalers	1 per 200 square feet of gross office area
13. Corporate, Subsidiary and Regional Managing Offices (except government establishments)	551114	Centralized Administrative Offices; Head Offices; Corporate Offices; Holding Companies that Manage; District and Regional Offices; and Subsidiary Management Offices (Except Government Establishments)	1 for each 200 square feet of office area
Effective: 7/17/17			

Chapter 4 DISTRICT REGULATIONS

§ 4-123 ID-3- Limited Industrial District Uses.

ID-3 <u>CONDITIONAL USES</u> [approved by Zoning Administrator if all conditions are met]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Public utility substation, water tower, provided all following conditions are met: a. separated from adjoining residential district or property line by planting screen, fence or wall at least 6 feet high; b. accessed by minimum 30-foot-wide easement or road.	22112, 2212, 22131	Electric, gas, water, sanitary utilities	1 space
2. Communications tower, see Chapter 5, Supplemental Regulations	5133	Communications	1 space

Chapter 4 DISTRICT REGULATIONS

§ 4-123 ID-3 - General Industrial District Uses

ID-3 SPECIAL EXCEPTIONS [approved by Board of Zoning Appeals after hearing]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Mining , provided Board of Zoning Appeals determines: a. applicable State & federal regulations are met; b. structures minimum of 500 feet from residential district or property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.	21	Mining	1 for each 200 square feet of office area
2. Airports , provided Board of Zoning Appeals determines: a. applicable State & federal regulations are met; b. structures minimum of 1,000 feet from residential district or property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.	481	Air transportation	Set by Board - min. 1 per 200 sq. ft. of terminal space
3. Sports, racetracks, fairgrounds , provided the Board of Zoning Appeals determines: a. applicable State regulations are met; b. structures minimum of 150 feet from all property lines; racetrack minimum of 1,000 feet from residential district or property line; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.	7112, 7113	Spectator sports, racetracks, stadiums, fairs, etc.	Set by Board - minimum 1 per each 4 spectator seats
4. Government facility (correctional facility limited to pre-trial detention), provided Board of Zoning Appeals determines: a. applicable State regulations are met; b. structures minimum of 50 feet from all property lines; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district.	92	General government, justice, public order, safety (92214 limited to pre-trial detention)	1 for each 200 square feet of floor area

Chapter 4 DISTRICT REGULATIONS

ID-3 SPECIAL EXCEPTIONS (continued)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>5. Manufacturing, animal, chemical, gas, arms and munitions, limited to NAICS Codes listed, provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. applicable State and federal regulations are met; b. structures and operations are setback a minimum of 1,000 feet from all property lines; c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district. 	<p>3116, 32511, 32512, 32518, 32519, 332992- 332995, 336414, 336415</p>	<p>Animal slaughter Petrochemical & industrial gas; Basic Chemicals; Arms, ammunition; Missiles</p>	<p>1 per employee for maximum shift plus 1 per office and 1 per 200 sq. ft. of sales area</p>
<p>6. Waste remediation and hazardous waste carriers, provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. applicable State and federal regulations are met; b. structures and operations are setback minimum of 1,000 feet from property lines (except 562111, 562119 and 562991); c. conditions imposed for safety, traffic, impact on district; d. the use is compatible with the district. 	<p>562, 484230</p>	<p>Waste management and remediation services; Specialized freight trucking, hazardous waste.</p>	<p>1 for each 200 sq. ft. of gross office area</p>

Chapter 4 DISTRICT REGULATIONS

§ 4-124 ID-3 - General Industrial District Regulations

The following regulations apply to all uses in ID-3 districts:

Minimum lot area	<u>Utility substations and water towers</u> : 10,000 square feet. <u>Other</u> : As specified in conditions, or none.
Minimum street frontage	100 feet, or access as specified in conditions.
Minimum front yard depth:	30 feet from road right-of-way; except gasoline island may be 20 feet from road right-of-way.
Minimum setback from second street frontage:	Side street on corner lot - 10 feet. Rear street on double frontage lot - 30 feet.
Minimum side yard:	<u>Principal structure</u> - 10 feet from interior side lot line. <u>Accessory structure</u> - 6 feet from interior side lot line.
Minimum rear yard:	<u>Principal structure</u> - 15 feet from interior rear lot line. <u>Accessory structure</u> - 6 feet from interior rear lot line.
Minimum setback from any commercial or industrial district	50 feet
Minimum setback from any rural, residential or agricultural district	<u>Petroleum products & asphalt production - 23411, 324 & 4227</u> : 1,000 feet from rural, residential or agricultural district or property line. <u>Other uses</u> : 150 feet, <u>or</u> 75 feet with a 50-foot-wide densely planted buffer maintained at least 6 feet high along the rural, residential or agricultural district line, <u>or</u> as specified in conditions.
Maximum structure height:	50 feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae]. Manufacturing, processing and assembly plants may exceed 50 feet in height provided setbacks from residential districts shall be increased by one additional foot for every two feet in height over 50 feet.
Outdoor storage:	Wrecked or junk vehicles prohibited. Outdoor storage of materials used in assembly, fabrication or processing is permitted; provided, junk or salvage is limited to 25% of floor area of buildings on same lot. Outdoor storage shall be screened from view from a public road.
Off street parking and loading:	See supplemental regulations, Chapter 5
Signs:	See supplemental regulations, Chapter 5
Supplemental regulations:	See Chapter 5

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Chapter 4 DISTRICT REGULATIONS

§ 4-125 AG - Agricultural District Uses

AG <u>PERMITTED USES</u>	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Single-family Dwelling, including garage apartment on single lot	814	Private households (except mobile or manufactured homes)	2 for each dwelling unit
2. Agriculture, aquaculture, nurseries, livestock production, ranching, forestry, hunting and fishing, equestrian uses (except trapping and confined animal feeding as defined in § 1-201 - see conditional uses)	11	Agriculture, forestry, fishing & hunting (except trapping, 112112, and other confined animal feeding as defined in § 1-201)	None
3. Roadside stand for sale of agricultural products as an accessory use	44523	Fruit and vegetable markets	1 per 150 sq. ft. of sales area
4. Church, synagogue, temple, or place of worship, including religious education building, parsonage or parish house, off-street parking for members and visitors, recreation facilities, kindergarten or pre-school nursery, in permanent structures	8131	Religious organizations, churches, etc.	1 for each 4 seats in main assembly room, or 1 for each 150 sq. ft. of gross floor area, whichever requires the least number of spaces

Chapter 4 DISTRICT REGULATIONS

§ 4-125 AG - Agricultural District Uses

AG - CONDITIONAL USES [approved by Zoning Administrator if all conditions are met]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Confined animal feeding operations, provided all following conditions are met: a. applicable health regulations are met; b. containment and waste disposal facilities must be a minimum of 1,000 feet from the property line.	112112, and as defined in § 1-201	Feedlots; and Confined animal feeding - see § 1-201	None
2. Public utility substation, water tower, pump station [see Chapter 5 for communication tower], provided all following conditions are met: a. structures enclosed by six (6) foot fence; b. no office, commercial operation, or storage of vehicles or equipment is permitted; c. minimum lot size - 1 acre.	22112, 2212, 22131	Electric, gas, water, sanitary utilities	1 space
3. Cemetery, provided all following conditions are met: a. minimum lot size five (5) acres; b. no crematorium or dwelling; c. front yard setback ten (10) feet from street right of way line; d. non-illuminated sign not over thirty (30) square feet in area or ten (10) feet in height.	81222	Cemetery only	None
4. Temporary contractor office and equipment shed, residential construction, provided all following conditions are met: a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; c. for term up to one (1) year; may be renewed once.	2332	Residential building construction	1 for each 300 square feet of office area.
5. Temporary Christmas tree sales, on vacant lot for a period not to exceed 45 days	N/A		None

Chapter 4 DISTRICT REGULATIONS

§ 4-125 AG - Agricultural District Uses

AG - CONDITIONAL USES (continued)

6. Manufactured homes (single and double wide's) used as residence on a single lot, provided all following conditions are met:

- a. wheels are removed and unit is placed on a permanent foundation complying with building code;
- b. concrete or masonry underpinning is installed;
- c. unit is tied down for 80 miles per hour wind resistance;
- d. all mobile features are removed;
- e. two off street parking spaces per unit are provided;
- f. owner shall certify in writing that unit meets HUD standards and will be maintained in compliance with HUD standards;
- g. failure to bring a unit into compliance with HUD standards within 15 days after notice of deficiencies is a violation of these conditions subject to penalties provided by the County Code;
- h. the roof of manufactured homes shall have no less than a nominal 3:12 pitch;
- i. each manufactured home shall have vinyl siding and shingled roofs, porches and/or stoops at all entrances to the home built in accordance with the current International Residential Code.

Chapter 4 DISTRICT REGULATIONS

§ 4-125 AG - Agricultural District Uses

AG SPECIAL EXCEPTIONS [approved by Board of Zoning Appeals after hearing]	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
1. Solid waste convenience centers, provided the Board of Zoning Appeals determines: a. applicable health regulations are met; b. minimum lot size - 1 acre c. containers are minimum of 300 feet from residential property; d. conditions imposed for safety, traffic, impact on district; e. the use is compatible with the district.	562111	Solid waste collection	None

Chapter 4 DISTRICT REGULATIONS

§ 4-126 AG - Agricultural District Regulations

The following regulations shall apply to all uses in AG districts:

Minimum district size:	8 acres
Minimum lot area:	Residential, church, plant nursery - 4 acres; All other - 20 acres or as specified in conditions
Minimum front yard depth:	25 feet from road right-of-way
Minimum side yard:	15 feet from interior side lot line.
Minimum rear yard:	20 feet from interior rear lot line.
Minimum front, side and rear setback for animal shelters, barns and pens	50 feet
Maximum structure height:	35 feet to the roof line [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae, and agricultural structures]
Visibility requirements:	<u>Corner lot</u> : no obstruction between heights of 3 and 10 feet above finished street level within 15 feet of intersection of road right-of-way lines. <u>Private drive</u> : no obstruction over 30 inches high within 10 feet of road.
Off street parking area requirements:	See supplemental regulations, Chapter 5
Signs:	See supplemental regulations, Chapter 5
Supplemental regulations:	See Chapter 5

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Chapter 4 DISTRICT REGULATIONS

§ 4-127 RIV - River Preservation District Uses

RIV PERMITTED USES	NAICS CODE	NAICS DESCRIPTION
1. Agriculture and silviculture (except confined animal feeding as defined in § 1-201, and trapping)	11	Agriculture (except 112112 and confined animal feeding as defined in § 1-201); Forestry, fishing & hunting (except trapping)
2. Passive recreation	71219	Nature parks
3. Public boat landings	71393	Marinas, public only
4. Nonconforming structure (See Special Exception #2) *Revised 9-6-2011*		

§ 4-127 RIV- Conditional Uses

River Preservation Conditional Uses (approved by Zoning Administrator if all conditions are met)
<ul style="list-style-type: none"> a. underbrush (defined as nuisance bushes, vines, and similar rank plant growth beneath the tree canopy) may be removed within the buffer, provided that such work is performed manually and without the use of vehicular or mechanical equipment or chemical applications; b. within the buffer, trees less than four (4) inches DBH may be removed, provided it is done using only manual labor and hand or chain saws, and not mechanical equipment; c. any trees that are dead or have become diseased or damaged through natural processes may be removed in the same manner; d. no motorized vehicles or construction equipment other than chain saws or similar hand operated machines are permitted within the buffer; e. pruning and trimming is permitted but is limited to ½ total height of tree; f. topping of trees is not permitted. <i>*County Council 3rd Reading 6-6-2011*</i>

Chapter 4 DISTRICT REGULATIONS

§ 4-127 RIV - River Preservation District Uses

RIV SPECIAL EXCEPTIONS [approved by Board of Zoning Appeals after hearing]	NAICS CODE	NAICS DESCRIPTION
<p>1. Water and wastewater treatment facilities, intakes, discharges or other utilities or service lines, provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. applicable government regulations are met; b. treatment facilities are minimum of 500 feet from residential property; c. accessed by minimum 30-foot-wide easement or road; d. the use is compatible with the district. 	2213	Water supply, irrigation systems, and sewage treatment facilities
<p>2. New or Existing Nonconforming structure provided the Board of Zoning Appeals determines:</p> <ul style="list-style-type: none"> a. a nonconforming structure may be erected provided no construction is directed toward the river buffer or creek banks; b. submittal of mitigation plan submitted by a qualified Professional Engineer or approved by the Zoning Administrator demonstrating the expansion can be accomplished without sacrificing water quality; c. must meet all other regulations; d. the use is compatible with the district; <i>*Revised 9-6-2011 *</i> 		

Chapter 4 DISTRICT REGULATIONS

§ 4-128 RIV - River Preservation District Regulations.

The following regulations apply to all uses in RIV districts:

River buffer:	There shall be no disturbance of vegetative land cover within 100 feet of the banks or the Catawba River, Fishing Creek Reservoir and Cedar Creek Reservoir, except for maintenance of existing or permitted uses, rights-of-way and easements for utility lines, drainage and roads, either public or private *as provided in Chapter 4-127. * <i>CC 3rd Rdg 6-6-2011</i>
Vegetative buffer:	A 50-foot-wide vegetative buffer shall be maintained along both banks of Fishing Creek, Rocky Creek, Turkey Creek and Big Sandy River.
Conservation requirements:	“Best Management Practices” prepared by the Natural Resources Conservation Service, and the Chester County drainage and Sediment Control Ordinance shall apply to operations in the district.
Signs:	Signs, other than public street signs and signs required by government regulations, are not permitted.
Supplemental regulations:	See Chapter 5

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Chapter 4 DISTRICT REGULATIONS

§ 4-129 PD Planned Development District Uses

Planned Development districts may permit a mixture of different types of housing with compatible commercial uses, shopping centers, office parks and other mixed use developments. Flexibility in design, character and quality of development and preservation of natural and scenic features are made possible through the approval of a plan which describes the specific uses, densities, setbacks, and other requirements for a planned development. The approved plan constitutes the district regulations for a particular planned development.

Chapter 4 DISTRICT REGULATIONS

§ 4-130 PD Planned Development District Regulations.

The following regulations shall apply to all uses in PD districts, other provisions in this ordinance to the contrary notwithstanding:

Minimum district area:	4 acres
Minimum lot area for structure and maximum density:	Set in approved plan.
Minimum lot width, yards, setbacks:	Set in approved plan.
Maximum structure height:	35 feet when permitted by fire regulations [not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae];
Off street parking and loading requirements:	Set in approved plan.
Screening:	Set in approved plan, but not less than landscaping required by supplemental regulations, Chapter 5.
Signs:	Set in approved plan, but not greater than signs allowed by supplemental regulations, Chapter 5.
Subdivision regulations:	Applicable regulations must be met.
Supplemental regulations:	See Chapter 5.

Chapter 4 DISTRICT REGULATIONS

§ 4-131 PD Planned Development District Application and Review Procedures.

The following procedures shall apply to establishment of a PD district, other provisions in this ordinance to the contrary notwithstanding:

a. Zoning amendment required:	PD districts are established by amendment to the zoning ordinance in the manner prescribed for rezoning.
b. District regulations:	The applicable regulations in § 4-130, Chapter 5, and those in the approved plan and descriptive statement shall constitute the PD district regulations.
c. Pre-application conference optional:	Applicant for PD zoning is encouraged to contact the Planning Commission prior to submission of application for information and review of regulations and procedures applicable to the proposed plan and descriptive statement.
d. Amendment application required:	Initiation of a PD amendment shall be by submission of an application form provided by the Zoning Administrator with required attachments.
e. Development plans required:	A site development plan is required with application for PD amendment. The site development plan shall indicate proposed uses of all land areas and other information the Zoning Administrator deems reasonably necessary for review.

Chapter 4 DISTRICT REGULATIONS

§ 4-131 PD Planned Development District Application and Review Procedures.

The following procedures shall apply to establishment of a PD district, other provisions in this ordinance to the contrary notwithstanding:

<p>f. Descriptive statement required:</p>	<p>A descriptive statement is required with the application for PD amendment. The descriptive statement shall indicate the characteristics and standards to be used for development of the site, and shall include at least the following items:</p> <ol style="list-style-type: none"> 1. legal description of site boundaries, and total area of the site; 2. area and location of each type of use; 3. number and density of dwelling units by type; 4. description of open space locations, uses and proposed dedication for public use; 5. ownership and maintenance of streets, and proposed dedication to public; 6. methods for dealing with parking and the impact of projected traffic on the uses on the site and adjacent districts and streets; 7. steps proposed to comply with sediment control and storm drainage regulations; 8. steps proposed to comply with landscaping regulations; 9. details of association or organization involved in ownership and maintenance, including procedures and methods of operation; 10. outline for development phasing with anticipated time frames; 11. design standards, procedures and methods demonstrating that development will result in an integrated use district, functional and compatible with the area; 12. proposed restrictive covenants to be recorded to assure future compliance with the standards in the plan; and 13. such other information as may be appropriate for planning commission review.
<p>g. Planning Commission review and public hearing:</p>	<p>Upon determination that the application meets above requirements, the Zoning Administrator shall forward the application to the Planning Commission for review, public hearing, and recommendation to County Council as required for zoning amendments.</p>

Chapter 4: DISTRICT REGULATIONS

§ 4-131 PD Planned Development District Application and Review Procedures.

The following procedures shall apply to establishment of a PD district, other provisions in this ordinance to the contrary notwithstanding:

h. County Council action:	Upon receipt of the Planning Commission recommendation, County Council may approve, approve with modifications accepted by applicant, and rezone the property, or disapprove the proposed zoning amendment.
i. Zoning and building permits:	Zoning and building permits shall not be issued until the zoning is approved by County Council, and approved plats, the approved descriptive statement and all required restrictive covenants are filed for record with the Zoning Administrator and the Clerk of Court for Chester County, and all required bonds, if any, are posted with the Clerk.
j. District map:	The site development plan approved by County Council shall be the zoning district map for the PD and shall be the basis for issuance of zoning and building permits.
k. Changes to plan:	<p>1. <u>Minor changes.</u> Changes proposed in writing by the applicant which do not alter district boundaries and which involve revision of minor characteristics of the PD such as relocation of driveways, revision of floor plans, facades, landscaping, relocation of required parking, drainage structures, and features which do not materially affect the approved plan concept or violate any applicable regulations may be approved by the Zoning Administrator. Approval or rejection of the change is subject to review and final determination by the Planning Commission if the applicant or any party whose property is adversely affected files a written objection with the Planning Commission within ten (10) days after action by the Zoning Administrator. An applicant may submit a rejected change as an amendment to the plan under the normal zoning amendment procedures.</p> <p>2. <u>Major changes.</u> Changes proposed in writing by the applicant which alter district boundaries or which materially affect the characteristics of the PD shall be submitted under normal zoning amendment procedures applicable to establishment of the PD.</p> <p>3. <u>Permits.</u> No zoning or building permits involving a minor or major change of the PD descriptive statement or map shall be issued until the written change is filed with the Zoning Administrator and recorded in the office of the Clerk of Court for Chester County.</p>
l. Failure to begin; failure to progress; failure to complete	If the responsible party fails to begin, fails to progress, or fails to complete development as agreed in the descriptive statement, the Zoning Administrator may charge the developer with violation of the zoning ordinance, or initiate rezoning of the property, or both. In any event, if the planned development is not initiated within two years of its establishment, the Zoning Administrator shall initiate the rezoning of the property to an appropriate district classification in conformity with the comprehensive plan.

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Chapter 4: DISTRICT REGULATIONS

4-132 I-77 Economic Development District

4-132.1 Purpose and Intent

It is the Purpose and Intent of this Section to permit the creation of an I-77 Economic Development Districts (ED) in areas determined by the County Council to have special and substantial public interest, by virtue of unique environmental, economic, cultural, entertainment, or other characteristics or conditions not generally shared by other areas of the county. It is further intended that such district and the regulations established therein shall be in accord with and promote the policies set forth in the County's Comprehensive Plan and other expressions of public policy and expectations as they exist at the time of adoption and over time as the plans and policies are updated from time to time while creating new opportunities for job creation, economic development and the expansion of the County's tax base. Due to the special nature of such a district, it is anticipated that it will only be appropriate for large-scale master planned developments of at least 3,500 acres and with significant exposure along and adjoining the I-77 corridor.

It is the intent of this district to establish appropriate regulations and standards which will provide for the unique needs of such an area while advancing the interests of Chester County for the future of the area. It is further intended that, to the greatest extent possible, these regulations will also further the long-term development plans of the area included within such a district so that it will be a major contributor to the overall economic health of the community, while protecting the public's interest in the area. Lastly, it is intended that the standards and procedures established by this district should be easy to administer for both Chester County and for those developing in the district, and should focus primarily on those areas where the permanent impacts of the development may affect adjoining land uses or bear directly on the public, such as along public rights-of-way.

Development within the ED district will be based on a master development plan and the standards of this district that have been developed to be a comprehensive concept for the long-term development of the site based on information and markets existing at the time of approval. As markets and development trends change over time, the developer must be able to have flexibility in meeting changing conditions while being able to rely upon the overall concepts and development rights as expressed in the approved master plan. Therefore, once approved by the Chester County Council, all development within the ED will be reviewed and approved through normal administrative processes for land development, subdivision, and building permit review processes that existed at the time of master plan approval.

Chapter 4: DISTRICT REGULATIONS

4-132.2 EDD District

4-132.2 Permitted Uses

The following principal uses shall be permitted in the ED district:

1. Active adult communities
2. Adult Care Centers
3. Automotive service stations, including fuel sales
4. Automobile, truck, motorcycle, RV, Boat, and other vehicles sales
5. Aviation facilities such as runways, heliports, or helistops as a principal or accessory use;
6. Bakeries;
7. Barber and beauty shops;
8. Business service and supply services establishments;
9. Bus terminals;
10. Bus stops shelters;
11. Child Care Centers;
12. Churches;
13. Civic, social service and fraternal facilities;
14. Cultural facilities;
15. Dwellings, detached single family lots, duplex, triplex, quadruplex, attached, multi-family
16. Dwelling, mixed use, provided that:
 - a. Any dwelling will be located in the same building as a commercial use permitted in the district;
 - b. The minimum lot and yard requirements shall be the same as required for the district.
17. Financial institutions
18. Florists
19. Funeral Homes
20. Garment cleaning establishments
21. Government Buildings
22. Hospitals and urgent care facilities
23. Hotels, Motels
24. Indoor Recreation

Chapter 4: DISTRICT REGULATIONS

4-132.2 EDD District

4-132.2 Permitted Uses (Cont'd)

25. Institutional uses
 - a. Public or private schools
 - b. Universities and colleges
 - c. Vocational schools
 - d. Libraries and museums
26. Laboratories (for applied and basic research)
27. Jewelers
28. Neighborhood food and beverage services
29. Nightclubs, bars and lounges, only when located within a hotel or motel.
30. Nurseries and Greenhouses
31. Outdoor Recreation, including public or private golf courses
32. Parks, Greenways and Arboretums
33. Personal Service Establishments
34. Post Offices
35. Printing and Publishing establishments
36. Offices
 - a. Clinics, Medical, Dental and Optical
 - b. Professional
 - c. Radio and Television stations
37. Restaurants (including drive-in service)
38. Retail Sales Establishments including individual tenant buildings, shopping centers, and business, personal and recreation services
39. Theatres
40. Warehousing and distribution
41. Bed and breakfasts (B&B's)
42. Boarding houses
43. Cemeteries
44. Equestrian oriented subdivisions
45. Family childcare homes
46. Indoor Recreation
47. Outdoor seasonal sales
48. Public or private utility structures such as treatment plants, storage tanks, etc.
49. Public or private utility transmission and distribution lines
51. Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures

Chapter 4: DISTRICT REGULATIONS

**4-132.2 EDD District
Permitted Uses (Cont'd)**

52. Retail Convenience Center provided it is oriented toward neighborhood services, and designed to accommodate both pedestrians and vehicles. The following uses are allowed:

a) Commercial and service uses such as:

- 1) Automotive Service Stations
- 2) Bakeries
- 3) Barber and Beauty Shops
- 4) Financial Institutions
- 5) Florists
- 6) Funeral Homes
- 7) Garment Cleaning establishments
- 8) Jewelers
- 9) Neighborhood food beverage services
- 10) Printing and Publishing establishments
- 11) Retail Sales establishments
- 12) Restaurants/eating establishments
- 13) Wholesale sales

b) Community uses

- 1) Fire station
- 2) Police station
- 3) Library
- 4) YMCA

c) Dwellings, mixed-use provided that:

- 1) The dwelling units will be located in the same building as an office or commercial use permitted in the district;
- 2) The dwelling units will occupy no more than 75 percent of the total floor area of the buildings on the lot;
- 3) Development density shall be controlled by the applicable floor-area-ratio.

d) Offices

- 1) Clinics, Medical, Dental and Optical
- 2) Professional
- 3) Radio and Television stations

f) Restaurants (including drive-in service)

53. Subdivision sales office

Chapter 4 DISTRICT REGULATIONS

4-132.3 EDD District

4-132.3 Accessory Uses.

The following uses shall be permitted in the ED district as accessory uses and structures, subject to applicable criteria in the zoning regulations:

1. Accessory uses and structures clearly incidental and related to the permitted use or structure on the lot.
2. Drive-in windows as an accessory to the principle use.
3. Dumpsters, trash handling areas, and service entrances.
4. Outdoor lighting, subject to zoning regulations.
5. Petroleum storage, accessory to a permitted use or structure, subject to the Fire Prevention Code of the National Board of Underwriters.
6. Petroleum storage, underground, accessory to permitted automotive stations, subject to the Fire Prevention Code of the National Board of Underwriters.
7. Vending machines for cigarettes, candy, soft drinks and coin-operated laundries located within an enclosed building as an accessory to the uses in the principle building.
8. Bookstores, offices, printing and distribution and similar uses as accessories to religious institutions located on the same lot.
9. Elderly and disabled housing as an accessory to a single family detached dwelling.
10. Fences and walls.
11. Guesthouses and employee quarters as an accessory to a single family detached dwelling.
12. Private kennels.
13. Private stables
14. Public or commercial stables as part of an equestrian subdivision.

Chapter 4 DISTRICT REGULATIONS

4-132.4 Development Standards.

Development Standards

A. All non-residential development in the ED district shall meet the following development standards:

1. Project Size
Minimum of 5 acres
2. Building Height
No buildings shall exceed 70 feet in height, except if located within exclusively commercial areas, 150 feet.
3. Parking
Controlled by the standards set forth in off street parking section
4. Floor Area Ration (FAR) *****
Maximum FAR of 1.0
5. Lot Size
Minimum lot area of 8,000 square feet
6. Lot Width
Minimum lot width of 50 feet
7. Landscaping
All areas designated ED shall be subject to the landscaping regulations set forth in landscape screening section of the Zoning Ordinance.
Landscaped buffer areas shall be subject to the regulations set forth in landscape screening section of the Zoning Ordinance.
8. Setbacks
All principal non-residential buildings and structures within the project area shall meet a minimum setback of 20 feet, a minimum side yard and rear yard of 25 feet from any property line at the exterior of the ED district within which the individual development is located. Interior side yards shall be not less than 10 feet.
All non-residential buildings shall meet a minimum setback of 50 feet from any interstate, federal, or state highway.
Internal non-residential buildings are encouraged to be located within 10 feet of the street right-of-way to enhance the pedestrian orientation of the development.

B. All residential development within a mixed-use development located within an ED district shall meet the following development standards:

(Continued Next Page)

**Chapter 4 DISTRICT REGULATIONS
4-132.4 Development Standards (Cont'd)**

- * Abutting exterior boundary with residential zoning – 40 feet.
- ** Minimum building separation- 16 feet.
- *** Gross acre of building site, excluding public streets but including private streets.
- **** Computed on the gross site area for non-residential development.

	Single Family Residential	Multi-Family Residential
Maximum Dwelling Units Per Acre***	6	20
Minimum Lot Area		
Detached	4,000	3,500
Duplex	8,000	6,500
Triplex	N/A	9,500
Quadraplex	N/A	11,500
Other (including Multi-Family)	N/A	11,500
Minimum Lot Width		
Detached	70	70
Duplex, Triplex, Quadraplex	N/A	55
Other (including Multi-Family)	N/A	55
Minimum Setback (Front Yard)		
Detached	10	15
Duplex, Triplex, Quadraplex	N/A	15
Other (including Multi-Family)	N/A	15
Minimum Side Yard		
Detached	5	5
Duplex, Triplex, Quadraplex	N/A	5 **
Other (including Multi-Family)	N/A	10 **
Minimum Rear Yard		
Detached	20 *	20 *
Duplex, Triplex, Quadraplex	N/A	20 *
Other (including Multi-Family)	N/A	40
Maximum Building Height		
	40	40
Floor Area Ratio (FAR)****		
	1.0	1.0

**Chapter 4 DISTRICT REGULATIONS
4-132.4 Development Standards (Cont'd)**

C. To be able to adapt to varying market conditions, emerging trends that encourage high quality design and innovative arrangement of buildings and open space throughout the ED district, substantial flexibility from the conventional standards is possible by modifying the following standards established in these regulations:

- Street right-of-way
- Street type and construction standards (including width) for public or private streets)
- Lot size
- Lot width
- Setbacks and yards
- Building separation
- Public street frontage
- Off-street parking

The details of these modifications, if they are proposed, will be included in the normal development review processes.

1. In no event, shall the amount of development within the project area exceed a floor-area-ratio of 1.0. However, if a parking deck is constructed as part of the development, the allowable floor area may be increased by 50 percent and the parking deck will not be counted as part of the floor area.
2. All non-residential development and uses at the perimeter of the ED district shall be separated by a 50-ft buffer from any abutting properties located in a residential district or abutting residential uses.
3. At the perimeter of the ED district, buildings may not be erected to a height in excess of 40 feet unless the minimum side yard is increased 1 foot for every 2 feet in building height above 40 feet. If a non-residential building abuts a residential use or residential zoning at the exterior of the ED district, it may not be constructed above the 40-foot limit unless the side and or rear yard which adjoins the residential use or zoning is increased 1 foot for each foot in building height above 40 feet.

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Chapter 4 DISTRICT REGULATIONS

4-132.4 Development Standards (Cont'd)

4. The minimum setback of 35 feet as prescribed may be reduced to 14 feet from the back of the existing or proposed future curb, whichever is larger if the first floors of all buildings, including structured parking is designed to encourage and complement pedestrian-scale interest and activity. Doors may not swing open into the minimum 14-foot setback area, except emergency exit doors. Structured parking facilities must be designed so that the only openings at the street level is those to accommodate vehicle entrances and pedestrian access to the structure. Cars on all levels of a structured parking facility must be screened from view from the street utilizing decorative elements such as grillwork or louvers. In no instance, will cabling alone be sufficient to meet this screening requirement.
 - a) Surface parking — No surface parking or maneuvering space shall be located between any building line and the street, except that driveways providing access to the parking area may be installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible.
 - b) Service and loading areas — No service or loading area may be oriented towards the Street from which the reduced setback will occur, nor be within the area between any building line and the street.
- D. All uses and structures exclusively or predominantly residential development within an ED district shall meet the development standards established as follows:**
1. The minimum total project area for residential development must be 10 acres.
 2. Residential development for single family detached projects shall meet the following requirements:
 - a) Minimum lot area: 4,000 SF
 - b) Minimum lot width: 40 feet
 - c) Minimum setback: 10 feet
 - d) Minimum side yard: 5 feet
 - e) Minimum rear yard: 20 feet

(Continued on Next Page)

Chapter 4 DISTRICT REGULATIONS

4-132.4 Development Standards (Cont'd)

D. All uses and structures exclusively or predominantly residential development within an ED district shall meet the development standards established as follows: (Cont'd)

3. Residential development for attached/multi-family development shall meet the following requirements:

- a) Minimum lot area (square feet)
 - Duplex dwellings: 6,500 SF
 - Triplex dwellings: 9,500 SF
 - Quadraplex dwellings: 11,500 SF
 - Multi-family dwellings: 11,500 SF
 - All other buildings: 12,000 SF
- b) Minimum lot width (feet)
 - Duplex, triplex and quadraplex dwellings: 55 feet
 - Multi-family dwellings: 55 feet
- c) Minimum setback (feet)
 - Duplex, triplex and quadraplex dwellings: 20 feet
 - All other buildings, including planned multi-family: 30 feet
- d) Minimum side yard (feet)
 - Duplex, triplex and quadraplex dwellings: 5 feet
 - All other buildings, including planned multi-family: 5 feet
 - Planned multi-family adjoining single family developed or zoned land: 10 feet
- e) Minimum rear yard (feet)
 - Duplex, triplex and quadraplex dwellings: 20 feet
 - All other buildings, including planned multi-family (except as required below): 40 feet
 - Planned multi-family adjoining single family developed or zoned land: 40 feet
- f) Maximum height: 40 feet

4. Retail Convenience Center uses and other non-residential uses as a component of a residential development shall meet the following requirements:

- a) Minimum lot area: 8,000 SF
 - b) Minimum lot width: 50 feet
 - c) Minimum setback: 20 feet
 - d) Minimum side yard: 4 feet *
 - e) Minimum rear yard: 10 feet
 - 1) Maximum height: 40 feet
- * 8-foot building separation is required.

Chapter 4 DISTRICT REGULATIONS

4-132.5 Density and Area Limitations

1. Residential development in the ED district shall not exceed the maximum residential density of 6 DUA. The calculation of maximum density shall be based on the total project area minus any portion of the total project area to be devoted to non-residential uses. For the purpose of this calculation, public rights-of-way shall be considered a residential use. Individual multifamily components may not exceed 15 units per gross site area.
2. Each phase of a multi-phase project within an ED district should be able to stand as an independent project. At no point in the development of a multi-phase project shall the density of residential development in a completed phase of the project area exceed the approved maximum density established by this Section.
3. At least 50 percent of the dwelling units in an ED district shall be detached dwellings.
4. Retail convenience center uses shall occupy no more than 5 percent of the total project area.

4-132.6 Common Open Space; Density Bonus

1. At least 10 percent of the total area included within an ED district shall be set aside as common open space.
2. A density bonus over and above the density otherwise allowed in the ED district may be applied. Any such bonus shall consist of a one percent increase in the allowable density for every one percent of land area devoted to common open space in addition to the 10 percent required under subsection (1) above, but in no event shall the bonus exceed 35 percent of the allowable density set out in this section.
3. No more than 50 percent of all required common open space shall be covered by impounded water.
4. Any structures located in any common open space shall be accessory to recreational use of the space and shall cover no more than 5 percent of all common open space.
5. The required common open space shall be planned and improved so that it is accessible and usable by persons living in the project area. However, common open space containing natural features worthy of preservation may be left unimproved.

Chapter 4 DISTRICT REGULATIONS

4-132.6 Common Open Space; Density Bonus (Cont'd)

6. All of the required common open space shall be either conveyed to Chester County, if the County agrees to accept ownership of and to maintain the space, or conveyed to one or more property owner or homeowner associations created for the project area, or placed into a conservation easement, or with respect to outdoor recreation facilities, to the owner or operator thereof.
7. The restrictions shall also prohibit future development of any common open space for other than open space or recreation purposes and shall provide for continued maintenance of any common open space and recreational facilities.

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Chapter 4 DISTRICT REGULATIONS

§ 4-133 AP - Airport Overlay District Regulations.

The AP - Airport Overlay is not a separate zoning district classification; it is appended to an existing district designation for the purpose of imposing additional regulations necessary to protect public health and safety by preventing establishment of obstructions and hazards to aircraft. The regulations in this section shall apply to all uses in zoning districts to which the -AP Airport Overlay designation is attached.

a. Definitions	
<i>Airport</i>	a Chester County public airport
<i>Airport elevation</i>	the highest point of an airport's usable landing area, measured in feet above mean sea level
<i>Approach surface</i>	a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this section
<i>Approach zone</i>	the inner edge approach zone coincides with the width of the primary surface and begins 200 feet from the runway end and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
<i>Conical surface</i>	a surface extending outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet
<i>Conical zone</i>	the area that commences at the periphery of the horizontal zone and extends outward there from for a distance of 4,000 feet and upward at a slope of 20:1

Chapter 4 DISTRICT REGULATIONS

§ 4-133 AP -- Airport Overlay District Regulations. (Cont'd)

<i>Hazard to navigation</i>	an obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace
<i>Height limit</i>	maximum distance above mean sea level elevation unless otherwise specified
<i>Horizontal surface</i>	a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plane coincides with the perimeter of the horizontal zone
<i>Horizontal zone</i>	the horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
<i>Obstruction</i>	any structure, growth or other object, including a mobile object, which exceeds a limited height set forth in this section
<i>Primary surface</i>	the primary surface is longitudinally centered on a runway and extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 250 feet.
<i>Runway</i>	a defined area on an airport prepared for landing and takeoff of aircraft along its length
<i>Structure</i>	an object, including a mobile object, constructed or installed by man, including but not limited to buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines
<i>Transitional surfaces</i>	surfaces extending outward at 90 degree angles to the runway centerline and extending at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surfaces
<i>Transitional zones</i>	the areas beneath the transitional surfaces

Chapter 4 DISTRICT REGULATIONS

§ 4-133 AP -- Airport Overlay District Regulations. (Cont'd)

<p>b. Height Limitations. Except as otherwise provided in this section, no structure shall be erected, altered or maintained and no trees shall be allowed to grow in any -AP zone to a height in excess of the applicable height limitations established as follows:</p>	
1. Approach zone	Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline
2. Transitional zone	Slopes seven feet horizontally for each foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation above mean sea level. In addition, there are established height limits sloping seven feet outward for each foot upward beginning at the sides and at the same elevation as the approach surface, and extending to where they intersect the horizontal surface.
3. Horizontal zone	Established at 150 feet above the airport elevation above mean sea level.
4. Conical zone	Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to an elevation of 350 feet above the airport elevation.
<p>c. Use Restrictions. Notwithstanding any other provisions of this section, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.</p>	

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Chapter 4 DISTRICT REGULATIONS

§ 4-133 AP -- Airport Overlay District Regulations. (Cont'd)

d. Nonconforming Uses. Nonconforming uses are subject to § 3-200.	
1. Regulations not retroactive	The regulations prescribed by this section shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this section, or otherwise interfere with the continuance of nonconforming use. Nothing contained in this section shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun under a permit issued prior to the effective date of this section, and is diligently pursued.
2. Obstruction marking and lighting	Notwithstanding section d.1, above, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the airport commission to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the county.

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Chapter 4 DISTRICT REGULATIONS

§ 4-133 AP -- Airport Overlay District Regulations. (Cont'd)

<p>e. Permits.</p>	<p>The zoning administrator shall not issue a zoning permit within an -AP district until it has been determined that the proposal is in compliance with the terms of this section.</p>
<p>1. Permits required; exceptions</p>	<p>Except as specifically provided in this section, no material changes shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any -AP district without a permit. A permit application shall indicate the purpose for the permit and demonstrate that the use, structure or tree would conform to the regulations in this section. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been approved in accordance with this section.</p> <p style="text-align: center;">Exceptions:</p> <p>(a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.</p> <p>(b) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.</p> <p>(c) In the areas lying within the limits of the transition zones, no permit shall be required for any tree or structure less than 75 feet above the ground, except when such tree or structure, because of terrain, land contour or topographic features, would extend above the elevation prescribed for such transition zones.</p>
<p>2. Existing uses</p>	<p>No permit shall be granted for establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this section or any amendments to this section, or than it is when the application for such a permit is granted.</p>
<p>3. Nonconforming Structures/uses</p>	<p>Nonconforming structures and uses are subject to regulations in § 3-200.</p>

Chapter 4 DISTRICT REGULATIONS

§ 4-133 AP -- Airport Overlay District Regulations. (Cont'd)

<p>4. Variances</p>	<p>(a) A person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this section, may apply to the board of zoning appeals for a variance.</p> <p>(b) Application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this section. Additionally, no application for variance to the requirements of this section may be considered by the board of zoning appeals unless a copy of this application has been furnished to the airport manager for advice as to the aeronautical effects of the variance. If the airport manager does not respond to the application within 15 days after receipt, the board of zoning appeals may act on its own to grant or deny the application.</p>
<p>5. Obstruction marking and lighting</p>	<p>A permit or variance granted may, if such action is deemed advisable to affect the purpose of this section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the board of zoning appeals, this condition may be modified to require the owner to permit the county, at its own expense, to install, operate and maintain the necessary markings and lights.</p>

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**Chapter 5: SUPPLEMENTAL REGULATIONS
Article 1- Communications Tower and Antenna**

§ 5-100 Definitions.

- a. **“Communications tower”** as used in this ordinance shall mean a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free-standing, guyed, or on a building.
- b. **“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.
- c. **“Antenna”** means a device dish or array used to transmit or receive telecommunications signals.
- d. **“Height”** of communication tower is distance from base of tower to top of structure.

Chapter 5: SUPPLEMENTAL REGULATIONS

§ 5-101 Communications Tower and Antenna Permitted as Conditional Use.

Article 1- Communications Tower and Antenna

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 ordinance are met.

a. Districts in which conditional uses are permitted; height limitations.

DISTRICTS	PERMITTED HEIGHT - FREE-STANDING OR GUYED TOWER
Residential: RS-1, RG-1, RG-2	Free-standing tower with height not exceeding 100 feet is a permitted conditional use; height exceeding 100 feet requires special exception.
Commercial: LC, GC	Free-standing or guyed tower with height not exceeding 180 feet is a permitted conditional use; height exceeding 180 feet requires special exception.
Rural: R-1, R-2, R-3, & R-4; Industrial: ID-1, ID-2, ID-3 Agricultural: AG	Free-standing or guyed tower with height not exceeding 360 feet is a permitted conditional use; height exceeding 360 feet requires special exception.
River Preservation: RIV	Not permitted.
Planned Development PD	Tower with height specified in approved plan is permitted under conditions set forth in plan.
Airport Overlay - AP	Not permitted
	PERMITTED HEIGHT ABOVE STRUCTURE
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.
	SPECIAL EXCEPTIONS AND VARIANCES
All districts Except PD -Planned Development	Free-Standing or guyed tower and/or antenna exceeding height limitations may be permittee by the Zoning Board of Appeals as a special exception. See requirements for special exceptions in § 5-102.
All districts	Variations from conditions imposed by this section may not be granted by the Zoning Board of Appeals. Variations from other general district regulations may be granted under standards in S.C. Code § 6-29-800.

Chapter 5: SUPPLEMENTAL REGULATIONS

§ 5-101 Communications Tower and Antenna Permitted as Conditional Use.

Article 1- Communications Tower and Antenna

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 ordinance are met.

<p>b. Application requirements:</p>	<p>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 of \$200.00 and the following documents, if applicable:</p>
<p>Specifications;</p>	<p>1. One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.</p>
<p>Site plan;</p>	<p>2. 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];</p>
<p>Tower location map;</p>	<p>3. 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 Town;</p>
<p>Antenna capacity; wind load;</p>	<p>4. 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.</p>
<p>Antenna owners;</p>	<p>5. Identification of the owners of all antennae and equipment to be located on the site;</p>
<p>Owner Authorization;</p>	<p>6. Written authorization from the site owner for the application;</p>
<p>FCC license;</p>	<p>7. Evidence that a valid FCC license for the proposed activity has been issued;</p>
<p>Visual impact analysis;</p>	<p>8. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts;</p>

Chapter 5: SUPPLEMENTAL REGULATIONS

§ 5-101 Communications Tower and Antenna Permitted as Conditional Use.

Article 1- Communications Tower and Antenna

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 ordinance are met.

b. Application Requirements (Cont'd)

<p>Removal agreement;</p> <p>Conditions met;</p> <p>Additional information.</p>	<p>9. A written agreement to remove the tower and/or antenna within 120 days after cessation of use;</p> <p>10. Evidence that applicable conditions in subsection c. are met; and</p> <p>11. Additional information required by the Zoning Administrator for determination that all applicable zoning regulations are met.</p>
<p>c. Conditions:</p> <p>location, visual impact</p> <p>Inability to locate on existing structure</p> <p>necessity for location in residential district</p> <p>public property or other private property not suitable</p> <p>design for multiple use</p>	<p>Applicant must show that all applicable conditions are met.</p> <p>1. 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.</p> <p>2. 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.</p> <p>3. 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.</p> <p>4. 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.</p> <p>5. Applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant’s present and future requirements.</p>

**Chapter 5: SUPPLEMENTAL REGULATIONS
Article 1- Communications Tower and Antenna**

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 ordinance are met

c. Conditions (Cont'd)

safety codes met	6. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.
paint; illumination	7. A communications tower must not be painted or illuminated unless otherwise provided by state or federal regulations.
distance from existing tower	8. A permit for a proposed tower site within 1,000 feet of an existing tower shall not be issued unless the applicant certifies 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.
Indemnity; claim resolution	9. 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 County, in form approved by the County Attorney.
application of zoning regulations	10. 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.
minimum setbacks	11. 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 requirement or 25% of the tower height, whichever is greater.
Technical assistance	12. Prior to issuing a permit, the Zoning Administrator may make use of technical services of the Municipal Association of South Carolina to determine that the standards in subsections c.2, c.3, c.4, c.5, c.7, and c.8 of § 5-101 of this ordinance is met.

Chapter 5: SUPPLEMENTAL REGULATIONS

Article 1- Communications Tower and Antenna

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 ordinance are met

d. Appeal to Board

<p>time limit for action by zoning administrator on complete application</p> <p>variance</p> <p>special exception</p>	<p>Applicant may appeal to the Zoning Board of Appeals as follows:</p> <ol style="list-style-type: none"> 1. 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 Zoning Board of Appeals. 2. Applicant may appeal to the Board 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 § 5-102. 3. Applicant may apply directly to the Board for a permit for any tower as a special exception, pursuant to § 5-102.
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**Chapter 5: SUPPLEMENTAL REGULATIONS
Article 1- Communications Tower and Antenna**

§ 5-102 Special Exceptions.

A tower, pole, or antenna may be permitted by special exception granted by the Zoning Board of Appeals after public hearing and findings of fact based on the following criteria:

<p>Special exception criteria:</p> <p>application; conditions</p> <p>height limitations</p> <p>necessity for additional height</p> <p>setback requirements; additional conditions</p> <p>technical assistance on special exception or appeal from action on conditional use</p> <p>denial on substantial evidence</p> <p>variance prohibited</p>	<p>The Zoning Board of Appeals must find and conclude:</p> <ol style="list-style-type: none"> 1. All application requirements and conditions imposed by § 5-101 of this ordinance for conditional uses are met except height limitations and setbacks. 2. If additional tower height is requested, total tower height will not exceed 150% of the maximum height permitted in the district as a conditional use. 3. 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 and such additional conditions are established by the Board as it deems necessary to remove danger to health and safety, and to protect adjacent property. 5. Prior to approving a permit by special exception or on appeal from action of the Zoning Administrator on an application for a conditional use, the Board may make use of technical services of the Municipal Association of South Carolina to determine that the standards in subsections c.2, c.3, c.4, c.5, c.7, and c.8 of § 5-101 of this ordinance are met. 6. The Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence. 7. The Board 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 § 5-101d.
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**Chapter 5: SUPPLEMENTAL REGULATIONS
Article 11- Flood Plain Regulations**

§ 5-200 Federal Emergency Management Agency Standards Applicable.

Compliance with applicable Federal Emergency Management Agency standards pursuant to the County Code shall be a prerequisite to issuance of a zoning permit

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**Chapter 5: SUPPLEMENTAL REGULATIONS
Article 111- Landscaping**

§ 5-300 Purposes for Required Landscaping.

Landscaped open areas are required by this ordinance to provide buffer areas or screening between adjacent land uses to reduce the impact of incompatible activities; to improve, protect, preserve and promote the aesthetic character, natural beauty, and value of land; and to promote and protect public interests in recreation, safety, health, reduction of pollution, and tree protection. The standards in this division shall apply to all zoning districts.

**Chapter 5: SUPPLEMENTAL REGULATIONS
Article 111- Landscaping**

§ 5-301 Buffer Areas.

Landscaped buffer areas along the perimeter of lots, but not in a street right-of-way, which areas may be used for passive recreation only, shall be maintained by property owners as follows:

TYPE	LAND USE	WHERE REQUIRED	BUFFER SIZE AND PLANTS REQUIRED
A	Multi-family complex, manufactured home park, non-residential use not adjacent to residential district, and all surface parking lots	Along street rights-of-way, except driveways & visibility angles.	<u>Minimum buffer width:</u> five (5) feet. <u>Plants required per 100 feet of street frontage:</u> 12 ornamental shrubs, 2 evergreen under story trees, and grass or other ground cover. Shrubs may be clustered.
B	Multi-family complex, manufactured home park, commercial or institutional use adjacent to single-family residential use not separated by street or alley.	Along adjacent residential property lines.	<u>Minimum buffer width:</u> ten (10) feet. <u>Plants required per 100 linear feet:</u> 2 deciduous canopy trees 40 to 60 feet on center, and 8 evergreen plants 10 feet on center.
C	Industrial, warehouse, outdoor sales or storage use adjacent to residential district not separated by street at least 18 feet wide.	Along adjacent residential district lines.	<u>Minimum buffer width:</u> fifteen (15) feet. <u>Plants required per 100 linear feet:</u> 2 deciduous canopy trees 40 to 60 feet on center, and 17 evergreen plants or under story trees in double staggered rows 10 feet on center.
Plant Standards:		<u>Minimum installation height:</u> Evergreen under story trees and shrubs - 6 feet; deciduous canopy trees - 8 feet. <u>Minimum mature size:</u> Evergreens - 10 feet; deciduous trees - 25 feet.	
Substitutions:		<u>Existing plants:</u> Existing plants meeting minimum standards may be retained to meet buffer requirements. <u>Evergreens:</u> Evergreen plants may be substituted for deciduous plants. <u>Fence or wall:</u> Where existing lot use, size, shape, configuration, topography or unusual circumstances prevent reasonable compliance with buffer landscaping requirements, the Zoning Administrator may approve substitution of an opaque fence or wall at least six feet in height, but not exceeding ten feet in height, for a Type B or Type C buffer. Fences and walls shall be neat in appearance and have a finished surface facing adjacent property.	

**Chapter 5: SUPPLEMENTAL REGULATIONS
Article 111- Landscaping**

§ 5-301.1 APPROVED SPECIES LIST FOR CHESTER COUNTY TREE ORDINANCE PLANTING REQUIREMENTS

Large Maturing Trees														
Common Name, Latin Name	Growth Rate	Maximum Height	Shape	Screening	Fall Color	Flowers	Bark	Tolerates Poor Drainage	Diseases	Insects	Other	Comments		
<i><u>Deciduous</u></i>														
Ash, Green Fraxinus pennsylvanica	F	50-80'	G					x	x	x		Do not plant in heavy clay soil, use named varieties		
Ash, White Fraxinus americana	M	50-80'	G		x				x	x		Do not plant in heavy clay soil		
Bald-cypress Taxodium distichum	M	50-80'	NP				x	x		x		Produces small leaves that do not need raking		
Birch, River Betula nigra	F	40-70'	S				x	x				Subject to drought problems, may be multi stem, good varieties 'Heritage'		
Elm, Lacebark Ulmus pervifolia	M	40-50'	G				x					Resistant to Dutch Elm Disease		
Ginkgo, Ginkgo biloba	S	50-80'	NP		x			x				Plant grafted male only; pest free, tolerates pollution		
Hackberry, Celtis occidentalis	F	40-60'	S				x	x				Witches broom can develop		
Maple, Red Acer rubrum	F	40-60'	BP		x			x				Can clog sewer lines; some shallow roots; use named varieties		
Maple, Sugar Acer saccharum	M	50-75'	BP		x							Best fall colors; good soils preferred; some shallow roots		
Oak, Laurel Quercus laurifolia	M-F	60-80'	BP									Semi evergreen leaves; use variety 'Darlington'		
Oak, Northern Red Quercus rubra	M-F	60-80'	BP		x			x						
Oak, Sawtooth, Quercus acutissima	M-F	35-70'	G								x	Holds leaves in winter; drops lots of nuts; toughest of the oaks		

**Chapter 5: SUPPLEMENTAL REGULATIONS
Article 111- Landscaping**

Large Maturing Trees														
Common Name, Latin Name	Growth Rate	Maximum Height	Shape	Screening	Fall Color	Flowers	Bark	Tolerates Poor Diseases	Diseases	Insects	Other	Comments		
<i>Deciduous</i>														
Oak, Shumard Quercus shumardii	M- F	40- 80'	BP		x			x						Good dark red fall color
Oak, Southern Red Quercus, falcata	M- F	70- 80'	BP		x			x						
Oak, White Quercus alba	S	70- 80'	BP		x		x							May hold leaves; very long lived
Oak, Willow Quercus phellos	F	70- 80'	BP											Majestic tree
Pagoda Tree, Japanese Sophora japonica 'Regent'	F	40- 75'	G			x								May develop cankers which can girdle limbs
Planetree, London Platanus acerifolia	F	60- 100'	BP					x			x			Withstands harsh city conditions
Sweetgum Liquidambar styraciflua	S- M	60- 75'	G		x						x			Fruit is not a litter problem in variety 'roundiloba'
Tulip-Poplar Liriodendron tulipifera	F	60- 90'	N		x	x								Flowers best observed close up; needs lots of space; good soils preferred
Zelkova, Japanese Zelkova serrata	F	50- 80'	V		x		x							Resistant to Dutch Elm Disease

**Chapter 5: SUPPLEMENTAL REGULATIONS
Article 111- Landscaping**

Large Maturing Trees													
Common Name, Latin Name	Growth Rate	Maximum Height	Shape	Screening	Fall Color	Flowers	Bark	Tolerates Drought	Diseases	Insects	Other	Comments	
<i><u>Evergreen</u></i>													
Cedar, Deodar Cedrus deodara	M- F	40- 70'	BP	x									Subject to winter injury up to age 15 years
Cypress, Leyland Cupressocyparis leylandii	F	60- 70'	C	x					x	x			Maintains good shape; excellent screening
Hemlock, Canadian Tsuga canadensis	M	40- 70'	BP	x									Plant in partial shade and good soils
Magnolia, Southern Magnolia grandiflora	M- F	50- 80'	BP	x		x					x		Drops large leaves in spring and summer
Oak, Live Quercus virginiana	S	40- 80'	G	x							x		
Pine, Austrian Pinus nigra	M	50- 60'	BP	x									Tolerates city conditions
Pine, Loblolly Pinus taeda	F	40- 60'	NP	x						x			Susceptible to pine beetles if not kept healthy
Pine, Virginia Pinus virginiana	M	15- 40'	BP	x						x			Susceptible to pine beetles if not kept healthy
Spruce, Norway Picea abies	M- F	40- 60'	NP										

Ensure a minimum clearance of 25 feet between overhead distribution power lines and large-maturing tree species

**Zoning Ordinance
Chester County
South Carolina**

**Chapter 5
§ 5-301**

**Chapter 5: SUPPLEMENTAL REGULATIONS
Article 111- Landscaping**

Small-Maturing Trees														
Common Name, Latin Name	Growth Rate	Maximum Height	Shape	Evergreen	Screening	Fall Color	Bark	Tolerates Poor Drainage	Diseases	Insects	Other	Comments		
<i>Flowering</i>														
Cherry, Kwanzan Prunus serrulata 'Kwanzan'	S	20-25'	V						x					Good soils preferred
Cherry, Yoshino Prunus yedoensis	M	20-25'	S						x					Good soils preferred
Crabapple Malus spp.	M-F	15-25'	S						x		x			Best varieties: 'Centurion' 'Snowdrift' 'Zumi' and older vars.
Crape, Myrtle Lagerstroemia indica	M	15-45'	S			x	x	x	x					Must be maintained in tree form; best variety 'Natchez'
Dogwood, Flowering Cornus florida	M-F	20-25'	S			x	x		x	x				Needs partial shade; good soils preferred
Dogwood, Kousa Cornus kousa	S-M	15-30'	S			x	x							More hardy than Flowering Dogwood
Hawthorne Crataegus viridis 'Winter King'	S-M	20-35'	G					x	x	x				Attractive fruit
Hawthorne, Washington Crataegus phaenopyrum	S-M	25-30'						x	x	x				Attractive fruit
Magnolia, Saucer Magnolia soulangiana	M	20-30'	G											
Pear, Aristocrat Pyrus calleryana 'Aristocrat'	F	30-40'	G			x								Very tolerant; best limb structure
Pear, Capital Pyrus calleryana 'Capital'	F	30-40'	C			x								Very tolerant; most columnar
Pear, Redspire Pyrus calleryana 'Redspire'	F	30-40'	NP			x								Very tolerant; more narrow than 'Bradford'

**Chapter 5: SUPPLEMENTAL REGULATIONS
Article 111- Landscaping**

Small-Maturing Trees													
Common Name, Latin Name	Growth Rate	Maximum Height	Shape	Evergreen	Screening	Fall Color	Bark	Tolerates Poor Drainage	Diseases	Insects	Other	Comments	
<i><u>Flowering</u></i>													
Plum, Purpleleaf Prunus cerasifera 'Pissardii'	M- F	15- 30'				x			x	x	x	Remains purple; produces fruit	
Redbud, Eastern Cercis canadensis	M	20- 30'	S			x			x	x	x	Does well in full sun	
<i><u>Nonflowering</u></i>													
Cherry-Laurel, Carolina Prunus caroliniana	M	20- 30'	G	x	x							Good soils preferred	
Holly, Foster #2 Ilex x attenuata 'Foster'	M- F	15- 25'	C	x	x							Multiple uses	
Holly, Savannah Ilex x attenuata 'Savannah'	F	20- 30'	NP	x								Multiple uses	
Hornbeam, American Carpinus caroliniana	S	20- 30'	S			x	x	x				Pest free; tolerates city conditions	
Hornbeam, European Carpinus betulus	S	40- 60'	C		x		x	x				Pest free; tolerates city conditions	
Maple, Hedge Acer campestre	S	15- 35'	G			x							
Maple, Japanese Acer palmatum	S	15- 25'	S			x	x						
Myrtle, Wax Myrica cerifera	S- M	10- 15'	S	x	x			x					

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**Chapter 5: SUPPLEMENTAL REGULATIONS
Article 111- Landscaping
§ 5-302 Open Space Landscaping Requirements.**

The following open space landscaping requirements shall apply to land uses in all zoning districts.

LAND USE	OPEN SPACE REQUIRED	LANDSCAPING
Single-family and two-family residential, except clustered	District yard requirements.	None required.
Clustered residential	15% of land area.	Grass, shrubs and trees selected by owner.
Manufactured home park	2,500 square feet for each acre or major fraction of an acre in the park. See district special exceptions.	Greenbelt along all interior lot lines. See district special exceptions.
Multi-family residential, commercial and industrial, except surface parking lots	District yard requirements. Required buffer areas, woodlands and wetlands may be used to satisfy requirements.	Grass, shrubs and trees selected by owner.
Surface parking lots	100 square feet of planted area for each 20 parking spaces. Required buffer areas may be used to satisfy requirements.	One evergreen or deciduous tree for each 20 parking spaces. Grass and shrubs selected by owner.

**Chapter 5: SUPPLEMENTAL REGULATIONS
Article 111- Landscaping**

§ 5-303 Tree Protection.

In RS-1, RG-1, and RG-2 districts, an existing healthy hardwood tree greater than ten (10) inches in DBH (diameter breast high = 5 feet above ground) is a valuable natural resource by virtue of age, size and contribution to the environment, and must be preserved and protected to the extent practical and feasible. Trees ten (10) inches in DBH shall be flagged and shown on a required plat or site plan for development. No more than 25% of said trees shall be removed from a lot, except by variance granted by the Board of Zoning Appeals. In the event a variance is granted, each tree removed shall be replaced by a tree at least two (2) inches in DBH in a location meeting required landscaping. In the event a tree is removed without compliance with this section, a measurement of the stump diameter at ground level exceeding fifteen (15) inches shall be prima facie evidence of a violation of this section.

**Chapter 5: SUPPLEMENTAL REGULATIONS
Article IV – Parking**

§ 5-401 Off-street Parking.

- A. Off-street parking spaces required by district regulations shall be located on the same lot as the principal use, or on a lot within 500 feet of the main entrance to the principal use which under the same ownership as the principal use or has been legally restricted for parking in connection with the principal use, and shall have required buffer and landscaped areas.
- B. Combined parking areas serving two or more principal uses shall contain spaces equal in number to the total of spaces required for all principal uses served.

Chapter 5: SUPPLEMENTAL REGULATIONS

Article IV – Parking

§ 5-402 Parking Space Requirements; Lighting Regulations.

Off-street parking spaces shall meet the following design standards.

Parking space dimensions:	<u>Angle parking</u> : 9 feet by 19 feet; provided, 10% may be 8.5 feet by 18 feet; <u>Parallel parking</u> : 9 feet by 24 feet; <u>Handicapped</u> : 12 feet by 20 feet, or 8 feet by 20 feet, with 8-foot isle.
Minimum isle widths:	<u>90-degree parking</u> - 25 feet; <u>60-degree parking</u> - 18 feet; <u>45-degree parking</u> - 13 feet; <u>parallel parking</u> - 10 feet. Secondary street rights-of-way may be considered as isles for adjacent off-street parking.
Paving and marking requirements:	A parking area, including driveways, containing 10 or more parking spaces shall be surfaced with an all weather impervious material, and spaces shall be marked with painted lines.
Lighting requirements:	A parking area open for night use shall have a minimum of one 9000 lumen overhead light for each 25 parking spaces, or major portion thereof. Exterior lights for parking and all access and service roads on the property shall be oriented away from residential uses and screened to prevent visibility of the light source from a residential structure within 150 feet of the light.
Parking spaces for handicapped persons:	One parking space for handicapped persons shall be provided for each 25 parking spaces, or fraction thereof, except for dwellings of less than 20 units, meeting federal and State requirements, with access to ramps, walkways, and entrances without moving behind parked vehicles.

Description: A parking aisle is a subordinated way in a parking lot between rows of parking spaces that vehicles use to drive into and out of the spaces.

**Chapter 5: SUPPLEMENTAL REGULATIONS
Article IV – Parking**

§ 5-403 Off-street Loading and Unloading Spaces.

Each lot used for commercial or industrial purposes, or multifamily residences with more than 10 units, shall provide off-street space for loading and unloading as follows.

Access:	Each space shall have access from an alley or public street.																											
Dimensions:	Each space shall be a minimum of 12 feet by 40 feet, clear of obstructions.																											
Spaces required:	<table border="0"> <thead> <tr> <th style="text-align: left;"><u>Use</u></th> <th style="text-align: left;"><u>Gross Floor Area [square feet] -</u></th> <th style="text-align: left;"><u>No. of Spaces</u></th> </tr> </thead> <tbody> <tr> <td>Retail business -</td> <td>for each 5,000</td> <td>- 1</td> </tr> <tr> <td>Wholesale, industrial, governmental, institutional, educational, medical, assembly -</td> <td>25,000</td> <td>1</td> </tr> <tr> <td></td> <td>25,001 - 99,999</td> <td>2</td> </tr> <tr> <td></td> <td>100,000 - 159,999</td> <td>3</td> </tr> <tr> <td></td> <td>160,000 - 239,999</td> <td>4</td> </tr> <tr> <td></td> <td>240,000 - 349,999</td> <td>5</td> </tr> <tr> <td></td> <td>each additional 100,000 of fraction</td> <td>1</td> </tr> <tr> <td>Multifamily residence with 10 or more units -</td> <td></td> <td>+ 1</td> </tr> </tbody> </table>	<u>Use</u>	<u>Gross Floor Area [square feet] -</u>	<u>No. of Spaces</u>	Retail business -	for each 5,000	- 1	Wholesale, industrial, governmental, institutional, educational, medical, assembly -	25,000	1		25,001 - 99,999	2		100,000 - 159,999	3		160,000 - 239,999	4		240,000 - 349,999	5		each additional 100,000 of fraction	1	Multifamily residence with 10 or more units -		+ 1
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Chapter 5: SUPPLEMENTAL REGULATIONS

Article IV – Parking

§ 5-404 Parking of Recreation, Commercial, and Unlicensed Vehicles.

- A. No mobile recreation equipment or vehicle shall be parked or stored on any lot in a residential district for more than twenty-four (24) hours, other than in a carport, enclosed building, or rear yard. The Board of Zoning Appeals may grant a variance in case of unnecessary hardship.
- B. No commercial vehicle or trailer exceeding 18 feet in length shall be parked or stored on any lot in a residential district (RS-1, RG-1, RG-2), except for temporary loading or unloading. The Board of Zoning Appeals may grant a variance for vehicles used in home occupations in case of unnecessary hardship.
- C. No vehicle or trailer subject to State licensing which does not display a current license plate shall be parked or stored on any lot in a residential district, except in an enclosed building.

Chapter 5: SUPPLEMENTAL REGULATIONS

Article V – Signs

§ 5-500 Sign Regulations.

The following sign regulations shall apply to signs in all zoning districts.

a. Permit required:	No sign shall be erected, altered or reconstructed without a permit issued by the Zoning Administrator and compliance with all applicable regulations.
b. Materials:	Signs must be constructed of durable materials approved by the Zoning Administrator, and maintained in good condition.
c. Prohibited signs:	<p><u>Signs imitating traffic or emergency signals.</u> No private sign shall be permitted which imitates or gives the appearance of an official traffic or emergency sign or signal.</p> <p><u>Confusing signs.</u> No private sign shall be permitted within twenty-five (25) feet of a public right of way which utilizes flashing, blinking, or moving lights which are distracting to drivers of vehicles.</p> <p><u>Incompatible with residential district.</u> No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination is so designed that it does not shine or reflect light onto such property.</p> <p><u>Off-premises advertising and billboards.</u> Signs advertising off-premises businesses or activities are prohibited (except sport or recreational sponsorship as identified in section 5-501 (j) Sports/Recreational Sponsorship).</p> <p><u>Trees, natural features, etc.</u> No sign shall be painted on or attached to a tree, fence, utility pole, tower, tank, rock or other natural feature.</p> <p><u>Vehicles.</u> Advertising signs painted or placed on a motor vehicle or trailer parked with the primary purpose of providing a sign not otherwise allowed by this ordinance are prohibited.</p> <p><u>Portable.</u> Portable signs are prohibited.</p>
d. Exceptions - permit not required:	<p>A permit is not required for the following signs:</p> <p><u>Traffic.</u> Traffic, directional, street, warning, or information signs authorized by a public agency.</p> <p><u>Official.</u> Official notices issued by a court, public agency or office.</p> <p><u>Temporary.</u> One non-illuminated political campaign, “yard sale,” “for sale,” “for rent,” “for lease,” or similar sign not exceeding 6 square feet in area in a residential district, or 20 square feet in a non-residential district, and located at least 10 feet from a street right-of-way or on the front wall of a building.</p> <p><u>Historic.</u> Historic markers not in the public right-of-way.</p>
e. Roof signs:	Not more than one (1) roof sign structure may be erected on the roof of any one (1) building. No roof sign shall extend more than twenty (20) feet above the peak of the principal roof of a building. No sign shall be painted on a roof.

Chapter 5: SUPPLEMENTAL REGULATIONS

Article V – Signs

f. Construction signs:	One non-illuminated sign, not exceeding one hundred (100) square feet in area displaying the names of the building, contractors, architects, engineers, owners, and financial, selling and development agencies, is permitted on the premises for work involving construction, alteration, or removal. The sign shall be removed from the site within thirty (30) days after completion of the project.
g. Wall signs attached to, projecting from, or painted on the surface of the wall:	<p><u>Front.</u> Total area of signs on the exterior front surface of a building shall not exceed twenty (20%) percent of the front surface or the maximum area permitted by district regulations, whichever is less.</p> <p><u>Side and rear.</u> Total area of signs on the exterior side or rear surface of a building shall not exceed twenty-five (25%) percent of that surface area or the maximum permitted by district regulations, whichever is less.</p> <p><u>Combined.</u> Total area of signs on the combined exterior surfaces of a building shall not exceed the area permitted by district regulations.</p> <p><u>Surface mounted.</u> Flat surface mounted signs may extend not more than twenty-four (24) inches from the wall.</p> <p><u>Projecting.</u> A projecting sign may extend outward from the wall of a building not more than six and one-half (6 ½) feet, but not closer than eighteen (18) inches to the vertical plane at the street curb line. A projecting sign may not extend above the roof line a distance greater than the height of the roof above the ground level. Signs may not project beyond property lines, except over sidewalks in LC and GC districts at a minimum height of ten (10) feet above grade or sidewalk. Signs attached to a canopy over a sidewalk must have a minimum clearance of nine (9) feet above the grade or sidewalk.</p>
h. Temporary subdivision signs:	Temporary signs, not exceeding twenty (20) square feet in area announcing a land subdivision development, are permitted on the premises of the land subdivision not less than ten (10) feet from a street right-of-way or subdivision boundary line and spaced not less than three hundred (300) feet apart. Temporary signs shall be removed when seventy-five (75%) of the subdivision lots are conveyed.
i. Private directional signs:	Off-premises signs, not exceeding six (6) square feet in area and four (4) feet in length, spaced not less than five hundred (500) feet apart, indicating location and direction to property available for or under development may be erected on private property, and may display the names of the owner, developer, builder, or agent.
j. Sign illumination:	Devices illuminating signs shall be placed and shielded in a manner such that the illuminating rays or reflections shall not be directed into any residential district, sleeping room in any district, or public right-of-way.

**Chapter 5: SUPPLEMENTAL REGULATIONS
Article V – Signs**

k. Sign height:	Zoning district height limitations shall apply to signs, except as otherwise specifically provided. Signs within 500 feet of Interstate Highway 77 may be permitted to exceed district height limitations by special exception granted by the Board of Zoning Appeals.
l. Removal of signs	Business signs shall be removed within 60 days after discontinuance of the business advertised. Temporary signs shall be removed within 72 hours after their purpose has ceased to exist. The Zoning Administrator is authorized to remove and dispose of a sign in violation of this section.

Chapter 5: SUPPLEMENTAL REGULATIONS

Article V – Signs

§ 5-501 Permitted Signs.

The following signs are permitted in the districts indicated.

ZONING DISTRICT	PERMITTED SIGNS
<p>R-1, R-2, R-3, R-4, RS-1, RG-1, RG-2, AG</p>	<p>a. Signs for which permits are not required.</p> <p>b. For <u>buildings, other than dwellings, and for multi-family dwellings, hotels, and group dwellings</u>, a single non-illuminated business identification sign or bulletin board not exceeding twenty (20) square feet in area, set back not less than ten (10) feet from a street right-of-way.</p> <p>c. <u>Tourist home</u> non-illuminated sign not exceeding six (6) square feet in area, set back not less than five (5) feet from a street right-of-way.</p> <p>d. Temporary <u>subdivision</u> signs, § 5-500h.</p> <p>e. Private <u>directional</u> signs, § 5-500i.</p> <p>f. <u>Manufactured home park</u> signs in RG-2 not exceeding a combined total of thirty (30) square feet in area.</p> <p>g. One (1) non-illuminated <u>professional or business name plate</u> not exceeding one (1) square foot in area mounted flat against the wall of a building in which a permitted home occupation is conducted.</p> <p>h. One (1) non-illuminated <u>church, institutional, or public facility</u> sign not exceeding twenty (20) square feet in area, set back not less than ten (10) feet from a street right-of-way.</p> <p>I. One (1) illuminated <u>church, institutional, or public facility</u> sign not exceeding eighty (80) square feet in area, set back not less than ten (10) feet from a street right of way, hours of illumination between 8:00 am and 10:00 pm only, and must meet requirements of § 5-500(j). Eff. Date 8-11-03</p> <p>j. <u>Sport/Recreational Sponsorship</u>: Advertising signs painted on or mounted within the confines (surface of a wall, scoreboard or fence) of a sport or recreational facility is permitted.</p>

**Chapter 5: SUPPLEMENTAL REGULATIONS
Article V – Signs**

§ 5-501 Permitted Signs.

LC, GC, ID-1, ID-2, ID-3	<p>a. All signs permitted in rural, residential, and agricultural districts.</p> <p>b. On <u>a lot occupied by a business use</u>: not more than four (4) signs of any type having a total area of not more than six hundred (600) square feet in area. Sign area not exceeding a total of seven hundred fifty (750) square feet may be granted as a special exception by the Board of Zoning Appeals.</p> <p>c. Commercial <u>or industrial uses located on major streets</u> may include in total permitted sign area one (1) business identification pylon sign set back at least ten (10) feet from a street right-of-way.</p> <p>d. Roof <u>and wall signs</u> must meet requirements of § 5-500.</p> <p>e. Illuminated <u>signs</u> must meet requirements of § 5-500j.</p>
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Chapter 5: SUPPLEMENTAL REGULATIONS

Article VI – Sexually Oriented Business (Special Exception #4 General Commercial)

5-600 Sexually Oriented Business Final Reading 8/17/2009)

Purpose and intent.

It is the purpose of this Article to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the County. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Article to condone or legitimize the distribution of obscene material.

Location of sexually oriented businesses; nonconforming uses.

- A. A sexually oriented business may be located only within a GC - General Commercial district as a *Special Exception when authorized as such by the ZBA. A person having a substantial interest in a decision of the Zoning Board of Appeals may appeal a decision as provided under § 7-103 of this code. (Final Reading 7/20/09).*
- B. A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business outside of a designated GC - General Commercial district.
- C. A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within 1,000 feet of:
 - (1) A church;
 - (2) A public or private elementary or secondary school;
 - (3) A boundary of any residential district;
 - (4) A public park adjacent to any residential district;
 - (5) The property line of a lot devoted to residential use;
 - (6) A day care facility.
- D. A person commits a misdemeanor if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.

Chapter 5: SUPPLEMENTAL REGULATIONS

Article VI – Sexually Oriented Business Special Exception #4 General Commercial

- E. A person commits a misdemeanor if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

- F. For purposes of this Article, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.

- G. For purposes of this Article, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

- H. Any sexually oriented business lawfully operating on January 1, 2000 that is in violation of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business is nonconforming.

- I. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private elementary or secondary school, Public Park, residential district, or a residential lot within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

**Chapter 5: SUPPLEMENTAL REGULATIONS
Article VI – Sexually Oriented Business**

(Special Exception #4 General Commercial)

5-601 Definitions.

- A. *Adult arcade* means 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 "certain sexual activities" or "specified anatomical areas."
- B. *Adult bookstore* or *adult video store* means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
- (1) Books, magazines, periodicals or other printed matter, or photographs, films,

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 "certain sexual activities" or "specified anatomical areas."
- C. *Adult bookstore* or *adult video store* means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
 - (2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as 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."

Chapter 5: SUPPLEMENTAL REGULATIONS

Article VI – Sexually Oriented Business

(Special Exception #4 General Commercial)

- D. *Adult cabaret* means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
- (1) Persons who appear in a state of nudity; or
 - (2) Live performances which are characterized by the exposure of "specified
 - (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- E. *Adult motel* means a hotel, motel or similar commercial establishment which:
- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions;
 - (2) Offers a sleeping room for rent for a period of time that is less than 10 hours; or
 - (3) Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than 10 hours.
- F. *Adult motion picture theater* means 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."
- G. *Adult theater* means 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."
- H. *Escort* means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- I. *Escort agency* means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- J. *Establishment* means and includes any of the following:

**Chapter 5: SUPPLEMENTAL REGULATIONS
Article VI – Sexually Oriented Business**

(Special Exception #4 General Commercial)

- K. *Permittee* and/or *licensee* means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.
- L. *Nude model studio* means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- M. *Nudity* or a *state of nudity* means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.
- N. *Person* means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- O. *Semi-nude* means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.
- P. *Sexual encounter center* means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- Q. *Sexually oriented business* means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- R. *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.

**Chapter 5: SUPPLEMENTAL REGULATIONS
Article VI – Sexually Oriented Business**

(Special Exception #4 General Commercial)

S. *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 (a) through c. above.

S. *Substantial enlargement* of a sexually oriented business means the increase in floor areas occupied by the business by more than 25 percent, as the floor areas exist on January 1, 2000.

T. *Transfer of ownership or control* of a sexually oriented business means and includes any of the following:

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

Chapter 5: SUPPLEMENTAL REGULATIONS

Article VI – Sexually Oriented Business (Special Exception #4 General Commercial)

5-602 Classification.

Sexually oriented businesses are classified as follows:

- (1) Adult arcades;
- (2) Adult bookstores or adult video stores;
- (3) Adult cabarets;
- (4) Adult motels;
- (5) Adult motion picture theaters;
- (6) Adult theaters;
- (7) Escort agencies;
- (8) Nude model studios; and
- (9) Sexual encounter centers.

5-603 Permit required.

a. A person commits a misdemeanor if he operates a sexually oriented business without a valid permit issued by the County for the particular type of business.

b. An application for a permit must be made on a form provided by the zoning administrator. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus 6 inches.

c. The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official.

d. If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 10 percent or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a 10 percent or greater interest in the corporation must sign the application for a permit as applicant.

e. The fact that a person possesses other types of state, county, or County permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business permit.

Chapter 5: SUPPLEMENTAL REGULATIONS

Article VI – Sexually Oriented Business (Special Exception #4 General Commercial)

5-604 Issuance of permit and fee/signage

- a. The County zoning administrator shall approve the issuance of a permit to an applicant within 30 days after receipt of an application unless he finds one or more of the following to be true:
 - (1) An applicant is under 18 years of age.
 - (2) An applicant or an applicant's spouse is overdue in his payment to the County of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
 - (3) An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the applicant form.
 - (4) An applicant is residing with a Person who has been denied a permit by the County to operate a sexually oriented business within the preceding 12 months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months.
 - (5) The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.
 - (6) The permit fee required by the ordinance codified in this section has not been paid.
 - (7) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of the ordinance codified in this section.
 - (8) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
- b. The annual fee for a sexually oriented business permit is \$500.00
- c. Signage
 - (1) It shall be unlawful for the owner or operator of any regulated establishment or any other person to erect, construct or maintain any sign for the regulated establishment other than one (1) flat plan, rectangular in shape *primary sign* and one (1) flat plan, rectangular in shape *secondary sign* as provided herein.
 - (2) *Primary* signs shall have no more than two (2) display surfaces. Each such display surface shall not:
 1. Contain any flashing lights;
 2. Exceed 20 square feet in area; or
 3. Exceed ten (10) feet in height

Chapter 5: SUPPLEMENTAL REGULATIONS

Article VI – Sexually Oriented Business (Special Exception #4 General Commercial)

c. Signage (Cont'd)

(3) Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner, and may contain only:

1. The name of the regulated establishment; and/or
2. One (1) of more of the following phrases:
 - a) Adult Bookstore
 - b) Adult Movie Theater
 - c) Adult Cabaret
 - d) Adult Entertainment
 - e) Adult Model Studio
3. Primary signs for adult movie theaters may contain the additional phrase, "Movie Title Posted on Premises."

(4) Each letter forming a word on a primary sign shall be of a solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.

- (5) *Secondary* signs shall have only one display surface. Such display surface shall:
1. Be a flat plane, rectangular in shape;
 2. Not exceed ten (10) square feet in area;
 3. Not exceed five (5) feet in height;
 4. Be affixed or attached to any wall or door of the establishment.

5-605 Inspection

An application of permittee shall permit representatives of the police department, health department, fire department, zoning department, or other County departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business, and it is unlawful to refuse to permit such inspection of the premises at any time it is occupied or open for business.

Chapter 5: SUPPLEMENTAL REGULATIONS

Article VI – Sexually Oriented Business (Special Exception #4 General Commercial)

5-606 Expiration of permit.

a. Each permit shall expire one year from the date of issuance and may be renewed only by making application as provided herein. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the permit will not be affected except for good cause shown.

b. When the zoning administrator denies renewal of a permit, the applicant shall not be issued a permit for one year from the date of denial. If, subsequent to denial, the zoning administrator finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit.

5-607 Suspension of permit.

The zoning administrator may suspend a permit for a period not to exceed 30 days if he determines that a permittee or an employee of a permittee 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 chapter,
- (4) Knowingly permitted gambling by any person on the sexually oriented business premises.

Chapter 5: SUPPLEMENTAL REGULATIONS

Article VI – Sexually Oriented Business (Special Exception #4 General Commercial)

5-608 Revocation of permit.

a. The zoning administrator shall revoke a permit if a cause for suspension occurs and the permit has been suspended within the preceding 12 months for willful and knowing violation of the ordinance codified in this section.

b. The zoning administrator shall revoke a permit if he determines that:

- (1) A permittee knowingly gave false or misleading material information in the application submitted to the zoning department during the application process;
- (2) A permittee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (3) A permittee or an employee has knowingly allowed prostitution on the premises;
- (4) A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
- (5) A permittee 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 premises;
- (6) A permittee is delinquent in payments to the County, county, or state for any taxes or fees past due related to the sexually oriented business.

c. When the zoning administrator revokes a permit, the revocation shall continue for one year, and the permittee shall not be issued a sexually oriented permit for one year from the date revocation became effective. If, subsequent to revocation the zoning administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least 90 days have elapsed since the date the revocation became effective.

5-609 Transfer of permit.

A permittee shall not transfer his permit to another, nor shall a permittee operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application

Chapter 5: SUPPLEMENTAL REGULATIONS

Article VI – Sexually Oriented Business (Special Exception #4 General Commercial)

5-610 Additional regulations for adult motels.

a. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

b. A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit, he rents or sub rents a sleeping room to a person and, within ten hours from the time the room is rented, he rents or sub rents the same sleeping room again.

c. For purposes of this section, the terms "rent" or "sub rent" mean the act of permitting a room to be occupied for any form of consideration.

5-611 Regulations for exhibition of sexually explicit films or videos.

a. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(1) Upon application for a sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The zoning administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

2. The application shall be sworn to be true and correct by the applicant.

3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning Administrator or his designee.

Chapter 5: SUPPLEMENTAL REGULATIONS

Article VI – Sexually Oriented Business (Special Exception #4 General Commercial)

5-611 Regulations for exhibition of sexually explicit films or videos. (Cont'd)

- (4) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
 - (5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
 - (6) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in subsection (5) of this section remains unobstructed by any walls, merchandise, display racks or other materials at all times and in every booth or room in which viewing of videos, as defined in subsection (a) of this section, is taking place the bottom of the door must be at least 18 inches above the floor level, and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (a) of this section.
 - (7) No viewing room may be occupied by more than one person at any time.
 - (8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle as measured at the floor level.
 - (9) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above, is maintained at all times that any patron is present in the premises.
- b. A person having a duty under this section commits a misdemeanor if he knowingly fails to fulfill that duty.

Chapter 5: SUPPLEMENTAL REGULATIONS

Article VI – Sexually Oriented Business Special Exception #4 General Commercial

5-612 Exemptions.

It is a defense to prosecution under this article that a person appearing in a state of nudity did so in a modeling class operated:

- (1) By a proprietary school, licensed by the state of South Carolina; a college, junior college, or university supported entirely or partly by taxation;
- (2) By a private college or university which maintains and operates educational in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (3) In a structure:
 - (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - (b) Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - (c) Where no more than one nude model is on the premises at any one time.

Chapter 5: SUPPLEMENTAL REGULATIONS

§ 5-700 Solar Farms

Definitions:

Solar Farm: an area of land designated for the purpose of producing photovoltaic electricity.

Rural Two (R-2): R2 districts require large parcels for uses, allow more extensive rural and recreational uses, including manufactured homes on individual lots, agricultural and related uses, ranching, recreation and hunting, a variety of government and service uses, and limited business uses.

Chapter 5: SUPPLEMENTAL REGULATIONS

§ 5-701 Solar Farm District and Design Standards Required

1. Solar Farms may be permitted by the Zoning Administrator as a **Conditional Use** in Districts **ID-1: Restricted Industrial** and **ID-2: Limited Industrial** provided all the following conditions are met:
 - a. Site plan shall include:
 - 1) ground level profile drawings of structure;
 - 2) the designed snow, wind and ground loads;
 - 3) buffer requirements;
 - 4) placement of security fence and type
 - b. copy of permit letter from electric service provider;
 - c. copy of DHEC storm water impact study;
 - d. proof that all necessary insurance is in place before land development begins;
 - e. systems, equipment and structures shall not exceed 25 feet in height when ground mounted. Roof mounted systems shall not exceed the maximum height for the applicable zoning district;
 - f. ground mounted solar energy systems as part of a solar farm shall meet the minimum zoning setback in which it is located;
 - g. electric solar system components must have UL listing or equivalent;
 - h. all photovoltaic systems shall comply with the current National Electrical Code; off grid systems shall be exempt from this requirement
 - i. it is the responsibility of the company managing and/or owning the Solar Farm, whether the property is outright owned by the company managing or owning the Solar Farm or whether property is being leased, to remove within twelve months all obsolete or unused systems to include the concrete pads, solar panels, wiring and all related equipment necessary for the operation of the Solar Farm;
 - j. security fence will surround the perimeter of the solar farm with a 6-foot-high woven or barbed wire fence or from the ground up;
 - k. reasonable accessibility for emergency service vehicles shall be required to have a 25-foot easement or right-of-way;
 - l. no signage is allowed on the solar farm fencing except for a sign, not to exceed 32 square feet, displaying the facility name, address and emergency contact information.

§ 5-701 Solar Farm District and Design Standards Required (Cont'd)

2. Solar Farms may be permitted as a **Special Exception** by the **Zoning Board of Appeals** in **R-2: Rural Two**, provided all the following conditions are met:
- a. Site plan shall include:
 - 1) ground level profile drawings of structure;
 - 2) the designed snow, wind and ground loads;
 - 3) buffer requirements;
 - 4) placement of security fence and type
 - b. copy of permit letter from electric service provider;
 - c. copy of DHEC storm water impact study;
 - d. proof that all necessary insurance is in place before land development begins;
 - e. systems, equipment and structures shall not exceed 25 feet in height when ground mounted. Roof mounted systems shall not exceed the maximum height for the applicable zoning district;
 - f. ground mounted solar energy systems as part of a solar farm shall meet the minimum zoning setback in which it is located;
 - g. electric solar system components must have UL listing or equivalent;
 - h. all photovoltaic systems shall comply with the current National Electrical Code; off grid systems shall be exempt from this requirement
 - i. it is the responsibility of the company managing and/or owning the Solar Farm, whether the property is outright owned by the company managing or owning the Solar Farm or whether property is being leased, to remove within twelve months all obsolete or unused systems to include the concrete pads, solar panels, wiring and all related equipment necessary for the operation of the Solar Farm;
 - j. security fence will surround the perimeter of the solar farm with a 6-foot-high woven or barbed wire fence or from the ground up;
 - k. reasonable accessibility for emergency service vehicles shall be required to have a 25-foot easement or right-of-way;
 - l. no signage is allowed on the solar farm fencing except for a sign, not to exceed 32 square feet, displaying the facility name, address and emergency contact information.

§ 6-100 Zoning Administrator.

This ordinance shall be administered and enforced by the Chester County Planning Administrator and staff who shall have all powers and duties authorized by statute, County ordinance, or this Zoning Ordinance for the Zoning Administrator. The duties of the Zoning Administrator shall include:

1. Interpretation of the terms and provisions of this ordinance;
2. Administration of this ordinance by the issuance of permits and certificates, including the collection of authorized fees;
3. Processing applications for appeals to the Board of Zoning Appeals from decisions of the Zoning Administrator, variances and special exceptions;
4. Preparation of the record for appeal to circuit court from decisions of the Board of Zoning Appeals;
5. Maintenance of a current zoning map, amendments to the zoning ordinance, and all public records related to zoning and planning;
6. Enforcement of the zoning ordinance, investigation and resolution of zoning complaints;
7. Administrative assistance to the Board of Zoning Appeals;
8. Such other duties as may be authorized
9. Authority to grant variance, special exceptions and/or temporary arrangements due to individual, specific cases of hardship. Effective 8-11-03

Chapter 6: ADMINISTRATION

§ 6-101 Zoning Permits.

- a. **Permits required.** No building, sign or structure shall be erected, moved, enlarged, altered or demolished without a zoning permit issued by the Zoning Administrator. No zoning permit shall be issued by the Zoning Administrator except for a use which is in conformity with the provisions of this ordinance or for a use authorized by order of the Board of Zoning Appeals.
- b. **Fees for permits.** A fee established by regulation of County Council shall be paid for each zoning permit or certificate of zoning compliance issued by the Zoning Administrator.
- c. **Applications for permits.** Applications for zoning permits shall be accompanied by plans in duplicate drawn to scale showing the actual dimensions and shape of the lot to be used, the sizes and locations of existing structures on the lot, the location and dimensions of a proposed structure or alteration. The application shall include such other information as may be required by the Zoning Administrator to determine conformance with this ordinance, including existing or proposed buildings or alterations, existing or proposed uses of buildings and land, number of families, housekeeping units, rental units, and existing conditions on adjacent property. One copy of the plans shall be returned to the applicant with the signed approval or disapproval of the Zoning Administrator noted on the copy within a reasonable time.
- d. **Expiration of permits.** If the work described in a zoning permit has not begun within six (6) months from the date of the permit, or within the time specified in a special exception, the permit shall expire and be void upon written notice by the Zoning Administrator.

Chapter 6: ADMINISTRATION

§ 6-102 Certificates of Zoning Compliance.

- a. **Certificates required.** It shall be unlawful for any person to use occupy or permit the use or occupancy of any building or property hereafter created, erected, changed, converted, altered or enlarged, in whole or in part, until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the proposed use conforms to the requirements of this ordinance.
- b. **Nonconforming uses or structures.** Uses or structures made nonconforming by this ordinance may not continue without a certificate of zoning compliance issued by the Zoning Administrator which shall state that the use or structure was in existence at the time of adoption or amendment of this ordinance. The certificate of zoning compliance shall specify the features, which are nonconforming, and may be used to establish a vested interest in continuation of the nonconformity. Owners of Mobile Homes, as defined in §1-201 Definitions, must appear before the Zoning Board of Appeals to show cause for the purpose of being issued a variance to allow them to register their nonconforming use for a Certificate of Zoning Compliance at no charge thru June 30th, 2001. *Rev. 4-23-01
- c. **Temporary uses.** Certificates of zoning compliance may be issued and renewed by the Zoning Administrator for permitted temporary uses for the times permitted by zoning district regulations.

Chapter 6: ADMINISTRATION

§ 6-103 Violations.

- a. Misdemeanor; penalties.** It shall be unlawful for any person to use property, or to construct, alter, enlarge or demolish any structure without a permit or permits required by this ordinance. Conviction for violation of this ordinance is punishable as a misdemeanor under the general penalty provisions of the County Code.
- b. Withholding permits.** The Zoning Administrator shall deny a zoning permit for any use or work which fails to comply with this ordinance. The Zoning Administrator or other appropriate official shall withhold all other County permits for work which violates this ordinance.
- c. Complaints.** A written complaint specifying facts showing a violation of this ordinance filed by any person shall be investigated by the Zoning Administrator. Upon determination that a violation has occurred, the Zoning Administrator shall take appropriate enforcement action authorized by this ordinance.
- d. Stop work orders.** The Zoning Administrator is authorized to issue a stop work order pursuant to S.C. Code § 6-29-950(A) requiring work to cease until specified code violations are corrected. Failure to comply with a stop work order of the Zoning Administrator is a misdemeanor punishable under the general penalty provisions of the County Code. Issuance of a stop work order may be appealed to the Board of Zoning Appeals.
- e. Ordinance summons.** The Zoning Administrator is authorized to issue an ordinance summons pursuant to County Code provisions for violations of this ordinance.
- f. Arrest warrant.** The Zoning Administrator, with concurrence of the County Attorney, is authorized to request the issuance of an arrest warrant for violations of this ordinance.
- g. Injunction.** The Zoning Administrator shall submit a request to the County Attorney for institution of a civil action seeking an injunction prohibiting violation of this ordinance when appropriate.

Chapter 6: ADMINISTRATION

§ 6-104 Appeals.

All questions of interpretation and enforcement of this ordinance shall be presented to the Zoning Administrator. Appeals from decisions and actions of the Zoning Administrator shall be made in writing to the Board of Zoning Appeals.

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§ 7-100 Board of Zoning Appeals.

- a. **Board Established.** A board of zoning appeals is hereby established which shall consist of seven (7) members appointed by County Council for staggered terms of four (4) years. A vacancy shall be filled for the unexpired term in the same manner as the original appointment. Members of the board may be removed by Council for cause.

- b. **Officers.** The board shall elect or reelect one of its members as chairperson for a term on one year. The board may elect other officers as provided by its rules of procedure. The board shall appoint a secretary who may be an officer of the County approved by the Supervisor, or a member of the board.

- c. **Rules of Procedure.** The board shall adopt rules of procedure for the conduct of its meetings and hearings. A majority of the board shall constitute a quorum. Meetings of the board shall be held at the call of the chairperson or at such times as the board may determine. Public notice of all hearings shall be published in The Chester News and Reporter and shall be posted on the bulletin board at Chester County Courthouse fifteen (15) calendar days prior to the hearing. Notice of hearings on appeals for variances or special exceptions shall also be posted on or adjacent to property affected fifteen (15) days prior to the hearing, with at least one notice visible from each public street abutting the property. The chairperson may administer oaths and compel attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote by reason of conflict, and shall keep records of its examinations and other official actions filed in the office of the secretary of the board as public records.

§ 7-101 Powers and Duties of Board of Zoning Appeals.

The board of zoning appeals has the following powers:

1. **Appeal from Zoning Administrator.** Any person aggrieved by a decision of the Zoning Administrator may appeal that decision to the board of zoning appeals in writing on a form provided by the Zoning Administrator within fifteen (15) days after the decision becomes a matter of public record by denial or issuance of a permit or the filing of a written decision in the office of the Zoning Administrator. An appeal stays the implementation of the decision of the Zoning Administrator unless he certifies to the board that a stay would cause imminent peril to life or property. The board may affirm or reverse, wholly or in part, or may modify the decision by a written order separately stating findings of fact and conclusions of law.

2. **Variations.** An owner or authorized agent may appeal to the board on a form provided by the Zoning Administrator for a variance from the requirements of the zoning ordinance when the strict application of regulations would result in unnecessary hardship. A variance may be granted if the board makes all the following findings and conclusions in a written order:
 - (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;
 - (d) the authorization of the 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;
 - (e) the effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; and would not 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. In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. Failure to begin or complete an action for which a variance is granted within the time limit specified as a condition of the variance shall void the variance.

Special exceptions. An owner or authorized agent may appeal to the board on a form provided by the Zoning Administrator for a special exception for a use permitted by district regulations as a special exception after review, subject to applicable criteria.

The board shall consider the following factors in determining whether a special exception should be granted, in addition to specific criteria in district regulations:

- (1) traffic impact;
- (2) vehicle and pedestrian safety;
- (3) potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property;
- (4) adverse impact of proposed use on aesthetic character of the area;
- (5) orientation and spacing of improvements or structures.

The board may prescribe appropriate conditions and safeguards to relieve or reduce adverse impact of a special exception and to protect the character of the area.

§ 7-102 Fees for appeals to Board.

A fee of \$150.00 shall be paid for each appeal to the Board of Zoning Appeals from a decision of the Zoning Administrator, for a variance or special exception.

§ 7-103 Appeal to Circuit Court.

A person having a substantial interest in a decision of the board of zoning appeals, or an officer of the County authorized by County Council, may appeal to circuit court by petition for review on grounds that the decision is contrary to law, filed with the clerk of court and secretary of the board within thirty (30) days after the decision of the board is mailed. Within thirty (30) days after receipt of notice of filing a petition, the Zoning Administrator or secretary of the board, with assistance of the County Attorney, shall file with the clerk of court a certified copy of the board proceedings, including a transcript of evidence and findings and conclusions of the board.

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Chapter 8: AMENDMENT

§ 8-100 Initiation of Amendment.

- a. An amendment to the zoning ordinance text or zoning map may be initiated by adopted motion of County Council, adopted motion of the Planning Commission, or the Zoning Administrator. An amendment to the zoning map for changing a zoning district designation of property may be initiated by the owner of the property affected or by an agent authorized by the owner in writing.
- b. An identical amendment to the district designation of the same or a portion of the same property for which a rezoning has been denied shall not be initiated more often than once in each twelve (12) month period after denial unless the planning commission determines either (1) there has been a substantial change in the character of the area, or (2) evidence or factors exist which were not considered in previous deliberations which might substantially alter the basis for the planning commission recommendation.
- c. A zoning map amendment shall be initiated by an owner or agent on an application form provided by the Zoning Administrator, accompanied by required documents and information, and a filing fee established by resolution of County Council.
- d. A complete application for amendment must be received at least thirty (30) days prior to a planning commission meeting in order to be considered at the meeting.
- e. An application for a zoning map amendment may be withdrawn by the applicant without prejudice at any time prior to final reading by County Council.

Chapter 8: AMENDMENT

§ 8-101 Minimum district size.

The minimum area for creation of a new stand alone zoning district shall be as follows:

Rural Two (R-2), Rural Three (R-3), and Planned Development (PD) - 4 acres;

Agricultural (AG) - 8 acres;

All other districts - 2 acres.

The minimum requirement does not apply to extension of an existing district, or addition of any commercial or industrial district to any other commercial or industrial district.

Chapter 8: AMENDMENT

§ 8-102 Amendment Procedure.

The following procedural steps are required for adoption of a text or map amendment:

1. Amendment shall be initiated pursuant to § 8-100.
2. Amendment ordinance shall be prepared in written form required by County Code.
3. Proposed amendment shall be referred to Planning Commission for review and recommendation. The Planning Commission shall conduct a public hearing on the proposed amendment. Review shall include a determination of whether the proposed amendment is in conformity with the comprehensive plan. Planning Commission shall file with County Council its report and recommendation on the proposed amendment within thirty (30) days after the public hearing.
4. Newspaper notice of public hearing before the Planning Commission shall be published in the Chester News and Reporter and shall be posted on the bulletin board at the Chester County Courthouse at least fifteen (15) calendar days prior to the hearing.
5. Notices of public hearing shall be posted fifteen (15) days prior to the hearing on or adjacent to property to be rezoned, with one notice visible from each street bordering the property. Posted notices shall contain letters not less than one (1) inch in height.

The Chester County Planning Department shall notify all property owners located adjacent to the affected property where the proposed zoning change would be to ID1 (Restricted Industrial), ID2 (Limited Industrial), ID3 (General Industrial) from any other category. This notice shall be by first class mail and shall contain a description of the matter to be heard, identify the applicant and the affected property, and indicate the time and place of the hearing. Immediately, adjacent property owners shall mean those persons who own land which physically touches the affected property or is separated from the affected property by any type of right of way, easement or water body. Effective 11/19/07 CC Reading.

6. The Planning commission recommendation shall be reviewed and considered, but it shall not be binding on County Council. If the Planning Commission fails to make its report and recommendation within the prescribed time, the County Council may presume that the recommendation is for approval of the amendment and proceed to act on it.