City of West Columbia

Bridging Past, Present and Future

Zoning Ordinance

2004

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ARTICLE 1
ADOPTON, PURPOSE AND ENACTMENT

100 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 of Laws, Section 6-29-310, et seq. (1994 Supp.).

101 Purpose

The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within the municipalities of the State. In furtherance of this general intent, the regulation of land development by municipalities is authorized for the following purposes, among others, as stated in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, South Carolina Code of Laws, Section 6-29-1120:

(1) to encourage the development of economically sound and stable municipalities;

(2) to assure the timely provision of required roads, utilities, and other facilities and services to new land developments;

(3) to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;

(4) to assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and

(5) to assure, in general, the wise and timely development of new areas, or re-development of areas in harmony with the city's comprehensive plan.

102 Enactment Clause

Pursuant to authority conferred by the S. C. Code of Laws, and to promote the public health, safety, morals, and general welfare, lessen congestion in the streets, secure safety from fire, panic and other dangers, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, and facilitate adequate provision of transportation, water, sewerage, schools, parks and other public requirements in accordance with the City of West Columbia Comprehensive Plan, the city council does ordain and enact into law the following regulations:

(1) dividing the City of West Columbia into districts and establishing the boundaries thereof;

(2) regulating and restricting the height, number of stories and size of buildings and other structures;

(3) regulating and restricting the size of yards, courts, and other open spaces;

(4) regulating and restricting the density of population;

(5) regulating and restricting the location and use of buildings, structures, and land for trade, industry, residence and other purposes;

(6) providing for the method of administration and amendment;

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(7) defining powers and duties of the board of zoning appeals with respect to these regulations;

(8) providing penalties for violations of these regulations;

(9) defining certain terms used herein; and

(10) repealing the previous ordinance.

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ARTICLE 2
SHORT TITLE AND JURISDICTION

These regulations shall be known and may be cited as "The Zoning Ordinance of the City of West Columbia, South Carolina". These regulations shall apply to all land and improvements thereon within the incorporated boundaries of the City of West Columbia, South Carolina.

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ARTICLE 3
DEFINITION OF TERMS USED IN THIS ORDINANCE

300 Interpretation of Words and Phrases

The following rules of construction and interpretation shall apply to the text of this ordinance:

Words used in this ordinance shall have their customary meaning as defined in a standard dictionary, unless they are specifically defined in this ordinance.

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

The word "shall" indicates a mandatory statement; the word "may" indicates a discretionary statement.

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

The word "structure" includes the word "building", and the words "building" or "structure" include any part thereof.

The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other entity usually defined in legal usage as a person.

The words "used" or "occupied", as applied to land or buildings, shall be construed to include the words "intended", "arranged", or "designed" to be used or occupied.

The word "contiguous" as applied to lots or districts shall be interpreted as meaning sharing a common boundary of ten (10) feet or more in length.

301 List of Definitions

Except when definitions are specifically included in the text of this ordinance, words shall be interpreted in accordance with the meaning set forth in this section. Definitions are also included in the following articles or sections of this ordinance:

Section 803	Day care facilities for children
Section 806	Cluster housing development
Section 808	Manufactured homes
Section 809	Sexually oriented businesses
Section 810	Communications towers and antennas
Section 811	Landscape regulations
Section 812	Location standards for assisted housing
Article 9	Sign Regulations

In cases of conflict regarding any definition, the zoning administrator or his/her designee shall rule on any contested definition or on any interpretative meaning of words or phrases used in this ordinance.

Accessory Structure. A structure detached from a principal building located on the same premises and customarily incidental and subordinate to the principal building or use. Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

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Accessory Use. A use of land which is customarily incidental or subordinate to the principal use and is located on the same lot with the principal use. Examples of accessory uses include garages, workshops, playhouses, storage buildings, swimming pools, decks, patios, greenhouses, and other such uses.

Administrative Review. A request for a review of the zoning administrator's or his/her designee's interpretation of any provision of this ordinance by the board of zoning appeals.

Alley. A public or private thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration of Building. Any change in the supporting members of a building, such as bearing walls, beams, columns, or girders, except such change as may be required for its safety; any addition to a building; any change in use or any movement of a building from one location to another.

Apartment. A portion of a building consisting of one or more rooms intended to be used as a residence by an individual or family.

Appeal (or administrative review). A request for a review of the zoning administrator or his/her designee's interpretation of any provision of this ordinance.

Applicant. The owner of land affected by this ordinance or a representative who shall have express written authority to act on behalf of the owner.

Automobile Filling Station. A building or lot having pumps and storage tanks at which fuels, oils, or accessories for the use of motor vehicles are dispersed, sold, or offered for sale at retail and where repair service, if any, is incidental.

Automobile Repair and Service Station. A building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, but excluding auto body repair, auto painting, junk, and/or auto wrecking business.

Bar. See Public drinking place.

Bed and Breakfast. An owner-occupied house or portion thereof, where short-term (no more than a week at a time) lodging rooms and meals are provided. No more than four (4) guest rooms can be available for accommodations and breakfast service in such an establishment at any one time.

Berm. Any hill or slope which represents a change of elevation of at least two (2) feet at slope of between twenty-five percent (25%) and fifty percent (50%) and which is covered with an appropriate stabilizing vegetation.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Board of Appeals. West Columbia Board of Zoning Appeals.

Boarding House. See Rooming and boarding house.

Buffer. Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

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

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

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Building. Any structure attached to the ground having a roof supported by columns or by walls that is designed for the shelter, support, or enclosure of persons, animals, or property of any kind.

Building Line. A line beyond which no foundation, wall, or part of the structure of any building shall project, with the exception of sub-surface projection of footings.

Building Permit. A document or certificate issued by the City of West Columbia authorizing construction, enlargement, alteration, moving, or demolition of a building or structure.

Building, Principal. A building in which is conducted the main use of the lot on which said building is located.

Building Purpose. The type of business identified by SIC Code as defined in the business license application.

Business Services. Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

Carport. See garage.

Certificate of Occupancy. A certificate of approval for occupancy is issued after final inspection of a building by the applicable city official. Such a certificate must be obtained from the city before a building or structure can be lawfully occupied.

Change of Use. Any use that substantially differs from the previous use of a building or land.

Check cashing operations. Any person or entity engaged in the business of cashing checks, drafts, or money orders for a fee, service charge, or other consideration.

Church. Any building or structure, or group of buildings or structures that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Club, Lodge, Civic or Fraternal Organization. An incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, but not including shooting clubs, operated for the benefit of their members and not open to the general public.

Cluster Housing Development. Attached or detached single family residences permitted in certain districts with reduced lot sizes, building setback and lot coverage in order to create a larger open space for common usage by residents of the cluster housing development.

Commercial and Industrial Vehicles. Trucks, truck tractors, semi-trailers and straight body trucks.

Commerical kennels. A commercial establishment in which five (5) or more dogs or cats aged six (6) months or older, are boarded or bred. The sale of these animals may be a part of the kennel use. Pet stores, pet grooming establishments and veterinarian hospitals are not classified as commercial kennels.

Common Ownership. Ownership by the same person, corporation , firm, partnership or unincorporated associations; or ownership by different corporations, firms, partnerships, entities, or individuals.

Community Residential Care Facility. A facility which offers room and board and which provides a degree of personal assistance for a period of time in excess of twenty-four (24) consecutive hours for two or more persons, eighteen (18) years old or older unrelated to the operator within a third degree of consanguinity. Included in this definition is any facility (other than a hospital), which offers or represents to the public that it offers a beneficial or protected environment specifically for the mentally ill or drug addicted or alcoholic, or provides or purports to provide any specific procedure for the cure or improvement of that disease or condition. Community residential care

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facilities must meet the requirements listed in the SCDHEC Regulation Number 61-84 "Standards for Licensing Community Care Facilities".

Convenience Store. Any retail grocery store that may have one or more of the following characteristics: is under 4,000 square feet in area; requires a beer and wind license; is open more than fifteen (15) hours a day.

Comprehensive Plan. Any legally adopted part or element of the Comprehensive Development Plan of the City of West Columbia, South Carolina and its environs. This plan may include, but is not limited to, the Zoning Ordinance, Land Development Ordinance, Community Facilities Plan, Capital Improvement Plan and Land Use Plan.

Court. An open space that may or may not have a direct street access and around which is arranged a single building or group of related buildings.

Day Care Facility. A state licensed facility providing care, supervision, or guidance for unrelated persons, unaccompanied by their parent or guardian, on a regular basis for periods of less than 24 hours per day. This definition includes family day care, group day care, child day care centers, and adult day care centers, but does not include educational facilities for grades one and above, day care services operated for employees of a business, or summer camps or schools.

DHEC. South Carolina Department of Health and Environmental Control.

Display Area or Lot. Any un-enclosed area for the display of merchandise

District. A part, zone, or geographic area within which the provisions and regulations of this ordinance apply uniformly to each class or kind of structure or land.

Drive-in Restaurant. Any eating or drinking establishment which, by its structural design, site characteristics, or manner of food service encourages consumption of food or beverages in automobiles on the premises or upon public streets adjacent thereto.

DSS. South Carolina Department of Social Services.

Dwelling. Any building used or intended for human habitation, including any permitted home occupation, but excluding hotels, motels, boarding houses, and tourist courts.

Dwelling, Single Family. A dwelling unit, other than a manufactured home, designed for or occupied exclusively by one family on a single lot.

Dwelling, Single Family Detached. A building containing not more than one (1) dwelling unit, not physically attached to any other principal structure and specifically excluding manufactured homes.

Dwelling, Two Family (Duplex). A detached dwelling, other than a manufactured home, containing two (2) separate dwelling units, commonly known as a duplex. These dwellings may be rental units or owner-occupied, and generally the common areas are under one roof.

Dwelling Unit. A room or rooms, connected together, constituting a separate independent housekeeping establishment for a family, for owner occupancy or rental, lease, or other occupancy on weekly or longer terms, physically separated from any other rooms or dwelling units that may be in the structure and containing its own independent kitchen and sleeping facilities. Dwelling units available for rental occupancy for periods of less than one (1) week shall be construed to be lodging units.

Easement. A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

Enlargement. An increase in the size of an existing structure or use, including physical size of the property, building,

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parking, and other improvements.

Establishment. Any use of a building other than for residential purposes.

Family. An individual or two (2) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, or a group of not more than five (5) persons who need not be related by blood or marriage.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Financial institution. An institution that manages money, banking, investments, loans, and credit. The following businesses are not a financial institution: bail bonds, check cashing operations, pawn shops, pay day loan businesses, or title loan businesses.

Floor Area, Residential. The gross horizontal areas of the several floors of a dwelling, exclusive of carport, garages, basement, storage areas with only outside access and open porches, measured from the exterior faces of the exterior walls of a dwelling.

Foster Homes. A foster home provides substitute family care for a child or children by a family group consisting of a male and female foster parent other than the child's own parents, blood relatives or legal guardian, in return for a monetary remuneration for such care. A foster home must be authorized or licensed by the Lexington County Department of Social Services. Church sponsored homes, and others to be considered as a foster home under the provisions of this ordinance, and any unauthorized or unlicensed use shall be prohibited. In no case shall more than two (2) foster children be housed in a single bedroom or room designated for sleeping purposes. There shall be no more than five (5) foster children in a home.

Garage. A covered structure intended to provide shelter for passenger vehicles that is accessory to use in these structures: houses, attached house, duplexes, or manufactured homes. It includes carports which are generally open on three or more sides. A garage may be attached to or detached from another structure.

Gasoline Station. Any building, land area, or other premises or portion thereof, used for the retail dispensing or sales of vehicular fuel. See "service station."

Grading. Any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

Group Commercial or Industrial Developments. A single lot containing more than one (1) building used for commercial or industrial purposes and all the structures thereon.

Group Home. An institution in a single family dwelling providing room, board, and some personal assistance in feeding, dressing, or other living activities for nine or fewer individuals not related to the operator. Group homes may include housing for mentally or physically disabled persons, but this definition does not include hospitals, sanitariums, rest homes, convalescent homes, boarding homes, or homes for orphans or the aged.

Group Housing Development. A single lot of record upon which is erected more than one (1) building containing dwelling units, and all the structures thereon; or a single lot upon which is erected a single structure designed to contain more than four (4) dwelling units on the first floor level thereof or designed to contain more than eight (8) dwelling units throughout; except that high-rise apartments are not defined as group housing developments.

Height of Building. The vertical distance measured from the mean finished ground level adjoining the building to the highest point of the roof.

High-rise Apartment. Any building which contains not less than twenty (20) dwelling units and exceeds five (5)

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stories or fifty (50) feet in height.

High-rise Structure. Any building which exceeds five (5) stories or fifty (50) feet in height.

Historic Structure. Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the U. S. Department of the Interior [DOI]) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on the State Inventory of Historic Places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved state program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the state or local inventories may not be "historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the potential for meeting "historic" structure criteria of the DOI. In order for these structures to meet historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined that the structure or district meets DOI structure criteria.

Home Occupation. A customary occupation, profession, or trade carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the dwelling unit.

Hotel or Motel. A facility offering transient lodging accommodations to the general public and often providing additional services such as restaurants, meeting rooms, and recreational facilities.

Industrial, Heavy. Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites; open storage and service areas; extensive service and facilities; ready access to regional transportation; normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

Industrial, Light. Wholesaling, distribution, retailing storage, processing, light manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within open or enclosed structures, and generating no nuisances.

In-Home Adult Day Care Center. A facility that provides supervision, therapy, and social development activities for no more than six (6) impaired adults in the home of the proprietor, licensed according to regulations by DHEC.

Intensity of Use. The amount or magnitude of a use on a site or allowed in a zoning district. Generally measured by floor area, it may also be measured by such things as number of employees, amount of production, trip generation, or hours of operations.

Junk. Any scrap, waste, reclaimable material, or debris, whether or not stored for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use of disposition.

Junk, Salvage, Scrap, or Wrecking Yards. Any use involving storage or processing of inoperable, disused, dismantled, or wrecked vehicles, equipment, or machinery or the storage or processing of scrap metal, waste paper, rage, food processing wastes, construction wastes, industrial wastes, secondhand materials, or other scrap, salvage, waste, or junk materials.

Lot. A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon.

Lot Area. A total area within the lot lines of a lot, excluding any street right-of-way.

Lot, Corner. A lot located at the intersection of two (2) or more streets. A lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of

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the lot (or an extension of a lot where it has been rounded by a street radius) meets at an interior angle of less than 135 degrees.

Lot, Coverage. The area of the lot, which when viewed directly from above would be all the ground level floor area of principal and accessory buildings and floor provided that such an enclosure is not built so as to render that structure in violation of the provisions of this ordinance.

Lot Frontage. The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided upon that basis. The phrase "street frontage" shall be interpreted to have the same meaning as the phrase "lot frontage".

Lot, Interior. A lot other than a corner lot with only one (1) frontage on a street.

Lot Line. A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

Lot Line, Rear. The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot of Record. An area of land clearly defined by plat or by metes and bounds description recorded with the Register of Deeds of Lexington County.

Lot, Reversed Frontage. A lot that is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot or an interior lot or rarely a through lot.

Lot, Through. A lot other than a corner lot with frontage on more than one (1) street other than an alley. Through lots with frontage on two (2) streets may be referred to as double frontage lots.

Lot, Width. The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width; in the case of lots fronting on a cul-de-sac, the width between side lot lines at their foremost points shall not be less than twenty-five (25) feet.

Lowest Floor. The lowest floor of the lowest enclosed area. Any finished or flood resistant enclosure, usable solely for parking vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor.

Medically Related Offices. Offices for the therapeutic, preventative, or corrective personal treatment of people normally performed by physicians, dentists, or other practitioners as well as medical testing and analysis services. Not included in this definition would be facilities providing extended or inpatient care.

Miniwarehouse. A building or group of buildings on a fenced, controlled access lot which contains individual locked compartments for storage of personal property.

Mixed Use Development. The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Noncommercial kennels. The premises of any person who keeps more than three dogs on the premises. Pet stores, pet grooming establishments, veterinarian hospitals, and commercial kennels are not classified as noncommercial kennels.

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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 ordinance, but which are prohibited by this ordinance or which are not in compliance with the requirements of this ordinance.

Off-street Loading. Designated areas located adjacent to buildings where trucks may load and unload cargo.

Overlay District. A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

Park. An area or facility intended to be used for recreation, exercise, sports or similar activities or an area intended to enhance the enjoyment of natural features or natural beauty, but specifically excluding commercially operated amusement parks.

Parking Area. A public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

Parking Lot. An off-street, ground level open area, usually improved for the temporary storage of motor vehicles.

Parking, Off-street. An area adequate for an automobile with room for opening doors on both sides, together with properly related access to a public street arranged so that no maneuvering incidental to parking shall be on any public street and so that an automobile may be parked or unparked therein without moving any other automobile.

Parking Space. An area which is sufficient in shape and size for parking one motor vehicle.

Pawn Shop. An establishment that lends money at a legally specified rate of interest on an article or articles of personal property left with the licensed pawnbroker as security.

Payday loan businesses. Any person or entity engaged in the business of providing currency or a payment instrument in exchange for a person's check or agreement to provide access to a drawer's account in a financial institution and agreeing to hold that person's check or maintain rights to access a drawer's account for a period of time prior to presentment, deposit or redemption.

Person. Any individual, proprietorship, partnership, corporation, association, or other legal entity.

Personal Services. Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. These include the following: laundries, beauty and barber shops, shoe repair, and health clubs.

Planned Unit Development. An area of land, in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans. See Section 709 for more details.

Planning Commission. The Planning Commission of the City of West Columbia, South Carolina.

Principal Structure. A structure (or building) having significant or primary uses and justifying its own utilization (such as a dwelling or office building) as contrasted to accessory structures which are incidental or subordinate to primary structures and do not alone justify their utilization (such as a tool shed or auto garage used in conjunction with a dwelling). Certain structures may be either principal or accessory depending upon utilization, such as a parking garage as an accessory structure to a high-rise apartment or as a principal structure when operated commercially in a business area.

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Principal Use. The significant or primary activity carried out within a structure or upon land (such as retail sales within a store or occupancy of a dwelling unit as a residence) as contrasted to accessory uses which are incidental or subordinate to primary uses (such as sale of soft drinks at an automobile service station). Certain uses may be either principal or accessory, depending upon their relationship with other uses, as for example a newsstand as an accessory use within a hotel lobby or as a principal use within a separate structure.

Private Club. A non-profit organization created to provide recreational or cultural opportunities, including golf clubs, country clubs, tennis clubs, swimming clubs, lodges and similar activities. For-profit businesses are not included.

Private Road. A road is private unless its right-of-way has been dedicated to and accepted by the state or the governing authority of the state, county or city.

Prohibited Use. A use that is not permitted in a zoning district.

Public Drinking Place. An establishment engaged in the retail sale of drinks, such as beer, ale, wine, liquor or other alcoholic beverages for consumption on premises, and where the sale of food amounts to less than fifty percent (50%) of the total receipts of such establishment.

Public Hearing. A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

Public Road. This means, relates to, and includes the entire right-of way of roads, avenues, boulevards, streets, highways, freeways, lanes, courts, thoroughfares, collectors, minor roads, cul-de-sacs and other ways considered public and both dedicated to and accepted by the state, county or municipal government.

Recreational Vehicle. A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d), designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. A recreational vehicle shall not be considered a permanent dwelling, and this definition shall not include manufactured homes.

Recreational Vehicle Park. A site with improvements and utilities for the temporary parking of three (3) or more recreational vehicles for periods not to exceed ninety (90) days, which shall include services and facilities for the recreational vehicle owner. Manufactured homes are expressly prohibited.

Residence. Same as "dwelling unit."

Restaurant. An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Retail Liquor Store. A store that sells liquor for off-premise consumption only and is referred to as a Package, ABC, or Red Dot store.

Retail Sales. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Excluded from this definition are "convenience stores".

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or other special use. An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.

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Road Frontage. Any strip of land adjacent to a public road right-of-way.

Rooming and Boarding Houses. Any dwelling, other than a hotel or motel, in which three (3) or more persons who are not members of the owner's or operator's family are housed or lodged in rooms used or intended to be used for living and sleeping, but not for cooking or eating purposes, for compensation, with or without meals being provided. Any dwelling in which such accommodations are offered in ten (10) or more rooms shall be considered to be a hotel or motel.

Salvage Yard. Same as "junk yard."

Satellite Dish Antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia, Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrial and/or orbital based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations and satellite microwave antenna.

Scrap Yard. Same as "junk yard."

Screen Fence or Wall. For the purposes of the landscaping requirements, any structures which stands at least six (6) feet at its lowest point is between sixty-seven percent (67%) and one hundred percent (100%) opaque and is designed and constructed as a permanent improvement for the purpose of blocking view.

Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Service Station. A retail establishment designed to provide fuel, tires, minor adjustments, repairs and lubrication services to automobiles, trucks, and motorcycles. Service stations may include the limited sale of groceries and household goods and may provide auto washing services, but may not involve the storage of wrecked or dismantled vehicles or parts.

Setback Line. The setback line is the same as the depth or width of any required yard. Note that such line defines the minimum distance between any structure and an adjacent lot boundary and is not necessarily the same as the building line, which is the distance between the actual structure and an adjacent lot boundary.

Shopping Center. A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements and landscaping and signage in accordance with an approved plan.

Sight Triangle. See "visibility triangle".

Site Plan. The development plan for one or more lots in which is shown the existing and proposed conditions of the lot including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation, utility services; structures and buildings, signs and lighting, berms, buffers and screening devices, surrounding development and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Solar Energy System. A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used) and components for the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system). Passive solar energy systems are included in this definition.

Solar Sky Space. The space between a solar energy collector and the sun that must be free of obstructions that shade the collector to an extent which precludes its cost effective operation.

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Solar Sky Space Easement. A right, expressed as an easement, covenant, condition, or other property interest in any land or other instrument executed by, or on behalf of any land owner that protects the solar sky space of an actual, proposed, or designated solar energy collected at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy.

Special Exception. A use permitted in a particular zoning district upon showing to the board of zoning appeals that such use, if
in a specified location, complies with all the conditions and standards for the location or operation of the use as specified in this ordinance and authorized by the board of zoning appeals. The board of zoning appeals, before authorizing such use, shall find that the location and operation of the proposed use shall not be detrimental to adjoining land or land use.

Street. A public thoroughfare designed to provide the principal means of access to abutting property or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.

Street Line. The dividing line between a lot, tract, or parcel of land and a contiguous street right-of-way.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground including, for purposes of this ordinance, carports, decks, mobile homes, travel trailers, signs, mobile signs, and portable signs, but excluding from definition as structures minor landscaping features such as ornamental pools, planting boxes, bird baths, paved surfaces, walkways, driveways, recreational equipment, flagpoles and mailboxes.

Substantial enlargement. An enlargement over 25 percent of the existing area of a building.

Thoroughfare: Any major arterial road; one of the principal routes into and through the community.

Title loan businesses. Any person or entity engaged in the business of making a nonpurchase money consumer loan with an original repayment term of less than one hundred and twenty (120) days and secured by a motor vehicle. This does not include a loan made by a financial institution.

Transfer of Ownership Control. Includes any of the following:

(a) the sale, lease, or sublease of the business;
(b) the transfer of securities which constitute a controlling interest in the business whether by sale, exchange, or similar means;
(c) 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.

Transient. Shall refer to a structure that is not permanent in nature. Such uses are temporary and are not intended to stay in place for more than ninety (90) consecutive days.

Travel or Camping Vehicle. A vehicular portable structure designed as a temporary dwelling for travel or recreational uses not exceeding thirty five (35) feet in length.

Truck, Straight Body. Single vehicle straight body truck with a cab section.

Truck, Tractor Trailer. Combination and semi vehicles consisting of a single or double axle tractor.

Variance. A waiver from compliance with a specific provision of this ordinance granted by the board of zoning appeals to a particular property owner because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of the provisions of the ordinance.

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Video Game Establishment. An establishment owned or managed by a person that is subject to the provisions of the S. C. Code of Laws, as amended, for the location of coin-operated non-payout video machines with a free play feature. Once legal, video game establishments are currently illegal under South Carolina law.

Video Game Machine. An electronic or computerized amusement and arcade machine, device, or table that upon insertion of cash, or thing of value is available to play or simulate the play of games as authorized by the Department of Revenue using a video display and microprocessors in which the player may receive free games, credits, or thing of value that can be redeemed for cash or thing of value.

Video Machine Owner. Any person who maintains for use or permits the use of a video game machine of any video game establishment.

Video Poker Establishments. Any establishment wherein one or more electronic video game machines that, upon insertion of a coin or cash or tokens purchased for coins or cash, are available to play or simulate the play of games utilizing a video display and microprocessors in which a player may receive free games or credits that can be redeemed for cash. Any establishment wherein any device authorized under Section 16-19-60, S. C. Code, (1976, as amended) may be located. Video poker machines shall not be considered as an accessory use to another use and shall not be permitted as home occupations. Once legal, video poker establishments are currently illegal under South Carolina law.

Visibility Triangle. The triangular horizontal area formed by intersecting right-of-way lines of roadways or the intersection of right-of-way line of a roadway and the edge of a driveway, and a line connecting points located on those lines fifteen (15) feet from the point of intersection in commercial and manufacturing districts and twenty-five feet from the point of intersection in residential districts. See Section 606 for specific application.

Wrecking Yard: Same as “junk yard”.

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

Yard, Front. An open, unoccupied space on the same lot of record with the principal building extending the full width of the lot between the principal building and the front lot line and measured perpendicular to the building to the closest point of the front lot line.

Yard, Rear. An open, unoccupied space on the same lot of record with the principal building extending the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, Side. An open, unoccupied space on the same lot of record with a principal building, situated between the building and the side lot line and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

Zone. A specifically delineated area or district within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

Zoning Administrator. The person appointed by the city administrator to administer the zoning ordinance.

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ARTICLE 4
ESTABLISHMENT OF DISTRICTS

400 Division of city into districts

For the purpose of this ordinance, the City of West Columbia, South Carolina, is divided into eleven (11) districts and designated as follows:

D	Development	agricultural, residential, transitional
R-1	Residential	high density - multi-family, duplex and single family
R-2	Residential	medium density - duplex and single family
R-3	Residential	low density - single family
R-4	Residential	low density - single family on large lots
C-1	Commercial	intensive commercial
C-2	Commercial	general commercial
C-3	Commercial	restricted commercial
LM	Manufacturing	light manufacturing and distribution
HM	Manufacturing	heavy manufacturing
PUD	Development	planned unit development

401 District boundaries

The boundaries of the above districts are hereby established as shown on the map entitled "Zoning Map of West Columbia, South Carolina". The map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. The official copy of the zoning map of West Columbia shall be maintained in the office of the zoning administrator or his/her designee. A duplicate copy shall be maintained in the office of the municipal clerk. All zoning district boundaries shall be clearly shown on the zoning map, and amendments to the map shall be recorded immediately after adoption. The official copies of the zoning map shall be dated and attested by the municipal clerk, and shall be available for public inspection. The official zoning map and any amendments adopted by West Columbia City Council shall constitute the final authority for determination of district boundaries. It shall be unlawful for any person to make unauthorized changes to the zoning map.

402 Zoning maps other than official copy

Any copy of the official map of the City of West Columbia zoning classifications, other than the "official copy", is in no way warranted as correct at any time. The "official copy" shall always be the copy used for interpretation by the zoning administrator or his/her designee, the planning commission, the board of zoning appeals and the city council. The "official copy" shall be used in any court proceedings.

403 Rules for determining zoning district boundaries

Where uncertainty exists as to the boundaries of any zoning districts, the following general rules of interpretations shall apply. It is the duty of the zoning administrator or his/her designee to interpret the location of zoning district boundaries. An appeal from an interpretation of finding of the zoning administrator or his/her designee may be taken to the board of zoning appeals.

403.1 Where boundaries approximately follow streets, highways or alleys. District boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.

403.2 Where boundaries approximately follow platted lot lines. District boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

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403.3 Where boundaries approximately follow city limits. District boundaries indicated as approximately following city limits shall be construed as following such city limits.

403.4 Where boundaries follow railroad lines. District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

403.5 Where boundaries follow stream beds or other bodies of water. District boundaries indicated as following stream beds or other bodies of water shall be construed to follow such center lines.

403.6 Where boundaries approximately follow flood lines. Supplementary floodplain and floodway boundaries indicated as following the U.S. Army Corps of Engineers one hundred (100) year floodplain or floodway line shall be construed to follow such lines.

403.7 Where boundaries approximately parallel or are extensions of above features. District boundaries indicated as approximately parallel to or extensions of features indicated in subsections above shall be so construed and at such distance therefrom as indicated on the official copy of the zoning map. Distances not specifically indicated on the official copy of the zoning map shall be determined by the scale of the map.

404 Lots divided by district boundaries

When a district boundary line as appearing on the zoning map divides a lot in single ownership at the time of the adoption of this ordinance, or subsequent amendment, into two or more different districts, the board of zoning appeals may permit, as special exception, the extension of the regulations for either portion of the lot, not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

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ARTICLE 5
APPLICATION OF REGULATIONS

Within each zoning district, the regulations set forth by this ordinance shall apply uniformly to each class or kind of structure or land. In their interpretations and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, or general welfare.

500 Zoning affects all lands, buildings, and structures

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

501 Height and density

No building or other structure shall hereafter be created or altered to:

(1) Exceed the height limitation;
(2) House a greater number of families or occupy a smaller lot area per family or occupy a greater percentage of lot area;
(3) To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or
(4) In any other manner be created or altered to be contrary to the provisions of this ordinance.

502 Yard space to one building

No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

503 One principal building to a lot

Only one principal building and its customary accessory building(s) may hereafter be erected on any lot of record, except as otherwise provided by this ordinance. See section 801 for exceptions permitting group developments.

504 Reduction of lot area

No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in size so that the lot width or depth, front, side, or rear yard, lot area per family or other requirements of this ordinance, are not maintained, except as allowed in Section 709 - Planned unit development and Section 806 - Cluster housing development.

No lot shall hereinafter be created or altered which is below the applicable district minimum requirement.

505 Street Frontage

No principal building shall be erected on any lot which does not have immediate frontage on at least one (1) public street or road for a distance of not less than fifty (50) feet, except as allowed in Section 801 - Group housing development.

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506 Inspection of required buffers

In the event a screening wall, fence, planted dividing strip, or any other type of buffer is required by the ordinance for any use or is required by the board of zoning appeals, such screen, wall, etc. will be subjected to periodic inspections by the zoning administrator or his/her designee to determine that such required walls, fences, etc., are being properly maintained. In the case of landscaping, all planted material shall be maintained in a healthy, growing condition, neat and orderly in appearance. Failure to maintain such required walls, fences, etc. to an acceptable standard as determined by the zoning administrator or his/her designee may be deemed to be a violation of this ordinance.

507 Compatibility with other ordinances

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 highest standards shall apply.

508 Rights-of-way

Public rights-of-way or private easements for streets and roads shall not be considered as a part of a lot or open space, or front, rear, or side yard setback for the purpose of meeting lot dimensions or area or setback requirements.

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ARTICLE 6
GENERAL PROVISIONS

600 Nonconforming uses

Within the districts established by this ordinance, or by amendments which may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited or regulated and restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, reconstructed to continue nonconformity after major damage, or used as grounds for adding other structures or uses prohibited elsewhere in the same district. However, Article 9 regulating signs has specific requirements that must be met over and above those contained herein.

601 Continuance of nonconforming uses, structures or characteristics of use

601.1 Change to another nonconforming use. A nonconforming use, structure or characteristic of use shall not be changed to any other nonconforming use, structure or characteristic or use unless the board of zoning appeals finds that the new use, structure or characteristic of use is more in character with the uses permitted in the district; in which case, the board of zoning appeals may permit such change as a special exception. In permitting such change, the board of zoning appeals may require appropriate conditions and safeguards in accord with the purpose of this ordinance.

601.2 Conversion of use on nonconforming lots. The minimum yard requirements of this ordinance shall not be construed as prohibiting the conversion of an existing building which does not meet the minimum yard requirements to another permitted use, so long as no further encroachment is made into the required yards.

601.3 Reconstruction. A nonconforming structure or structure containing a nonconforming use shall not be demolished and rebuilt as a nonconforming structure or structure containing a nonconforming use.

601.4 Extension or enlargement. A nonconforming use, structure or characteristic of use shall not be extended, enlarged or intensified except in conformity with this ordinance, provided, however, that any 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 no such use shall be extended to occupy any land outside such building.

601.5 Re-establishment. A nonconforming use, or characteristic of use, shall not be re-established after vacancy, abandonment, or discontinuance for any period of twelve (12) consecutive months, except where Section 601.6 applies. This provision shall not apply to any accessory apartment existing at the time of the adoption of this ordinance. "Accessory apartment" is defined as a self-contained housing unit incorporated within or accessory to a single family dwelling complete with its own sleeping, cooking, and sanitary facilities and a separate means of egress, which is located within a zoning district that permits residential use as a principal use. A use as an accessory apartment within these districts may be re-established after vacancy, abandonment, or discontinuance.

601.6 Reconstruction after damage. A nonconforming structure or structure containing a nonconforming use shall not be rebuilt, altered or repaired except in conformity with this ordinance after sustaining damage exceeding fifty percent (50%) of the replacement cost of the structure at the time of damage, provided that any permitted reconstruction shall begin within six (6) months from the time of damage and shall be completed within six (6) months after the issuance of a building permit. A nonconforming use shall not be reestablished in a structure that has sustained damage exceeding fifty percent (50%) of the replacement cost

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of the structure at the time of damage.

602 Repair or maintenance of nonconforming structures

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

603 Nonconforming lots of record

603.1 Single lots. 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 at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

603.2 Adjoining lots. If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption or amendment of this ordinance and such lots individually are too small to meet the yard, width or area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of this ordinance.

604 Temporary nonconforming uses

A temporary use permit may be issued by the zoning administrator or his/her designee for an appropriate period of time not to exceed twelve (12) month increments for nonconforming buildings, structures or uses incidental to building construction or land development or deemed to be generally beneficial, provided that the owner of such temporary nonconforming use agrees to remove the temporary nonconforming use upon expiration of the permit.

605 Annexation

605.1 Designation of Zoning Classification. When annexation is accomplished, the city council shall specify an
interim zoning district classification or classifications in the annexation ordinance, with such classification or classifications to become effective upon the effective date of the annexation.

605.2 Amendment proceedings to be initiated. Immediately after the effective date of any annexation, the zoning administrator or his/her designee shall initiate zoning amendment proceedings as specified by Article 10 for purposes of establishing or confirming appropriate zoning classifications for such annexed area, and the public hearing therefor shall be scheduled to be held not more than sixty (60) days after the effective date of annexation, further provided that the proposal to be brought before such hearing shall be to change all or part of such annexed area to classifications as requested by the owner or as recommended by the planning commission, to be determined by the planning commission.

606 Visibility at intersections (Visibility triangle)

606.1 Sight clearance to be maintained. At each corner or each street intersection, a sight area shall be maintained. Within the sight area no fence, wall, sign or other structure, no slope or embankment, no parked vehicle, no hedge, foliage or other planting, and no other object or structure shall be placed, erected

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or maintained which will obstruct visibility within the sight area.

606.2 Dimensions of sight areas. The horizontal dimensions of sight areas are defined as triangular areas formed by the intersecting right-or-way lines at points which are fifteen (15) feet distant from the point of intersection of the right-of-way lines in commercial and industrial districts and twenty-five (25) feet distant from the point of intersection of the right-of-way lines in residential districts, measured along the right-of-way lines. Such sign areas shall be established regardless of the angles of intersection of the right-of-way lines. The vertical dimensions of sight areas are defined as that vertical space between the heights of two and one half (2 ½) feet and ten (10) feet in elevation above the nearest edge of street pavement of a paved street or above the nearest edge of riding surface of an unpaved street.

607 Accessory buildings

No accessory building shall be erected in any required yard except as herein provided, and no separate accessory buildings shall be erected within five (5) feet of any other building.

608 Buildings and lot to have access

Every building hereafter erected or structurally altered shall be on a lot adjacent to a public street or on a lot adjacent to a private street which meets all standards of the Land Development Regulations of the City of West Columbia. However, no private street or driveway shall be provided to commercial or industrial districts through any residential district established by this ordinance.

609 Structures in required yards

The general definition of "yards" as set forth in Section 301 states that yards are unoccupied and unobstructed by a structure or portion of a structure from thirty-six (36) inches above the finished grade level of the ground upward. Structures are not defined to include minor landscaping features such as ornamental pools, bird baths, paved surfaces, walkways, flagpoles, and mailboxes.

609.1 Steps and open porches without roofs shall be allowed in any required yard.

609.2 Eaves, cornices, gutters, and other minor architectural features projecting less than eighteen (18) inches from the main portion of a building shall be allowed to project into any yard.

609.3 In C-2, LM, and HM districts, structures and devices incidental to servicing, and roofs over such structures and devices are permitted within required front yards, provided that they do not constitute a substantial impediment to visibility across such yards which would contribute to the creation of traffic hazards, and further provided that servicing operations in connection therewith can be conducted so as not to interfere with public use of adjacent sidewalks or public streets.

609.4 No fence or wall shall be permitted in any required front yard which substantially impedes vision above a
height of thirty-six (36) inches, except as provided for C-2, LM, and HM districts in 609.3 above.

609.5 Screening walls, fences, and hedges over thirty-six (36) inches in height that substantially impede vision may be permitted in a required front yard as a special exemption, however, screening walls, fences, and hedges not over seven (7) feet in height are permitted outright in side and rear yards, provided no screening wall or fence in excess of five (5) feet is permitted within six (6) feet of a residential structure on adjacent property. Height in excess of seven (7) feet must be approved by the board of zoning appeals as a special exception.

609.6 Retaining walls in excess of thirty-six (36) inches in height may be permitted as a special exception

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in any yard, however, retaining walls that do not project more than thirty-six (36) inches above the grade level at the property lines of adjoining lots are permitted outright.

609.7 Signs are permitted to encroach upon required yards in certain instances as set forth in Article 9.

609.8 Screening between commercial or industrial uses and lots zoned residentially, as required by Section 805 of this ordinance, is permitted in a required yard.

609.9 Also permitted to project into required yards from a principal or accessory structure is apparatus needed for the operation of active and passive solar energy systems, including, but not limited to, awnings, overhangs, movable insulating walls and roofs, detached solar collectors, reflectors, and piping, Such solar system related projections shall not restrict vehicle driver or pedestrian visibility.

610 Orientation of required yards

In interpretation of requirements related to establishment of required yards, the zoning administrator or his/her designee shall apply the following interpretation to the orientation of such yards.

610.1 Through lots. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one (1) of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the zoning administrator or his/her designee may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards existing on adjacent lots.

610.2 Corner lots with two frontages. In the case of corner lots with two (2) frontages, a front yard of the required depth shall be provided on the frontage of the street having the higher traffic volumes. Where the traffic volumes on both streets are approximately equal, the required depth shall be provided on the street frontage having the minimum lot width. A second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

610.3 Corner lots with more than two frontages. In the case of corner lots with more than two (2) frontages, the zoning administrator or his/her designee shall determine the front yard requirements, subject to the following limitations:

(1) at least one (1) front yard shall be provided having full depth required generally in the district; and

(2) no other front yard on such lot shall have less than half the full depth required generally.

610.4 Appropriateness of orientation. Notwithstanding the above, the zoning administrator or his/her designee may determine that the most appropriate orientation for any required yard is different from the orientation as set forth in such instance that it appears that such different orientation will further the intent of this ordinance. When a structure is to be built which will contain more than one (1) dwelling unit, the orientation of required yards shall be based upon both the orientation of the lot and the orientation of the structure. The zoning administrator or his/her designee may impose an orientation of yards different from the orientation set forth in this section and elsewhere in this ordinance subject to appeal from an administrative decision of the zoning administrator or his/her designee.

611 Off-street automobile parking and storage

Off-street automobile parking and storage space shall be provided on every lot in which any of the uses mentioned in this section are hereafter established except in the C-1 District. Such automobile parking or storage

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space shall be provided with vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific uses as set forth below. Each automobile parking space, along with its necessary maneuvering space, shall have an area of at least three hundred (300) square feet.

All off-street automobile parking and storage space except for single and two family residential uses shall be so arranged that vehicles will not be required to back onto a public street, road or highway when leaving the premises.

Off-street automobile parking and storage spaces shall be equal in number to at least the minimum requirements for the specific uses set forth below.

611.1 The following general uses shall provide one (1) off-street parking space for each three hundred (300) square feet of gross floor area.

611.1.1 Offices (excluding medical and dental offices) in all districts.

611.1.2 Financial institutions in all districts.

611.1.3 Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for the teaching of music, dancing, or other performing arts in all districts.

611.1.4 Retail stores, retail sales, and display rooms in all districts.

611.1.5 Public drinking places and restaurants in all districts.

611.1.6 Automobile service stations and automobile repair garages in all districts.

611.1.7 Personal service establishments in all districts.

611.2 The following general uses shall provide one (1) off-street parking space for each 600 square feet of gross floor area.

611.2.1 Service and repair establishments, excluding automobile service stations and automobile repair garages in all districts.

611.2.2 Laboratories in all districts.

611.2.3 Private clubs and lodges in all districts.

611.2.4 Veterinary establishments in all districts.

611.2.5 Industrial, manufacturing, and processing uses.

611.3 Special requirements. The following requirements shall apply to the following specific uses, instead of the general requirements listed above.

611.3.1 Dwelling units

(a) Single family detached structures: two spaces

(b) All other types of structures with dwelling units: one and one-half (1.5) spaces per dwelling unit or one (1) space for each five hundred (500) square feet of gross floor area, whichever is greater. However, at no time shall this requirement exceed two (2) parking spaces per dwelling unit.

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611.3.2 Elementary schools, junior high or middle schools: two (2) spaces per classroom plus two (2) spaces per office plus one (1) space for every five (5) feet of maximum seating capacity in the main assembly room.

611.3.3 Senior high schools, business schools, vocational schools: four (4) spaces per classroom plus two (2) spaces per office plus one (1) space for every five (5) seats of maximum seating capacity in the main assembly room.

611.3.4 Colleges and universities: Required parking shall be based upon use of each individual structure as required for structures not in connection with colleges and universities. Classrooms shall be considered as in 611.3.3 above.

611.3.5 Churches, auditoriums, commercial recreation establishments, other places of public assembly excluding motion picture theaters: one (1) space for every five (5) seats of maximum capacity in the main assembly room.

611.3.6 Motion picture theaters: ten (10) spaces for the first one hundred (100) seats plus one (1) space for each five (5) additional seats.

611.3.7 Bowling alleys: five (5) spaces for each bowling lane.

611.3.8 Hotels, motels, rooming and boarding houses, bed and breakfast: one (1) space for each rental unit.

611.3.9 Hospitals: one (1) space for each two patient beds.

611.3.10 Nursing homes, convalescent homes, and similar institutions: one (1) space for each one (1) patient bed.

611.3.11 Medical and dental offices, clinics: one (1) space for each 150 square feet of gross floor space.

611.3.12 Home occupations: in addition to spaces required for dwelling units, one (1) space for each 200 square feet of floor space utilized in connection with such home occupations.

611.3.13 Funeral homes: five (5) spaces plus one (1) space for each two (2) seats of maximum seating capacity in the main assembly room, or one (1) space for each 300 square feet of gross floor area, whichever is greater.

611.3.14 Wholesaling, warehousing and distribution operations in all districts: for the first 12,000 spare feet, one (1) space per 600 square feet of gross floor area, and one space per 900 square feet of gross floor area for any area in excess of 12,000 square feet.

611.3.15 Bed and breakfast: two spaces plus one space per room for rent.

611.4 Other regulations relating to off-street parking

611.4.1 Required improvements of off-street parking areas.

(a) Off-street parking areas developed to meet minimum requirements of this ordinance, and all off-street parking facilities located within a C-1 district, shall be within properly graded, marked, and improved parking lots or within parking structures.

(b) Parking spaces and driveways required by this ordinance shall be paved with asphalt,

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brick, or concrete or similar hard surface material; however, parking areas for single-family or two-family attached or detached residential uses on individual lots may be paved with pervious material such as crushed stone, gravel, or mulch or tire ribbons of asphalt, brick, concrete, or some other hard surface material.

(c) Where the parking space and driveway is covered with a pervious material, such material shall be confined to the parking space and driveway. The pervious material shall be renewed or replaced as reasonably necessary to maintain a neat and orderly appearance.

611.4.2 Design of parking area. All off-street parking areas with the exception of parking areas for single and two family detached dwellings shall be so designed that vehicles will not be required to back onto a public street or way when leaving the premises.

611.4.3 Size of required parking spaces. For purposes of this ordinance, the minimum size of one parking space shall be nine (9) feet in width and 20 feet in depth plus sufficient areas for access to and maneuvering for parking in any respective space.

611.4.4 Remote parking space. If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the principal use; provided that the owner or authorized agent for the land upon which such restriction shall be recorded by a declaration of restrictions properly filed with the Register of Deeds of Lexington County, which may be released only by the written consent of the City of West Columbia. Remote parking for nonresidential uses shall not be established in any residential district except in accordance with the provisions of Section 611.4.5 below.

611.4.5 Parking in residential districts for commercial or industrial uses. The board of zoning appeals may, as a special exception in residential zones, grant permission to establish parking lots for use by commercial and industrial establishments provided:

(a) Such lots may be permitted only between a commercial or industrial use and the nearest street in a residential district.

(b) Screening of such lots shall be established at the rear of the required front yard and on all side and rear lot lines of such a nature that will be adequate to protect contiguous lots zoned residentially and residential uses thereon from glare, noise, and dispersion of trash or trespassing by pedestrians, and such screening shall be maintained in a proper manner.

(c) There shall be no vehicular access to such parking lots except from the commercial or industrial district adjacent thereto.

611.5 Travel or camping vehicles.

(a) Not more than one (1) travel or camping vehicle per family living on the premises shall be permitted to be parked on a lot in any residential zone or on any lot used for residential purposes in a C-3 district; however, additional travel or camping vehicles are allowed provided that they are in completely enclosed buildings or stored in the side yard or rear yard of a lot and are not readily visible from the public street or other public or private property.

(b) Travel or camping vehicles shall not be occupied temporarily or permanently while parked or stored, except in an authorized mobile home park.

(c) Any travel or camping vehicle parked on a residential-use lot or parcel must be registered to a

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person residing on the property and to the address of the lot or parcel on which the vehicle is parked.

(d) At no time shall any travel or camping vehicle be parked or stored so as to obstruct the view from public right-of-way of the front of the principal structure on the lot or parcel on which it is parked. At no time shall any travel or camping vehicle be parked so as to obstruct the view from public right-of-way of the front of a principal structure on an adjacent lot.

(e) Travel or camping vehicles shall not be parked or stored on any unimproved lot in commercial and manufacturing districts unless as an approved accessory use to a properly licensed business located on an adjacent parcel when such use meets all conditions of the district in which it is located to include, but not limited to, screening and landscaping regulations.

(f) Travel or camping vehicles shall not be parked in public rights-of-way.

611.6 Accessibility. Parking areas shall meet the requirements of the South Carolina Board for Barrier Free Design for accessibility to disabled persons in relation to parking spaces and sizes.

611.7 Boats.

(a) Not more than one (1) boat per family living on the premises shall be permitted to be parked on a lot in any residential zone or on any lot used for residential purposes in a C-3 district; however, additional boats are allowed provided that they are in completely enclosed buildings or stored in the side yard or rear yard of a lot and are not readily visible from the public street or other public or private property.

(b) Any boat parked on a residential-use lot or parcel must be registered to a person residing on the property and to the address of the lot or parcel on which the boat is parked.

(c) At no time shall any boat be parked so as to obstruct the view from public right-of-way of the front of the principal structure on the lot or parcel on which it is parked. At no time shall any boat be parked so as to obstruct the view from public right-of-way of the front of a principal structure on an adjacent lot.

(d) Boats shall not be parked or stored on any unimproved lot in commercial and manufacturing districts unless as an approved accessory use to a properly licensed business located on an adjacent parcel when such use meets all conditions of the district in which it is located to include, but not limited to, screening and landscaping regulations.

(e) Boats shall not be parked in public rights-of-way.

611.8 Work vehicles. No work vehicles longer that 18 feet in length will be allowed to be parked overnight in any residential zone. The 18-foot limit is inclusive of trailers that are a part of the work vehicle. The board of zoning appeals may allow limited variances in this rule. In no case will tractor/trailers be allowed, either connected or unconnected.

612 Off-street loading requirements

Every building or structure hereafter erected and used for business, trade or industry, except in a C-1 District, shall provide space as indicated herein for the loading and unloading of vehicles, with access to a public street or alley. Such space shall be so arranged that vehicles shall maneuver for loading and unloading entirely within the property lines of the premises. Off-street loading spaces shall meet the following requirements of size and number.

612.1 Retail and service businesses. One space ten (10) feet by 25 feet with overhead clearance of 14

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feet for each 20,000 square feet of gross floor area or fraction thereof.

612.2 Wholesale and industrial uses. One space ten (10) feet by fifty (50) feet with fourteen (14) feet overhead clearance, as follows:

Sq. ft. of gross floor area in structure			Number of berths
0	to	25,000	1
25,001	to	40,000	2
40,001	to	100,000	3
100,001	to	160,000	4
160,001	to	240,000	5
240,001	to	320,000	6
320,001	to	400,000	7
each 90,000	above	400,000	1

612.3 Bus and truck terminals. Sufficient spaces to accommodate the maximum number of buses or trucks to be loading, unloading or stored at the terminal at any one time, to be determined by the zoning administrator or his/her designee at the time of permit issuance.

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613 Mobile homes parks

Creation of mobile home parks is prohibited in the City of West Columbia by previously adopted ordinances. See Section 808 regarding placement of manufactured homes (mobile homes) in West Columbia.

614 Satellite receiver dishes

Satellite receiver dishes for television signal reception are permitted only on rooftop or in the rear yards of principal structures in all residential districts. Satellite dishes shall be placed in the rear yards of residential districts so that no portion of said dish is nearer than five (5) feet from any side or rear property line. In other districts, satellite dishes may be located in any required yard. For hardship relief of the terms of this provision, see Section 1101.3

615 Determination of solar sky space easement

The solar sky space easement defined in Article 3 may be computed by using designated minimum yard requirements in each zoning district in coordination with the information on sky space and shadow data in Appendix 1 of Protecting Solar Access for Residential Development, Department of Housing and Urban Development, 1979.

616 Standard Industrial Classification

The Standard Industrial Classification Manual published by the Executive Office of the President's Office of Management and Budget may be referenced in determining a statistical classification of a proposed use.

617 Regulation of Highlighting Colors on the Exterior of Commercial Buildings

The provisions of this article shall apply to all commercial buildings within the City limits. The purpose of this article is to promote the general economic development and atmosphere of the City for the benefit of all businesses and citizens located there, and no rights of individuals or individual businesses are created in this article. Further, it is to promote city-wide property values and to preserve the aesthetic qualities and attractiveness of the City.

617.1 Percentages of highlighted colors. The exterior wall area of each side of the building may contain non-florescent highlighting trim or dark contrasting features which utilize bright, dark, or vivid colors, but are restricted to the following percentages: Ten (10%) percent for red, yellow, orange, pink, and purple; and twenty (20%) for blue, green, black, and brown. In the event that more than one highlighting color is used then the allowances for the colors will be prorated.

617.2 Approval required for changes to highlighted colors on the exterior of commercial buildings. Any changes to highlighted colors on the exterior of a commercial building within the city limits must be permitted by the zoning administrator pursuant to Article 10, sections 1001 and 1002.

617.3 Murals. The provisions of this section shall not apply to murals. However, any and all murals within the city limits must be permitted by the zoning administrator pursuant to Article 10, sections 1001 and 1002. Any mural existing as of the effective date of this section must be permitted within one (1) year from the effective date of this section.

617.4 Highlighted colors and murals on the exterior of currently existing commercial buildings. Any commercial building lawfully operating as of the date of this ordinance that is in violation of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for one (1) year from the effective date of this section. Such nonconforming use shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use.

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ARTICLE 7
USE REQUIREMENTS FOR DISTRICTS

700 D Development district

This district is intended to provide for large tracts of land located primarily on the fringes of urban growth where the predominant character of urban development has not yet been fully established, but where the current characteristics of use are predominantly residential, agricultural, or semi-developed, with scattered related uses. Certain structures and uses required to serve governmental, educational, religious, recreational, and other needs of such areas are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to assure compatibility of uses within the district and adjacent thereto. It is further recognized that future demand for developable land will generate requests for amendments in zone designations to remove land from the D classification and place it into other more intensely developed classifications as a natural consequence of urban expansion.

700.1 Permitted Principal Uses and Structures

700.1.1 Agriculture, horticulture, animal husbandry, forestry, and similar agriculturally related uses.

700.1.2 Single family detached dwellings located on individual lots.

700.1.3 Parks, playgrounds, play fields and public and private golf courses

700.1.4 Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural or recreational uses.

700.1.5 Churches and other places of worship including educational buildings related thereto.

700.1.6 Elementary schools, middle schools and high schools

700.1.7 Historic sites and structures provided that they conform to the provisions of Section 804

700.1.8 Class A manufactured homes provided they conform to the provisions of Section 808.2

700.1.9 Free-standing or guyed communication towers with heights not exceeding five hundred (500) feet as a permitted conditional use per Section 810.2.

700.2 Permitted Accessory Uses and Structures

700.2.1. Dwellings, barns, sheds, maintenance buildings, storage buildings and similar structures and uses in connection with agriculturally related uses as specified in 700.1.1 above.

700.2.2 Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, swimming pools and the like.

700.2.3 Home occupations subject to the provisions of Section 802.

700.2.4 Solar energy systems.

700.2.5 Other structures and uses which:

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(1) Are customarily accessory and clearly incidental and subordinate to permitted uses and structures;
(2) Do not involve the conduct of trade on the premises other than as permitted as a principal use;
(3) Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership;
(4) Are not likely to attract visitors in larger numbers than would be expected in the neighborhood; and,
(5) Do not involve operations not in keeping with the character of the neighborhood, or of a nature prohibited under Section 700.4 .

700.3 Permitted Special Exceptions

After public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

700.3.1 Single family detached dwellings located in group housing developments, subject to the provisions of Section 801.

700.3.2 Child day care centers, family day care homes and group day care homes subject to the provisions of Sections 803.

700.3.3 Extended care facilities, hospitals, sanitariums, rest homes, convalescent homes, homes for orphans, homes for the aged, provided that no such facility shall have lot area of less than five (5) acres.

700.3.4 Outdoor recreation uses in addition to those permitted outright, provided that the board of zoning appeals shall find that the characteristics of such uses and the site design thereof will not be incompatible with nearby uses, and further provided that motor vehicle raceways shall be specifically excluded.

700.3.5 Cemeteries

700.3.6 Colleges and universities having minimum lot area of five (5) acres, provided the board of zoning appeals shall find that the characteristics of such institutions and the site design thereof will not be incompatible with nearby uses.

700.3.7 Class B and C manufactured homes provided they conform to the provisions of Section 808.3.

700.3.8 Utility substations and water tanks and sewer treatment facilities, provided that the board of zoning appeals shall impose appropriate conditions and safeguards regarding siting or characteristics of use potentially incompatible with nearby uses.

700.3.9 Free-standing or guyed communications towers with heights exceeding five hundred (500) feet.

700.4 Prohibited Uses and Structures

All uses and structures other than those specifically allowed as “Permitted Principal Uses and Structures” in Section 700.1, “Permitted Accessory Uses and Structures” in Section 700.2, and “Permitted Special Exceptions” in Section 700.3.

700.5 Minimum Lot Area and Width

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Minimum lot area for all uses shall be forty thousand (40,000) square feet and the minimum lot width for all uses shall be one hundred and fifty (150) feet.

700.6 Minimum Yard Requirements

The depth of front yards and rear yards and the width of side yards shall be as follows for single family detached dwellings and for other permitted or permissible structures, unless otherwise specified:

700.6.1 Front:

(1) The required front yard shall be thirty-five (35) feet, unless buildings on contiguous lots fronting on the same street have front yards of twenty-five (25) feet or less, in which case the front yard may be less than thirty-five (35) feet, but not less than average front yards on contiguous lots fronting on the same street, and in no case shall such front yards be less than ten (10) feet in depth.

(2) On corner lots, the secondary front yard shall be not less than seventeen and one-half (17 ½) feet in depth.

700.6.2 Side yards of Interior and Corner Lots: Combined side yards shall total eighteen (18) feet or twenty percent (20%) of the width of the lot, whichever is least, provided that no individual side yard shall be less than eight (8) feet in width.

700.6.3 Rear Yards:

(1) Permitted principal structures: fifteen (15) feet.

(2) Permitted accessory structures: fifteen (15) feet.

700.7 Maximum Lot Coverage to All Buildings

All permitted and permissible buildings and their accessory buildings shall not exceed a total of twenty-five percent (25%) lot coverage.

700.8 Maximum Height of Structures

No portion of any building shall exceed forty (40) feet in height.

700.9 Minimum Off-Street Parking and Loading Requirements

Off-street parking and loading requirements as set forth in Sections 611 and 612.

700.10 Signs

Signs are permitted in the D district only in accordance with the provisions of Article 9.

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701 R-1 Residential district

This district is intended as a high-density residential area permitting progressively higher population densities, characterized by single family detached, multiple family structures, garden-type apartments, and high-rise apartments. Certain structures and uses required to serve governmental, educational, religious, noncommercial recreational, and other needs of such areas are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect the residential character of the district.

700.1 Permitted Principal Uses and Structures

700.1.1 Single family detached dwellings and two family (duplex) detached dwellings located on individual lots or in group housing developments subject to the provisions of Section 801.

701.1.2 Multiple family dwellings containing not more than four (4) dwelling units on the first floor level and not more than eight (8) dwelling units throughout, provided that no more than one (1) such principal building shall be located on any individual lot.

701.1.3 Multiple family dwellings located in group housing developments, subject to the provisions of Section 801.

701.1.4 High-rise apartments, subject to the provisions of Section 800.

701.1.5 Historic sites and structures provided that they conform to the provisions of Section 804.

701.1.6 Class A manufactured homes provided they conform to the provisions of Section 808.2

701.1.7 Fee-standing communications towers not exceeding one hundred (100) feet in height as a permitted conditional use per Section 810.2.

701.2 Permitted Accessory Uses and Structures

701.2.1 Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, private swimming pools, and the like

701.2.2 Home occupations, except beauty and barber shops, subject to the provisions of Section 802.

701.2.3 Solar energy systems.

701.2.4 Other structures and uses which:

(1) Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
(2) Do not involve the conduct of trade on the premises;
(3) Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership; and,
(4) Are not likely to attract visitors in larger numbers than would be expected in the neighborhood: and,
(5) Do not involve operations not in keeping with the character of the area, or of a nature prohibited under Section 701.4 .

701.3 Permitted Special Exceptions

After public notice and hearing and subject to appropriate conditions and safeguards, the board of

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zoning appeals may permit, as special exceptions:

701.3.1 Parks, playgrounds, and play fields.

701.3.2 Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural, or recreational uses.

701.3.3 Churches and other places of worship, including educational buildings related thereto, provided than the board of zoning appeals shall find that the characteristics of such places of worship and related buildings, and the site design thereof, will be in keeping with the residential character of the district.

701.3.4 Elementary schools, middle schools and high schools provided that the board of zoning appeals shall find that the characteristics of such facilities and the site design thereof will be in keeping with the residential character of the district.

701.3.5 Family day care homes and group day care homes subject to the provisions of Section 803.

701.3.6 Assisted living centers, hospitals, sanitariums, rest homes, convalescent homes, homes for orphans, homes for the aged, provided that no such facility shall have lot area of less than five (5) acres, that no building in connection with such facility be located closer than twenty-five (25) feet to any lot line.

701.3.7 Utility substations and water tanks and sewer treatment facilities, provided that the board of zoning appeals shall impose appropriate conditions and safeguards regarding siting or characteristics of use potentially incompatible with nearby uses.

701.3.8 Cemeteries.

701.3.9 Colleges and universities having minimum lot area of five (5) acres, provided that the board of zoning appeals shall find that the characteristics of such institutions, and the site design thereof, will be in keeping with the character of the district.

701.3.10 Off-street parking lots in connection with uses located outside of the R-1 District but contiguous to the R-1 District subject to the provisions of Section 611.

701.3.11 Fraternities, sororities, and denominational student headquarters, provided that the board of zoning appeals shall find that the characteristics of such uses, and the site design thereof, will be in keeping with the residential character of the district.

701.3.12 Rooming and boarding houses.

701.3.13 Beauty and barber shops, as home occupations, subject to the provisions of Section 802.

701.3.14 Noncommercial structures and uses to serve governmental, educational, religious and recreational needs, subject to conditions imposed by the board of appeals intended to preserve and protect the character of the zoning district in which it is located.

701.3.15 Cluster housing development subject to the terms of Section 806.

701.3.16 In-home adult day care.

701.3.17 Foster homes.

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701.3.18 Bed and breakfast.

701.3.19 Fee-standing communications towers exceeding one hundred (100) feet in height.

701.4 Prohibited Uses and Structures

701.4.1 All uses and structures other than those provided under "Permitted Principal Uses and Structures"
in Section 701.1, "Permitted Accessory Uses and Structures" in Section 701.2. or "Permitted Special Exceptions" in Section 701.3.

701.4.2 Further prohibited is:

(1) storage in connection with trade, services or manufacturing activities outside the district.

(2) storage or long-term parking of commercial or industrial vehicles.

(3) storage of building materials except in connection with active construction activities on the premises.

701.5 Minimum Lot Area

701.5.1 For each dwelling unit, five-thousand (5,000) square feet for the first unit and two thousand (2,000) square feet for each additional unit.

701.5.2 High-rise apartments: one (1) acre as provided in Section 800.

701.5.3 Uses and structures permissible as special exceptions: As required under permitted special exceptions" for this district.

701.5.4 Other structures and uses, and uses permissible as special exceptions for which no minimum lot area is required: No minimum except as needed to meet other requirements herein.

701.6 Minimum Lot Width

701.6.1 Single family detached or two family detached dwellings: fifty (50) feet.

701.6.2 High-rise apartments: one hundred and fifty (150) feet as provided in Section 800.

701.6.3 Uses and structures permissible as special exceptions: As required under permitted special exceptions in Section 701.3.

701.6.4 Other structures and uses, and uses permissible as special exceptions for which no minimum lot width is required: No minimum except as needed to meet other requirements herein.

701.7 Minimum Yard Requirements

701.7.1 Front yards:

(1) Primary front yards: Twenty (20) feet

(2) Corner lots: The secondary front yard shall not be less than twelve and one-half (12 ½

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) feet in depth.

701.7.2 Side yards of interior and corner lots: Combined side yards shall total ten (10) feet or twenty percent (20%) of the width of the lot, whichever is least, provided that an individual side yard shall be no less than three (3) feet in width.

701.7.3 Rear yards: Fifteen (15) feet for permitted principal structures. Permitted accessory structures may be located in rear yards, provided, however, that no such structure shall be located closer than five (5) feet from the rear property line.

701.8 Maximum Lot Coverage by All Buildings

701.8.1. High-rise apartments: As provided in Section 800.

701.8.2. All other permitted and permissible buildings and their accessory buildings shall not exceed a total of forty percent (40%) lot coverage, except as required to meet other regulations herein.

701.9 Maximum Height of Structures

701.9.1 High-rise apartments: As provided in Section 800

701.9.2 All other buildings: thirty-five (35) feet, provided that buildings may exceed this height if there is an increase of one (1) foot in side, front, and rear yards over the minimum side, front, and rear yard requirements for each additional two (2) feet of height.

701.10 Minimum Off-street Parking and Loading Requirements

Off-street parking and loading requirements as set forth in Sections 611 and 612 must be met.

701.11 Signs

Signs are permitted in the R-1 district only in accordance with the provisions of Article 9.

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702 R-2 Residential district

This district is intended as a medium density residential area permitting progressively higher population densities, characterized by single family detached and two family (duplex) detached structures. Certain structures and uses required to serve governmental, educational, religious, noncommercial, recreational, and other needs of such areas are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect the residential character of the districts.

702.1 Permitted Principal Uses and Structures

702.1.1 Single family detached and two family (duplex) dwellings located on individual lots or in group housing developments subject to the provisions of Section 801.

702.1.2 Historic sites and structures provided they conform to the provisions of Section 804

702.1.3 Class A manufactured homes provided they conform to the provisions of Section 808.2

702.1.4 Free-standing communications towers not exceeding one hundred (100) feet in height as a permitted conditional use per Section 810.2.

702.2 Permitted Accessory Uses and Structures

702.2.1 Non commercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, private swimming pools, and the like.

702.2.2 Home occupations, except beauty and barber shops, subject to the provisions of Section 802.

702.2.3 Solar energy systems.

702.2.4 Other structures and uses which:

(1) Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
(2) Do not involve the conduct of trade on the premises;
(3) Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.
(4) Are not likely to attract visitors in larger numbers than would be expected in the neighborhood; and,
(5) Do not involve operations not in keeping with the character of the area, or of a nature prohibited under Section 702.4.

702.3 Permitted Special Exceptions

After public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit, as special exceptions:

702.3.1 Parks, playgrounds, play fields.

702.3.2 Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural, or recreational uses.

702.3.3 Churches and other places of worship, including educational buildings related thereto, provided that the board of zoning appeals shall find that the characteristics of such places of

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worship and related buildings, and the site design thereof, will be in keeping with the residential character of the district.

702.3.4 Elementary and high schools provided that the board of zoning appeals shall find that the characteristics of such facilities, and the site design thereof will be in keeping with the residential character of the district.

702.3.5 Family day care and group day care, day nurseries and kindergartens, subject to the provisions of Section 803.

702.3.6 Hospitals, sanitariums, rest homes, convalescent homes, homes for orphans, homes for the aged, provided that no such facility shall have lot area of less than five (5) acres, that no building in connection with such facility shall be located closer than twenty-five (25) feet to any lot line.

702.3.7 Utility substations and water tanks and sewer treatment facilities, provided that the board of appeals shall impose appropriate conditions and safeguards regarding siting or characteristics of use potentially incompatible with nearby uses.

702.3.8 Cemeteries.

702.3.9 Colleges and universities having minimum lot area of five (5) acres, provided that the board of appeals shall find that the characteristics of such institutions, and the site design thereof, will be in keeping with the character of the district.

702.3.10 Off-street parking lots in connection with uses located outside of the R-2 district but contiguous to the R-2 district subject to the provisions of Section 611.

702.3.11 Rooming and boarding houses.

702.3.12 Beauty and barber shops, as home occupations, subject to the provisions of Section 802.

702.3.13 Cluster housing developments subject to the terms of Section 806.

702.3.14 Noncommercial structures and uses to serve governmental, educational, religious and recreational needs, subject to conditions imposed by the board of zoning appeals intended to preserve and protect the character of the zoning district.

702.3.15 Foster homes.

702.3.16 In-home adult day care.

702.3.17 Bed and breakfast.

702.3.18 Free-standing communications tower exceeding one hundred (100) feet in height.

702.4 <u>Prohibited Uses and Structures</u>

702.4.1 All uses and structures other than permitted in “Permitted Principal Uses and Structures” in Section 702.1, “Permitted Accessory Uses and Structures” in Section 702.2, or “Permitted Special Exceptions” in Section 702.3.

702.4.2 Further prohibited is:

(1) storage in connection with trade, service or manufacturing activities outside the

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district.

(2) storage or long-term parking of commercial or industrial vehicles.

(3) storage of building materials except in connection with active construction activities on the premises.

702.5 Minimum Lot Area

702.5.1 For each dwelling unit, five thousand (5,000) square feet for the first unit and two thousand, five hundred (2,500) square feet for each additional unit.

702.5.2 Uses and structures permissible as special exceptions: As required under permitted special exceptions in Section 702.3.

702.5.3 Other structures and uses, and uses permissible as special exceptions for which no minimum lot area is required: No minimum except as needed to meet other requirements herein.

702.6 Minimum Lot Width

702.6.1 Single family detached or two (2) family detached dwellings: fifty (50) feet.

702.6.2 Uses and structures permissible as special exceptions: As required under permitted special exceptions in Section 702.3.

702.6.3 Other structures and uses, and uses permissible as special exceptions for which no minimum lot width is required: No minimum except as needed to meet other requirements herein.

702.7 Minimum Yard Requirements

Minimum yard requirements for all structures and uses shall be as follows:

702.7.1 Front yards:

(1) Primary front yards: Twenty-five (25) feet.

(2) Corner lots: For a corner lot, the secondary yard shall not be less than one-half (½) the depth of the primary front yard.

702.7.2 Side yards of interior and corner lots: Combined side yards shall total ten (10) feet or twenty percent (20%) of the width of the lot, whichever is least, provided that no individual side yard shall be less than three (3) feet in width.

702.7.3 Rear yards: For permitted principal structures: fifteen (15) feet. For permitted accessory structures: five (5) feet.

702.8 Minimum Lot Coverage by All Buildings

All permitted and permissible buildings and their accessory buildings shall not exceed a total of forty percent (40%) lot coverage.

702.9 Maximum Height of Structures. No portion of any building shall exceed thirty-five (35) feet in height.

702.10 Minimum Off-street Parking and Loading Requirements.

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Off-street parking and loading requirements as set forth in Sections 611 and 612 must be met.

702.11 Signs.

Signs are permitted in the R-2 district only in accordance with the provisions of Article 9.

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703 R-3 and R-4 Residential districts

These districts are intended as single family residential areas with low to medium population densities. Use regulations for the single family districts are identical, but custom has established two (2) classes of lot width and lot area, and these dimensional differences are intended to be preserved. Certain structures and uses required to serve governmental, educational, religious, noncommercial, recreational, and other needs of such areas are permitted outright, within such districts or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect their single family residential character.

703.1 Permitted Principal Uses and Structures

703.1.1 Single family detached dwellings located on individual lots.

703.1.2 Historic sites and structures provided that they conform to the provision of Section 804.

703.1.3 Free-standing communications towers not exceeding one hundred (100) feet in height as a permitted conditional use per Section 810.2.

703.2 Permitted Accessory Uses and Structures

703.2.1 Noncommercial greenhouses, plant nurseries, private garages, garden sheds, tool sheds, private swimming pools, and the like.

703.2.2 Home occupations, except beauty and barbershops, subject to the provisions of Section 802.

703.2.3 Solar energy systems.

703.2.4 Other structures and uses which:

(1) Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
(2) Do not involve the conduct of trade on the premises;
(3) Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership;
(4) Are not likely to attract visitors in larger numbers than would be expected in the neighborhood; and,
(5) Do not involve operations not in keeping with the character of the area, or of a nature prohibited in Section 703.4.

703.3 Permitted Special Exceptions

After public notice and hearing, and subject to appropriate conditions and safeguards, the board of zoning appeal may permit, as special exceptions:

703.3.1 Parks, playgrounds, and play fields.

703.3.2 Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural or recreational uses, provided that a specific determination is made by the board on zoning appeals that such uses or structures are in keeping with the residential character of the district.

703.3.3 Churches and other places of worship, including educational buildings related thereto, provided that the board of zoning appeals shall find that the characteristics of such facilities and the site design thereof will be in keeping with the residential character of the district.

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703.3.4 Elementary schools, middle schools and high schools, provided that the board of zoning appeals shall find that the characteristics of such facilities and the site design thereof will be in keeping with the residential character of the district.

703.3.5 Family day care homes and group day care homes subject to the provisions of Section 803.

703.3.6 Utility substations and water tanks and sewer treatment facilities, provided that the board of zoning appeals shall impose appropriate conditions and safeguards regarding siting or characteristics of use potentially incompatible with nearby uses.

703.3.7 Cemeteries

703.3.8 Colleges and universities having minimum lot area of five (5) acres, provided that the board of zoning appeals shall find that the characteristics of such institutions and the site design thereof will be in keeping with the residential character of the district.

703.3.9 Off-street parking lots in connection with uses located outside of the R-3 and R-4 district but contiguous to R-3 or R-4 districts without an intervening street but with or without an intervening alley, subject to the provisions of Section 611.

703.3.10 Single family detached dwellings located in group developments, subject to the provisions of Section 801.

703.3.11 Beauty and barbershops, as home occupations, subject to the provisions of Section 802.

703.3.12 Noncommercial structures and uses to serve governmental, educational, religious, and recreational needs, subject to conditions imposed by the board of zoning appeals intended to preserve and protect the character of the R-3 or R-4 zoning district in which it is located.

703.3.13 In R-3 districts, cluster housing development subject to the terms of Section 806.

703.3.14 Foster homes.

703.3.15 In-home adult day care.

703.3.16 Free-standing communications towers exceeding one hundred (100) feet in height.

703.4 <u>Prohibited Uses and Structures</u>

703.4.1 All uses and structures other than as provided under "Permitted Principal Uses and Structures"
in Section 703.1, "Permitted Accessory Uses and Structures" in Section 703.2, or "Permitted Special Exceptions" in Section 703.3.

703.4.2 Further prohibited is :

(1) storage in connection with trade, service, or manufacturing activities outside the districts.

(2) storage or long-term parking of commercial or industrial vehicles.

(3) storage of building materials except in connection with active construction activities on the premises.

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(4) storage or use of manufactured homes.

703.5 Minimum Lot Area and Width

703.5.1 Single family detached dwellings:

	Lot Area (sq. ft.)	Lot Width (ft.)
R-4	13,125	75
R-3	7,500	50

703.5.2 Other uses and structures permitted outright or permissible as special exceptions: No minimum except as needed to meet other requirements herein or as specified under "Permitted Special Exceptions", above.

703.6 Minimum Yard Requirements

The depth of front and rear yards, and the width of side yards shall be as follows, for single family detached dwellings and for other permitted or permissible structures, unless otherwise specified:

703.6.1 Front yards:

(1) R-4: thirty-five (35) feet

(2) R-3: twenty-five (25) feet

(3) On corner lots the secondary front yard shall equal one-half (½) the primary front yard.

703.6.2 Side Yards of interior lots and corner lots:

(1) R-4: Combined side yards shall total fifteen (15) feet or twenty percent (20%) of the width of the lot (whichever is least), provided however that no individual side yard shall be less than five (5) feet in width.

(2) R-3: Combined side yards shall total ten (10) feet or twenty percent (20%) of the width of the lot (whichever is least), provided however that no individual side yard shall be less than three (3) feet in width.

703.6.3 Rear Yards in R-3 and R-4: For permitted principal structures: twenty-five (25) feet. For permitted accessory structures: five (5) feet.

703.7 Maximum Lot Coverage by All Buildings

703.7.1 Residential units and their accessory buildings shall not exceed a total of thirty percent (30%) lot coverage.

703.7.2 Other permitted and permissible buildings and their accessory buildings shall not exceed a total of twenty-five percent (25%) lot coverage.

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703.8 Maximum Height of Structures

703.8.1 R-3 and R-4: Buildings of thirty-five (35) feet in height or less are permitted outright.

703.8.2 R-4: Principal buildings in excess of thirty-five (35) feet in height but not to exceed fifty (50) feet in height, provided the minimum lot area is 26,250 square feet and there is an increase of one (1) foot in side, front, and rear yards over the minimum side, front, and rear yard requirements for each additional one foot of height.

703.8.3 R-4: Principal buildings in excess of thirty-five (35) feet in height but not to exceed fifty (50) feet in height are allowed if they do not meet the requirements of 703.8.2 above, provided the principal building on a contiguous lot fronting on the same roadway exceeds thirty-five (35) feet in height; however, in no case will the principal structure permitted by 703.8.3 be allowed to exceed the average height of principal residential structures on contiguous lots.

703.8.4 R-4: Principal buildings in excess of thirty-five (35) feet in height but not to exceed fifty (50) feet in height may be allowed as special exceptions if they do not meet the requirements of 703.8.2 or 703.8.3 above. When considering a special exception, the zoning board of appeals shall consider lot width, the average height of principal residential structures on contiguous lots, the impact on views from nearby lots, distances between structures, and impact on fire safety and emergency response. Structures should be compatible with the dominant horizontal or vertical expression of surrounding structures.

703.8.5 R-3: Principal buildings in excess of thirty-five (35) feet in height but not to exceed fifty (50) feet in height may be allowed as special exceptions provided that the minimum lot area is 26,250 square feet and the requirements of 703.8.2 or 703.8.3 are met. The Zoning Board of Appeals shall not approve a special exception allowing the height of a principal structure to exceed the average height of principal residential structures on contiguous lots. When considering a special exception, the zoning board of appeals shall consider lot width, the average height of principal residential structures on contiguous lots, the impact on views from nearby lots, distances between structures, and impact on fire safety and emergency response. Structures should be compatible with the dominant horizontal or vertical expression of surrounding structures.

703.9 Minimum Off-street Parking and Loading Requirements

Off-street parking and loading requirements set forth in Sections 611 and 612 must be met.

703.10 Signs

Signs are permitted in the R-4 and R-3 zones only in accordance with the provisions of Article 9.

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704 C-1 Intensive commercial district

This district is intended to accommodate those uses, which, taken together, form the intensive commercial district, characterized by retail and intensive office core uses, often intermingled with residential uses, intended to serve persons who shop, work or reside in the intensive commercial business district. C-1 districts are often composed of small lots developed in such a manner that they cannot meet yard requirements and off-street parking and loading requirements prevalent in other commercial districts. Certain related structures and uses required to serve the needs of the area are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of the ordinance.

704.1 Permitted Principal Uses and Structures

704.1.1 Retail establishments, sales, and display rooms.

704.1.2 Offices.

704.1.3 Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for the teaching of music, dancing, or other performing arts.

704.1.4 Financial institutions.

704.1.5 Hotels and motels.

704.1.6 Restaurants, including drive-in restaurants.

704.1.7 Personal service establishments

704.1.8 Business service establishments

704.1.9 Amusement, recreational, and entertainment establishments.

704.1.10 Wholesaling not involving storage of goods to be wholesaled in excess of three thousand (3,000) square feet of gross floor space.

704.1.11 Laboratories and establishments for fitting, repair or production of eyeglasses, hearing aids, or prosthetic devices.

704.1.12 Radio and television stations.

704.1.13 Medically related offices.

704.1.14 Commercial printing and job printing establishments.

704.1.15 Business schools and vocational schools not involving uses of an industrial nature which would not otherwise be permitted in this district.

704.1.16 Elementary schools, middle schools and high schools.

704.1.17 Rehabilitation centers.

704.1.18 Hospitals.

704.1.19 Dwelling units of not less than six hundred (600) square feet each located on the second, third, fourth, or fifth stories in structures whose first story (ground floor) is occupied by

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nonresidential uses, not in a structure defined herein as a high-rise apartment.

704.1.20 Parking lots and parking garages.

704.1.21 Clubs, lodges, civic, and fraternal organizations.

704.1.22 Churches and other places of worship, including educational buildings related thereto.

704.1.23 Parks, playgrounds, play fields.

704.1.24 Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural or recreational uses.

704.1.25 Historic sites and structures provided that they conform to the provisions of Section 804.

704.1.26 Light manufacturing uses, such as a bakery, dry cleaning plants, laundries, and similar establishments.

704.1.27 Convenience stores.

704.1.28 Bed and breakfasts.

704.1.29 Free-standing or guyed communications towers not exceeding one hundred eighty (180) feet in height as a permitted conditional use per Section 801.2.

704.2 Permitted Accessory Uses and Structures

704.2.1 Dwelling units in connection with permitted or permissible uses or structures, located within the principal structure for occupancy only by owner or employees thereof.

704.2.2 Solar energy systems.

704.2.3 Other structures and uses which:

(1) Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
(2) Are located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership;
(3) Do not involve operations not in keeping with the character of the area, or of a nature prohibited under Prohibited Uses and Structures in Section 704.4.

704.3 Permitted Special Exceptions

After public notice and hearing, and subject to appropriate conditions and safeguards, the board of zoning appeals may permit, as special exceptions:

704.3.1 High-rise apartments containing both residential and nonresidential uses listed as principal uses in the C-1 district subject to the provisions of Section 800.

704.3.2 Utilities substations and water tanks and sewer treatment facilities, provided that the board of zoning appeals shall impose appropriate conditions and safeguards regarding siting or characteristics of use potentially incompatible with nearby uses.

704.3.3 Family day care homes, group day care homes and day care centers subject to the

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provisions of Section 803.

704.3.4 Wholesaling involving storage of goods to be wholesaled of from 3,001 to 7,500 square feet of gross floor space.

704.3.5 Free-standing or guyed communications towers exceeding one hundred eighty (180) feet in height.

704.4 Prohibited Uses and Structures

704.4.1 Any use or structure other than as provided under "Permitted Principal Uses and Structures" in Section 704.1, "Permitted Accessory Uses and Structures" in Section 704.2 or "Permitted Special Exceptions" in Section 704.3.

704.4.2 Manufacturing uses, except as specifically permitted in Section 704.1.26.

704.4.3 Bulk storage of flammable liquids, other than for retail sales on the premises.

704.4.4 Junk, salvage, scrap or wrecking yards.

704.4.5 Warehousing or storage, except as accessory to a permitted or permissible principal use located elsewhere within the C-1 district.

704.4.6 Sales, service, display or storage of goods except in enclosed buildings.

704.4.7 Auto body repair and auto painting facilities.

704.5 Minimum Lot Area

All permitted or permissible uses or structures: No minimum except as needed to meet other requirements herein.

704.6 Minimum Lot Width

All permitted or permissible uses or structures: No minimum except as needed to meet other requirements herein.

704.7 Minimum Yard Requirements

All permitted or permissible uses or structures: No minimum except as needed to meet other requirements herein.

704.8 Maximum Lot Coverage by All Buildings

704.8.1 High-rise apartments: As needed to meet requirements of Section 800

704.8.2 All other permitted or permissible uses or structures: No maximum except as needed to meet other requirements herein.

704.9 Maximum Height of Structures

704.9.1 High-rise apartments: As needed to meet requirements of Section 800

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704.9.2 All other permitted or permissible uses or structures: No maximum except as needed to meet other requirements herein.

704.10 Minimum Off-street Parking and Loading Requirements

Off-street parking and loading is not required in the C-1 district.

704.11 Signs

Signs are permitted in the C-1 district only in accordance with provisions of Article 9.

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705 C-2 General commercial district

This district is intended to accommodate a variety of general commercial and nonresidential uses characterized primarily by retail, office and service establishments or oriented primarily to major traffic arteries or extensive areas of predominantly commercial usage and characteristics. Certain related structures and uses are permitted outright or are permissible as special exceptions subject to the restrictions and requirements intended to best fulfill the intent of this ordinance.

705.1 Permitted Principal Uses and Structures

705.1.1 Retail establishments, sales and display rooms.

705.1.2 Service and repair establishments.

705.1.3 Personal service establishments including such uses as beauty shops, barber shops, shoe repair shops, dry cleaning and laundry, dressmaking and tailoring.

705.1.4 Offices.

705.1.5 Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for the teaching of music, dancing, or other performing arts.

705.1.6 Financial institutions.

705.1.7 Wholesaling and distribution establishments not involving over three thousand (3,000) square feet of area for storage of wares to be wholesaled or distributed.

705.1.8 Commercial recreation and entertainment structures and uses, such as theaters, bowling alleys, miniature golf courses, nightclubs, and the like.

705.1.9 Motels and hotels.

705.1.10 Commercial parking lots and parking garages.

705.1.11 Commercial printing and job printing establishments.

705.1.12 Radio stations, television stations.

705.1.13 Veterinary establishments provided that all animals are kept within suitably designed, soundproofed, air conditioned buildings.

705.1.14 Funeral homes.

705.1.15 Business and vocational schools not involving operations of an industrial nature.

705.1.16 Private clubs and lodges, civic and fraternal organizations not involving residential uses.

705.1.17 Medical and health related centers, clinics, laboratories.

705.1.18 Parks, playgrounds, play fields.

705.1.19 Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural or recreational uses.

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705.1.20 Churches and other places of worship, including educational buildings related thereto.

705.1.21 Automobile service stations.

705.1.22 Restaurants, including drive-in restaurants.

705.1.23 Historic sites and structures provided that they conform to the provisions of Section 804.

705.1.24 Light manufacturing uses such as bakeries, dry cleaning plants, laundries and similar establishments.

705.1.25 Public buildings.

705.1.26 Storage yards for permitted uses, provided any storage area not within a building or structures shall be screened by a permanent fence, wall or other approved material so as not to be visible from a public street or adjoining residential use in an adjoining residential zone. Such a screen shall be at least six (6) feet in height or two (2) feet higher than the stored material, whichever is higher. Storage structures are limited to 7,500 square feet of gross floor area for storage of wares for permitted uses.

705.1.27 Public drinking places subject to the following provisions:

(1) Lots used as public drinking places shall not be located closer than four hundred (400) feet from any other lot used as a public drinking place and shall not be closer than six hundred (600) feet from any lot which contains a school or place of worship.
(2) The hours of operation shall be no later than 12:00 midnight when such establishment is located adjacent to a residential zone.
(3) One (1) off-street parking space shall be provided for each three hundred (300) square feet of gross floor area.
(4) Adequate ingress and egress shall be provided.

705.1.28 Dwelling units of not less than six hundred (600) square feet, each located on the second, third, or fourth stories in structures whose first story (ground floor) is occupied by nonresidential uses not in a structures defined herein as a high-rise apartment.

705.1.29 Group commercial developments subject to provision of Section 801.

705.1.30 Convenience stores.

705.1.31 Bed and breakfast operations.

705.1.32 Sexually oriented businesses per requirements of Section 809.

705.1.33 Free-standing or guyed communications towers not exceeding one hundred eighty (180) feet in height as a permitted conditional use per Section 810.2.

705.2 <u>Permitted Accessory Uses and Structures</u>

705.2.1 Structures and uses which:

(a) Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.
(b) Are located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.

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(c) Do not involve operations not in keeping with the character of the area, or of a nature prohibited under "Prohibited Uses and Structures" for this district.

705.2.2 Solar energy systems.

705.3 Permitted Special Exceptions

After public notice and hearing, and subject to appropriate conditions and safeguards, the board of appeals may permit, as special exceptions:

705.3.1 Hospitals, sanitariums, nursing homes, rest homes, convalescent homes, homes for orphans, homes for the aged provided that no such facility shall have lot areas of less than one (1) acre, and that no building in connection with such facility shall be closer than twenty five (25) feet to any lot zoned residentially.

705.3.2 Rehabilitation centers.

705.3.3 Family day care homes, group day care homes and day care centers subject to the provisions of Section 803.

705.3.4 Cemeteries.

705.3.5 Wholesaling involving storage of goods to be wholesaled of from 3,001 to 7,500 square feet of gross floor area.

705.3.6 Construction companies.

705.3.7 Utility substations and water tanks and sewer treatment facilities, provided that the board of zoning appeals shall impose appropriate conditions and safeguards regarding siting or characteristics of use potentially incompatible with nearby uses.

705.3.8 Commercial kennels and noncommercial kennels

705.3.9 Free-standing or guyed communications towers exceeding one hundred eighty (180) feet in height.

705.3.10 Passenger terminals.

705.3.11 Truck terminals.

705.3.12 Mini warehouses.

705.3.13 Pawn shops, title loan businesses, check cash operations, payday loan businesses with the following location requirements: 1,000 feet spacing between such businesses and 1,000 feet distance from schools and churches.

705.4 Prohibited Uses and Structures

705.4.1 Any use other than as provided under "Permitted Principal Uses and Structures" in Section 705.1, "Permitted Accessory Uses or Structures" in Section 705.2, and "Permitted Special Exceptions" in Section 705.3.

705.4.2 Also specifically prohibited are auto body repair and auto painting facilities.

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705.5 Minimum Lot Area

705.5.1 Uses and structures permissible as special exceptions: As required under "Permitted Special Exceptions" for this district.

705.5.2 All other structures and uses, and uses permissible as special exceptions for which no minimum lot area is required: No minimum except to meet other requirements herein.

705.6 Minimum Lot Width

All permitted and permissible uses and structures: No minimum except to meet other requirements herein.

705.7 Minimum Yard Requirements

Minimum yard requirements for all structures and uses shall be as set forth below.

705.7.1 Front:

(1) If frontage of lot is one hundred (100) feet or more, the required front yard shall be twenty-five (25) feet.

(2) If frontage of lot is less than one hundred (100) feet, the required front yard shall be twenty-five (25) feet, unless buildings on contiguous lots fronting on the same street have provided front yards of twenty (20) feet, but not less than the average front yards on contiguous lots fronting on the same street, and in no case shall such front yards be less than twelve and one-half (12 ½) feet in depth.

(3) On corner lots, the secondary front yard shall not be less than twelve and one-half (12½) feet in depth.

705.7.2 Side: No side yard is required if buildings are built to side lot line, otherwise, at least three (3) feet of side yard width is required, provided, however, that where a lot zoned C-2 is contiguous to a residential zone, a side yard of not less than twenty (20) feet shall be provided on the side contiguous to the residential zone.

705.7.3 Rear:

(1) Permitted and permissible principal structures: ten (10) feet.

(2) Permitted accessory structures: five (5) feet except where abutting residentially zoned property in which case, a minimum ten (10) feet rear yard will be required.

(3) See Section 805 for additional requirements.

705.8 Maximum Lot Coverage by All Buildings

All uses and structures: No limitation except as needed to meet other requirements herein.

705.9 Maximum Height of Structures

705.9.1 Buildings up to forty (40) feet in height are permitted outright.

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705.9.2 Buildings in excess of forty (40) feet in height, provided there is an increase of one (1) foot in side, front, and rear yards over the minimum side, front, and rear yard requirements for each additional two (2) feet of height.

705.9.3 Buildings between the height of forty (40) and seventy-five (75) feet are allowed as special exceptions if they do not meet the requirements of 705.9.2 above.

705.10 Minimum Off-street Parking and Loading Requirements

Off-street parking and loading requirements set forth in Sections 611 and 612 must be met.

705.11 Signs

Signs are permitted in the C-2 district only in accordance with provisions of Article 9.

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706 C-3 Restricted commercial district

This district is intended to accommodate office, institutional, and residential uses in areas whose characteristics are transitional from residential to commercial uses and is intended to accomplish the transition with a minimum of conflict among uses. Certain related structures and uses required to serve the needs of such area are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this ordinance.

706.1 Permitted Principal Uses and Structures

706.1.1 Offices

706.1.2 Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops.

706.1.3 Pharmacies, medical and dental laboratories, establishments for fitting and sales of prosthetic devices.

706.1.4 Hospitals, medical, and health related clinics.

706.1.5 Nursing homes, rest homes, convalescent homes, homes for orphans, homes for the aged.

706.1.6 Auditoriums, libraries, museums, theaters.

706.1.7 Funeral homes

706.1.8 Elementary schools, middle schools, high schools, business and vocational schools not involving operations of an industrial or retail nature.

706.1.9 Colleges and universities.

706.1.10 Churches and other places of worship, including educational buildings related thereto.

706.1.11 Single family detached dwellings and two family (duplex) detached dwellings located on individual lots or in group housing developments, subject to the provisions of Section 801.

706.1.12 Multiple family dwellings containing not more than four (4) dwelling units on the first floor level and not more than eight (8) dwelling units throughout, provided that no more than one (1) such principal building shall be located on any individual lot.

706.1.13 Multiple family dwellings located in group housing developments, subject to the provisions of Section 801.

706.1.14 High-rise apartments, subject to provisions of Section 800.

706.1.15 Commercial parking garages and parking lots.

706.1.16 Parks, playgrounds, play fields.

706.1.17 Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural or recreational uses.

706.1.18 Historic sites and structures provided that they conform to the provisions of Section 804.

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706.1.19 Private clubs and lodges.

706.1.20 Restaurants, including drive-in restaurants.

706.1.21 Motels and hotels.

706.1.22 Automobile service stations

706.1.23 Dry cleaning and laundry pick-up stations, laundromats, shoe repair shops, tailor shops, barber shops, beauty shops.

706.1.24 Financial institutions.

706.1.25 Convenience stores and service stations.

706.1.26 Class A manufactured homes provided they conform to the provisions of Section 808.2

706.1.27 Bed and breakfast.

706.1.28 Free-standing or guyed communications towers exceeding one hundred eighty (180) feet in height as a permitted conditional use per Section 810.2.

706.2 Permitted Accessory Uses and Structures

706.2.1 Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool sheds, private swimming pools, and the like.

706.2.2 Home occupations subject to the provisions of Section 802.

706.2.3 Uses and structures which:

(a) Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.
(b) Are located on the same lot as the permitted principal use of structure, or on a contiguous lot in the same ownership.
(c) Are in keeping with the character of the district, and
(d) Are not of a nature prohibited under "Prohibited Uses and Structures".

706.3 Permitted Special Exceptions

After public notice and hearing, and subject to appropriate conditions and safeguards, the board of zoning appeals may permit, as special exceptions:

706.3.1 High-rise structures containing both residential uses and nonresidential uses listed as permitted principal uses for this district, subject to the provisions of Section 800.

706.3.2 Family day care homes, group day care homes, and day care centers subject to the provisions of Section 803.

706.3.3 Rooming and boarding houses.

706.3.4 Utility substations and water tanks and sewer treatment facilities, provided that the board of appeals shall impose appropriate conditions and safeguards regarding siting or characteristics of use potentially incompatible with nearby use.

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706.3.5 Cemeteries.

706.3.6 Cluster housing developments subject to the terms of Section 806.

706.3.7 Tattoo facilities licensed by the State of South Carolina provided that :

(a) No tattoo facility shall be initially located within one thousand (1,000) feet of any school, church, playground, park or day care facility for children;
(b) No tattoo facility shall be located within one thousand (1,000) feet of any other tattoo facility;
(c) No tattoo facility shall not be permitted as a home occupation as defined in Section 802.

706.3.8 Fee-standing or guyed communications towers in excess of one hundred eighty (180) feet in height.

706.4 Prohibited Uses and Structures

706.4.1 Any use other than as provided under "Permitted Principal Uses and Structures" in Section 706.1, "Permitted Accessory Uses and Structures" in Section 706.2, and "Permitted Special Exceptions" in Section 706.3.

706.4.2 Manufacturing.

706.4.3 Storage in connection with trade, service or manufacturing activities outside the district.

706.4.4 Storage of building materials except in connection with active construction activities on the premises.

706.4.5 Storage or use of mobile homes.

706.4.6 Massage parlors.

706.4.7 Auto body repair and painting facilities.

706.5 Minimum Lot Area

706.5.1 High-rise apartments: one (1) acre.

706.5.2 All other residential uses:

(1) Five thousand (5,000) square feet for the first dwelling unit.

(2) Two thousand and five hundred (2,500) square feet for each additional dwelling unit.

706.5.3 Uses and structures permissible as special exceptions: As required under "Permitted Special Exceptions" for this district.

706.5.4 All other structures and uses, and uses permissible as special exceptions for which no minimum lot area is required: Minimum lot area shall be six thousand (6,000) square feet.

706.6 Minimum Lot Width

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All permitted and permissible uses and structures: No minimum required except as needed to meet other requirements herein.

706.7 Minimum Yard Requirements

Minimum yard requirements for all structures and uses except high-rise apartments shall be as follows. Minimum yard requirements for high-rise apartments are set forth in Section 800.

706.7.1 Front:

(1) If frontage of lot is less than one hundred (100) feet, the required front yard shall be twenty-five (25) feet.

(2) If frontage of lot is less than one hundred (100) feet, the required front yard shall be twenty-five (25) feet, unless buildings on contiguous lots fronting on the same street have provided front yards of twenty (20) feet or less, in which case the front yard may be less than twenty five (25) feet, but no less than the average front yards on contiguous lots fronting on the same street, and in no case shall such front yards be less than twelve and one-half (12 ½) feet in depth.

(3) On corner lots, the secondary front yard shall be not less than twelve and one-half (12 ½) feet in depth.

(4) Additional setbacks required in Section 805.

706.7.2 Side yards of interior and corner lots: Combined side yards shall total ten (10) feet or twenty percent (20%) of the width of the lot (whichever is least) provided however that no individual side yard shall be less than three (3) feet in width.

706.7.3 Rear

(1) Permitted principal structures: ten (10) feet.

(2) Permitted accessory structures: five (5) feet.

706.8 Maximum Lot Coverage by All Buildings

706.8.1 High-rise apartments: As needed to meet requirements of Section 800.

706.8.2 All other structures: fifty percent (50%) or as needed to meet requirements herein.

706.8.3 Parking structures to accommodate required parking may be erected to cover not more than thirty percent (30%) of the total lot area in addition to the coverage listed in 706.8.2 above, provided that total coverage by all structures shall not exceed eighty (80%) percent.

706.9 Maximum Height of Structures

706.9.1 High-rise apartments as required by Section 800.

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706.9.2 Buildings of less than forty (40) feet in height are permitted outright.

706.9.3 Buildings in excess of forty (40) feet in height, provided there is an increase of one (1) foot in side, front, and rear yards over the minimum side, front, and rear yard requirements for each additional two (2) feet of height.

706.9.4 Buildings between the height of forty (40) and seventy-five (75) feet are allowed as special exceptions if they do not meet the requirements of 706.9.3 above.

706.10 Minimum Off-street Parking and Loading Requirements

Off-street parking and loading requirements as set forth in Sections 611 and 612 6 must be met.

706.11 Signs

Signs are permitted in the C-3 district only in accordance with the provisions of Article 9.

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707 LM Light manufacturing district

This district is intended to accommodate wholesaling, distribution, storage, processing, light manufacturing, and general commercial uses. Certain related structures and uses required to serve the needs of such uses are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this ordinance.

707.1 Permitted Principal Uses and Structures

707.1.1 Wholesaling, warehousing, storage, supply, and distribution.

707.1.2 Truck terminals, freight terminals, passenger terminals.

707.1.3 Light manufacturing and processing.

707.1.4 Outdoor storage lots and yards, except automobile junk yards, scrap yards, salvage yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sales of junk, scrap or salvaged materials.

707.1.5 Retail establishments, sales, and display rooms.

707.1.6 Offices.

707.1.7 Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for the teaching of music, dancing or other performing arts.

707.1.8 Financial institutions.

707.1.9 Hotels and motels.

707.1.10 Eating and drinking establishments, including drive-in eating and drinking establishments and restaurants.

707.1.11 Personal service establishments.

707.1.12 Business service establishments.

707.1.13 Service and repair establishments including automobile service stations and repair garages.

707.1.14 Amusement, recreational, and entertainment establishments.

707.1.15 Laboratories and establishments for fitting, repair or production of eyeglasses, hearing aids or prosthetic devices.

707.1.16 Radio and television stations.

707.1.17 Veterinary establishments, commercial kennels and noncommercial kennels.

707.1.18 Commercial printing and job printing.

707.1.19 Business schools and vocational schools not involving uses of an industrial nature which would not otherwise be permitted in this district.

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707.1.20 Rehabilitation centers.

707.1.21 Parking lots and parking garages.

707.1.22 Clubs, lodges, civic, and fraternal organizations.

707.1.23 Parks, playgrounds, play fields.

707.1.24 Utilities substations and water tanks and sewer treatment facilities, provided that the board of zoning appeals shall impose appropriate conditions and safeguards regarding siting or characteristics of use potentially incompatible with nearby uses.

707.1.25 Historic sites and structures provided that they conform to the provisions of Section 804.

707.1.26 Construction companies.

F707.1.27 Free-standing or guyed communications towers not exceeding three hundred sixty (360) feet in height as a permitted conditional use per Section 810.2.

707.2 Permitted Accessory Uses and Structures

707.2.1 Uses and structures which:

(a) Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;

(b) Are located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership; and

(c) Do not involve operations not in keeping with the character of the area, or of a nature prohibited under "Prohibited Uses and Structures" for this district.

707.2.2 Solar energy systems.

707.3 Permitted Special Exceptions

After public notice and hearing, and subject to appropriate conditions and safeguards, the board of zoning appeals may permit, as special exceptions:

707.3.1 Buildings between the height of forty (40) and seventy five (75) feet which do not meet the requirements of Section 707.9.

707.3.2 Churches and other places of worship, including educational buildings related thereto.

707.3.3 Elementary schools, middle schools or high schools.

707.3.4 Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural or related uses.

707.3.5 Day care facilities for children.

707.3.6 Free-standing or guyed communications towers in excess of three hundred sixty (360) feet in height.

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707.4 Prohibited Uses and Structures

707.4.1 Any industry or use which creates corrosive, toxic or noisome fumes, gas, smoke or odor, or obnoxious dust, vapor, or offensive noise or vibrations.

707.4.2 Any use or structure other than as provided under "Permitted Principal Uses and Structures" in Section 707.1, "Permitted Accessory Uses and Structures" in Section 707.2, and "Permitted Special Exceptions" in Section 707.3.

707.4.3 Dwellings except as provided under "Permitted Accessory Uses and Structures".

707.4.4 Outdoor display of merchandise for sale in required front yards.

707.5 Minimum Lot Area

All permitted or permissible uses of structures: No minimum lot area required except as needed to meet other requirements herein.

707.6 Minimum Lot Width

All permitted or permissible uses or structures: No minimum lot width required except as needed to meet other requirements herein.

707.7 Minimum Yard Requirements.

707.7.1 Front

(1) If frontage of lot is one hundred (100) feet or more, the required front yard shall be twenty-five (25) feet.

(2) If frontage of lot is less than one hundred (100) feet, the required front yard shall be twenty-five (25) feet, unless buildings on contiguous lots fronting on the same street have provided front yards of twenty (20) feet or less, in which case the front yard may be less than twenty five (25) feet, but not less than the average front yards on contiguous lots fronting on the same street, and in no case shall such front yards be less than ten (10) feet in depth.

(3) On corner lots, the secondary front yard shall not be less than twelve and one-half (12 ½) feet in depth.

707.7.2 Side: No side yard is required if buildings are built to the side lot line, otherwise at least three (3) feet of side yard width is required; provided, however, that where a lot zoned LM is contiguous to a residential district, a side yard of not less than twenty (20) feet shall be provided on the side contiguous to the residential district.

707.7.3 Rear: No rear yard is required if buildings are built to the rear lot line, otherwise at least three (3) feet of rear yard depth is required, provided, however, that where a lot zoned LM is contiguous to a residential district, a rear yard of not less than twenty (20) feet shall be provided on the rear yard contiguous to the residential district.

707.7.4 See Section 805 for required separation between residential uses and industrial uses.

707.8 Maximum Lot Coverage by All Buildings

No limitation except as needed to meet other requirements herein.

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707.9 Maximum Height of Structures

707.9.1 Buildings up to forty (40) feet in height are permitted outright.

707.9.2 Buildings in excess of forty (40) feet in height, provided there is an increase of one (1) foot in side, front, and rear yards over the minimum side, front, and rear yard requirements for each additional three (3) feet of height.

707.9.3 Buildings between the height of forty (40) and seventy-five (75) feet are allowed as special exceptions if they do not meet the requirements of 707.9.2 above.

707.10 Minimum Off-street Parking and Loading Requirements

Off-street parking and loading requirements as set forth in Sections 611 and 612 must be met.

707.11 Signs

Signs are permitted in the LM district only in accordance with provisions of Article 9.

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708 HM Heavy manufacturing district

This district is intended to accommodate primarily those uses of a manufacturing and industrial nature, and secondarily those uses which are functionally related thereto such as distribution, storage, and processing. General commercial uses are allowed but are considered incidental to the predominantly industrial nature of the district. Certain related structures and uses required to serve the needs of the primary uses are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this ordinance. In addition, certain uses are permitted only as special exceptions or are prohibited in order to protect such uses from the potentially incompatible characteristics of industrial areas.

708.1 Permitted Principal Uses and Structures

708.1.1 Wholesaling, warehousing, storage, supply and distribution.

708.1.2 Truck terminals, freight terminals, passenger terminals.

708.1.3 Light manufacturing and processing.

708.1.4 Heavy manufacturing and processing.

708.1.5 Outdoor storage lots and yards, except automobile junk yards, salvage yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of junk, scrap, or salvaged materials.

708.1.6 Retail establishments, sales, and display rooms.

708.1.7 Offices.

708.1.8 Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for the teaching of music, dancing or other performing arts.

708.1.9 Financial institutions.

708.1.10 Hotels and motels.

708.1.11 Restaurants, including drive-in eating restaurants.

708.1.12 Personal service establishments.

708.1.13 Business service establishments.

708.1.14 Service and repair establishments including automobile service stations and repair garages.

708.1.15 Amusement, recreational, and entertainment establishments.

708.1.16 Laboratories and establishments for fitting, repair, or production of eyeglasses, hearing aids, or prosthetic devices.

708.1.17 Radio and television stations.

708.1.18 Veterinary establishments, commercial kennels and noncommercial kennels

708.1.19 Commercial printing and job printing.

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708.1.20 Business schools and vocational schools not involving uses of an industrial nature which would not otherwise be permitted in this district.

708.1.21 Rehabilitation centers.

708.1.22 Parking lots and parking garages.

708.1.23 Clubs, lodges, civic and fraternal organizations.

708.1.24 Parks, playgrounds, play fields.

708.1.25 Historic sites and structures provided that they conform to the provisions of Section 804.

708.1.26 Construction companies.

708.2 Permitted Accessory Uses and Structures. Structures and uses which:

708.2.1 Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;

708.2.2 Are located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership;

708.2.3 Do not involve operations not in keeping with the character of the area, or of a nature prohibited under "Prohibited Uses and Structures" for this district.

708.3 Permitted Special Exceptions

After public notice and hearing, and subject to appropriate conditions and safeguards, the board of zoning appeals may permit the uses listed below. In so doing, the board shall consider that the intent of allowing such uses only as special exceptions is to protect such uses from potentially incompatible characteristics of other uses located in the heavy industrial district, external to the uses permitted only as special exceptions, and not vice versa.

708.3.1 Vocational schools.

708.3.2 Rehabilitation centers.

708.3.3 Churches and other places of worship including educational buildings related thereto.

708.3.4 Buildings between the height of forty (40) and seventy-five (75) feet which do not meet the requirements of Section 709.9 below.

708.3.5 Free-standing or guyed communications towers in excess of three hundred sixty (360) feet in height.

708.4 Prohibited Uses and Structures

708.4.1 Any use and structure other than as provided under "Permitted Principal Uses and Structures" in Section 708.1, "Permitted Accessory Uses and Structures" in Section 708.2, and "Permitted Special Exceptions" in Section 708.3.

708.4.2 Elementary schools, middle schools, high schools, colleges, and universities, homes for

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the aged, homes for orphans.

708.4.3 Day care facilities for children.

708.4.4 Hotels and motels.

708.4.5 Funeral homes.

708.5 Minimum Lot Area

708.5.1 Structures and uses permitted as special exceptions: As provided under "Permitted Special Exceptions" for this district.

708.5.2 Structures and uses permitted as special exceptions for which no minimum lot area is specified, and all other permitted uses and structures: No minimum lot area except as needed to meet other requirements herein.

708.6 Minimum Lot Width

All permitted and permissible structures and uses: No minimum lot width required except as needed to meet other requirements herein.

708.7 Minimum Yard Requirements

708.7.1 Front.

(1) If frontage of lot is one hundred (100) feet or more, the required front yard shall be twenty-five (25) feet.

(2) If frontage of lot is less than one hundred (100) feet, the required front yard shall be twenty five (25) feet, unless buildings on contiguous lots fronting on the same street have provided front yards of twenty (20) feet or less, in which case, the front yard may be less than twenty five (25) feet, but not less than the average front yards on contiguous fronting on the same street, and in no case, shall front yards be less than ten (10) feet in depth.

(3) On corner lots, the secondary front yard shall be not less than twelve and one-half (12 ½) feet in depth.

708.7.2 Side. No side yard is required if buildings are built to the side lot line; otherwise, at least three (3) feet of side yard width is required; provided, however, that where a lot zoned HM is contiguous to a residential district, a side yard of not less than twenty (20) feet shall be provided on the side contiguous to the residential district.

708.7.3 Rear. No rear yard is required if buildings are built to the rear lot line; otherwise, at least three (3) feet of rear yard depth is required; provided, however, that where a lot zoned HM is contiguous to a residential district, a rear yard of not less than twenty (20) feet shall be provided on the rear yard contiguous to the residential district.

708.7.4 See additional regulations in Section 805.

708.8 Maximum Lot Coverage by all Buildings

No limitation except as needed to meet other requirements herein.

708.9 Maximum Height of Structures

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708.9.1 Buildings up to forty (40) feet in height are permitted outright.

708.9.2 Buildings in excess of forty (40) feet in height, provided there is an increase of one (1) foot in side, front, and rear yards over the minimum front, rear, and side yard requirements for each additional three (3) feet of height.

708.9.3 Buildings between the height of forty (40) and seventy-five (75) feet are allowed as special exceptions if they do not meet the requirements of 708.9.2 above.

708.10 Maximum Off-street Parking and Loading Requirements

Off-street parking and loading requirements as set forth in Sections 611 and 612 must be met.

708.11 Signs

Signs are permitted in the HM district only in accordance with the provisions of Article 9.

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709 PUD Planned unit development districts

The intent of the planned unit development districts is to derive the benefits of efficiency, economy, and flexibility by encouraging unified development of large sites, while also obtaining the advantage of creative site design, improved appearance, compatibility of uses, optimum service by community facilities, and better functioning of vehicular access and circulation.

It is the intent of these regulations to allow development of large sites subject to specific regulations concerning permitted uses, but only subject to regulations concerning lot area, building coverage, yard spaces, and building height insofar as the city council shall deem appropriate to fulfill the intent of this ordinance, upon presentation of certification from the owners, developers or other parties at interest in the development of such sites that they will adhere to development policies which will fulfill the intent of this ordinance.

709.1 Types of Planned Unit Development Districts. Two types of planned unit development districts accommodating residential and nonresidential uses are created as follows:

709.1.1 PUD-R Planned Unit Development --Residential: The PUD-R district is intended to accommodate primarily residential uses with nonresidential uses integrated into the design of such districts as secondary uses.

709.1.2 PUD-C Planned Unit Development--Commercial: The PUD-C district is intended to accommodate primarily nonresidential uses with residential uses integrated into the design of such districts as secondary uses.

709.1.3 Intent. The types of residential dwelling units, and the types of nonresidential uses allowed to be established in such districts increase with increasing site size of such districts, based upon the premise that increased site size will allow proper design including functional interrelations, buffer treatments separating uses with potentially incompatible characteristics of use, design of access patterns, and relationships of uses within such planned unit developments with uses in adjacent districts. It is the intent of the ordinance that such design and planning features be incorporated properly into any PUD district hereafter created, and that the planning commission and city council shall consider the existence and appropriateness of such features before any amendment to the zoning map is adopted to create such district.

709.2 Permitted Principal Uses and Structures. Permitted uses and structures vary with increasing size and are different for PUD-R and PUD-C districts. Such uses are permitted as per the uses enumerated for specific districts in Sections 300 through 708 above. Where uses for more than one (1) district are permitted, the uses of the less restrictive district shall be permitted. Permitted principal uses and structures for various site sized and types of PUD districts are as follows:

Site Size in Acres	PUD-R Uses Permitted as for the Following Districts	PUD-C Uses Permitted as for the Following Districts
4 but less than 8	R-1, C-3	C-3, C-2
8 but less than 15	R-1, C-3	C-2, R-1
15 but less than 25	R-1, C-3	LM, R-1
25 or more	LM, R-1	LM, R-1

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709.3 Maximum Area of Commercial or Industrial Uses in the PUD-R Districts. In PUD-R districts in which commercial or industrial uses are permitted, the total gross floor area of such commercial or industrial uses shall not exceed the percentages listed below as related to gross floor area of all structures within the PUD at any time. In addition, in PUD-R district in which commercial or industrial uses are permitted, the area of land devoted to such uses, including land coverage of structures, parking, and related characteristics and accessory uses thereto, shall not exceed the percentages listed below as related to total PUD site size at any time.

Total PUD Site Size in Acres	Maximum Percentages of Gross Floor Area And Maximum Percentage of Site Area for Commercial or Industrial Structures and Uses
4 but less than 8	20
8 but less than 15	20
15 but less than 25	30
25 or more	40

Provided however, that these percentages shall apply to commercial and industrial uses, and not to other nonresidential uses, such as schools, parks, community buildings or public facilities.

709.4 Permitted Accessory Uses and Structures. Accessory uses and structures shall be permitted as for the least restrictive districts indicated in Section 709.3 for any specific site size.

709.5 Permitted Special Exceptions. No special exception actions are required to establish any specific use. Uses and structures permitted in the least restrictive districts indicated in Section 700.2 for any specific site size are permitted outright; provided, however, that the planning commission shall ascertain that the effects and benefits usually derived from safeguards and conditions normally imposed upon special exceptions permissible for districts as listed in Sections 700 through 708 will substantially be met by the terms of the proposed planned unit development.

709.6 Prohibited Uses and Structures. Certain uses and structures shall be prohibited as for the least restrictive districts indicated in Section 709.3 for any specific site size.

709.7 Minimum Lot Area. No minimum lot area is required for any specific structure; however, minimum site size to accommodate specific uses shall be as listed in Section 709.3

709.8 Minimum Lot Width, Minimum Yard Requirements, Maximum Lot Coverage, Maximum Height of Structures. Minimum setbacks, minimum lot width, minimum yard size, maximum lot coverage, and maximum height are not regulated within PUD districts; provided however, that the planning commission shall ascertain that the characteristics of building siting shall be appropriate as related to structures within the planned unit development and otherwise fulfill the intent of this ordinance.

709.9 Minimum Off-street Parking and Loading. Off-street parking and loading requirements as set forth in Article 7 shall be met as for the least restrictive districts indicated in Section 708.3 for any specific site size.

709.10 Signs. Signs are permitted in the PUD districts only in accordance with provisions of Article 9 as for the least restrictive districts indicated in Section 709.2 for any specific site size.

709.11 Administrative Application and Review Procedures.

709.11.1 General. The establishment of a PUD district shall be by amendment to the zoning map

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accompanied by certain sureties that the development will be in harmony with the intent of this ordinance and that the public interest in adequate site design, access, and community facilities and amenities will be defended. Application for amendment to establish a PUD district shall be subject to the provisions of Article 10, "Amendments" and in addition, the procedures described below shall apply. It is the intent of this ordinance that the public interest will be served not only by consideration of those specific criteria set forth herein, but also by consideration of the total anticipated effect of the planned unit development upon the community at large. The provisions of the PUD district represent a relaxation of specific site design requirements as applied to other districts herein, and in return for the design flexibility granted thereby, the applicant for amendment to PUD district classification, but requesting the PUD designation and making application therefore shall agree to furnish information about the proposed development, and later to abide by certain conditions and safeguards as may be imposed by the planning commission in establishing such developments. To that end, the regulations set forth herein are minimum requirements and it is the intent of this ordinance that the planning commission may impose conditions and safeguards in excess of, or in addition to, the specific requirements set forth herein, and that guarantee of meeting the minimum requirements set forth herein does not per se create an indication that an applicant should be entitled to such an amendment, and notice is hereby given to that effect.

709.11.2 Pre-application Conference. The applicant is encouraged to communicate his intentions to establish a planned unit development and the proposed characteristics thereof, to the planning commission prior to initiating an application for amendment in order to avoid undue delay in the review process after initiating such application, and in order to facilitate review of materials which may be in preliminary form, and in order to avoid unnecessary expense in preparation of materials in final form which may later be found to be unacceptable or incomplete.

709.11.3 Application for Amendments. The applicant shall make application for an amendment to PUD classification as specified by Article 9 herein.

709.11.4 Site Development Plans to be Submitted to Planning Commission for Review. The applicant shall submit site development plans to the planning commission for review, which shall be similar in content and format to preliminary plats required for review by the subdivision regulations of the City of West Columbia, South Carolina, and in addition, shall show locations of all buildings proposed to be constructed in such planned unit development, drawn approximately to scale, and in addition shall indicate the proposed uses of all such buildings, and in addition, shall contain such other information as may be deemed reasonably appropriate for planning commission review.

709.11.5 Descriptive Statement to be Submitted to Planning Commission for Review. The applicant shall also submit a descriptive statement describing the characteristics and standards to be followed in developing the proposed planned unit development. The descriptive statement shall generally include, but not be limited to the following:

(1) Legal description of proposed development boundaries.

(2) Total number of acres in the development area.

(3) Number of acres devoted to residential, commercial, industrial, and other nonresidential uses to reflect requirements of Section 709.3.

(4) Number of dwelling units of various types and overall density thereof.

(5) Number of off-street parking and loading spaces as needed to meet requirements of individual buildings as required by Section 709.9.

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(6) If commercial development is proposed, indication of economic feasibility and justification for size of facilities.

(7) Description of open space uses and area proposed, adequacy thereof to serve anticipated demand, and if dedication of open space is proposed, procedures and conditions thereof in detail.

(8) If a homeowners association or other group maintenance or group ownership features are to be included, a detailed description of the proposed procedures and operation thereof.

(9) An outline of development phasing indicating the timing of development of all proposed facilities, and justification of development phasing with respect to nonresidential facilities in relation to residential facilities.

(10) Design standards, administrative procedures, and other characteristics which will guarantee the development of the project as an integrated, functionally operable, well planned whole.

(11) Other such information or descriptions as may be deemed reasonably appropriate for planning commission review.

709.11.6 Planning Commission and City Council Hearing. A public hearing shall be held in accordance with procedures set forth in Article 12, except that such hearing shall be a joint hearing before the planning commission and the city council simultaneously.

709.11.7 Planning Commission Recommendation. The planning commission shall make a recommendation upon the proposal which shall be advisory to the city council. Requirements of Article 12 are applicable if the planning commission should fail to report within the time limit established by Article 12.

709.11.8 City Council Approval. The city council may, after fulfilling the applicable requirements of this section and all applications for amendment, approve the PUD submitted to it by the planning commission.

709.11.9 Issuance of Zoning or Building Permits. The zoning administrator or his/her designee shall not issue any zoning permit and the building official shall not issue any building permit for work to commence within any PUD district until the applicant for amendment which established such districts shall have:

(1) Filed with the city clerk and recorded with the Register or Deeds of Lexington County plats showing all proposed features of the planned unit development as approved by the city council which approval shall be certified by the city clerk.

(2) Completed any necessary agreements with the city that the city may become a party to deed restrictions and other restrictive covenants related to the planned unit development, and recorded such agreement with the city clerk and the Register of Deeds of Lexington County.

(3) Recorded with the Register of Deeds of Lexington County all required deed restrictions or other restrictive covenants as required by the city council upon approval of the amendment establishing the planned unit development district.

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(4) Recorded with the city clerk and with the Register of Deeds of Lexington County, the descriptive statement as approved by city council setting forth and committing the developer to certain design standards, development phasing schedules, and other pertinent matters.

(5) Completed the posting of a bond or giving of other surety that adequate progress will be made in developing the project as may be required by Section 709.3.

709.12 Changes of Plans for Planned Unit Developments. Changes which do not require changes of the boundaries of an established PUD district or establishment of a new PUD district are not considered amendments to the zoning ordinance. Any change in boundary of such PUD district shall be accomplished only by following procedures as set forth in Article 12 herein. Changes in the approved characteristics or agreements relating to a PUD district, but not involving change in the boundary thereof shall be classed as either major changes or minor changes and shall be approved or disapproved as follows:

709.12.1 Minor Changes: Revisions of minor characteristics of the planned unit development, such as relocation of driveways or revision of floor plans of specific structures, may be authorized by the planning commission, provided that such authority is granted to the planning commission by the approved and recorded descriptive statement concerning development of the planned unit district. If the planning commission fails to approve a request for a minor change, the developer or other party at interest may then seek a change by the regular amendment process as outlined below for major changes.

709.12.2 Major changes. Major changes which materially affect the characteristics of the planned unit development shall follow the same procedural requirements as for the amendment originally establishing the planned unit district, including commission review, public hearing, and the city council determination, as set forth in Article 12 herein.

709.12.3 It shall be the duty of the zoning administrator or his/her designee to determine whether any specific request shall be considered a major change or a minor change, provided, however, that the applicant for change shall have the right to have any request for change processed as a major change.

709.12.4 The zoning administrator or his/her designee shall issue no zoning permit or certificate of occupancy and the building official shall issue no building permit in connection with any action related to such changes until such changes have been duly recorded as for the original documents recorded as set forth in Section 709.11.9 above.

709.13 Failure to Begin, Failure to Complete or Failure to Make Adequate Progress. The descriptive statement as approved by the planning commission and duly recorded shall set forth the development schedule for the project including phasing of development of non-residential uses in relationship to residential use. The planning commission shall require the posting of a bond with a corporate surety to guarantee that the schedule as set forth in the descriptive statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for re-certification or improper development characteristics such as failure to develop areas designated as common open spaces. If there is failure to begin, or failure to complete, or failure to make adequate progress as agreed in the descriptive statement, the planning commission may enforce and collect upon such bonds or sureties as described above, or may change the district classification of the planned unit development in accordance with the provisions of Article 10, and thus terminate the right of the applicant to continue development, or may initiate action to charge the developers with specific violation of the zoning ordinance subject to the penalties set forth in Article 11 or any appropriate combination of the above remedies may be taken.

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709.14 Terms of this Section to Prevail. In case of any conflict of the terms of Section 709 with the terms of other sections of this ordinance, the terms of Section 709 shall prevail.

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ARTICLE 7
USE REQUIREMENTS FOR DISTRICTS

SECTION 710 Gateway Overlay District

710.1 Creation of the Gateway Overlay District

The City of West Columbia hereby authorizes the creation of the Gateway Overlay District ("the District").

The intent of this District is to uphold and improve aesthetic qualities, promote good urban design, to establish and maintain and provide for a unified, improved identity, and for the proper physical, social, and economic development of the City's Vista Area in order to protect, promote, and improve public health, safety, morals, convenience, order, appearance, prosperity and general welfare, including, but not limited to, safeguarding the cultural, scenic, economic, environmental, and social heritage of West Columbia's Vista Area on behalf of the City, the County, and the State; providing for adequate light, air and public open space; encouraging efficiency and economy in the process of development and redevelopment; making adequate provisions for pedestrian and vehicular traffic; supporting the wise and efficient expenditures of public funds; promoting attractive and economically beneficial community and architectural appearance; promoting economic prosperity for the District and the City; and, providing for adequate public access to the Congaree river and its public shores.

710.2 Purpose

The purposes of the District regulations shall be as follows:

(1) Encourage high quality development as a strategy for investing in the City's future;
(2) Emphasize Meeting Street as a major entryway into the City from the City of Columbia;
(3) Establish and maintain a unified, improved identity for the District;
(4) Recognize and support the significance of the river front and other unique areas, and to minimize the negative impacts of development in their vicinity;
(5) Maintain and enhance the quality of life for the citizens of West Columbia;
(6) Shape the District's appearance, aesthetic quality and spatial form;
(7) Reinforce civic pride of citizens through appropriate development;
(8) Increase awareness of aesthetic, social and economic values;
(9) Protect and enhance property values;
(10) Minimize negative impacts of development on the natural environment;
(11) Provide property owners, developers, architects, engineers, builders, business owners, and others with a clear and equitable set of regulations for developing land; and
(12) Shape and develop the District in a manner that is beneficial to the City and its citizens.

710.3 District Boundaries

The boundaries of the District shall be as follows:

Properties located from Meeting Street to Shull Street between Ninth Street to Leaphart Street; properties located from Meeting Street to Center Street between Ninth Street and State Street; Properties located from Leaphart Street to the Congaree River between Jarvis Klapman and Meeting Street; properties located from State Street to Alexander Road between Meeting Street and Court Avenue and the 100 block of Oliver Street; properties adjacent to the east side of State Street between Court Avenue and B Avenue. The two properties located immediately to the east side of State Street and adjacent to the south side of B Avenue. Properties located on the west side of State Street between Center Street to Augusta Street which are currently in the C1 district. Also, properties adjacent to the west side of State Street between Augusta Street and C Avenue. The property located

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at the southwest corner of State Street and C Avenue.

These boundaries shall be more fully delineated and shown on the official zoning map for the City of West Columbia.

710.4 Definitions

(1) Body Piercing Establishments: Any location where body piercing is engaged in or where the business of body piercing is conducted, or any part thereof. Body piercing refers to the creation of an opening in the body of a human being so as to create a permanent hole for the purpose of inserting jewelry or other decoration. Body piercing includes piercing an ear, lip, tongue, nose, naval, eyebrow or any other body part. It does not include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear lobe.

(2) Massage Parlors: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

(3) Tattoo Establishments: Any location where tattooing is engaged in or where the business of tattooing is conducted, or any part thereof. Tattooing refers to the inserting of permanent markings or coloration, or the producing of scars, upon or under human skin through puncturing by use of a needle or any other method.

710.5 Permitted Uses

(1) Permitted uses within the District are restricted to the following: retail establishments, residences, sales and display rooms, photography and art studios, art galleries and sales, interior design studios, craft studios and sales, antique shops, establishments for teaching music, dance or other performing arts, financial institutions, hotels, motels, bed and breakfast establishments, restaurants, personal service establishments, amusement, recreational and entertainment establishments, offices, parking lots, parking garages, utility substations, municipal water/sewer facilities, clubs, lodges, civic and fraternal organizations, churches, and other places of worship, including educational buildings related thereto, parks, playgrounds and play fields, community service structures and uses such as community centers, libraries, fire stations, and civic cultural and recreational uses, historic sites and structures provided that they conform to the provisions of Section 804 of the West Columbia Zoning Ordinances, convenience stores and funeral homes. However, all permitted uses must also meet the requirements of the underlying Zoning District.

(2) The following uses are declared to be incompatible with the intent and purposes of this district as stated in 710.1 and 710.2, and are therefore disallowed, irrespective of primary or underlying Zoning District regulations permitting such uses:

(a) Sexually oriented businesses, as defined in Section 809;
(b) Massage Parlors;
(c) Pawn Shops;
(d) Body Piercing Establishments;
(e) Tattoo Establishments;
(f) Check Cashing, Title Loan and Pay Day Loan Businesses;
(g) Mini-warehouses and Storage Units;
(h) Automotive Repair Shops; and
(I) New & Used Car Dealerships and Motorcycle Dealerships.

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710.6 General Design Standards for Commercial Development, Group Housing Development and High-Rise Apartment Developments

At a minimum, the following general design standards shall be considered by the Zoning Administrator or his/her designee when considering a proposed project in the District:

(1) Height: The height of any proposed alteration or construction should comply with the underlying zoning restrictions.

(2) Exterior Building Material: Brick, brick veneer, wood siding, wood look-alike siding, stucco, etc. are the preferred exterior building materials for buildings in the District. No portion of a building constructed of metal siding should be visible from the street.

(3) Utility Lines: All utility lines should be placed underground.

(4) Scale: The scale of the structure after alteration, construction, or partial demolition should be compatible with surrounding structures.

(5) Directional Expression: Facades should blend with other structures with regard to directional expression. Structures should be compatible with the dominant horizontal or vertical expression of surrounding structures.

(6) Architectural Details: Architectural details including materials, colors, and textures should blend in and be compatible with surrounding development. Roofing materials and pitches, as well as glass components will be in keeping with the architectural integrity of the area.

(7) Parking: Generally, parking requirements will be enforced.

(8) Landscaping: Generally, the Landscaping ordinance will be enforced. Chain link, woven wire or barb wire fencing shall be prohibited in any area visible from the public right-of-way.

(9) Setbacks

(a) The following properties shall be allowed a 12.5' front yard setback from the road: properties located between Leaphart Street and the Congaree River and Klapman Boulevard and Meeting Street; and properties between State Street and Alexander Road and Meeting Street and Court Avenue and the 100 block of Oliver Street. However, building placement on the property cannot interfere with pedestrians and vehicular safety as it pertains to visibility triangles located at intersections or the ingress and egress to the property. These properties shall be more fully delineated on the official zoning map for the City of West Columbia.

(b) Otherwise, all setbacks shall comply with the underlying zoning districts.

710.7 Certain Work Exempt

Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any building or any structure which does not require a building permit.

710.8 Review Process

(1) Any property owner(s) or developer(s) proposing a project within the District, which would create a new plat of record or combine or re-combine existing lots, or would substantially alter or renovate an existing structure, must submit site plans of the proposed project, along with sketch plans of front, side and rear elevations, dimensions and exterior materials and color chart and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being upheld to the Zoning Administrator or his/her designee.

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(2) The Zoning Administrator or his/her designee shall review the proposed plans to determine if it adheres to the District's purpose, intent and guidelines. The Zoning Administrator may require additional information as is necessary to determine compliance 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 of adjacent property. If the proposed project is consistent with the District's guidelines, intent and purposes, the Zoning Administrator or his/her designee shall approve the project and shall issue the appropriate permits.

(3) Variances from the standards and requirements set forth herein shall be as provided in Article 11 of the City of West Columbia Zoning Ordinances.

710.9 Appeals

Any person who may have a substantial interest in any decision by the Zoning Administrator or his/her designee relating to a project in the District may file an appeal with the Board of Zoning Appeals pursuant to the provisions of Article 11 of the City of West Columbia Zoning Ordinances.

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ARTICLE 8
SUPPLEMENTARY DISTRICT REGULATIONS

800 High-rise apartments

High-rise apartments are permitted or permissible in certain districts as indicated in Article 7, "Use Requirements for Districts", subject to the following regulations:

800.1 High-rise Apartments Permitted Outright or as Special Exceptions.

800.1.1 High-rise apartments are permitted outright in the following districts: R-1 and C-3.

800.1.2 High-rise apartments with commercial uses on the first and second floors are permitted as special exceptions in the following districts: C-1 and C-3.

800.2 Permitted Uses in High-rise Apartments.

800.2.1 Dwelling units.

800.2.2 Any uses permitted in the district in which the high-rise apartment is located, provided that in C-3 districts non-residential uses including "accessory commercial uses" as described below, plus all other non-residential uses, shall not occupy more than thirty percent (30%) of the gross floor area of the building exclusive of any portion of the building devoted to parking.

800.2.3 In addition to non-residential uses, permitted or permissible in the district in which the high-rise apartment is located, such structures may contain "accessory commercial uses" which are defined as:

(1) Commercial establishments for the sale of convenience goods.

(2) Personal and professional service establishments.

(3) Private clubs and lodges.

(4) Restaurants.

800.2.4 Provided however, that in R-1 districts, such "accessory commercial uses" as described above, shall meet the following requirements:

(1) They shall be designed, constructed, and operated with orientation toward the interior of the structure.

(2) There shall be no external evidence of such "accessory commercial uses".

(3) Such accessory commercial uses shall not occupy more than ten percent (10%) of the gross floor area of the building exclusive of any portion of the building devoted to parking.

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800.3 Dimensional Requirements

	R-1	C-1	C-3
Minimum lot area	1 acre	1 acre	1 acre
Minimum lot width	150 feet	150 feet	150 feet
Required front yards	25 feet	25 feet	25 feet
Required side yards	25 feet	15 feet	25 feet
Required rear yards	25 feet	25 feet	25 feet
Maximum lot coverage	25 percent	35 percent	25 percent

800.4 Increase of Allowable Lot Coverage

800.4.1 Additional lot coverage may be allowed on a foot-for-foot basis equal to the number of square feet provided on the structure above the first floor level in the form of landscaped roof gardens, solariums, recreational spaces, and the like made available generally to residential tenants but in no case shall such increase in coverage exceed an amount equal to ten percent (10%) of the total lot area upon which such high-rise apartment is located.

800.4.2 In any district in which high-rise apartments are allowed, parking structures to accommodate required parking may be erected to cover not more than thirty percent (30%) of the total lot area in addition to the coverage listed in 800.3 and 800.4(1) above.

800.5 Maximum Height of High-rise Apartments. In any district in which high-rise apartments are allowed, no portion of any high-rise apartment shall project through imaginary planes leaning inward over the lot from the exterior lot lines of the lot angles representing four (4) feet in height for each one (1) foot of horizontal distance from such lot lines.

800.6 Required Off-street Parking and Loading for High-rise Apartments. Off-street parking requirements must be met for the district in which the high-rise apartment is located as required by Section 611 herein. Off-street loading must be met as required by Section 612 herein.

800.7 Signs for High-rise Apartments. Signs are permitted in connection with the high-rise apartments in accordance with the requirements of Article 9 for the district in which structures are located.

800.8 Requirements Concerning Planning Commission Review. All proposals for construction or enlargement of high-rise apartments where high-rise apartments are permitted as special exceptions shall be reviewed by the planning commission prior to the board of zoning appeals action on such proposals, as follows:

800.8.1 The applicant for special exception shall submit to the planning commission such site plans, architectural plans, descriptions, and other information as the planning commission may deem reasonably necessary to review such proposal.

800.8.2 The planning commission shall review such proposal to determine if the requirements stipulated in this ordinance have been met and also that the high-rise apartments as proposed are in harmony with the intent of this ordinance. The specific design, use, and dimensional requirements of this ordinance shall be binding upon the planning commission, which shall not have the authority to approve any variation therefrom.

800.8.3 The planning commission shall certify findings of its review to the board of zoning appeals. Such certification shall be made within forty-five (45) days of submission of all required information. If such certification is not made within the time specified, the board of zoning appeals may act upon such proposal as
if the planning commission had made affirmative finding in favor of the applicant on all aspects of the proposal.

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800.9 Board of Zoning Appeals Action Upon High-rise Apartments. The recommendations of the planning commission shall be advisory only to the board of zoning appeals. Upon receipt of the recommendation, the board may act to grant such special exceptions as are provided for herein. Even though the board may impose such safeguards and conditions as deemed appropriate in the granting of a special exception, the specific design, use, and dimensional requirements of this ordinance as regards high-rise apartments are binding upon the board, and in no case shall the board vary requirements established by this ordinance for a high-rise apartment, whether permitted outright or as a special exception.

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801 Group developments

801.1 Types of Group Developments.

801.1.1 Group commercial or industrial developments consist of more than one (1) commercial or industrial structure erected on a single lot.

801.1.2 Group housing developments consist of:

(1) Any structure containing more than four (4) dwelling units on the first floor level thereof or containing more than eight (8) dwelling units throughout, except that high rise apartments are not considered to be group housing developments.

(2) More than one (1) structure containing dwelling units erected on a single lot.

801.2 Regulation of Group Commercial or Industrial Developments. Group commercial or industrial developments may be established in any district provided that:

801.2.1 They house only permitted or permissible uses for the district in which they are located;

801.2.2 They meet all lot, yard, and other requirements of this ordinance.

801.3 Regulation of Group Housing Developments.

801.3.1 Establishment. Group housing developments may be established as follows:

(1) Containing single family detached dwellings only, as special exceptions in D-1, R-3 and R-4 districts.

(2) Containing single family detached, two (2) family detached or multiple family dwellings, permitted outright in R-1, R-2, or C-3 districts.

801.3.2 Lot Area Per Dwelling Unit. A group housing development shall conform to the minimum lot area per dwelling unit for the district in which it is located, provided, however, that any group housing development containing more than one (1) structure shall have lot area of at least twenty thousand (20,000) square feet.

801.3.3 Street Access. Any building established in connection with such group housing development which does not face directly on a public street shall be provided with access to a public street by a paved driveway having a pavement width of not less than twenty (20) feet, exclusive of parking spaces.

801.3.4 Setback Requirements. All buildings and structures established in connection with such group housing developments shall comply with all front, side, and rear yard setback requirements for the district in which they are located.

801.3.5 Orientation of Yards. The orientation of yards for structures within group housing developments shall be based upon the orientation of the lot and upon the orientation of individual structures, as further set forth in Section 610.4.

801.3.6 Position of Dwelling Structures. No dwelling structure established in connection with a group housing development shall be situated on a lot as to face the rear of another building or structure within the development within a distance of one hundred (100) feet.

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801.3.7 Uses Prohibited. In no case shall a use be permitted in connection with such development that is prohibited by this ordinance in the district in which such group housing development is to be located.

801.3.8 Elevators or Escalators. Any residential structures within a high-rise group housing development or defined as being a group housing development containing more than three (3) stories above or below the level of the principal entrance shall contain elevators or escalators.

801.3.9 Review by Planning Commission. Before the board of zoning appeals may act on a proposal for construction or enlargement of any group housing development requiring a special exception therefor, the planning commission shall review site plans, descriptions, and other such materials as deemed appropriate in order to determine that the requirements listed above will be met by such proposed development, and further shall find that such development is in harmony with the intent and purposes of this ordinance and shall certify such findings to the board of zoning appeals. In the event that the planning commission shall fail to report its findings to the board of zoning appeals within sixty (60) days from the time that all required materials are submitted, the board of appeals may act upon such proposal as if the planning commission had reported favorably on all aspects therefor.

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802 Home occupations

Home occupations, except beauty and barber shops, are permitted accessory uses in all residential districts. Beauty and barber shops as home occupations are permitted special exceptions in all residential districts subject to approval by the board of zoning appeals.

The following requirements shall apply to home occupations:

(1) Only members of the family residing on the premises shall be engaged in the home occupation;

(2) The occupation shall not involve the retail sale of merchandise manufactured off the premises, except for the sale of goods incidental to the provision of services;

(3) No display of merchandise shall be displayed for advertising purposes or be visible from outside the dwelling;

(4) The occupation shall not, in the opinion of the zoning administrator or his/her designee, create a nuisance or cause undue disturbance in the neighborhood due to noise, fumes, or other impacts from the operation of the occupation;

(5) No sign shall be permitted, except one (1) non-illuminated nameplate not more than one (1) square feet in area mounted flat against the wall of the principal building in which the occupation is conducted. Sign regulations are included in Article 9.

(6) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

(7) Off-street parking shall be provided in accordance with the provisions set forth in Section 611.3.12.

(8) The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation. The home occupation must be carried on wholly with the principle residential building.

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803 Day care facilities for children

803.1 Definitions

Child Day Care Center. Provides care for 13 or more children at any given time. Must be approved by the board of zoning appeals and pass a fire inspection prior to being approved by, license by, or registered with the South Carolina Department of Social Services. Due to the scope of their operations, child day care centers are permitted special exceptions only in commercial districts, except for child day care centers sponsored by and housed in churches located in residentially zoned areas.

Family Day Care Home. Provides care for up to six (6) children at any given time. Must be approved by the board of zoning appeals prior to being registered with or licensed by the South Carolina Department of Social Services. Licensed family day care homes must also pass a fire inspection. A family day care center must be located in an occupied residence and have a working, listed telephone number. Family day care homes are permitted as special exceptions in all residential and commercial districts.

Group Day Care Home. Provides care for seven (7) to twelve (12) children at any given time. Must be approved by the board of zoning appeals and pass a fire inspection prior to being licensed by the South Carolina Department of Social Services. A group day care must be located in a residence or in a separate building if permitted in the applicable zoning district. Group day care homes are permitted in R-1 and R-2 residential districts and all commercial districts.

803.2 General Requirements

803.2.1 Meeting State Requirements. Before granting a special exception for establishment of a day nursery or kindergarten, the board of zoning appeals shall determine that such facility can meet the requirements set forth in the South Carolina Department of Social Services "Rules and Regulations Relating to Licensing Day Care Facilities and Childcare Centers". The day nursery or kindergarten may not open for business until it is fully registered or licensed by the South Carolina Department of Social Services.

803.2.2 Fencing for Play Areas. Fenced play area shall be a minimum of one thousand and five hundred (1,500) square feet for any child day care center. For family day care homes and group day care homes, the South Carolina Department of Social Service requirement for fenced play area shall be met. No fence shall be less than five (5) feet in height or greater than seven (7) feet in height.

803.2.3 Loading and Unloading. An area adequate for loading and unloading of children to be accommodated shall be provided and such area shall not be located within any public right-of-way.

803.2.4 Signs. Notwithstanding provisions of Article 9 of the zoning ordinance, signs in connection with any day care facilities from children located in any residential district shall be limited to one (1) sign for each facility, not to except two (2) square feet of display area, and not illuminated.

803.2.5 Play Equipment. No play equipment shall be closer than twenty (20) feet to any residential lot line.

803.2.6 Facilities, operation, and maintenance shall meet requirements of the appropriate health department.

803.2.7 Additional Conditions. The board of zoning appeals shall determine if additional safeguards and conditions are appropriate in order to protect children accommodated from detrimental characteristics of use of adjacent areas, or to protect similar facilities on adjacent properties.

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804 Historical sites and structures

For the purposes of this ordinance, historical sites and structures include those listed in the National Register of Historic Places and those listed in Central Midlands Historic Preservation Survey by Central Midlands Council of Governments. Notwithstanding any other provisions of this ordinance, the board of zoning appeals may, after due notice and public hearing, authorize as a special exception the use of any historical site or structure which is not otherwise permitted in the district in which it is located upon finding that:

804.1 A normally permitted use is not economically or practically feasible or would not be in the interest of historical preservation, and

804.2 The proposed use will tend to promote the maintenance or restoration of the unique historical or architectural qualities of the property.

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805 Required separation between commercial and/or manufacturing lots and residential lots

When the rear or side lot line of a lot zoned and used for commercial or industrial purposes adjoins the rear or side lot line of a lot zoned for residential purposes, the commercial or industrial development shall comply with the following requirements.

805.1 The required setback line for buildings on the commercial or industrial lot shall be increased to twenty (20) feet from the property line of the residential lot.

805.2 A vision screening buffer shall be provided along the rear or side lot line used and zoned for commercial or industrial purposes. This buffer shall consist of a vegetative, opaque screen at least four (4) feet deep and six (6) feet tall, a solid wall or fence at least six (6) feet tall, or any combination of the above offering equal protection. Slatted fences must provide ninety percent (90%) opaqueness at the time of installation. Durable wooden fences must be approved by the zoning administrator or his/her designee.

805.3 These provisions shall not apply when the aforesaid side or rear lot lines do not meet due to the presence of an easement, water course, or other right-of-way greater than twenty-five (25) feet in width. In such cases, said easement, water course or other right-of-way shall be deemed a sufficient buffer for the purpose of this ordinance. The provisions of this section do not apply to storage yards.

805.4 Parking facilities or driveways shall not be permitted in the side or rear yard setbacks for a distance of four (4) feet from any property zoned R-4, R-3, R-2, or R-1.

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806 Cluster housing development

Cluster housing developments containing single family detached or attached dwelling units are allowed in R-1, R-2, R-3, and C-3 zoning districts as permitted special exceptions subject to approval by the board of zoning appeals and subsequent review and approval of development plans by the planning commission. Land development regulations of the City of West Columbia shall apply to all cluster housing developments.

806.1 Definitions

806.1.1 Detached Cluster House. A single family dwelling unit which has no common wall with any building other than its accessory structure or structures.

806.1.2 Attached Cluster House. A single family dwelling unit in a building that has not less than two (2) or more then eight (8) single family housekeeping units intended for owner occupancy which are erected as a single building on adjoining lots each being separated from any other building by space on all sides. No attached cluster house shall be more than one hundred and fifty (150) feet in length.

806.1.3 Attached Cluster Housing Development. A minimum of two (2) attached cluster houses wherein specified real property will be subdivided and sold wherein other specified real property will be owned in common and managed and maintained by a homeowners association or by a developer.

806.1.4 Combination Cluster Housing Development. A cluster housing development may contain both attached and detached houses.

806.1.5 Architectural Style in Cluster Housing Developments. In all cluster housing developments, exterior elevations of all houses must be architecturally compatible and may be mixed in design.

806.2 Material to be Submitted for Planning Commission Review. All applicants for cluster housing developments shall submit architectural plans including details such as number, location, and orientation of dwelling units, site plans, landscaping plans, plans for off-street parking and service areas, ingress and egress arrangements, elevations of all portions of proposed structures, perspective drawings showing the relationship between the proposed structures, perspective drawings showing the relationship between proposed structures within fifty (50) feet of the exterior property lines of the proposed cluster housing development.

Also a copy of the legal documentation for land in common ownership and public ownership must accompany the application for planning commission review and be approved by the planning commission prior to being recorded in the Lexington County Register of Deeds. The planning commission may require additional information, if the members feel there is a need.

806.3 Requirements Concerning Planning Commission Review. The materials required in Section 806.2 must be approved by the planning commission prior to issuing a building permit. The planning commission as a condition of approval may require screening or modifications to the landscaping, parking, and circulation plans. The required screening as determined by the planning commission and the placement of curb cuts as approved by the planning commission along with the arrangement of land in private ownership, common ownership, and public ownership are binding upon the applicant.

The zoning administrator or his/her designee shall issue no zoning permit for the erection of any attached or detached cluster house or any alteration to any cluster house, which (1) increases its height or coverage of land, (2) increases the total number of residential units in the approved cluster housing development, (3) alters the parking requirements or reduces the number of off-street parking spaces, or (4) infringes on the common ownership property or the designated exterior buffer areas along the fringes of the identified cluster housing development until the planning commission shall have reviewed the application and documents required to be submitted therewith and reported concerning conformity with the provisions, intent, and purposes of this ordinance.

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At his direction, the zoning administrator or his/her designee may approve minor changes in materials required for submission.

806.4 Minimum Site Size for Cluster Housing Development

Zoning District	Acres
R-3	3
R-2	3
R-1	1.5
C-3	1.5

Density for a cluster housing development shall be determined as follows:

806.4.1 In a R-3 district, structures and/or building coverage shall not exceed twenty five percent (25%) of the buildable area.

806.4.2 In R-1, R-2, or C-3 districts, structures and/or building coverage shall not exceed forty percent (40%) of the buildable area.

806.4.3 Street right-of-way shall not be included in computing buildable area in R-, R-2, R-3, and C-3 districts.

806.5 Minimum Setback from Exterior Property Lines of Cluster Housing Development.

Zoning District	Distance from Right-of Way Along Existing Public Street	Other Exterior Property Lines
R-3	35 feet	10 feet
R-1, R-2, C-3	25 feet	10 feet

A minimum yard setback of twenty (20) feet is required in the primary front yard and a minimum yard setback of ten (10) feet is required in secondary front yards (or side yards facing a street).

806.6 Minimum Spacing Between Principal Buildings

Zoning District	Front to Front	Front to Side	Side to Side	Rear to Front	Rear to Side	Rear to Rear
R-3	30 ft.	20 ft.	10 ft.	100 ft.	10 ft.	20 ft.
R-1, R-2 and C-3	30 ft.	20 ft.	6 ft.	100 ft.	10 ft.	20 ft.

The side, rear, and front of each structure shall be designated on a site plan of each cluster development submitted to the planning commission for approval.

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806.7 Minimum Required Open Space. Open space for the purpose of cluster housing development is defined as the land area in common ownership of the homeowners, exclusive of parking areas and roadways which is designed to meet the primary objective of supplying passive or active recreation needs. Only twenty-five percent (25%) of the water surface of a natural or man-made body of still or moving surface water shall be counted toward determination of required open space.

Minimum Open Space

Zoning District	Percent of Land in Open Space In Common Ownership
R-3	30 %
R-2	20 %
R-1, C-3	10%

806.8 Minimum Off-street Parking Spaces.

806.8.1 Where a cluster housing development is dependent completely on off-street parking grouped in concentrations of greater than four (4) spaces and under common ownership, two (2) off-street parking spaces per dwelling unit; or,

806.8.2 Two (2) off street parking spaces per dwelling unit on an individual privately owned driveway and appropriate visitor parking as determined by the planning commission.

806.9 Requirements for Paving of Streets and Parking Areas.

806.9.1 Streets designed for public maintenance must meet the requirements of the land development regulations. Streets designed for private maintenance must meet paving quality as provided in the land development regulations. Private streets designed for two-way traffic must meet the same construction standards as any publicly maintained roadway. Rights-of-way are not required for private streets or roadways. Private streets must meet all other design requirements of Article 5 of the Land Development Regulations of the City of West Columbia.

806.9.2 The quality of paving standards for off-street parking areas containing more than four (4) parking spaces are the same as the quality of paving standards set forth in the city's land development regulations.

806.9.3 All dwelling units and appropriate community facilities must be provided adequate access to streets meeting the standards of the city's land development regulations.

806.10 Other Lot Requirements. Notwithstanding other provisions of this ordinance, lots within cluster housing developments are not subject to minimum lot area, lot width, and lot setback requirements. District height requirements of the zoning ordinance will apply to buildings and structures in cluster housing developments.

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807 Sediment control, storm drainage, and flood protection.

In order to protect the lands and waters under its control from the harmful effects of sedimentation, storm water, and flooding, the West Columbia City Council has adopted a Sediment Control and Storm Drainage Ordinance. That ordinance requires that a sediment control and storm drainage plan be submitted for any new development. Under an engineering agreement with Lexington County, the plan is reviewed by the county's engineering staff who provides technical advice
to the West Columbia building official. The building official must approve the sediment control and storm drainage plans before issuing a land disturbance permit. If construction or land disturbance is located in a designated flood hazard area as shown on the city's flood insurance rate map, a flood control measures must be approved by the building official prior to the issuance of any construction permits.

This section is not intended to incorporate the sediment control and storm drainage ordinance by reference but to call attention to the existence of development regulations relating to the city in general and to the floodway and floodplain areas indicated on the city's flood insurance rate map in particular.

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808 Manufactured homes

808.1 Definitions.

Manufactured Home or Mobile Home: A movable or portable dwelling unit over thirty-five (35) feet in length and at least ten (10) feet in width, constructed to be towed on its own chassis, designed without a permanent foundation, capable of supporting year round occupancy, which may include one (1) or more components that can be retracted for towing purposes and subsequently expanded or which may consist of two (2) or more units separately towed but designed to be joined into one (1) integral unit. The home must be permanently attached to the ground once moved to its site of occupancy and all transportable features used to move the house to the site of occupancy must be removed. For the purpose of this ordinance "mobile homes" will be referred to a "manufactured homes".

Mobile Home Park or Subdivision. A lot used, designed or intended to be used for the purpose of supplying parking space for two (2) or more occupied mobile homes and which includes buildings, structures, vehicles or enclosures used or intended to be used as a part of such mobile home park or subdivision. Sales or storage lots for unoccupied mobile homes are not considered to be mobile home parks.

Modular Home. 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 the International Building Code standards for site built units. A mobile home, house trailer, or manufactured home is not a modular home.

808.1.1 Classes of Manufactured Homes.

(1) Class A. New manufactured homes certified as meeting the 1976 Construction and Safety Standards of the Department of Housing and Urban Development and approved by the zoning administrator or his/her designee as meeting "acceptable similarity" appearance standards in accordance with Section 811.2(g).

(2) Class B. New manufactured homes certified as meeting HUD 1976 Construction and Safety Standards, but not approved by the zoning administrator or his/her designee as meeting "acceptable similarity" appearance standards.

(3) Class C. Manufactured homes certified as meeting the Standards for Manufactured Homes -- Body and Frame Construction, Installation of Plumbing, Heating and Electrical Systems, NFPA No. 501B, ANSI A119.1, 1968-69 or later edition, or used manufactured homes certified as meeting either the HUD standards specified above or such proper code, found on inspection to be in excellent condition and safe and fit for residence.

808.2 Class A Manufactured Homes -- Intent and Effect of Approval Procedures; Guides and Standards.

808.2.1 Intent. It is the intent of these regulations to encourage the provision of moderate and middle income housing in a general residential environment by permitting the use of Class A manufactured homes, as defined herein, in the D, R-1, R-2, and C-3 districts subject to the requirements and procedures set forth herein to assume acceptable similarity in exterior appearance between such manufactured homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent lots in the same district.

808.2.2 Effect of Approval of Class A Manufactured Homes; Limitations. Manufactured homes approved as Class A, either individually or specified model, shall be permitted in any district in which similar residential occupancy is permitted, subject to requirements and limitations applying generally to such residential use in the district, including minimum lot, yard, and building spacing dimensions, percentage of the lot that may be covered by building, transitional provision at district boundaries, and off-street parking requirements, and subject to the following additional requirements and limitations.

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808.2.3 Approved Permanent Foundation and Curtain Wall Required. No manufactured home shall be placed or occupied for residential use on a separate site in any district permitting the use of Class A manufactured homes, except with a permanent foundation and permanent curtain wall.

808.2.4 Approval of Permanent Foundation and Curtain Wall. The zoning administrator or his/her designee may, on his own initiative, establish general approval for specified types, brands, varieties or design of permanent foundation and brick curtain wall to be used in connection with installation of Class A manufactured homes in areas where such homes are permitted on their own sites. Such general approval shall be based on a determination of acceptable similarity in appearance to foundations for housing built on the site and on durability adequate to preserve such appearance with proper maintenance.

On application for similar approval for specified types, brands, varieties or designs, the zoning administrator or his/her designee shall make similar determinations.

Where approval is granted for permanent foundations or brick curtain walls in connection with applications on individual Class A manufactured homes, the same type, brand, variety or design shall hereafter be constructed to be generally approved.

If the zoning administrator or his/her designee shall find that a specific type, brand, variety or design of permanent foundation or brick curtain wall that has been approved fails to preserve acceptable appearance with proper maintenance, he shall order necessary correction and/or shall suspend or remove the type, brand, variety or design from the generally approved listing, with reasons stated in writing.

808.2.5 Application for Class A Determination; Material to be Supplied. Application for approval of manufactured homes as Class A shall be submitted to the zoning administrator or his/her designee in such form as he may reasonably require to make determinations. In particular, in addition to such information as is generally required for permits and is necessary for administrative purposes, such application shall include all information necessary to make determination as to their conformity with Standards for Determinations of Acceptable Similarity in Exterior Appearance, Class A Manufactured Homes, including elevation or photographs of all sides of the manufactured home, exterior dimensions, roof slopes, exterior finish, and the like.

808.2.6 Action by Zoning administrator or his/her designee; Time Limitation on Determination; Nature of Determinations. Within five (5) working days of receipt of the application and all required supporting material, the zoning administrator or his/her designee shall notify the applicant of approval, conditional approval, or denial of the application. Conditional approval shall be granted only when the conditions and reasons therefor are stated in writing and agreed to by the applicant, and such conditions shall be binding upon the applicant. In case of disapproval, the reasons therefore shall be stated in writing.

808.2.7 Standards for Determination of Acceptable Similarity of Exterior Appearance; Class A Manufactured Homes. The following standards shall be used in determination of acceptable similarity in appearance between manufactured homes and residences constructed on the site to assure that such manufactures homes, with permanent foundation or skirting approved (as provided at Approval of Permanent Foundation) will be compatible in appearance with site built housing that has been or may be constructed on adjacent or nearby locations. In addition to meeting the following specific standards, no manufactured home to be approved as Class A shall have an arrangement or appearance of windows and doors or other features or use colors or color combinations that would be incompatible in a neighborhood in which most residences are site built.

(1) Minimum Width of Structure. Minimum width of the manufactured home as assembled on the site shall not be less than twenty (20) feet, as measured across the narrowest portion.

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(2) Minimum Roof Pitch; Minimum Distance, Eaves to Ridge; Roofing Materials. The pitch of the main roof shall be not less than two and one half (2 2) inches of the rise for each twelve (12) inches of horizontal run. Minimum distances of eaves to ridge shall be ten (10) feet. In general, any roofing material may be used that is generally acceptable for housing built on the site, if applied in such a manner as to be similar in appearance.

(3) Exterior Finish; Light Reflection. Materials that are generally acceptable for housing built on the site may be used for exterior finish if applied in such a manner as to be similar in appearance; provided however, that reflection from such exterior shall not be greater than from siding coated with clean, white, gloss exterior enamel.

808.3 Class B and C Manufactured Homes -- Intent and Approval Procedures. Class B and C manufactured homes are permitted in development districts as special exceptions subject to approval by the board of zoning appeals subject to the terms of Section 808.3. The zoning administrator or his/her designee must have a determination of the construction standards of the manufactured home as well as its structural conditions prior to hearing by the board of zoning appeals.

808.3.1. Intent. It is the intent of these regulations to encourage the provision of moderate and middle income housing in low density, primarily undeveloped locations by permitting the location of Class B and C manufactured homes as special exceptions on separate lots in development districts subject to basic review requirements.

808.3.2 Effect of Approval of Class B and C Manufactured Homes; Limitations. Manufactured homes, approved as Class B and C, either individually or by specific model, shall be permitted as special exceptions in the development districts in which similar residential occupancy is permitted, subject to requirements and limitations applying generally to such residential use in the district, including minimum lot, yard, and building spacing dimensions, percentage of the lot that may be covered by buildings, transitional parking requirements, and subject to the following additional requirements and limitations.

808.3.3 Approved Permanent Foundation and Curtain Wall. No manufactured home shall be placed or occupied for residential use on a separate site in a development zone except with a permanent foundation and brick curtain wall generally approved for such use, or upon special approval by the zoning administrator or his/her designee of the appearance and durability of the permanent foundation and brick curtain wall proposed as being acceptably similar in appearance to foundations or residences built on the site.

808.3.4 Approval of Permanent Foundation and Curtain Wall. The zoning administrator or his/her designee may, on his own initiative, establish general approval for specified types, varieties or design of permanent foundation and brick curtain wall to be used in connection with installation of Class B and C manufactured homes in the development district. Such general approval shall be based on a determination of acceptable similarity in appearance to foundations of housing built on the site and on durability adequate to preserve such appearance with proper maintenance.

On application for similar approval for specified types, brands, varieties or design, the zoning administrator or his/her designee shall make similar determinations. Where approval is granted for permanent foundation and brick curtain wall in connection with applications on individual Class B and C manufactured homes, the same types, brands, varieties or designs shall be thereafter constructed to be generally approved.

If the zoning administrator or his/her designee shall find that a specified type, brand, variety or design of permanent foundation and brick curtain wall that has been approved fails to preserve acceptable appearance with proper maintenance, he shall order necessary correction and/or shall suspend or remove the type, brand, variety or design from the generally approved listing, with reasons stated in writing.

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808.3.5 Application for Class B and C Determination; Materials to be Supplied. Application for approval of manufactured homes as Class B and C authorized for location by special exception in the development district shall be filed with the zoning administrator or his/her designee.

The application for special exception shall include material attesting the standards to which the manufactured home was manufactured as well as an appraisal of the condition of the manufactured home by a building official. The applicant shall certify also that the manufactured home will be attached to all utilities except gas and telephone.

808.3.6 Actions by the Board of Zoning Appeals on Class B and C Manufactured Homes Special Exception in Development Districts. Upon receipt of an application with all required supporting material, the zoning administrator or his/her designee will notify the chairman of the board of zoning appeals so that a hearing on the special exception can be held at one of the board's regular meetings. At the advertised public hearing, the board shall receive all required information submitted by the applicant to the zoning administrator or his/her designee. The board shall rule on the application submitted and may attach conditions to the request for manufactured home placement to bring it into conformity with the requirements of Section 808.3.2 through 808.3.5.

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809 Sexually oriented businesses

809.1 Purpose and Intent

It is the purpose of this section of the zoning ordinance to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the city. The provisions of this ordinance have neither the purpose or 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 ordinance 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 ordinance to condone or legitimize the distribution of obscene material.

809.2 Definitions

Adult arcade - Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified anatomical areas".

Adult bookstore or adult video - A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(a) Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

(b) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as 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 or devices which depict or describe "specified sexual activities" or "specified anatomical areas".

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 so long as one of its principal business purposes is the offering for sale or rental for consideration the specified material which depicts or describes "specified sexual activities" or "specified anatomical areas" and still be categorized as 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 anatomical areas"

Adult cabaret - A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(a) Persons who appear in a state of nudity or semi-nudity; or

(b) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

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(c) 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".

Adult motel - A hotel, motel or similar commercial establishment which:

(a) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slide, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions or;

(b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

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

Adult motion picture theater - A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

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

Business purpose - The commercial reason for which the proposed trade, commerce, exchange or offering of goods and services exists or the reason for which the proposed trade, commerce, exchange or offered goods and services is done, made or used. A business purpose exists when goods or services are offered for sale or rental with an expectation of the offer receiving any form of consideration, or when the material is advertised, marketed or made readily available to the public as material in which "specified sexual activities" and "specified anatomical areas" are depicted or described and may be obtained in exchange for any form of consideration as part of a commercial agreement. A commercial establishment may have other apparent, significant, substantial, or 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." Such other non-sexually oriented business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore so long as one of its apparent, significant , substantial, or principal business purposes is the offering for sale or rental for consideration the specified materials or devices which depict or describe "specified sexual activities" or "specified anatomical areas."

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

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

Establishment - Means and includes any of the following:

(a) The opening or commencement of any sexually oriented business as a new business;

(b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

(c) The relocation of any sexually oriented business.

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Lap dances, table dances, private dances and the like performances - Whether for remuneration or consideration of any kind or not, wherein the performer(s) or patrons or volunteers are having any physical contact or touching whatsoever with another.

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

Nudity or a state of nudity - The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast. Appearance means the actual fact of, the outward show of seeming to be, or the semblance of.
Bare means without covering, partially uncovered, open to view or unconcealed. Buttock means either of the two fleshy protuberances in the rear of the human form from the waist down to the joining of the thigh, including the gluteal folds forming the crease between the thigh and the buttock muscle mass. If no portion of the bare buttock muscle mass, gluteal fold or indentation separating the buttock is in appearance, the buttock is not considered bare. Anus means the opening at the lower end of the alimentary canal. Male genitalia means the scrotum and penis. Female genitalia means the vulva. Female breasts means organs on the front of the thorax of the woman, including the nipple, areola and the mass of muscle tissue which projects from the thorax, as a protuberance. If no portion of a bare breast below the visible ring of the areola is in appearance, the breast is not considered bare.

Permittee and/or licensee - A person in which 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.

Person - An individual, proprietorship, partnership, corporation, association, or other legal entity.

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

Sexual encounter center - A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration;

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

(b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Sexually oriented business - An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Specified anatomical areas - Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the areola, or the covered male genitals in a discernibly turgid state.

Specified sexual activities - Means and includes any of the following:

(a) The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus, or female breasts;

(b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

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(c) Masturbation, actual or simulated; or

(d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

Substantial enlargement of sexually oriented business - The increase in floor areas occupied by the business by more than twenty five (25) percent, as the floor areas exist on April 1, 1993.

Transfer of ownership or control of a sexually oriented business - Means and includes any of the following:

(a) The sale, lease, or sublease of the business;

(b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
(c) The establishment of a trust, gift, or other similar legal devise 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.

809.3 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.

809.4 Permit and/or License Required

809.4.1 A person commits a misdemeanor if he operates a sexually oriented business without a valid permit and/or license, issued by the city for the particular type of business.

809.4.2 An application for a zoning permit and business license must be made on a form provided by the West Columbia zoning department and business license department. 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 dawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

809.4.3 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. The health department, fire department, and building official shall complete their inspections and certify same to the deputy administrator/license inspector within twenty one (21) days of the receipt of the application by said license inspector.

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

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

809.4.6 If the real property upon which the sexually oriented business is to be operated is owned by someone other than the applicant, an application for a permit must be accompanied by a notarized written statement signed by the owner of the real property upon which the sexually oriented business is to be located disclosing the name and address of the owner and acknowledging that the owner has been informed of the fact that the property is to be used for a sexually oriented business and that the owner consents to such use of the property.

809.5 Issuance of Permit and/or License

The West Columbia zoning administrator or his/her designee shall approve the issuance of a zoning permit and the West Columbia license inspector shall approve the issuance of a license to an applicant within thirty (30) days after
receipt of an application unless he finds one or more of the following to be true:

(1) An applicant is under eighteen (18) years of age.

(2) An applicant or an applicant's spouse is overdue in his payment to the county or city 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 and/or license or has falsely answered a question or request for information on the applicant form.

(4) An applicant is residing with a person who has been denied a permit and/or license by the city or county to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (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 and/or license fee required by this 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) An applicant has been registered as a sex offender in the South Carolina Central Registry, has committed a felony, and/or has committed a crime of moral turpitude.

(9) The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to a sexually oriented business so that it may be easily read at any time.

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809.6 Fees

The annual fee for a sexually oriented business permit and/or license is as set forth in the Business and Professional License Ordinance of the City of West Columbia.

809.7 Inspection

809.7.1 An applicant or permittee and/or licensee shall permit representatives of the city police department, health department, fire department, zoning (planning management) department, or other city or 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.

809.7.2 A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

809.8 Expiration of Permit and/or License

809.8.1 Each permit and/or license shall expire December 31 of the year in which it is issued and may be renewed only by making application as provided in Section 809.5.

809.8.2 When the West Columbia license inspector denies renewal of a license, the applicant shall not be issued a permit and/or license for one year from the date of denial. If, subsequent to denial, the West Columbia license inspector finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date denial became final.

809.9 Suspension

The West Columbia license inspector shall suspend a permit and/or license for a period not to exceed thirty (30) days if he determines that a permittee and/or licensee or employee of a permittee and/or license 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;

(5) Violated any city or state nudity/indecency statute or ordinance.

809.10 Revocation

809.10.1 The West Columbia license inspector shall revoke a permit and/or license if a cause of suspension in Section 809.9 occurs and the permit and/or license has been suspended within the preceding twelve (12) months for willful and knowing violation of the ordinance codified in this section.

809.10.2 The West Columbia license inspector shall revoke a permit and/or license if he determines that:

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(1) A permittee and/or licensee gave false or misleading information in the material submitted to the zoning (planning management) department during the application process;

(2) A permittee and/or licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises;

(3) A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises;

(4) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended;

(5) A permitted and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises;

(6) A permittee and/or licensee is delinquent in payment of the city, county, or state for any taxes for fees past due.

809.10.3 When the West Columbia license inspector revokes a permit and/or license, the revocation shall continue for one year, and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one year from the date revocation became effective. If, subsequent to revocation, the West Columbia license inspector finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date the revocation became effective.

809.11 Transfer of Permit and/or License

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

809.12 Location of Sexually Oriented Business

809.12.1 Reserved

809.12.2 A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business outside C-2 district. All sexually oriented businesses shall be located within a C-2 district.

809.12.3 A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within eight hundred (800) feet of:

(1) A church or worship center of any denomination of faith;

(2) A public or private elementary or secondary school;

(3) A boundary of any residential district;

(4) A public park or outdoor recreational facility at which minor children are likely to congregate, adjacent to any residential district;

(5) The property line of a lot devoted to residential use.

(6) A day care facility;

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(7) A public library;

(8) A cemetery;

(9) A hospital or other medical care facility;

(10) A long term retirement, extended care, nursing care, or assisted living facility.

809.12.4 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 eight hundred (800) feet of another sexually oriented business.

809.12.5 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.

809.12.6 For the purpose of this ordinance, 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 nursery school or day care or to the nearest boundary of an affected public park, residential district, or residential lot.

809.12.7 For purposes of Section 809.12.4 of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regards to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

809.12.8 Any sexually oriented business lawfully operating on April 1, 1993, that is in violation of Subsection 809.12.1 through 89.12.7 of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (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 (2) or more sexually oriented businesses are within eight hundred (800) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business(es) is nonconforming.

809.12.9 A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a church, public or private elementary or secondary school, public park, residential district, or residential lot within eight hundred (800) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.

809.13 Exemptions

It is a defense to prosecution under Sections 809.5 and 809.12 that a person appearing in a state of nudity did so in a modeling class operated:

(1) By a propriety school, licensed by the State of South Carolina; a college, junior college, or university supported entirely or partly by taxation in a structure:

a. which has no sign visible from the exterior of the structure and no 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

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advance of the class; and

c. where no more than one (1) nude model is on the premises as any one time.

(2) By a private college or university which maintains and operates educational programs n which credits are transferable to a college, junior college, or university supported entirely or partly by taxation and in a structure:

a. which has no sign visible form 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 (1) nude model is on the premises at any one time.

809.14 Additional Regulations for Adult Motels

809.14.1 Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

809.14.2 A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit, he/she rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he/she rents or sub-rents the same sleeping room again.

809.14.3 For purposes of Subsection 809.14.2 of this section, the terms “rent” or “sub-rent” mean the act of permitting a room to be occupied for any form of consideration.

809.15 Additional Regulations for Exhibition of Sexually Explicit Films or Videos

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

(1) Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager’s stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager’s station may not exceed thirty two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professional 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 interior of the premises to an accuracy of plus or minus six (6) inches. The West Columbia zoning administrator or his/her designee 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/her designee or his designee.

(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.

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(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 rest rooms. Rest rooms may not contain video reproduction equipment. If the premise has two or more manager's stations designated, then the interior of the premise 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 operators, 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 809.15.1(5) remains unobstructed by any doors, 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 e809.15.1(a), is taking place, the bottom of the door must be at least eighteen (18) inches above the floor level, to ensure 2that 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 file pursuant to subsection 809.15.1 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.

809.15.2 A person having a duty under Subsection 809.15.1 above commits a misdemeanor if he/she knowingly fails to fulfill that duty.

809.16 Additional Requirements for Adult Cabarets

809.16.1 No person, firm, partnership, corporation or other entity shall advertise or cause to be advertised sexually oriented business establishment without a valid sexually oriented business license issued pursuant to this ordinance.

809.16.2 No later than March 1 of each year, an adult cabaret permittee shall file a verified report with the city administrator of his/her designee showing the gross receipts and amounts paid to performers for the preceding calendar year, either as non-employee performers or as employees of the permittee / licensee. For the purposes of this ordinance, a performing employee receives a W-2 form, while a non-employee performer receives a 1099 form. A non-performing employee would be any other person employed by the permittee or his/her agents to perform any other business function, such as wait staff, greeters, host / hostesses and kitchen or bar service staff.

809.16.3 An adult cabaret permittee shall maintain and retain for a period of two (2) years the names, addresses, social security numbers, proof of individual business licenses and ages of all persons who agree or contract to appear as performers. An adult cabaret permittee shall maintain and retain for a period of two (2) years the names, addresses, social security numbers, and ages of all employees who appear as performers.

809.16.4 No adult cabaret permittee or his/her agent shall employ a person to perform or contract with a non-employee performer under the age of 18 years.

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809.16.5 All performers, if considered employees for tax purposes, must have individual business licenses. Proof of individual business licenses by non-employee performers must be obtained by the permittee or his/her agents prior to any performance. All non-employee performer business licenses must be displayed during the performance. It is unlawful for a non-employee to perform without a properly displayed business license. It is unlawful for a permittee, his/her agents or the non-employee performer(s) to fail to display the individual business license(s) of the performer during the performance.

809.16.6 It is unlawful for an owner, permittee/licensee, operator or manager to fail to obtain proof of individual business licensing by non-employee performers prior to performance.

809.16.7 No person under the age of eighteen (18) shall be admitted to an adult entertainment establishment.

809.16.8 No sexually oriented business purpose shall be made available to the public except between the hours of 8:00 AM and 2:00 AM.

809.16.9 An adult entertainment establishment permittee shall conspicuously display all permits and licenses required by this ordinance and all business licenses for all non-employee performers, as required by this ordinance.

809.16.10 All performances, including but no limited to dance, shall occur on a platform intended for that purpose which is raised at least 24 inches from the level of the floor.

809.16.11 No performance, including but not limited to dance, shall occur closer than six (6) feet to any patron.

809.16.12 No non-employee performer or employee performer or employee shall fondle or caress any patron, and no patron shall fondle or caress any performer, employee, or another patron.

809.16.13 No patron shall directly pay or give any gratuity to any performer.

809.16.14 No performer or employee shall solicit any pay or gratuity from any partron.

809.16.15 All areas of an establishment licensed under this section shall be fully lighted at all times patrons are present.

809.16.16 It shall be the duty of the permittee and his/her agents to ensure compliance by all performers and employees with the provisions of this ordinance.

809.16.17 A person having a duty to ensure compliance with this section shall be guilty of a misdemeanor if he knowingly fails to fulfill that duty.

809.17 Employee Tips

809.17.1 It shall be unlawful for any employee or non-employee of a sexually oriented business to receive tips from patrons except as set forth in Subsection 809.17.3 of this Section.

809.17.2 A permittee that desires to provide for tips from its patrons shall establish one or more boxes or other containers to receive tips. All tips for such employees shall be placed by the patrons of the sexually oriented business into the tip box.

809.17.3 A sexually oriented business that provides tip boxes for its patrons as provided in this Section shall post one or more signs to be conspicuously visible to the patrons on the premises in letters at least one (1) inch high to read as follows: "All tips are to be placed in tip boxes and not handed directly to the performer. Any physical contact between the patron and the performer or employee is strictly prohibited by law and punishable by a fine of not more than five hundred

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dollars ($500.00) or thirty (30) days imprisonment."

809.17.4 It shall be the duty of the permittee, his/her agents, employees and performers present in the premises to ensure compliance with the provisions of this ordinance and any person who has a duty to ensure compliance with this section shall be guilty of a misdemeanor if he/she knowingly fails to fulfill that duty.

809.18 Unlawful Operation Declared a Nuisance

Any adult entertainment operated, conducted or maintained contrary to the provisions of this ordinance shall be and the same is hereby declared to be unlawful and a public nuisance. The city may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal or enjoyment thereof in the manner provided by law. It shall take such other steps and shall apply to such court as may have jurisdiction to grant such relief as will abate or remove such adult entertainment establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment establishment contrary to the provisions of this ordinance. In addition, violation of the provisions of this ordinance shall be per se grounds for suspension or revocation of a license granted hereunder.

809.19 Exterior Portions or Regulated Establishments

809.19.1 It shall be unlawful for a permittee, his agents or employees of a regulated establishment to allow the merchandise or activities of the regulated establishment to be visible from any point outside such regulated establishment.

809.19.2 It shall be unlawful for the property owner, permittee, his/her agents or employees of a regulated establishment to allow exterior portions of the regulated establishment to be painted any color other than a single chromatic color. This provision shall not apply to any regulated establishment if the following conditions are met:

(1) The regulated establishment is part of a commercial multi-unit center; and
(2) The exterior portions of the regulated establishment are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

809.19.3 Nothing in this ordinance shall be construed to require the painting of an otherwise unpainted exterior portion of a regulated establishment.

809.19.4 It shall be the duty of permittee, his/her agents and employees present in the premises to ensure compliance with the provisions of this ordinance, and any person whose duty to ensure compliance with this section shall be guilty of a misdemeanor if he/she knowingly fails to fulfill that duty.

809.20 Signage

809.20.1 Notwithstanding any other city ordinance, code, or regulation to the contrary, it shall be unlawful for the permittee or licensee or his/her agent or employee of a regulated establishment or any other person to erect, construct, or maintain any sign for the regulated establishment other than one (1) primary sign and one (1) secondary sign, as provided herein. A person commits a misdemeanor if he posts such signage or allows the posting of such signage not expressly permitted by this ordinance.

809.20.2 Primary signs shall have no more than two (2) display surfaces. Each surface shall:

(1) Not contain any flashing lights;
(2) Be a flat plane, rectangular in shape;
(3) Not exceed seventy-five (75) square feet in area; and

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(4) Not exceed ten (10) feet in height or ten (10) feet in length.

809.20.3 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 or more of the following phrases:
    a. Adult Arcade
    b. Adult Bookstore
    c. Adult Video Store
    d. Adult Cabaret
    e. Adult Motel
    f. Adult Movie Theater or Adult Motion Picture Theater
    g. Adult Entertainment

809.20.4 Primary signs for Adult Movie Theaters or Adult Motion Picture Theaters may contain the additional phrase "Movie Titles Posted Within Premises". A person commits a misdemeanor if he allows the posting of movie titles in such a way as to be visible from outside the premises.

809.20.5 Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be of 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 solid color.

809.20.6 Secondary signs shall have only one (1) display surface. Such display surface shall:

(1) Be a flat plane, rectangular in shape;
(2) Not exceed twenty (20) square feet in area;
(3) Not exceed five (5) feet in height and four (4) feet in width; and
(4) Be affixed or attached to any wall or door of the establishment.

809.20.7 The provisions of Subsection 809.20.2 and Subsections 809.20.3 and 809.20.4 shall also apply to secondary signs.

809.20.8 It shall be the duty of the permittee, his agents and employees present in the premises to ensure compliance with the provisions of this ordinance, and any person who has a duty to ensure compliance with this section shall be guilty if he/she knowingly fails to fulfill that duty.

809.21 Respondent Superior

809.21.1 It is the duty of the permittee and his/her agents to insure that the provisions of this ordinance are made known to its employees and performers.

809.21.2 Every act or omission by an employee or performer constituting a violation of the provisions of this ordinance shall be deemed the act of omission of the permitted and his agent if such act or omission occurs either with the authorization, knowledge or approval of the permittee or his/her agent or as a result of the failure to inform the employee or performer of the provisions of this ordinance or a result of the failure to supervise the employee's or performer's conduct. The permittee and his/her agent shall be held liable for such act or omission in the same manner as if the permitted and his/her agent committed the act or caused the omission.

A permittee and his/her agents shall be responsible for the conduct of all employees or performers while on the licensed premises and any act or omission of any employee or performer constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the permittee and his/her agents for the purposes of determining whether the permit shall be revokes, suspended or renewed.

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809.22 Injunction and Violations

A person who operates or causes to be operated a sexually oriented business without a valid permit and/or license or in violation of Section 809.12 of this ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of two hundred dollars ($200.00) per offense or thirty (30) days imprisonment.

A sexually oriented business is subject to any and all city and state nudity/indecency statutes or ordinances, existing now or in the future; nothing contained herein shall be intended to allow any activities contrary to the statutes or the ordinances.

809.23 Violations constitute misdemeanors

It shall be unlawful for any owner, licensee, manager, employee or contract performer to violate the conditions, requirements and regulations imposed by this ordinance. Each violation shall constitute a separate offense. Each violation is punishable by a fine of not more than five hundred dollars ($500.00) or thirty (30) days imprisonment.

809.24 Severability

The provisions of this section of the zoning ordinance regulating sexually oriented businesses are hereby declared to be severable and if any section, subsection, sentence, phrase, or clause of this ordinance shall be held or declared by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remaining sections, subsections, provision, sentences, clauses or phrases shall not be affected thereby.

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Section 810 Communication towers and antennas

810.1 Definitions

In addition to the definitions set forth in Article 3 of this ordinance, the following definitions relate to communication towers and antennas.

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, freestanding, guyed, or on a building.

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.

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

Height of a Communication Tower. The distance from the base of the tower to the top of the structure.

810.2 Communications tower and antenna permitted as conditional use.

A Communications tower and/or antenna may be permitted by the zoning administrator or his/her designee without further review upon determination that all of the applicable conditions in this ordinance are met.

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

Districts	Permitted Height--Free Standing or Guyed Tower
R-1, R-2, R-3, R-4	Free-standing tower with height not exceeding 100 feet is permitted conditional use; height exceeding 100 feet requires special exception.
C-1, C-2, C,3	Free-standing or guyed tower with height not exceeding 180 feet is permitted conditional use; height exceeding 180 feet requires special exception.
LM, HM	Free-standing or guyed tower with height not exceeding 360 feet is a permitted conditional use; height exceeding 360 feet requires special exception.
D	Free-standing or guyed tower with height not exceeding 500 feet is a permitted conditional use; height exceeding 500 feet requires special exception.
	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 PUD	Free-standing or guyed tower and/or antenna exceeding height limitations may be permitted by the board of appeals as a special exception.

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All Districts	Variances from conditions imposed by this section may not be granted by the board of appeals. Variances from other general district regulations may be granted under standards in S. C. Code 6-29-800.

810.2.2 Application Requirements. The applicant for a conditional use zoning permit for construction of a communications tower or placement of a commercial telecommunication antenna on an existing structure other than a tower previously permitted must file with the zoning administrator or his/her designee an application accompanied by a fee of $200 and the following documents, if applicable.

(a) One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.

(b) A site plan drawn to scale showing property boundaries, tower locations, 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);

(c) A current map, or update for an existing map on file, showing locations of the applicant's antennae, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the city;

(d) A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.

(e) Identification of the owners of all antennae and equipment to be located on the site;

(f) Written authorization from the site owner for the application;

(g) Evidence that a valid FCC license for the proposed activity has been issued;

(h) A line of sight analysis showing the potential visual and aesthetic impacts on the adjacent residential districts;

(i) A written agreement to remove the tower and/or antenna within 180 days after cessation of use.

(j) Evidence that applicable conditions in subsection 810.2.3 are met; and,

(k) Additional information by the zoning administrator or his/her designee for determination that all applicable zoning regulations are met.

810.2.3 Conditions. Applicant must show that all applicable conditions are met.

(a) The proposed communications tower, antenna or accessory structure will be placed in reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.

(b) 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 control of applicant.

(c) Applicant for a permit in a residential district must show that the area cannot be

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adequately served by a facility placed in a non-residential district for valid technical reasons.

(d) Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements.

(e) Applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant's present and future requirements.

(f) Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.

(g) A communication tower must not be painted or illuminated unless otherwise provided by state or federal regulations.

(h) 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 collocations agreement could not be obtained.

(i) 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 or his/her designee a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to $1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in form approved by the municipal attorney.

(j) Land development regulations, visibility, fencing, screening, landscaping, parking access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except setback and height, shall apply to the use. Setback and height conditions in this section apply.

(k) A tower must be a minimum distance equal to one-half the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines distances equal to the district setback requirements of 25 percent of the tower height, whichever is greater.

(l) Prior to issuing a permit, the zoning administrator or his/her designee may make use of technical services of the Municipal Association of South Carolina to determine that the standards in this section of the ordinance are met.

810.2.4 Appeal to the Zoning Board. Applicant may appeal to the Board of Zoning Appeals as follows:

(1) Failure of the zoning administrator or his/her designee 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 permit which is subject to appeal to the board of appeals.

(2) Applicant may appeal to the board for a variance from general zoning district regulations 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 Section 810.3.

(3).. Applicant may apply directly to the board for a permit for any tower as a special

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exception pursuant to Section 810.3.

810.3 Special Exceptions.

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

Special Exception Criteria:	The Board of Appeals must find and conclude:
Application conditions	1. All application requirements and conditions imposed by Section 810.2 of this ordinance for conditional uses are met except height limitations and setbacks.
Height limitations	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.
Necessity for additional height	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.
Setback requirements; additional conditions	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.
MASC technical assistance required on special exception or appeal from action on conditional use	5. Prior to approving a permit by special exception or on appeal from action of the zoning administrator or his/her designee 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 Section 810.2 are met.
Denial on substantial evidence	6. The Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence.
Variance prohibited	7. The board may not grant a variance from the standards imposed for a communication tower or antenna in connection with granting a special exception, except as permitted by Section 810.2.4.

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Section 811 Landscaping Regulations

811.1 Scope of Landscaping Regulations

811.1.1 Applications

Unless otherwise designated in this section, the regulations set forth herein apply to development and improvements of all real property within the following zoning districts:

D	Development
R-1	Residential (high-density)
C-1	Intensive Commercial
C-2	General Commercial
C-3	Restricted Commercial
LM	Light Manufacturing
HM	Heavy Manufacturing

811.1.2 Definitions

In addition to the definitions set forth in Article 3, the following terms shall have the following definitions:

Activity – The performance of a function or operation which constitutes the use of land; specific activities shall be considered as defined in this zoning ordinance.

Berm – A hill or slope (man-made or natural) that represents a change in elevation and serves as a screening tool.

Buffer – A landscaped area designed to provide separation and screening between land uses of different intensities by reducing the effects of traffic, noise, glare, trash, activity, vibration, odor, visual disorder and any other harmful or noxious effect associated with more intensive uses.

Caliper – The diameter of nursery stock, measured at six (6) inches above the ground for up to and including four-inch caliper size, and measured at twelve (12) inches above ground for nursery stock larger than four-inch caliber size.

Circumference – The external surface of the trunk of a tree, measured at breast height, and divided by 3.14 (pi) to determine tree diameter.

Critical Root Zone – A protection zone measured as one (1) foot in radius around a tree for every one (1) inch in diameter of the tree.

Deciduous – Not evergreen, shedding leaves annually.

Diameter at Breast Height (DBH) – The accepted measurement of established trees in the ground is their diameter at breast height, measured at four and one-half (4 ½) feet above grade. To obtain the DBH, measure the circumference of the tree in inches and divide by 3.14 (pi).

Display Area or Lot – Any unenclosed area which exceeds ten thousand (10,000) square feet for the display of merchandise including, but not limited to automobiles trucks, boats, and travel trailers.

Evergreen – A tree, shrub, or other plant whose leaves remain green throughout all seasons; as opposed to "deciduous."

Ground Cover – See "Stabilizing Vegetation."

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Hardwood Tree – A broad-leaved tree, so called because its wood is harder and more tightly grained than that of a softwood or needle-bearing conifer. Examples are oak, hickory, beech and poplar.

Landscape Administrator – The official or officials assigned to administer, interpret and enforce the landscape regulations.

Masonry Wall – A wall whose face is constructed of brick, stones or stucco.

Natural Condition – Refers to a native, indigenous, unpruned, unaltered setting or planting.

Parking Lot – Any parcel of land, or portion thereof, which is used for parking, loading, or associated circulation of vehicles, whether paved or unpaved.

Screen (Screening) – Any approved structure or vegetative stand, or combination of both, which is used for the purpose of blocking views, noise, light or glare from neighboring properties and, where required, road rights-of-way.

Shrub – Any hard-wooded perennial plant of a species which normally reaches or is maintained at a height between twelve (12) inches and eight (8) feet.

Softwood Tree – A coniferous (cone-bearing) tree such as pine, cedar or bald cypress.

Slatted Fence – Any wire or similar fence with the view through such fence obstructed with material interwoven into the fencing.

Stabilizing Vegetation – Any plant material that serves to prevent soil erosion by covering large areas of ground, and which does not grow beyond twelve (12) inches in height; may also be referred to as "ground cover."

Street Frontage – An area of land adjacent to and fronting along a street right-of-way.

Thoroughfare – Any major arterial roadway, one of the principle routes into and through the community.
Tree – A self-supporting woody perennial plant with a trunk diameter of at least two (2) inches measured at six (6) inches above ground level, with a mature height of at least twelve (12) feet, and usually having one main stem or trunk and many branches.

Tree, Canopy – Any single-stem tree of a species which normally reaches a height of thirty (30) feet or more and has a crown spread of twenty (20) feet or more at maturity.

Tree, Trophy – A tree of significance due to its size, relative to its species, which should be preserved and protected. Guidelines detailed within this section address the circumstances in which preservation of trophy trees is feasible. The specifications for determining trophy trees are as follows:

Type	*Minimum Size*	*Examples*
Hardwoods	24" DBH	Oak, Hickory, Beech, Poplar
Softwoods	30" DBH	Pine, Cedar, Bald Cypress
Understory	12" DBH	Dogwood, Redbud, American Holly

Tree, Understory – A single- or multi-stem tree of a species which normally reaches a height between eight (8) feet and thirty (30) feet and has a crown spread of less than twenty (20) feet at maturity.

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Underbrush – Naturally occurring vegetation and vines that are not necessarily shrubs or trees.

Visibility Triangle – Necessary sight lines maintained at street intersections as described in Section 606.

811.2 General Landscaping Requirements

811.2.1 Pre-Development Activity

A. The appropriate land disturbance permit(s) must be obtained prior to the removal of any stumps, roots systems, or stabilizing vegetation.

B. Clearing and landscape plans are required as part of the review process for construction or expansion of high-density residential uses, commercial uses and manufacturing uses permitted specifically or as special exceptions in the zoning districts listed in Section 811.1.1. At the determination of the Landscape Administrator, any other uses permitted in the zoning districts subject to the landscaping requirements may be required to prepare clearing and landscape plans. The plans must demonstrate how the proposed development will meet the requirements of the ordinance as well as show various existing conditions. Clearing and landscape plans shall contain, at a minimum, the following information:

- The name of the proposed development.
- The names, addresses, and telephone numbers of the property owner, developer and project designer.
- A location map showing the proposed project and its relationship to the roadway network.
- Identities and uses of adjacent properties.
- Total acreage of the parcel.
- Location of any existing and proposed structures.
- Location of any service areas, utilities, storage areas, parking lots.
- Location and identification of all trophy trees, canopy trees with a DBH of eight (8) inches or greater, and all understory trees with a DBH of four (4) inches or greater.
- The effect of the clearing plan, if any, on the trees identified above.
- All proposed landscaping and watering systems required by these landscape regulations, with all plant species labeled and scaled to show location and canopy spread at time of installation.
- A table of planting materials that states species, number, and size of trees and shrubs at the time of planting.

C. The scale of the clearing and landscaping plan must be appropriate to convey all required information, but no smaller than one inch equals one hundred feet (1 to 100), and must show the true size, shape and location of all existing and proposed features and landscaping.

D. Two copies of the clearing and landscaping plan shall be submitted to the Landscape Administrator prior to construction or development. The Landscape Administrator will review the plan and verify that it contains all the required information and conforms to the terms and intent of this section within fifteen (15) days after submission, prior to certifying in writing that the clearing and landscaping plan is approved.

E. Once necessary development approvals have been granted and permits obtained (prior to the
commencement of any clearing, grading, tree removal or construction on a site), the developer shall cause all protected trees to be marked with surveyor's flagging tape in a

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uniform manner that clearly identifies those trees to be retained. At the discretion of the Landscape Administrator, passive forms of marking may be used (continuous rope or flagging for areas that are heavily wooded).

811.2.2 Preservation Standards

A. To the extent possible, existing canopy and understory trees located and identified in the clearing and landscaping plans shall be utilized in meeting the landscaping requirements of this section.

B. Except as otherwise provided in Section 811.2.6, all trees identified as trophy trees shall be preserved.

C. The thinning of understory trees and other vegetation may be approved or required by the Landscape Administrator to encourage the healthy maturation of preferred trees. In addition, utility companies may require the thinning of trees and shrubs pursuant to their regulations in order to maintain power and telephone rights-of-way. Such required thinning by a utility supersedes any authority granted to the Landscape Administrator.

811.2.3 Planting and Maintenance

A. To the greatest extent possible, development plans shall address the location of excavation for activities such as utilities to avoid root damage to trees being preserved or planted.

B. There shall be no construction, paving, grading, trenching, digging, excavation, operation of equipment or vehicles, cement rinsing, chemical usage or storage of materials within the critical root zone of any tree being preserved.

C. New trees must be planted properly, to include soil / site preparation and protection of roots.

D. Watering methods (irrigation and otherwise) must be adequate to maintain plant material in a healthy growing condition at all times.

E. New trees and preserved trees must be properly maintained. Any trees required by these Regulations that die must be replaced within forty-five (45) days. The Landscape Administrator may extend this replanting period based upon climate and planting conditions of the season, or other unusual conditions.

F. The property owner or tenant shall be responsible for regular weeding, mowing, fertilizing, irrigating, pruning or other maintenance of all plant materials that are required to comply with the landscaping regulations.

G. The planting of stabilizing vegetation is encouraged to minimize erosion, add color and diversity to the landscaped areas, and minimize maintenance.

811.2.4 Species Selection

A. The Landscape Administrator shall approve the number, type, size and location of all required trees in consultation with the developer or landowner. Together, they shall ensure creativity and variety in design, height, texture and color, and discourage single rows of identical plants, with the exception of street trees along thoroughfares that may have been planted or maintained in a single row. To the greatest extent possible, required landscaping shall replicate the surrounding natural conditions.

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B. Tree specimens proposed for planting shall be hardy for the particular soil and climate conditions they will encounter and shall be located in such a manner as to encourage mature growth. In order to limit the potential for maintenance problems and poor growth, hybrids, non-native species, and aggressive or invasive species should be avoided, as well as species outside their normal hardiness range.

C. The minimum required caliper of trees to be planted as required by these regulations shall be twelve (12) feet tall with a minimum two (2) inch caliper for canopy trees, and six (6) feet tall with a minimum one and one-quarter (1¼") inch caliper for understory trees.

D. At the time of installation, all shrubs shall be a minimum of twelve (12) inches tall as measured from the ground to the highest point on the shrub.

E. To encourage diversity and flexibility of design, no more than sixty percent (60%) of any one species of tree may be used in the overall development plan.

811.2.5 Location

A. These provisions are not intended to conflict with signs or entrances to any residential, commercial or industrial development. All signs and entranceways should be designed and located in such a manner as to be enhanced by the landscaping requirements and existing vegetation. All locations of signs and driveways must meet the requirements of the zoning ordinance.

B. Trees, berms, shrubs, planted and raised islands and service areas shall be placed outside the Visibility Triangle as described in Section 606 at any intersection with a road right-of-way, with the full mature size of the plant taken into account. In addition, these features shall be located in such a manner as to not create a vision hazard for those citizens navigating internal travel lanes, driveways or parking lots. Regular maintenance of these features to ensure a clean line of sight is required.

C. The presence of underground or overhead utilities shall be taken into consideration when determining the type and placement of required trees. Consultation with SCE&G, City of West Columbia Water and Sewer Department, BellSouth, Time-Warner Cable, Palmetto Utility Protection Service and any other utility shall be required if the Landscape Administrator deems if necessary.

811.2.6 Exceptions to Tree Preservation Requirements

A. In the event that a trophy tree is located on a lot within the proposed building footprint and no reasonable or practical redesign of the building to preserve the tree can be identified, the Landscape Administrator has the authority to allow the tree to be removed.

B. Any tree that has been certified in writing by the appropriate federal, state, county, or city agency or department or by a public utility as being hazardous to public health, safety or welfare shall be removed, to include trees identified as trophy trees. Such determination by the appropriate federal, state, county or city agency or department or by a public utility shall be provided to the Landscape Administrator prior to the removal of such tree.

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811.3 Land Use Compatibility

811.3.1 Application

Buffer yards shall be required in all zoning districts whenever:

- A use classified as industrial is adjacent to non-industrial use.
- A use classified as commercial is adjacent to any residential use.
- A use classified as multi-family is adjacent to any single-family residential use

811.3.2 Location

A. Buffer yards are to be located on the property of the proposed or changing land use that is to be screened. Such buffer yards are to be located between the property line and any vehicular use areas, buildings, storage areas, service areas or other areas of activity on the property to be screened and shall extend along the entire property line abutting the less intensive land use.

B. No vegetative screening or fencing required by this section shall be planted inside utility and drainage easements, excluding overhead easements, without the written approval of the easement holder. Any tree planted within the right-of-way of overhead utility lines shall be an understory tree.

C. Where front, side and rear yards (building setbacks) are required by the zoning ordinance, buffer yards may be established within such setbacks. If the setback requirement is less than the buffer yard requirement, the buffer yard width requirement shall prevail.

811.3.3 Determination of Buffer Yard Requirements

A. To determine whether a buffer yard is required between two different land uses, and what the buffer width and landscaping requirements are, the following procedure is used:

1. Identify the proposed new or expanding land use and each existing adjacent land use. Determine the impact factor of each of the identified uses as set forth in the Land Use Impact Table (Table 1). A proposed land use is considered to exist on an adjacent property when a building permit is issued for its use. If an adjacent property is vacant, and no building permit has been issued for its use, its use shall be determined by assigning it the highest level of use in its zoning classification.

2. Determine the type of buffer yard required as set forth in the table on Buffer Yard Types (Table 2).

3. Identify the buffer yard width and planting requirements for the required yard type in the Buffer Yard Description Table (Table 3). The simplified formula determines the number of trees and shrubs required in a buffer yard. The variable scale permits a wide buffer with fewer plants, or a smaller buffer that is more heavily planted.

4. Notwithstanding the required buffer yard widths as set forth in this section, any buffer yard of less than fifteen (15) feet in width shall have a six-foot masonry wall along the length of such buffer yard.

B. This process must be applied to each property line, except street frontages. See Section 811.7 for landscaping requirements for street frontages.

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811.3.4 Buffer Yard Reductions

Notwithstanding any of the provisions set forth in this section, no property on which a buffer yard is required shall have a yard less than ten (10) feet in width. Any buffer yard that is less than fifteen (15) feet in width must contain a six (6) foot tall masonry wall along the entire length of such yard.

The width of a buffer yard and the required plantings may be reduced as follows by the addition of a fence or masonry wall, or if there are grade elevation changes.

A. Fences. The addition of a closed wooden fence in the required transition yard allows the reduction of the required width of the applicable buffer yard by twenty-five percent (25%) if the solid fence meets the following requirements:

1. Height and arrangement. The fence must be a minimum of six (6) feet in height, measured on the side facing away from the property to be screened. Such fence must also have its finished side facing away from the property to be screened.

2. Materials. Rot-resistant wood is the acceptable material. Chain link fences, even with slats installed, does not meet buffer yard requirements.

3. Required Plantings. The number of required shrubs is reduced by fifty percent (50%) in a buffer yard in which a fence is installed.

B. Masonry Walls. The addition of a masonry wall along the length of the required buffer yard allows reduction of the required yard by fifty percent (50%) and the amount of required planting as follows, if the wall meets the following standards:

1. Height. The wall must be at least six (6) feet in height measured on the side of the wall facing away from the property to be screened.

2. Materials. Face materials shall be brick, stone, or stucco. Cinder block may be used for support, but is not acceptable as a face surface.

3. Required plantings. If a masonry wall that meets the above standards is installed, the planting of shrubs shall be optional and understory trees may replace one-half of the required canopy trees. The requirement of Section 811.3.2 (B) that one-half of the buffer yard's canopy trees must be evergreen still applies.

C. Grade Elevation Changes. The existence of a natural or man-made grade separation in the required buffer yard allows reduction of such yard by twenty-five percent (25%) in width if said elevation change achieves a screening effect similar to a wall or fence and meets the following standards:

1. Elevation. The grade change must be at least six (6) feet in elevation.

2. Slope. The side slopes of such grade shall not be greater than three to one (3:1).

3. Retaining Wall. A greater slope is allowable if it is retained by a structurally sound retaining wall that meets engineering standards for such a wall.

4. Relationship to Adjacent Properties. The developing property must be located at an elevation lower than the properties from which it is to be screened.

5. Location of Required Plantings. In order to maximize the effectiveness of the screen, the required plantings shall be located at the top of the slope in the reduced buffer yard.

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811.3.5 Buffer Yard Specifications

Except as provided above in Section 811.3.4 (Buffer Yard Reductions), trees planted in a buffer yard shall be canopy trees unless planted in an area under overhead power lines, in which case understory trees shall be used.

A. Species. One-half of the required trees shall be locally adapted evergreen species.

B. Distribution. Trees shall be distributed throughout the yard so as to minimize gaps between them. Trees counted to meet the required number shall be spaced at least ten (10) feet apart.

C. Shrubs. All shrubs must be evergreen and shall be a minimum of three (3) feet in height when planted and shall be expected to reach a height of six (6) feet or greater within five (5) years of planting.

811.3.6 Land Use Changes

A change in land use to a more intense use requires full compliance with the buffer yard and screening requirements.

Table 1
Land Use Impact

	Land Use	**Impact**
1.	Residential Uses:	
	Single-family and duplexes	low
	Multi-family, three to ten units	medium
	Multi-family, more than ten units	high
2.	Institutional Uses (schools, churches, etc.):	
	25,000 square feet or less	medium
	Over 25,000 square feet	high
3.	Office/Commercial Uses:	
	25,000 square feet or less	medium
	Over 25,000 square feet	high
4.	Industrial Uses:	
	All industrial uses	high
5.	Other Uses:	

For any land uses not listed, the Landscape Administrator will determine the land use impact based upon classification of similar uses.

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Table 2

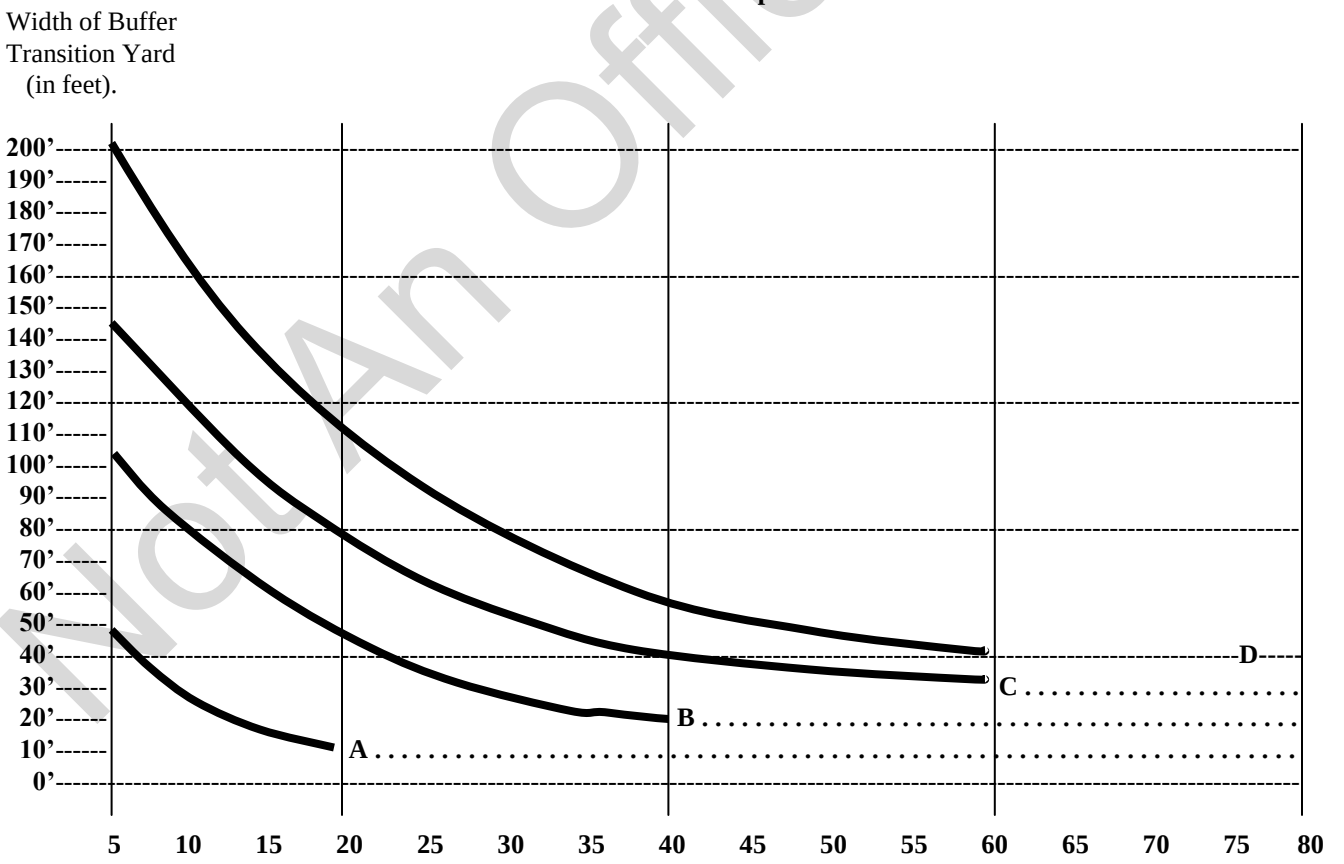
Buffer Yard Types

Existing Adjacent Land Use

Proposed Use	Low Impact Residential	Medium Impact Residential	Medium Impact Commercial/ Institutional	High Impact Residential	High Impact Commercial/ Institutional
Low Impact Residential	None	None	None	None	None
Medium Impact Residential	B	None	None	None	None
Medium Impact Commercial/ Institutional	C	B	None	A	None
High Impact Residential	C	B	A	None	A
High Impact Commercial/ Institutional	D	C	A	B	None

Table 3

Buffer Yard Description



The number of inches of tree caliper or diameter at breast height required per 100 linear feet.

There are no planting requirements beyond a 200-foot buffer transition yard.

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811.4 Parking Lots

811.4.1 General Requirements

A. This article shall apply to the following zoning districts:

D	Development
R-1	Residential (high-density)
C-1	Intensive Commercial
C-2	General Commercial
C-3	Restricted Commercial
LM	Light Manufacturing
HM	Heavy Manufacturing

B. Within these zoning districts, these requirements shall apply to:

1. All surface parking lots that contain eight (8) or more spaces for vehicle parking, loading, or access to parking or loading areas.

2. All display lots exceeding ten thousand (10,000) square feet for display and storage of automobiles, boats, recreational vehicles and travel trailers.

3. All new and refurbished parking lots shall also meet the street frontage requirements of Section 811.7.

4. These requirements shall not apply to existing parking lots unless:

a. Their surface area is increased by more than twenty-five percent (25%); or

b. The parcel is the subject of major renovation or rebuilding which affects the parking lot in any manner, in which case the requirements of Section 811.7 shall be installed along street frontages and the existing portion of the lots shall be up-fitted to meet the requirements of this section.

811.4.2 Design Requirements

A. A parking lot design plan shall be included in the landscaping plan submitted to the Landscape Administrator as part of the review process.

B. Parking spaces that are adjacent to a sidewalk, pedestrian / bike path, or road right-of-way shall be designed such that there is some natural or man-made element to prevent bumpers, fenders or doors of vehicles from intruding into the path of pedestrian or vehicular traffic outside the parking space.

C. All parking lots shall adhere to the requirements of Section 611 (Off-street Automobile Parking and Storage).

811.4.3 Islands

Parking lots with planted or raised islands shall include an obvious means of pedestrian egress through or between islands at reasonable intervals. The location of such islands shall not interfere with the opening of vehicle doors in adjacent spaces.

811.4.4 Tree Requirements

A. The use of large canopy trees is required throughout the parking area. In no case shall a parking space be greater than fifty (50) feet from the trunk of a tree. Trees shall be provided at a minimum average density of one (1) tree for every eight (8)

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parking spaces. No tree shall be planted closer than three and one-half (3½) feet from the back of a curb or the paved portion of the parking lot.

B. Where overhead utilities exist or are planned, understory trees may be required instead of large canopy trees, at a replacement density of two (2) understory trees for each large canopy tree. Such a substitution in the landscape plan shall be by written approval of the Landscape Administrator.

811.4.5 Planting and Maintenance Requirements

All trees must be planted in protective tree grates with adequate provisions for watering, oxygenation, and maintenance of both trees and tree grates as the tree matures.

811.5 Service Areas and Storage Yards

811.5.1 Applications

A. These requirements shall apply to all service areas, storage yards, equipment and structures related to garbage collection, utilities and communication areas in all zoning districts, including all residential classifications.

B. This section shall not be construed to deny access by vehicles and equipment to service areas or storage yards or applicable utility areas.

811.5.2 Service Areas, Storage Yards and Utilities

A. Service areas, storage yards, equipment and/or structures related to garbage collection, utilities, and communication (i.e. voice, data, or visual) must be screened from view from public rights-of-way and adjoining properties through the use of landscaping, berms and/or fences, or a combination thereof that is one hundred percent (100%) opaque.

B. All garbage collection sites and containers shall be shielded on all sides by screening that is one hundred percent (100%) opaque and at least twelve inches (12”) higher than the collection container being screened, but not less than six feet (6’) in height, regardless of the height of the container. One side may remain open to accommodate container pick-up, provided the open side is positioned to have the least visible impact on surrounding properties and roads while still permitting servicing of the containers.

C. Slatted fences that do not provide one hundred percent (100%) opaqueness are not acceptable for screening. Such fences can be used in coordination with vegetative screening to achieve one hundred percent (100%) opaqueness.

D. Non-power utility fixtures, substations and exposed metal cabinets greater than five (5) feet in height shall be screened from view from any private or public street and from adjoining developed property to the extent practicable after consideration of proper equipment operation, code compliance, security, access and maintenance.

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811.6 Building Landscape Design

811.6.1 Application

A. This section shall apply to any new constructions or renovations in the following zoning districts:

D	Development
R-1	Residential (high-density)
C-1	Intensive Commercial
C-2	General Commercial
C-3	Restricted Commercial
LM	Light Manufacturing
HM	Heavy Manufacturing

B. Where it is determined by the Landscape Administrator that a building is designed to have all visible facades architecturally enhanced by use of window treatments, lighting features or other enhancements, landscape elements may not be required or may be reduced. The Landscape Administrator must approve such reductions or exemptions in writing.

811.6.2 Design Elements

A. Developments whose buildings include one hundred (100) linear feet or more of unadorned, blank walls typical of industrial, retail or warehouse use shall include a landscape design plan to screen all walls visible from a roadway as part of the development review process.

B. Required landscape designs shall contain at least one of the following groupings of plant materials at a minimum average density of one group for every forty (40) linear feet, or portion thereof, of unadorned blank wall:

1. One large canopy tree and three understory trees;

2. One large canopy tree and three large evergreen shrubs;

3. One large canopy tree, two understory trees and one large evergreen shrub;

4. One large canopy tree, one understory tree and two large evergreen shrubs; or

5. Two large canopy trees.

C. Where existing overhead power lines preclude sufficient space for large canopy spread, then two (2) understory trees shall be substituted for each large canopy tree.

D. Acceptable architectural elements in lieu of landscaping, which are approved in writing by the Landscape Administrator, shall relate to surrounding building materials and scale.

E. Landscape design is not intended to hide signage or entrances, but frame, enhance and invite. Signs and driveways shall be located in such a manner so as not to be obstructed by landscaping or architectural features.

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811.7 Street Frontages

811.7.1 General Requirements

This section shall apply to the following zoning districts:

D	Development
R-1	Residential (high-density)
C-1	Intensive Commercial
C-2	General Commercial
C-3	Restricted Commercial
LM	Light Manufacturing
HM	Heavy Manufacturing

811.7.2 Design Requirements

Whenever developments adjoin or front on public streets, large canopy trees shall be provided in planting groups in accordance with the following:

A. Tree planting groups shall extend along the full length of the street frontage of the parcel, exclusive of:

1. Driveways and access ways at points of ingress and egress to and from the parcel; and

2. Visibility triangles.

B. The minimum density for tree groupings shall average one tree group for every forty (40) feet of street frontage.

C. Tree groupings shall be located within thirty (30) feet of actual or proposed street curbs.

811.7.3 Tree Groupings

A. Required tree groupings shall comply with one or more of the following design standards:

1. One large canopy tree and three small understory trees;

2. One large canopy tree and three large evergreen shrubs;

3. One large canopy tree, two small understory trees and one large evergreen shrub;

4. One large canopy tree, one small understory tree and two large evergreen shrubs; or

5. Two large canopy trees.

B. Where existing overhead power utility lines preclude sufficient space for large mature canopy spread, then two understory trees shall be substituted for each large canopy tree.

811.7.4 Adjustments

Trees provided to meet the requirements of this section shall also be counted toward the

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requirements of Section 811.4 (Parking Lots), provided street trees are within twenty (20) feet of the paved area of the parking lot.

811.8 Nonconformities

811.8.1 Intent

The intent of this section is to improve or terminate activities that do not conform to the provisions of these landscape regulations. Therefore, all conforming activities must comply with these regulations, unless allowed to continue under the provisions of Section 811.8.2.

811.8.2 Continuation of Non-conformities

A. All parcels which are subject to Section 811.3 (Land Use Compatibility) and Section 811.5 (Service Areas and Storage Yards), but do not comply with those provisions on the date of their adoption are allow to continue as non-conformities until the earliest of the following three occurrences:

1. The parcel's zoning designation is changed to one of the following designations:

D	Development
R-1	Residential (high-density)
C-1	Intensive Commercial
C-2	General Commercial
C-3	Restricted Commercial
LM	Light Manufacturing
HM	Heavy Manufacturing

2. A building permit for substantial alteration to the parcel or any existing or proposed structure is issued. For the purpose of this section, a substantial alteration to the parcel would include a contemplated increase or decrease in the heated square footage of improvements; or

3. The passage of sixty (60) months from the date of adoption of this section or the adoption of any subsequent amendments thereto.

B. For parcels that cannot meet the buffer yard requirements due to existing location of buildings, accessory structures or parking areas, the screening requirements of Section 811.3.4 requiring masonry walls or wooden fences must be met.

C. All parcels which are subject to Section 811.4 Parking Lots, Section 811.6 Building Landscape Design, or Section 811.7 Street Frontages but do not comply with those provisions on the date of their adoption are allowed to continue as non-conformities until the earliest of the following two occurrences:

1. The parcel's zoning designation is changed to one of the following designations:

D	Development
R-1	Residential (high-density)
C-1	Central Business District
C-2	General Commercial
C-3	Transitional Office and Institutional
LM	Light Manufacturing
HM	Heavy Manufacturing

2. A building permit for substantial alteration to the parcel, parking lot, or any existing or proposed structure is issued. For the purpose of this section, a substantial

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alteration to the parcel or parking lot would include a contemplated increase or decrease in the heated square footage of the improvements or parking lot size.

811.9 Administration

811.9.1 Landscape Administrator

A. The administration and enforcement of these regulations shall be the responsibility of the Landscape Administrator, who shall be designated by the West Columbia City Administrator.

B. The duties of the Landscape Administrator are as follows:

1. Interpret and administer all applicable provisions of the landscape regulations;

2. Receive, review and act upon all required landscape plans;

3. Investigate violations of this section and enforce compliance;

4. Administer and enforce all actions of the board of zoning appeals as related to the landscape requirements;

5. Attend all meetings of the board of zoning appeals related to the landscape requirements;

6. Maintain current and permanent records relative to the adoption, amendment, administration, and enforcement of these regulations; and

7. Provide information to the public on all matters relating to the landscaping regulations.

C. The Landscape Administrator, or other persons engaged by him/her to perform tests or any other duties, may enter upon any land within the West Columbia city limits and make examinations and surveys. He/she may also place or remove public notices as required by these regulations. However, there shall be no right of entry into any building without the owner's consent.

811.10 Alternative Compliance and Variances

811.10.1 Alternative Compliance

Any owner or developer who wishes to approach the issues addressed in this section in a different manner from that prescribed herein may submit his solution to the West Columbia Board of Zoning Appeals for consideration in the following manner:

Step 1. Present the Landscape Administrator proposed solutions in writing by the required deadline for the next regularly scheduled meeting of the board of zoning appeals.

Step 2. Explain in detail the problems for which an alternative solution is offered, the requirements of the section addressing that problem, and the proposed alternative.

Step 3. Submit a written statement, graphic representation, or both, prepared by a registered landscape architect or landscape engineer, explaining how the

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alternative meets the spirit and intent of this section.

811.10.2 Variance Request

The board of zoning appeals shall consider all requests for variance from the landscape regulations when a claim is presented that, owing to special conditions, a literal enforcement would result in an unnecessary hardship. All variance procedures shall be governed by Article 11 of the zoning ordinance.

811.11 Enforcement

Whenever the Landscape Administrator or his/her authorized representative finds a violation of this section, he/she shall direct compliance by issuing verbal or written orders. Additional enforcement actions may include the following:

A. The revocation of any site plan approvals issued;

A. The withholding of any related permits, plats, inspections, or other permissions, approvals, or privileges authorized by any city ordinances;

B. The issuance of a “stop work” order, pending compliance with the landscape regulations; and

C. Redress through legal action, including injunctive relief, described in Section 1009.

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Section 812 Location standards for assisted housing

To ensure the proper development of housing facilities to meet the needs of low income residents, the following standards have been developed for location of assisted housing developments.

812.1 Definitions

Low income - Individuals or families whose annual income is 80% or less of the median income for Lexington County

Assisted housing - Housing for low-income individuals or families that receive Department of Housing and Urban Development (HUD) funding or any federal or state tax credits.

812.2 Concentrations

To prevent undue concentrations of assisted housing units in a given area, no new assisted housing project shall be located within a one (1) mile radius of any existing housing project that has at least ten (10) assisted housing units.

812.3 Density

No housing project shall contain more than fifty (50) low-income assisted units per site.

812.4 Access to public transportation

For the benefit of the residents who depend upon public transportation, any proposed site for low income assisted housing must be directly located on an existing public transportation route.

812.5 Sidewalks

Any proposed site for a low income assisted housing project must be directly connected by sidewalks to commercial developments that provide basic necessities such as food.

812.6 Exemptions

The following assisted housing projects are exempted from these location standards:

(1) Assisted housing projects for the elderly and/or handicapped. To qualify as elderly housing, 100% of all units must have at least one tenant who is 62 years old or older and qualify under low-to-moderate income criteria established by the State Housing, Finance and Development Authority.
(2) Assisted housing projects developed for home ownership.

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Section 813 Regulation of the Display of Merchandise Outdoors

813.1 Purpose and applicability of article: The provisions of this article shall apply to the establishment, operation, and maintenance of *outdoor displays* visible from any and all public thoroughfares within the City limits, as well as to *yard sales* which occur within the City Limits. The purpose of the article is to promote safety and the general economic development and atmosphere of the City for the benefit of all businesses and citizens located there, and no rights of individuals or individual businesses are created in this article. Further, it is to promote city-wide property values and to preserve the aesthetic qualities and attractiveness of the City. The Zoning Administrator shall have ability to grant, modify, or revoke permits issued pursuant to this article in the interest of improving the public health, safety, and welfare.

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

(1) *Administrator*: The Zoning Administrator, or a person designated by the Zoning Administrator to administer and enforce the provisions of this article.

(2) *Building*: Any structure having completely enclosing walls and a roof.

(3) *Encroachment*: Stands, tables, umbrellas, chairs, displays, signs, objects related to the business, or other items for sale on the public right-of-way, sidewalk or common area on property visible from a public thoroughfare.

(4) *Outdoor Displays*: Displays of merchandise for sale on the exterior of a building or home which is visible from a public thoroughfare.

(5) *Permittee*: The recipient of a yard sale permit under the terms and provisions of this ordinance.

(6) *Property Owner*: The owner of the property as listed on the Real Property Tax Rolls for the County of Lexington, State of South Carolina.

(7) *Yard Sales*: Public or private sales in which merchandise is displayed for sale on sidewalks, parking lots, yards, carports, open garages or other property which is visible from a public thoroughfare.

813.3 Prohibited Acts:

(A) No merchant, vendor, business, tenant, citizen or property owner shall:

(1) Place any item for sale, storage or display within 50 feet of the edge of a street. With the exception that if a property owner and/or permittee has applied with the Zoning Department in accordance with the terms of this ordinance for a *Yard Sale* permit, or such item is permitted pursuant to this ordinance;

(2) Block or restrict the passageway to less than six feet in width, or block ingress or egress to or from any building with items of merchandise for sale. Also, no items of merchandise for sale shall be placed so as to block any driveway, crosswalk, bus stop, or counter service window;

(3) Store, park or leave any stand or items of merchandise for sale overnight on any parking lots, sidewalks, and/or property which is visible from a public thoroughfare;

813.4 Outdoor Displays Exempted from Ordinance: Those merchants, vendors or businesses selling automobiles, motorcycles, trailers, all terrain vehicles; water crafts and/or any other titled vehicles; motor oils at service stations; outdoor furniture; lawn and landscaping equipment; live nursery products; lawn, garden and landscape items to include top soil, fertilizer, mulch, stone, gravel (excluding toxic chemical concentrates); prepackaged firewood; newspaper and magazine racks; Christmas trees from November 1 - January 2 of the following year; and vending machines are exempt from the terms of this article and, therefore, are permitted

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to display the above listed merchandise outside of their place of business. Further, those property owners, tenants, or citizens displaying a swing set, sandbox and/or other playground equipment, above ground pool, trampoline, motorcycle, or tool shed are exempt from the terms of this article.

813.5 Permit required for Yard Sale(s): It shall be unlawful for any person to create, establish, operate, maintain or otherwise be engaged in the business of placing items of merchandise for sale upon the sidewalks, parking lots, or upon property visible from any a public thoroughfare within the city limits unless he shall hold a valid permit issued under the terms of this article or unless he is exempt from the terms of this article. Such permit shall be positioned in a conspicuous place during the term of such yard sale.

813.6 Application for permit; fee:

(A) Application for the permit required by this article shall be made at the Zoning Department in a form deemed appropriate by the Zoning Administrator. Such application shall include but not be limited to the following information:

(1) Name, home address and telephone number of the applicant;

(2) Name, home address, and telephone number of the property owner if different from the applicant;

(3) Name, home address, and telephone number of a responsible person whom the City may notify or contact at any time concerning the application if different from the applicant;

(4) Date, time and address of such yard sale; and

(5) Five ($5.00) Dollar non-refundable application fee; however, there shall be no fee for any entity with a valid business license.

(B) The applicant shall be notified by the Zoning Department of the decision of the issuance or denial of the permit.

(C) No application for a yard sale will be accepted that provides for the sale to occur over longer than a three (3) day period.

(D) No more than three (3) yard sales per year will be granted to any applicant.

813.7 Removal of unauthorized displays of merchandise by city:

(A) The Administrator or his designee may remove the merchandise at the property owner's and/or permittee's expense if:

(1) The property owner and/or permittee has failed to correct violations of this article or conditions of his permit upon receipt of the Administrator's notice of the violation delivered in writing to the property owner and/or permittee;

(2) The property owner and/or permittee has failed to take positive actions to prohibit violations from reoccurring;

(3) The property owner and/or permittee has failed to make modifications upon receipt of the Administrator's notice to make such modifications delivered in writing to the property owner and/or permittee.

(B) Tables, chairs, merchandise, and other vestiges of the business may be removed by the Zoning Administrator or his/her designee, and a reasonable fee charged for labor, transportation, and storage, should the property owner and/or permittee fail to remove the items within thirty-six (36) hours of receipt of the Zoning Administrator's final notice to do so for any reason provided for under this Article. If the action is based on subsection (A)(2) or (3) of this section, the action shall

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become effective upon the receipt of such notice and the owner shall have four (4) hours to remove the items.

813.8 Appeals: The property owner and/or permittee shall have the right to appeal the decision of the City official to the City Administrator within ten (10) days from the receipt of notice. The appeal must be in writing and filed with the City Administrator. If an appeal is timely requested in writing and properly filed, a hearing shall be held within thirty (30) days of the receipt of the request by the City Administrator. The owner or permittee may be represented by an attorney and may present witnesses, affidavits, and any relevant documentary evidence. Formal rules of evidence shall not apply. The City Administrator or his designee shall notify the owner or permittee of his/her determination in writing.

813.9 Penalty: Any person violating, by act or omission, any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be punishable by fine not exceeding two hundred dollars ($200.00) or thirty (30) days in jail, or both, at the discretion of the court. Where such an act or omission is continued in violation of the provisions of these regulations after notice of such violation by the Zoning Administrator, each and every day during which such act or omission continues shall be deemed a separate violation.

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814 Regulation of Shipping Containers, Cargo Containers, Tractor Trailers, and Portable Storage Containers.

814.1 Regulation of shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items in C-1, C-2, C-3, LM, and HM districts for nonresidential principal or accessory use:

814.1.1 The use of shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items in C-1, C-2, C-3, LM, and HM districts is permitted as an accessory structure when the item provides necessary storage:

(1) For an active permitted construction project;
(2) To compensate for an act of God;
(3) Accessory to a use listed as a permitted nonresidential use within the underlying zoning district.

814.1.2 Requirements

(1) Where the use is permitted by Section 814.1.1(1) or Section 814.1.1(2), shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items:

(A) Shall not be used as a principal use or structure;
(B) Shall not be stacked;
(C) Shall not be located within any required yard areas;
(D) Shall be free from rust and damage and properly maintained at all times;
(E) Shall be located upon the same lot as the residential building or residential use to which it provides storage;
(F) Shall not be located on an otherwise vacant lot;

(2) Where the use is permitted by Section 814.1.1(3), shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items:

(A) Shall not be used as a principal use or structure;
(B) Shall not be located in the front of any principal building or structure;
(C) Shall be permanently screened from public view and adjacent properties;
(D) Shall not be stacked;
(E) Shall not be located within any required yard areas;
(F) Shall not, along with permitted and permissible buildings and their accessory buildings, exceed a total of thirty percent (30%) lot coverage;
(G) Shall be free from rust and damage and properly maintained at all times;
(H) Shall be located upon the same lot as the building or use to which it provides storage;
(I) Shall not be located on an otherwise vacant lot.

814.1.3 Where the principal use is a listed special exception within the underlying zoning district, shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items may be permitted as an accessory structure pursuant to Section 814.1.1(3) only by review and approval of the Zoning Board of Appeals in accordance with the procedures for review and approval of a special exception and must meet the requirements of Section 814.1.2(2).

814.1.4 Time Limits

(1) Where permitted within Section 814.1.1 (1) and Section 814.1.1 (2), shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items shall be removed upon the completion of permitted repairs and/or construction project or the expiration or revocation of any zoning or building permit.

(2) Where permitted within Section 814.1.1 (3), shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items shall be removed within six months. The zoning administrator or his or her designee may approve extensions to this time limit, provided that the total time (including the original 6 months) does not exceed 18 months. The Zoning Board of Appeals may approve extensions beyond 18 months as they would a request for a special exception.

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814.1.5 Shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items shall not be permitted in the Gateway Overlay District except as an accessory structure when the item provides necessary storage:

(1) For an active permitted construction project;
(2) To compensate for an act of God;

Provided that any such item must meet the requirements of Section 814.1.2(1).

814.1.6 Time Limits: Where permitted within Section 814.1.5, shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items shall be removed upon the completion of permitted repairs and/or construction project or the expiration or revocation of any zoning or building permit.

814.2 Regulation of shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items in all zoning districts for residential principal or accessory use:

814.2.1 The use of shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items in all zoning districts for permitted residential principal or accessory use is permitted as an accessory structure when the item provides necessary storage:

(1) For an active permitted construction project;
(2) To compensate for an act of God;
(3) For moving household contents.

814.2.2 Requirements: Where the use is permitted by Section 814.2.1, shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items:

(1) Shall not be used as a principal use or structure;
(2) Shall not be stacked;
(3) Shall not be located within any required yard areas;
(4) Shall be free from rust and damage and properly maintained at all times;
(5) Shall be located upon the same lot as the residential building or residential use to which it provides storage;
(6) Shall not be located on an otherwise vacant lot;

814.2.3 Time Limits

(1) Where permitted within Section 814.2.1 (1) and Section 814.2.1 (2), shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items shall be removed upon the completion of permitted repairs and/or construction project or the expiration or revocation of any zoning or building permit.

(2) Where permitted within Section 814.2.1 (3), shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items shall be removed within 30 days. The zoning administrator or his or her designee may approve extensions to this time limit, provided that the total time (including the original 30 days) does not exceed 6 months. The Zoning Board of Appeals may approve extensions beyond 6 months as they would a request for a special exception. At no time shall the Zoning Board of Appeals approve an extension to allow such containers to remain on a property for more than 12 months (including the original 6 months).

814.3 Permit Required: The owner or occupant of the property or the company providing the shipping container, cargo container, tractor trailer, portable storage container, or other like item must obtain a zoning permit prior to the placement of a shipping container, cargo container, tractor trailer, portable storage container, or other like items on any lot.

814.4 Nonconforming shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items: All shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items shall conform to the provisions of this section not later than 180 days from the date of passage of this section.

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814.5 Use of shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items as building materials: Shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items shall not be used as a principal use or structure in any zoning district; however, this section is not meant to prohibit the use of such items as a building material component when constructing a principal structure for uses permitted in the underlying zoning district. Where used as a building material component, shipping containers, cargo containers, tractor trailers, portable storage containers, or other like items:

(1) Shall be modified from its original form so that no likeness of a shipping container, cargo container, tractor trailer, portable storage container, or other like item is visible from the exterior of the building;

(2) The applicant must submit with the zoning permit application a report from an engineer registered in South Carolina showing that the shipping container, cargo container, tractor trailer, portable storage container, or other like item in their modified form meets all aspects of the building code adopted by ordinance, including but not limited to live loads, dead loads, deflection, wind resistance, snow loads, and any other element required by the building official or his or her designee;

(3) The applicant must submit with the zoning permit application site plans of the proposed project, along with sketch plans of the front, side, and rear elevations, dimensions, exterior materials, color chart, and such other information as may be essential for determining whether the provisions of this ordinance are being upheld.

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815 Regulation of Vehicle Sales, Vehicle Services, Tire Sales, and Tire Services.

815.1 The following requirements apply to all Vehicle Sales and/or Services and Tire Sales and/or Services:

(1) All structures must be accessible by an unobstructed lane sufficient to accommodate fire apparatus. The minimum unobstructed lane width is twenty (20) feet.

(2) A parcel used for Vehicle Sales and/or Services and Tire Sales and/or Services must have two (2) driveways, one for ingress and one for egress, or one (1) driveway adequate to permit simultaneous ingress and egress. If one (1) driveway is provided, then the driveway must consist of at least two (2) lanes. The minimum unobstructed lane width is twenty (20) feet.

(3) Service of vehicles requiring draining or replacing fluids or exceeding more than thirty (30) minutes must occur inside a structure or under a canopy designed for servicing vehicles and meets requirements of the International Fire Code as adopted by the City of West Columbia.

(4) Vehicles under repair or displayed for sale may only be stored in areas meeting the minimum parking area improvement requirements per section 611.4.

(5) Vehicles not in readily apparent working order must be stored in an area screened from public view.

(6) No portion of any vehicle under repair or awaiting service or displayed for sale may project into any right-of-way or onto any public or private sidewalk.

(7) No vehicle under repair or displayed for sale may occupy a parking spaces used to meet the minimum requirements established in section 611(Off-street automobile parking and storage) or 612 (Off-street loading requirements).

(8) Landscape and screening requirements established in section 811 (Landscape Regulations) must be met prior to a zoning permit being issued for establishing a use as vehicle sales and/or services or tire sales and/or services.

(9) Temporary structures may not be permitted for occupancy.

(10) Tire storage. Tires must be screened from public view and may not be visible from public or private roadways or from any adjacent property. No tires may be stacked or stored within 50 feet from any property line. Tires must be stored in a manner that prevents water from accumulating in or around tires.

(11) Business signs must be permanent and must comply with Article 9 (Sign Regulations).

(12) Consistent with section 611.4.2 of this Ordinance, no vehicle may be parked at any time in such a manner that the vehicle is required to back onto a public street or way when leaving the premises.

(13) A business or sales office is required to be established on the same lot used for Vehicle Sales and/or Services and Tire Sales and/or Services. The minimum interior floor area for a business or sales office is 700 square feet.

(14) Vehicles must be spaced a minimum of twenty-four (24) inches from other vehicles and structures. This provision does not apply to vehicles properly parked between the markings of a space designed to meet the requirements of section 611(Off-street automobile parking and storage).

(15) Vehicles must be parked or stored within twenty (20) feet of an access lane designed to meet the requirements of 815.1.1.

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815.2 Continuation of Non-conformities

A. All parcels which are subject to Section 815 but do not comply with those provisions on the date of their adoption are allowed to continue as non-conformities until the earliest of the following occurrences:

(1) A permit for alteration to the parcel, parking lot, or any existing or proposed structure is issued.

(2) The passage of 365 days (1 year) from the date of adoption of this section or the adoption of any subsequent amendments thereto.

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ARTICLE 9
SIGN REGULATIONS

900 Purpose

The purpose of this section of the City of West Columbia Zoning Ordinance is to provide fair and comprehensive regulations that will:

900.1 Provide a pleasing overall environmental setting and good community appearance which is deemed vital to economic development and trade, tourism, and to the continued attractiveness and aesthetics of the City;

900.2 Allow signs appropriate to the planned character of each zoning district while meeting the goals of local comprehensive planning and zoning;

900.3 Promote highway safety, pedestrian safety, the welfare and comfort of the citizens of West Columbia and visitors to the City, the convenience of the public, and the enjoyment of public travel;

900.4 Restrict private signs which overload the public's capacity to receive information and increase the probability of accidents by distracting attention or obstructing vision;

900.5 Protect property values within the City of West Columbia;

900.6 Preserve historic districts, scenic districts, environmental areas and green spaces of the City of West Columbia; and

900.7 Reduce conflict between private and public information systems included in signs banners and illumination erected and maintained by individuals, businesses and other entities which may be in discord with or detract from the functionality and goals of municipal, state and federal information and traffic systems.

901 Scope

The provisions set forth in this article shall apply and govern in all districts and zoned areas, and shall regulate the construction, erection, alteration, use, maintenance, location, size and height of all signs, regardless of their cost of construction or duration of existence. The provisions of this article, however, shall not apply to the following:

901.1 Signs not visible beyond the boundaries of the lot or parcel upon which they are situated or from any public thoroughfare, right-of-way, or water-way;

901.2 Traffic signs, railroad crossing signs, danger signs and all other signs, erected or maintained by a municipal or governmental body or agency, including danger signs and signs of businesses on governmental property. Nothing contained herein, however, shall be construed to exempt signs of a commercial nature from this article.

901.3 Temporary signs which are customarily associated with any festival or occasions distinguished by a resolution or ordinance of City Council or approved by the South Carolina Department of Transportation, but only during the duration of these festivals or occasions.

901.4 Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants of any premises, or other identification of a premises not having a commercial connotation;

901.5 Flags and insignia of any governing body except when displayed in connection with commercial or political promotion;

901.6 Legal notices, identification, informational or directional signs erected by or required by governmental bodies;

901.7 Integral decorative or architectural features of buildings except letters, trademarks, moving parts or moving lights;

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901.8 Signs specifically and exclusively preempted from regulation by Section 57-25-110 et seq. of the Code of Laws of South Carolina, known as the Highway Advertising Control Act. Nothing contained herein, however, shall abridge or limit regulation of the signs allowed by local municipalities pursuant to the Highway Advertising Control Act.

902 Definitions

Except as specifically defined herein, all words used in this article shall have their customary dictionary definitions. For the purposes of this article, certain words or terms used are herein defined as follows:

Animation. The movement, or optical illusion of movement, of any part of the sign. Also included in this definition are signs having "chasing action," which is the action of a row of lights, mirrors or reflectors commonly used to create the appearance of motion. Automatic changeable copy boards are permitted provided that there is no running action to copy and provided that the copy does not change more than once every six (6) seconds.

Banner. A sign or outside advertising display having the letters, illusions or visual representation applied to cloth, paper, vinyl, fabric or similar material with or without frame. The term banner shall include flags, pennants, rafts, T-shirts displayed in a manner as to serve the purpose of a commercial advertising device, floats, balloons, spinners, streamers and kites.

Changeable copy sign. A sign on which message copy is changed through the utilization of attachable letters, numbers, symbols, graphics or automated means.

Display Surface Area. Except for double-faced signs, the area of all copy surfaces shall be included in determining the area of a sign. In calculating double-faced signs, the calculation shall be based upon the area of one copy surface, if the two copy surfaces are the same size. If unequal in size, the area of the larger copy surface of a double-faced sign shall be used in calculating the size. In calculating the area of a copy surface, that area of a sign including the entire area within a regular geometric shape or combination of regular geometric shapes enclosing all surface areas and all of the elements of informational or representational matter displayed, including blank masking or any surface shape intended to convey ideas, information, meaning or art. Frames or structural members not bearing informational or representational matter shall not be included in calculating the display surface area.

Double-faced sign. A sign with two (2) separate copy surfaces which are parallel and whose copy surfaces are not separated by more than five (5) feet at any point;

Freestanding sign. A sign supported by an attached sign structure placed in the ground and which is wholly independent of any building, fence, vehicle, trailer, or object (other than the sign structure) for support. A free-standing sign may contain a sign or signs on one (1) side only, or it may be a double-faced sign or v-shaped, subject to the height, size and other limitations indicated in this article.

Frontage, Lot. The length of the property line of any one (1) premise serving as a public street right-of-way. For lots with multiple frontages, the principal street frontage shall be the same as that to which the building is oriented. Should the owner wish to direct the sign solely to a frontage other than the principal frontage, the linear length of this frontage will be used to calculate the allowable area of the sign. Should the owner wish to direct the sign to both frontages, the frontage having the highest vehicular traffic volume shall be used to calculate the allowable area.

Height of sign. The vertical distance measured from the ground to the top of the sign face or sign structure, whichever is greater.

Nonconforming sign: A sign which is lawfully constructed, modified, repaired or maintained, but which does not comply with the provisions of this Article or these regulations, as amended, or which fails to comply with these regulations because of changed conditions at the site of the sign or change in zoning or reclassification of the use of property, etc.

Portable sign. Any sign which is intended to be readily relocated or which does not have an independent sign structure firmly and permanently attached to the ground. These include, but are not specifically limited to, mobile signs, signs on wheels, trailers or portable structures or vehicles which are parked in such a manner as to serve the purpose of an advertising device, tent signs, A-frame signs and similar devices and signs not permanently and securely affixed to the ground or other permanent structure.

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Public agency. An agency of the local, state or federal government.

Sign. Any letters, pictorial or graphic representation, symbol, insignia, emblem, flag, banner, illuminated or animated device, displayed in any manner whatsoever, which directs attention of persons to such device, and which is located within the view of the general public from a public way. Customary graphics found on vending machines, newspaper dispensers and similar machines shall not be considered as signs.

Sign, Advertising. Any sign which relates in subject matter to products, accommodations, services or activities sold or offered elsewhere than on the premises on which the sign is located. Advertising signs include, but are not limited to those signs commonly referred to as outdoor advertising signs, billboards or poster boards.

Signs, Business. Any sign which relates in its subject matter to the premises on which it is located, or to its products, accommodations, services, or activities being offered, sold or engaged in on the premises. Billboards or advertising signs as defined in Section 920.130 are not business signs.

Sign copy. All words, letters, numbers, figures, characters, art works, graphics, symbols, photographic material or insignia that are used on a display surface area.

Sign, Neon. A sign which uses exposed incandescent tubing in various bright colors and which is illuminated by an electrical current which activates a gas or liquid contained in such tubing.

Sign, Permanent. Signs which are affixed to a permanent, secured sign structure, wall or building.

Sign, Projecting. Any sign which projects from and is supported by a building, including marquees and canopies.

Sign structure. A supporting structure erected or intended for identifying/advertising purposes, with or without a sign thereon, permanently and securely situated upon or attached to real property, upon which any sign is fastened, affixed displayed, applied or a part of, provided however, said definition shall not include a building, fence, flagpole, illumination standards, masts, stakes or chains.

Sign, Temporary. Signs which are not affixed to a sign structure, wall, or building.

Sign, Wall. Any sign attached flat to the exterior surface wall or any other vertical surface of a building. Such sign may also be painted or applied directly onto a vertical surface. This designation does not include window signs.

Sign, Window. Any sign painted, attached, applied or affixed to or on the glazing of a window or glass, or to an opaque or transparent door, of a structure. All window signs shall be deemed temporary.

V-shaped sign. Any structure whose copy surfaces are not parallel and equidistance from each other and whose copy surfaces are greater than five (5) feet apart at any given point.

903 General Provisions

It shall be illegal for a sign to be placed within the City of West Columbia except as provided in this article.

903.1 Permit Required: Except as indicated herein, zoning and building permits shall be required for the erection, alteration or reconstruction of any sign within the City limits and such permits shall be issued in accordance with this Zoning Ordinance and the International Building Code. The following signs are specifically exempt from these permitting requirements:

(1) Signs exempt from the scope of this article;
(2) Temporary signs which are specifically allowed under this article;
(3) Public Signs: Signs of public bodies, agencies, traffic signs and regulatory devices, directional signs, emergency warning, bus stop, taxi stand and legal notices;
(4) Interior signs;
(5) Decorations: Decorative lighting and banners which are permitted under this article;
(6) Signs on a business vehicle identifying the business, address and telephone. This exemption does not include separate sign structures attached to a vehicle;

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903.2 Automobile/Air Traffic/Pedestrian Hazards and Sign Illuminations:

(1) No flood lights shall be utilized as a part of a sign illumination system which are not hooded or shielded so that the light source is not visible from any public right-of-way or adjacent property nor shall any sign otherwise reflect or emit a glaring light so as to impair driver vision.

(2) No sign illumination system shall contain or utilize any beacon, spot, search or stroboscopic light or reflector which is visible from any public right-of-way or adjacent property, nor shall such lights be operated outside except by authorized public agencies;

(3) No sign shall have animation, except as defined in Section 902.2 relating to automatic changeable copy boards;

(4) No sign shall obstruct the view of motor vehicle operators entering a public roadway from a driveway, street or alley;

(5) No sign shall be permitted which may be confused with an official traffic sign, signal, device or any other official sign or which uses the words, "stop," "warning," "danger," "caution," or similar words implying the existence of danger or need for stopping or maneuvering. No sign shall display any intermittent light resembling the color, size, shape or order of lights customarily used in traffic signals or on emergency vehicles or on law enforcement vehicles, except as part of a permitted traffic control sign.

(6) No sign shall be located, erected, repaired, altered or maintained upon or across any public road, street, highway or right-of-way. No sign shall be posted to or affixed to any lamp post, public utility pole, street signs or shade tree or upon any public structure or building, except as may be authorized by state or federal law.

904 Design Standards

904.1 All signs shall be constructed of durable materials and designed to meet all applicable requirements of the International Building Code. Further, all signs shall be of such professional quality and structure so as not to detract from good community appearance and attractiveness.

904.2 A sign, whether temporary or permanent, shall not be erected, constructed or maintained so as to obstruct any fire escape, exit or any window or door or opening used or potentially used as a means of any fire escape or any window or door or opening used as a means of egress.

904.3 All permanent signs shall be securely attached to a building or structure by fixed, metal support, such as bolts, anchors, supports, guy wires or steel rods. Staples, nails, tethers or chains should not be used to secure any permanent sign to any building, structure or ground.

904.4 All permanent signs shall be constructed to withstand the wind pressure as designated by the International Building Code.

904.5 Except as otherwise provided, all signs and portions of signs shall be securely anchored or affixed and constructed as required in the International Building Code.

904.6 Signs in disrepair and unsafe signs:

(1) All signs, together with all their support, braces, guy wires and anchors shall be kept in good repair and permanently maintained in a safe condition, free from deterioration, defective or missing parts, or peeling or faded paint or material and able to withstand the required wind pressure. Any sign not in compliance with this provision is hereby declared to be nonconforming.

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(2) The administrator may order the repair or removal of such signs that are not maintained in a safe condition, in good repair or in accordance with the provisions of this article.

(A) Permanent Signs

(1) If the administrator shall find that any permanent sign is in violation of this subsection or article, then he/she shall give notice to the property owner specifying the location of the hazard or deteriorated sign, what needs to be done to render the sign in safe and in good repair or to bring such sign in compliance with this article, and that in the event the same is not done by the owner that the City will remove the sign at the expense of the owner of the property upon which it is located. Service of such notice may be made personally by any city official or by registered or certified mail, return receipt requested. Service shall be deemed complete upon delivery. In the event the address of the person to be notified is unknown or the notice which has been mailed is returned, such notice may be served by posting the same on a conspicuous place on the premises on which the nuisance is located and by advertising said notice in the local newspaper, in which event service shall be deemed completed after the preceding is accomplished.

(2) The person(s) so notified shall remove or initiate alteration of such permanent sign within fifteen (15) days of such notice and such sign condition shall be completely rectified within sixty (60) days. In the case where rectification of the sign condition is impossible or impracticable within this sixty(60) days, the administrator may grant an additional thirty (30) days, upon the owner's showing the impossibility or impracticability of repair within sixty (60) days. If the person(s) so notified fails or refuses to remove or alter such sign so that it is in conformity with this section within the time periods specified herein, then the building inspector may cause such sign to be removed at the expense of the owner or lessee thereof.

(B) Temporary Signs

If the administrator shall find that any temporary sign is in violation of this subsection, then he/she shall cause such sign to be removed and store such sign for a period not to exceed fourteen (14) days so that the owner may claim such property. If an individual does not claim the property within fourteen (14) days, the administrator may dispose of the sign. The administrator shall have no duty to notify or contact the owner of the signs regarding removal of a sign in violation of this subsection.

(3) The administrator may, without notice, cause any unsafe or insecure sign to be immediately removed if the sign presents an immediate peril to life, limb or property.

(4) In the event that any sign is damaged exceeding fifty (50%) percent of the replacement value according to appraisal thereof by competent appraisers, such sign may be restored, reconstructed, altered or repaired only to conform with all of the provisions of this Article.

(5) No sign shall be permitted to be erected, repaired, altered or maintained which in any manner may obscure visibility required for safe travel and passage or confuse, distract, or unduly divert the attention of drivers of vehicles or pedestrians.

904.7 Neon signs and illumination: Neon signs, when illuminated, shall have such lighting shielded so as not to directly shine on abutting properties or in the line of vision of the public using the streets or sidewalks. Neon signs must not confuse, distract, or unduly divert the attention of drivers of vehicles or pedestrians. Neon signs may not blink, flash, or have any appearance of animation. Neon signs must be maintained in good repair with all tubes illuminated as originally intended. Any sign that uses exposed neon tubing must be turned off in the event that any portion of the sign becomes damaged or inoperable. Neon tubing may be used as a window sign or highlighting feature visible from the exterior of the building with the following conditions:

(1) Neon window signs may not cover more than twenty-five (25%) of the glass window space;

(2) Neon window signs may not be greater than three (3) square feet in size;

(3) Any neon window sign greater than three (3) square feet must will be deducted from the permitted business sign display surface area as established in section 907;

(4) Each business or establishment may have one (1) neon sign in a window of its business so long as it

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meets the aforementioned standards. Any additional neon sign must be deducted from the permitted display surface area as established in section 907;

(5) Highlighting neon features may not cover more than 10% of the combined outline of doors, windows, awnings, entrance ways, and other minor architectural features located on the primary building front;

(6) Highlighting neon features may not be used on rooflines and sidewalk areas.

905 Prohibited Signs

905.1 Signs within or near the public right-of-way or utility easement:

(1) No temporary or permanent sign, signal or other informational device shall be erected or placed within or protrude into any public right-of-way or utility easement, except as otherwise permitted herein.

(A) An exception to this section shall be allowed when less than five (5) feet exists between the right-of-way and the premises contained on any parcel of land, subject to the following regulations:

(1) Such signs shall not extend more than four (4) feet over the public right-of-way or more than two-thirds (2/3) of the distance from the lot line to the curb line or the nearest edge of street surface, whichever is lesser.

(2) No portion of any such sign shall be less than twelve (12) feet above the surface of the street right-of-way

(3) If the frontage provided is increased by any means to exceed five (5) feet, any such sign projecting over any public right-of-way shall be removed at the time the frontage is increased.

(B) No sign, signal, banner or other informational device, including its supporting structures, shall be erected or placed nearer than four (4) feet to the edge of the curb or any paved roadway, or to the edge of the traveled portion of any unpaved roadway, so that a clear zone is provided for pedestrian movement and clear vision from intersections and drive-ways.

905.2 Temporary and Portable Signs: Except as indicated in this section, no temporary or portable sign shall be erected, constructed, installed or maintained within the City limits:

(1) Temporary Subdivision Signs: Temporary subdivision signs announcing a land subdivision development may be erected in residential areas on the premises of the land subdivision, provided that the display surface area of such signs do not exceed fifty (50) square feet in area, are set back at least twenty (20) feet from any property line, are spaced at least five hundred (500) feet apart, and are removed not more than thirty (30) days from such time as seventy-five (75%) percent of the lots are conveyed.

(2) Craftsman's Signs: Signs of craftsmen, artisans, house painters, contractors, or subcontractors may be erected and maintained during the period that such persons are performing repair, remodeling, repainting or improvement work on the premises which such signs are erected and the location of such work is not the craftsmen's fixed or normal place of business. The display surface area of these signs shall not be in excess of twelve (12) square feet and such signs shall be removed immediately upon completion of work.

(3) Contractor's Signs or Building Under Construction Signs: One sign displaying the names of the building, contractor, architects, engineers and similar identifying information is permitted upon the premises of any work under construction or any work of major repair or improvement, provided that the display surface area does not exceed sixty (60) square feet in area and the sign is removed within seven (7) days after completion of the work.

(4) Real Estate and Garage Sale Signs: Signs offering real estate for sale, rent or lease, provided that combined display surface area of all such signs does not exceed four (4) square feet for every 100 feet of street frontage and that the total display surface area shall not exceed six (6) square feet on any individual lot. These same provisions apply to on-site garage sale signs in West Columbia.

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(5) Political Signs: Signs announcing candidates seeking public office or relating to any election, vote by a governing body or public referendum shall be allowed on private property only. Further, such signs shall be removed within seven (7) days after the election or referendum for which they were prepared has been decided. Nothing contained herein shall be construed to limit or prohibit the purchase of advertising space on permitted advertising signs in addition to the signs permitted by this section.

905.3 Signs within Historically Significant/Scenic/Development Areas:

Except as preempted or prohibited by federal and state law or regulation, no advertising sign or banner shall be erected, constructed or maintained in the following locations:

(1) Within one thousand (1000) feet of any historic marker, structure, building, location or area. For the purposes of this section, historic marker, structure, building, location or area shall include, but not be limited to any place which has been recognized by any government agency as having historic significance, such as the National Registry of Historic Places or any location deemed a "Historic Site" by any state or federal agency.

(2) Within one thousand (1000) feet of any public park or recreational area, designated green way or riverbank;

(3) Within any area currently or subsequently designated as a redevelopment area by the City of West Columbia in its Redevelopment Plan. Should any additional area subsequently become designated as a Redevelopment Area, any advertising sign located within the area shall be deemed nonconforming, pursuant to the provisions of this article.

905.4 Banners, flags and pennants: Except those specifically exempted from this article, each frontage shall be limited to three (3) banners, flags or pennants not exceeding a total of forty-five (45) square feet in display surface area.

905.5 Hiring Signs

Hiring signs are permitted on the lot where the business is located. Hiring signs must be less than six (6) square feet in display area unless a banner permit is obtained by the business per section 905.4. Only one hiring sign may be placed per frontage. Hiring signs may not be displayed for more than thirty (30) days. Hiring signs may not be located off-site. Hiring signs may not display any commercial messages or advertisements. Hiring signs may not be placed in any right-of-way.

905.6 Gas Filled Figures

Gas filled figures used to draw attention to a business or event are prohibited. Exceptions:

(1) Gas filled figures used as a display for similar items for sale by the establishment or for seasonal decorations. The figure must be located near the establishment's storefront, cannot interfere with traffic or pedestrian safety, and cannot be used as a sign. Gas figures must be properly secured to prevent movement. Gas figures may not be placed on rooftops or within fifty (50) feet of any road right-of-way.

(2) Gas filled figures which are associated with any festival or occasions distinguished by a resolution or ordinance of City Council, but only during the duration of the festival or occasion. Such gas filled figures cannot interfere with traffic or pedestrian safety.

905.7 Civic Club, Religious, and Eleemosynary Signs

Temporary civic club, religious, and eleemosynary signs, whether on or off the premises, informing the public of a specific festival or event are permitted. Such signs must be less than six (6) square feet in display area. Only one such sign may be placed per frontage. Such off-site signs must be placed on private property with the consent of the property owner. Such signs may not be placed in any right-of-way. Such signs shall be placed at least ten (10) feet from rights-of-way in residential areas. Such signs may be displayed seven (7) days prior to the beginning of the festival or event and must be removed within seven (7) days after the end of the festival or event. Such signs may not be displayed for more than thirty (30) days.

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906 Signs Permitted in Residential Districts

Except as specifically provided herein, all signs are prohibited in residential areas:

906.1 Signs Excluded from Regulation by Definition: Those signs excluded from the scope of this article by Section 901 are permitted.

906.2 Temporary Signs: Those temporary signs enumerated in Section 905.2 are allowed in residential areas. All other temporary and portable signs are prohibited.

906.3 Home Occupation Signs: One (1) non-illuminated sign shall be permitted for each home occupation on single-dwelling residential areas, provided that the display surface area of such sign does not exceed one (1) square foot in area and that such sign is a wall sign attached to the location's principal structure.

906.4 Permanent Subdivision Sign: Permanent signs displaying no information other than the name of the residential land subdivision in which they are located shall be permitted provided that such signs do not exceed twenty (20) square feet in area, do not inhibit vision affecting the safety and well-being of vehicular traffic and pedestrians and are maintained pursuant to Section 904 of this Article. All vision clearances established in Section 606 of the Zoning Ordinance must also be observed.

906.5 Group Residential Uses and Nonresidential Uses: Signs relating to permitted group housing developments, mobile home parks, residential high rise structures and permitted nonresidential uses of a recreational, civic, charitable, fraternal, cultural, religious, educational, institutional, governmental, and service nature and not elsewhere regulated, prohibited or specified, may be erected, subject to the following provisions:

(1) Size: Total display surface area for these signs shall not exceed twenty (20) square feet per street frontage.

(2) Location: Each location shall not have in excess of one (1) sign per street frontage. If such sign is building mounted, it shall be a flat wall sign.

(3) Height: If building mounted, such sign shall not project above the roof line. If freestanding, such sign shall not exceed four (4) feet above ground level when located in required frontage, or six (6) feet above ground level when located elsewhere. All vision clearances established in Section 606 of the Zoning Ordinance must also be observed.

(4) Additional Bulletin or Notice Board Allowed: In addition to those signs allowed under this, one and only one bulletin or notice board displaying information relating to activities or services conducted or offered on the premises may be erected and maintained per lot frontage, providing that the display surface area of such board does not exceed twenty (20) square feet.

906.6 Setbacks for Residential Signs: All components of signs permitted by this Section 960 shall be set back at least ten (10) feet from any street right-of-way and from any property line.

907 Signs permitted in Commercial and Manufacturing Districts

Except as specifically provided herein, all signs are prohibited in Commercial and Manufacturing zoned areas:

907.1 Signs Permitted in Residential Areas: All signs permitted in residential areas are permitted in commercial and manufacturing districts.

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907.2 Business Signs: Business signs shall be permitted in commercial and manufacturing districts, subject to the following provisions:

(1) Dimensional and Set-back Requirements:

District	Sign Type	Maximum Height	Minimum Set-back From Right-of-way
C-1	Freestanding	20 feet	0
	Projecting	Not to exceed Roof line	0
	Wall	Not to exceed Roof line	--
C-2; LM; HM	Freestanding	20 feet	5
	Projecting	Not to exceed Roof line	5
	Wall	Not to exceed Roof line	--
C-3	Freestanding	10 feet	5
	Projecting	Not to exceed Roof line	5
	Wall	Not to exceed Roof line	--

(2) All signs shall also meet the requirements of Section 606 relating to vision clearances.

(3) Maximum Display Surface Area:

District	Maximum Display Area
C-1; C-2; C-3	The lesser of 150 square feet or three square feet for each one foot of lot frontage.
LM; HM	200 square feet

(4) Number of Signs:

1. For signs attached to buildings and/or painted on buildings, there can be any number of signs on a particular wall facing a public street, or parking lot, but the area must not exceed the requirements of Section 970.20(1)(C). Notwithstanding this, there shall be no more than a total of three (3) window signs per structure.

2. Where more than one business with valid business licenses are located on a single lot, the each additional business shall be permitted an additional fifty (50) square feet of display surface area for wall signs and/or projecting signs, but no additional free standing sign shall be allowed. Such additional surface area shall be designated and used for the purpose of identifying the second or subsequently licensed business. Such additional display area shall not be transferable or assignable between licensed business on such lot. A common signage

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plan shall be prerequisite to the issuance of any sign permit when more than one business is located on a single lot. The owner of the property or the property manager may submit a common signage plan in the form designated by the Zoning Administrator. Common signage plans must include the business name, sign dimensions, display area square footage, sign type, and display area allotment for each business on the lot. The Zoning Administrator or his designee must approve common signage plans. Once approved by the Zoning Administrator, the common signage plan shall become binding on all businesses and uses occupying the affected lots, but may be amended by filing a new or revised plan in conformance with the requirements of this ordinance.

3. Where a single lot has more than one road frontage and the secondary or subsequent road frontage is greater than 100 feet, one additional freestanding sign may be permitted on the lot. The additional freestanding sign may not be greater than fifty (50) square feet of display area. Such additional display area shall not be transferable or assignable to any other signage on the lot.

(5) Business signs must identify a validly licensed business or be removed within thirty (30) days from the lapse, loss or surrender of such business license in order to limit confusion relating to locations and operations of businesses. If the sign is not removed within thirty (30) days from the lapse, loss or surrender of the license, the zoning administrator may proceed with its removal at the property owner's expense, subject to the provisions of Section 940.60(B).

(6) Business signs must accurately identify the subject matter to the premises which it is located, or to its products, proprietors, accommodations, services or activities sold, offered or engaged in on the premises. If there is a change in the business which makes the business sign inaccurate or misleading, or if the business is discontinued, the business sign shall be brought into conformity within thirty (30) days after written notice to the owner by the zoning administrator. If the sign is not brought into conformity within the thirty (30) days after written notice, the zoning administrator may proceed with its removal at the property owner's expense, subject to the provisions of Section 940.60(B).

(7) Exceptions for Dimensional Requirements for On-Site Business Signs Located Near an Interstate Interchange
Business located within seven-hundred and fifty (750) feet on an interstate interchange may increase the height of one freestanding sign to fifty (50) feet. In addition to the display surface area established in section 907.2(3), fifty (50) square feet of display area may be allotted for a permitted freestanding sign over thirty-five (35) in height. Such additional display area shall not be transferable or assignable to any other signage on the lot.

908 Advertising Signs

908.1 Location: Advertising signs shall only be allowed in areas zoned as Light Manufacturing (LM), Heavy Manufacturing (HM) and General Commercial (C-2). Advertising signs are prohibited on public right-of-way. Where churches or other places of worship and special exceptions as defined by this ordinance apply in the above-referenced commercial and industrial zones, no advertising structure will be allowed within 1000 feet as measured along the roadway. In the areas in which the City grants variances, no variance for an advertising sign shall be granted that is any less stringent than what is required by state law, SC Department of Transportation regulations or the Outdoor Advertising Act.

908.2 Dimensional Requirements:

Maximum Height:	40 feet
Minimum Setback from right-of-way and utility easements:	10 feet
Maximum Display Surface Area:	288 square feet
Minimum Spacing:	1,000 feet between advertising signs on the same side of a street and 500 feet between signs on opposite sides of the street

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908.2.1 Exceptions for Dimensional Requirements of Advertising Signs Visible From and Marketed to Interstate Highway 26 Vehicular Traffic:

Restrictions and regulation of all advertising signs shall subject to the provisions of this article. Notwithstanding, the City desires to maintain conformity with State law, industry standards, commercial practice and appearance of advertising signs for Interstate Highway 26 traffic. Therefore, only those advertising signs visible and primarily marketed to interstate traffic on Interstate Highway 26 shall have the height, display area and spacing limitations imposed by Title 57, Chapter 25 of the South Carolina Code of Laws and the regulations promulgated thereunder.

908.2.2 Exception for Dimensional Requirements for Advertising Signs Located on Parcels in Areas Zoned Light Manufacturing (LM), Heavy Manufacturing (HM), and General Commercial (C-2) that have Street Frontage on Jarvis Klapman Boulevard, Augusta Road, Sunset Boulevard, Charleston Highway, and Airport Boulevard:

The maximum display surface area for advertising signs located on parcels in areas zoned Light Manufacturing (LM), Heavy Manufacturing (HM), and General Commercial (C-2) that have street frontage on Jarvis Klapman Boulevard, Augusta Road, Sunset Boulevard, Charleston Highway, and Airport Boulevard shall not exceed 378 square feet for all sign faces plus extensions. The same height, setback, and spacing requirements imposed by section 908.2 shall apply to all advertising signs. This exception does not apply to any area of Jarvis Klapman Boulevard, Augusta Road, Sunset Boulevard, Charleston Highway, and Airport Boulevard located within the Gateway Overlay District shown on the official zoning map of West Columbia or in the area commonly known as "Triangle City," defined by Augusta Road on the north, E Avenue on the south, 13th Street on the west, and 11th Street on the east, including but not limited to, the confluence of Charleston Highway and Augusta Road.

909 Sign Regulation in PUD-R and PUD-C Districts

Specific regulations are imposed upon sign locations in PUD-R and PUD-C districts. However, it is the intent of this ordinance that signs within PUD-R and PUD-C districts be appropriate for the locations in which they are established, and that regulations governing the display surface area, number, location and height of signs should be generally followed as for the least restrictive zone related to site size of the development, as set forth in Section 709.3 of the Zoning Ordinance.

910 Nonconforming Signs

910.1 A nonconforming sign shall not be rebuilt, altered or repaired except in conformity with this article after sustaining damage exceeding fifty (50%) percent of the replacement cost of the sign at the time of damage, provided that any permitted reconstruction shall be completed within six (6) months after issuance of a building permit.

910.2 On any permanent sign which is nonconforming at the time of passage of this ordinance, or at any time after such sign becomes nonconforming because of changes in zoning or circumstances, work may be done on ordinary repairs, or on repair or replacement of any sign structure provided that the dimensions, display surface area, or height is not increased, setbacks are not decreased or construction material is not replaced with non-conforming material.

910.3 Temporary Nonconforming Use: Notwithstanding any provision allowing repair and replacement of non-conforming signs, the following provisions shall be applicable to all signs in order to uniformly implement this article:

(1) Permanent Signs: A permanent sign shall be required to come into conformity with this article within seventy-two (72) months from the date of passage of this article. Exception for certain on-site business signs existing prior to June 19, 2000: The lawful use of an on-site freestanding, projecting, and/or wall business sign as regulated in Section 907.2 that is nonconforming only because it does not conform with the minimum setback from right-of-way requirements, maximum height requirements, and/or maximum display area requirements may be continued; however, any such nonconforming sign shall be immediately removed or brought into compliance with the requirements of this article whenever any of the following occur:

(a) The sign is a prohibited sign according to the provisions of Section 905;

(b) The sign is not maintained in accordance with the provisions of Section 904;

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(c) Any portion of the sign or sign structure is located within or protruding into any public right-of-way or utility easement in violation of Section 905.1;

(d) Any portion of a projecting sign or wall sign regulated in Section 907.2 exceeds the roof line of the building on which it is mounted;

(e) The sign has been destroyed or damaged to the extent of fifty percent (50%) or more of the replacement cost of the sign at the time of the damage.

No portion of this section shall be interpreted to allow any nonconforming sign dimensions, display surface area, or height to be increased, setbacks to be decreased, or construction material to be replaced with nonconforming material.

(2) Temporary Signs/ Portable Signs/Banners/Flags/Window Signs: Those temporary signs, portable signs, banners, flags and window signs which are duly licensed and permitted at the time of passage of this ordinance, if required to be licensed and/or permitted under current law, and are subject to this article shall be required to comply with all provisions of this article or be removed within twelve (12) months from the date of passage of this article.

(3) Notwithstanding any provision for temporary usage of signs that become nonconforming, signs which are nonconforming under the current ordinance for any reason, and signs which are not duly licensed or permitted prior to the passage of this ordinance shall be immediately removed or be considered in immediate violation.

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ARTICLE 10
ADMINISTRATION, ENFORCEMENT AND PENALTIES

1000 Zoning administrator or his/her designee

This ordinance shall be administered and enforced by the zoning administrator or his/her designee (or other City of West Columbia staff as designated by the city administrator), who shall have all the powers and duties authorized by statute or ordinance. The duties of the zoning administrator or his/her designee with regard to this ordinance shall be:

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 for special exceptions, variances and administrative reviews.

4) Preparation of the record for appeal to circuit court from the 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 and investigation and resolution of zoning complaints;

7) Administrative assistance to the planning commission and board of zoning appeals when authorized;

8) Such other duties as may be authorized in the administration of this ordinance.

1001 Zoning permit required

1001.1 Permits Required. No building, sign, or structure shall be erected, moved, enlarged, altered or demolished and no use of land may be changed without a zoning permit as issued by the zoning administrator or his/her designee. No zoning permit shall be issued by the zoning administrator or his/her designee except for use which is in conformity with the provisions of this ordinance.

1001.2 Fees for Permits. A fee established by regulation by the city council shall be paid for each zoning permit or certificate of zoning compliance issued by the zoning administrator or his/her designee.

1001.3 Application for zoning permits. Application 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, and the location and dimensions of a proposed structure or alteration as well as the shape, size, height, use and location of the buildings already on the lot, the setback lines of buildings on adjoining lots, offstreeet parking space, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed. The application may contain such other information as may be required by the zoning administrator or his/her designee to determine compliance 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 of the adjacent property. One copy of the plans shall be returned to the applicant with the signed approval or disapproval of the zoning administrator or his/her designee noted on the copy within fifteen (15) days of receipt.

1001.4 Expiration of permits. If the work described on the zoning permit has not begun within six (6) months from the date of the permits, the permit shall expire and be void upon written notice of the zoning administrator or his/her designee.

1002 Certificates of zoning compliance

1002.1 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

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a certificate of zoning compliance has been issued by the zoning administrator or his/her designee stating that the proposed use conforms with the requirements of this ordinance.

1002.2 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 or his/her designee, 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.

1002.3 Temporary Uses. Certificates of zoning compliance may be issued and renewed by the zoning administrator or his/her designee for permitted temporary uses for the times permitted by the zoning district regulations.

1003 Violations

1003.1 Misdemeanor penalties. It shall be unlawful for any person to use property, or for any person 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 city code.

1003.2 Withholding permits. The zoning administrator or his/her designee shall deny a zoning permit for any use or work which fails to comply with this ordinance. The zoning administrator or his/her designee, building official, or other appropriate official shall withhold all other city permits for work which violates this ordinance.

1003.3 Complaints. A written complaint specifying facts showing a violation of this ordinance filed by any person shall be investigated by the zoning administrator or his/her designee. Upon determination that a violation has occurred, the zoning administrator or his/her designee shall take appropriate enforcement action authorized by this ordinance.

1003.4 Stop work orders. The zoning administrator or his/her designee 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 or his/her designee is a misdemeanor punishable under the general penalty provisions of the city code. Issuance of a stop work order may be appealed to the board of zoning appeals.

1003.5 Arrest warrant. The zoning administrator or his/her designee, with concurrence of the city attorney, is authorized to request the issuance of an arrest warrant for violations of this ordinance.

1003.6 Injunction. The zoning administrator or his/her designee shall submit a request to the city attorney for institution of a civil action seeking an injunction prohibiting violation of this ordinance when appropriate.

1004 Records of applications and certificates

Records of applications for rezoning permits, records of plats and plans in connection with said permits, and records of all occupancy certificates and denials shall be kept on file in the office of the zoning administrator or his/her designee and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

1005 Penalties for violation

Any person violating, by act or omission, any provision of this ordinance, shall be guilty of city code and shall be punished by a fine not exceeding five hundred dollars ($500) or thirty (30) days in jail or both, at the discretion of the court. Where such an act or omission is continued in violation of the provisions of these regulations after notice of such violation by the zoning administrator or his/her designee, each and every day during which such act or omission continues shall be deemed a separate violation.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, surveyor, builder, engineer, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

1006 Expiration of zoning permit

Any zoning permit shall become invalid unless the work authorized by it shall have been commenced within six (6) months of the date of issue of the permit, or the work authorized by it is suspended or abandoned for a period of one (1) year.

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1007 Legal remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this ordinance, the zoning administrator or his/her designee or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violations, in addition to other remedies, may institute injunction or other appropriate action in proceeding to prevent the violation.

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ARTICLE 11
BOARD OF ZONING APPEALS

1100 Establishment, membership, and proceedings of the board

A board of zoning appeals is hereby established which shall consist of five (5) members, a majority of which constitutes a quorum. Members shall serve overlapping terms of three (3) years. The initial board established under this ordinance shall be appointed as follows: two members to serve for one (1) year; two members to serve for two (2) years, and one member to serve for three (3) years or after that time until their successors are named. A vacancy shall be filled for an unexpired term in the same manner as the initial appointment. West Columbia City Council may remove any member of the board for cause. None of the members shall hold any other public office or position in the City of West Columbia.

1100.1 Officers. The board shall elect one of its members as chairman, who shall serve for one year unless re-elected or until a successor is elected and qualified. The board shall appoint a secretary who may be an officer of the City of West Columbia or of the zoning board.

1100.2 Proceedings. The board shall adopt rules of procedure to govern the operations of the board.

1100.3 Meetings. Meetings of the board are held at the call of the chairman and at such other times as the board may determine.

1100.4 Public notice. Public notice of all meetings of the board of zoning appeals shall be provided by publication in a newspaper of general circulation in the City of West Columbia. In cases involving variances or special exceptions conspicuous notice shall be posted on or adjacent to the property affected, with at lease one such notice being visible from each public thoroughfare that abuts the property.

1100.5 Oaths and Subpoenas. The chairman, or in his or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena.

1100.6 Minutes. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the board or the office of the zoning administrator or his/her designee, and must be a public record.

1101 Powers and duties of the board of zoning appeals

The board of zoning appeals shall have the following powers and duties:

1101.1 Administrative Review. To hear and decide appeals when it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance.

1101.2 Variance. To hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains the following findings:

(a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;

(b) these conditions do not generally apply to other property in the vicinity;

(c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

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

(i) The board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land,

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or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

(ii) 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.

1101.3 Special Exception. To permit uses by special exception subject to the uses set forth in the zoning ordinance, the board is specifically authorized to determine whether special exceptions should be granted. To this end, the board will grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the intent and purpose of this ordinance.

1101.4 Violation of Conditions and Safeguards. Violation of conditions or safeguards, when made a part of the terms upon which a variance or special exception is granted, shall be deemed a violation of this ordinance and punishable under Section 1005.

1102 Appeals to the board of zoning appeals

Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the City of West Columbia. The appeal must be taken within thirty (30) days from the date the appealing party received actual notice of the action from which the appeal is taken. The appeal is initiated by filing with the officer from whom the appeal is taken and the board of zoning appeals notice of appeal specifying the grounds of it. Appeals must be filed in writing on forms available from the zoning administrator or his/her designee specifying the type of appeal and stating the grounds under which the appeal is requested.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from which the appeal is taken certified to the board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

The board shall fix a reasonable time for the hearing of an appeal or other matter referred to it, and give at least fifteen (15) days public notice of it in a newspaper of general circulation in the City of West Columbia, as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

In exercising the power above, the board of zoning appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a zoning permit. The board, in execution of its duties specified in this chapter, may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.

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

In case of contempt by a party, witness, or other person before the board of zoning appeals, the board may certify this fact to the circuit court of Lexington County and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

1103 Appeals from the board of zoning appeals

Any person or person(s) who may have a substantial interest in any decision of the board of zoning appeals or an officer or agent of the City of West Columbia may appeal from a decision of the board to the circuit court in Lexington County by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the board is mailed.

Upon the filing of the appeal, the clerk of the circuit court shall give immediate notice of it to the secretary of the board and within thirty (30) days from the time of the notice the board shall file with the clerk a certified copy of the

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proceedings held before the board of zoning appeals, including a transcript of evidence heard before it, if any, and the decision of the board including its findings of fact and conclusions.

The filing of an appeal in the circuit court from a decision of the board shall not ipso facto act as supersedeas, but the judge of the circuit court may in his discretion grant a supersedeas upon such terms and conditions as may seem reasonable and proper.

At the next term of circuit court or in chambers, upon ten (10) days notice to the parties, the presiding judge of the circuit court of Lexington County shall proceed to hear and pass upon the appeal on the certified record of the board's proceeding. The findings of fact by the board of zoning appeals shall be treated in the same manner as a finding of fact by a jury, and the court may not take additional evidence. In the event the judge determines that the certified record is insufficient for review, the matter may be remanded to the board of zoning appeals for rehearing. In determining the questions presented by the appeal, the court shall determine only whether the decision of the board is correct as a matter of law. In the event that the decision of the board is reversed by the circuit court, the board is charged with the costs, and the costs must be paid by the City of West Columbia which established the board of zoning appeals.

A party in interest who is aggrieved by the judgment rendered by the circuit court upon the appeal may appeal in the same manner as provided by law for appeals from other judgments of the circuit court.

1104 Functions of zoning administrator, board of zoning appeal, city council and courts on interpretation, administration and appeal

It is the intent of this ordinance that all questions of administration and enforcement shall first be presented to the zoning administrator or his/her designee, and that such questions shall be presented to the board of zoning appeals only upon appeal from the zoning administrator or his/her designee, and that recourse from the decisions of the board of zoning appeals shall be the courts as previously provided.

1105 Appropriations to finance work of the board.

The City of West Columbia may appropriate such monies, otherwise unappropriated, as it considers fit to finance the work of the board of zoning appeals and to generally provide for the enforcement of any zoning regulations and restrictions authorized under this chapter.

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ARTICLE 12
AMENDMENTS

1200 Amendments

The regulations, restrictions, and zoning districts set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the city council after consultation with the planning commission and in accordance with the following procedures.

1201 Initiation of proposals for amendments

1201.1 An amendment to the zoning ordinance text or zoning map may be initiated by the city council, the planning commission, the zoning administrator or his/her designee, or a property owner or an agent authorized by the owner in writing.

1201.2 Amendment requests shall be initiated using a form provided by the zoning administrator or his/her designee accompanied by the required documents and information, a plat of the property showing the names of surrounding property owners, and a filing fee established by council.

1201.3 Amendment requests should be received at least thirty (30) days prior to a regular meeting of the planning commission in order to ensure that they will be heard at that meeting.

1202 Minimum area requirements for creation of new districts

No separate zoning district of less than two (2) acres shall be created by any amendment to this ordinance provided that an addition of the C-3 district of less than two acres can be made to any existing commercial or manufacturing district upon approval.

1203 Public hearing on proposed amendment

Before enacting an amendment to this ordinance, the city council of the City of West Columbia shall have a public hearing thereon as required by Section 6-7-730 of the Code of Laws of South Carolina, 1976, following the procedures established by the above mentioned section. City council, under this ordinance, empowers the planning commission to hold the necessary hearing, unless the planning commission deems it necessary to require a public hearing held by city council as may occur from time to time.

1204 Notice required

Following the initiation of an amendment request, the following steps are required to provide sufficient notice of the public hearing for the adoption of a text or map amendment:

1) For text or map amendments, newspaper notice of the public hearing shall be published at least fifteen (15) days prior to the hearing in a newspaper of general circulation in the community.

2) For amendments which request a change to the zoning map, notices of the public hearing shall be conspicuously located on or adjacent to the property affected, one (1) hearing notice for every street frontage. Such notice shall indicate the nature of the change proposed, identification of the property affected, and time, date, and place of the hearing.

3) For amendments which request a change to the zoning map, notices of public hearing shall be mailed to all adjacent property owners and to groups which have filed a written request for notices.

1205 Planning commission review and recommendation

The planning commission shall review the text or map amendment request at an open meeting at which the person initiating the request may be allowed to make written or oral presentations. If oral or written comments are taken from the applicant, the planning commission shall give other interested members of the public an opportunity to make comments. The planning commission shall follow its own by-laws for the conduct of the public hearing. The review of the amendment

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request by the planning commission shall include a determination of whether the proposed amendment is in conformity with the City of West Columbia Comprehensive Plan. The planning commission shall make a recommendation for action by the city council within forty-five (45) days of receipt of the amendment application. If the planning commission does not submit a recommendation within the prescribed time, the city council may proceed to act on the proposed amendment.

1206 Action by city council

The city council may adopt a text or map amendment on second reading by ordinance at least six (6) days after the first reading. Rejection of the planning commission's recommendation is accomplished in a single reading. Map amendments may be adopted or rejected for all or any portion of the properties being requested. A zoning district designation that was not included in the public notices shall not be adopted. An amendment request may be withdrawn in writing by the initiator at any time prior to final action by the city council.

1207 Recording amendments

All text amendments shall be noted and placed in the official copy of the zoning ordinance maintained by the zoning administrator or his/her designee and/or the municipal clerk. Map amendments shall be reflected on the official zoning map as soon as practicable after their approval.

1208 Reconsideration of proposed amendments

Action shall not be initiated for a zoning amendment affecting the same parcel(s) of property more often than once every twelve (12) months from the date the amendment was submitted by the applicant.

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ARTICLE 13
FEES AND CHARGES

1300 Schedule of fees and charges

The city council may establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of zoning compliance, appeals, amendments, and other matters pertaining to these regulations. This schedule of fees shall be posted in the office of the zoning administrator or his/her designee and may be altered or amended only by city council.

1301 No action until fees paid

No permit, certificate, special exception or variance shall be issued or granted unless and until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proposed amendments or on proceedings before the board of appeals unless and until applicable charges and fees have been paid in full.

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ARTICLE 14
LEGAL STATUS

1400 Separability

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

1401 Repeal of previous zoning ordinance

The zoning ordinance of the City of West Columbia, South Carolina previously adopted, together with all subsequent amendments thereto, is hereby repealed as of the effective date of this ordinance.

1402 Effective date

This ordinance shall be in full force and effect upon second reading approval by city council.

_____
Date - First Reading

_____
Mayor

_____
Date - Second Reading

Attested:

_____
City Clerk

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Zoning Ordinance for the City of West Columbia, SC

Amendment Page

Section 705, C-2 (general commercial)
Passenger terminals, truck terminals, and mini warehouses moved from Section 705.1, Permitted Principal Uses and Structures to Section 705.3 Permitted Special Exceptions. Pawn shops, title loan businesses and check cashing operations moved from Section 705.1, Permitted Principal Uses and Structures to Section 705.3 Permitted Special Exceptions with the following location requirements: 1,000 feet spacing between such businesses and 1,000 feet distance from schools and churches. Text amendments approved by City Council on March 8, 2005.

Scriveners Error: Section 908.1 Location
Included the following language from the original text, which was omitted from the 2004 text, "Advertising signs are prohibited on public right-of-way. Where churches or other places of worship and special exceptions as defined by this ordinance apply in the above-referenced commercial and industrial zones, no advertising structure will be allowed within 1000 feet as measured along the roadway. In the areas in which the City grants variances, no variance for an advertising sign shall be granted that is any less stringent than what is required by state law, SC Department of Transportation regulations or the Outdoor Advertising Act."

Section 812.6 Exemptions
Established a qualification for assisted housing projects for the elderly in which 100% of all units must have at least one tenant who is 62 years old or older and qualify under low-to-moderate income criteria. Text amendments approved by City Council on June 6, 2006.

Section 301 List of Definitions
Established definitions for check cashing operations, commercial kennels, noncommercial kennels, payday loan businesses, and title loan businesses. Amended the definition for financial institutions to exclude payday loan businesses. Repealed the definition for kennel. Text amendments approved by City Council on June 6, 2006.

Section 705, C-2 (general commercial)
Established payday loan businesses as a permitted special exception under Section 705.3.13. Removed kennels as a permitted special exception and established commercial kennels and noncommercial kennels as a permitted special exception under Section 705.3.8. Text amendments approved by City Council on June 6, 2006.

Section 707, LM (light manufacturing)
Removed kennels as a permitted principal use and structure and established commercial kennels and noncommercial kennels as a permitted principal use and structure under Section 707.1.17. Text amendments approved by City Council on June 6, 2006.

Section 708, HM (heavy manufacturing)
Removed kennels as a permitted principal use and structure and established commercial kennels and noncommercial kennels as a permitted principal use and structure under Section 708.1.18. Text amendments approved by City Council on June 6, 2006.

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Section 615, Regulation of highlighting colors on the exterior of commercial buildings
Established ordinance regulating the use of highlighting colors on the exterior of commercial buildings. Text amendment adopted by City Council on May 3, 2005 (numbering duplicates current ordinance).

Section 615, Regulation of highlighting colors on the exterior of commercial buildings
Ordinance renumber to Section 617. Text amendments approved by City Council on June 6, 2006.

Section 809, Regulation of the display of merchandise outdoors
Established ordinance regulating the display of merchandise outdoors. Text amendment adopted by City Council on January 3, 2006 (numbering duplicates current ordinance).

Section 809, Regulation of the display of merchandise outdoors
Ordinance renumber to Section 813. Text amendments approved by City Council on June 6, 2006.

Section 705.1.26, Permitted Principal Uses and Structures, Storage for Permitted Uses
Established a 7,500 square feet gross floor area limit on structures for storage of wares for permitted uses. Text amendment approved by City Council on August 1, 2006.

Section 710, Gateway Overlay District
Established the Gateway Overlay District text. Text amendment approved by City Council on August 1, 2006.

Section 903.1 (6), General Provisions
Amended provision for signs on business vehicles to exclude separate sign structures attached to a vehicle. Text amendment approved by City Council on December 5, 2006.

Section 905.5, Prohibited Signs, Neon Signs
Ordinance renumber to section 904.7 (Design Standards) and amended to allow certain neon signs in accordance to established conditions. Text amendment approved by City Council on December 5, 2006.

Section 905.5, Prohibited Signs, Hiring Signs
Established ordinance regulation the display of hiring signs. Text amendment approved by City Council on December 5, 2006.

Section 905.6, Prohibited Signs, Gas Filled Figures
Established ordinance regulating the display of gas filled figures. Text amendment approved by City Council on December 5, 2006.

Section 905.7, Prohibited Signs, Civic Club, Religious, and Eleemosynary Signs
Established ordinance regulating the display of civic club, religious, and eleemosynary signs. Text amendment approved by City Council on December 5, 2006.

Section 907.2(4) Signs Permitted in Commercial and Manufacturing Districts, Business Signs, Number of Signs
Amended ordinance to require a common signage plane when more than one building is located on a singe lot. Amendment also established provision for an additional freestanding sign on certain lots in accordance with established conditions. Text amendment approved by City Council on December 5, 2006.

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Section 907.2(7) Signs Permitted in Commercial and Manufacturing Districts, Business Signs, Exceptions for Dimensional Requirements for On-Site Business Signs Located Near an Interstate Interchange
Established ordinance providing additional display surface area and increase in height for certain freestanding signs within 750 feet of an interstate interchange. Text amendment approved by City Council on December 5, 2006.

Section 910.3(1) Nonconforming Signs, Temporary Nonconforming Use, Permanent Signs
Amended ordinance to provide an exception in accordance with established conditions for certain on-site business signs existing prior to June 19, 2000. Text amendment approved by City Council on December 5, 2006.

Section 908.2 Advertising Signs
Remuneration of a portion of the section pertaining to exceptions for dimensional requirements of advertising signs visible from and marketed to Interstate
Highway 26 vehicular traffic from 908.2 to 908.2.1. Amended ordinance to include exception for dimensional requirements for advertising signs located on parcels in certain areas zoned Light Manufacturing (LM), Heavy Manufacturing (HM), and General Commercial (C-2) that have street frontage on Jarvis Klapman Boulevard, Augusta Road, Sunset Boulevard, Charleston Highway, and Airport Boulevard. Text amendment approved by City Council on April 1, 2008.

Section 814 Regulation of Shipping Containers, Cargo Containers, Tractor-Trailers, and Portable Storage Containers
Established ordinance regulating the use of shipping containers, cargo containers, tractor-trailers, and portable storage containers. Text amendment approved by City Council on April 21, 2008.

Section 902 Definitions, Animation
Amended to restrict copy from changing more than once every six (6) seconds from more than once every five (5) seconds. Text amendment approved by City Council on November 10, 2008.

Scriveners Error: Section 612.2 Off-street loading requirements
The 2004 zoning ordinance revision omitted "Wholesale and industrial uses" for Section 612.2 and duplicated "Retail and service businesses" for Section 612.1 and 612.2. Corrected the error on February 23, 2009 to reflect off-street loading requirements for "Wholesale and industrial uses" in Section 612.2.

Section 611 Off-street automobile parking and storage
Amended section 611.4.1 to add requirements for improvement of off-street parking areas. Amended sections 611.5 and section 611.7 to include additional requirements for parking travel or camping vehicles and boats. Text amendment approved by City Council on November 1, 2011

Scriveners Error: Section 709.1.2 PUD-C Planned Unit Development--Commercial
The 2004 zoning ordinance revision duplicated the definition for PUD-R, stating "The PUD-C district is intended to accommodate primarily residential uses with nonresidential uses integrated into the design of such districts as secondary uses." Corrected the error on January 11, 2013 to state, "The PUD-C district is intended to accommodate primarily nonresidential uses with residential uses integrated into the design of such districts as secondary uses." The correction reflects the correct definition as promulgated in the zoning ordinance of 1990 and reflects the intent of the code.

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Section 601 Continuance of nonconforming uses, structures or characteristics of use
Amended section 601.3 to clarify that a nonconforming structure cannot be willfully demolished and rebuilt as a nonconforming structure and a nonconforming use cannot be re-established in any structure that is demolished and rebuilt. Amended section 601.5 to establish a provision that exempts certain existing accessory apartments from the abandonment provision of Section 601.5. Amended section 601.6 to clarify that a nonconforming use cannot be re-established in a structure that has sustained damage exceeding 50% of the replacement cost of the structure. Text amendments approved by City Council on August 6, 2013.

Section 815 Regulation of Vehicle Sales, Vehicle Services, Tire Sales, and Tire Services.
Adopted conditions for the operation of vehicle sales, vehicle service, tire sales, and tire service businesses. Text amendments approved by City Council on December 2, 2014.

Section 703.8 Maximum Height of Structures
Amended section 703.8 to permit maximum structure height of 50 feet under certain conditions in R3 and R4 districts. Text amendments approved by City Council on December 2, 2014.

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