

KINGSTREE ZONING ORDINANCE



WITH AMENDMENTS THROUGH
ORDINANCE 2019-04

As Recommended by the Kingstree Planning Commission on
February 19, 2019

And

As Adopted by the Kingstree Town Council on
April 15, 2019

**CODE OF ORDINANCES OF KINGSTREE, SOUTH CAROLINA
CHAPTER 153 (KINGSTREE ZONING ORDINANCE)
TABLE OF CONTENTS**

ARTICLE I INTRODUCTORY PROVISIONS

Section Number	Division or Section Title	Page Number
DIVISION ONE	GENERAL	1-1
§153.001	Authority and Enactment Clause	1-1
§153.002	Short Title	1-1
§153.003	Purpose	1-1
§153.004	Scope	1-1
§153.005	Conflict with Other Laws	1-2
§153.006	Severability	1-2
§153.007 to 153.119	RESERVED	1-2
DIVISION TWO	CHAPTER TERMS AND THEIR USE	1-2
§153.120	Word Usage	1-2
§153.121	Definitions	1-2
§153.122 to 153.199	RESERVED	1-19

ARTICLE II PERMITS AND ADMINISTRATION

Section Number	Division or Section Title	Page Number
DIVISION ONE	ZONING ADMINISTRATOR	2-1
§153.200	Zoning Administrator Established; Duties	2-1
§153.201	Cooperation from Other Officials	2-1
§153.202	Liability	2-1
§153.203 to §153.219	RESERVED	2-2
DIVISION TWO	PERMITS	2-2
§153.220	Zoning Permit Required	2-2
§153.221	Conditional Use Permit Required for Certain Uses	2-2
§153.222	Application Required for All Zoning Permits	2-2
§153.223	Zoning Permits for Temporary Uses	2-3
§153.224	Site Plan Required; Review	2-4
§153.225	Certificate of Zoning Compliance	2-5
§153.226	Permits and Certificates Issued in Error are Void	2-6
§153.227	Expiration and Cancellation	2-6
§153.228 and 153.229	RESERVED	2-6
DIVISION THREE	BOARD OF ZONING APPEALS	2-6
§153.230	Established; Membership; Term of Office	2-6
§153.231	Officers; Bylaws; Meetings	2-6
§153.232	Powers of the Board	2-7
§153.233	Appeals to the Board; Stay of Proceedings	2-8
§153.234	Application; Hearing; Notice; Decision	2-9
§153.235	Contempt of Board of Zoning Appeals	2-9
§153.236	Appeal to Circuit Court	2-9
§153.237 to 153.239	RESERVED	2-9

**CODE OF ORDINANCES OF KINGSTREE, SOUTH CAROLINA
CHAPTER 153 (KINGSTREE ZONING ORDINANCE)
TABLE OF CONTENTS**

DIVISION FOUR	ARCHITECTURAL REVIEW BOARD	2-10
§153.240	Established; Membership; Term of Office	2-10
§153.241	Supplemental Qualifications	2-10
§153.242	Officers; Bylaws; Meetings	2-10
§153.243	Powers and Duties; Liability of Members	2-10
§153.244	Historic Property Inventory	2-11
§153.245	Nomination to the National Register of Historic Places	2-11
§153.246	Designation of Historic Properties and Districts	2-11
§153.247	Supplemental Design Guidelines	2-12
§153.248	Certificate of Appropriateness (COA)	2-12
§153.249	Activities Exempt from COA Requirements	2-13
§153.250	COA Design Guidelines and Review Criteria	2-13
§153.251	Substantial Hardship	2-15
§153.252	Appeals from Decisions of the Zoning Administrator	2-15
§153.253	Appeal to Circuit Court	2-16
§153.254	RESERVED	2-16
DIVISION FIVE	AMENDMENTS	2-16
§153.255	Authority to Amend Chapter	2-16
§153.256	Initiation of Amendment	2-16
§153.257	Application for Amendment	2-16
§153.258	Public Hearing Scheduling; Notice	2-17
§153.259	Hearing by Planning Commission	2-17
§153.260	Planning Commission Recommendation	2-17
§153.261	Action by Town Council	2-18
§153.262	Limitation on Reapplication	2-18
§153.263 and 153.264	RESERVED	2-18
DIVISION SIX	FEES	2-18
§153.265	Fees Established	2-18
§153.266	Coordination and Payment of All Fees	2-19
§153.267 to 153.269	RESERVED	2-19
DIVISION SEVEN	ENFORCEMENT	2-19
§153.270	Violations Declared to be Misdemeanor	2-19
§153.271	Stop Orders; Other Remedies for Violation	2-19
§153.272 to 153.299	RESERVED	2-20

ARTICLE III DISTRICT REGULATIONS

Section Number	Division or Section Title	Page Number
§153.300	Zoning Districts Established	3-1
§153.301	District Intent	3-1
§153.302	Official Zoning Map	3-2
§153.303	Annexed Territory	3-3
§153.304	Bulk and Dimensional Standards	3-3
Table 153.304A	District Dimensional Standards	3-4

**CODE OF ORDINANCES OF KINGSTREE, SOUTH CAROLINA
CHAPTER 153 (KINGSTREE ZONING ORDINANCE)
TABLE OF CONTENTS**

§153.305	Density and Lot Area Standards (Multi-Family)	3-5
§153.306	Historic Overlay District	3-5
§153.307 to 153.399	Reserved	3-6

ARTICLE IV USE REGULATIONS

Section Number	Division or Section Title	Page Number
§153.400	Classification of Uses	4-1
§153.401	Use Types	4-1
§153.401.1	<i>Uses Permitted by Right</i>	4-1
§153.401.2	<i>Conditional Uses</i>	4-1
§153.401.3	<i>Special Exception Uses</i>	4-2
§153.401.4	<i>Uses Not Permitted</i>	4-2
§153.402	Use Table	4-2
Table 153.402	<i>Schedule of Uses</i>	4-2
§153.403	Use Conditions	4-6
§153.403.01	<i>Assisted Living Facility</i>	4-7
§153.403.02	<i>Bakeries</i>	4-7
§153.403.03	<i>Bar or Lounge</i>	4-7
§153.403.04	<i>Bed and Breakfast</i>	4-7
§153.403.05	<i>Barns, Agriculture</i>	4-8
§153.403.06	<i>Cemeteries, Churches and Religious Uses, Convalescent Centers and Nursing Homes, Day Care (Group), Educational Facilities, and Fraternal Organizations</i>	4-8
§153.403.07 to 153.403.10	<i>Reserved</i>	4-9
§153.403.11	<i>Communications Towers</i>	4-9
§153.403.12	<i>Congregate Residence</i>	4-9
§153.403.13	<i>Day Care (Family)</i>	4-9
§153.403.14	<i>Group Care Facilities and Rehabilitation Centers</i>	4-9
§153.403.15	<i>Home Occupations</i>	4-10
§153.403.16 to 153.403.20	<i>Reserved</i>	4-10
§153.403.21	<i>Liquor or Package Stores</i>	4-10
§153.403.22	<i>Manufactured Homes</i>	4-10
§153.403.23	<i>Multi-Family Dwellings</i>	4-11
§153.403.24	<i>Parks and Recreation Uses (Public & Noncommercial)</i>	4-11
§153.403.25	<i>Passenger Transport and Dispatch Facilities</i>	4-11
§153.403.26	<i>Poultry and Livestock Enclosures and Facilities</i>	4-12
§153.403.27 to 153.403.30	<i>Reserved</i>	4-12
§153.403.31	<i>Produce Stands, Markets, and Shelters</i>	4-12
§153.403.32	<i>Public Buildings and Uses (Office and Safety Services)</i>	4-12
§153.403.33	<i>Public Buildings and Uses (including Correctional)</i>	4-12
§153.403.34	<i>Recycling Centers and Salvage Yards</i>	4-12
§153.403.35	<i>Recycling Collection, Drop-off</i>	4-13
§153.403.36 to 153.403.40	<i>Reserved</i>	4-13
§153.403.41	<i>Self-Storage Facilities</i>	4-13
§153.403.42	<i>Sexually Oriented Business</i>	4-14

**CODE OF ORDINANCES OF KINGSTREE, SOUTH CAROLINA
CHAPTER 153 (KINGSTREE ZONING ORDINANCE)**

TABLE OF CONTENTS

§153.403.43	<i>Shopping Center</i>	4-15
§153.403.44	<i>Short Term Rentals</i>	4-15
§153.403.45	<i>Single Family Dwelling, Attached</i>	4-15
§153.403.46	<i>Single Family Dwelling (Watchman or Caretaker)</i>	4-16
§153.403.47 to 153.403.50	<i>Reserved</i>	4-16
§153.403.51	<i>Theaters, Drive-In</i>	4-16
§153.403.52	<i>Utilities, Major</i>	4-17
§153.403.53	<i>Wholesale Sales and Warehouse Establishments</i>	4-17
§153.404	Accessory Uses and Structures	4-17
§153.404 to 153.499	RESERVED	4-17

ARTICLE V GENERAL PROVISIONS

Section Number	Division or Section Title	Page Number
DIVISION ONE	GENERAL	5-1
§153.500	Vision and Clearance	5-1
§153.501	Flood Protection	5-1
§153.502	Street Frontage	5-1
§153.503	Corner Lots	5-1
§153.504	Double Frontage (Through) Lots	5-1
§153.505	One Principal Building on a Lot	5-1
§153.506	Reduction of Lot Size	5-1
§153.507	Yards and Open Space	5-2
§153.508	Conformity with the Land Development Regulations	5-2
§153.509	Parking and Storage of Certain Vehicles	5-2
§153.510	Screening	5-2
§153.511 to 153.519	RESERVED	5-2
DIVISION TWO	EXCEPTIONS AND MODIFICATIONS	5-2
§153.520	Projections into Yards	5-2
§153.521	Allowable Front Yard Projections	5-2
§153.522	Allowable Rear Yard Projections	5-2
§153.523 to 153.529	RESERVED	5-3
DIVISION THREE	ACCESSORY STRUCTURES AND BUILDINGS	5-3
§153.530	Accessory Structures in General	5-3
§153.531	Special Standards for Certain Accessory Structures	5-3
Table 153.531B	Fence and Wall Height Regulations	5-3
§153.532	Accessory Buildings	5-4
§153.533 to 153.539	RESERVED	5-4
DIVISION FOUR	ACCESS, PARKING, AND LOADING STANDARDS	5-4
§153.540	Ingress and Egress	5-4
§153.541	Parking Spaces Required	5-5
Table 153.541A	Schedule of Required Off-Street Parking Spaces	5-5
§153.542	Parking Access and Dimensional Standards	5-7
§153.543	Loading Spaces Required	5-8
§153.544	Construction and Maintenance Standards	5-8

**CODE OF ORDINANCES OF KINGSTREE, SOUTH CAROLINA
CHAPTER 153 (KINGSTREE ZONING ORDINANCE)**

TABLE OF CONTENTS

§153.545 to 153.549	RESERVED	5-8
DIVISION FIVE	GRADING AND EXCAVATION	5-8
§153.550	Grading and Excavation Standards	5-8
§153.551 to 153.559	Reserved	5-9
DIVISION SIX	PASSAGEWAYS	5-9
§153.560	Residential Entrances	5-9
§153.561	Separation Between Buildings	5-9
§153.562	Location of Passageways	5-10
§153.563 to 153.569	RESERVED	5-10
DIVISION SEVEN	ESSENTIAL SERVICES	5-10
§153.570	Approval of Service Extensions Required	5-10
§153.571	Effect of Non-availability	5-10
§153.572 to 153.599	RESERVED	5-10

ARTICLE VI SIGN REGULATIONS

Section Number	Division or Section Title	Page Number
DIVISION ONE	GENERAL SIGN PROVISIONS	6-1
§153.600	Purpose and Intent	6-1
§153.601	Noncommercial Speech	6-1
§153.602	Definitions	6-1
§153.603	Provisions and Restrictions Applicable to All Signs	6-4
§153.604	Sign Construction and Maintenance	6-5
§153.605	Summary of Standards	6-6
Chart 153.605A	<i>Summary of Sign Standards</i>	6-7
§153.606 to 153.619	RESERVED	6-10
DIVISION TWO	APPLICATION OF CERTAIN STANDARDS	6-10
§153.620	Determining Number of Signs	6-10
§153.621	Determining Surface Area	6-10
§153.622	Determining Sign Height	6-11
§153.623 to 153.629	RESERVED	6-11
DIVISION THREE	PERMITS	6-11
§153.630	Sign Permits Required	6-11
§153.631	Permit Application and Review Process	6-11
§153.632	Fees and Bonding	6-12
§153.633	Signs Exempt from Permitting	6-12
§153.634 to 153.639	RESERVED	6-14
DIVISION FOUR	TEMPORARY EVENT AND SPECIAL PURPOSE SIGNS	6-14
§153.640	Temporary Event Signs	6-14
§153.641	Special Purpose Signs	6-14
§153.642 to 153.649	RESERVED	6-15
DIVISION FIVE	ON-SITE (ON-PREMISE) SIGNS	6-16

**CODE OF ORDINANCES OF KINGSTREE, SOUTH CAROLINA
CHAPTER 153 (KINGSTREE ZONING ORDINANCE)
TABLE OF CONTENTS**

§153.650	Purpose	6-16
§153.651	Signs Permitted in the Conservation and Preservation District	6-16
§153.652	Signs Permitted in the Forest and Agriculture District	6-16
§153.653	Signs Permitted in Residential Districts (R-6, R-6R, R-8, & R-10)	6-17
§153.654	Signs Permitted in the Neighborhood Commercial and Office Commercial Districts	6-17
§153.655	Signs Permitted in the Core Commercial District	6-18
§153.656	Signs Permitted in the Highway Commercial and Limited Industrial Districts	6-18
§153.657 to 153.659	RESERVED	6-18
DIVISION SIX	OFF-SITE (OFF-PREMISES) SIGNS	6-19
§153.660	Off-Site Signs in General	6-19
§153.661	Restrictions on Changes, Alterations, and Movement	6-19
§153.662	Zoning Restrictions	6-19
§153.663	Size Restrictions and Illumination	6-19
§153.664	Placement and Location Restrictions	6-19
§153.665 to 153.669	RESERVED	6-19
DIVISION SEVEN	SIGN REMOVAL AND IMPOUNDMENT	6-19
§153.670	Signs Subject to Removal	6-19
§153.671	Failure to Obtain Permit; Notice; Impoundment	6-20
§153.672	Additional Remedies	6-20
§153.673 to 153.679	RESERVED	6-20
DIVISION EIGHT	SCENIC AREAS	6-20
§153.680	General Provisions	6-20
§153.681 to 153.699	RESERVED	6-20

ARTICLE VII NONCONFORMITIES

Section Number	Division or Section Title	Page Number
§153.700	Purpose	7-1
§153.701	General Provisions	7-1
§153.702	Nonconforming Uses	7-1
§153.703	Nonconforming Structures	7-2
§153.704	Nonconforming Lots	7-3
§153.705	Nonconforming Features	7-3
§153.706	Special Provisions Affecting Signs	7-3
§153.707 to 153.799	RESERVED	7-4

ARTICLE VIII PLANNED DEVELOPMENT DISTRICT

Section Number	Division or Section Title	Page Number
DIVISION ONE	GENERAL PROVISIONS	8-1
§153.800	Description and Intent	8-1
§153.801	Eligibility for Designation	8-1

**CODE OF ORDINANCES OF KINGSTREE, SOUTH CAROLINA
CHAPTER 153 (KINGSTREE ZONING ORDINANCE)**

TABLE OF CONTENTS

§153.802	Designation to Constitute Text and Map Amendment	8-1
§153.803	Affect on Other Ordinances and Rules of General Applicability	8-1
§153.804 to 153.819	RESERVED	8-1
DIVISION TWO	MINIMUM STANDARDS	8-2
§153.820	Area	8-2
§153.821	Common Area Required	8-2
§153.822	Maximum Allowed Density	8-2
§153.823	Maximum Building Coverage	8-2
§153.824	Minimum Perimeter Setbacks	8-2
§153.825 to 153.829	RESERVED	8-2
DIVISION THREE	REQUIRED EXHIBITS AND APPROVAL PROCESS	8-2
§153.830	Sketch Plan Required	8-2
§153.831	Master Plan Required	8-3
§153.832	Hearing and Recommendation of the Planning Commission	8-4
§153.833	Actions by the Town Council	8-4
§153.834	Subdivision and Other Improvements	8-5
§153.835	Permitting	8-5
§153.836 to 153.839	RESERVED	8-5
DIVISION FOUR	AMENDMENTS	8-5
§153.840	Minor Changes to the Planned Development Authorized	8-5
§153.841	Major Changes to Planned Developments	8-6
§153.842 to 153.899	RESERVED	8-6

ARTICLE IX LANDSCAPING AND TREE PROTECTION

Section Number	Division or Section Title	Page Number
DIVISION ONE	GENERAL PROVISIONS	9-1
§153.900	Intent	9-1
§153.901	Definitions	9-1
§153.902 to 153.919	RESERVED	9-1
DIVISION TWO	LANDSCAPING	9-2
§153.920	Landscaping in General	9-2
§153.921	Minimum Board Area Landscaping	9-2
§153.922	Parking Lots	9-2
§153.923	Maintenance	9-2
§153.924 to 153.929	RESERVED	9-2
DIVISION THREE	TREES	9-2
§153.930	Applicability	9-2
§153.931	Tree Protection	9-2
§153.932	Exceptions	9-2
§153.933	Tree Plan Required	9-3
§153.934	Tree Replacement Required	9-3
§153.935	Tree Protection Required	9-3
§153.936 to 153.999	RESERVED	9-3

**CODE OF ORDINANCES OF KINGSTREE, SOUTH CAROLINA
CHAPTER 153 (KINGSTREE ZONING ORDINANCE)
TABLE OF CONTENTS**

This page left intentionally blank

ARTICLE 1 | INTRODUCTORY PROVISIONS

DIVISION ONE: GENERAL

SECTION 153.001 AUTHORITY AND ENACTMENT CLAUSE

The following articles, divisions, sections, subsections, provisions, paragraphs, and clauses are adopted pursuant to the statutory authority conferred by Title 6, Chapter 29 of the Code of Laws of South Carolina, as amended.

SECTION 153.002 SHORT TITLE

This chapter, Chapter 153 of the Town of Kingstree, South Carolina Code of Ordinances, shall be known as the “Kingstree Zoning Ordinance” and may be referenced herein simply as “this chapter”. The map referred to in this chapter, which is identified by the title “Zoning Map of the Town of Kingstree, South Carolina”, and all explanatory matter thereon, are hereby adopted and made a part of this chapter.

SECTION 153.003 PURPOSE

The zoning regulations and districts as set forth in this chapter have been made in accordance with the comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, appearance, prosperity, and the general welfare of the community. They have been designed to provide for adequate light, air, and open space; to prevent the overcrowding of land, to avoid the undue concentration of population and to lessen congestion in the streets; to facilitate the creation of a convenient, attractive, and harmonious community; to protect and preserve scenic, historic, or ecologically sensitive areas; to regulate the density and distribution of population and uses of buildings, structures, and land for trade, residence, recreation, conservation, water supply, sanitation, protection against floods, public activities, and other purposes; to facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements; to secure safety from fire, flood, and other dangers; and to further the public welfare in other regards as may be determined by the Town Council.

SECTION 153.004 SCOPE

The provisions of this chapter shall apply to the construction, addition, alteration, moving, repair and use of any building, structure, parcel of land, or sign within the municipality.

Where, in any specific case, different sections of this chapter specify different requirements, the more restrictive shall govern. Where there is conflict between a general requirement and a specific requirements, the specific requirement shall be applicable.

In fulfilling these purposes, this chapter is intended to benefit the public as a whole and not any specific person or class of persons. Although through the implementation, administration, and enforcement of this chapter, benefits and detriments will be enjoyed or suffered by specific individuals, such is merely a by-product of the overall benefit to the whole community. Therefore, unintentional breaches of the obligations of administration and enforcement imposed on the Town of Kingstree hereby shall not be enforceable in tort.

ARTICLE 1 | INTRODUCTORY PROVISIONS

SECTION 153.005 CONFLICTS WITH OTHER LAWS

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

SECTION 153.006 SEVERABILITY

The various articles, divisions, sections, subsections, provisions, paragraphs, and clauses of this chapter are severable and in the event that any article, division, section, subsection, provision, paragraph, or clause is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this chapter shall remain in full force and effect.

SECTION 153.007 through 153.119 [RESERVED]

DIVISION TWO: CHAPTER TERMS AND THEIR USE

SECTION 153.120 WORD USAGE

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this chapter, have the meanings shown in this division. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular. Where terms are not defined in this chapter and are defined in the building or mechanical codes, such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 153.121 DEFINITIONS

Except as provided elsewhere in this chapter, the following words shall have the meaning as prescribed below:

ACCESSORY BUILDING. A subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage.

ACCESSORY LIVING QUARTERS. An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

ACCESSORY USE. A use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to, and customarily found in connection with, such primary use.

ACREAGE, GROSS. The overall total area of real property.

ACREAGE, NET. The remaining area after all deductions are made; with deductions including streets, easements for access, street dedications, and similar areas.

ARTICLE 1 | INTRODUCTORY PROVISIONS

AGRICULTURE. The tilling of the soil, raising of crops, animals, horticulture, gardening, beekeeping, and aquaculture.

ALLEY. Any public way or thoroughfare more than 10 feet, but less than 16 feet, in width which has been dedicated to the public for public use.

ALTERATION. Any change, addition, or modification in construction, occupancy, or use.

AMUSEMENT CENTER. An establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting gallery, table games, and similar recreational diversions within an enclosed building (except for video poker).

APARTMENT HOUSE. A residential building designed or used for three or more dwelling units.

ARCHITECTURAL REVIEW BOARD [‘the ARB’]. The body created by this chapter to hear and decide requests for certificates of appropriateness, to hear and decide appeals arising from the administration of the architectural standards (Article II, Division 4) of this chapter, and to perform other tasks as provided in this chapter pursuant to S.C. Code § 6-29-870 et seq.

ASSISTED LIVING FACILITY. A building or structure that contains three or more apartments with private baths and facilities for an individual’s meal preparation (which may include refrigerator, stove, microwave oven or other appliances) and providing supportive service such as assistance with household chores, cleaning, shopping, meals, laundry, transportation, 24-hour supervision and organized social activities and not constituting a boarding house or nursing home.

AUTOMOTIVE REPAIR, MAJOR. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.

AUTOMOTIVE REPAIR, MINOR. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.

AUTOMOTIVE SELF-SERVICE STATION. That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment shall be permitted to offer for sale at retail other convenience items as a clearly secondary activity and shall be permitted also to include a freestanding automatic car wash.

AUTOMOTIVE SERVICE STATIONS. That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, and food sales.

AWNING. A shelter supported entirely from the exterior wall of a building.

BASEMENT. Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

ARTICLE 1 | INTRODUCTORY PROVISIONS

BAR OR LOUNGE. A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, where twenty-five (25) percent or more of gross receipts are from the sale of alcohol. Cocktail lounges, pubs, and any member exclusive bars or lounges are included in this definition.

BED AND BREAKFAST, LIMITED USE. An owner occupied dwelling or portion thereof and associated accessory buildings offering three or fewer guest rooms to transient lodgers for a stay of one week or less in return for compensation, with or without meals. The use of a dwelling as a Bed and Breakfast, Limited Use shall not be considered an accessory use or a home occupation.

BED AND BREAKFAST INN. An owner occupied dwelling or portion thereof and associated accessory buildings offering more than three but less than ten guest rooms to transient lodgers for a stay of one week or less in return for compensation, with or without meals. This use may include incidental, indoor meeting facilities. The use of a dwelling as a Bed and Breakfast Inn shall not be considered an accessory use or a home occupation.

BLOCK. Land, or a group of lots, surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision tract.

BOARD OF ZONING APPEALS [‘the board’]. The body created by this chapter to hear and decide requests for appeals, variances, and special exceptions, pursuant to S.C. Code § 6-29-789 et seq.

BOARDING HOUSE. A dwelling containing a single dwelling unit and not more than ten guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than one week.

BUILD-TO-LINE. An alignment, or range of possible alignments, established a certain distance from the front property line to a line along which a building shall be built. (Example: If the build-to-line is 0’ to 3’, the face of the building shall be built within three feet of that property line). In cases where the property line is located nearer to a street than an established public sidewalk or overlays a portion of said sidewalk, the alignment or distance is measured from outer edge of the sidewalk furthest from the street.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING CODE. The *International Building Code* as adopted by the Town.

BUILDING HEIGHT. The vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

BUILDING LINE. The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices, and other ornamental features projecting from the walls of the building or structure.

BUILDING, MAIN. A building in which the principal use of the site is conducted.

BUILDING OFFICIAL. The person(s) appointed by the Town who, by virtue of certification with the State of South Carolina, is (are) authorized to administer and enforce the building code.

ARTICLE 1 | INTRODUCTORY PROVISIONS

BUILDING, TEMPORARY. A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

BUSINESS OR FINANCIAL SERVICES. An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

CANOPY. A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings.

CARPORT. A roofed structure open on at least two sides and used for the storage of private or pleasure-type vehicles.

CERTIFICATE OF APPROPRIATENESS ['COA']. A document issued by the Architectural Review Board certifying that the proposed actions by an applicant meet the design criteria applicable to a specific property within the Historic Overlay District.

CERTIFICATE OF OCCUPANCY. A document issued by the Building Official allowing the occupancy or use of a structure and certifying that the structure or use has been constructed or will be used in accordance with the building code.

CERTIFICATE OF ZONING COMPLIANCE. A document issued by the Zoning Administrator that certifies that the use, construction, or maintenance of a structure or lot conforms to the requirements of this chapter.

COMMERCIAL, HEAVY. An establishment or business, which generally uses open sales yards, outside equipment storage, or outside activities, that generate noise or other impacts considered to be incompatible with less-intense uses. Typical businesses in this definition are lumberyards, construction specialty services, heavy equipment suppliers, or building contractors.

COMMERCIAL, LIGHT. An establishment or business, which generally has retail or wholesale sales, office uses, or services that do not generate noise, or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services, or restaurants.

COMMERCIAL CENTER, COMMUNITY. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A community commercial center shall provide for the sale of general merchandise, and may include a variety store, discount store, or supermarket.

COMMERCIAL CENTER, CONVENIENCE. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A convenience commercial center shall provide a small cluster of convenience shops or services.

COMMERCIAL CENTER, NEIGHBORHOOD. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A neighborhood commercial center shall provide for the sales of convenience goods and services, with a supermarket as the principal tenant.

ARTICLE 1 | INTRODUCTORY PROVISIONS

COMMERCIAL CENTER REGIONAL. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A regional center shall provide for the sale of general merchandise, apparel, furniture, home furnishings, and other retail sales and services, in full depth and variety.

COMMERCIAL RETAIL SALES AND SERVICES. Establishments which engage in the sale of general retail goods and accessory services. Businesses within this definition include those, which conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor “sidewalk” promotions); businesses specializing in sale of either general merchandise or convenience goods.

COMPREHENSIVE PLAN. The declaration of purposes, policies, and programs for the development of the Town.

CONDITIONAL USE. A use of land or a structure that is permitted in a district subject to the conditions, restrictions, or limitations placed on the use as specified by this chapter.

CONDOMINIUM. A single dwelling unit in a multiunit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

CONGREGATE RESIDENCE. Any building or portion thereof which contains facilities for living, sleeping, and sanitation as required by this chapter, and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence shall be permitted to be a shelter, convent, monastery, dormitory, and fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels, or lodging houses.

CONVALESCENT CENTER. A facility which is publicly or privately operated and intended for long-term patient care due to human illness or infirmity, including the elderly and developmentally disabled, normally employing the services of skilled and licensed practitioners, excluding hospitals. Nursing homes and assisted living facilities are included in this definition. This term does not include rehabilitation centers, group care facilities, or similar uses.

COURT. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by the walls of a building.

COVERAGE, BUILDING. The area of all land within a lot that is covered by a roof(s) expressed as a percentage of the lot’s area.

DANCE HALL, DISCOTHEQUE. An establishment intended primarily for dancing and entertainment within an enclosed building, using either live or electronically produced music, either open to the public or operated as a private club open to members only.

DAY CARE, FAMILY. The keeping for part-time care and/or instruction, whether or not for compensation, of six or less children at any one time within a dwelling, not including members of the family residing on the premises.

DAY CARE, GROUP. An establishment for the care and/or instruction, whether or not for compensation, of seven or more persons at any one time. Child nurseries, preschools, and adult care facilities are included in this definition.

ARTICLE 1 | INTRODUCTORY PROVISIONS

DENSITY. The number of dwelling units, which are allowed on an area of land, which area of land shall exclude dedicated streets contained within the development.

DRIVEWAY. A private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

DWELLING, MULTIPLE FAMILY. A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums or offered for rent.

DWELLING, PLANNED GROUP. Two or more detached buildings used as dwelling units located on a lot that is in single ownership have yards, courts, or facilities in common.

DWELLING, SINGLE FAMILY (ATTACHED). A series of two or more attached dwelling units that share a common wall at the lot line, with each dwelling located on a separate lot. This arrangement may be referred to as townhouses or row homes.

DWELLING, SINGLE-FAMILY (DETACHED). A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family.

DWELLING, TWO FAMILY. A building, located on a single lot, designed or arranged to be occupied by two families living independently, the structure having only two dwelling units. This dwelling arrangement may be referred to as a duplex.

DWELLING UNIT. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this chapter, for not more than one family, or a congregate residence for six or less persons.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner (s) of the property. The easement shall be permitted to be for use under, on, or above said lot or lots.

FACE OF BUILDING, PRIMARY. The wall of a building fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases, or decorations.

FAMILY. An individual or two or more persons related by blood, marriage or adoption, or a group not to exceed six unrelated persons living together as a single housekeeping unit.

FARM ANIMALS. Animals other than household pets that shall be permitted to, where permitted, be kept and maintained for commercial production and sale and/or family food production, education, or recreation. Farm animals are identified by these categories: large animals, e.g. horses and cattle; medium animals, e.g., sheep, goats; or small animals, e.g., rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks, and pigeons.

FLOOR AREA, GROSS. The sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the centerline of dividing walls; this includes courts and decks or porches when covered by a roof.

FLOOR AREA, NET. The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls, and similar facilities.

ARTICLE 1 | INTRODUCTORY PROVISIONS

FLOOR AREA RATIO. The numerical value obtained by dividing the gross floor area of a building by the area of the lot on which the building is constructed.

FRONTAGE. The width of a lot or parcel abutting a public right-of-way measured at the front property line.

GARAGE, PRIVATE. A building or a portion of a building not more than 1,000 square feet in area, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

GENERAL PLAN. The declaration of purposes, policies, and programs for the development of the Town.

GRADE (Adjacent Ground Elevation). The lowest point of elevation of the existing surface of the ground, within the area between the building and a line 5 feet from the building.

GRAFITTI. Unauthorized marking on a structure.

GROSS LEASABLE AREA (GLA). The total floor area of a commercial building designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet as measured from the center line of joint partitions and from outside wall faces.

GROUP CARE FACILITY. A facility, required to be licensed by the state, which provides training, care, supervision, treatment and/ or rehabilitation to the aged, disabled, those convicted of crimes or those suffering the effects of drugs or alcohol; this does not include day-care centers, family day-care homes, foster homes, schools, hospitals, jails, or prisons.

GUEST ROOM. Any room or rooms used or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered a guestroom.

HABITABLE SPACE (Room). Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space (except in flood zones where the definitions of the Flood Damage Prevention Ordinance will be applied).

HISTORIC OVERLAY DISTRICT [‘the historic district’]. The area designated by the Town Council and shown on the Zoning Map of the Town of Kingstree, South Carolina where special design, review, and permitting standards apply to certain construction, demolition, or repair activities.

HOME OCCUPATION. The partial use (not to exceed 25 percent) of a dwelling unit for commercial or nonresidential uses by a resident thereof which is subordinate and incidental to the use of the dwelling for residential purposes.

HOSPITAL. An institution designed for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities, and staff offices.

HOUSEHOLD PETS. Dogs, cats, rabbits, birds, for family use only (noncommercial) with cages, pens, etc.

ARTICLE 1 | INTRODUCTORY PROVISIONS

INDUSTRIAL OR RESEARCH PARK. A tract of land developed according to a master site plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to assure a harmonious integration into the neighborhood.

KENNEL. Any lot or premises on which four or more dogs or cats over four months of age are kept, for compensation or not.

KITCHEN. Any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

LANDSCAPING. The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs, and flowers. This treatment shall be permitted also to include the use of logs, rocks, fountains, water features and contouring of the earth.

LEGISLATIVE BODY. The Kingstree Town Council.

LIVESTOCK. Includes, but is not limited to, horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules, and any other hoofed animals.

LOT. A 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, CORNER. A lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.

LOT, DOUBLE FRONTAGE. A lot that fronts on two parallel streets or that fronts upon two or more streets that do not intersect at the boundaries of the lot. A corner lot shall not be considered as having double frontage unless it has frontage on three (3) or more streets.

LOT, FLAG. A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

LOT, INTERIOR. A lot, other than a corner lot, that fronts on only one street.

LOT, IRREGULAR. A lot whose opposing property lines are generally not parallel, such as a pie-shaped lot on a cul-de-sac, or where this side property lines are not parallel to each other.

MANUFACTURED HOME. A single family dwelling, manufactured after June 15, 1976, bearing certification of compliance with the Federal Manufactured Housing Construction and Safety Standards Act (254 CFR 3280) HUD Code.

MANUFACTURED HOME PARK. A tract of land developed and operated as a unit with individual sites and facilities to accommodate two or more manufactured homes.

MANUFACTURED HOME, SPECIAL CARE. A home used as a temporary dwelling for a family member who is in need of special, frequent, and routine care by reason of advanced age or ill health.

MANUFACTURING, HEAVY. All other types of manufacturing not included in the definitions of light manufacturing and medium manufacturing.

ARTICLE 1 | INTRODUCTORY PROVISIONS

MANUFACTURING, LIGHT. The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust, or pollutants.

MANUFACTURING, MEDIUM. The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles.

MOBILE HOME. A single family dwelling that is wholly, or in part, fabricated in an off-site manufacturing facility for installation or assembly at the building site, designed as a permanent residence, and built prior to the enactment of the Federal Manufactured Housing and Safety Standards Act of June 15, 1976.

MODEL HOME. A dwelling temporarily used as a sales office for a residential development under construction; said home being used for on-site sales and not for general real estate business.

MODULAR BUILDING. Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation and erection. When meeting the requirements of the South Carolina Modular Building Construction Act, a modular building shall be considered equivalent to a site built structure for the purposes of this chapter.

MODULAR HOME. A factory-built home, other than a manufactured home, that is certified by the South Carolina Building Council as conforming to the South Carolina Modular Building Construction Act's requirements for the placement of modular homes, and which meets all of the following requirements:

1. Is designed only for erection or installation on a site-built permanent foundation;
2. Is not designed to be moved once so erected or installed;
3. Is designed and manufactured to comply with a nationally recognized model building code or an equivalent local code, or with a state or local modular building recognized as generally equivalent to building codes for site-built housing;
4. To the manufacturer's knowledge, is not intended to be used other than on a site-built permanent foundation.

MORTUARY, FUNERAL HOME. An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.

MOTEL, HOTEL. Any building containing six or more guestrooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

NATURAL WATERWAYS. Those areas, varying in width along streams, creeks, springs, gullies, or washes, which are natural drainage channels as determined and identified by the jurisdiction.

NONCONFORMING FEATURE. A characteristic of a building or property, such as illumination, parking, landscaping, performance standards, or certain requirements applicable to a conditional use or special exception, that lawfully existed prior to the enactment or amendment of this chapter, but which does not comply with the current requirements of this chapter.

ARTICLE 1 | INTRODUCTORY PROVISIONS

NONCONFORMING LOT. A lot whose width, area, or other dimension did not conform to the regulations when this chapter became effective.

NONCONFORMING SIGN. A sign or sign structure or portion thereof lawfully existing at the time this chapter became effective, which does not now conform.

NONCONFORMING STRUCTURE. A building or structure or portion thereof lawfully existing at the time this chapter became effective, which was designed, erected, or structurally altered for a use that does not conform to the zoning regulations of the zone in which it is located.

NONCONFORMING USE. See “Use, nonconforming.”

OPEN SPACE. Land areas that are not occupied by buildings, structures, parking areas, streets, alleys, or required yards. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

PARKS, NEIGHBORHOOD AND COMMUNITY. A public or private area of land, with or without buildings, that is designed and arranged for use by residents of a neighborhood or development. This use may include playgrounds, picnic areas, and similar passive uses.

PARKS AND RECREATIONAL USES (PUBLIC OR NONCOMMERCIAL). A noncommercial, not for profit facility, with or without buildings, intended for outdoor active or passive recreational uses. The use may include basketball courts, baseball fields, soccer fields, skate parks, and similar outdoor active recreational uses.

PARKING LOT. An open area, other than a street, used for the parking of automobiles.

PARKING SPACE, AUTOMOBILE. A space within a building or private or public parking lot, exclusive or driveways, ramps, columns, office, and work areas, for the parking of an automobile.

PASSENGER TRANSPORT AND DISPATCH FACILITY. A service that offers transportation in passenger automobiles, vans, and ambulances to persons including those who are handicapped or infirmed in return for remuneration. This definition includes taxicab businesses, paratransit providers, non-emergent medical transport services, and similar uses. This term does not include bus stations, fixed-route or charter bus services, terminals, taxi-stands, or any use involving the onsite ticketing or boarding of passengers.

PERMIT, BUILDING. An official document or certificate issued by the Building Official under the terms of the building code for any carpentry, masonry, roofing, or other construction or repair.

PERMIT, SIGN. A type of zoning permit, issued pursuant to Article 6 of this chapter, that authorizes the erection, construction, enlargement, movement, replacement, or conversion of a sign in conformance with the applicable regulations of this chapter.

PERMIT, ZONING. A permit issued by the Zoning Administrator that authorizes the use of land, structure, building, construction, or other activity in conformance with the applicable regulations of this chapter.

PERSON. A natural person, heirs, executors, administrators, or assigns, and includes a firm, partnership or corporation, or their successors or assigns, or the agent of any of the aforesaid.

ARTICLE 1 | INTRODUCTORY PROVISIONS

PLANNED DEVELOPMENT DISTRICT (PD). A zoning district, created under the terms of this chapter, to be comprised of housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and other mixed uses. A planned development district is established by a map and text amendment to this chapter and is characterized by a unified master plan that outlines the extent and location of permitted development within the district.

PLANNING COMMISSION [‘the commission’]. The body created by the Town Council pursuant to S.C. Code § 6-29-310 et seq.

PLOT PLAN. A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

POOLS, SWIMMING, HOT TUBS AND SPAS

Above-ground/on ground pool. See “Private swimming pool.”

Barrier. A fence, a wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

Hot tub. See “Private swimming pool.”

In-ground pool. See “Private swimming pool.”

Power safety cover. A pool cover, which is placed over the water area, and is opened and closed with a motorized mechanism, activated by a control switch.

Private swimming pool. Any structure that contains water over 24 inches in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with an occupancy in Use Group R-3 and which is available only to the family and guests of the householder. This includes in-ground, aboveground and on-ground swimming pools, hot tubs, and spas.

Private swimming pool, indoor. Any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of said structure.

Private swimming pool, outdoor. Any private swimming pool that is not an indoor pool.

Public swimming pool. Any swimming pool other than a private swimming pool.

Spa. See “Private swimming pool.”

PUBLIC BUILDINGS AND USES (OFFICE TYPE). A building or use operated by a unit of government to serve public needs. This category includes federal, state, county, or town offices for administrative, clerical, or public contact services, together with incidental storage and maintenance of necessary vehicles.

PUBLIC BUILDINGS AND USES (SAFETY SERVICES). A building or use operated by a unit of government to provide essential public services including but not limited to police, fire, emergency medical, and similar services. These uses include incidental storage and the maintenance of necessary vehicles but do not include uses involving the incarceration of individuals such as jails, prisons, or other correctional facilities.

ARTICLE 1 | INTRODUCTORY PROVISIONS

PUBLIC IMPROVEMENT. Any drainage ditch, storm sewer, or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or for which the local government responsibility is established.

PUBLIC WAY. Any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.

QUASI-PUBLIC. Essentially a public use, although under private ownership or control.

QUORUM. A majority of the authorized members of a board or commission.

RECREATIONAL VEHICLE. A vehicular unit, other than a mobile home, whose gross floor area is less than 320 square feet, which is designed as a temporary dwelling for travel, recreations and vacation use, and which is either self-propelled, mounted on, or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer, or van.

RECREATIONAL FACILITY (PASSIVE). Land used for recreational activities, whether public or private, that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking.

RECREATIONAL FACILITY OR USE (COMMERCIAL). A recreational land use, typically conducted outdoors, characterized by potentially moderate impacts on traffic, the natural environment, and the surrounding neighborhoods. These uses include commercial athletic fields and stadiums, golf courses, swimming pools, miniature golf, water parks, amusement parks, and other similar uses.

RECREATION, INDOOR. An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller-skating or ice skating, billiards, pool, motion picture theaters, and related amusements.

RECREATION, OUTDOOR. An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions, and similar structures used primarily for recreational activities.

RECYCLING CENTERS AND SALVAGE YARDS. Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, scrap metals, paper, rags, tires, glass, yard waste, bottles, and other such materials.

RECYCLING COLLECTION FACILITY. Any location whose primary use is the non-commercial drop-off and collection of recyclables including but not limited to metals, plastics, cardboard, newsprint, and other paper products. This use may include the temporary storage of materials but does not include the processing, reduction, or disassembling of recyclable materials.

REHABILITATION CENTER (Halfway House). An establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and halfway houses for prison parolees and juveniles.

ARTICLE 1 | INTRODUCTORY PROVISIONS

RELIGIOUS, CULTURAL AND FRATERNAL ACTIVITY. A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

RENOVATION. Interior or exterior remodeling of a structure, other than ordinary repair.

RESTAURANT. An establishment which sells prepared food for consumption. Restaurants shall be classified as follows:

Restaurant, fast food. An establishment which sells food already prepared for consumption, packaged in paper, Styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.

Restaurant, general. An establishment which sells food for consumption on or off the premises.

Restaurant, take-out. An establishment which sells food only for consumption off the premises.

SALVAGE YARD. Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, materials such as scrap metals, paper, rags, tires, and bottles.

SCHOOL, COMMERCIAL. A school establishment to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school).

SETBACK. The minimum required distance between the property line and the building line.

SEXUALLY ORIENTED BUSINESS (SOB). SOB's for adult entertainment includes, but is not limited to:

Adult Arcade. Any place in which the public is permitted or invited wherein, coin-operated or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at a time, and where the images so displayed are distinguished or characterized by depicting or describing "specified sexual activities" or "specified anatomical areas".

Adult Bookstore or Adult Video Store. A commercial establishment which, as one of its principal business purposes, offers for sale or rental (for any form of consideration) adult media. (1) As used in this definition, "principal business purpose or purposes" means the commercial establishment has a substantial portion of its displayed merchandise which consists of said items; or has a substantial portion of the wholesale value of its displayed merchandise which consists of said items; has a substantial portion of the retail value of its displayed merchandise which consists of said items; or derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of said items; or maintains a substantial section of its interior business space for the sale or rental of said items. (2) As used in this definition, "substantial" means twenty-five percent (25%) or more.

Adult Cabaret. A nightclub, bar, restaurant, or similar commercial establishment, regardless of whether alcoholic beverages are served, which regularly features:

1. Persons who appear in a state of nudity or semi-nudity; or
2. Live performances which are characterized by exposure of "specific anatomical areas" or by "specified sexual activities"; or
3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are

ARTICLE 1 | INTRODUCTORY PROVISIONS

characterized by the depiction or description of “specified sexual activities” or specified anatomical areas”.

Adult Car Wash. A car wash where some or all of the employees are semi-nude or nude and/or where “specified sexual activities” occur or “specified anatomical areas” are exhibited.

Adult Health Club. A health club where some or all of the employees are nude or semi-nude and/or where “specified sexual activities” occur or “specified anatomical areas” are exhibited.

Adult Media. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes or compact discs, video reproductions, slides, or other visual representations, which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas”.

Adult Motel. A hotel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; or
2. Offers a sleeping room for rent for a period of time that is less than ten [10] hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 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”. As applied in this chapter, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials NC-17 or R by the Motion Picture Association of America.

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 sexual activities” or “specified anatomical areas”. This definition does not include a professional or community theater, or a theater affiliated with an institution of higher education, that produces works of dramatic arts in which actors or actresses occasionally appear onstage in a state of semi-nudity, nudity, or in any state of undress as part of his or her dramatic role.

Characterized By. To describe the essential character or quality of an item, activity, or thing.

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 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, or other consideration.

Establishment. Includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business; or
2. The conversion of an existing business, whether or not it is sexually oriented, to any sexually oriented business; or
3. The additions of any sexually oriented business to any other existing sexually oriented business; or
4. The relocation of any sexually oriented business.

ARTICLE 1 | INTRODUCTORY PROVISIONS

Nude Model Studio. Any place where a person who appears in a state of nudity or displays “specified anatomical areas” may be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. This definition does not include art demonstrations or class offered by an accredited college, university, or non-profit organizations such as a museum, gallery, artist association, or arts cooperative.

Nudity Or A State Of Nudity. The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage, or the showing of the bare female breasts. This definition does not include the act of a female breast-feeding a child in a public place; nor to infants or toddlers in a public place, nor to exposure of the human female breast above a horizontal line across the top of the areola exhibited by a dress, blouse, shirt, or other similar apparel; nor to exposure of cleavage of the human female breast exhibited by a dress, blouse, shirt, or similar wearing apparel.

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

Premises. The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon including, but not limited to, the sexually oriented business structure, the grounds, private walkways, and parking areas under the ownership, control, or supervision of the sexually oriented business.

Semi-Nude. A state of dress in which clothing covers not more than the genitals, pubic region and areola of the female breast, as well as portions of the body, supporting straps, or devices.

Sexual Device Shop. A commercial establishment that offers for sale: (1) Any two of the following categories: 1) adult media, 2) lingerie; or 3) sexual devices; and combination thereof constitutes more than ten percent (10%) of its stock in trade or occupies more than ten percent (10%) of its interior business space; (2) More than five percent (5%) of its stock in trade consists of sexual devices; or (3) More than five percent (5%) of its interior business space is used for the display of sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services.

Sexual Device. Any three (3) dimensional object designed and marketed for stimulation of the male or female human genital organ or anus, or for sadomasochistic use or abuse of oneself or others, and shall include devices such as dildos, vibrators, penis pumps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or preventing pregnancy.

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

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one of more of the persons is in a state of nudity or semi-nudity.

Sexually oriented business shall mean an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual device shop, sexual encounter center or any other business, such as an adult car wash or adult health club, which offers, for consideration, materials or services characterized as depicting “specified sexual activities” or “specified anatomical areas”, or whose employees perform services in a state of nudity or semi-nudity.

ARTICLE 1 | INTRODUCTORY PROVISIONS

Specified Anatomical Areas. The human genitals, pubic region, buttocks; the female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. Any of the following: (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) Actual or simulated intercourse, oral copulation, masturbation or sodomy; or (3) Excretory functions as part of or in connection with any of the activities set forth in subsection (1) through (2) of this definition.

SHOPPING CENTER. A commercial retail establishment or group of establishments, occupying 50,000 square feet or greater of combined floor area, constructed and maintained as a total entity typically with onsite customer and employee parking.

SHORT TERM RENTAL. A single-family dwelling and associated accessory buildings that is offered in its entirety to transient lodgers for a period of less than 30 days in return for compensation. The use of a dwelling as a short term rental unit shall not be considered an accessory use of a home occupation. This term does not include apartment houses, hotels, motels, bed and breakfast inns, boarding houses, and congregate residences.

SIGN. An advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interests of any person, entity, product or service, including the sign structure, supports, lighting system and any attachments, ornaments, or other features used to draw the attention of observers.

SIGNS, COMMUNITY. Temporary, on-or off-premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung from light poles or on buildings. These signs are solely of a decorative, festive, and/or informative nature announcing activities, promotions, or events with seasonal or traditional themes having broad community interest, and which are sponsored or supported by a jurisdiction-based nonprofit organization.

SITE PLAN. A plan which outlines the use and development of any tract of land.

STORY. That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade as defined herein for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

STREET. Any thoroughfare or public way not less than sixteen feet in width which has been dedicated.

STREET CLASSIFICATION. A hierarchical ranking of streets by their use and function. Classifications include 'principal arterial', 'minor arterial', 'major collector', 'minor collector', and 'local' streets as further defined and delineated in the Town of Kingstree Comprehensive Plan.

STREET, PRIVATE. A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

ARTICLE 1 | INTRODUCTORY PROVISIONS

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all divisions of land involving a new street or change in an existing street, and includes re-subdivision which would involve further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any street or the establishment of any new street within any subdivision previously made and approved or recording according to law, and includes the combination of lots. The term “subdivision” is subject to any exemptions provided by S.C. Code § 6-29-1110 and/or the Kingstree Subdivision Regulations.

THEATER. A building used primarily for the presentation of live stage productions, performances, or motion pictures.

USE. The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

USE, CHANGE OF. The change within the classified use of a structure or premise.

USE, NONCONFORMING. A use which lawfully occupied a building or land at the time this chapter became effective, which has been lawfully continued and which does not now conform with the use regulations.

USE, PRINCIPAL. A use which fulfills a primary function of a household, establishment, institution or other entity.

USE, TEMPORARY. A use that is authorized by this chapter to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors’ offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

UTILITY SERVICES, MAJOR. Facilities, structures, and other uses that are necessary for the generation, transmission, and/or distribution of utilities to support principal development, such as electrical generating facilities, electrical and telephone switching facilities, electric substations, pumping stations, sewage collection or disposal facilities, water or sewage treatment plants, water storage tanks, and similar uses.

UTILITY SERVICES, MINOR. Minor structures, such as lines and poles, that are necessary to distribute utilities and provide service.

VARIANCES. A deviation from the height, bulk, setback, parking or other dimensional requirements established by this chapter.

WAREHOUSE, WHOLESALE OR STORAGE. A building or premises in which goods, merchandise, or equipment are stored for eventual distribution.

WRECKING YARD. Any place where damaged, inoperable or obsolete machinery such as cars, trucks and trailers, or parts thereof, are stored, bought, sold, accumulated, exchanged, disassembled, or handled.

YARD. An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures, except as otherwise provided in this chapter.

YARD, FRONT. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.

ARTICLE 1 | INTRODUCTORY PROVISIONS

YARD, REAR. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or ordinary high water line and a line parallel thereto.

YARD, SIDE. An open, unoccupied space on the same lot with the building and between the building line and the side lot line, or to the ordinary high water line.

ZERO LOT LINE DEVELOPMENT. Single-family dwellings arranged on individual lots as either detached structures with one or more building walls on a side property line.

ZONING ADMINISTRATOR. The person(s) appointed by the Town to administer and enforce the provisions of this chapter. The Zoning Administrator may also, when appropriately certified and designated by the Town, perform the duties of the Building Official as defined in this section.

SECTIONS 153.122 through 153.199 [RESERVED]

This page left intentionally blank

ARTICLE 2 | PERMITS & ADMINISTRATION

DIVISION ONE: ZONING ADMINISTRATOR

SECTION 153.200 ZONING ADMINISTRATOR ESTABLISHED; DUTIES

The Town shall appoint a Zoning Administrator to enforce and administer this chapter. The duties of the Zoning Administrator are to:

- (1) Maintain permanent and current records of this chapter including, but not limited to, all zoning maps, amendments, special exceptions, variances, appeals, zoning permits, and applications thereof and records of hearings thereon. Such records shall be open to public inspection during business hours;
- (2) Interpret zoning provisions and district boundaries;
- (3) Provide such clerical, technical, and consultative assistance as may be required by the Board of Zoning Appeals, Planning Commission, Town Council, and other boards, commissions, and officials in the exercise of duties related to this chapter;
- (4) Review, approve, and issue all administrative permits and determinations authorized by this chapter and to maintain a record of these permits and determinations;
- (5) Review, file, and forward to the Board of Zoning Appeals the records and applications for all appeals, variances, and special exceptions;
- (6) Review, file, and forward to the Architectural Review Board the records and applications for all certificates of appropriateness and appeals and to make administrative determinations under the historic design guidelines as authorized by this chapter;
- (7) Review, file, and forward to the Planning Commission the records and applications for all zoning amendments;
- (8) Investigate and resolve zoning violations;
- (9) Conduct inspections of structures, lands, and the uses thereof to determine compliance with this chapter; and
- (10) Perform other duties as assigned by this chapter.

SECTION 153.201 COOPERATION FROM OTHER OFFICIALS

The Zoning Administrator may request, and shall receive so far as is required in the discharge of the duties described in this chapter, the assistance and cooperation of other officials of the Town.

SECTION 153.202 LIABILITY

The Zoning Administrator, or designee, charged with the enforcement of this chapter, acting in good faith and without malice in the discharge of the duties described in this chapter, shall not be personally liable for any damage that may accrue to persons or property as a result of an act or by reasons of an act or omission in the discharge of such duties. A suit brought against the Zoning

ARTICLE 2 | PERMITS & ADMINISTRATION

Administrator or employee because such act or omission performed by the Zoning Administrator or employee in the enforcement of any provision of this chapter or other pertinent laws or ordinances implemented through the enforcement of this chapter or enforced by the enforcement agency shall be defended by the Town of Kingstree until final termination of such proceedings, and any judgments resulting there from shall be assumed by the Town of Kingstree.

This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the enforcement agency of the Town be held as assuming any such liability by reason of the reviews or permits issued under this chapter.

SECTIONS 153.203 through 153.219 [RESERVED]

DIVISION TWO: PERMITS

SECTION 153.220 ZONING PERMIT REQUIRED

Except as expressly exempted by this chapter, a zoning permit shall be required before any of the following activities:

- (1) The issuance of a building permit under the terms of the building code;
- (2) Excavation preparatory to constructing a structure for which a building permit is required;
- (3) Improving any lot by grading, filling, or surfacing, constructing any new driveway, or the construction, removal, or alteration of parking lots;
- (4) The establishment of a new use or change in the use classification of any part of a structure or lot, including any increase in the number of families or dwelling units occupying a building or lot;
- (5) The continuation of any use deemed nonconforming by the terms of this chapter;
- (6) Installation of a sign;
- (7) Moving any house, modular unit, manufactured home, or other building;
- (8) Demolition of any building;
- (9) The removal of any regulated trees (commercial and industrial districts only); or
- (10) Prior to obtaining a business license.

SECTION 153.221 CONDITIONAL USE PERMIT REQUIRED FOR CERTAIN USES

Conditional uses, as set forth in Article 4 of this chapter, are declared to possess characteristics which require certain controls in order to ensure compatibility with other uses in the district within which they are proposed for location. Conditional uses shall be permitted subject to a determination by the Zoning Administrator that they conform to all regulations set forth in this chapter. Applications to permit the establishment of conditional uses shall be submitted and processed in accordance with the regulations set forth in this division for zoning permits.

SECTION 153.222 APPLICATIONS REQUIRED FOR ALL ZONING PERMITS

- A. Requests for zoning permits under this chapter shall be made by an applicant on forms prepared by the Zoning Administrator. Applications shall contain, at a minimum:

ARTICLE 2 | PERMITS & ADMINISTRATION

- (1) The name of the applicant and property owner (if different);
 - (2) The current mailing address of the applicant;
 - (3) The street address and tax map parcel number of the property for which a permit is sought;
 - (4) A legal description of the property to include a plat or plot plan;
 - (5) A written description of the existing use and proposed use of the property;
 - (6) A written description of the use, activity, construction, or other improvement for which a permit is sought;
 - (7) The signature of the property owners;
 - (8) An application fee as prescribed by this article;
 - (9) An attached site plan(s), when required, and
 - (10) Any additional information that the Zoning Administrator determines necessary to ensure conformance with the requirements of this chapter.
- B. The requirements for a sign permit application are provided in §153.631 of this chapter.
- C. The Zoning Administrator shall promptly review and return any application that is incomplete within ten working days of receipt. Thereafter an application, which is completed and returned by an applicant within thirty days, shall not incur an additional review fee.

SECTION 153.223 ZONING PERMITS FOR TEMPORARY USES

- A. The Zoning Administrator may issue permits to authorize the temporary occupancy of lands, buildings, and structures for certain uses in conformance with the applicable requirements of this chapter. Permits for temporary uses shall follow the procedures required for the issuance of zoning permits. A zoning permit issued for a temporary use shall clearly bear the date on which such authorization shall expire.
- B. The Zoning Administrator is authorized to issue zoning permits for the following temporary uses including related outdoor displays:
- (1) Carnival, circus, or fair subject to approval of the Town Council;
 - (2) Religious meeting in a tent or other temporary structure (HC District and subject to the conditional use setback restrictions applicable to buildings imposed by §153.403.04 within the R-10, R-8, R-6, R-6R, OC, and NC Districts);
 - (3) Fireworks sales and strands (HC and LI Districts only);
 - (4) Open lot sale of Christmas trees (FA, HC, and LI Districts only);
 - (5) Produce stands (FA and HC Districts only);
 - (6) Real estate sales office, in any district, for a period not to exceed one year provided no cooking or sleeping accommodations are maintained in the structure;
 - (7) Contractor's office and equipment sheds, in any district, for a period of one year provided that such office is placed on property containing a permitted construction activity;
 - (8) Temporary business office, for a period not to exceed of one year, provided that such office is placed on property containing permitted construction for a permanent business office (HC, OC, NC, and LI Districts only);
 - (9) Sidewalk sales subject to the requirements of §94.27 and all other applicable town ordinances (CC Districts only);
 - (10) Temporary uses associated with an event of special public interest as may be authorized by the Town Council. In such authorization, the council may specify the frequency and duration of temporary use;

ARTICLE 2 | PERMITS & ADMINISTRATION

- (11) Temporary uses authorized by a separate Ordinance, such as rummage and yard sales, subject to the limitations imposed by such ordinance(s) (see also §§113.01 and 113.02 of the Town of Kingstree Code of Ordinances); and
 - (12) Similar temporary uses, where in the opinion of the Zoning Administrator such use:
 - (a) Can be classified pursuant to §153.400;
 - (b) Is clearly of a temporary nature;
 - (c) Will not cause traffic congestion;
 - (d) Will not create a nuisance to surrounding uses; and
 - (e) Is consistent in intensity with other uses permitted within the zoning district.
- C. Except as expressly provided by this section, a zoning permit shall not authorize a temporary use for a term of more than fifteen days. Thereafter, such permit shall expire. A permit for a temporary use shall not be issued more than four times for any one lot within a calendar year. Zoning permits for real estate sales offices, contractor's offices and equipment sheds, and temporary business offices may be renewed once for a cumulative period not to exceed two years.
- D. All buildings permitted under this section shall observe the setback requirements applicable to the zoning district in which the temporary use is located. Upon permit expiration, a temporary building(s) shall be removed from the affected site.
- E. Nothing herein shall preclude the Zoning Administrator from the refusal to grant a zoning permit for a temporary use if determined that the use:
- (a) Is clearly not temporary as manifest by the placement of a permanent building(s) or structure(s);
 - (b) Will create traffic congestion or result in insufficient off-street parking;
 - (c) Will present a safety issue or fail to meet the requirements of applicable fire, safety, or building codes; or
 - (d) Will constitute a nuisance to surrounding uses.

SECTION 153.224 SITE PLAN REQUIRED; REVIEW

- A. All zoning permit requests that involve the construction of new buildings, the enlargement of existing buildings, the moving of structures, the construction of new drives or parking lots, or any activity necessitating an amendment to a previously approved plan shall require the submission of a site plan.
- B. A project involving the construction of a single-family dwelling, two-family dwelling, or an addition to an existing building or structure, where such addition is less than 2,500 square feet, shall be subject to an expedited site plan review process. The applicant shall submit three copies of a site plan, drawn to scale, which depicts the following:
- (1) The name of the property owner and the address of the property;
 - (2) Property lines (existing and proposed);
 - (3) The location of all existing and proposed buildings;
 - (4) The location of any significant natural feature (such as an area of special flood hazard); and
 - (5) The location of any utilities or easements that are within ten feet of the proposed structure or that will require relocation as a result of the construction.

ARTICLE 2 | PERMITS & ADMINISTRATION

The preparation of site plan exhibits by a design professional (engineer, surveyor, or architect) may be required by the Zoning Administrator based on the complexity of the proposed construction. Applications and site plans submitted under this subsection shall be approved, approved with conditions, or denied by the Zoning Administrator within ten working days of receipt of a complete application.

C. For all projects not subject to expedited review, the applicant shall submit six copies of a site plan. The site plan shall be prepared by a design professional (engineer, surveyor, or architect) and shall utilize an engineer's scale (1" = 10', 1"=20', 1"=30, 1"=40', or 1"=50'). All site plans shall depict, at a minimum, the following information:

- (1) North arrow;
- (2) Scale to be utilized;
- (3) Name of the property owner(s);
- (4) Address of the property;
- (5) Property lines (existing and proposed);
- (6) Street(s) on which the property has frontage and/or street(s) which provide access to the property;
- (7) Size of the property (dimensions and square footage);
- (8) Accurate location and dimensions of proposed and existing building(s);
- (9) Location of security lighting;
- (10) Surface water drainage patterns;
- (11) Parking spaces with dimensions provided;
- (12) All existing and/or proposed entrances, exits, and internal driveways which will be utilized by the development;
- (13) Any existing or proposed easements (i.e. utility or drainage) located on the property;
- (14) Location and description of all screening/buffering elements which will be utilized for the development (if required);
- (15) Location of trash and garbage containment areas with the proposed buffer; and
- (16) Location of natural features (such as an area of special flood hazard).

Applications and site plans submitted under this subsection shall be approved, approved with conditions, or denied by the Zoning Administrator within twenty working days of receipt of a complete application.

SECTION 153.225 CERTIFICATE OF ZONING COMPLIANCE

No structure, lot, or any part thereof for which a zoning permit has been issued shall be used or occupied until the Zoning Administrator has, after final inspection, issued a certificate of zoning compliance indicating that the use or structure complies with all applicable requirements of this chapter and the approved zoning permit. Where no construction is involved, the certificate of zoning compliance may be issued concurrent with the zoning permit. In cases involving construction, the certificate of zoning compliance may be combined with the certificate of occupancy required under the building code. The issuance of a certificate of zoning compliance or the certificate of occupancy shall not be construed as waiving any provision of this chapter or the applicable zoning permit.

ARTICLE 2 | PERMITS & ADMINISTRATION

SECTION 153.226 PERMITS AND CERTIFICATES ISSUED IN ERROR ARE VOID

All departments, officials, and employees which are charged with the duty or authority to issue permits or approvals shall issue no permit or approval for uses or purposes where the same would be in conflict with this chapter. Any permit or approval, if issued in conflict with this chapter, shall be null and void.

SECTION 153.227 EXPIRATION AND CANCELLATION

Each license, permit, or approval issued shall expire after 180 days if no work is undertaken or such use or activity is not established, unless a different time of issuance of the license or permit is allowed in this chapter, is otherwise required by law, or unless an extension is granted by the issuing authority prior to expiration.

Failure to comply fully with the terms of any permit, license, or approval shall be permitted to be grounds for cancellation or revocation. Action to cancel any license, permit, or approval shall be permitted to be taken on proper grounds by the Zoning Administrator, Board of Zoning Appeals, or Architectural Review Board. Where a hearing was required prior to the granting of the original permit or approval, no cancellation or revocation shall occur except after notice to the parties of interest and a hearing thereon. Cancellation of a permit or approval by the Zoning Administrator, Board of Zoning Appeals, or the Architectural Review Board shall be permitted to be appealed in the same manner as its original action.

SECTIONS 153.228 through 153.229 [RESERVED]

DIVISION THREE: BOARD OF ZONING APPEALS

SECTION 153.230 ESTABLISHED; MEMBERSHIP; TERM OF OFFICE

There is hereby created a Board of Zoning Appeals to be composed of seven members appointed by Town Council. Members of the board shall serve overlapping terms of four years or after that time until their successors are appointed. No member of the Board of Zoning Appeals shall hold a public office or position in the Town. The Town Council may remove any member of the board for cause. The appointment and continued tenure of board members shall be subject to the requirements and procedures imposed by S.C. Code §§ 6-29-780.

SECTION 153.231 OFFICERS; BYLAWS; MEETINGS

The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its members who shall serve for one year or until reelected or until their successors are elected. The board shall appoint a secretary, who may be a Town employee or a member of the board. The board shall adopt rules of procedure in accordance with the provisions of this chapter and S.C. Code § 6-29-790. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. A majority of members present shall constitute a quorum. All meetings of the board shall be open to the public.

ARTICLE 2 | PERMITS & ADMINISTRATION

SECTION 153.232 POWERS OF THE BOARD; LIABILITY OF MEMBERS

A. The Board of Zoning Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter.
- (2) To hear and decide appeals for variance from the requirements of this chapter when a strict application of the provisions of this chapter would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property; and
 - (b) These conditions do not generally apply to other property in the vicinity; and
 - (c) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property; and
 - (d) The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.
 1. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning boundaries shown of the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.
 2. 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.
- (3) To authorize the permitting of special exceptions subject to the terms and conditions for such uses as set forth by this chapter. The Board of Zoning Appeals may approve, approve with conditions, or deny a request for a special exception permit. Special exception permits may be approved only if the board finds that the proposed use:
 - (a) Is in fact a use specifically listed as a special exception for the zoning district in which the use is intended;
 - (b) Is consistent with the recommendations contained in the Kingstree Comprehensive Plan and the character of the underlying zoning district as indicated in the zoning district's "intent";
 - (c) Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
 - (d) Adequate provision is made for such items as setbacks, buffering, and screening (including

ARTICLE 2 | PERMITS & ADMINISTRATION

fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use such as noise, vibration, dust, glare, odor, traffic conditions, and similar factors;

- (e) When applicable, will be developed in a way that will preserve and incorporate important natural features;
- (f) Complies with all applicable rules, regulations, laws, and the standards of this chapter; and
- (h) Will not hinder or endanger vehicular traffic or pedestrian movements on adjacent streets.

In granting a special exception permit, the board may attach to it such conditions regarding the location, character, or other features of the proposed 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.

- (4) To remand a matter to the Zoning Administrator, upon motion by a party or the board's own motion, if the board determines that the record is insufficient for review. A party's motion for remand may be denied if the board determines that the record is sufficient for review. The board must set a rehearing on the remanded matter without further public notice for a time certain within sixty days unless otherwise agreed by the parties. The board must maintain a list of persons who expressed an interest in being informed when the remanded matter is set for rehearing, and notice of the rehearing must be mailed to these persons prior to the rehearing.
- B. In exercising the above powers, 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 Zoning Administrator from whom the appeal is taken and may issue or direct the issuance of a permit. The board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the circuit court having jurisdiction.
- C. Any member of the board acting within powers granted by this division shall be relieved from personal liability for any damages and held harmless by the Town of Kingstree. Any suit brought against any member of the Board of Zoning Appeals shall be defended by legal representation by the Town until the termination of proceedings.

SECTION 153.233 APPEALS TO BOARD; STAY OF PROCEEDINGS

- A. Appeals to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the Town or County. Such appeal shall be taken within fifteen calendar days of notification of the order, requirement, decision, or determination from which the appeal is sought. An appeal is perfected by filing a written notice of appeal on a form prescribed by the Board of Zoning Appeals. The notice of appeals shall be filed with the Zoning Administrator from whom the appeal is taken and the secretary of the board, accompanied by the applicable appeal fee in an amount as set by this chapter. The notice of appeal shall identify the decision of the Zoning Administrator that is being appealed and state the grounds for the appeal. The Zoning Administrator from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

ARTICLE 2 | PERMITS & ADMINISTRATION

- B. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies 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 such case, proceedings may not be stayed other than by a restraining order which may be granted by the board or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.

SECTION 153.234 APPLICATION; HEARING; NOTICE; DECISION

- A. The board shall establish the form of all applications to be required by it and shall specify in its rules the procedure for conducting hearings.
- B. Once the applicant has filed a notice of appeal or other application that may be referred to it, the Board of Zoning Appeals shall hold a duly noticed hearing on the appeal or other matter within a reasonable time, as established in the rules of the board. At the hearing, any party may appear in person or by agent or by attorney.
- C. Public notice of all meetings of the board shall be provided by publication in a newspaper of general circulation in the Town at least fifteen days in advance of the hearing. In cases involving variances and special exceptions, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. Notice shall be posted not less than fifteen days in advance of the hearing. Notice of the hearing shall be provided to the parties in interest and, for variances and special exceptions, all adjoining property owners to the request by certified mail no less than fifteen days in advance of the hearing. As part of the application, the applicant shall provide and certify the names and addresses of all adjoining property owners to the request as listed in the Williamsburg County Tax Assessor’s Office.
- D. The Board of Zoning Appeals shall issue a decision within a reasonable time, as established in the rules of the board. Board members must be present to vote. All final decisions and orders of the board must be in writing and be 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 shall be delivered to parties of interest by certified mail.

SECTION 153.235 CONTEMPT OF BOARD OF ZONING APPEALS.

In case of contempt by any party, witness, or other person before the Board of Zoning Appeals, the board may certify such fact to the circuit court of the county wherein such contempt occurs and the judge of the court, in open court or in chambers, after hearing may impose such penalty as authorized by law.

SECTION 153.236 APPEAL TO CIRCUIT COURT

A person who may have a substantial interest in any decision of the board or any officer or agent of the Town of Kingstree may appeal a decision of the board to the Williamsburg County Circuit Court, 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 days after the decision of the board is mailed. Appeals from the decision of the board are to proceed subject to the provision of S.C. Code §§ 6-29-820 through 850.

SECTIONS 153.237 through 153.239 [RESERVED]

ARTICLE 2 | PERMITS & ADMINISTRATION

DIVISION FOUR: ARCHITECTURAL REVIEW BOARD

SECTION 153.240 ESTABLISHED; MEMBERSHIP; TERM OF OFFICE

There is hereby created an architectural review board, hereafter referred to as the ARB, to be composed of seven members appointed by Town Council. Members of the ARB shall serve overlapping terms of two years or after that time until their successors are appointed. No member of the ARB shall hold a public office or position in the Town. The Town Council may remove any member of the ARB for cause. The appointment and continued tenure of members shall be subject to the requirements and procedures imposed by S.C. Code §§ 6-29-870 et seq.

SECTION 153.241 SUPPLEMENTAL QUALIFICATIONS

All members of the ARB shall have a demonstrated interest in historic preservation. If available, and to the extent which is practicable, the ARB should have at least one member who is qualified as:

- (1) A historian knowledgeable in local history, and
- (2) An architect or if an architect is not available to serve, someone who is knowledgeable in building design and construction.

SECTION 153.242 OFFICERS; BYLAWS; MEETINGS

The ARB shall elect a chairman and a vice-chairman from its members who shall serve for one year or until reelected or until their successors are elected. The ARB shall appoint a secretary, who may be a Town employee, or a member of the ARB. The ARB shall adopt rules of procedure in accordance with the provisions of this chapter and S.C. Code § 6-29-870. Meetings of the ARB shall be held at the call of the chairman and at such other times as the ARB may determine. A majority of members present shall constitute a quorum. All meetings shall be open to the public.

SECTION 153.243 POWERS AND DUTIES; LIABILITY OF MEMBERS

The Board of Architectural Review shall have the following powers and duties:

- (1) To periodically conduct inventories of historic properties in the Town;
- (2) To forward, to the State Historic Preservation Office, properties to be considered for nomination to the National Register of Historic Places;
- (3) To recommend the designation of historic properties and districts;
- (4) To prepare and recommend guidelines for the preservation, rehabilitation, and continuance of historic structures;
- (5) To hear and decide requests for certificates of appropriateness in accordance with the applicable provisions and the guidelines adopted pursuant to this division;
- (6) To hear appeals from decisions of the Zoning Administrator in cases of alleged error in the

ARTICLE 2 | PERMITS & ADMINISTRATION

administration or enforcement of this division.

Any member of the ARB acting within powers granted by this division shall be relieved from personal liability for any damages and held harmless by the Town of Kingstree. Any suit brought against any member of the ARB shall be defended by legal representation by the Town until the termination of proceedings.

SECTION 153.244 HISTORIC PROPERTY INVENTORY

The ARB shall maintain a local inventory of buildings, structures, objects, and sites more than fifty years old. These records shall be available to the public.

SECTION 153.245 NOMINATIONS TO THE NATIONAL REGISTER OF HISTORIC PLACES

The ARB may conduct first review and evaluation of all proposed nominations for the National Register of Historic Places for properties that are within the Town of Kingstree, prior to consideration by the State Board of Review. The ARB may send their recommendations to the State Historic Preservation Office for consideration at the meeting of the State Board of Review. The ARB shall not nominate properties directly to the National Register; only the State Board of Review shall have this final review authority unless expressly authorized by federal statute.

SECTION 153.246 DESIGNATION OF HISTORIC PROPERTIES AND DISTRICTS

- A. The ARB may recommend the designation of individual historic properties and historic districts by the Town Council. In considering properties for recommendation, the ARB shall consider if the site or group of historic properties:
- (1) Has significant inherent character, interest, or value as part of the development or heritage of the community, state, or nation; or
 - (2) Is a site of any event significant in history; or
 - (3) Is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation;
 - (4) Exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation; or
 - (5) Individually, or as a collection of resources, embodies distinguishing characteristics of type, style, period or specimen in architecture or engineering; or
 - (6) Is the work of a designer whose work has influenced significantly the development of the community, state or nation; or
 - (7) Contains elements of design, detail, materials, or craftsmanship which represents a significant innovation; or
 - (8) Is part of or related to a square or other distinctive elements of community planning; or

ARTICLE 2 | PERMITS & ADMINISTRATION

- (9) Represents an established and familiar visual feature of the neighborhood or community; or
 - (10) Has yielded, or may be likely to yield, information important to pre-history or history.
- B. The recommendation for the designation of individual sites or districts shall be transmitted to the Planning Commission and Town Council. Such designation shall be considered an overlay zoning district (Historic Overlay District) and the Planning Commission or Town Council, pursuant to a recommendation from the ARB, may initiate the procedure for a zoning map amendment as provided in this article.
- C. The designation (rezoning) of properties as a Historic District does not supplant the zoning or use requirements of the underlying district; however, such designation does thereafter require an affected property to comply with the provisions of this division.

SECTION 153.247 SUPPLEMENTAL DESIGN GUIDELINES

- A. **Supplemental Guidelines Authorized.** The ARB may prepare supplemental guidelines (in addition to those contained within this division) for the rehabilitation, repair, and demolition of historic structures and the requirements for new construction within the designated Historic Overlay District. The ARB may recommend to the Planning Commission and Town Council the adoption of such guidelines. The adoption of supplemental guidelines, whether set out in full within this chapter or adopted by reference, shall be considered a text amendment and shall follow the procedures specified by this article.
- B. The following supplemental guidelines are adopted by reference:
- (1) “Approved Color Palette and Review Process” (Ord. 2017-02, Exhibit B).

SECTION 153.248 CERTIFICATE OF APPROPRIATENESS (COA)

- A. **COA Required.** A certificate of appropriateness is required before a zoning permit can be issued for the demolition, new construction, alteration, modification, or addition to any primary or accessory building, parking lot, or sign within the Historic Overlay District. Any zoning permit not issued in conformity with this division shall be considered void.
- B. **Application.** An application for a COA shall be obtained from and filed with the Zoning Administrator on forms approved by the ARB. The ARB shall, in its rules of procedure, require information and/or exhibits that are reasonable and necessary to determine the nature of the application. An application shall not be considered complete until all the required information and/or exhibits have been submitted and the fee, prescribed by this chapter, has been paid.
- C. **Hearing by ARB.** Once an application for a COA has been filed, the ARB shall hold a duly noticed public hearing on the request within a reasonable time, as established in the rules of the ARB. At the hearing, any party may appear in person or by agent or attorney. Public notice of all hearings before the ARB shall be provided by publication in a newspaper of general circulation within the Town at least fifteen days in advance of the hearing. In addition, notice of the hearing shall be provided to the parties in interest and all adjoining property owners to the request by certified mail no less than fifteen days in advance of the hearing. As part of the application, the applicant shall provide and certify the names and addresses of all adjoining property owners to the request as listed in the Williamsburg County Tax Assessor’s Office.

ARTICLE 2 | PERMITS & ADMINISTRATION

- D. **Decisions of the ARB.** The ARB shall issue a decision within a reasonable time, not to exceed thirty days following the hearing. Board members must be present to vote. All final decisions and orders of the ARB must be in writing and be permanently filed in the office of the Zoning Administrator as a public record. The review and decision of the ARB shall be based on the application of the design guidelines contained in this division. In rendering a decision to approve, approve with modifications, or deny a requested COA, the ARB shall separately state its conclusions and findings of fact which shall be delivered to the parties in interest by certified mail.
- E. **Time Limits on Action.** If the ARB fails to act within thirty days of the hearing, the application shall be considered approved, except:
- (1) Where the thirty day time limit is extended by mutual agreement, or
 - (2) In cases of demolition. In cases of demolition, the ARB may postpone a decision for 180 days to allow the identification of rehabilitation funding sources, including low interest loans or grants, or to identify other community resources that may be available to assist a property owner in the preservation of a building.

SECTION 153.249 ACTIVITIES EXEMPT FROM COA REQUIREMENT

A certificate of appropriateness shall not be required for the ordinary maintenance or repair of any exterior architectural feature when that repair does not involve a change in design, material, color, or outer appearance of the structure. The ARB shall not consider, and no COA shall be required, for the interior arrangements or alterations to the interior of a building unless the interior of a public building or public space of a private building is specifically described and designated as historic. A COA shall not be required for activities specifically exempted by this chapter or otherwise exempted by supplemental guidelines adopted pursuant to §153.247. Determinations on the applicability of this provision shall be made by the Zoning Administrator and shall be subject to appeal as provided in §153.252.

SECTION 153.250 COA DESIGN GUIDELINES AND REVIEW CRITERIA

- A. **Intent.** It is the intent of this division to ensure, insofar as possible, that the properties designated as historic shall be in harmony with the architectural and historic character of the Town of Kingstree. In granting a certificate of appropriateness, the Architectural Review Board shall take into account the architectural and historic significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.
- B. **Secretary of the Interior's Standards for Rehabilitation.** When considering an application for a COA for new construction, alteration, repair, or restoration, the ARB shall use the Secretary of the Interior's Standards for Rehabilitation and any additional criteria as provided herein in making its decisions. These guidelines serve as the basis for determining approval, approval with modifications, or denial of an application. The Secretary of Interior's Standards for Rehabilitation are:
- (1) A property will be used as it was historically or be given a new use that requires minimal changes to its distinctive materials, features, spaces, and spatial relationships;
 - (2) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterized a

ARTICLE 2 | PERMITS & ADMINISTRATION

- property will be avoided;
- (3) Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, will not be undertaken;
 - (4) Changes to the property that have acquired historic significance in their own right will be retained and preserved;
 - (5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved;
 - (6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacements of missing features will be substantiated by documentary or physical evidence;
 - (7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used;
 - (8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken;
 - (9) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportions, and massing to protect the integrity of the property and its environment; and
 - (10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- C. Demolition and Exterior Alterations. In its consideration of any application to demolish in whole or in part, remove, or alter the exterior appearance of any existing structure, the ARB shall primarily consider:
- (1) The historic architectural and aesthetic arrangement;
 - (2) Color schemes;
 - (3) The composition or features;
 - (4) Relationship between such structures and the surrounding area; and
 - (5) The use of the structure and its importance to the core commercial district.
- D. New Construction and Major Renovations. In its consideration of an application for new construction or major renovations, the ARB will primarily consider:
- (1) Character and appropriateness of design;
 - (2) Scale;
 - (3) Texture;
 - (4) Materials; and
 - (5) Relationship of design elements to similar features of structures in the surrounding areas.
- E. Signage. In consideration of an application to create or alter a sign, the ARB will primarily consider:
- (1) Character and appropriateness of the design;
 - (2) Scale;
 - (3) Texture;
 - (4) Materials;
 - (5) Relationship of design elements to similar features of structures in surrounding areas; and
 - (6) Color schemes.

ARTICLE 2 | PERMITS & ADMINISTRATION

F. General Material and Items Not Allowed. The following are not allowed in the historic district:

- (1) Mirrored or tinted glass;
- (2) Chain link fencing;
- (3) Backlit or moving signs; and
- (4) Outdoor vending machines.

G. Mechanical Areas. Service yards, garbage containers, and the like must be fully screened from view with an opaque surface which is in keeping with the overall design of the building or site.

SECTION 153.251 SUBSTANTIAL HARDSHIP

In the event a certificate of appropriateness is denied, the property owner may apply for an exemption based on the substantial hardship of maintaining the property according to the design guidelines for historic properties. An exemption may be granted by the ARB where one or more of the following unusual and compelling circumstances exist:

- (1) The property cannot reasonably be maintained in the manner dictated by this chapter; or
- (2) There are no other reasonable means of saving the property from deterioration or collapse.

SECTION 153.252 APPEALS FROM DECISIONS OF THE ZONING ADMINISTRATOR

- A. Appeals from decisions of the Zoning Administrator in the enforcement of this division may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town or County. Such appeals shall be taken within fifteen calendar days of notification of the order, requirement, decision, or determination from which the appeal is sought. An appeal is perfected by filing a notice of appeal on a form prescribed by the ARB. The notice of appeal shall be filed with the Zoning Administrator from whom the appeal is taken and the secretary of the ARB, accompanied by the applicable appeal fee in an amount as set by this chapter. The notice of appeal shall identify the decision of the Zoning Administrator that is being appealed and state the grounds of the appeal. The Zoning Administrator from whom the appeal is taken shall forthwith transmit to the ARB all the papers constituting the record upon which the action appealed from was taken.
- B. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the ARB, 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 such case, proceedings may not be stayed other than by a restraining order which may be granted by the board or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.
- C. Once an appeal has been filed, the ARB shall hold a duly noticed public hearing on the request within a reasonable time, as established in the rules of the ARB. At the hearing, any party may appear in person or by agent or attorney. Public notice of all hearings before the ARB shall be provided by publication in a newspaper of general circulation within the Town at least fifteen days in advance of the hearing. The ARB shall issue a decision within a reasonable time, as established in the rules of the ARB. Board members must be present to vote. All final decisions and orders of the ARB must be in writing and be permanently filed in the office of the Zoning Administrator as a public record. In rendering a decision on an appeal, the ARB shall separately state its conclusions and findings of fact

ARTICLE 2 | PERMITS & ADMINISTRATION

which shall be delivered to the parties of interest by certified mail.

SECTION 153.253 APPEAL TO CIRCUIT COURT

A person who may have a substantial interest in any decision of the ARB or any officer or agent of the Town of Kingstree may appeal a decision of the ARB to the Williamsburg County Circuit Court, 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 days after the decision of the ARB is mailed. Appeals from the decision of the ARB are to proceed subject to the provision of S.C. Code §§ 6-29-890 through 940.

SECTION 153.254 [RESERVED]

DIVISION FIVE: AMENDMENTS

SECTION 153.255 AUTHORITY TO AMEND CHAPTER

When the public necessity, convenience, general welfare, or good zoning practice justify such action, and after the required review and report by the Planning Commission, the Kingstree Town Council may, from time to time, amend, supplement, or change by ordinance the boundaries of the zoning districts or the regulations herein established.

SECTION 153.256 INITIATION OF AMENDMENT

Amendments may be initiated as follows:

- (1) An amendment to the zoning map (rezoning) may be initiated by the Town Council; the Planning Commission; the Town Manager; or by the owner of such property for which an amendment is sought.
- (2) An amendment to this chapter's text may be initiated by the Town Council; Planning Commission; the Town Manager; or, in the case of an application for a Planned Development, by the owner of such development.

SECTION 153.257 APPLICATION FOR AMENDMENT

Application forms for amendment requests shall be obtained from the Zoning Administrator. When the amendment involves a change in the zoning text, the authority or person initiating the amendment shall set forth in full, by resolution or application, the proposed text to be considered.

When the amendment involves a change in the zoning district map, the applicant shall submit the following:

- (1) A legal description and street address of the subject property, together with a property boundary map if the subject property is not explicitly delineated on the Town map;
- (2) Name, address, and phone number of the applicant;
- (3) Name of property owner(s) and applicant's interest in the property if not the owner in fee simple;
- (4) Filing date of application;
- (5) Applicant's and owner's signature;

ARTICLE 2 | PERMITS & ADMINISTRATION

- (6) Names and addresses of all owners of property adjoining the property being requested to be rezoned. The applicant shall rely on the records contained in the Williamsburg County Tax Assessors Office in providing this information;
- (7) Any additional information deemed pertinent by the applicant to justify the request for rezoning; and
- (8) An application fee, as established by this chapter, to cover administrative costs.

Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until such request is made in the form required and an application fee has been paid. All applications for amendment shall be submitted to the Zoning Administrator for processing. The Zoning Administrator shall review the application as to proper form, and then shall submit all papers and other data tendered by the applicant to the Planning Commission for a public hearing, review, and recommendation to the Town Council.

SECTION 153.258 PUBLIC HEARING SCHEDULING; NOTICE

- A. A public hearing shall be scheduled by the Planning Commission to be held not more than forty-five days after the filing of the amendment's application with the Zoning Administrator. For all proposed amendments, notice of the time and place of the hearing shall be published in a newspaper of general circulation in the Town at least fifteen days in advance of the scheduled public hearing date. Any person(s) or groups that have expressed in writing, to the Zoning Administrator, an interest in being informed of zoning proceedings shall be mailed notice of such meeting not less than fifteen days before the public hearing.
- B. In cases involving a zoning map amendment, conspicuous notice shall be placed on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. The notice shall be posted at least fifteen days prior to the public hearing. A letter of notification to each adjoining property owner to the subject property shall be mailed by the Zoning Administrator no less than fifteen days prior to the hearing date. The letter shall contain information adequate to notify such owners and residents of the intention to rezone the area for which the application is submitted and when and where the public hearing will be held before the Planning Commission. In addition, in cases where a zoning map amendment is initiated by the Town Council or Planning Commission, written notice shall be provided to the property owner(s), whose parcel is the subject of the rezoning consideration, no less than thirty days in advance of the public hearing.

SECTION 153.259 HEARING BY PLANNING COMMISSION

Before the Town Council may enact an amendment to this chapter, the Planning Commission shall hold a public hearing thereon. All meetings and hearings of the Planning Commission shall be open to the public. At the hearing, oral and written comments may be submitted to the Planning Commission by the applicant or any other interested member of the public, including owners of adjoining property. Any party may appear in person or by agent or by attorney.

SECTION 153.260 PLANNING COMMISSION RECOMMENDATION

The Planning Commission shall have thirty days following the public hearing within which to submit its recommendation and report to the Town Council. The report submitted to the Town Council shall contain a summary of all significant issues or concerns presented at the public hearing. Factors to be considered by the Planning Commission in making a recommendation include, but shall not be limited to, the following:

ARTICLE 2 | PERMITS & ADMINISTRATION

- (1) Whether or not the requested zoning change is consistent with the Comprehensive Plan or is justified by an error in the original ordinance;
- (2) The precedents, and the possible effect of such precedents, which might result from approval or denial of the application;
- (3) Whether the uses permitted by the proposed change would be appropriate in the area concerned; and
- (4) The capacity of the Town or other government agencies to provide additional services, facilities, or infrastructure that might be required if the application was approved.

If the Planning Commission fails to submit a recommendation within the thirty day period, as prescribed by this section, it shall be deemed to have recommended approval of the requested amendment.

SECTION 153.261 ACTION BY TOWN COUNCIL

The Planning Commission shall promptly transmit its recommendation to the Town Council. For each amendment request, the Town Council shall consider the recommendation of the Planning Commission; however, Town Council is not bound by the recommendation in making a final decision. All amendments, changes, or supplements to the zoning map or zoning text must be adopted by the Town Council as an ordinance in accordance with S.C. Code §5-7-270. If a requested amendment is denied, such action shall be by resolution. If the Town Council fails to take action on a requested amendment within 365 days of an application’s public hearing, the requested amendment shall be deemed to have been rejected and no other action by the Town Council is required.

SECTION 153.262 LIMITATION ON REAPPLICATION

Except for requests that are continued with the mutual consent of the applicant and the Planning Commission, a property owner or owners shall not initiate action for a zoning map amendment affecting the same parcel of property, or any part thereof, more often than once every twelve months.

SECTIONS 153.263 through 153.264 [RESERVED]

DIVISION SIX: FEES

SECTION 153.265 FEES ESTABLISHED

In order to defray a portion of the costs incurred in the administration and enforcement of this chapter, the following review and permitting fees are hereby established:

- | | | |
|-----|------------------------------------|-----------|
| (1) | Zoning Permit (including signs): | \$ 15.00 |
| (2) | Certificate of Zoning Compliance: | No charge |
| (3) | Site Plan Review Fee (expedited): | No charge |
| (4) | Site Plan Review Fee (§153.224.C): | \$ 75.00 |
| (5) | Variance or Special Exception: | \$100.00 |

ARTICLE 2 | PERMITS & ADMINISTRATION

(6)	Appeals (BZA or ARB):	\$100.00
(7)	Zoning Map Amendment:	\$100.00
(8)	Planned Development	\$125.00
(9)	Certificate of Appropriateness	\$ 15.00

SECTION 153.266 COORDINATION AND PAYMENT OF ALL FEES

Activities and uses regulated by this chapter may require the payment of certain fees pursuant to other chapters of this code or other ordinances adopted by Town Council. These fees may include, but not be limited to, fees incurred for review and inspections under the building code, water and sewer tap fees, and business license fees. The Zoning Administrator shall coordinate the issuance of permits, under this chapter, with other departments of the Town to ensure compliance and, when practicable, the concurrent payment of fees.

SECTIONS 153.267 through 153.269 [RESERVED]

DIVISION SEVEN: ENFORCEMENT

SECTION 153.270 VIOLATION DECLARED TO BE MISDEMEANOR

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or land or permit the same to be done in violation of this chapter. A violation of this chapter or any ordinance or resolution adopted pursuant to the provisions of this chapter is hereby declared to be a misdemeanor under the laws of the state, and upon conviction thereof, an offender shall be punished at the discretion of the court. Each day such violation continues shall be deemed a separate offense.

SECTION 153.271 STOP ORDERS; OTHER REMEDIES FOR VIOLATION

- A. In cases where a building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any ordinance or resolution adopted pursuant to this chapter, the Zoning Administrator shall be permitted to order such use discontinued and the structure, parcel of land, or portion thereof vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Zoning Administrator after receipt of such notice to make the structure, parcel of land or the portion thereof, comply with the requirements of this chapter.

- B. The Zoning Administrator or other appropriate administrative officer, the town’s attorney, or any adjacent or neighboring property owner who would be damaged by such violation, may in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land.

ARTICLE 2 | PERMITS & ADMINISTRATION

C. Nothing contained in this section shall prevent the town from taking such other lawful action as necessary to prevent or remedy any violation.

SECTIONS 153.272 through 153.299 [RESERVED]

ARTICLE 3 | DISTRICT REGULATIONS

SECTION 153.300 ZONING DISTRICTS ESTABLISHED

In order to classify, regulate, and restrict the locations of uses and locations of buildings designated for specific areas and to regulate and determine the areas of yards, courts, and other open spaces within or surrounding such buildings, property is hereby classified into the following districts:

CP	Conservation Preservation
FA	Forest and Agriculture
R-10	Low Density Residential, Single Family
R-8	Medium Density Residential, Two Family
R-6	High Density Residential, Multi-Family
R-6R	High Density Residential, Multi-Family (Restricted)
CC	Core Commercial
HC	Highway Commercial
OC	Office Commercial
LI	Limited Industrial PD Planned Development

The individual districts may be cited by full title, e.g. Conservation Preservation District, or by abbreviated reference, e.g. CP.

SECTION 153.301 DISTRICT INTENT

The districts created by this article are intended to advance the purposes of this chapter as stated in the preamble. Individually, each district is designed and intended to accomplish the following specific objectives:

Conservation/Preservation District (CP): It is the intent of this district to preserve and control development within certain land, swamp, and/or water areas of the Town which serve as wildlife habitats, flood plains, possess great natural beauty, possess historical significance, or serve as needed open space for the health and general welfare of the Town's inhabitants. The regulations which apply within this district are designed to reserve such areas for the purpose outlined herein and to discourage any encroachment by residential, commercial, industrial, or other uses capable of adversely affecting the relatively undeveloped character of this district.

Forest/Agriculture District (FA): It is the intent of this district to encourage the development and continuance of farming such as the cultivating of crops, forest management, and horticultural nurseries and to discourage any encroachment by residential, commercial, industrial, or other uses capable of adversely affecting the practice of general farming activities.

Low Density Residential, Single Family District (R-10): It is the intent of this district to provide areas for livable low density residential development and to discourage the encroachment of commercial, industrial, or other uses capable of adversely affecting the residential character of this district.

Medium Density Residential, Two-Family District (R-8): It is the intent of this district to provide areas for livable medium density residential development and to discourage the encroachment of commercial, industrial, or other uses capable of adversely affecting the residential character of this district.

ARTICLE 3 | DISTRICT REGULATIONS

High Density Residential, Multi-Family District (R-6): It is the intent of this district to provide areas for livable high density residential development and to discourage the encroachment of commercial, industrial, or other uses capable of adversely affecting the residential character of this district.

High Density Residential, Multi-Family District (Restricted) (R-6R): It is the intent of this district to provide areas conducive to high density residential development where, due to the prevailing lot size, property arrangements, and/or aesthetic considerations, the use of manufactured housing is inappropriate. This district utilizes similar use and dimensional standards as the R-6 district; however, manufactured home placements are prohibited.

Core Commercial District (CC): It is the intent of this district to establish an area for concentrated general business development that the general public requires. These regulations are designed to protect the essential characteristics of the district by promotion of business and public uses which serve the general public and to discourage industrial and wholesale developments which do not lend themselves to pedestrian traffic.

Highway Commercial District (HC): It is the intent of this district to establish areas adjacent to highways for general business and to encourage the grouping of compatible business activities in which adequate off-street parking is provided and traffic congestion is minimized.

Office Commercial District (OC): The purpose of the Office Commercial District is to create and protect areas for general office uses and similar establishments. The regulations which apply within the district are designed to provide a transition area between areas designated for general business and residential areas, to reduce traffic congestion, to avoid the development of “strip” business districts, and to discourage industrial uses and other development capable of adversely affecting the office character of the district.

Neighborhood Commercial District (NC): It is the intent of this district to provide for the establishment of needed commercial developments designed to serve the surrounding residential neighborhoods and to minimize any adverse impacts on surrounding property.

Limited Industrial District (LI): It is the intent of this district to provide areas for limited industrial uses which are not specifically objectionable to surrounding properties in terms of noise, odor, fumes, etc., and to encourage the formation and continuance of a compatible environment for uses generally classified to be limited industrial in nature.

SECTION 153.302 OFFICIAL ZONING MAP

- A. The boundaries of the zoning districts established by this chapter are shown on the official zoning map entitled the “Zoning Map of the Town of Kingstree, South Carolina”. This map shall be identified by the signature of the mayor, attested by the town clerk, and maintained at town hall. The official zoning map and all amendments, certifications, citations and other matters entered on to the official zoning map are hereby made a part of this chapter and have the same legal effect as if fully set out herein. No changes of any nature shall be made to the official zoning map or matters shown thereon except in conformity with the procedures set forth by this chapter.
- B. Where uncertainty exists as to the boundaries of districts shown on the official zoning map, the following rules shall apply:

ARTICLE 3 | DISTRICT REGULATIONS

- (1) Boundaries indicated as approximately following the center lines of streets, highways, alleys, or public utility easements shall be construed to follow such lines.
- (2) Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.
- (3) Boundaries indicated as approximately following the town limit line shall be construed as following such town limit.
- (4) Boundaries indicated as following the center lines of natural barriers such as rivers and streams, shall be construed to follow such center lines.
- (5) If distances are not specifically indicated on the official zoning map, or if other circumstances are not addressed by parts (1) through (4) above, the boundaries shall be determined by the use of the scale of such map.
- (6) All questions involving district boundaries, as illustrated on the official map, shall be submitted to the Zoning Administrator for a determination. Any appeal of a determination of the Zoning Administrator is made to the Board of Zoning Appeals as provided by this chapter.

ARTICLE 153.303 ANNEXED TERRITORY

Any territory hereafter annexed shall automatically, upon such annexation, be classified as an R-10 district and be subject to all conditions and regulations applicable to property in such district.

ARTICLE 153.304 BULK AND DIMENSIONAL STANDARDS

Parcels within the individual districts created by this chapter are subject to bulk and dimensional standards including, but not limited to, lot size, lot width, setbacks and required yards, building height, and coverage maximums. These bulk and dimensional standards are prescribed in Table 153-304A and are the minimum standards for the Town's zoning districts. Where the use conditions prescribed by Article 4 or other provisions of this chapter establish more restrictive dimensional standards than those found in Table 153.304A, the more restrictive standard shall apply.

ARTICLE 3 | DISTRICT REGULATIONS

Table 153.304A District Dimensional Standards ⁽¹⁾⁽²⁾										
STANDARDS	DISTRICTS									
	CP	FA	R-10	R-8	R-6 & R-6R	CC	HC	OC	NC	LI
Minimum Lot Area (in square feet unless specified in acres)										
Single Family (detached)		5 Acres	10,000	8,000	6,000		10,000	11,500	10,000	
Single Family (attached)				6,000	4,500					
Two-Family (Duplex) or Single Family (detached) with Accessory Unit				12,000	9,000		10,000			
Multi-Family					See §153-305	See §153-305	See §153-305			
Planned Group Dwellings					See §153-305					
Nonresidential Lots or Uses	None	5 acres ⁽³⁾	20,000	16,000	12,000	2,500	10,000	11,500	10,000	1 acre ⁽⁶⁾
STANDARDS	DISTRICTS									
	CP	FA	R-10	R-8	R-6 & R-6R	CC	HC	OC	NC	LI
Minimum Lot Width (in feet) ⁽¹⁾										
Single Family (detached)		150	80	65	60		80	70	80	
Single Family (attached)				40	35					
Two-Family (Duplex) or Single Family (detached) with Accessory Unit				80	80					
Multi-Family					100	25	80			
Planned Group Dwellings					100					
Nonresidential Lots or Uses	None	150	150	100	100	25	80	70	80	150 ⁽⁶⁾

ARTICLE 3 | DISTRICT REGULATIONS

Table 153.304A (continued)

District Dimensional Standards ⁽¹⁾⁽²⁾

STANDARDS	DISTRICTS									
	CP	FA	R-10	R-8	R-6 & R-6R	CC	HC	OC	NC	LI
Minimum Yard Setback (in feet) ⁽¹⁾										
Front Yard	None	100	30	25	20 ⁽⁴⁾	None	40	25	40 ⁽⁵⁾	50
Rear Yard	None	50	20	10	10 ⁽⁴⁾	None ⁽⁷⁾	20	15	20	30
Side Yard	None	50	10	10	10 ⁽⁴⁾	None ⁽⁷⁾	10	10	10	20 ⁽⁶⁾
Build to Line (Front) (in feet)						0 to 3				
Maximum Building Height (in feet)	None	None	35	35	35	35	35	35	35	35
Maximum Building Stories	None	None	2.5	2.5	3	3	3	2.5	2.5	3
Maximum Building Coverage (in percent)	None	None	35%	40%	45%	None	None	45%	45%	None

Table Notes:

- (1) The “Use Conditions” contained within Article 4 prescribe greater dimensional standards for select uses.
- (2) The term “None” within a block means that no minimum or maximum standard has been prescribed for the district.
- (3) In the FA District, the minimum lot size requirement for Produce Stands is one acre.
- (4) Setback requirements for multi-family and planned group dwellings in the R-6 and R-6R districts are front yard –fifty(50) feet, rear yard – thirty (30) feet, and side yard – twenty(20) feet.
- (5) In the NC District, the front yard setback for single family dwellings (detached) is thirty (30) feet.
- (6) In the LI District, the minimum lot size for non-industrial uses is 20,000 square feet. The minimum lot width for permitted non-industrial uses is 100 feet. The side yard setback for permitted non-industrial uses is ten (10) feet.
- (7) When the side or rear lot line is contiguous with any residential zoning district, the rear and side yard requirements of the contiguous residential district shall apply.

SECTION 153.305 DENSITY AND LOT AREA STANDARDS (MULTI-FAMILY)

- A. In all districts permitting a multi-family residential use, the number of dwelling units per lot shall not exceed a density of one unit per every 2,500 square feet of lot area.
- B. In the R-6 and R-6R districts, the number of group dwelling units permitted per lot shall not exceed a density of one single-family detached dwelling per every 6,000 square feet of lot area, one two-family dwelling per every 8,000 square feet of lot area, and one multi-family dwelling unit per every 2,500 square feet of lot area. In administering this provision, the lot area required is cumulative by residential unit type.

SECTION 153.306 HISTORIC OVERLAY DISTRICT

- A. **Purpose and Intent.** The Town of Kingstree contains several historic building and properties. The protection and preservation of this resource are important goals of the Comprehensive Plan, as these significant buildings and sites help to define the physical and aesthetic character of the town. The purpose of the Historic Overlay District [‘historic district’] is to allow for the thoughtful rehabilitation of existing structures and to help ensure that new construction is compatible with adjacent historic

ARTICLE 3 | DISTRICT REGULATIONS

buildings and sites. It is the hope of the Town of Kingstree that by encouraging a general harmony of style, form, proportion, and material between buildings of historic design and those of contemporary design, the Town of Kingstree's historic buildings will continue to be a distinctive aspect of the town and will serve as a visible reminder of the significant historical and cultural heritage of the Town of Kingstree and the State of South Carolina.

- B. **Effect of the Overlay District.** The historic district designation is intended to supplement, and not supplant, the zoning designation available to the property as listed in §153.300. The historic district is an overlay zone and, within that overlay, special design standards apply. The requirements of the underlying zoning district (§153.300) also apply. The boundaries of the historic district shall be denoted on the official zoning map.
- C. The Town Council may designate an individual property or groups of properties to be within an historic district. The designation of properties, the removal of property from an existing district, or other changes to the boundaries of an existing district constitute a zoning map amendment and shall follow the procedures contained within Article 2 of this chapter.
- D. **Special Design and Review Standards.** Properties within the historic district are subject to special design and review standards. These standards are provided in Article 2, Division Four of this chapter.

SECTIONS 153.307 through 153.399 [RESERVED]

ARTICLE 4 | USE REGULATIONS

SECTION 153.400 CLASSIFICATION OF USES

It is recognized that various types of land uses will develop and that different forms of land uses will seek to locate within the Town. In order to provide for this occurrence, a determination of the appropriate classification for all uses of land shall be made as follows:

- (1) All questions concerning the classification of uses shall be referred to the Zoning Administrator for an interpretation of this chapter. The referral of the use classification question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, storage and the amount thereof, anticipated employment, types of products, transportation requirements, and any additional information determined necessary by the Zoning Administrator to classify the proposed use.
- (2) The Zoning Administrator shall consider the nature and described performance of the proposed use and may assign a use classification descriptive of the use from Table 153.402 “Schedule of Uses” or assign a use classification as is otherwise specifically provided by this chapter.
- (3) Appeals from the determinations of the Zoning Administrator are made to the Board of Zoning Appeals pursuant to §153.233 of this chapter.
- (4) If the Zoning Administrator or the Board of Zoning Appeals, operating under parts (2) and (3) above, determines that a described use does not appear within this chapter, the Zoning Administrator or the Board of Zoning Appeals shall transmit a copy of the determination to the Planning Commission and Town Council. The Planning Commission or Town Council may initiate a text amendment to classify the proposed use.
- (5) Any use which does not appear within this chapter shall be determined to be a Use Not Allowed within the Town of Kingstree.

SECTION 153.401 USE TYPES

Within each zoning district, a use is either a Use Permitted by Right, a Conditional Use, a Special Exception Use, or a Use Not Allowed.

§153.401.1 P USES PERMITTED BY RIGHT

A “P” in the zoning district column of Table 153.402 indicates that a use is permitted in the respective zoning district, subject to compliance with all other applicable regulations of this chapter.

§153.401.2 C CONDITIONAL USES

A “C” in the zoning district column of Table 153.402 indicates that a use is allowed in the respective zoning district only if it complies with use-specific conditions and all other applicable regulations of this chapter. A cross-reference to the applicable use-specific conditions can be found in the “Special Conditions” column of Table 153.402.

ARTICLE 4 | USE REGULATIONS

§153.401.3



SPECIAL EXCEPTION USES

An “S” in the zoning district column of Table 153.402 indicates that a use is allowed only if reviewed and approved by the Board of Zoning Appeals in accordance with the special exception procedures of this chapter. In addition, special exception uses are subject to compliance with the use-specific conditions and all other applicable regulations of this chapter. A cross-reference to the applicable use-specific conditions can be found in the “Special Conditions” column of Table 153.402.

§153.401.4



USES NOT ALLOWED

A blank cell in the zoning district column of Table 153.402 indicates that a use is not allowed in the respective zoning district, unless said use is otherwise expressly allowed by other provisions within this chapter.

SECTION 153.402 USE TABLE

Uses shall be allowed within the zoning districts of this chapter in accordance with Table 153.402 “Schedule of Uses”.

Table 153.402 Schedule of Uses											
KEY: P = Permitted by Right C = Conditional Use S = Special Exception Blank Cell = Use Not Allowed											
Use Classifications	Districts										Special Conditions
	CP	FA	R-10	R-8	R-6 & R-6R	CC	HC	OC	NC	LI	
Residential Uses											
Single-Family Dwelling, Detached		P	P	P	P		P	P	P		
Single Family, Attached (Townhouses or Row Houses)				S	S						§153.403.45
Single-Family Dwelling (watchman or caretaker)										C	§153.403.46
Two-Family Dwelling, Attached (Duplex)				P	P		P				
Garage Apartment				P	P						
Planned Group Dwelling					P						
Multi-Family Dwelling					P	C	S				§153.403.23
Congregate Residence					S	S	S				§153.403.12
Manufactured Home					See Note						§153.403.22
Mobile Home											
Manufactured Home Park											
Modular Home		P	P	P	P		P	P	P		
Home Occupation		C	C	C	C		C	C	C		§153.403.15
Short Term Rental			S	C	C						§153.403.44

ARTICLE 4 | USE REGULATIONS

Use Classifications	Districts										Special Conditions
	CP	FA	R-10	R-8	R-6 & R-6R	CC	HC	OC	NC	LI	
Agriculture and Conservation Uses											
Agriculture and Horticulture, noncommercial but not including the keeping of poultry or livestock	P	P	P	P	P	P	P	P	P	P	
Barns, agricultural		C									§153.403.05
Farms, Nurseries or other establishments for the growing, care, and handling of field crops		P									
Farms, tree	P	P									
Fire Towers	P	P									
Open Space	P	P									
Poultry or livestock facilities and enclosures		C									§153.403.26
Produce Stands, Markets, and Shelters		C					P				§153.403.31
Civic, Governmental, and Institutional Uses											
Assisted Living Facility					C	C	C				§153.403.01
Cemeteries			C, S	C, S	C, S		P	C, S	C, S		§153.403.06
Churches and Religious Uses			C, S	C, S	C, S		P	C, S	C, S		§153.403.06
Convalescent Centers and Nursing Homes				C, S	C, S	C		C, S	C, S		§153.403.06
Educational Facilities			C, S	C, S	C, S		P	C, S	C, S		§153.403.06
Fraternal Organizations				C, S	C, S			C, S	C, S		§153.403.06
Group Care Facility							S				§153.403.14
Hospitals							P				
Public Buildings and uses (Office type)				C, S	C, S	P	P	P	P	P	§153.403.32
Public Buildings and uses (Safety Services)	S	S	S	S	C, S	P	P	C, S	C, S	P	§153.403.32
Public owned and operated building, facility or land, including courts of law, correctional institutions or jails, parole or probation offices						S	S			P	§153.403.33
Rehabilitation Center							S				§153.403.14
Commercial, Office, and Professional Uses											
Animal Hospitals or veterinary clinics							P				
Automobile sales and service and washing establishments, excluding automobile junk yards.							P				
Automotive Repair, Major							P			P	
Automotive Repair, Minor							P			P	
Automotive Self-Service Station (Convenience Store)							P		P		

ARTICLE 4 | USE REGULATIONS

Use Classifications	Districts										Special Conditions
	CP	FA	R-10	R-8	R-6 & R-6R	CC	HC	OC	NC	LI	
Commercial, Office, and Professional Uses (Continued)											
Automotive Service Station							P				
Bakeries						C	P		C		§153.403.02
Banks and other financial institutions						P	P				
Bar or Lounge (Alcoholic Beverage), including Taverns, Cocktail Lounges, or Clubs						S	S				§153.403.03
Barber and Beauty shops						P	P		P		
Bed and Breakfast, Limited Use			S	S	C		C	C	C		§153.403.04
Bed and Breakfast Inn					S		C	C	C		§153.403.04
Boarding House					P		P	P	P		
Boat sales and service							P			P	
Book Stores						P	P	P	P		
Building Supplies and Equipment							P			P	
Bus and Train Stations						P	P				
Business offices such as bookkeeping services, couriers, insurance offices, personnel offices, real estate, secretarial services and similar uses excluding retail and wholesale sales						P	P	P	P		
Cold Storage and Freezer Lockers							P				
Day Care (Family)			C	C	C		C	C	C		§153.403.13
Day Care (Group)			C, S	C, S	C, S		P	C, S	C, S		§153.403.06
Eating and drinking establishments with drive-in facilities							P				
Eating and drinking establishments, excluding drive-in facilities						P	P				
Farm Equipment sales and service							P			P	
Funeral Homes							P				
Hotels and Motels						P	P				
Kennel							P				
Laundry and dry cleaning establishments						P	P				
Laundromats, laundry and dry cleaning pickup stations							P		P		
Liquor or Package Stores							C				§153.403.21
Manufactured homes sales lots and offices							P				

ARTICLE 4 | USE REGULATIONS

Use Classifications	Districts										Special Conditions
	CP	FA	R-10	R-8	R-6 & R-6R	CC	HC	OC	NC	LI	
Commercial, Office, and Professional Uses (Continued)											
Parking Lots (principal use)						P	P				
Passenger Transport and Dispatch Facilities							C	C		C	§153.403.25
Printing establishments						P	P				
Professional offices such as accountants, architects, dentists, doctors, engineers, lawyers, and similar uses						P	P	P			
Radio and Television Stations, not including transmission towers						P	P				
Repair shops, excluding automotive						P					
Retail Stores including stores retailing antiques, auto accessories, appliances, clothing, drugs, dry goods, flowers, foods (including bakeries where products are sold exclusively at retail on premises), beverages, furniture, gifts, hardware, hobby and craft supplies, jewelry, leather goods, notions, office equipment and supplies, paint and wallpaper, pets, seeds and feeds.						P	P				
Retail stores including stores retailing antiques, auto accessories, clothing, drugs, dry goods, flowers, foods, beverages, furniture, gifts, hardware, hobby and craft supplies, jewelry, leather goods, notions, office equipment and supplies, paint, and wallpaper, and pets						P	P		P		
Shopping Centers							C				§153.403.43
Sexually Oriented Business										C	§153.403.42
Studio for artist, photographer, sculptor or musician						P	P	P	P		
Taxi Stands						P	P				
Recreation and Entertainment Uses											
Amusement Center						P	P				
Boat Landing	P										
Dance Hall, Discotheque						P	P				
Dock or Boat House, private	P										
Dock and non-commercial water oriented facilities, public	P										

ARTICLE 4 | USE REGULATIONS

Use Classifications	Districts										Special Conditions
	CP	FA	R-10	R-8	R-6 & R-6R	CC	HC	OC	NC	LI	
Recreation and Entertainment Uses (Continued)											
Indoor Recreation including bowling alleys, roller-skating or ice skating, billiards, pool, motion picture theaters, and related amusements.						P	P				
Parks and Recreational Uses, (Public or Noncommercial)	S	S	S	S	S	P	P	P	P	P	§153.403.24
Parks, neighborhood and community	P	P	P	P	P	P	P	P	P	P	
Recreational Facility or Use (Passive)	P	P									
Recreational Facility or use (Commercial)(Outdoor Recreation) including golf courses, swimming pools, miniature golf, water parks, amusement parks, and other similar uses							P				
Theaters, drive-in or outdoor							C				§153.403.51
Industrial, Warehousing, and Utility Uses											
Communications Towers										C	§153.403.11
Industrial and processing plants										P	
Meat packing plant										P	
Recycling Centers and Salvage Yards										S	§153.403.34
Recycling Collection, Drop-Off							C	C	C	C	§153.403.35
Self-storage facilities							C			C	§153.403.41
Storage plants, tanks and business										P	
Transportation Terminal										P	
Utility Services, Major	S	S	S	S	S	S	S	S	S	S	§153.403.52
Utility Services, Minor	P	P	P	P	P	P	P	P	P	P	
Wholesale establishments										P	
Wholesale sales and warehouse establishments, excluding open storage							C			P	
Note: Manufactured homes are permitted in the R-6 district as a conditional use. Manufactured homes are not permitted in the R-6R district.											

SECTION 153.403 USE CONDITIONS

In addition to the district and supplemental requirements imposed on lands and uses by this chapter, the following conditions shall apply to uses in any zoning district where a use is allowed as a conditional use or special exception as shown in Table 153.402.

ARTICLE 4 | USE REGULATIONS

§ 153.403.01 ASSISTED LIVING FACILITY

Assisted living facility uses are subject to the density standards of the R-6 and R-6R districts and parking space standards applicable to multi-family residential uses. For the purposes of determining density and parking, each bedroom or two beds, whichever is greater, shall be considered one unit in applying the standards of § 153.305 and Table 153.541A.

§ 153.403.02 BAKERIES

In the Core Commercial District (CC) and the Neighborhood Commercial District (NC), bakeries are allowed provided that goods baked on the premises are sold only at retail on the premises.

§ 153.403.03 BAR OR LOUNGE

Bars and lounges are subject to the following standards:

- (1) Proof of licensure by the State of South Carolina or proof of licensure, pending zoning approval, shall be provided at the time of application for a zoning permit; and
- (2) Any building or structure associated with the use must be located not less than three hundred feet from any residential zoning district. For the purposes of this subsection, 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 the use is conducted, to the nearest boundary line of an R-6, R-6R, R-8, or R-10 district.

§ 153.403.04 BED AND BREAKFAST

- (1) **Bed and Breakfast, Limited Use.** Bed and breakfast, limited uses are subject to the following standards:
 - (a) The resident owner shall maintain a register listing the name, address, and date of occupancy of each overnight guest;
 - (b) The resident owner shall comply with all tax, business license, and revenue collection ordinances of the town and state;
 - (c) Notwithstanding the off-street parking requirements of Table 153.541A, off-street parking shall be provided on the basis of one space per guest room, plus two spaces for the resident innkeeper;
 - (d) The principal structure shall be single-family residential in character and no exterior alterations to the building other than those necessary to meet building and fire codes, property maintenance standards, or assure the safety of the structure shall be allowed for the purpose of accommodating the use;
 - (e) The architectural integrity and arrangement of existing interior spaces shall be maintained, except as may be required to meet building and fire codes or other health, safety, and sanitation requirements. The number of rooms which may be rented shall not exceed the number of bedrooms contained in the original structure; and

ARTICLE 4 | USE REGULATIONS

- (f) Other than occupants of the residence, meals shall only be served to registered guests.
- (2) **Bed and Breakfast Inn.** Bed and breakfast inns are subject to the following standards:
 - (a) The resident owner shall maintain a register listing the name, address, and date of occupancy of each overnight guest;
 - (b) The resident owner shall comply with all tax, business license, and revenue collection ordinances of the town and state;
 - (c) Off-street parking shall comply with the requirements of Table 153.541A;
 - (d) The principal structure shall be single-family residential in character and no exterior alterations to the building other than those necessary to meet building and fire codes, property maintenance standards, or assure the safety of the structure shall be allowed for the purpose of accommodating the use; and
 - (e) Density shall not exceed the density permitted by the underlying zoning district. For the purposes of determining density, each bedroom, excluding rooms occupied by the resident owner and household, shall constitute one unit (see Section 153.305).

§ 153.403.05 BARNs, AGRICULTURAL

Barns and other agricultural accessory structures are allowed provided they are separated from any other principal structure or residential dwelling unit by a distance of at least fifty feet.

§ 153.403.06 CEMETERIES, CHURCHES AND RELIGIOUS USES, CONVALESCENT CENTERS AND NURSING HOMES, DAY CARE (GROUP), EDUCATIONAL FACILITIES, AND FRATERNAL ORGANIZATIONS

Cemeteries, churches and religious uses, convalescent centers and nursing homes, day cares (group), educational facilities, and fraternal organizations are subject to the following standards:

- (a) **Conditional use:** In any residential district permitting the above uses, buildings shall not be placed any closer than fifty feet from the side and rear property lines, a buffer strip must be erected and maintained along the side and rear property lines, and the uses shall only be located on lots having frontage on an arterial or collector street.

In the Office Commercial (OC) or Neighborhood Commercial (NC) districts where any of the above uses are permitted, buildings shall not be placed closer than fifty feet from a rear yard property line, a buffer strip must be erected and maintained along the rear property line, and these uses shall only be located on lots having frontage on an arterial or collector street.

In the Core Commercial District, convalescent centers and nursing homes are allowed provided that a fifty foot building setback and a buffer strip is established from any residential property line.

- (b) **Special exception:** In a residential, office, or neighborhood commercial district permitting any of the above listed uses, a proposed use which does not meet the distance or location

ARTICLE 4 | USE REGULATIONS

requirements of subpart (a), may apply for approval as a special exception provided that any building must be setback at least twenty feet from the side and thirty feet from the rear property line and a buffer strip is erected and maintained along the side and rear property lines.

§§ 153.403.07 through 153.404.10 [RESERVED]

§ 153.403.11 COMMUNICATIONS TOWERS

Communications towers, excluding towers for public safety, towers which federal or state law preempt from local zoning regulations, or the co-location of antennas on existing towers or buildings, are allowed subject to the following standards:

- (1) Notwithstanding the height limitation imposed by the district regulations of Article 3, communications towers may not exceed a height of two hundred feet;
- (2) Communications towers may not be placed any closer to a property line than a distance equal to one and one-half (1 ½) feet for each one foot in height of the proposed tower;
- (3) A six foot (minimum) non-climbable fence must be placed around the tower. Guy wires may be fenced separately; and
- (4) The proposed communication tower may only be illuminated as required by the Federal Communications Commission or Federal Aviation Administration.

§ 153.403.12 CONGREGATE RESIDENCE

Congregate residences are subject to the following standards:

- (1) The use must be located in conjunction with or in addition to an existing or proposed church or other religious use, a college or school, a hospital, or a public building or use; and
- (2) The use is subject to the density standards of the R-6 and R-6R districts. For the purposes of determining density, each bedroom or two beds, whichever is greater, shall be considered one unit in applying the standards of § 153.305.

§ 153.403.13 DAY CARE (FAMILY)

Day Cares (Family) are subject to the standards of § 153.403.15 (Home Occupations) and are limited to no more than six children at any one time within a dwelling, not including members of the family residing on the premises.

§ 153.403.14 GROUP CARE FACILITIES AND REHABILITATION CENTERS

Group care facilities and rehabilitation centers are subject to the following standards:

- (a) The use must be licensed by the State of South Carolina with proof of licensure or licensure pending zoning approval; and

ARTICLE 4 | USE REGULATIONS

- (b) The use is subject to the density standards of the R-6 and R-6R districts. For the purposes of determining density, each bedroom or two beds, whichever is greater, shall be considered one unit in applying the standards of § 153.305.

§ 153.403.15 HOME OCCUPATIONS

Home occupations are allowed as a conditional use, provided the home occupation is clearly and obviously subordinate to the primary residential use of the property. Home occupations are subject to the following standards:

- (a) The home occupation shall not exceed twenty five percent of the floor area of the primary structure;
- (b) Other than those related by blood, marriage or adoption, no more than one person may be employed in the home occupation;
- (c) Inventory and supplies shall not occupy more than fifty percent of the area permitted to be used as a home occupation;
- (d) There shall be no exterior display or storage of goods on said premises;
- (e) Sales and services to patrons shall be arranged by appointment and scheduled so that not more than one patron vehicle is on the premises at the same time;
- (f) Two additional parking spaces shall be provided on the premises, except only one need be provided if the home occupation does not have any employee. Said parking shall comply with the parking requirements of this chapter; and
- (g) The following uses are expressly prohibited as a home occupation: Automotive repair, funeral homes, kennels, sexually oriented businesses, or any use which does not appear within Table 153.402.

Further, no home occupation shall be permitted which creates noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

§§ 153.403.16 through 153.403.20 [RESERVED]

§ 153.403.21 LIQUOR OR PACKAGE STORES

Liquor, beer, or wine sales, for offsite consumption, are allowed in the Highway Commercial District as a conditional use provided that proof of licensure by the State of South Carolina or proof of licensure, pending zoning approval, is provided at the time of application for a zoning permit.

§ 153.403.22 MANUFACTURED HOMES

Manufactured homes are allowed in the R-6 District as a conditional use provided:

- (a) They are located on an individual lot containing no other manufactured home or dwelling unit;

ARTICLE 4 | USE REGULATIONS

- (b) They are constructed and certified to meet the Manufactured Housing Construction and Safety Standards of the Department of Housing and Urban Development;
- (c) The tongue or other similar device must be removed or fenced, blocked, or by other means made not visible from the street;
- (d) Steps meeting the applicable requirements of the International Residential Code (IRC) must be placed at every means of egress/ingress;
- (e) Manufactured homes must be anchored in accordance with the IRC on a permanent foundation and underpinned in a manner which shall completely conceal the undercarriage; and
- (f) The main entrance of the manufactured home shall be parallel to the street or roadway on which the property fronts.

§ 153.403.23 MULTI-FAMILY DWELLINGS

Multi-family dwellings are allowed subject to the following standards:

- (a) Multi-family dwellings located in the Core Commercial and Highway Commercial Districts must be located in combination with permitted commercial uses.
- (b) Multi-family dwellings located in the Highway Commercial District shall not exceed ten (10) dwelling units per lot. A building containing multi-family dwellings shall not be located closer than 100 feet from any other building containing multi-family dwellings.

§ 153.403.24 PARKS AND RECREATIONAL USES (PUBLIC OR NONCOMMERCIAL)

Publicly owned or noncommercial parks and recreational uses are allowed provided any building or structure associated with use shall be located no closer than twenty five feet from a side or rear property line.

§ 153.403.25 PASSENGER TRANSPORT AND DISPATCH FACILITIES

Passenger transport and dispatch facilities are allowed subject to the following standards:

- (a) All parking areas shall be confined within the perimeter of the property. Parking designated for service vehicles shall not be closer than five feet from any property line.
- (b) Special Standards for the OC District. In addition to all other requirements of this chapter and subsection, the following standards apply to passenger transport and dispatch facilities within the OC District:
 - 1. Service vehicle parking shall be located in a rear or side yard only,
 - 2. Onsite refueling and fuel storage are prohibited, and
 - 3. Onsite automotive repair (major and minor) is prohibited.

ARTICLE 4 | USE REGULATIONS

§ 153.403.26 POULTRY AND LIVESTOCK ENCLOSURES AND FACILITIES

Poultry and livestock enclosures and facilities are allowed in the FA District as a conditional use provided that no enclosure of animals is closer than two hundred feet to any residential structure or property line.

§§ 153.403.27 through 153.403.30 [RESERVED]

§ 153.403.31 PRODUCE STANDS, MARKETS, AND SHELTERS

Produce stands, markets, and shelters are allowed in the FA District as a conditional use provided that the use is limited to the selling of seasonal agricultural produce.

§ 153.403.32 PUBLIC BUILDINGS AND USES (OFFICE & SAFETY SERVICES)

(1) Conditional use: In any residential district permitting public buildings and uses (office and safety services), buildings shall not be placed any closer than fifty feet from the side and rear property lines, a buffer strip must be erected and maintained along the side and rear property lines, and the uses shall only be located on lots having frontage on an arterial or collector street.

In the Office Commercial (OC) or Neighborhood Commercial (NC) districts where public buildings and uses (safety services) are allowed, buildings shall not be placed closer than fifty feet from a rear yard property line, a buffer strip must be erected and maintained along the rear property line, and these uses shall only be located on lots having frontage on an arterial or collector street.

(2) Special exception: In a residential, office, or neighborhood commercial district allowing public buildings and uses (office and safety services), a proposed use which does not meet the distance or location requirements of part (1), may apply for approval as a special exception provided that any building must be setback at least twenty feet from the side and thirty feet from the rear property line and a buffer strip is erected and maintained along the side and rear property lines.

§ 153.403.33 PUBLIC BUILDINGS AND USES (INCLUDING CORRECTIONAL)

Public buildings and uses include courts of law, correctional institutions and jails, parole or probation offices are subject to the following standards:

- (a) Buildings associated with these uses shall not be located closer than fifty feet from any rear or side property line; and
- (b) In cases where the use adjoins a residential district, a minimum setback of 150 feet from the adjoining residential district line shall be observed.

§ 153.403.34 RECYCLING CENTERS AND SALVAGE YARDS

Recycling centers and salvage yards may be allowed provided that any open storage of junk, salvage, or recyclable materials is enclosed by a fence or similar device to prevent such materials

ARTICLE 4 | USE REGULATIONS

from being blown off of the premises by wind and further provided that a buffer strip is established and maintained when such use abuts another zoning district.

§ 153.403.35 RECYCLING COLLECTION, DROP-OFF

Recycling collection drop-off centers are subject to the following standards:

- (a) The use is subject to the site plan review requirements of §153.224C;
- (b) The use shall not be located closer than fifty feet from any residential dwelling unit or residential zoning district;
- (c) Collected materials shall be placed and stored in enclosed receptacles;
- (d) The area devoted to collection/storage (receptacle area) shall not exceed 1,500 square feet;
- (e) Within the Highway Commercial (HC), Office Commercial (OC), and Neighborhood Commercial (NC) Districts, collection receptacles shall not be placed any closer than thirty feet from any rear or side property line;
- (f) Recyclable collection shall be limited to news and other print paper, cardboard, aluminum cans, and plastics; and
- (g) Articles deposited for recycling shall not be stored on the site for a period greater than seven calendar days.

§§ 153.403.36 through 153.403.40 [RESERVED]

§ 153.403.41 SELF-STORAGE FACILITIES

Self-storage facilities are allowed provided that the following conditions are met:

- (a) Such use is located on a tract not less than one acre in area;
- (b) Such use shall require a site plan which shows landscaping, security measures, interior driveway, density, structure, size, compatible architectural design and environmental considerations such as drainage;
- (c) Such facility is used for dead storage only except for a manager's office and the following activities are specifically prohibited: the storage of toxic or explosive substances; auctions, commercial, wholesale or retail sales (except for incidental sales of locks and other moving and storage items) or miscellaneous or garage sales; the servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment; the operation of power tools, spray equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment; the establishment of a transfer and storage business; and any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations;
- (d) All storage on the property shall be kept within an enclosed building; and

ARTICLE 4 | USE REGULATIONS

- (e) Parking shall be provided by parking/driving lanes adjacent to the building and that these lanes shall be at least twenty six feet wide when cubicles open onto one side of the lane only and at least thirty feet wide when cubicles open to both sides of the lane.

§ 153.403.42 SEXUALLY ORIENTED BUSINESSES

- (1) Purpose and Intent. It is the purpose of the regulations of this subsection to regulate the location of sexually oriented businesses in order to promote the health, safety, and general welfare of the citizen of the Town, and to establish reasonable and uniform regulations to prevent the deleterious locating and concentrating of sexually oriented businesses within the Town. The provisions of this subsection have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this subsection 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 the intent or effect of this subsection to condone or legitimize any use or act which is otherwise prohibited or punishable by law.
- (2) Findings of Fact.
 - (a) Sexually oriented businesses generate secondary effects that are detrimental to the public health, safety, and welfare. Additionally, sexually oriented businesses are frequently used for unlawful sexual activities, including public sexual indecency, prostitution, and sexual encounters of a casual nature. Such businesses are of particular concern to the community when they are located in close proximity to each other, or close to schools, churches, and parks and playgrounds.
 - (b) The location of sexually oriented businesses close to residential areas diminishes property values and leads to conditions that give rise to crime in residential neighborhoods. Many studies performed in other communities indicate conclusively that property crimes and sexual crimes increase significantly in neighborhoods in which a sexually oriented business is located.
- (3) Definitions. For the purposes of this Chapter the term “sexually oriented business” shall mean an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual device shop, sexual encounter center, or any other business, such as an adult car wash or adult health club, which offers, for consideration, materials or services characterized as depicting “specified sexual activities” or “specified anatomical areas”, or whose employees perform services in a state of nudity or semi-nudity. Definitions of these uses and activities are provided in Article 1 of this chapter.
- (4) Location Restrictions. Sexually oriented businesses are subject to the following standards:
 - (a) No sexually oriented business shall be located within 1,000 feet of a park, public or private school, day care center, library, or religious use.
 - (b) No sexually oriented business shall be located within five hundred feet of any other sexually oriented business or any agricultural or residential district boundary.

ARTICLE 4 | USE REGULATIONS

(c) For the purposes of this subsection, 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 facility for a park, public or private school, day care center, library, or religious use, to the nearest boundary of any agricultural or residential zoning district, or the nearest property line of a lot occupied by another sexually oriented business.

(d) Sexually oriented businesses shall only be permitted as a conditional use in the Limited Industrial District and shall not be permitted as a home occupation.

§ 153.403.43 SHOPPING CENTERS

Shopping centers are subject to the following standards:

- (a) The use shall not be located on a lot less than three acres in area; and
- (b) All buildings shall observe a minimum front yard setback of one hundred feet, a minimum rear yard setback of fifty feet, and a minimum side yard setback of forty feet.

§ 153.403.44 SHORT TERM RENTALS

Short term rentals are subject to the following standards:

- (a) The total number of occupants in the dwelling shall not exceed six adults;
- (b) The operator shall comply with all tax, business license, and revenue collection ordinances of the town and state;
- (c) The off-street parking requirements for single-family residential uses of Table 153.541A shall apply;
- (d) The principal structure shall be single-family residential in character and no exterior alterations to the building other than those necessary to meet building and fire codes, property maintenance standards, or assure the safety of the structure shall be allowed for the purpose of accommodating the use;
- (e) The architectural integrity and arrangement of existing interior spaces shall be maintained, except as may be required to meet building and fire codes or other health, safety, and sanitation requirements;
- (f) Occupants shall not create a nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no short term rental exists. The owner shall be responsible if a violation were to occur; and
- (g) No signs indicating availability and or vacancies shall be located anywhere on the property.

§ 153.403.45 SINGLE FAMILY DWELLINGS, ATTACHED

Attached single family dwellings shall be subject to the following standards:

ARTICLE 4 | USE REGULATIONS

- (a) Special Setback Standards: Notwithstanding the setback requirements imposed by Article 3, attached single family dwellings shall observe the following minimum setbacks:
1. Interior side yard setback. The attached dwelling unit shall be placed on the interior side property line with a zero foot setback, and the setback applicable to the dwelling on the other interior side property line shall be zero feet (where attached to another unit). When detached, the setback along the side yard shall be ten feet.
 2. Exterior side yard setback. The dwelling unit exterior wall shall be placed a minimum of ten feet from all exterior property lines.
 3. Front yard setback. In the R-8 District, all dwelling structures shall be placed a minimum of twenty five feet from the front property line. In the R-6 District, all dwelling structures shall be placed a minimum of twenty feet from the front property line.
 4. Rear yard setback. The required rear yard setback is twenty feet.
 5. Side street setback. The dwelling structure shall be placed a minimum of fifteen feet from any side yard property line that abuts a street.
- (b) Lot Area Standards: The minimum lot area for attached dwellings shall comply with the standards contained in Table 153.304A.
- (c) Lot Frontage and Lot Width Requirements: The minimum lot frontage and lot width required for attached dwellings shall comply with the provisions of §153.502 and Table 153.304A.
- (d) Number of Attached Units in a Single Structure: In the R-8 District, no single structure may contain more than two attached single family dwellings. In the R-6 District, no single structure may contain more than six attached single family dwellings.

§ 153.403.46 SINGLE-FAMILY DWELLING (WATCHMAN OR CARETAKER)

A watchman or caretaker's single-family dwelling is allowed provided that such dwelling is located on the premises of a permitted use and the head of the household is employed by the industry as a watchman or caretaker.

§§ 153.403.47 through 153.403.50 [RESERVED]

§ 153.403.51 THEATERS, DRIVE-IN

Drive-in theaters are allowed provided that:

- (a) No part of the theater screen, projection booth, or other building shall be located closer than five hundred feet to any residential district nor closer than fifty feet to any property line or public right-of-way;
- (b) No parking space shall be located closer than one hundred feet to any residential district;
- (c) The theater screen shall not face any collector or arterial street;

ARTICLE 4 | USE REGULATIONS

- (d) Any theater property adjacent to a residential district shall be separated by a six foot high fence and buffer strip; and
- (e) A drive-in theater use shall not be located on any lot less than three acres in area.

§ 153.403.52 UTILITIES, MAJOR [RESERVED]

Major utilities, as defined by this chapter, are subject to the following standards:

- (a) Notwithstanding the district height limitation imposed by Article 3, public utilities such as water towers, fire towers, and similar public utilities may not exceed a height of two hundred feet;
- (b) All building and uses shall observe a minimum setback of fifty feet from any property line. In the cases of landfills, water treatment plants, and waste water treatment plants, a minimum setback of two hundred feet from any property line is required; and
- (c) Major utility uses that adjoin a residential district or residential use shall provide a landscaped buffer yard of ten feet and the facility shall be screened with a continuous vegetative planting, berm, or wall of not less than six feet in height.

§ 153.403.53 WHOLESALE SALES AND WAREHOUSE ESTABLISHMENTS

Wholesale sales and warehouse establishments are allowed provided that:

- (a) The use will not involve the outdoor or open storage of materials;
- (b) The use is located on a lot not less than 20,000 square feet in area; and
- (c) A minimum front yard setback of fifty feet, a minimum side yard setback of ten feet, and a minimum rear yard setback of thirty feet are provided.

SECTION 153.404 ACCESSORY USES AND STRUCTURES

Uses permitted by right, conditional use, or special exception shall be deemed to include accessory uses and structures that are customarily associated with, and appropriate, incidental, and subordinate to the allowed principal use. Accessory uses and structures shall be subject to the same regulations that apply to the principal use and structures in each zoning district, unless otherwise expressly stated. No accessory use or structure shall be established until and after all required permits and approvals for the principal use or activity have been obtained and there are no current zoning violations on the property. Accessory structures are further subject to supplemental requirements contained in Article 5.

§§ 153.405 through 153.499 [RESERVED]

ARTICLE 5 | GENERAL PROVISIONS

DIVISION ONE: GENERAL

SECTION 153.500 VISION AND CLEARANCE

On a corner lot in all districts except the CC District (Core Commercial), no fence, wall, shrubbery, or other obstruction to vision between the height of three feet and ten feet above the street grade shall be permitted within twenty feet of the intersection of the right-of-way of two streets, or of a street and a railroad.

SECTION 153.501 FLOOD PROTECTION

Any structure proposed to be located within a flood hazard area as indicated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps shall meet the requirements of the Flood Damage Prevention Ordinance and the Building Code for construction within a floodplain.

SECTION 153.502 STREET FRONTAGE

No dwelling shall be erected on a lot which does not abut at least one public street for at least forty feet. Attached single family dwellings, where permitted as a special exception, may be excluded from this provision with the approval of the Board of Zoning Appeals, provided that in no case shall frontage be reduced below twenty feet. Dwellings may be erected on cul-de-sacs lots with less than forty feet of frontage provided the lot is thirty feet in width at the building setback line.

SECTION 153.503 CORNER LOTS

The minimum width of a side yard along an intersecting street shall be fifty percent greater than the minimum side yard requirements of the district in which the lot is located.

SECTION 153.504 DOUBLE FRONTAGE (THROUGH) LOTS

On lots having frontage on more than one street but not located on a corner, the minimum front yard requirements for the district within which the lot is located shall be applicable for each street on which the lot fronts. On lots fronting on more than two streets, the minimum front yard shall be provided for two (2) streets. The remaining frontage or frontages will be considered side yards and must comply with the provisions of §153.503.

SECTION 153.505 ONE PRINCIPAL BUILDING ON A LOT

Only one principal building and its customary accessory buildings (garage apartments where permitted) may be erected on any lot; except that group dwellings, condominiums, apartment complexes, shopping centers, motels, warehouse facilities and schools may be excluded from this provision with the approval of the Board of Zoning Appeals as a special exception.

SECTION 153.506 REDUCTION OF LOT SIZE

No lot shall be reduced in area so that yards, lot width, building area, or other provisions of this chapter shall not be maintained.

ARTICLE 5 | GENERAL PROVISIONS

SECTION 153.507 YARDS AND OPEN SPACE

No part of any yard or other open space required for any building to comply with the provisions of this chapter shall be included as part of a yard or other open space required under this chapter for another building.

SECTION 153.508 CONFORMITY WITH THE LAND DEVELOPMENT REGULATIONS (SUBDIVISIONS REGULATIONS)

No building permit shall be issued for, or no building shall be erected on any lot within the Town unless the streets giving access to the lot on which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location in line with a street shown on a subdivision plat approved by the Town of Kingstree Planning Commission and such approval entered in writing on the plat by the Chairman of the Commission.

SECTION 153.509 PARKING AND STORAGE OF CERTAIN VEHICLES

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

SECTION 153.510 SCREENING

When a commercial or industrial use abuts or is contiguous to a residential use located in any residential district, such commercial or industrial use shall, in addition to meeting the minimum yard requirements of this chapter, provide or otherwise establish and maintain an evergreen buffer strip eight feet in width ~~in~~ running the length of the boundary line separating the two uses, or erect and maintain a six foot high brick or redwood fence along the property line between the two uses. This buffer shall not infringe on sight distance at intersections.

SECTIONS 153.511 through 153.519 [RESERVED]

DIVISION TWO: EXCEPTIONS AND MODIFICATIONS

SECTION 153.520 PROJECTIONS INTO YARDS

Eaves, cornices, or other similar architectural features shall be permitted to project into a required yard no more than twelve inches. Chimneys shall be permitted to project no more than two feet, provided the width of any side yard is not reduced to less than thirty inches.

SECTION 153.521 ALLOWABLE FRONT YARD PROJECTIONS

Open, unenclosed ramps, porches, platforms, or landings, not covered by a roof, shall be permitted to extend no more than six feet into the required front yard, provided such porch does not extend above the first level and is not more than six feet above grade at any point.

SECTION 153.522 ALLOWABLE REAR YARD PROJECTIONS

Windows shall be permitted to project into a required rear yard no more than six inches.

ARTICLE 5 | GENERAL PROVISIONS

SECTIONS 153.523 through 153.529 [RESERVED]

DIVISION THREE: ACCESSORY STRUCTURES AND BUILDINGS

SECTION 153. 530 ACCESSORY STRUCTURES IN GENERAL

Accessory structures are permitted in all zoning districts and, except as may be provided elsewhere in this chapter, are subject to the following standards:

- (1) **Location.** Accessory structures shall be located behind the principal building and shall not be placed in any required front yard. Accessory structures shall not be placed closer than six feet from any property line and shall be located on the same lots as the main use or building.
- (2) **Height.** The height of an accessory structure shall not exceed the maximum height permitted in the zoning district.
- (3) **Dimensional Standards.** The area occupied by an accessory structure(s) shall not exceed twenty five percent of the total lot area.

SECTION 153. 531 SPECIAL STANDARDS FOR CERTAIN ACCESSORY STRUCTURES

- A. **Satellite Dish Antennas.** Satellite dish antennas may be installed, erected, and maintained within all zoning districts in the Town of Kingstree when they comply with the following conditions:

All satellite dishes shall be located behind the principal building, except when the satellite dish is screened from view from the street and adjacent property owners by landscaping. No satellite dish shall be erected within six feet of the property line.

- B. **Fences and Walls.** Fences and retaining walls may be placed in required front, side, and rear yards subject to the height limitations imposed by Table 153.531B:

Table 153.531B FENCE AND WALL HEIGHT RESTRICTIONS	
YARDS	HEIGHT (feet)
Front	3.5
Rear	8.0
Side- Lot Side	8.0
Side- Street Side	3.5

Fences and retaining walls located outside of a lot’s required yards shall not exceed eight feet in height in the Core Commercial District nor exceed twelve feet in height in all other districts.

- C. **Parking and Loading Facilities.** Parking spaces and lots may be placed in required front, side, and rear yards subject to the provisions of this chapter. In the Limited Industrial District, loading facilities may be placed in required front, side, and rear yards subject to the provisions of this chapter.

ARTICLE 5 | GENERAL PROVISIONS

SECTION 153.532 ACCESSORY BUILDINGS

Accessory buildings are permitted in all zoning districts and, except as provided below, are subject to the requirements applicable to accessory structures:

- (1) **Location.** No accessory building shall be erected within six feet of any other building or property line. Accessory buildings shall only be located behind the principal building and shall be located on the same lots as the main use or building. No accessory building shall be located in a required front yard. All accessory buildings shall be separated from the main building by ten feet.
- (2) **Height.** In all districts, the height of an accessory building shall not exceed the height of the principal building nor the maximum height permitted in the zoning district.
- (3) **Area.** The floor area of all accessory buildings on a lot shall not exceed fifty percent of the floor area of the principal building nor exceed twenty-five percent of the lot area.

SECTIONS 153.533 through 153.539 [RESERVED]

DIVISION FOUR: ACCESS, PARKING, AND LOADING STANDARDS

SECTION 153.540 INGRESS AND EGRESS

All uses of land and developments shall provide safe and adequate ingress and egress. The minimum driveway width for single and two-family residential uses shall be nine feet as measured at the property line. For all other uses, drives and site entrances established hereafter shall observe the following standards:

- (1) The minimum width of a driveway at the property line shall be twelve feet for one directional drives and twenty two feet for two directional drives. The width of the driveway at the property line shall not exceed thirty six feet.
- (2) The minimum distance between driveways on the site and driveways on adjacent sites shall be sixty feet as measured from near edge of the drive to the near edge of the adjacent driveway. In cases where this distance cannot be met due to conditions such as lot width, existing drives, or the like, the zoning administrator may reduce the distancing requirement by up to fifty percent based on sound traffic principles.
- (3) A driveway for access into a site shall be placed no closer than thirty feet from a street intersection as measured from the nearest curb radius of the intersecting street's right-of-way to the nearest end of the curb radius of the drive.
- (4) Except in cases where a driveway is provided jointly or serves two or more lots, the minimum distance of a driveway to a property line shall be six feet.
- (5) Within the Core Commercial District, no new driveway shall be established unless permitted as a special exception by the Board of Zoning Appeals.

ARTICLE 5 | GENERAL PROVISIONS

- (6) In cases where a public street is not maintained by the Town, the dimensional and spacing requirement of the maintaining authority, when more restrictive than those of this section, shall govern.

SECTION 153.541 PARKING SPACES REQUIRED

There shall be provided at the time of erection of any main building or at the time such buildings are altered, enlarged, converted, or increased in capacity minimum off-street parking space with adequate provision for ingress and egress by standard-sized vehicles in accordance with the requirements of this chapter.

- (1) **Required number.** Except as provided in part (4) of this section, the off-street parking spaces required for each use permitted by this chapter shall not be less than that found in Table 153.541A, provided that any fractional parking space be computed as a whole space.
- (2) **Combination of uses.** Where there is a combination of uses on a lot, the required number of parking space shall be the sum of that found for each use.
- (3) **Location of lot.** All parking spaces required herein shall be located on the same lot with the building or use served. However, when an increase in the number of spaces is required by a change of use or enlargement of the building or where such spaces are provided collectively or jointly by two or more buildings or establishments, the required spaces may be located on another lot not more than four hundred feet, measured in a straight line, from the subject lot within the same or less restrictive zoning district.
- (4) **Parking in the Core Commercial District.** Notwithstanding the provisions of part (1) of this section, in the Core Commercial District, the change or establishment of a use within an existing building shall not require additional parking spaces, provided that such change does not result in the reduction of existing parking. In cases where a building is enlarged or a new building is constructed, the spaces required shall equal one-half (1/2) the sum of spaces required in Table 153.541A.

Table 153.541A	
SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES	
USE CLASSIFICATIONS	NUMBER OF PARKING SPACES REQUIRED
Residential Uses	
All Residential Uses	Two spaces per dwelling unit
Agriculture and Conservation Uses	
Produce Stands, Markets, and Shelters	One space for each 600 gross square feet of shelter or stand area
All Other Uses	None
Civic, Governmental, and Institutional Uses	
Convalescent Centers and Nursing Homes	One space for each five beds

ARTICLE 5 | GENERAL PROVISIONS

Table 153.541A (continued)	
SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES	
USE CLASSIFICATIONS	NUMBER OF PARKING SPACES REQUIRED
Civic, Governmental, and Institutional Uses	
Educational Facilities	One space for each 3.5 seats in assembly rooms plus one space for each faculty member
Hospitals	One space per every two beds plus one space per every 300 square feet of gross floor area of administrative and medical offices
Public Assembly Uses included Churches and other religious uses, conference centers, professional, labor, or political organizations and social clubs or fraternal lodges	One space for each five fixed seats within the auditorium/sanctuary or one space for each three persons, in structures with non-fixed seating, based on the maximum occupancy as established by the building code
Public Buildings and Uses (all types)	One space per each 300 square feet of gross floor area, plus one space per each three employees
All Other Uses	One space per each 300 square feet of gross floor area, plus one space per each three employees
Commercial, Office, and Professional Uses	
Animal Hospital or Veterinary Clinic	Three spaces per veterinarian or allied professional
Automobile Sales and Service including washing establishments, Equipment Sales and Service or Manufactured homes sales	One space for each 300 square feet of gross floor area (sales or service building) plus five spaces per acre of outdoor display or sales area
Hotels, Motels, and Bed and Breakfasts	One space for each guest room plus one space per each 500 square feet of gross floor area, excluding the area for guest rooms.
Automotive Repair	One space for each employee, plus three spaces for each service bay
Banks and all other professional office type uses excluding medical office	One space for each 300 square feet of gross floor area
Daycare (Family and Group)	One space per employee plus one space per every five children or adults
Eating and Drinking Establishments	One space for each 100 square feet of gross floor area
Funeral Homes	Five spaces per parlor or chapel unit, or one space per each four seats, whichever is greater
Medical Offices	One space for each 200 square feet of gross floor area
Retail Stores	One space for each 200 square feet of gross floor area
Passenger Transport and Dispatch Facilities	One space per employee on the max. work shift plus one space per stored vehicle
All Other Uses	One space for each 200 square feet of gross floor area
Recreation and Entertainment Uses	
Amusement Centers, Billiard Parlors, Dance Halls	One space for each three patrons based on the maximum occupancy as established by the building code
Boat Landings (Public)	Four spaces per each launch
Bowling Alleys	Five space per alley
Dock or Boat House, private	Two spaces per dwelling unit

ARTICLE 5 | GENERAL PROVISIONS

Table 153.541A (continued)	
SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES	
USE CLASSIFICATIONS	NUMBER OF PARKING SPACES REQUIRED
Recreation and Entertainment Uses	
Health club	One space for each 100 square feet of gross floor area
Parks, all types	Five spaces per acre plus one space for every 200 square feet of gross floor area, one space for every 200 square feet of public playground area, and one space for every three picnic tables
Recreation Facilities or Uses (all type)	One space for every 200 square feet of gross floor area, plus: Swimming pools – One space for every 200 square feet of water area, Tennis – Two spaces per court, Basketball – Five spaces per court, Athletic Field – Fifteen spaces per diamond or field, and Golf course – Four spaces per golf green
Theaters, indoor	One space per every three seats or one space for every 200 square feet of gross floor area, whichever is greater
All Other Uses	One space for each three patrons based on the maximum occupancy as established by the building code or five spaces per acre, whichever is greater
Industrial, Warehousing, and Utility Uses	
Industrial and Processing plants, Meatpacking, and Wholesale Facilities	One space per every 500 square feet of gross floor area
Recycling Centers and Salvage Yards	One space per employee plus four spaces per acre
Self Storage Facilities	Three spaces plus one space per each employee and one space per every 100 units
Utilities (Major) and Transportation Terminals	One space per employee plus one space per stored vehicle
Warehouses and Storage Plants	One space per every 500 square feet of gross floor area
All Other Uses	One space per every 500 square feet of gross floor area

SECTION 153.542 PARKING ACCESS AND DIMENSIONAL STANDARDS

Each required parking space shall be individually and easily accessible. No automobile shall be required to back onto a public street or sidewalk to leave any parking space when such space serves more than two dwelling units or any other non-residential uses. All portions of a public lot or garage shall be accessible to other portions thereof without requiring the use of any public street.

- (1) **Parking Space Dimensions.** Except as specified below, all required parking spaces shall be a minimum of nine feet in width and twenty feet in length. Where parallel parking spaces are provided, the required space shall be a minimum of eight feet in width and twenty two feet in length. The width of all spaces shall be increased by ten inches when obstructions are located on either side of the space within fourteen feet of the access aisle.
- (2) **Aisle Width:** Every parking facility serving more than two dwelling units or any nonresidential use shall be provided with one or more drive aisles. The minimum width of a drive aisle shall be twelve feet for one directional traffic and twenty-four feet for two-directional traffic.

ARTICLE 5 | GENERAL PROVISIONS

- (3) **Driveway and Ramp Slope.** The maximum slope of any driveway or ramp shall not exceed twenty percent. Transition slopes in driveways and ramps shall be provided in accordance with the standards set by the zoning administrator or a designee.

SECTION 153.543 LOADING SPACES REQUIRED

Loading spaces shall be provided on the same lot for every building in the Highway Commercial and Limited Industrial zones. No loading space is required if prevented by an existing lawful building. The Zoning Administrator may waive this requirement on unusual lots. Each loading space shall have a clear height of fourteen feet and shall be directly accessible through a usable door not less than three feet in width and six (6) feet six (6) inches high. The minimum area of a loading space shall be four hundred square feet and the minimum dimensions shall be twenty feet long and ten feet wide.

SECTION 153.544 CONSTRUCTION AND MAINTENANCE STANDARDS

Except for one and two-family dwellings, off-street parking and loading spaces shall be constructed, maintained, and operated in accordance with the following specifications.

- (1) **Drainage and Surfacing.** The parking or loading facility shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt, and maintained in proper condition, free of weeds, dust, trash, and debris. Parking facilities existing on the effective date of this provision shall not require surfacing, but they shall be maintained in proper condition as noted above.
- (2) **Screening.** A three foot high buffer at the public way shall be provided for all parking areas of five or more parking spaces.
- (3) **Striping.** All parking spaces shall be striped.
- (4) **Lighting.** All lights illuminating a parking area shall be designed and located so as to reflect away from any street and adjacent property.

SECTIONS 153. 545 through 153.549 [RESERVED]

DIVISION FIVE: GRADING AND EXCAVATION

SECTION 153.550 GRADING AND EXCAVATION STANDARDS

This section is intended to provide the community with fair and equitable grading practices and shall not supersede the requirements of any other ordinance or code.

- (1) **Protection of utilities.** Public utilities or services shall be protected from damage due to grading or excavation operations.
- (2) **Protection of adjacent property.** Adjacent properties shall be protected from damage due to grading operations. No person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley, or other public or private property, without supporting and protecting such property from any damage that might result.

ARTICLE 5 | GENERAL PROVISIONS

- (3) **Inspection notice.** The Zoning Administrator shall be notified at least twenty four hours prior to the start of work.
- (4) **Temporary erosion control.** Precautionary measures necessary to protect adjacent water-courses and public or private property from damage by water erosion, flooding, or deposition of mud or debris originating from the site shall be put into effect. Precautionary measures shall include sediment controls, such as silt fence or staked hay bales, so that downstream properties are not affected by upstream erosion.
- (5) **Traffic control and protection of streets.** Flaggers, signs, barricades, and other safety devices, to ensure adequate safety when working in or near public streets, shall be provided.
- (6) **Hazard from existing grading.** Whenever any existing excavation, embankment, or fill has become a hazard to life or limb, or endangers structures, or adversely affects the safety, use, or stability of a public way or drainage channel, such excavation, embankment, or fill shall be eliminated.
- (7) **Tracking of dirt onto public streets.** Adequate cleaning of equipment to prevent the tracking of dirt and debris onto public streets shall be provided.
- (8) **Maintenance of waterway and irrigation canals.** Precautionary measures to protect and maintain the flow of waterways and irrigation canals shall be taken.
- (9) **Re-vegetation.** The loss of trees, ground cover, and topsoil shall be minimized on any grading project. In addition to mechanical methods of erosion control, graded areas shall be protected to the extent practical from damage by erosion by planting grass or ground cover plants and/or trees. Such plantings shall provide for rapid, short-term coverage of the slopes as well as long-term permanent coverage. A plan by a landscape architect may be required.

SECTIONS 153.551 through 153.559 [RESERVED]

DIVISION SIX: PASSAGEWAYS

SECTION 153.560 RESIDENTIAL ENTRANCES

There shall be a passageway leading from the public way to the exterior entrance of each dwelling unit in every residential building of not less than ten feet in width. The passageway shall be increased by two feet for each story over two.

SECTION 153.561 SEPARATIONS BETWEEN BUILDINGS

There shall be at least ten feet of clear space between every main building and accessory building on a lot. There shall be at least ten feet of clear space between every residential building and another main building on the same lot.

ARTICLE 5 | GENERAL PROVISIONS

SECTION 153.562 LOCATION OF PASSAGEWAYS

Passageways shall be permitted to be located in the space set aside for required yards. Passageways shall be open and unobstructed to the sky and shall be permitted to have such projections as allowed for yards, provided the users of said passageway have a clear walkway to the public way. Any space between buildings or passageways that has less width than that prescribed herein shall not be further reduced.

SECTIONS 153. 562 through 153.569 [RESERVED]

DIVISION SEVEN: ESSENTIAL SERVICES

SECTION 153.570 APPROVAL OF SERVICE EXTENSIONS REQUIRED

All projects that require the additional use or new facilities of essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting, and similar services, shall obtain such approval as required by the agency providing such service prior to project approval.

SECTION 153.571 EFFECT OF NON-AVAILABILITY

Non-availability of essential services shall be permitted to be grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the developer, unless the jurisdiction agrees otherwise. All service extensions shall be designed and installed in full conformance with the jurisdiction's standards for such service, and shall be subject for review, permit, and inspection as required by other policies or ordinances of the jurisdiction.

SECTIONS 153. 572 through 153.599 [RESERVED]

ARTICLE 6 | SIGN REGULATIONS

DIVISION ONE: GENERAL SIGN PROVISION

SECTION 153.600 PURPOSE AND INTENT

These regulations are provided in order to establish rules and standards for the construction, maintenance and, when necessary, the removal of signs. The execution of these regulations recognizes that:

- (1) Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks, and property. And that,
- (2) Signs promote the efficient transfer of general public and commercial information. And that,
- (3) There is a need to establish a system and procedure for removal of nonconforming signs and/or those that might create a hazard due to collapse, fire, collision, decay or abandonment. And that,
- (4) The provisions of these regulations are made to establish reasonable and impartial rules for all exterior signs and to further the objectives of the comprehensive plan of Kingstree; to protect the general health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse, and impair the visibility of motorists and pedestrians; to ensure the effectiveness of public traffic signs and signals; and to protect the public investment in streets, highways, and other public improvements. And that,
- (5) In addition to protecting the public welfare, the regulations will serve to enhance the overall appearance and economic value of the landscape and preserve the unique natural environment that distinguishes Kingstree while promoting and increasing the economic benefits derived from the attraction of tourists, permanent and part-time residents, new businesses, industries, and cultural facilities.

SECTION 153.601 NON-COMMERCIAL SPEECH

Any sign allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this chapter.

SECTION 153.602 DEFINITIONS

In addition to the definitions set forth in Article 1 of this chapter, the following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section. All other words, terms, and phrases shall be given their common, ordinary meanings unless the context clearly requires otherwise.

Abandoned Sign. Any sign which advertises or pertains to a business, product, service, event, activity or purpose which is no longer conducted or publicly available, or which has not been in use or publicly available for six months, or which is no longer imminent within a period of six months, or any sign structure that fails to display any sign copy for six months, or any sign which, for a period of six months, has vegetation growing upon it, clinging to it, touching it or obscuring the sign face or sign parts or sign structure for a period of six months, which has not been maintained to be free of peeling, chipping, rusting, wearing and fading so as to be legible at all times or to be free from rusting, rotting, breaking or other deterioration of the sign parts shall be deemed to be an obsolete or abandoned sign. The passage of time alone under the above-

ARTICLE 6 | SIGN REGULATIONS

delineated circumstances establishes abandonment or obsolescence and such determination does not require any element of personal or business intent.

Awning Sign. A sign displayed on or attached flat against the surface of an awning.

Banner. A flexible substrate on which copy or graphics may be displayed.

Building Elevation. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

Decorative Artwork. Works of art, such as statues, murals, and other graphics that do not advertise a product, service, or business. Decorative artwork shall not be considered a sign for the purposes of this chapter.

Dilapidated Sign. A sign which the Zoning Administrator has determined is structurally unsound, has defective parts, or is in need of painting or maintenance.

Directional Sign. Any on-premise sign that includes information designed exclusively to assist in the flow of pedestrians or vehicular traffic such as enter, exit, and one-way.

Exterior Sign. Any sign placed outside a building.

Freestanding Sign. A sign supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.

Illuminated Sign. A sign characterized by the use of artificial light, either projecting through its surfaces(s) (internally illuminated); or reflecting off its surfaces(s) (externally illuminated).

Interior Sign. Any sign placed within a building, but not including Window Signs as defined by this chapter. Interior Signs, with the exception of Window Signs as defined are not regulated by this chapter.

Marquee Sign. Any sign attached to, in any manner or made a part of a marquee.

Monument Sign. See Freestanding Sign.

Mural. A picture or design painted on the exterior of a structure. A mural is a sign if it contains any language or logos which advertise any product or service or if the mural identifies any business. In such instances, the mural shall be classified as a “wall sign”, an “outdoor advertising sign” (off-site sign), or other sign and shall be subject to the limitations imposed by this article for such signs.

Outdoor Advertising Sign. A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or non-commercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

Pole Sign. See Freestanding Sign.

ARTICLE 6 | SIGN REGULATIONS

Political Sign. A temporary sign intended to advance a political statement, cause, or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

Portable Sign. Any sign not permanently attached to the ground or to a building or building surface.

Projecting Sign. A sign other than a Wall Sign that is attached to or projects more than twenty-four (24) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

Real Estate Sign. A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

Revolving Sign. A sign that revolves three hundred and sixty degrees (360) about an axis.

Security and Warning Sign. An on-premise sign regulating the use of the premises, such as “No Trespassing”, “No Hunting” and “No Soliciting”.

Sign. Any device visible from a public place which displays either commercial or non-commercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Non-commercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

Sign Area. The area of the smallest geographic figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as fifty percent of the sum of the area of all faces of the sign.

Sign Structure. Any structure supporting a sign.

Special Purpose Sign. A type of temporary sign intended for a display period of three months to one year. Under the terms of this chapter, special purpose signs include farm product signs, land subdivision and development signs, and construction signs.

Temporary Sign. A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

V Sign. Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a “V” shape with an interior angle between faces of not more than ninety degrees with the distance between the sign faces not exceeding five feet at their closest point.

Wall Sign. A sign that is in any manner affixed to any exterior wall or building or structure and that projects not more than eighteen inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.

ARTICLE 6 | SIGN REGULATIONS

Window Sign. A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

SECTION 153.603 PROVISIONS AND RESTRICTIONS APPLICABLE TO ALL SIGNS

In addition to the sign type and district requirements established by this article's divisions, all signs are subject to the following standards:

- (1) **Compliance with building codes.** All signs shall comply with the appropriate detailed provisions of the International Building Codes and the National Electric Code.
- (2) **Design.** Sign shapes shall be composed of standard geometric shapes and/or letters of the alphabet only and not be in the shape of a sponsor motif (bottles, hamburgers, human, or animal figures, etc). All elements of a sign structure shall be unified in a way not to be construed as being more than one sign.
- (3) **Finish.** Reverse sides of signs shall be properly finished with no exposed electrical wires or protrusions and shall be of one color.
- (4) **Illumination.** Unless the text of this article clearly provides otherwise or where required by the building or fire code, signs are to be non-illuminated. Where illumination is permitted, any sign with artificial illumination shall be placed and shielded so as not to directly cast light rays into nearby residences, sleeping accommodations, businesses, dwelling, buildings or in the direction of vehicle drivers.
- (5) **Neon.** The use of neon on signs is restricted due to overly distracting qualities. Signs using neon shall not be more than fifty square feet in total area, and shall be set back from the right-of-way by a distance of at least twenty-five feet, provided however that such signs shall not flash or create the illusion of movement.
- (6) **High voltage power line.** All signs shall be located in such a way that they maintain horizontal and vertical clearance from all overhead electrical conductors in accordance with the National Electric Code, provided that in no case shall a sign be erected closer than seven and one-half (7.5') feet horizontally or vertically from any conductor or public utility guy wire.
- (7) **Sign wording.** No sign shall use the words "Stop", "Danger", or use any other word, phrase, symbol or character in a manner that might mislead, confuse, or distract a vehicle driver.
- (8) **Sign Locations.** Except as otherwise provided, no sign, whether temporary or permanent, except by a public agency, is permitted within any street or highway right-of-way. Additionally, no signs of any kind shall be erected or displayed on any land subject to periodic inundation by waters along rivers or water courses. Directional signs and business identification signs for marine facilities are allowed, subject to the approval of the Board of Zoning Appeals as a special exception. Signs shall not be painted or attached to trees, fence posts, telephone or utility poles, rocks or other natural features. No sign shall be painted on the roof of any structure.

ARTICLE 6 | SIGN REGULATIONS

- (9) **Simulated traffic signs and obstructions.** Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street intersection, or extend into the public right-of-way shall not be permitted.
- (10) **Signs primary direction (facing).** No sign shall be located in such a manner that the primary message or copy can only be viewed or read from private property. In essence, signs shall be facing streets, roadways, highways, thoroughfares, etc., and not intrude on the scenic vistas of residential properties.
- (11) **Visibility.** The area around a sign shall be properly maintained clear of brush, tree, and other obstacles so as to make signs readily visible as well as ensuring aesthetically attractive surroundings.
- (12) **Sign Movement.** Signs shall not display intermittent lights or moving parts.
- (13) **Sight distance.** In order to protect the visibility and safety of both motorists and pedestrians in all districts except for the Core Commercial District (CC District), no sign, fence, wall, shrubbery, or other obstruction to vision shall be permitted between three feet and ten feet above finished street grade, within twenty feet of the intersection of the right-of-way of two streets, or of a street and a railroad.
- (14) **Setback and dimensional standards.** All signs shall observe the dimensional standards applicable to the sign and/or the district as specified by this article. Where sign type or district specific dimensional standards are not provided, the following shall apply:
 - (a) Setback (excluding wall signs). Signs shall observe a setback of ten feet from any street right-of-way.
 - (b) Sign height (excluding wall signs). Signs shall not exceed twelve feet in height, including all framing and supports, in the CP, FA, R-10, R-8, R-6, and R-6R districts. In the CC, HC, OC, NC, and LI districts, signs shall not exceed twenty feet in height, including all framing and supports.
 - (c) Wall signs. Signs on the walls of buildings (either painted or attached to the wall) shall not exceed twenty percent of the surface area of the wall. Wall signs attached flat against a wall shall not extend more than eighteen inches from the wall.
- (15) **Obsolete, Dilapidated, or Abandoned Signs.** Obsolete, dilapidated, or abandoned signs are prohibited within the Town of Kingstree and are subject to the removal and enforcement provisions of Division 7 of this article.

SECTION 153.604 SIGN CONSTRUCTION AND MAINTENANCE

All signs shall meet the following provisions for construction and maintenance. Signs which do not meet these provisions shall be repaired, corrected, or removed within thirty days after receipt of notification from the Zoning Administrator.

- (1) All signs shall be constructed of durable, weather-resistant materials. All signs shall be maintained in good repair and in a safe, clean, and attractive condition.

ARTICLE 6 | SIGN REGULATIONS

- (2) All signs shall conform to the latest edition of the applicable building and electrical codes, to the extent required.
- (3) The area around a sign shall be properly maintained, clear of brush, trees, and other obstacles so as to make the sign readily visible.
- (4) Any burned-out bulbs or damaged sign face shall be replaced or repainted.
- (5) All sign copy shall be maintained securely on the sign face and all missing copy must be replaced.
- (6) All sign structures, framework, and poles shall be structurally sound.
- (7) All signs and supports, braces, guys, and anchors thereof shall be kept in good repair, refurbished and repaired from time to time, as necessary, and perpetually maintained in safe condition, free from deterioration, defective or missing parts, or peeling or faded paint, and able to withstand the wind pressure for which such sign was originally designed.

Any sign that is not brought into compliance with this provision within thirty days receipt of notice from the Zoning Administrator is hereby declared to be a nuisance and is deemed an unlawful sign within the Town of Kingtree.

SECTION 153.605 SUMMARY OF STANDARDS

The sign types permitted under this article and the requirements for the various signs within the Town of Kingtree are summarized in Chart 153.605A. Where there is any conflict between the requirements denoted in Chart 153.605A and the text of this chapter, the more restrictive standards shall apply.

ARTICLE 6 | SIGN REGULATIONS

Chart 153.605A

Summary of Sign Standards*

✓ = Allowed (No Permit Required) ☑ = Allowed (Permit Required) S = Possible w/Special Exception

Sign Type	Allowed	Illumination	Size Limit	Height Limit	Display Limit	Front Setback	Special Standards**
In All Districts							
Address/Name of Resident Sign	✓	NONE	2 square feet	6 feet	One	10 feet	§153.633 (1)
Artwork (Murals)	✓	NONE	No Limit	No Limit	No Limit	None	§153.633 (2)
Flags	✓	NONE	40 square feet per display/72 square feet total	25 feet freestanding/ 40 feet wall mounted	Three	10 feet	§153.633 (3)
Handicapped Parking Signs	✓	NONE	No Limit	12 feet or 20 feet. See §153.603(14)	No Limit	10 feet	§153.633 (4)
Home Occupation Signs	✓	NONE	2 square feet	6 feet	One	Wall-mounted only	§153.633 (5)
Historic Signs	✓	NONE	No Limit	10 feet	No Limit	None	§153.633 (6)
On-Site Informational Signs	✓	YES	2 square feet	6 feet	No Limit	5 feet	§153.633 (7)
Political Signs	✓	NONE	16 square feet (per)	12 Feet	Two	10 feet	§153.633 (8)
Private Driveway Signs	✓	NONE	2 square feet (per)	6 feet	One per driveway	10 feet	§153.633 (9)
Public Signs	✓	NONE	32 square feet (per)	10 feet	No Limit	None	§153.633 (10)
Security Signs							
Residential	✓	NONE	2 square feet (per)	12 feet or 20 feet. See §153.603(14)	No Limit	10 feet	§153.633 (11)
Nonresidential	✓	NONE	5 square feet (per)	12 feet or 20 feet. See §153.603(14)	No Limit	10 feet	§153.633 (11)
Real Estate Signs							
Residential	✓	NONE	4 square feet	6 feet	One	10 feet	§153.633 (12)
Nonresidential	✓	NONE	8 square feet	8 feet	One	10 feet	§153.633 (12)

ARTICLE 6 | SIGN REGULATIONS

Chart 153.605A

Summary of Sign Standards*

✓ = Allowed (No Permit Required) ☑ = Allowed (Permit Required) § = Possible w/Special Exception

Sign Type	Allowed	Illumination	Size Limit	Height Limit	Display Limit	Front Setback	Special Standards**
Conservation and Preservation Districts							
Temporary Signs	☑	None	16 square feet	12 feet	One	15 feet	§153.640
Special Purpose							
Farm Products	☑	None	16 square feet per sign	12 feet	Two	10 feet	§153.641 (1)
Subdivision & Development	☑	None	32 square feet	12 feet	One	10 feet	§153.641 (2)
Construction	☑	None	32 square feet	12 feet	One	10 feet	§153.641 (3)
Freestanding or Wall (SE)	§	YES	20 square feet	12 feet	One	10 feet	§153.651 (3)
Forest and Agriculture District							
Temporary Signs	☑	None	16 square feet	12 feet	One	15 feet	§153.640
Special Purpose							
Farm Products	☑	None	16 square feet per sign	12 feet	Two	10 feet	§153.641 (1)
Subdivision & Development	☑	None	32 square feet	12 feet	One	10 feet	§153.641 (2)
Construction	☑	None	32 square feet	12 feet	One	10 feet	§153.641 (3)
Freestanding or Wall (non-residential)	☑	None	20 square feet	12 feet	One	15 feet	§153.652 (3)
Freestanding or Wall (SE)	§	Yes	20 square feet	12 feet	One	10 feet	§153.652 (4)
Residential Districts (R-6, R-6R, R-8, & R-10)							
Temporary Signs	☑	None	16 square feet	12 feet	One	15 feet	§153.640
Special Purpose							
Farm Products	☑	None	16 square feet per sign	12 feet	Two	10 feet	§153.641 (1)
Subdivision & Development	☑	None	32 square feet	12 feet	One	10 feet	§153.641 (2)
Construction	☑	None	32 square feet	12 feet	One	10 feet	§153.641 (3)
Freestanding or Wall (limited use)	☑	Yes (external)	16 square feet	12 feet	One	10 feet	§153.653 (3)
Freestanding or Wall (SE)	§	Yes	20 square feet	12 feet	One	10 feet	§153.653 (4)

ARTICLE 6 | SIGN REGULATIONS

Chart 153.605A

Summary of Sign Standards*

✓ = Allowed (No Permit Required) ☑ = Allowed (Permit Required) § = Possible w/Special Exception

Sign Type	Allowed	Illumination	Size Limit	Height Limit	Display Limit	Front Setback	Special Standards**
Neighborhood Commercial and Office Commercial Districts							
Temporary Signs	☑	None	16 square feet	20 feet	One	15 feet	§153.640
Special Purpose							
Farm Products	☑	None	16 square feet per sign	12 feet	Two	10 feet	§153.641 (1)
Subdivision & Development	☑	None	32 square feet	12 feet	One	10 feet	§153.641 (2)
Construction	☑	None	32 square feet	12 feet	One	10 feet	§153.641 (3)
Freestanding, Wall, Awning, and/or Window	☑	None	16 square feet	20 feet	One free-standing, Otherwise no limit	10 feet	§153.654 (3)
Freestanding or Wall (SE)	§	Yes	20 square feet	20 feet	One	10 feet	§153.654 (4)
Core Commercial							
Temporary Signs	☑	None	16 square feet	20 feet	One	15 feet	§153.640
Special Purpose							
Farm Products	☑	None	16 square feet per sign	12 feet	Two	10 feet	§153.641 (1)
Subdivision & Development	☑	None	32 square feet	12 feet	One	10 feet	§153.641 (2)
Construction	☑	None	32 square feet	12 feet	One	10 feet	§153.641 (3)
Wall, Window, and/or Marquee	☑	Yes	16 square feet plus one square foot per every linear foot of building frontage (not to exceed 100 square feet)	20 feet	Unlimited	0' feet	§153.655 (3)

ARTICLE 6 | SIGN REGULATIONS

Chart 153.605A

Summary of Sign Standards*

✓ = Allowed (No Permit Required) ☑ = Allowed (Permit Required) S = Possible w/Special Exception

Sign Type	Allowed	Illumination	Size Limit	Height Limit	Display Limit	Front Setback	Special Standards**
Highway Commercial and Limited Industrial District							
Temporary Signs	☑	None	16 square feet	20 feet	One	15 feet	§153.640
Special Purpose							
Farm Products	☑	None	16 square feet per sign	12 feet	Two	10 feet	§153.641 (1)
Subdivision & Development	☑	None	32 square feet	12 feet	One	10 feet	§153.641 (2)
Construction	☑	None	32 square feet	12 feet	One	10 feet	§153.641 (3)
Freestanding, Wall, Window, and/or Marquee	☑	Yes	200 square feet (cumulative)	20 feet	One free-standing/ Up to Seven total	10 feet	§153.656 (3)

Note: *When the text of this article provides a more restrictive standard than summarized in this table, the more restrictive standards shall govern. **Unless specifically exempted, all signs must comply with §§153.603 and 153.604.

SECTIONS 153.606 through 153.619 [RESERVED]

DIVISION TWO: APPLICATION OF CERTAIN STANDARDS

SECTION 153.620 DETERMINING NUMBER OF SIGNS

For the purpose of determining the number of signs, a sign shall be considered to be a display surface or device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without an organized relationship of elements each element shall be considered to be a sign, the two components of back-to-back, double-faced, or V-shaped signs shall be considered as one sign.

SECTION 153.621 DETERMINING SIGN SURFACE AREA

For the purposes of determining the surface area of a sign, the areas of a sign shall be computed as including the entire area within a parallelogram, triangle, circle or semicircle comprising all of the displayed matter, exclusive of frames or supports, unless the display matter (copy, message, announcement or decoration) appears on the supports, base, or apron of the sign. In the case of back-to-back, or V-shaped signs, the measurement will be based on only one side of the sign. Both sides of a double-faced sign or V-sign shall be of equal size. The sign area of signs with three or more sides (multiple side signs) containing copy message, decoration or announcement visible from a street, highway, or expressway is measured as the sum of the area of any two adjacent sides.

ARTICLE 6 | SIGN REGULATIONS

SECTION 153.622 DETERMINING SIGN HEIGHT

For the purposes of determining the height of a sign erected within thirty feet of a street R.O.W, the height shall be the distance from the grade level of the nearest curb of the street to the top of the sign or sign structure, whichever is greater. In instances where there is no curb, the road shoulder should be used for the calculation. The height of all signs farther than thirty feet from a street R.O.W. , assuming no artificial berm, shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.

SECTIONS 153.623 through 153.629 [RESERVED]

DIVISION THREE: PERMITS

SECTION 153.630 SIGN PERMITS REQUIRED

No sign, except those identified as exempt, shall be erected, displayed, altered, relocated or replaced until a sign permit has been issued.

SECTION 153.631 PERMIT APPLICATION AND REVIEW PROCESS

- A. The Zoning Administrator shall prepare a sign permit application form and make those forms available upon request. Any person seeking a permit for a sign shall submit to the Zoning Administrator a completed sign application form. A complete application must contain the following information:
- (1) Name, address, and telephone number of the applicant;
 - (2) Name, address, and telephone number of the sign contractor, if any;
 - (3) Address of property where the sign is proposed to be erected;
 - (4) Name, address, and telephone number of the owner of property where the sign is proposed to be erected;
 - (5) The written consent of the owner of property where the sign is proposed to be erected;
 - (6) The overall dimensions of the proposed sign, including height, width, square footage, shape, and number of faces;
 - (7) A site plan showing the location of property lines, buildings, parking areas, driveways, landscaped areas, utility poles and wires, and existing and proposed signs on the site;
 - (8) Plans, specifications, details, and drawings showing the design, dimensions, materials, and illumination of the proposed sign; and
 - (9) If the sign is to be illuminated, an electrical and lighting plan.

ARTICLE 6 | SIGN REGULATIONS

- (10) Any additional information that the Zoning Administrator determines necessary to ensure conformance with the requirements of this chapter.
- B. The applicant shall pay the required fee in an amount as established by this chapter. A sign permit application is not deemed complete until the required application/review fee is paid in full. The applicant shall be issued a dated receipt for the application/review fee. The date contained on that receipt shall be considered the date the application is received by the Zoning Administrator.
- C. If the Zoning Administrator finds that any sign permit application is incomplete, the applicant shall be notified not more than ten calendar days after the application is received. The applicant may resubmit the application in complete form without repayment of the application/review fee one time within thirty calendar days of notice.
- D. All matters of enforcement, interpretation, and application of this article, including decisions on sign permits and all other sign-related decisions, shall be made initially by the Zoning Administrator as an administrative matter.
- E. The Zoning Administrator shall approve all sign permit applications which fully comply with the requirements of this article and all other applicable ordinances and laws. For any sign permit application which does not comply with this article and all other applicable ordinances and laws, the Zoning Administrator shall deny the application and provide notice including an explanation of each reason for the denial. The review of an application deemed complete and notification of either approval or denial shall not exceed a period of fifteen calendar days after the completed application is received. If such notice is not timely given, and the applicant does not waive the time limitations stated herein, the application shall be deemed denied, and the applicant will be entitled to appeal the decision without payment of the appeal fee.
- F. Any person whose sign permit application has been denied or who is aggrieved by any sign-related decision by the Zoning Administrator may appeal said decision to the Board of Zoning Appeals pursuant to §153.233.

SECTION 153.632 FEES AND BONDING

See Article 2 “Administration”.

SECTION 153.633 SIGNS EXEMPT FROM PERMITTING

The following signs and activities shall not require the issuance of a sign permit; however, all signs shall comply with the provisions of §§153.603 and 153.604 of this article. In addition, where location or dimensional standards are provided for certain signs, compliance with the terms of this article is required.

- (1) **Address and name of resident.** Signs indicating address and/or name of residential occupants of the premises, not exceeding two square feet in area and not including any commercial advertising or identification. Such signs shall not exceed six feet in height unless they are attached to the wall of the principal building. Only one sign shall be allowed on a lot.
- (2) **Artwork.** Works of art that do not include commercial messages or references are not signs and are not regulated under the terms of this article; however, all murals larger than ten square feet in the Core Commercial District require a Certificate of Appropriateness.

ARTICLE 6 | SIGN REGULATIONS

- (3) **Flags, emblems, and insignias.** Flags, emblems and/ or insignias of any governmental agency or religious, charitable, public or nonprofit organization, providing it exists on the property of said organization, shall be subject to the following: No single flag that is displayed shall exceed forty square feet in area and no lot shall display more than three such flags. If the total area of such flags exceeds seventy two square feet, the excess area shall be included in the sign area calculations for the lot. Flagpoles shall not exceed twenty five feet in height. Wall-mounted flags, emblems, or insignias shall be limited to one per lot and shall not exceed forty square feet in area.
- (4) **Handicapped parking space sign.** Handicapped parking space signs shall comply with the dimensional requirements of the International Building Code.
- (5) **Home occupation signs.** On-premise identification signs for home occupation shall not exceed two square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be mounted flat against the exterior wall, on a window or a door of the principal building. Only one sign shall be allowed on a lot and they shall not exceed six feet in height.
- (6) **Historic Signs.** Historic signs, when erected or authorized by the town, state, or federal government, may be placed upon public rights-of-way and are not subject to the setback requirements of § 153.603.
- (7) **On-Site Informational Signs.** Signs giving on-site information to assist customers and generally not visible from the highway shall not require a permit. These signs shall not exceed two square feet in area or be located closer than five feet to any property line. Signs may be affixed to buildings or in cases where there is no building, may be free-standing. On-site informational signs may be internally lit or illuminated by white light only and shall not exceed six feet in height.
- (8) **Political signs.** Individual political signs shall not be larger than sixteen square feet in area, or be higher than twelve feet in height (including supporting structure). No more than two signs or displays are permitted per lot. When political signs are posted to announce a candidate or issue for an election (balloting) or runoff election, such signs shall be removed within seven days following said event.
- (9) **Private driveway signs.** On-premise private driveway signs shall be limited to one per driveway entrance, not exceeding two square feet in area, with language limited to the words “Private Driveway” and the address of any residences utilizing the private driveway. Private driveway signs shall not exceed six feet in height.
- (10) **Public Signs.** Noncommercial information, or identification signs erected by government agencies, including traffic, utility, safety, railroad crossing, public agency facilities, non-profit school and any signs erected by the Town Council or under the direction of the Council are allowed. Such signs shall not exceed thirty-two square feet in area or ten feet in height. Public signs, when erected or authorized by the town, state, or federal government, may be placed upon public rights-of-way and are not subject to the setback requirements of §153.603.
- (11) **Security and warning signs.** Individual signs shall not exceed two square feet in residential areas and five square feet in commercial and industrial areas.

ARTICLE 6 | SIGN REGULATIONS

- (12) **Real estate signs.** Real estate signs shall be limited to one per property not exceeding six feet in height and not exceeding four square feet in area in residential zones and eight feet in height and thirty two square feet in area in all other zones.
- (13) **Changeable Copy and Routine Maintenance.** Changing the copy of any sign, provided no structural components of the original sign are altered or replaced, shall not require a sign permit. Additionally, a sign permit is not required for the repainting, cleaning, and the normal maintenance and repair of a sign or sign structure for which a permit has previously been issued under this article, so long as the sign or sign structure is not modified.

SECTIONS 153.634 through 153.639 [RESERVED]

DIVISION FOUR: TEMPORARY EVENT AND SPECIAL PURPOSE SIGNS

SECTION 153.640 TEMPORARY EVENT SIGNS

Temporary event signs on private property shall be allowed only upon the issuance of a temporary sign permit. A temporary sign permit shall allow the use of a temporary sign for a specified period, not to exceed thirty days, which will be thirty continuous days, once a year. In addition to the requirements imposed by §§ 153.603 and 153.604, temporary signs are subject to the following standards:

- (1) **Display limit.** Only one temporary event sign shall be allowed on a lot.
- (2) **Exclusions.** Temporary event signs shall be affixed to the ground and exclude portable signs, fluttering ribbons, banners, balloons and inflatables. (Temporary signs may be affixed to buildings in cases where there is no building setback.)
- (3) **Dimensional restriction.** Temporary event signs shall be setback at least fifteen feet from the street right of way or may be placed on (or attached to) an existing business identification sign. Temporary event signs shall not exceed sixteen square feet in area and shall not interfere with adequate vision clearance.
- (4) **Cumulative district restriction.** Temporary event signs shall not exceed the square footage limitations for the zoning district in which they are located.
- (5) **Exception for certain banners.** Banners shall be allowed for festival and community events, provided they are sponsored by non-profit organizations and are erected and removed within reasonable time frames as determined by the Zoning Administrator.

SECTION 153.641 SPECIAL PURPOSE SIGNS

Special purpose signs, to include farm product signs, land subdivision and development signs, and construction signs, are allowed only upon the issuance of a temporary sign permit. In addition to the requirements imposed by §§ 153.603 and 153.604, special purpose signs are subject to the following standards:

- (1) **Farm product signs.** Limited time period, on-premise signs announcing the availability of seasonal farm products. Restrictions include:

ARTICLE 6 | SIGN REGULATIONS

- (a) The number of signs shall not exceed two.
 - (b) Such signs shall not be more than sixteen square feet in area per sign. The sign(s) shall not exceed twelve feet in height and shall provide adequate vision clearance and sight distance.
 - (c) All such signs that are on-premise shall comply with the on-premise setback and placement requirements.
 - (d) Such signs shall be removed within a reasonable time following the end of the selling period for such seasonal farm products.
- (2) Land subdivision and development signs.** Limited time period on-premise signs announcing land subdivision and/or developments. Restrictions include:
- (a) Land subdivision and/or development signs shall not be erected more than ninety days prior to the start of construction and at no point prior to approval of said subdivision or development by the Planning Commission.
 - (b) Such signs shall be limited to one sign per development or subdivision and shall not exceed twelve feet in height from the highest part of any sign or support structure and existing ground level, nor shall the sign(s) exceed more than thirty-two square feet in area per sign. Placement shall comply with the sight distance and vision clearance requirements.
 - (c) Such signs shall be removed at the end of one year, or upon construction of the development's permanent identification sign, whichever comes first.
- (3) Construction signs.** Limited time period on-premise signs announcing new buildings or building projects. Restrictions include:
- (a) Construction signs may be erected after the commencement of construction or site development.
 - (b) Each construction site shall be limited to one construction sign which shall not exceed twelve feet in height from the highest part of any sign or support structure and existing ground level, nor shall the sign exceed thirty-two square in area. The sign should accommodate the name of the primary general contractor, as well as, at the discretion of the general contractor, the name or names of pertinent subcontractors. Individual subcontractor signs are not permitted.
 - (c) Such signs shall be removed by the time a permanent sign is erected or a certificate of occupancy for the building is issued, whichever comes first.

SECTIONS 153.642 through 153.649 [RESERVED]

ARTICLE 6 | SIGN REGULATIONS

DIVISION FIVE: ON-SITE (ON-PREMISE) SIGNS

SECTION 153.650 PURPOSE

The regulations in this division specify the number, types, sizes, heights, spacing, and locations of all on-site signs exclusive of authorized exempt signs, temporary signs and those classified as special purpose signs.

SECTION 153.651 SIGNS PERMITTED IN THE CONSERVATION AND PRESERVATION DISTRICT

On-site signs allowed in the Conservation and Preservation District include:

- (1) **Exempt Signs.** Signs exempt from permitting under the provisions of §153.633 are allowed subject to the requirements imposed by this article.
- (2) **Temporary and special purpose signs.** Temporary and special purpose signs are permitted subject to the requirements imposed by §§153.640 and 153.641.
- (3) One illuminated freestanding or wall sign may be authorized by the Board of Zoning Appeals for a use granted approval as a special exception. In no case shall the sign area exceed twenty square feet. In approving such request, the board shall not grant any variance from the provisions of §153.603, but may impose additional restrictions or safeguards on the placement, dimensions, illumination, height, or orientation of any approved sign in keeping within the intent of the zoning district.

SECTION 153.652 SIGNS PERMITTED IN THE FOREST AND AGRICULTURE DISTRICT

On-site signs allowed in the Forest and Agriculture District include:

- (1) **Exempt Signs.** Signs exempt from permitting under the provisions of § 153.633 are allowed subject to the requirement imposed by this article.
- (2) **Temporary and special purpose signs.** Temporary and special purpose signs are permitted subject to the requirements imposed by §§153.640 and 153.641.
- (3) **Freestanding and Wall Signs.** For nonresidential uses, a single, non-illuminated, identification sign not exceeding twenty square feet in area *is allowed*. Such sign shall be set back not less than fifteen feet from the street right-of-way.
- (4) One illuminated freestanding or wall sign may be authorized by the Board of Zoning Appeals for a use granted approval as a special exception. In no case shall the sign area exceed twenty square feet. In approving such request, the board shall not grant any variance from the provisions of §153.603, but may impose additional restrictions or safeguards on the placement, dimensions, illumination, height, or orientation of any approved sign in keeping within the intent of the zoning district.

ARTICLE 6 | SIGN REGULATIONS

SECTION 153.653 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS (R-6, R-6R, R-8, and R-10 Districts)

On-site signs allowed in the R-6, R-6R, R-8, and R-10 districts include:

- (1) **Exempt Signs.** Signs exempt from permitting under the provisions of §153.633 are allowed subject to the requirement imposed by this article.
- (2) **Temporary and special purpose signs.** Temporary and special purpose signs are permitted subject to the requirements imposed by §§153.640 and 153.641.
- (3) **Freestanding or Wall Sign.** For multi-family dwellings, townhouses, condominiums, group dwellings, and permitted nonresidential uses, a single, exteriorly illuminated, on-site freestanding or wall sign is allowed. It shall be set back not less than ten feet from any street right-of-way. Such signs shall not exceed sixteen square feet in area.
- (4) One illuminated freestanding or wall sign may be authorized by the Board of Zoning Appeals for a use granted approval as a special exception. In no case shall the sign area exceed twenty square feet. In approving such request, the board shall not grant any variance from the provisions of §153.603, but may impose additional restrictions or safeguards on the placement, dimensions, illumination, height, or orientation of any approved sign in keeping within the intent of the zoning district.

SECTION 153.654 SIGNS PERMITTED IN THE NEIGHBORHOOD COMMERCIAL AND OFFICE COMMERCIAL DISTRICTS

On-site signs allowed in the Neighborhood Commercial and Office Commercial Districts include:

- (1) **Exempt Signs.** Signs exempt from permitting under the provisions of §153.633 are allowed subject to the requirement imposed by this article.
- (2) **Temporary and special purpose signs.** Temporary and special purpose signs are permitted subject to the requirements imposed by §§153.640 and 153.641.
- (3) **Freestanding, Wall, Awning, and/or Window.** A single freestanding business identification sign is allowed and shall be set back not less than ten feet from the street right-of-way. Multiple wall, awning, and/or window signs are permitted. All other signs shall be placed so as not to infringe on the front yard setback required for the district in which the particular signs are located, except for temporary signs. Excluding signage permitted by parts (1), (2), and (4) of this section, the total sign area allowed shall not exceed sixteen square feet.
- (4) One illuminated freestanding or wall sign may be authorized by the Board of Zoning Appeals for a use granted approval as a special exception. In no case shall the sign exceed twenty square feet. In approving such request, the board shall not grant any variance from the provisions of §153.603, but may impose additional restrictions or safeguards on the placement, dimensions, illumination, height, or orientation of any approved sign in keeping within the intent of the zoning district.

ARTICLE 6 | SIGN REGULATIONS

SECTION 153.655 SIGNS PERMITTED IN THE CORE COMMERCIAL DISTRICT

On-site signs allowed in the Core Commercial District include:

- (1) **Exempt Signs.** Signs exempt from permitting under the provisions of §153.633 are allowed subject to the requirement imposed by this article.
- (2) **Temporary and special purpose signs.** Temporary and special purpose signs are permitted subject to the requirements imposed by §§153.640 and 153.641.
- (3) **Wall, window, marquee, and suspended signs.** Wall, window, marquee, and/or suspended signs are permitted. Such signs may be illuminated. Excluding signage permitted by parts (1) and (2) of this section, the total sign area allowed for all signs shall be sixteen square feet plus one square foot for every one linear foot of building frontage; however, in no case shall the total cumulative square footage exceed one hundred square feet.

Signs permitted under parts (1), (2), and (3) of this section may be placed at a setback of zero (0) feet from the street's right-of-way, provided that in no instance shall any sign interfere with the safe passage of pedestrians on a public sidewalk nor reduce the clear space above the sidewalk to less than ten feet. Signs permitted under the provisions of part (3) of this section are subject to the review and approval of the Architectural Review Board.

SECTION 153.656 SIGNS PERMITTED IN THE HIGHWAY COMMERCIAL AND LIMITED INDUSTRIAL DISTRICTS

On-site signs allowed in the Highway Commercial and Limited Industrial Districts include:

- (1) **Exempt Signs.** Signs exempt from permitting under the provisions of §153.633 are allowed subject to the requirement imposed by this article.
- (2) **Temporary and special purpose signs.** Temporary and special purpose signs are permitted subject to the requirements imposed by §§153.640 and 153.641.
- (3) **Freestanding, wall, window, and marquee signs.** Freestanding, wall, window, and marquee signs are allowed. Such signs may be illuminated. Excluding signage permitted by parts (1) and (2) of this section, the total sign area allowed for all signs, including off-site signs (billboards), shall not exceed two hundred square feet. The total number of signs allowed in Highway Commercial and Limited Industrial Districts shall be computed using lot frontage on a public street. For every twenty linear feet the lot fronts on a street, one sign shall be allowed (not to exceed seven signs). Up to two signs may be freestanding. One freestanding sign shall be set back not less than ten feet from the street right-of way. All other signs shall be placed so as not to infringe on the front yard setback required for the district in which the particular signs are located.

SECTIONS 153.657 through 153.659 [RESERVED]

ARTICLE 6 | SIGN REGULATIONS

DIVISION SIX: OFF-SITE (OFF-PREMISE) SIGNS

SECTION 153.660 OFF-SITE SIGNS IN GENERAL

The regulations contained in this section are designed to prevent the over concentration, improper placement, and excessive height, bulk, number and surface area of off-site (off-premise) signs. In developing the criteria herein it is recognized that there is a marked distinction between “off-site” and “on-site” signs.

On-site signs are in actuality an integral part of a business enterprise. On the other hand, off-site signs, in particular those referred to as “outdoor advertisements”, make a distinct use of public thoroughfares and generally represent a business entity in and of themselves.

SECTION 153.661 RESTRICTIONS ON CHANGES, ALTERATIONS, MOVEMENT, ETC.

Except for ordinary maintenance, poster panel replacement, copy changes, or repair not involving structural material, or electrical changes, no off-site sign, or parts thereof, shall be re-erected, additionally illuminated, reduced in size, enlarged, or moved unless the entire off-site sign and structure are brought into conformity with this chapter.

SECTION 153.662 ZONING RESTRICTIONS

Off-site signs which comply with the provisions of this chapter are permitted in Highway Commercial and Limited Industrial Zoning Districts, providing: (1) the lot on which the off-site sign is to be placed is vacant and (2) the lot does not contain other signs that require a permit.

SECTION 153.663 SIZE RESTRICTIONS AND ILLUMINATION

An off-site sign shall not exceed sixteen square feet nor exceed twenty feet in height (including base or apron, supports, supporting structures, and trim). Outcrops of off-site signs are permitted. Off-site signs may be illuminated by exterior lighting.

SECTION 153.664 PLACEMENT AND LOCATION RESTRICTIONS

All off-site signs shall comply with the sight distance and vision clearance requirements and shall maintain a minimum ten foot setback from the street right-of-Way. No off-site sign shall be erected within seven hundred and fifty (750) feet of a church. No part of any off-site sign shall be located less than 1,000 feet from any other off-site sign located on either side of the same roadway.

SECTIONS 153.665 through 153.669 [RESERVED]

DIVISION SEVEN: SIGN REMOVAL AND IMPOUNDMENT

SECTION 153.670 SIGNS SUBJECT TO REMOVAL

The Zoning Administrator shall have the authority to remove without notice to the owners thereof, and impound for a period of ten days, signs placed within any street or highway right-of-way, signs attached

ARTICLE 6 | SIGN REGULATIONS

to trees, fence post, telephones and utility poles, or other natural features; abandoned signs; and signs erected without a permit.

SECTION 153.671 FAILURE TO OBTAIN PERMIT; NOTICE; IMPOUNDMENT

When a sign requiring a permit under this chapter is erected without a sign permit, the Zoning Administrator shall use the following procedure:

- (1) **Violation sticker.** The Zoning Administrator or designee shall attach a highly visible sticker reading “VIOLATION” to the face of the sign. The sticker shall include the date that it was attached to the sign with instructions to call the Zoning Administrator immediately.
- (2) **Failure to obtain permit.** If, within ten working days, the owner of the sign fails to contact the Zoning Administrator and get a permit for the sign, the Zoning Administrator may have the sign removed and impounded without any further notice.
- (3) **Recovery, disposal or impounded signs.** The owner of any impounded sign may recover same upon the payment of the Town’s labor and time costs for removal and a fine of one dollar (\$1.00) for each square foot of such impounded sign (s) prior to the expiration of the ten day impoundment period. In the event it is not claimed within ten days, the Zoning Administrator shall have authority to discard or sell the sign.

SECTION 153.672 ADDITIONAL REMEDIES

Nothing contained in this division shall prevent the Town from taking any other lawful action as necessary to prevent or remedy any violation or effectuate the removal of any unlawful sign. Nothing in this section shall obligate the Zoning Administrator to remove a sign when other remedies provided under this chapter are being pursued.

SECTIONS 153.673 through 153.679 [RESERVED]

DIVISION EIGHT: SCENIC AREAS

SECTION 153.680 GENERAL PROVISIONS

Town Council recognizes that Town citizens may desire more comprehensive sign regulations than those contained in this article, in various sections of the Town, and along scenic areas. Therefore, Town Council reserves the right to establish scenic areas in which additional sign controls and regulations may be enacted and enforced under the provisions of this chapter.

SECTIONS 153.681 through 153.699 [RESERVED]

ARTICLE 7 | NONCONFORMITIES

SECTION 153.700 PURPOSE

It is the general policy of the Town of Kingstree to allow uses, structures, lots, and other situations that came into existence legally, in conformance with the then-applicable requirements, to continue to exist and to be put to productive use. Further, it is the policy of the town that as many aspects of the nonconformity be brought into compliance with the existing regulations as is reasonably possible. This article establishes regulations governing uses, structures, lots, signs, and other situations that were lawfully established but that do not comply with one or more existing requirements of this chapter. The regulations of this article are intended to:

- (1) Recognize the interests of property owners in continuing the use of their property;
- (2) Promote reuse and rehabilitation of existing structures; and
- (3) Place reasonable limits on the expansion or continuance of nonconformities that have the potential to adversely affect surrounding properties and the Town as a whole.

SECTION 153.701 GENERAL PROVISIONS

- A. **Continuance.** Any use, lot, structure, or other property feature that legally existed prior to the adoption of this chapter, or that became nonconforming upon the adoption of any amendment to this chapter, may be continued in accordance with the provisions of this chapter.
- B. **Determination of Nonconformity Status.** The burden of establishing that a nonconformity is a legal nonconformity shall, in all cases, be solely upon the owner of such nonconformity.
- C. **Repairs and Maintenance.** Incidental repairs and normal maintenance of nonconformities shall be permitted unless such repairs are expressly prohibited by this article. Nothing in this article shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of the Zoning Administrator or Building Official.
- D. **Change of Tenancy or Ownership.** The status of nonconformity is not affected by changes of tenancy, ownership, or management.

SECTION 153.702 NONCONFORMING USES

- A. **Expansion.** A nonconforming use shall not be enlarged or expanded unless one of the following conditions exists:
 - (1) Such expansion eliminates or reduces the nonconformity and such expansion or extension conforms to the provisions of this chapter; or
 - (2) The expansion is into a part of a building or structure that was lawfully and manifestly designed or arranged for such use, provided that no such expansion shall be allowed if it displaces a conforming use.
- B. **Change of Use.** A nonconforming use may not be changed to any use other than a use allowed in the zoning district in which it is located, provided that the Board of Zoning Appeals shall be authorized to approve a change to another nonconforming use in accordance with the special exception provisions of this chapter. In acting upon such requests, the Board of Zoning Appeals shall not be guided by the

ARTICLE 7 | NONCONFORMITIES

special exception approval criteria of this chapter, but rather may approve the change of use only upon a finding that the new use will be less detrimental to adjacent properties and the general area than the existing nonconforming use. Any change of use as approved by the board may thereafter continue as a nonconforming use, subject to the requirements and limitations imposed by this article.

- C. **Abandonment and Loss of Nonconforming Status.** If a nonconforming use is replaced with another use, or is discontinued for any reason, regardless of intent, for a period of more than one hundred eighty (180) days or longer, the use shall be considered abandoned. Once abandoned, the use's legal nonconforming status shall be lost and the re-establishment of a nonconforming use shall be prohibited. Any subsequent use of the property shall comply with the regulations of the zoning district in which it is located.
- D. **Damage or Destruction and Loss of Nonconforming Status.** A nonconforming use that is damaged by fire or any other cause shall not be restored or re-established if the cost of the repair work equals fifty percent or more of the use's total physical replacement cost (which shall consist solely of materials and labor). Determinations of physical replacement costs shall be made by the Zoning Administrator. Where damage is less than fifty percent and such repairs are permitted, they shall in no way increase the extent of the nonconformity (pre-damage) and shall otherwise be in full compliance with the regulations of this chapter. Where repairs are permitted they shall be completed within twelve months of such damage.
- E. **Accessory Uses.** No use that is accessory to a principal nonconforming use shall continue after such principal use shall have ceased, unless it complies with the regulations of this chapter.

SECTION 153.703 NONCONFORMING STRUCTURES

- A. **Use.** A nonconforming structure may be occupied by any use allowed in the underlying zoning district. When a nonconforming structure contains one or more nonconforming uses, the nonconforming use(s) of the structure is subject to the requirements of Section 153.702.
- B. **Expansion.** A nonconforming structure shall not be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- C. **Moving or Relocation.** A nonconforming structure may be moved in whole or part to another location on the same lot if the movement or relocation does not increase the extent of nonconformity. A nonconforming structure may be moved to another lot provided that the dimensional and use requirements of the lot's underlying zoning district can be met.
- D. **Damage or Destruction and Loss of Legal Nonconforming Status.** A nonconforming structure that is damaged by fire or any other cause shall not be restored, except in conformity with the provision of this chapter, if the cost of the repair work equals fifty percent or more of the structure's total physical replacement cost (which shall consist solely of materials and labor). Determinations of physical replacement costs shall be made by the Zoning Administrator. Where damage is less than fifty percent and such repairs are permitted, they shall in no way increase the extent of the nonconformity (pre-damage) by area, height, setback, or other deficiency and shall otherwise be in full compliance with the regulations of this chapter. Where repairs are permitted they shall be completed within twelve months of such damage.

ARTICLE 7 | NONCONFORMITIES

SECTION 153.704 NONCONFORMING LOTS

- A. **Vacant Lots.** Nonconforming vacant lots may be occupied by a use allowed by the underlying zoning district provided that the use shall comply with all applicable setbacks. In cases where the applicable setbacks cannot be met, the Board of Zoning Appeals may grant a variance from the terms of the setback requirements subject to the procedures and findings provided in Article 2 of this chapter. If the underlying zoning district permits a variety of uses or a variety of intensities and one or more uses or intensities would comply with setback and other district standards, while others would not, then only the uses or intensities that would comply with the applicable district standards shall be permitted.
- B. **Lot with Building(s) or Structure(s).** If a nonconforming lot contains a building or structure on the date on which this chapter becomes applicable to it, then the owner may continue the use of that building or structure and may reasonably expand the structure in a way that does not increase the degree of nonconformity. For buildings or structures occupied by a permitted use, an increase in the building size shall not be deemed to increase the degree of nonconformity unless it increases the encroachment on a required yard or, in the case of residential occupancy, increases the number of dwelling units on the nonconforming lot.

SECTION 153.705 NONCONFORMING FEATURES

Except as may be provided elsewhere in this chapter, nonconforming features, to include a deficiency in the number of required parking spaces, paving, deficiency in landscaping, or similar property features, may continue pursuant to the requirements of this article. Any change of use, new construction, feature replacement, or the issuance of a zoning permit affecting the nonconforming feature will thereupon require full conformance with the requirements of this chapter.

SECTION 153.706 SPECIAL PROVISIONS AFFECTING SIGNS

- A. **Continuance.** Any sign that legally existed prior to the adoption of this chapter, or that became nonconforming upon the adoption of any amendment to this chapter, may be continued in accordance with the provisions of this chapter.
- B. **Abandonment and Loss of Nonconforming Status.** If a nonconforming sign is abandoned for any reason, as defined in Article 6 of this chapter, the legal nonconforming status shall be lost and the re-establishment of a nonconforming sign shall be prohibited. Any subsequent sign on the property shall comply with the requirements of this chapter.
- C. A nonconforming sign that is damaged by wind or any other cause shall not be restored or re-established if the cost of the repair work equals fifty percent or more of the sign's total physical replacement cost (which shall consist solely of materials and labor). Determinations of physical replacement costs shall be made by the Zoning Administrator. When such repairs are allowed to be made, they shall be in full compliance with the regulations of this chapter and shall be completed within six months of such damage.
- D. **Nonconforming sign exchange.** Any person owning or operating a lot containing one or more existing signs is required to remove some or all (depending on the total number) of their nonconforming signs before being issued a permit to construct new signs.

ARTICLE 7 | NONCONFORMITIES

- (1) If a lot contains three or less existing nonconforming signs, all of them shall be removed or altered in a manner that brings it into conformance prior to the issuance of a new permit.
- (2) If a lot contains four or more existing nonconforming signs, a minimum of three shall be removed before a new permit may be issued. The three for one removal ratio holds until such time as the person reduces the existing nonconforming sign inventory to three or less. In the latter instance, part 1 of this subsection applies.

SECTIONS 153.707 through 153.799 (RESERVED)

ARTICLE 8 | PLANNED DEVELOPMENT DISTRICT

DIVISION ONE: GENERAL

SECTION 153.800 DESCRIPTION AND INTENT

A “Planned Development” as defined by the South Carolina Comprehensive Planning Enabling Act of 1994, as amended, Code of Laws of South Carolina, Title 6, Chapter 29 (6-29-740) is a type of zoning district (PD) and a type of development plan. PD zoning districts are inextricably linked to planned development master plans, in that no rights of development apply to a PD zoning designation other than those of the approved planned development master plan.

The planned development provisions of this article are intended to encourage innovative site planning for residential, professional, commercial, and industrial developments within planned development districts. These districts are further intended to allow flexibility that will result in improved design, character, and quality of new mixed use developments and preserve natural and scenic features. Planned development districts, as permitted under this article, are intended to provide variations from the standards of other districts relating to use, setback, lot size, density, bulk, and other requirements provided such variations are in keeping with the Kingstree Comprehensive Plan.

SECTION 153.801 ELIGIBILITY FOR DESIGNATION

Any property within the town that is two acres or greater in contiguous area and is held in single or corporate ownership at the time of application may be considered for designation as a planned development district. A planned development district must incorporate a design involving a mixture of uses and/or housing types. Single use or single housing type developments shall not be designated as a planned development.

SECTION 153.802 DESIGNATION TO CONSTITUTE TEXT AND MAP AMENDMENT

The designation of a property as a planned development district shall constitute a zoning text and map amendment. The requirements of the original zoning district are thereafter supplanted by those of the planned development district. Except as provided by this article, the rezoning of property to a planned development district shall follow the zoning text and map amendment procedures specified in Article 2 of this chapter.

SECTION 153.803 AFFECT ON OTHER ORDINANCES AND RULES OF GENERAL APPLICABILITY

Planned development districts are subject to all other ordinances applicable to development within the town. Unless expressly stated in this article or provided within the zoning text establishing the planned development district, all lands within a planned development district are subject to this chapter’s requirements of general applicability affecting uses, lots, structures, parking, and other features, including articles 1, 2, 3, 6, 7, and 9.

§§153.804 through 153.819 [RESERVED]

ARTICLE 8 | PLANNED DEVELOPMENT DISTRICT

DIVISION TWO: MINIMUM STANDARDS

SECTION 153.820 AREA

A planned development district shall have a land area of not less than two (2) acres, exclusive of streets or other rights-of-way.

SECTION 153.821 COMMON AREA REQUIRED

No less than twenty percent of the total land area within a planned development district shall be reserved or dedicated as open space. Preservation, maintenance, and ownership of required open space with the development shall be accomplished by either (a) dedication of the land as a public park or parkway system or (b) creating a permanent open space easement on and over said private open spaces to guarantee that the open space remains perpetually in recreational use, with the ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws which are satisfactory to the Town Council.

SECTION 153.822 MAXIMUM ALLOWED DENSITY

The maximum permitted density within a planned development district shall not exceed one single family detached dwelling per every five thousand (5,000) square feet of lot area, one single-family attached per every four thousand (4,000) square feet of lot area, one two-family (duplex) per every seven thousand (7,000) square feet of lot area, and/or one multi-family dwelling unit per every two thousand (2,000) square feet of lot area. Individual planned development districts may, through the text creating the district, impose density standards more restrictive than those of this section.

SECTION 153.823 MAXIMUM BUILDING COVERAGE

The maximum building coverage within a planned development district shall not exceed sixty percent of the total lot area. Individual planned development districts may, through the text creating the district, impose building coverage standards more restrictive than those of this section.

SECTION 153.824 MINIMUM PERIMETER SETBACKS

A side yard that abuts another zoning district shall observe along that side yard a minimum setback of fifteen feet. A rear yard that abuts another zoning district shall observe along that rear yard a minimum setback of twenty five feet. Individual planned development districts may, through the text creating the district, impose setback standards more restrictive than those of this section.

§§153.825 through 153.829 [RESERVED]

DIVISION THREE: REQUIRED EXHIBITS AND APPROVAL PROCESS

SECTION 153.830 SKETCH PLAN REQUIRED

Prior to a formal application being filed to rezone a property(s) to a planned development district, a sketch plan shall be submitted to the Zoning Administrator. The sketch plan shall illustrate the boundaries of the

ARTICLE 8 | PLANNED DEVELOPMENT DISTRICT

proposed areas to be rezoned planned development, the proposed land uses, a proposed lot layout and street configuration, estimated gross densities, and estimated useable open space.

The Zoning Administrator shall submit the proposed sketch plan to the Planning Commission with a recommendation as to whether the proposed design concept is consistent with the Comprehensive Plan and planned development standards. The Planning Commission shall either instruct the applicant to proceed with drafting a detailed master plan based on the proposed sketch plan or to resubmit a revised sketch plan.

SECTION 153.831 MASTER PLAN REQUIRED

The applicant shall prepare and submit a detailed master plan for the entire planned development district to the Planning Commission. The master plan shall contain all relevant information deemed necessary by the Planning Commission and the Zoning Administrator. Relevant information and exhibits shall include but shall not be limited to the following:

- (1) Site development plan. A site development plan shall be submitted that illustrates:
 - (a) The surveyed boundary of the district including approximate interior property lines when future division is permitted;
 - (b) Proposed land uses for each lot or tract within the district;
 - (c) The location of existing and proposed utilities, streets, easements, and other rights-of-way;
 - (d) The location and proposed use of existing and planned buildings;
 - (e) The location of parking lots, drives, and walkways;
 - (f) The location and acreage of open spaces; and
 - (g) Topographical data including existing and proposed contour elevations, areas of special flood hazard, drainage easements, and storm water detention easements.
- (2) District text. Proposed text that establishes the requirements of the planned development district shall be submitted. At a minimum, the proposed text shall include:
 - (a) The name of the planned development district, not duplicating the name of any other planned development or subdivision;
 - (b) A statement of the intent and objectives of the proposed district;
 - (c) A legal description of the district boundaries, including the location and acreage of varying densities, uses, or other areas subject to special requirements;
 - (d) A table of proposed land uses including:
 1. A listing of uses to be allowed within the proposed district, specifying where applicable, the total acreage for each use,
 2. Proposed maximum and average residential densities for each residential use,

ARTICLE 8 | PLANNED DEVELOPMENT DISTRICT

3. The maximum proposed floor area ratios, if any, and the maximum building/lot coverage for each non-residential use;
4. The maximum height for each use or for the development as a whole,
5. The minimum setbacks for each use or for the district as a whole, and
6. The minimum separation distance, if any, between buildings or uses.

(e) A written narrative of any special requirements imposed on development within the district such as landscaping, lighting, architectural, and/or orientation standards;

(f) A provision which precludes the application of variances from the planned development district's requirements and incorporates, by reference, the minor and major master plan amendment sections of this article; and

(g) A provision which enumerates, other than district requirements, the specific requirements of this chapter which are not applicable to or that are amended upon approval of the planned development's master plan.

SECTION 153.832 HEARING AND RECOMMENDATION OF THE PLANNING COMMISSION

The Planning Commission shall conduct a public hearing on the proposed planned development district following the notification and hearing procedures for text and map amendments as specified in Article 2 of this chapter. The Planning Commission shall have thirty days following the public hearing within which to submit its recommendation and report to the Town Council. The report submitted to the Town Council shall contain a summary of all significant issues or concerns presented at the public hearing. Criteria to be considered by the Planning Commission in making a recommendation include, but are not limited to, the following:

- (1) Whether or not the proposed planned development complies with the standards contained in this article;
- (2) Whether or not the proposed planned development is consistent with the intent of the Kingstree Comprehensive Plan and other adopted policy documents;
- (3) Whether or not the intended uses or mixture of use within the planned development could be accomplished through the use of other zoning designations available within this chapter; and
- (4) Whether or not the town or other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposal at the time the property is developed.

If the Planning Commission fails to submit a recommendation within the thirty day period, it shall be deemed to have recommended approval of the requested planned development district.

SECTION 153.833 ACTIONS BY THE TOWN COUNCIL

The Planning Commission shall promptly transmit its recommendation to the Town Council. For each planned development request, the Town Council shall consider the recommendation of the Planning Commission; however, the Town Council is not bound by the recommendation in making its final decision. The creation of the planned development district must be adopted as an ordinance in accordance with S.C. Code 5-7-270. If a requested planned development district is denied, such action shall be by resolution. If the Town Council fails to take action on a requested amendment within 365 days of an

ARTICLE 8 | PLANNED DEVELOPMENT DISTRICT

application's public hearing, the requested planned development shall be deemed to have been rejected and no other action by the Town Council is required.

SECTION 153.834 SUBDIVISION AND OTHER IMPROVEMENTS

When a planned development district's master plan provides for the dedication of land for rights-of-way, parks, or other public spaces; requires the division of property into two or more lots; or necessitates the installation of other public improvements, zoning permits for property within the planned development shall not be issued until such time as a final plat has been approved by the Planning Commission in accordance with the Kingstree Subdivision Regulations. The Planning Commission shall require the posting of a surety instrument (bond, certified check, or other instrument readily convertible to cash) to guarantee the installation and/or dedication of required improvements.

All plats and plans approved under the terms of this section shall be recorded in the Office of the Clerk of Court of Williamsburg County.

SECTION 153.835 PERMITTING

Following the approval of the plan development district and the applicant's compliance with the requirements of Section 135.834, permits may be issued by the Zoning Administrator, in conformity with the planned development district's master plan, to allow construction within the district. All permitting shall conform to the application and site plan review procedures as specified in Article 2 of this chapter.

§§153.836 through 153.839 [RESERVED]

DIVISION FOUR: AMENDMENTS

SECTION 153.840 MINOR CHANGES TO THE PLANNED DEVELOPMENT AUTHORIZED

Minor changes in the planned development's master plan may be approved by Zoning Administrator provided that such changes:

- (1) Do not increase the density of the planned development;
- (2) Do not change the exterior boundaries of the planned development or alter the permitted height of structures,
- (3) Do not increase the intensity of land use;
- (4) Do not increase the number of lots (where subdivision has been approved);
- (5) Do not materially change the location or amount of land devoted to a specific land use;
- (6) Do not alter or conflict with the planned development district's text; and,
- (7) May include, but not be limited to the minor shifting of buildings, proposed streets, public or private ways, utility easements, parks or other public open spaces, or other features of the plan. Minor shifting of buildings does not include encroaching into any required setback.

All minor changes approved by the Zoning Administrator and all amended plans or plats shall be recorded in the Office of the Clerk of Court of Williamsburg County.

ARTICLE 8 | PLANNED DEVELOPMENT DISTRICT

SECTION 153.841 MAJOR CHANGES TO PLANNED DEVELOPMENTS

Major changes in an approved planned development shall be considered an amendment to the original ordinance and shall require a public hearing, review and recommendation by the Planning Commission, and approval by Town Council. Major changes may include, but are not limited to, the following:

- (1) Increases in density,
- (2) Changes in the exterior boundary lines of the planned development district or alterations in the allowable height;
- (3) Changes in the intensity of land uses including changes in the number or size of permitted signs, an increase in the size of buildings, increased traffic generation, increased impervious surface, and/or reduced open space;
- (4) Changes in the location or amount of land devoted to specific land uses;
- (5) The creation of any new lot; or
- (6) Any change that requires the text of the planned development district to be altered.

A major change(s) to a planned development district shall be approved or denied pursuant the procedures established in Sections 153.830 through 153.835.

§§153.842 through 153.899 [RESERVED]

ARTICLE 9 | LANDSCAPING AND TREE PROTECTION

DIVISION ONE: GENERAL

SECTION 153.900 INTENT

It is the intent of this section to encourage the protection and replacement of trees and other landscaping during and after development. Trees and some types of vegetation promote the health, safety, and general welfare of the public by filtering the air of dust and other pollutants; reducing heat, noise, and glare; reducing soil erosion and improving stormwater absorption; and maintaining the aesthetic qualities provided by the natural environment.

SECTION 153.901 DEFINITIONS

In addition to the definitions set forth in Article 1 of this chapter, the following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section. All other words, terms, and phrases shall be given their common, ordinary meanings unless the context clearly requires otherwise.

Border Area. The area between a lot's property line and the building setback line. This includes the lot's front, rear, and side yards as required by this chapter.

Diameter-at-Breast-Height (DBH). The diameter, in inches, of a tree trunk as measured four and one-half (4 ½) feet above the ground. If the tree splits into multiple trunks below four and one-half feet, the trunk is measured at its narrowest point beneath the split. Diameter-at-Breast-Height is used as the measurement standard for all trees under the terms of this article.

Landscaping. Any combination of materials such as grass, ground cover, shrubs, flower beds, vines, hedges, and trees.

Replacement Tree. A tree with a diameter of not less than two inches DBH that is planted on a site to replace a significant tree that was removed, damaged, or destroyed as a result of construction and/or non-construction activities.

Significant Tree. Any tree, excluding pine trees, with a diameter of ten inches DBH or more.

Tree. Any self-supporting woody perennial plant, usually having a stem or trunk and many branches, and at maturity normally attaining a trunk diameter of greater than three inches at any point and a height of over ten feet.

Tree Plan. A plan which identifies the location, size, and species of significant trees and trees targeted for removal including the identification of any tree protection areas and the means of such protection. When new plantings are proposed or required by this article, the tree plan shall denote the location, size, and species of all trees to be planted on the site.

§§153.902 through 153.919 [RESERVED]

ARTICLE 9 | LANDSCAPING AND TREE PROTECTION

DIVISION TWO: LANDSCAPING

SECTION 153.920 LANDSCAPING IN GENERAL

Landscaping is required for lots upon the construction of any new building or addition over five hundred square feet in area or upon the construction or enlargement of any parking lot to over one thousand cumulative square feet in area. Said landscaping shall be completed within one year from the date a certificate of occupancy is issued for the building or, where no certificate is required, construction is completed.

SECTION 153.921 MINIMUM BORDER AREA LANDSCAPING

In all commercial and industrial zoning districts, a minimum requirement of twenty percent of the border area shall be landscaped. In all other districts, the border area of each lot shall be completely landscaped, except for those areas occupied by access driveways, required parking spaces, walls, and structures.

SECTION 153.922 PARKING LOTS

In all parking areas with twenty or more spaces, at least one shade tree not less than two inches DBH, is required for every twenty parking spaces. Trees shall be distributed to break up the lot and to create a canopy effect. Traffic islands located in parking areas that have more than twenty parking spaces should be raised and landscaped.

SECTION 153.923 MAINTENANCE

All live landscaping required by this chapter shall be properly maintained. All dead or dying landscaping shall be replaced immediately and all sodded areas mowed, fertilized, and irrigated on a regular basis.

§§153.924 through 153.929 [RESERVED]

DIVISION THREE: TREES

SECTION 153.930 APPLICABILITY

The tree protection provisions (Division Three) of this article apply to commercial and industrial districts only. This division does not require the planting of new trees or the replacement of removed trees in most cases; however, tree planting and replacement is encouraged in conjunction with landscaping.

SECTION 153.931 TREE PROTECTION

Within the border area of any lot, no significant tree may be removed without a zoning permit. Zoning permits for the removal of significant trees within the border area shall only be issued when, in the opinion of the Zoning Administrator, no practicable alternatives for reasonable use of the property exists, or where it is necessary to maintain the appearance, health, or vigor of the remaining trees.

SECTION 153.932 EXCEPTIONS

The following activities are exempt from the permitting and replacement provisions of this division:

ARTICLE 9 | LANDSCAPING AND TREE PROTECTION

- (1) If any tree is determined by the zoning administrator to be diseased, injured or located in a manner that endangers the public health, safety or welfare, the zoning administrator may authorize immediate removal;
- (2) Immediately after the event of a natural disaster such as a tornado, hurricane, ice storm, or flood that results in catastrophic loss or damage to trees, lost or damaged trees may be removed without a permit provided such removal occurs within thirty days of a documented event.
- (3) The operation of the commercial timber industry and the ability of public utilities and electric suppliers from maintaining safe clearances around utility lines; and,
- (4) The development and maintenance of golf courses, road right-of-ways, easement for utilities and drainage, wells, lift stations, and water storage tanks.
- (5) Upon approval of the zoning administrator, an owner may thin or remove existing trees to allow for the proper growth of remaining trees or to enhance the overall appearance of the landscaped area.

SECTION 153.933 TREE PLAN REQUIRED

Prior to the issuance of a zoning permit, the applicant shall submit a tree plan.

SECTION 153.934 TREE REPLACEMENT REQUIRED

Replacement trees are required for each significant tree that is removed from the border area due to development activity or lot filling. Significant trees shall be replaced with two trees capable of obtaining equal or greater height over time. Minimum replacement tree size shall have a minimum trunk of two inches DBH.

SECTION 153.935 TREE PROTECTION REQUIRED

During development, protective barriers shall be constructed around all significant trees to be retained to prevent damage to both trunks and roots during construction. One half foot (radial) of pervious material shall be retained or provided around a significant tree for every one inch of trunk diameter (DBH) of said tree.

§§153.936 through 153.999 [RESERVED]

This page left intentionally blank