

# 6

## Contents

6.1	General Provisions .....	6-2
6.2	Residential Uses and Lodging .....	6-3
6.3	Accessory Uses.....	6-18
6.4	Institutional and Social .....	6-22
6.5	Utilities .....	6-23
6.6	Temporary Uses (All Districts).....	6-26
6.7	Agriculture, Forestry, Mining, Utilities, and Construction .....	6-28
6.8	Construction .....	6-34
6.9	Manufacturing.....	6-34
6.10	Wholesale Trade .....	6-35
6.11	Retail Trade.....	6-36
6.12	Transportation and Warehousing .....	6-37
6.13	Information .....	6-38
6.14	Real Estate & Rental & Leasing .....	6-39
6.15	Administrative and Support Waste Management and remediation Services.....	6-39
6.16	Educational Services.....	6-41
6.17	Health Care and Social Assistance .....	6-41
6.18	Arts, Entertainment, and Recreation .....	6-42
6.19	Accommodation and Food Services .....	6-44
6.20	Other Services, Except Public Administration.	6-45
6.21	Accessory Uses to Non-Residential Districts...	6-48
6.22	Temporary Uses (Commercial and Industrial Only)	6-49
6.23	Other Development Types . <b>Error! Bookmark not defined.</b>	

## ARTICLE 6. CONDITIONAL USE AND SPECIAL EXCEPTION USE STANDARDS

There are specific uses which, by their nature, that may have the potential to create adverse effects on nearby properties. The intent of this chapter is to mitigate potential impacts by allowing such uses to be constructed, continued, and/or expanded using the standards therein. The provisions in this chapter apply to conditional or special exception uses as set forth in the Table of Permitted Uses in Article 4. Special exception uses shall likewise be subject to the appropriate specific standards contained herein.

### 6.1 GENERAL PROVISIONS

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The provisions of this Chapter shall apply to all new buildings and expansions in accordance with the following:

- (A) New buildings. All standards apply.
- (B) Building expansions 25% or greater in floor area. All standards apply to façades visible from the public right-of-way and the area being expanded.
- (C) Building expansions less than 25% of floor area. Standards will apply to the expansion area only and areas necessary to tie the new to the old.
- (D) Interior upfit. If the interior upfits exceed 50% of the current assessed tax value of the building, then either full compliance or a payment into the tree fund in accordance with Article 8 is required.
- (E) Parking lot expansions only. Expanded parking lot area must fully comply with landscape and parking requirements. Existing parking lot is not required to meet landscape and parking requirements.
- (F) Change of Use. If the use of a legally established, nonconforming building changes to another use category per the Table of Permitted Uses, the building shall be brought into compliance and the required parking spaces shall be provided. If parking is expanded, then compliance with Paragraph E above is required.
- (G) Infill Standards, as described in Article 5 General Standards, shall apply.

#### 6.1.2. CONFLICT. IF THERE IS A CONFLICT WITH THE STANDARDS SET FORTH IN THIS CHAPTER AND ANY OTHER REQUIREMENTS, THE MOST RESTRICTIVE STANDARD SHALL CONTROL.

## 6.2 RESIDENTIAL USES AND LODGING

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### 6.2.1. DWELLING, DUPLEX

- (A) One Duplex allowed per parcel.
- (B) Design of Entryway. Two Family Dwellings or Duplexes shall have only one primary entrance at the front of the building. The additional entrance shall be located on the side or rear wall.
- (C) Finished Floor Elevation. The finished floor elevation at the front façade shall be at a minimum twenty-four (24) inches above grade unless the entire unit is designed to be compliant with Americans with Disabilities Act (ADA) or Universal Design regulations and standards.
- (D) Maximum Building Width. The maximum building width shall not exceed fifty-five (55) feet.
- (E) Usable porches and stoops should be used as a primary architectural element of the building design and be located on the front and/or side of the home. Front porches shall be at least eight feet deep and extend more than 40 percent of the facade.
- (F) The width of an attached garage shall not exceed 40 percent of the width of the building façade.
- (G) Roof must be sloped with a pitch that is no flatter than six (6) units of vertical rise to twelve (12) units of horizontal run or as appropriate to the architectural style of the structure and approved by the Planning Director.
- (H) The architectural features (including colors, materials, embellishments, landscaping) shall be similar or complementary to that of surrounding buildings and landscape to achieve unity of design and to not detract from buildings in the vicinity, especially if they are designated as architecturally or historically significant. Bay windows, cornices, and other architectural elements are encouraged, particularly when similar to surrounding buildings.

### 6.2.2. DWELLING, TOWNHOUSE

- (A) Dimensional Standards
  - (1) Such projects shall have a minimum of 0.5 acres.
  - (2) Minimum lot area shall be 3,000 square feet per unit.
  - (3) Not more than six (6) nor fewer than three (3) townhouses may be joined together, with approximately the same (but staggered) front line.
  - (4) Side yard setbacks at the end unit shall be five (5) feet.
  - (5) Rear yard setbacks:

- a. Front-loaded- 10 feet
  - b. Side or alley loaded- 5 feet.
  - (6) Minimum lot width shall be 18 feet.
  - (7) Sidewalks not less than five (5) feet in width shall be provided along the front property line of each project, building.
  - (8) Maximum height of buildings shall not exceed 35 feet.
  - (9) Front yard setbacks:
    - a. Front-loaded- 20 feet.
    - b. Side or alley loaded- 10 feet
    - c.
  - (10) Rear yards shall be enclosed by an eight (8)-foot high wall or fence, unless used for parking or garage access, and may include one accessory building no greater than 800 square feet in GFA.
- (B) Roof
- (1) Must be sloped with a pitch that is no flatter than six (6) units of vertical rise to twelve (12) units of horizontal run or as appropriate to the architectural style of the structure and approved by the Planning Director.
  - (2) Architectural features, at least one (1) of the following shall be provided:
    - a. At least one (1) dormer facing the street. If only one (1) dormer is included, it shall be located in the center third (horizontally) of the front elevation. If more than one (1) dormer is provided, at least two (2) dormers not less than four (4) feet wide must be provided on the front elevation
    - b. A gable end, or gabled end of a roof projection, facing the street
    - c. A shed dormer facing the street.
  - (3) Eaves: Must project from the building wall at least twelve (12) inches, measured horizontally, on the front and side elevations.
- (C) Foundation
- (1) The lowest elevation of the front façade, excluding garages, shall be elevated not less than two (2) feet above the grade of the finished lot measured at the front façade, unless the entire unit is designed to be compliant with Americans with Disabilities Act (ADA) or Universal Design regulations and standards.
- (D) Exterior Finish
- (1) Modular masonry unit material (brick, architectural block, fiber cement board) is preferred. Vinyl siding, plain smooth concrete block, plain smooth concrete, corrugated metal, plywood, and sheet pressboard are prohibited.

(E) Front Porch Required

- (1) Front porches shall be covered by a solid roof. The front porch roof shall not be located more than twelve (12) feet above the floor of the porch.
- (2) The covered area provided by a porch must be at least sixty-three (63) square feet in area and a minimum of nine (9) feet wide.

(F) Garages

(1) Generally

- a. Garages shall either be set back from the face of the building, detached or facing the side or rear lot line (side or rear loading garage), consistent with the standards established below.
  - i. A wall of a detached or side or rear loading garage may not be closer to the front (street) lot line than the front of the porch.

(2) Detached garages are permitted as an accessory structure.

(3) Street-facing garage walls

- a. The length of that portion of a garage wall facing the street shall not exceed twenty percent (20%) of the length of the building façade that faces the street.
- b. Garage doors may not exceed eighty (80) square feet in area.
- c. On corner lots, only one (1) street-facing garage wall must meet this standard.

(4) Paired front-loaded driveways

- a. If units are front-loaded, single-car-wide driveways must be used for each unit and driveways should be paired to consolidate green spaces in front yards.
- b. Unless street trees are provided a yard tree shall be planted in the front yard of each unit within 20 feet of the road right of way or sidewalk.

(5) Street lot line setbacks

- a. A garage wall that faces a street shall be located at least ten (10) feet behind the plane of the front façade or porch.
- b. A street-facing garage wall may be closer to or even with the front façade, where:
  - i. The length of the street-facing garage wall is less than twenty percent (20%) of the length of the building façade; and
  - ii. The interior living area is located above the garage.

**6.2.3. DWELLING, PATIO HOME**

- (A) Such projects shall have a minimum of 1.5 acres.
- (B) Minimum lot area shall be 3,000 square feet per unit.

- (C) Minimum lot width shall be 40 feet.
- (D) Maximum height of buildings shall not exceed 35 feet.
- (E) Where a unit is to be constructed at or on the property line, a five-foot private maintenance easement shall be provided on the adjoining lot.
- (F) At least one side yard extending not less than five (5) feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of five (5) feet.
- (G) The side yard for the exterior units shall be 5.
- (H) Rear yard setbacks shall be not less than 10 feet.
- (I) Front yard setbacks shall be 25 feet.
- (J) Roof
  - (1) Must be sloped with a pitch that is no flatter than six (6) units of vertical rise to twelve (12) units of horizontal run or as appropriate to the architectural style of the structure and approved by the Planning Director.
  - (2) Architectural features, at least one (1) of the following shall be provided:
    - a. At least one (1) dormer facing the street. If only one (1) dormer is included, it shall be located in the center third (horizontally) of the front elevation. If more than one (1) dormer is provided, at least two (2) dormers not less than four (4) feet wide must be provided on the front elevation
    - b. A gable end, or gabled end of a roof projection, facing the street
    - c. A shed dormer facing the street.
  - (3) Eaves: Must project from the building wall at least twelve (12) inches, measured horizontally, on the front and side elevations.
- (K) Foundation
  - (1) The ground level of the first floor, including the lowest elevation of the front façade, excluding garages, shall be elevated not less than two (2) feet above the grade of the finished lot measured at the front façade, unless the entire unit is designed to be compliant with Americans with Disabilities Act (ADA) or Universal Design regulations and standards.
- (L) Exterior finish
  - (1) Modular masonry unit material (brick, architectural block, fiber cement board) is preferred. Vinyl siding, plain smooth concrete block, plain smooth concrete, corrugated metal, plywood, and sheet pressboard are prohibited.
- (M) Front Porch required
  - (1) Front porch shall be covered by a solid roof. The front porch roof shall not be located more than twelve (12) feet above the floor of the porch.

- (2) The covered area provided by a porch must be at least sixty-three (63) square feet in area and a minimum of nine (9) feet wide.
- (N) Garages
- (1) Generally
    - a. Garages shall either be set back from the face of the building, detached or facing the side or rear lot line (side or rear loading garage), consistent with the standards established below. A wall of a detached or side or rear loading garage may not be closer to the front (street) lot line than the front of the porch.
  - (2) Detached garages are permitted as an accessory structure.
  - (3) Street-facing garage walls
    - a. The length of that portion of a garage wall facing the street shall not exceed twenty percent (20%) of the length of the building façade that faces the street.
    - b. Garage doors may not exceed eighty (80) square feet in area.
    - c. On corner lots, only one (1) street-facing garage wall must meet this standard.
  - (4) Paired front-loaded driveways
    - a. If units are front-loaded, single-car-wide driveways must be used for each unit and driveways should be paired to consolidate green spaces in front yards.
    - b. Unless street trees are provided a yard tree shall be planted in the front yard of each unit within 20 feet of the road right of way or sidewalk.
  - (5) Street lot line setbacks
    - a. A garage wall that faces a street shall be located at least ten (10) feet behind the plane of the front façade or porch.
    - b. A street -facing garage wall may be closer to or even with the front façade, where:
      - i. The length of the street-facing garage wall is less than twenty percent (20%) of the length of the building façade; and
      - ii. The interior living area is located above the garage.

#### 6.2.4. DWELLING, TRIPLEX AND QUADPLEX

- (A) One triplex or quadplex allowed per parcel.
- (B) Design of Entryway. Three and Four Family Dwellings or Triplexes, and Quadplexes shall have only one primary entrance oriented toward the public right-of-way and shall be visibly emphasized, architecturally embellished and

- accessible from a street or sidewalk. Primary entrances for other units shall be located on a side or rear wall to minimize visibility, unless part of a shared entry.
- (C) Finished Floor Elevation. The finished floor elevation at the front façade shall be at a minimum twenty-four (24) inches above grade, unless the entire unit is designed to be compliant with Americans with Disabilities Act (ADA) or Universal Design regulations and standards.
  - (D) Maximum Building Footprint. The maximum building footprint of the primary structure shall not exceed one thousand five hundred (1,500) square feet.
  - (E) Maximum Building Width. The maximum building width shall not exceed fifty-five (55) feet.
  - (F) Usable porches and stoops should be used as a primary architectural element of the building design and be located on the front and/or side of the home. Front porches shall be at least eight feet deep and extend more than 40 percent of the facade.
  - (G) The width of an attached garage shall not exceed 40 percent of the width of the building façade.
  - (H) The architectural features (including colors, materials, embellishments, landscaping) shall be similar or complementary to that of surrounding buildings and landscape to achieve unity of design and to not detract from buildings in the vicinity, especially if they are designated as architecturally or historically significant. Bay windows, cornices, and other architectural elements are encouraged, particularly when similar to surrounding buildings.
  - (I) Roofs shall be complementary in appearance to the roofs of the adjacent structures.

#### 6.2.5. DWELLING, MULTI-PLEX (5-12 UNITS)

- (A) Design of Entryway. Multi-plex Dwellings shall have only one primary entrance oriented toward the primary public right-of-way and shall be visibly emphasized, architecturally embellished and accessible from a street or sidewalk. Primary entrances for other units shall be located on a side or rear wall to minimize visibility, unless part of a shared entry.
- (B) Finished Floor Elevation. The finished floor elevation at the front façade shall be at a minimum twenty-four (24) inches above grade, unless the entire unit is designed to be compliant with Americans with Disabilities Act (ADA) or Universal Design regulations and standards.
- (C) Maximum Building Footprint. The maximum building footprint of the primary structure shall not exceed five thousand (5,000) square feet.

- (D) Maximum Building Width. The maximum building width shall not exceed seventy-five (75) feet.
- (E) Usable porches and stoops should be used as a primary architectural element of the building design and be located on the front and/or side of the home. Front porches shall be at least eight feet deep and extend more than 40 percent of the façade on at least one floor.
- (F) The width of an attached garage shall not exceed 40 percent of the width of the building façade facing the primary right of way.
- (G) The architectural features (including colors, materials, embellishments, landscaping) shall be similar or complementary to that of surrounding buildings and landscape to achieve unity of design and to not detract from buildings in the vicinity, especially if they are designated as architecturally or historically significant. Bay windows, cornices, and other architectural elements are encouraged, particularly when similar to surrounding buildings.
- (H) Roofs shall be complementary in appearance to the roofs of the adjacent structures.

#### 6.2.6. DWELLING, MULTI-FAMILY (>12 UNITS)

- (A) Design of Entryways. Building entryways shall be designed for the pedestrian and shall include an awning, canopy, or portico at a minimum, as well as those listed.
- (B) Building Façade Design and Articulation. On each front or street side yard facing building façades of a Multifamily Dwelling shall be designed with consistent architectural styles, details, and trim features. Each street facing façade shall provide the following elements:
  - (1) A change in plane, such as recesses and/or projections (at least two feet deep);
  - (2) Complementary change in color;
  - (3) Complementary change in material/texture;
  - (4) Pedestrian building pass-throughs;
  - (5) Covered porches, terraces, lanais, or balconies intended for private use by residents;
  - (6) Pedestrian Access. All upper-story pedestrian accessways serving two or more units shall include fully enclosed stairwells on the front building façade. On side or rear facing façades open stairwells are allowed.
  - (7) Exterior Cladding Materials. Exterior cladding materials shall include at a minimum 50% brick, stacked stone, stone, or architectural concrete masonry

- units (CMU) and a maximum 50% cementitious fiber board, non-corrugated architectural metal siding, or wood (above first floor only).
- (8) Exterior Cladding Material Colors. Exterior cladding material colors shall be low reflectance, earth tone, or neutral colors.
- (C) Prohibited Exterior Materials and Colors. The following exterior cladding materials and colors are prohibited:
- (1) Vinyl siding, excluding windows;
  - (2) Unfinished concrete;
  - (3) Exterior Insulation Finishing Systems (EIFS), excluding cornices.
  - (4) Neon, day glow, fluorescent, metallic, or any high-intensity colors, except when included in an approved mural or other form or public art.
- (D) Architectural Features and Transparency. Building façades shall be designed to have a minimum level of transparency, through the form of transparent features materials (windows, doors, etc.), or balconies. The following requirements shall be met for Multi-Family Dwellings:
- (1) On the front façade of the ground floor of the building there shall be a minimum of 30% transparent materials, balconies or doors. If the building faces two streets, all street facing facades must meet this requirement.
  - (2) On side façades of the building (not facing a street), there shall be a minimum of 15% transparency, balconies, or doors.
  - (3) On rear ground floor façades there are no transparency required. All upper story façades must have a minimum of 15% transparent materials, balconies, or doors.
- (E) Building Height
- (1) When buildings are greater than 3 floors and adjacent to single-family homes (within 150 feet), an eight-foot minimum step back is required along the nearest façade.

#### 6.2.7. DWELLING, COTTAGE COURT

- (A) Procedure for review. Cottage court shall be reviewed in accordance with the standards and requirements for a major subdivision in Article 3.
- (1) Exception: Cottage courts may have proposed lots front on a common open space.
- (B) Site configuration.
- (1) Development size. Cottage courts shall be located on a site of at least 16,000 square feet in size.
  - (2) Development lot width and depth:
    - a. Lot width- 125 feet.

- b. Lot Depth- 150 feet.
- (3) Allowable uses. Allowable uses shall be limited to single-family detached dwellings and commonly associated accessory uses. Accessory uses may include common open space, a common building for the purposes of storage or recreation for residents of the cottage court, and outdoor recreational features.
- (4) Number of dwellings. A cottage court shall include at least four dwellings. Maximum density is sixteen (16) units per acre.
- (5) Common open space.
  - a. The cottage court shall include common open space that comprises at least 30 percent of the total site. The common open space shall include a central green, lawn, garden or forested area fronting some or all of the dwellings, one or more shared surface off-street parking area(s) located away from the dwellings and common area, and a Type 2 Bufferyard that incorporates landscaping materials, existing vegetation, or other features to buffer the subdivision from adjacent development.
  - b. A common building located within the common open space area may be included as an accessory use, but in no instance shall the common building be larger than 1,500 square feet or serve as a permanent dwelling unit.
  - c. Open space areas shall include improved pedestrian walkways that provide pedestrian access to each dwelling, shared parking areas, any common buildings, and the public sidewalk network.
  - d. Ownership of the open space shall remain either with the developer or be conveyed to a homeowners' association or comparable legal entity under the laws of South Carolina.
  - e. Maintenance of the land as permanent open space shall be ensured via the recordation of covenants or similar documents with the county registrar of deeds and noted (or referenced) on the site plan or final plat. This documentation shall also prescribe the nature and extent of continuing maintenance to the open space designed to preclude the creation of any nuisances.
- (C) Dwellings fronting open space. At least 50 percent of the dwellings in a cottage court shall front common open space.
- (D) Dwellings fronting internal streets and permanent, unpaved access easement. Dwellings in a cottage court that front an internal street or unpaved access easement shall:

- (1) Be oriented so that the front door of the dwelling faces the internal street or access easement;
  - (2) Include a front porch of at least nine feet in width and six feet in depth between the front facade of the dwelling and the street or access easement;
  - (3) Ensure that a street facing garage, if provided, is located at least 10 feet behind the front facade plane of the dwelling, including porches.
- (E) Dwellings fronting perimeter streets. Dwellings in a cottage court that front a public street outside the development shall comply with the following standards:
- (1) Lots shall maintain a minimum area of at least 75 percent of the minimum lot area for the underlying zoning district;
  - (2) Dwellings shall be oriented so that the front door of the dwelling faces the public street; and
  - (3) A street facing garage, if provided, shall be located at least ten feet behind the front facade plane of the dwelling, including porches.
- (F) Surface parking.
- (1) Each cottage court shall incorporate at least one shared surface parking area that accommodates resident or guest parking. Surface parking areas shall include a total of at least one parking space for each dwelling unit plus one designated guest parking space for every four dwelling units. Provision of resident parking spaces within a shared surface parking area is not required in cases where resident parking is provided via individual driveways, garages, or by parking spaces along internal streets.
  - (2) In no instance shall a surface parking area be more than 300 linear feet from the dwelling it serves.
- (G) Detached common garages. Detached garages serving more than one dwelling shall not exceed five car bays.
- (H) Perimeter buffer. A cottage court may be required to incorporate a perimeter buffer along all lot lines shared with existing single-family detached dwellings, as determined by the administrator.
- (I) Internal streets. Vehicular entryways into cottage courts and internal streets serving the development shall be configured as private drives with a maximum pavement width of 20 feet. Drives shall be located within a 26 ft wide access easement.
- (J) Individual lot configuration.
- (1) *Dimensional requirements.* The following table sets out the dimensional requirements for individual lots.

Table 6.2 Cottage Court Dimensional Standards

Feature	Requirement
Minimum lot size (sq ft)	None
Maximum lot coverage (%)	100 <sup>[1]</sup>
Minimum lot width (ft)	20
Minimum front setback (ft)	10 from open space; zoning district requirement from street <sup>[2]</sup>
Minimum side setback (ft)	0 one side; 10 other side <sup>[2]</sup>
Minimum rear setback (ft)	None <sup>[3]</sup>
<p>NOTES:</p> <p><sup>[1]</sup>Total impervious coverage for the entire subdivision shall not exceed 60 percent.</p> <p><sup>[2]</sup>Porch steps, ramps, fences, and walkways may encroach into the front setback, but no other structures shall be permitted to encroach into a required setback.</p> <p><sup>[3]</sup>When an individual lot includes a driveway, the minimum rear setback shall be 20 feet.</p>	

- a. No-build easement. Any lot abutting another lot used for residential purposes in a cottage court shall include a no-build easement on one side that extends from the lot line to the exterior wall of the dwelling. The purpose for the use easement is to ensure that the adjoining property owner can use the entire side yard as private outdoor space.

(H) Dwelling unit configuration.

- (1) Maximum height. A dwelling unit shall not exceed two stories, or 30 feet.
- (2) Dwelling size. A dwelling unit shall be at least 600 gross square feet in size, but not more than 2,400 gross square feet in size, excluding garages.
- (3) Front porch. A dwelling unit shall incorporate a covered front porch of at least ten feet in width and six feet in depth.

- (I) Homeowner's association. Each cottage court should include a homeowner's or property owner's association, or comparable legal entity under the laws of South Carolina, that maintains control of common areas and takes responsibility for maintenance of common features in the neighborhood, in the event the developer has transferred ownership of the common areas. Homeowner's association documents shall be submitted to and reviewed by the city prior to approval of the subdivision.

#### 6.2.8. DWELLING, LIVE-WORK

- (A) No business storage or warehousing of material, supplies or equipment is permitted outdoors. Storage is permitted in the live-work unit or a fully enclosed accessory structure only.
- (B) Signage is limited to one (1) unlit wall or projecting sign as listed in Article 9 for each building façade of the structure containing the live-work use that faces a public street. Each sign permitted by this item shall be no larger than six (6) square feet in area, and attached to the structure housing the live-work unit.
- (C) Allowed uses shall be limited to the following:
  - (1) Office
  - (2) Dance, martial arts, music studio or classroom
  - (3) Sports academy
  - (4) Personal Service (with the exception of Animal Care (outdoor); Dry-cleaning; Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium, pet crematorium; and Wedding chapel)
  - (5) Clothing, textile, and apparel manufacturing and sales
  - (6) Production of artwork and toys
  - (7) Graphic design
  - (8) Assembly, design, repair or testing of clocks, computers, jewelry, musical instruments, and photographic or optical instruments.
  - (9) Sale of items such as, but not limited to, antiques, jewelry and clothing.
- (D) The live-work shall be located in fully-enclosed, conditioned space that is affixed to a permanent foundation. Exterior facades of an attached live-work shall be compatible with the principal building in terms of texture, quality, material and color
- (E) No more than one live-work shall be established on a lot. A live-work shall not be permitted on a lot where a Home Occupation is permitted.
- (F) When a live-work use is located within a Detached, or Attached, or Apartment principal structure with a residential principal use or an Accessory Dwelling Unit associated with a residential principal use, the following provisions shall apply:
  - (1) The non-residential floor area is limited to the first floor and may occupy no more than 50% of the structure; and
  - (2) The entire structure may be no larger than 3,000 sf (both residential and nonresidential).
- (G) When a live-work is located in an Apartment principal structure, the floor area of the live-work shall not exceed 1,000 square feet or 40% of the gross floor area of the associated dwelling unit, whichever is smaller.

- (H) Hours of operation shall be limited to 7 AM to 9 PM.
- (I) Drive-throughs are prohibited.
- (J) Outdoor seating associated for nonresidential uses associated with a live-work unit is prohibited.
- (K) Outdoor display areas shall be prohibited.
- (L) Lighting associated with live-work shall be full cutoff.

#### 6.2.9. DWELLING, UPPER STORY

- (A) Balconies. All upper story units facing the street must include a balcony. This standard applies to new buildings only and does not apply to properties listed on the National Register of Historic Places.
- (B) Pedestrian Access. All upper-story pedestrian accessways must be enclosed.

#### 6.2.10. FAMILY GROUP HOMES

- (A) Approval of the location of a family group home is subject to Section 6-29-770 of the South Carolina Code of Laws, as amended.
- (B) Setbacks. Group homes must comply with the zoning district setback requirements for detached house dwellings.
- (C) A group home shall be similar in exterior appearance to a detached house dwelling.

#### 6.2.11. BED AND BREAKFAST INN

Bed and Breakfast Inns are intended to provide a unique lodging experience in predominantly residential environments. As a result, care should be taken to protect the character of any surrounding residential areas. Toward this end, Bed and Breakfast Inns, where permitted as a conditional use by this Ordinance, shall:

- (A) Be occupied by the resident/owner.
- (B) Only be permitted in existing residential structures that are architecturally, historically or culturally significant, or structures that have been constructed to resemble historical or cultural buildings.
- (C) Serve no regularly scheduled meal other than breakfast.
- (D) Maintain the interior architectural integrity and arrangement of the structure.
- (E) Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area.
- (F) Maximum Number of Guest Rooms. The maximum number of guest rooms is six (6).
- (G) Records Required. Bed and breakfast operators must maintain a guest register containing the following information:

- (1) Names
  - (2) Vehicle license plate number
  - (3) Home addresses
  - (4) Work and home telephone numbers
- (H) Off Street Parking.
- (1) Provide off-street parking on the basis of one space per guest room, plus two spaces for the resident innkeeper; further provided that sufficient off-street parking space shall be available on site to accommodate private gatherings, where proposed by the applicant.
  - (2) All parking for bed and breakfast establishments must be located in the rear or side of the primary building on a lot. One off-street parking place shall be provided for each guest room.
  - (3) Parking shall be screened with evergreen landscaping or fencing from the adjacent residential property line.
- (I) Be permitted one non-illuminated identification sign, not to exceed four (4) square feet in area and that such sign is mounted flat against the wall of the establishment in which such the Bed and Breakfast is conducted.
- (J) Compliance with State Law. Such a facility must comply with all applicable State laws, including [S.C. Title 45, Chapter 4 Bed and Breakfast Act](#).

#### 6.2.12. SHORT TERM RENTAL

- (A) The guest making the booking or reservation for a short-term rental shall be at least twenty-one (21) years of age.
- (B) **Permit number in advertisement.** Any online advertisement for an STR must include the current zoning permit number, as issued by the city, within the description section of the advertisement.
- (C) **Records required.** The property owner shall maintain the following which shall be made available to the city upon request: a. For a period of two years, records demonstrating compliance with these provisions, including but not limited to, information demonstrating residency, if required; the number of days per calendar year the residential unit has been rented as an STR; and compliance with the insurance requirement in this section; and b. The name and phone number of each short-term guest that booked the STR for the previous two years.
- (D) **House manual.** At a minimum, the following shall be made available to each short-term guest: a. Emergency contact numbers; b. The name and contact information for the owner or responsible local representative; c. Instructions or

- a diagram of the designated parking space(s); and d. The house rules imposed on guests by the owner.
- (E) **Identity verification.** The owner or responsible local representative shall be responsible for determining that any guest occupying the STR is listed in the booking or reservation for the STR.
  - (F) **Neighbor notification.** Annually, the owner or responsible local representative of an STR shall notify each household immediately adjacent to the STR and any neighborhood association, if the STR is located in a neighborhood with such an association, that the property is being operated as an STR and must provide such households and association with the address of the STR and the phone number of the owner or responsible local representative.
  - (G) Overnight occupancy shall not exceed two (2) persons per bedroom plus two (2) additional persons.
  - (H) A short-term rental shall not be used for special events or gatherings in excess of the overnight occupancy limit.
  - (I) Occupants or guests of short-term rentals who park vehicles on the property shall do so within parking areas designated for parking. Vehicles parked in the public right-of-way shall comply with street or parking regulations and failure to do so shall subject the vehicle to towing at the vehicle owner's expense.
  - (J) Household trash shall be bagged and disposed of in the trash receptacles provided by the owner. No trash shall be left outside of the trash receptacles.
  - (K) The owner or responsible local representative offering the short-term rental shall obtain a City business license annually. The responsible local representative shall live within 45 miles of the property. The business license shall include the most current and accurate contact information of the owner or responsible local representative.
  - (L) The owner or responsible local representative shall be willing to take phone calls at all times to address issues with the short-term rental.
  - (M) Valid liability insurance is required for the Owner, Property management company or any other entity. Valid insurance is required for each unit being licensed for short-term rentals.
  - (N) **Penalty.** Violation of any such provisions of this section are subject to the penalties stated in Section 2.8 of the Zoning Ordinance.

#### 6.2.13. TINY HOME VILLAGE

- (A) Minimum Property Size. Minimum property size shall be two acres.
- (B) Density. No more than six (6) dwelling units per acre.

- (C) Open and Recreational Requirements. Not less than 30 percent of the site shall be set aside and developed for common open space, natural area and recreation usage.
- (D) Location of Common Area. A centralized common area shall be provided and include public space such as lawn, gardens, patios, or plazas.
- (E) Minimum Common Area Size. At least 500 square feet of common open space is required per unit.
- (F) Design.
  - (1) Fifty percent of units must have their main entry facing the common open space.
  - (2) Connectivity Requirements. Sidewalk, trails and pathways shall connect all
  - (3) units to the common open space.
  - (4) Open Space Allowances. Community buildings or clubhouses can be counted towards the common open space requirements.
  - (5) Open Space Exclusions. Stormwater/detention ponds, wetlands, lakes, stream buffers and slopes greater than ten percent cannot be counted towards common open space requirements.
  - (6) Buffering Requirements. A Bufferyard Type 1 is required adjacent to the street, commercial properties, and multi-family uses and a Bufferyard Type 2 is required adjacent to all other existing residential uses.

#### 6.2.14. HOTELS & MOTELS

- (A) Hotels & motels with 50 rooms or more must have direct access from a street with an SCDOT or City functional class designation of Collector or above. If this criterion is not met, then a Special Exception is required.

### 6.3 ACCESSORY USES

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General standards for Accessory Uses and Buildings found in Section 5.6 shall apply, in addition to these specific standards.

#### 6.3.1. ACCESSORY DWELLING UNITS

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

- (A) The principal structure (dwelling) must be owner occupied.
- (B) The accessory dwelling, whether attached or detached, cannot exceed 800 square feet or 50 percent of the footprint of the principal dwelling, whichever is more.
- (C) The apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.

- (D) An accessory apartment may be accessory only to a single-family dwelling, and not more than one apartment shall be allowed per dwelling or lot.
- (E) The apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be setback not less than 20 feet from the principal dwelling.
- (F) One additional off-street parking space shall be required for an accessory dwelling unit.
- (G) Neither the primary residence nor the accessory apartment shall be a manufactured home.
- (H) The construction of a new accessory dwelling unit shall be subject to infill development requirements, in accordance with Section 5.9 Infill Development Standards.

### 6.3.2. HOME OCCUPATION

- (A) The floor area dedicated to a home occupation in the principal building shall not exceed 25 percent of the floor area of the principal building, up to 400 square feet.
- (B) Home occupations may be conducted in an accessory structure that meets accessory structure requirements in accordance with Article 5.
- (C) No activity shall be conducted outside the principal or accessory structure, nor shall there be any outdoor storage, display, or refuse area in the yard.
- (D) No signs identifying the home occupation shall be allowed in the residential Districts; elsewhere signs shall not exceed two square feet, mounted to the building.
- (E) No merchandise or articles shall be displayed so as to be visible from outside the building.
- (F) No person not residing in the residence shall be employed in the home occupation.
- (G) No traffic shall be generated in an amount above that normally expected in a residential neighborhood.
- (H) No parking is needed above that required by the principal use.

- (I) There is no alteration whatsoever of the residential character of the building(s) and/or premises.
- (J) The occupation, profession, or trade is properly licensed, and generates no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses.

The occupation shall not involve the retail sale of merchandise manufactured off the premises.

#### 6.3.3. ELECTRIC VEHICLE CHARGING

- (A) An electric vehicle charging space shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.
- (B) When accessory to any residential development:
  - 1. Electric vehicle charging is allowed only for the residents and their guests; and
  - 2. Unless located in a parking structure, chargers are limited to Level 1 or Level 2 facilities as defined by the U.S. Department of Energy.

#### 6.3.4. SOLAR ENERGY CONVERSION SYSTEM

- (A) A solar energy conversion system shall comply with the maximum building height standards for the zoning district in which it is located, except a roof-mounted system may extend a maximum of four feet above the roofline of the building on which it is mounted, regardless of building's height.
- (B) Solar energy equipment shall not produce unreasonable glare on neighboring properties.

#### 6.3.5. WIND ENERGY CONVERSION SYSTEM

- (A) Owner-mounted wind energy systems shall not be located within a front yard.
- (B) The system shall be set back from all property lines and overhead utility lines a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus 15 feet. Guy wires and other support devices shall be set back at least five feet from all property lines.
- (C) The maximum height of the system (including any tower and extended blades) shall be the maximum height allowed in the zoning district plus 60 feet.
- (D) Sound produced by the system under normal operating conditions, as measured at the property line, shall not exceed 55 dBA at any time, except, 55 dBA sound level may be exceeded during short-term events that occur beyond the property owner's control, such as during severe wind storms.

- (E) Wind turbines and towers shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white) that blends into a range of sky colors, or a color consistent with that of the buildings on the site. Bright or luminescent colors are prohibited.
- (F) Wind turbine blade tips and vanes shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, driveways, or sidewalks.
- (G) Illumination of turbines and towers is prohibited unless required by the FAA.
- (H) On a freestanding tower, any climbing foot pegs or rungs below 12 feet shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.
- (I) The system shall not include signs visible from any public street other than identification of the owner, manufacturer, and installer, and required warning signs
- (J) If use of the system is discontinued for a continuous period of six months, the City shall deem it abandoned and provide the owner a written notice of abandonment. Within 90 days after written notice of abandonment is provided, the owner shall either remove the system, including all towers, turbines, and above-ground structures and equipment, or resume regular operation of the system.

#### 6.3.6. ANTENNA

In Residential districts, antennas shall comply with the following standards:

- (A) Antennas are prohibited between the front of a principal structure and any adjacent public road. In the case of corner lots, antennas are prohibited between the side of a principal structure and the road.
- (B) Dish type antennas more than 18 inches in diameter shall not be placed on the roof or other portion of a building so as to be visible from any adjacent property.
- (C) Satellite dish antennas are subject to the standards in this section to the maximum extent feasible, but only where there is no impairment of acceptable signal quality. The standards in this section are not intended to impose unreasonable delays or costs on the installation, maintenance, or use of satellite dish antennas, and shall not be interpreted or enforced in any manner contrary to federal or State law.
- (D) Amateur ham radio antennas shall comply with the following standards in lieu of the standards in subsections a and b above, unless the ham radio operator

demonstrates that a deviation from the standards is necessary to accommodate the operator's amateur communications needs:

- (1) The antenna shall not exceed a height of 90 feet above grade;
- (2) An antenna attached to a principal structure on the lot shall be located on a side or rear elevation of the structure; and
- (3) A freestanding antenna shall be located to the rear of the principal structure on the lot, but not within 10 feet of any lot line.

#### 6.3.7. BACKYARD PENS/COOPS/BEEHIVES

- (A) **Small animal husbandry permitted.** The non-commercial keeping of small animals such as poultry, rabbits, and other similar small creatures is permitted. The keeping of roosters, goats, sheep, or other similar large animals is prohibited, unless permitted by Section 4.3.5 Agricultural Production, livestock, animals.
- (B) **Poultry Restriction.** The Cayce Code of Ordinances, Article 8, Section 8-11 Keeping of Domestic Chickens regulates poultry.
- (C) **Location and Fencing.** All animals shall be kept in the rear yard in a fenced area or other enclosure sufficient to prevent encroachment on neighboring properties.
- (D) **Beehives.** One of the following requirements must be met if a colony is location within twenty-five feet of an adjacent property:
  3. Measured from the nearest point on the hive to the property line, a six-foot barrier such as a solid wall, fence, dense vegetation or combination thereof is installed. The barrier should be parallel to the property line and extend ten feet in each direction so that bees are forced to fly at least six feet above the ground level over the property lines in the vicinity of the apiary; or
  4. The hive is located at least eight feet above the ground level at the property line.

## 6.4 INSTITUTIONAL AND SOCIAL

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### 6.4.1. CONTINUING CARE FACILITY

- (A) The minimum lot area shall be one acre.
- (B) The front yard setback shall be the same as permitted in the applicable zoning district. Side and rear yard setbacks shall be 25 feet.

### 6.4.2. RELIGIOUS INSTITUTION

- (A) The minimum lot area shall be 40,000 square feet.

**6.4.3. CEMETERY**

- A. All cemeteries shall meet the requirements set forth in [South Carolina Code of Laws Title 27, Chapter 43](#).
- B. The minimum lot size for cemeteries is 0.5 acres.

**6.4.4. GOVERNMENT OFFICE**

- (A) Based on the impact of the government office, the Planning Director may require a Type 3 Bufferyard adjacent to the surrounding properties.

**6.5 UTILITIES**

**6.5.1. COMMUNICATION TOWERS**

The requirements set forth in this Section shall be applicable to all communication towers and their accessory structures.

Communication towers are allowed according to the following table:

*Table 6.1 Communication Tower Height*

Zoning District	Permitted Height Stealth or Monopole Tower
Residential (LDR, MDR, SLR, UR)	Stealth tower with maximum height of 100 feet is permitted as a special exception
Multi-Family Residential (MFR)	Stealth tower with maximum height of 100 feet is permitted as a special exception
Office and Institutional (C-1)	Stealth tower or Monopole tower with maximum height of 120 feet is permitted as a conditional use
Neighborhood Commercial (C-2)	Stealth tower or Monopole tower with maximum height of 120 feet is a permitted as a conditional use
Central Commercial (C-3) Highway Commercial (C-4)	Stealth tower or Monopole tower with maximum height of 200 feet is permitted as a conditional use
Light Industrial (M-1) Heavy Industrial (M-2)	Stealth or Monopole or Lattice tower with maximum height of 200 feet is permitted as a conditional use

Development (D-1)	Stealth tower with maximum height of 200 feet is permitted as a special exception
Open Space (O-S)	Stealth tower with maximum height of 200 feet is permitted as a special exception
Design Overlay (DO)	NOT PERMITTED
Planned Development (PDD)	Tower with height specified in approved plan is permitted under conditions set forth in plan
Flexible Review District	Tower with height specified in approval plan is permitted under conditions set forth in plan

(A) Conditions: Where conditionally permitted as a principal use by Article 4 Table of Permitted Uses, and not accessory to an educational use, communication towers and antennas shall adhere to the following regulations:

- (1) All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.
- (2) All applicable safety code requirements shall be met.
- (3) Unless required by agencies of the state or federal government, towers must be a galvanized steel finish or stealth type towers (where required by zoning).
- (4) No tower or antenna shall be located within 1,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.
- (5) No signage shall be permitted, except as required by standard industry practice for the purpose of warning, identification, or emergency contact.
- (6) New towers shall setback 25% of tower height or district setbacks, whichever is greater. Towers within 200 feet of any residential dwelling, shall setback from the property line 1 foot for every 1 foot in tower height.

(B) Special Exceptions: Where permitted as a special exception by the Table of Permitted Uses in Article 4, and not accessory to an educational use, communication towers and antennas (in addition to conditions in Section 6.5.1) shall adhere to the following regulations:

- (1) An application for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a nonresidential district for valid technical reasons.
  - (2) Where the proposed tower is to be located within a residential, D-1 or O-S zoning district, the applicant shall conduct a public information meeting 14 days before the public hearing held by the Board of Zoning Appeals. The applicants shall inform, by certified letter, all property owners within a 500 feet radius of the date, time, location and topic of the meeting.
  - (3) The proposed stealth communication tower located within the residential zoning districts shall emulate an architectural or landscape feature typical of or appropriate to the surrounding area.
- (C) Permit Requirements: Permit requirements for the erection or placement of a tower or antenna shall be accompanied by the following:
- (1) One copy of typical specifications for proposed structures and antennas, including description of design characteristics and material.
  - (2) A site plan drawn to scale showing property boundaries, tower location, tower height, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, buffer and landscape plan, and existing land uses on adjacent property; [site plan not required if antenna is to be mounted on an approved existing structure].
  - (3) A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property.
  - (4) Identification of the owners of all antenna and equipment to be located on the site.
  - (5) Written authorization from the site owner for the application.
  - (6) Evidence that a valid FCC license for the proposed activity has been issued.
  - (7) A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
  - (8) A written agreement to remove the tower and/or antenna within 180 days after cessation of use.
  - (9) A certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, together with written indemnification of the affected government and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the affected government.

- (10) A letter from a registered engineer providing certification that adequate setbacks are established on all sides to prevent the tower's fall zone from encroaching onto adjoining properties.
- (D) Permit requirements for co-location of antenna on existing wireless communication tower shall be accompanied by the following:
  - (1) Evidence that the tower can accept the additional loading created by the co-location.
  - (2) Evidence that any modification made to an existing tower to accommodate co-location of additional antenna shall comply with Table 6.1.

## 6.6 TEMPORARY USES (ALL DISTRICTS)

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### 6.6.1. GARAGE/YARD SALES

- (A) A permit must be obtained from City Hall for each sale and posted at the site of the sale.
  - (1) The fee is listed in the City's fee schedule.
  - (2) The garage sale cannot last more than six (6) days.
  - (3) A property cannot have more than four (4) permits in one (1) calendar year.
- (B) Off-street parking shall be provided for all persons attending the sale.
- (C) No new or used merchandise shall be purchased or brought in for the sale.
- (D) All merchandise shall be that of the family or families conducting the sale.
- (E) Only one (1) sign may be posted advertising the sale and the sign should be placed on the private property of the person conducting the sale. Hours of the sale shall be from 8:00 a.m. to 6:00 p.m. No Sunday sales will be allowed.
- (F) The use of a public address system is prohibited.
- (G) No alcoholic beverages of any type shall be served or given on or near the premises.
- (H) If a City official authorized to conduct inspections finds that the ordinance is being violated, a citation will be issued or the right to continue with the sale will be terminated at once.

### 6.6.2. PORTABLE STORAGE CONTAINER

- (A) Portable storage containers shall not exceed industry standard for width, height and length, not to exceed 10' wide by 10' high by 20' in length in residential used land. The use of such containers shall be limited to residential, professional, or commercial used land.

- (1) On commercial and professional used land, such containers shall be located to the rear or side of the principal building and set back a minimum of five (5) feet from side and rear property lines.
  - (2) On residential used land, such containers shall be set back a minimum of five (5) feet from side and rear property lines and ten (10) feet from front property lines. These setbacks may be decreased by the Zoning Administrator in cases where the layout of the property or an obstruction makes it impossible or impractical to comply with the setbacks. There shall be a maximum of one (1) container per site.
- (B) These containers shall be limited to:
- (1) Uses in conjunction with an active construction project, duly permitted, and located on the construction site, provided such container(s) are removed within six (6) months of the date located on any property within the City unless otherwise permitted for a longer period of time as a result of the duration of the construction project. Such containers shall be removed within one (1) week of the demolition or building permit expiration, the issuance of a Certificate of Occupancy, or the issuance of a Certificate of Completion;
  - (2) Uses in conjunction with relocating or moving to or from the site for the purposes of packing or unloading due to shipping for the purpose of relocation, provided any such container is removed within two (2) weeks of the date first located on any property. This applies to all properties, regardless of land use.

#### 6.6.3. REAL ESTATE OFFICE (MODEL HOME UNIT)

- (A) A model home/unit may be used as a real estate sales or leasing office in a new residential development.
- (B) Temporary real estate offices in model homes/units cease operation when 90 percent of the homes in the development have been sold.
- (C) The maximum number of employees utilizing the office at any one time shall be four.

#### 6.6.4. REAL ESTATE OFFICE (TRAILER OR MODULAR UNIT)

- (A) One temporary structure, such as a construction trailer or temporary modular unit, may be used as a real estate sales or leasing office in any new construction project.
- (B) Temporary real estate offices in construction trailers or temporary modular units may remain on the site for a maximum of 12 months, until a model unit is

built, or until one-half of the units for the project are completed, whichever occurs first.

#### 6.6.5. PORTABLE CLASSROOM

(1) Portable classrooms associated with an existing school in any district for an indefinite period; provided all applicable ordinance requirements are met.

#### 6.6.6. TEMPORARY EVENT

(1) All temporary events shall adhere to the requirements of Chapter 6, Article IV Special Events; Permit Required in the Cayce Code of Ordinances.

##### (B) Removal

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

##### (C) Off-Street Parking

(1) Unless specified by Article 7 Parking for a specific use, a minimum of three (3) off-street parking spaces shall be required, and ingress/egress areas shall be clearly marked.

#### 6.6.7. TEMPORARY USE OF ACCESSORY STRUCTURE AS PRINCIPAL DWELLING

(A) An existing structure that is accessory to an existing principal dwelling that has been damaged or destroyed by a fire, hurricane, or other physical catastrophe may be temporarily used as the principal dwelling on the lot while the damaged or destroyed principal dwelling is being repaired or reconstructed, provided it complies with the following standards:

(B) The building or inhabited part shall meet all applicable building, health, and other regulations for a habitable dwelling.

(C) The building shall comply with any additional standards set forth in a Declaration of Emergency issued by authorized officials in response to the catastrophe.

(D) The building shall be removed or converted to an authorized accessory use within 30 days after issuance of the certificate of zoning compliance for the permanent principal dwelling. In no case shall the building be used as the principal dwelling for more than four years unless authorized by a longer time period set forth in a Declaration of Emergency issued by authorized officials in response to the catastrophe.

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### 6.7 AGRICULTURE, FORESTRY, MINING, UTILITIES, AND CONSTRUCTION

#### 6.7.1. AGRICULTURAL PRODUCTION, LIVESTOCK, ANIMALS

(A) The following uses are prohibited:

- (1) Feedlots
- (2) Hog and pig farming
- (3) Poultry and eggs
- (4) Sheep, goats, aquaculture

#### 6.7.2. BORROW PIT

- (A) Documentation must be provided to prove that there are overriding environmental or other planning benefits compared to obtaining materials from alternative sources;
- (B) Alternative materials of the required specification are unavailable in sufficient quantities;
- (C) The proposed borrow pit is contiguous with or close to the project(s) it is intended to serve;
- (D) The proposed borrow pit is time-limited to the life of the project and material is to be used only for the specified project;
- (E) Appropriate reclamation measures are proposed to make full use of surplus spoil from the project;
- (F) The site can be restored to its original levels or an alternative acceptable landform utilizing only materials from the construction project;
- (G) Any impacts on the environment or local communities can be controlled to acceptable levels; and
- (H) The project area is less than ten acres.
- (I) Setbacks, Slope, Maximum Depth
  - (1) The top of the cut bank of the borrow pit shall, at no time, be closer than ten feet from the property boundary of any abutting landowner.
  - (2) No excavation shall occur within 200 feet of wetlands or surface water.
  - (3) The average slope of any cut bank measured from a point located ten feet from the boundary of any abutting property to the bottom of the cut bank in the pit shall not at any time exceed a horizontal to vertical ratio of 2:1.
  - (4) The depth of the borrow pit is limited to a maximum of twelve feet below the average seasonal high water table or three feet above a confining or semi-confining unit, whichever is shallower.
- (J) Operational Requirements
  - (1) Best management practices shall be used to control erosion and sediment transport during and after the excavation activities.
  - (2) No on-site grading or sorting of materials shall occur.
  - (3) The active excavation, processing, and transportation of fill material shall only occur between 8:00 a.m. and 8:00 p.m.

(K) Completion of Excavation

- (1) Upon completion of the excavation area, side slopes shall be no steeper than 4 (horizontal):1 (vertical) out to a depth of two feet below the average water elevation.
- (2) The borrow pit slopes shall be stabilized with native vegetation within six months following completion of the excavation.

**6.7.3. MINING AND QUARRYING**

- (A) Property size. The minimum area required shall be twenty acres.
- (B) Operations setback. Operations shall be setback at least 150 feet from property lines.
- (C) Stream setbacks. Area of operations shall be setback a minimum of 150 feet from intermittent and perennial streams.
- (D) Gating & Fencing. At a minimum the area of operations shall be completely enclosed by a minimum six (6) foot high fence with a self-locking gate. A planted berm can be used as an alternative means of compliance.
- (E) Buffering. The area of operations shall be surrounded by a 100-foot wide planted evergreen bufferyard. Preservation of mature trees and vegetation at an average width of 75 feet is sufficient to meet buffering requirement.
- (F) Lighting. Lighting shall not encroach on adjacent properties and shall be oriented to reduce impact on neighboring properties.

**6.7.4. UTILITY GENERATION, ELECTRICAL AND UTILITY TREATMENT**

- (A) All structures over 1,000 square feet and parking shall be set back at least one hundred (100) feet from any existing residential properties. This can be reduced to fifty (50) feet if a mature tree buffer is retained or a Bufferyard 5 is planted.
- (B) All structures under 200 square feet shall comply with setbacks that apply to accessory buildings in the zoning district in which they are located, except transformer stations under 1,000 square feet shall comply with set setbacks that apply to principal buildings in the zoning district in which they are located.
- (C) Equipment that produces noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest dwelling.
- (D) Transformer stations shall be completely screened from adjacent properties and from roads.

**6.7.5. SOLAR ENERGY CONVERSION, SMALL SCALE**

- (A) Location requirements:
  - (1) Improved areas shall not be located in a federally designated Special Flood Hazard Area.

- (2) All Improved Areas shall be at least 50 feet from a public road right-of-way and 25 feet from the fence line.
- (3) Improved Areas shall be at least 100 feet from any contiguous property line not associated with a Solar Energy Facility.
- (4) All access roads and storage areas shall be established on a 30-foot minimum easement to a public right-of-way.
- (5) All improved areas must conform to the minimum zoning setbacks for the zoning district in which it is located.

#### 6.7.6. SOLAR ENERGY CONVERSION, LARGE SCALE

- (A) Location requirements. Improved areas must adhere to 6.7.4.
- (B) Landscape and buffering. All Large-Scale Solar Energy Facilities shall have, at minimum, a continuous landscaped Bufferyard 5 containing evergreen vegetation screening where existing buffers do not obscure solar energy system perimeters from dwelling units on adjacent parcels. All vegetative screening planted within the buffer should be planted at least ten (10) feet on center and shall consist of plants that will be at least fifteen (15) feet in height at maturity.
- (C) Berms. An optional earthen berm may be used in conjunction with planted vegetation provided all of the following are met:
  - (1) The combined height of the berm and planted vegetation shall be at least 15 feet and provide approximately 75% opacity within one year of planting.
  - (2) The slope of the berm shall be stabilized with vegetation and no steeper than 2:1.
  - (3) The height of the berm shall be a minimum of 6 feet, with a level or rounded area on top of the berm.
  - (4) The berm shall be constructed of compacted earth.
  - (5) When berms are planned to be installed within required buffers, storm drainage plans submitted with an application shall be designed to anticipate a 100-year storm event.
  - (6) When visible from an adjoining residential use (including across a street) the berm shall be composed of view-obscuring vegetation in combination with a berm designed to obscure views to a height of 15 feet from the ground, except for mechanical equipment which shall be screened to the height of the equipment plus six inches.
  - (7) Prior to issuance of the first certificate of compliance, berms shall be planted to ensure coverage by live plant material within 3 to 5 years.
- (D) The manufacturer's or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.

- (E) Power lines. On site power lines between solar panels and inverters shall be placed underground.
- (F) The design of Solar Energy Facilities buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
- (G) If the Solar Energy Facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.
- (H) Lot coverage. Maximum lot coverage shall not exceed 65 percent.
- (I) Height. Maximum height shall not exceed 25 ft.
- (J) Documentation. The following documents shall be provided to the City:
  - (1) A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the City.
  - (2) An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the Solar Energy Facility.
  - (3) Any other relevant studies, reports, certificates and approval as may be reasonably required by the City.
  - (4) A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation.
  - (5) A copy of all permits and/or approvals issued by the Public Service Commission of South Carolina.
  - (6) An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.
  - (7) The application must include a decommissioning plan that describes the timeline and manner in which the system will be decommissioned and the site restored to a condition similar to prior to the establishment of the facility.
  - (8) The decommissioning plan must include designation of party responsible for removing all obsolete or unused systems within 12 months of cessation of operations. Reusable components are to be recycled whenever possible.
  - (9) Each owner, operator or maintainer of a Solar Energy Facility to which this Ordinance applies shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as

practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed 12 inches in height.

#### 6.7.7. WIND ENERGY CONVERSION

- (A) Setbacks. Wind energy facility structures shall be setback from all property lines and public right(s)-of-way a distance equal to one (1) linear foot for every foot of height of the highest structure that is part of the facility or the minimum setback for the zoning district in which it is located, whichever is greater.
- (B) Max Height. The maximum height of wind turbines is for a small facility is 120 feet and 600 feet for a large facility.
- (C) Minimum Lot Size. Minimum lot size for a small facility is 2 acres and a large facility is 20 acres.
- (D) Visual Appearance
  - (1) Must be a non-obtrusive color such as white, off-white, or gray;
  - (2) May not be artificially lighted, except to the extent required by the FAA; and
  - (3) May not display advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer, facility owner(s), and operator.
  - (4) Installation and design of a wind energy facility shall conform to the applicable industry standards, including those of the American National Standards Institute.
- (E) Decommissioning.
  - (1) The wind energy facility owner shall have twelve (12) months to complete decommissioning of the wind energy facility if no electricity is generated for a continuous period of twelve (12) months. This period may be extended by the Cayce City Council, if evidence is provided that the delay is due to circumstances beyond the facility owner/operator's reasonable control.
  - (2) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities down to thirty-six (36) inches below grade.
  - (3) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas are not to be restored.
  - (4) Prior to the issuance of a building permit, the owner of a Large Wind Energy Facility shall provide a bond or irrevocable letter of credit in favor of the City in an amount equal to the estimated removal cost of the Wind Energy Farm,

less the salvage value of the equipment prior to construction. If the Wind Farm Owner elects to use a letter of credit, it shall be issued by a federally chartered bank with a branch office in South Carolina. The bond or letter of credit shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the Use Permit.

## 6.8 CONSTRUCTION

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### 6.8.1. CONTRACTOR'S YARD

- (A) All outdoor storage of equipment must be setback from the right-of-way and any residential property 50 feet and completely screened from view using landscaping, fencing, or a combination that creates 100% opacity. If evergreen plant material is used, it must be at least four feet in height at the time of planting and capable of forming a continuous screen of at least eight feet in height, with individual plantings spaced not more than five feet apart. Materials stored in the open shall not be stacked higher than the visible line of site over the required visual screen.

## 6.9 MANUFACTURING

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### 6.9.1. ARTISAN GOODS PRODUCTION

- (A) In the C-3 district, the maximum gross floor area shall be 6,000 square feet.
- (B) In the M-1, M-2, and D-1 districts, the maximum gross floor area shall be 10,000 square feet.
- (C) The establishment must include accessory retail sales, instruction, or another accessory component that provides direct interaction with the public.
- (D) All outdoor storage of equipment must be setback from the right-of-way and any residential property 50 feet and completely screened from view using landscaping, fencing, or a combination that creates 100% opacity. If evergreen plant material is used, it must be at least four feet in height at the time of planting and capable of forming a continuous screen of at least eight feet in height, with individual plantings spaced not more than five feet apart. Materials stored in the open shall not be stacked higher than the required visual screen.

### 6.9.2. MICROBREWERY, SMALL WINERY OR MICRODISTILLERY

- (A) A Microbrewery, Small Winery, or Microdistillery shall include one or more accessory or principal uses such as a tasting room, tap room, restaurant, retail, demonstration area, education and training facility or other uses incidental to the Microbrewery, Small Winery, or Microdistillery and open and accessible to the public.

- (B) Storage of materials used in the manufacturing, processing, and for distribution shall be located entirely within an enclosed building.

## 6.10 WHOLESALE TRADE

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### 6.10.1. JUNKYARD

- (1) Auto wrecking facilities, junkyards, recycling collection and processing center, salvage yards and scrap processors shall be located on a site of not less than two acres.
  - (2) No auto wrecking facility, junkyard, recycling collection and processing center, salvage yard or scrap processor shall be located within a radius of 600 feet as measured from the approximate center of the parcel on which the facility is located to the nearest boundary of any residential district existing at the time the application for a use permitted by special exception is filed.
  - (3) A continuous visual screen shall be provided and maintained along the property line and shall enclose all open storage areas. The screen shall be an eight-foot wall, fence, or evergreen plant material, or a combination of wall, fence and evergreen plant material. If evergreen plant material is used, it must be at least four feet in height at the time of planting and capable of forming a continuous screen of at least eight feet in height, with individual plantings spaced not more than five feet apart. Materials stored in the open shall not be stacked higher than the required visual screen.
  - (4) The facility may not be operated or allowed or caused to be operated in such a manner as to create any sound or noise as measured on the "A" weighted scale and on the slow meter response on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute (ANSI) that exceeds the limits as set forth below:
    - a. Monday through Friday 7:00 a.m. to 7:00 p.m. 70 Db(A)
    - b. Monday through Thursday 7:00 p.m. to 7:00 a.m.,
    - c. Friday from 7:00 p.m. until Monday at 7:00 a.m. 55 Db(A)
    - d. Sound level readings shall be measured at the boundary of the affected property. Precise positioning of the sound reading meter for the purposes of this section is not required.
- (B) Storage in front yard setbacks is prohibited.
- (C) The junkyard shall be conducted in such a manner as to prevent tracking and spillage of debris onto adjacent properties or roads.

#### 6.10.2. FUEL SALES (NON-VEHICULAR)

- (A) Gravel or paved roadways shall be provided to all storage tanks.
- (B) Security fencing, a minimum of six feet in height, shall be provided along the entire boundary of the facility.
- (C) Storage tanks protected by either an attached extinguishing system approved by the fire marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than 120 feet. Storage tanks not equipped as indicated above shall not be located closer to an exterior property line than a distance equal to 1.5 times of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than 175 feet. Storage tanks and loading facilities shall be located a minimum of 500 feet from any existing dwelling or Residential zoning district.
- (D) All storage facilities shall comply with the latest regulations of the National Fire Protection Association.
- (E) The facility shall comply with all applicable federal, state, and local laws.

### 6.11 RETAIL TRADE

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#### 6.11.1. AUTOMOTIVE DEALERS

- (A) Vehicle storage areas must be setback 15 feet from any road right-of-way and 25 feet from a property line abutting a residential use or district.
  - (1) Vehicle storage areas shall comply with interior landscaping requirements, but small maturing trees may be substituted for large maturing trees.

#### 6.11.2. BUILDING MATERIALS & SUPPLIES

- (A) Outdoor storage shall be located to the side or rear of the building and be completely screened from all adjacent residential properties.

#### 6.11.3. LAWN AND GARDEN SUPPLIES AND EQUIPMENT STORE

- (A) All outdoor storage of equipment must be completely screened from the right-of-way and any residential property using landscaping, fencing, or a combination that creates 100% opacity. If evergreen plant material is used, it must be at least four feet in height at the time of planting and capable of forming a continuous screen of at least eight feet in height, with individual plantings spaced not more than five feet apart. Materials stored in the open shall not be stacked higher than the required visual screen.

#### 6.11.4. RETAIL

- (A) Use standards in Section 4.3 apply.
- (B) Site and building design must meet standards in Article 5.
- (C) In C-1 and C-2 Zoning Districts retail building footprint is limited to under 25,000 square feet.

#### 6.11.5. TOBACCO, ELECTRONIC CIGARETTE, AND OTHER SMOKING SUPPLIES

- (A) Minimum separation between uses. A new shop must be located at least 600 feet from the following uses:
  - (1) Any residential structure;
  - (2) Any day care center, preschool or school;
  - (3) Any park or playground;
  - (4) Any hospital or nursing care facility.
- (B) Minimum separation between similar facilities. A new shop must be located at least 1,320 feet from an existing vape shop or tobacco shop.

### 6.12 TRANSPORTATION AND WAREHOUSING

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#### 6.12.1. TRANSIT STOP

- (A) Shelters and benches shall be located only at designated transit stops that are presently being served by or are planned to be served by a public transit authority, in accordance with the following requirements:
  - (1) A building permit is required for each shelter installed. The shelter shall be built in accordance with the building code, except that plumbing and mechanical elements are not required, and the shelter must be able to withstand sustained three-second wind gusts of up to 95 miles per hour. The shelter shall be subject to all applicable building permit fee and inspection requirements.
  - (2) The shelter shall be designed so that it will present an attractive appearance and not detract from the adjacent surroundings. It shall be illuminated from dusk to dawn and be designed to provide protection from weather elements. The shelter design shall comply with the following requirements:
    - a. Each shelter shall be installed on and attached to a concrete foundation and shall include an aluminum or steel framework suitable for supporting required wall sections, side panels, and roof panels. The shelter shall have a transparent rear wall section made of tempered glass, two side panels, and an opaque roof.
    - b. At a minimum, each shelter shall include a bench that is six feet long, transit route information, and a trash receptacle.

- c. Each shelter shall comply with Federal Americans with Disabilities Act (ADA) specifications and requirements. The permittee is responsible for such compliance, and any failure to comply with the ADA standards shall be rectified by permittee at the permittee's expense within 30 days of notification of the failure to comply by the Community Planning and Development Department. Under this subsection, ADA compliance includes, but is not limited to, sidewalk on ramps, tactile warnings, and signage or directional arrows indicating handicap accessibility.
  - d. Advertising on the shelter shall be limited to the outward side of the side wall panels. Such advertising may include a lighting source contained within the panel cabinet. A maximum of two advertisements are permitted per shelter. Each advertisement shall not exceed four feet in width or six feet in height.
  - e. The general dimensions of a typical shelter will be at a minimum 9 feet long by 6 feet wide by 8 feet high.
- (B) Shelters shall be maintained in good repair. The person to whom the permit is issued shall be responsible for cleaning the shelter and repairing or replacing any part that is not in good repair, including advertising materials, sidewalks, walkways, curbs, or foundations encompassed by the bus shelter. The maintenance of the shelter and any alteration or relocation of the shelter shall not in any way interfere with or endanger the safety of the general public in its use of adjoining roads.
- (C) Benches shall comply with the following requirements:
- (1) Benches shall be constructed of durable material and shall be securely fastened to the ground.

#### 6.12.2. TRUCK TERMINAL

- (A) All structures and parking shall be set back at least one hundred (100) feet from any existing residential properties. This can be reduced to fifty (50) feet if a mature tree buffer is retained, a landscaped Bufferyard 5 is installed.
- (B) Lighting and glare must be deflected, shaded, and focused away from any adjoining properties.
- (C) This use shall not include overnight stays or accommodations.

### 6.13 INFORMATION

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#### 6.13.1. DATA PROCESSING, HOSTING, AND RELATED SERVICES

- (1) The total building footprint shall not exceed 80,000 square feet

- (2) A noise study is required to demonstrate the operation of the facility will comply with the City's noise ordinance.
- (3) The facility, including all equipment, shall be set back two hundred (200) feet from all property lines.
- (4) A data center facility shall be at least 2,000 feet from a residentially used property, church, school, or park.
- (5) Building facades fronting the public right-of-way shall have at least two of the following design elements:
  - a. Change in building height;
  - b. Building step-backs or recesses;
  - c. Fenestration;
  - d. Change in building material, pattern, texture color; or
  - e. Use of accent materials.
- (6) Mechanical equipment shall be screened by an eight (8)-foot-high opaque fence or wall composed of the same material used on the exterior of the principal building.
- (7) A Bufferyard Type 5 is required along all residentially zoned or used properties.
- (8) Security fencing shall not be chain-link and no barbed wire shall be visible from the right-of-way.

## 6.14 REAL ESTATE & RENTAL & LEASING

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### 6.14.1. MINI-WAREHOUSES AND SELF-STORAGE

- (A) Mini-warehouses and self-storage units must be set back 150 feet from the right-of-way of the primary street frontage of the property in the C-4 Zoning District.

### 6.14.2. MACHINERY & EQUIPMENT RENTAL & LEASING

- (A) All outdoor storage of equipment must be setback 15 feet from the right-of-way
- (B) All outdoor storage of equipment must be located to the side or rear of property and fenced.

### 6.14.3. HEAVY MACHINERY RENTAL & LEASING

- (A) All outdoor storage of equipment must be setback 15 feet from the right-of-way

## 6.15 ADMINISTRATIVE AND SUPPORT WASTE MANAGEMENT AND REMEDIATION SERVICES

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### 6.15.1. LANDSCAPE SERVICES

- (A) All outdoor storage of equipment must be completely screened from the right-of-way and any residential property using landscaping, fencing, or a combination that creates 100% opacity. If evergreen plant material is used, it must be at least

four feet in height at the time of planting and capable of forming a continuous screen of at least eight feet in height, with individual plantings spaced not more than five feet apart. Materials stored in the open shall not be stacked higher than the required visual screen.

#### 6.15.2. REFUSE SYSTEMS

Due to environmental concerns and consideration for public health and safety, refuse systems where conditionally permitted as a principal use by the Table of Permitted Uses in Article 4 Zoning District and Regulations shall be limited to the following and shall comply with the supplemental development standards of this Section.

##### (A) Sanitary Landfills

- (1) Sanitary landfills shall be located no closer than 1,000 feet to any existing residential, recreational, religious, educational, medical, or public use (measured in a straight line).
- (2) A geotechnical engineering firm licensed in the State of South Carolina shall render a written opinion that, to the best professional judgment, the formations being used to contain the waste are impermeable and that surrounding ground water sources will not be contaminated.
- (3) A drainage and sedimentation plan shall accompany the request, showing all off-site run-off.
- (4) The facility shall be enclosed by an eight (8) foot opaque fence or wall structure on all sides visible from the street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.
- (5) A plan, to be submitted and approved with the initial permit, showing restoration of the site on completion of use as a landfill.
- (6) A plan showing the daily or weekly disposition and method of compaction and cover during ongoing operations.

##### (B) Inert Landfill

- (1) An inert landfill may be located up to, but no closer than, 100 feet from any property line, except such landfill shall not be located closer than 300 feet from any dwelling, school building, day care center, religious, recreational, or medical facility.
- (2) No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water, or other causes.
- (3) All materials and activities shall be screened in such fashion as not to be visible from off-site. The provisions of this subsection may be waived by the

Planning Director where such facility will be utilized for a period not to exceed 90 days.

- (4) A plan showing the reuse and/or relegation of the site on completion of use as a landfill shall accompany and be approved with the initial permit.

(C) Recycling Drop-Off Stations

- (1) All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized.
- (2) The site shall be maintained free of litter and any other undesirable materials, shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present.
- (3) Space shall be provided on site for the anticipated peak load of customers to circulate, park, and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of ten (10) customers or the peak load, whichever is higher, except where the Planning Director determines that allowing overflow traffic is compatible with surrounding business and public safety.
- (4) Where a facility is to be located within 500 feet of property in a residential zone, it shall not be in operation between 7:00 p.m. and 7:00 a.m.
- (5) No collection containers shall be located closer than 100 feet of any residential property line.
- (6) Donation areas shall be kept free of litter and debris. Containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

## 6.16 EDUCATIONAL SERVICES

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### 6.16.1. ELEMENTARY AND SECONDARY SCHOOLS

- (A) A Bufferyard 4 is required adjacent to residential uses.

## 6.17 HEALTH CARE AND SOCIAL ASSISTANCE

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### 6.17.1. DAY CARE FACILITY (ADULT AND CHILD)

- (A) Compliance with State Law. All day care facilities (adult and child) shall meet the applicable requirements set forth in South Carolina Code of Laws Title 63 Chapter 13 and are require licensing through the South Carolina State Department of Public Welfare.

- (B) Lot Area. The minimum lot area for a day care facility shall be 20,000 square feet. At least 75 square feet of outdoor play area shall be available for each child or attendee, based on the maximum enrollment.
- (C) Indoor Area. The building shall contain a minimum of 35 square feet of floor area for each child or attendee, based on the maximum enrollment.
- (D) Fencing. Play areas shall be enclosed by a fence having a minimum height of six feet constructed to provide maximum safety for the children.
- (E) Loading and Unloading Zones. Dedicated drop and pick up areas must be included on the site plan.

## 6.18 ARTS, ENTERTAINMENT, AND RECREATION

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### 6.18.1. PERFORMING ARTS, SPORTS AND SIMILAR EVENTS WITH INDOOR FACILITIES

- (A) Event venues shall ensure adequate ingress and egress from all buildings and structures to accommodate emergencies.
- (B) The event venue shall provide sufficient on-site trash receptacles and shall ensure that windblown trash or other debris does not accumulate anywhere on the site.
- (C) Event venues shall demarcate the boundaries of the event venue site for guests and shall include fences, walls, or other techniques such as landscaping to ensure guests do not inadvertently trespass on adjacent lots.
- (D) A Bufferyard 3 as defined in Article 8 shall be installed along all lot lines abutting a residential district.

### 6.18.2. PERFORMING ARTS, SPORTS AND SIMILAR EVENTS WITH OUTDOOR FACILITIES

- (A) Outdoor activity areas shall be set back from lot lines shared with a residential use by an amount at least twice the minimum rear setback for the district where the use is located.
- (B) Outdoor activities shall not take place between the hours of 10:00 PM and 7:00 AM on Sundays through Thursdays, and 11:00 PM and 7:00 AM on Fridays and Saturdays.
- (C) Exterior lighting shall not project onto adjoining residential lots. Use of stadium-style or other pole-mounted lighting is prohibited.
- (D) Lighting of accessible paths may be provided, if necessary.
- (E) The venue shall provide sufficient on-site trash receptacles and shall ensure that windblown trash or other debris does not accumulate anywhere on the site.

- (F) Venues shall demarcate the boundaries of the event venue site for guests and shall include fences, walls, or other techniques such as landscaping to ensure guests do not inadvertently trespass on adjacent lots or rights-of-way.
- (G) Venues shall ensure adequate ingress and egress from all buildings and structures to accommodate emergencies.
- (H) A Bufferyard 5 shall be installed along all lot lines abutting a residential district.

#### 6.18.3. COMMERCIAL RECREATION, OUTDOOR

##### (A) C-3 District

- (1) This use requires a special exception and must fit in with the character of the C-3 District in impact and appearance.

##### (B) All Other Districts:

- (1) No equipment, machinery, or mechanical device of any kind may be operated within 200 feet of a residential property.
- (2) A minimum six-foot-high security fence shall be provided along the entire boundary of the recreation activities.
- (3) Batting cages, golf driving ranges, airsoft, paintball and similar facilities shall include fencing, netting, or other control measures around their perimeter to prevent objects from leaving the designated area.
- (4) Golf driving ranges must use elevated tee boxes with lighting below.
- (5) Except for amusement parks, waterparks, and fairgrounds, hours of operation shall be limited to 9:00 a.m. to 10:00 p.m. The use of loudspeaker systems shall be prohibited outside the hours of operation.
- (6) Amusement parks, waterparks, and fairgrounds shall have a minimum lot size of five acres and shall set back all principal buildings and structures a minimum of 50 feet from all property lines.

#### 6.18.4. SHOOTING RANGE, INDOOR

- (A) Noise, Ventilation, and Impenetrable Surfaces. An Indoor Shooting Range shall be designed as a controlled shooting environment that includes impenetrable walls, floor, and ceiling, adequate ventilation, lighting systems, and acoustical treatment for sound attenuation suitable for the range's purpose.

#### 6.18.5. SHOOTING RANGE, OUTDOOR

- (A) Adequate provision shall be made for the safety of surrounding property owners. Backstops at least 20 feet high shall be provided behind all target lines and supplemented by baffles designed and arranged to contain all projectiles within the boundaries of the range and to reduce noise exiting the site.

- (B) The shooting range shall be at least 300 feet from all adjacent property lines and 600 feet from adjacent residential property lines.
- (C) Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.
- (D) The operator of the shooting range shall implement appropriate environmental management practices for containing, controlling, and removing lead from the range in accordance with the latest edition of “Best Management Practices for Lead at Outdoor Shooting Ranges” from the U.S. Environmental Protection Agency.

## 6.19 ACCOMMODATION AND FOOD SERVICES

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### 6.19.1. RECREATIONAL VEHICLE (RV) PARKS AND RECREATIONAL CAMPS

Camps and recreational vehicles (RV) parks, where permitted by Article 4 Table of Permitted Uses, shall comply with the following site and design standards.

- (A) The site shall be at least two (2) acres.
- (B) The site shall be developed in a manner that preserves natural features and landscape.
- (C) The following dimensional requirements shall serve as parameters beyond which development shall not exceed:
  - a. Maximum impervious surface ratio shall not exceed 35 percent of the project site.
  - b. Minimum setbacks for all structures and recreational vehicles shall be:
    - i. Street frontage 50'
    - ii. All other property lines 25'
  - c. Maximum density shall not exceed 12 vehicles per acre.
  - d. Bufferyards shall be as specified by Article 8.

### 6.19.2. BAR

- (A) A minimum eight (8)-foot-high opaque fence or wall shall be erected along any property line abutting a residential use or land in a residential zoning district.
- (B) Shall be located a minimum of 600 feet from the location of all religious organizations and elementary, middle, or high schools.
- (C) If a religious organization is located in a mixed-use shopping center, a mall, or an industrial park, the spacing requirement does not apply.
- (D) The minimum distance shall be measured from the nearest entrance of the bar or other drinking place along the shortest route of ordinary pedestrian or vehicular travel to the nearest entrance to the grounds of the place of worship or school, or any building in which religious services or school classes are held, whichever is closer. For purposes of this measurement, any entrance to such

- grounds that does not perform a primary function of providing access to such a building shall not be considered (e.g., entrances primarily providing access to cemeteries).
- (E) Any such facility shall comply with all applicable State laws.

#### 6.19.3. BREWPUB

- (A) A minimum eight (8)-foot-high opaque fence or wall shall be erected along any property line abutting a residential use or land in a Residential zoning district.
- (B) A brewpub shall be located at least 300 feet from any religious institution, child day care, school, or playground.
- (C) If the place of worship is located in a mixed-use shopping center, a mall, or an industrial park, the spacing requirement does not apply.
- (D) The minimum distance shall be measured from the nearest entrance of the brewpub or other drinking place along the shortest route of ordinary pedestrian or vehicular travel to the nearest entrance to the grounds of the place of worship or school, or any building in which religious services or school classes are held, whichever is closer. For purposes of this measurement, any entrance to such grounds that does not perform a primary function of providing access to such a building shall not be considered (e.g., entrances primarily providing access to cemeteries).
- (E) Any such facility shall comply with all applicable State laws.

#### 6.19.4. RESTAURANT, DRIVE THROUGH

- (A) Drive-thru windows shall be located on the rear or side of the structure, unless approved by the Planning Director.
- (B) Drive-thru windows and aisles shall not impede the circulation within internal accessways or external ingress points.
- (C) Drive-thru aisles shall exit onto accessways within the development or onto non-major roadways, as practicable.

### 6.20 OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION

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#### 6.20.1. AUTOMOTIVE OIL CHANGE AND LUBRICATION SHOPS

- (A) Bay doors shall either 1) not face the primary right-of-way adjacent to the property or 2) be screened from the primary right-of-way with landscape plantings or buildings.

#### 6.20.2. CAR WASHES, SINGLE BAY, FULLY AUTOMATED

Due to the unique design and features of a fully automated, single bay car wash, the following design requirements are imposed for all such projects:

- (A) Such projects shall be the principal use for the property.
- (B) Maximum height of structure shall not exceed thirty-five (35) feet.
- (C) Maximum parking allowable shall be two spaces or the area required for maintenance and servicing of the facility.
- (D) Necessary lighting for the illumination of the facility shall be placed to minimize the effects on any adjacent residential properties.
- (E) Landscaping shall meet all the requirements of Article 8.
- (F) In addition to Article 8, cited above, interior lot landscaping shall be provided at a minimum of twenty (20) percent of the lot.

#### 6.20.3. OTHER REPAIR

- (A) Outside storage of appliances, equipment and parts is prohibited.

#### 6.20.4. BODY PIERCING FACILITIES AND TATTOO FACILITIES

- (A) Shall be located a minimum of 600 feet from the location of all places of worship and elementary, middle, or high schools.
- (B) The minimum distance shall be measured from the nearest entrance of the facility along the shortest route of ordinary pedestrian or vehicular travel to the nearest entrance to the grounds of the place of worship or school, or any building in which religious services or school classes are held, whichever is closer. For purposes of this measurement, any entrance to such grounds that does not perform a primary function of providing access to such a building shall not be considered (e.g., entrances primarily providing access to cemeteries).
- (C) Any such facility shall comply with all applicable State laws.

#### 6.20.5. PET CARE/ANIMAL SHELTER

- (A) The establishment shall provide sufficient means so that no unreasonable noise or odor shall be detected off-premises.

#### 6.20.6. PARKING, COMMERCIAL

- (A) All lighting shall be designed to meet the following requirements:
- (B) Limit spillover of light to adjacent residential properties and protect against glare onto the public rights-of-way by placement, fixture design and/or the use of vegetated buffers, walls or fences.

#### 6.20.7. SEXUALLY ORIENTED BUSINESSES

- (A) Location: Owing to potentially objectionable operational characteristics of sexually oriented or adult uses, and the deleterious effect of such uses on existing businesses and/or residential areas around them, the location of such

uses where conditionally permitted by Article 4, shall be tempered by the supplemental sitting criteria of this section. No such use shall be located within 1,000 feet of:

- a residence or a Residential Zone,
- a church or religious institution,
- public or private schools and educational facilities,
- public parks and recreational facilities,
- another sexually oriented business, or
- day care facilities.

(1) 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 the uses listed above. This measurement requirement shall apply regardless of location of jurisdictional lines within the 1,000 foot distance.

(B) License Required: It shall be a misdemeanor for a person to operate a sexually oriented business without a valid Permit and/or License, issued by the responsible governing authority for the particular type of business.

(1) An application for a permit and/or license must be made on forms provided by the city.

(2) The premises must be inspected and found to be in compliance with the law by health, fire and building officials.

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

(D) Inspection: An applicant or permittee and/or licensee shall permit the Planning Director and representatives of the police, health or fire departments or other governmental departments or agencies involved in code enforcement to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

(E) Suspension: The Planning Director shall suspend a permit and/or license for a period not to exceed thirty (30) days if he determines that a permittee and/or licensee or an employee of a permittee and/or licensee has:

(1) Violated or is not in compliance with any section of this Ordinance,

- (2) Or refused to allow an inspection of the sexually oriented business premises as authorized by this Section.
- (3) Revocation: The Planning Director shall revoke a permit and/or license if a cause of suspension occurs and the permit and/or license has been suspended within the preceding twelve (12) months.
- (4) The Planning Director shall revoke a permit and/or license if he determines that:
  - a. A permittee and/or licensee gave false or misleading information in the material submitted to the building department during the application process.
  - b. A permittee and/or licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises.
  - c. A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises.
  - d. A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended.
  - e. A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises.
  - f. A permittee and/or licensee is delinquent in payment to the city, county, or state for any taxes or fees past due.

## 6.21 ACCESSORY USES TO NON-RESIDENTIAL DISTRICTS

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### 6.21.1. OPEN STORAGE

Open storage as an accessory use may be permitted where indicated by Table 2; provided such storage area does not occupy over 20 percent of the buildable area, is not located in any required setback area, and is screened from public view.

### 6.21.2. UNATTENDED DONATION RECEPTACLES

- (1) Notwithstanding any other provision of law, unattended donation receptacles located outdoors are prohibited unless located at an operational site of a company or organization that owns and maintains the receptacles. The following information must be clearly and conspicuously displayed on the exterior of the receptacle:
  - a. The name and address of the property owner who owns the receptacle, and the name of any entity which may share, profit, or benefit from any donations collected via the receptacle.

## 6.22 TEMPORARY USES (COMMERCIAL AND INDUSTRIAL ONLY)

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### 6.22.1. PARKING OR VACANT LOT SALES

#### (A) Permit required

- (1) The Planning Director is authorized to issue a permit for temporary uses as specified in this Ordinance. No temporary use may be established without receiving such permit.
- (2) Temporary use permits may be renewed no more than twice within one year for a maximum of 3 days per event, provided that said use will not create traffic congestion or constitute a nuisance to surrounding uses. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Planning Director.
- (3) Temporary use permits may be renewed no more than twice within one year, provided that said use will not create traffic congestion or constitute a nuisance to surrounding uses. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Planning Director.

(B) The vendor shall maintain proof of written permission from the private property owner or authorized lease holder of the private property of each vending location.

(C) No structure shall be located in a fire lane, travel lane, or vehicular surface aisle.

(D) One A-Frame sign is permitted, to be removed when the business is not operating.

(E) Hours of operation shall be between 9:00 a.m. and the half-hour before sunset.

#### (F) Removal

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

#### (G) Off-Street Parking

- (1) Unless specified by Tables 1 or 2 for a specific use, a minimum of three (3) off-street parking spaces shall be required, and ingress/egress areas shall be clearly marked.

### 6.22.2. STRUCTURES FOR GENERAL ASSEMBLY

(1) Tents and other temporary structures for general assembly in the M-1 and C-4 Districts for a period not to exceed sixty (60) days.

(2) The vendor shall maintain proof of written permission from the private property owner or authorized lease holder of the private property of each vending location.

- (3) No structure shall be located in a fire lane, travel lane, or vehicular surface aisle.
- (4) One A-Frame sign is permitted, to be removed when the business is not operating.
- (5) Hours of operation shall be between 9:00 a.m. and the half-hour before sunset, unless otherwise authorized by the Planning Director.
- (6) Removal
  - a. Temporary uses and structures from which temporary uses are operated shall be removed from the site after the temporary permit has expired.
- (7) Minimum parking requirements based on the use shall be provided on the property.

#### 6.22.3. HALLOWEEN-RELATED EVENTS

- (1) Halloween-related events are permitted from the last weekend in September to November 1 in all commercial and industrial districts. This use must be completely located inside of an enclosed building that meets building and fire code requirements for amusement and recreational industries. The use shall provide off-street parking at a ratio of 1 space for every 300 square feet of gross floor area.

#### 6.22.4. TEMPORARY OFFICE TRAILERS

- (1) Temporary office trailers in any commercial or industrial district where the principal building is being expanded, rebuilt, or remodeled for the conduct of business while the principal building is under construction.

#### 6.22.5. CONSTRUCTION SITE OFFICE AND STORAGE

- (A) A contractor's office and one or more equipment storage sheds may be placed temporarily on the site of construction of a development for which a land development permit or preliminary subdivision plat approval has been issued.
- (B) A temporary use permit issued for construction site office and storage shall be valid for a period of time determined by the estimated project completion date at the time the temporary use permit is issued. The Planning Director or duly authorized staff may approve an extension of this period of up to one year upon a written request by the applicant submitted at last 20 days prior to the termination of the initial period of validity.
- (C) All temporary construction buildings and trailers shall be completely removed from the site within 30 days after the issuance of a certificate of zoning compliance or the completion of the project, whichever happens first.

#### 6.22.6. FARMER'S MARKET, TEMPORARY

- (A) The farmers' market shall operate only with written permission from the owner of the property on which it is located.
- (B) The farmers' market shall operate for no more than 52 days in any 12-month period.
- (C) The farmers' market shall be open only during daylight hours.
- (D) The farmers' market may operate inside a building only during the months of December through March for a period not to exceed a total of 30 days; otherwise, the farmers' market shall operate in an open area or parking lot.
- (E) The farmers' market shall provide adequate ingress, egress, and off-street parking areas.
- (F) Sales shall be limited to the retail sale of agriculture, aquaculture, and horticulture products produced by the vendor, including the sale of products made by the vendor from such products (e.g., baked goods, jams and jellies, juices, cheeses) and incidental sales of crafts or similar home-made products made by the vendor.
  - (1) Specific federal and/or state licensing requirements applicable to certain types of sales shall apply.
- (G) The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.
- (H) The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.
- (I) The City's Special Events application may be required.

#### 6.22.7. FIREWORKS STAND

- (1) Firework Sales are permitted December 18 until midnight January 1 and from June 27 through midnight July 4. However, portable stands may be erected six business days prior to the start of the designated periods but must be removed within six business days after the last day of the designated periods.

#### 6.22.8. FOOD TRUCKS

A Food Truck is a fully enclosed mobile kitchen that may be used to prepare, cook, or serve time/temperature control for safety foods. A vendor may operate a Food Truck on private property under the following conditions:

- (A) The Food Truck must be appropriately permitted by the South Carolina Department of Environmental Services ("SCDES").

- (B) The Food Truck vendor shall prominently display SCDES letter grade;
- (C) The Food Truck vendor shall maintain within the Food Truck proof of written permission from the private property owner or authorized lease holder of the private property of each vending location.
- (D) The Food Truck vendor shall maintain a current Food Truck Permit, issued by the City which shall be renewed annually, along with a business license, by April 30. The license year runs from May 1 to April 30.
- (E) Food Trucks shall be removed from the property when not in operation, unless granted permission by the Planning Director to remain for a specified amount of time.
- (F) When not in operation, the Food Truck must be removed from the property and the vendor must remove from the property all materials associated with the Food Truck operation. No Food Truck shall operate between the hours of 10 p.m. and 6:00 a.m. if the property upon which the Food Truck is located is within 400 feet of residential property.
- (G) The use of any sound amplification is prohibited regardless of the intended purpose.
- (H) The sale or service of alcoholic beverages is prohibited.
- (I) Signs affixed to the Food Truck advertising the name of the truck and a menu of items sold are permitted. All other signs, balloons, banners, streamers, or other similar items to attract customers are prohibited.
- (J) The Food Truck vendor shall not operate the Food Truck as a drive-in window.
- (K) The noise level from the Food Truck motor and generator must comply with the City's Noise Ordinance.
- (L) A garbage receptacle shall be provided for customers in a convenient location that does not impede pedestrian or vehicular traffic. All litter or debris generated within a minimum of a 25-foot radius of the Food Truck shall be collected and removed by the vendor.
- (M) Any service items, tables, etc. that a Food Truck operator may place outside of the vehicle shall not extend further than a 15-foot radius of the Food Truck.
- (N) No temporary lighting shall be provided on site where the Food Truck is operating, except that localized lighting may be used on or in the Food Truck for the purpose of inside food preparation and menu illumination.
- (O) Application: In order to operate a Food Truck within the City, a Food Truck vendor must apply to the City for a Food Truck Permit and a business license by submitting to the Zoning Administrator the following:
- (P) An application for a Food Truck Permit,

- (Q) An application for a business license,
- (R) Proof of general liability insurance for operation of the vehicle as a motor vehicle, and conduct of the business if the business is to be conducted on public property, in amounts reasonable determined by the City in consultation with its risk manager, and
- (S) Documentation of approval from SCDES to operate.
- (T) Operation: Food Trucks may operate on City-owned property with permission of the Planning Director or on private property with the permission of the property owner, but cannot be parked within any right-of-way or access easement. The following conditions must be met:
  - (U) Located only within a zoning district that would otherwise permit the business, unless otherwise approved by the Zoning Administrator to locate in a different zoning district.
  - (V) The Food Truck must be located at least 100 feet away from the customer entrance of a lawfully established restaurant during the hours of its operation unless the owner of the restaurant provides a letter of consent, a copy of which shall be kept within the Food Truck.
  - (W) The Food Truck shall not occupy any handicap accessible parking space or block American Disabilities Act (“ADA”) access to public facilities.
  - (X) The Food Truck shall not occupy a parking space or spaces that would negatively affect the parking for the businesses on the property or the movement of motor vehicles.
  - (Y) The Food Truck shall be positioned so as not to block the visibility triangle, as defined by South Carolina Department of Transportation (“SCDOT”), or emergency access and fire lanes.
  - (Z) The Food Truck must be positioned at least 15 feet away from fire hydrants, any fire department connection, driveway entrances, alleys, handicapped parking spaces, and sidewalks, and five feet away from tree trunks and vegetation.
- (AA) The Food Truck must collect and pay hospitality tax as required by the City.
- (BB) Special Events: Nothing in this section should be construed to prohibit the City from conducting special events that feature Food Trucks. Food Truck vendors may operate as part of special events if approved by the City.
- (CC) Suspension and Revocation of Permit: The permit issued for the Food Truck business may be revoked if the vendor violates any of the provisions contained in Section 7.19 or its subsections or if the Food Truck vendor’s SCDES permit to operate as a Mobile Food Unit is suspended or revoked.

(DD) The Zoning Administrator may revoke a City permit if he or she determines that the Food Truck vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.