

# SIMPSONVILLE

## Zoning Ordinance



simpsonville



2013 EDITION

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# TABLE OF AMENDMENTS

Ordinance	Section(s) Amended		Date Adopted
<b>TX-2014-01</b>	2.7.7(A) 2.8.7(A) 3.1.5 – <i>Service, Pet Care</i> 3.2.30(B) 4.5.11(E) 4.9.2(B)	4.10.3(B) 4.10.4(H) 4.10.4(I) 4.10.5(B) 7.2.4(A) 8.5 – <i>Sign, Monument</i>	July 8, 2014
<b>TX-2014-02</b>	2.2.3(A) 2.3.3(A) 2.4.3(A)	2.6.3(A) 8.3.4(C) – <i>Lot Frontage</i>	Dec. 9, 2014
<b>TX-2015-01</b>	2.5.3(A) 2.5.3(B) 2.10.7	6.2.5 6.2.5(H)(1)	July 14, 2015
<b>TX-2015-02</b>	3.1.5 – Public Works Facility 3.2.40	8.6 – Public Works Facility	Aug. 11, 2015
<b>TX-2016-01</b>	4.10.7(F)		Mar. 8, 2016
<b>TX-2017-01</b>	3.1.5 – Dwelling, Attached Single-Family	3.2.4 (B)	May 9, 2017
<b>TX-2018-01</b>	2.13.3(C)		June 27, 2018
<b>TX-2019-01</b>	3.1.5 – Service, Construction 3.2.27	4.2.5 4.6.4	Oct. 08, 2019
<b>TX-2021-01</b>	3.1.5 – Brewpub Beer/Wine, Micro-Distillery, Brewery 3.2.4(A)(4) 3.2.27(A) 3.2.41 3.2.42 3.2.43 3.3.9(E)	4.2.6 6.2.5(B) 8.3.3 8.5 – Building 8.6 – Accessory Structure, Brewpub Beer/Wine, Brewery, Micro-distillery	April 13, 2021
<b>TX-2021-02</b>	7.2.4 (A-G)		Sept. 14, 2021
<b>TX-2023-01</b>	2.12.2 2.12.6 2.13.2 2.13.4 3.2.20(4) 4.8(3)(7-12) 4.9.3 (f) 4.10.3 (f) 4.10.5 (B)	4.10.5 (B) 4.10.6 (B) 4.10.6 (C-I) 4.10.7 (B) 4.10.7 (C-G) 8.3 Glass Window Frame Section 8.5 Foot Candle & Full Cut-off fixtures	March 14, 2023

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TX-2023-02	3.1.5 – Service, Parking Garges & Parking Lots 4.5.11 4.7.3 8.5 – <i>Parking Kiosk, Parking Garages, and Parking Stall Barriers</i>	November 14, 2023
TX-2023-03	2.1 Establishment of District 2.14 DO-E, Overlay District	December 12, 2023



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# ARTICLE 1

## INTRODUCTION

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# General Provisions

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## 1.1 General Provisions

### 1.1.1 Title and Citation

This Ordinance shall be known as the City of Simpsonville Zoning Ordinance, and may be referred to as the Zoning Ordinance or this Ordinance, and may be cited as the Zoning Ordinance of the City of Simpsonville, South Carolina.

### 1.1.2 Authority and Enactment Clause

This Zoning Ordinance is adopted pursuant to the authority granted by [Chapter 29, South Carolina Local Government Comprehensive Planning Enabling Act of 1994, of Title 6 of the South Carolina Code of Laws \(1976\)](#), as amended, and all other applicable South Carolina state laws. In accordance with the authority conferred on the City of Simpsonville by these statutes and for promoting the purposes, intent, and design objectives expressed in this Ordinance, the City Council of the City of Simpsonville does ordain and enact into law the following articles and sections.

### 1.1.3 Comprehensive Plan

Prior to the adoption of this Zoning Ordinance, the City of Simpsonville adopted a [Comprehensive Plan](#) in 2009, pursuant to the authority of [Title 6, Chapter 29, Article 3 of the South Carolina Code of Laws \(1976\)](#), as amended, which includes, among other things, a [land use](#) element, a natural resources element, a cultural resources element, a housing element, an economic development element, and a transportation element. This Zoning Ordinance is adopted in order to assist in the [implementation](#) of the City's Comprehensive Plan.

### 1.1.4 Purpose

This Zoning Ordinance has been adopted for the purpose of providing guidance for [land use](#) and [development](#) and [redevelopment](#) within the City of Simpsonville, in accordance with the [City's Comprehensive Plan](#), for its physical, social, and economic growth and development. This Ordinance is enacted to protect and promote the public health, safety, convenience, order, appearance, prosperity, and general welfare, as well as the efficiency and economy of the City. To those ends, this Zoning Ordinance has the following specific purposes:

- A. Provide for administrative procedures and zoning districts and regulations.
- B. Assist in the [implementation](#) of the [Comprehensive Plan for the City of Simpsonville](#) and other official plans, policies, and programs.
- C. Strengthen the conservation, preservation, and protection of natural resources and watersheds as signature elements of the region, including the protection, regeneration, and preservation of sensitive natural resources and the relationship of [development](#) to natural resources as an [aesthetic](#) and recreational amenity.
- D. Promote long-term and sustainable economic and environmental vitality for the region.
- E. Allow for an integrated mixture of [compatible land uses](#) to create nodes of activity in the form of town, village, and neighborhood centers.
- F. Strengthen and promote development toward town, village, and neighborhood centers.
- G. Take advantage of compact building design to improve walkability, connectivity, and preservation of [open space](#).
- H. Provide for a range of affordable and workforce housing opportunities and choices.

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- I. Provide for a variety of transportation choices that are efficient and balanced across all modes, establishing a transportation system that reduces vehicular congestion, vehicle miles traveled, household transportation costs, and emissions.
- J. Create walkable communities that support community health and reduce [automobile](#) dependency.
- K. Foster distinctive, attractive communities with a strong [sense of place](#).
- L. Establish standards for zoning districts, and for the kinds and classes of [buildings](#) within districts, that promote the unique [character](#) of each district and the suitability for particular uses.
- M. Make [zoning](#) and [development](#) decisions predictable, fair, and cost effective, and encourage community and stakeholder collaboration in zoning and development decisions.

### 1.1.5 Jurisdiction

This Ordinance shall govern all [zoning](#) and land [development](#) within the municipal boundary of the City of Simpsonville, South Carolina, as now or hereafter established, and any [public improvements](#) in the City of Simpsonville as now or hereafter established.

### 1.1.6 Minimum Requirements

The provisions of this Ordinance are hereby declared to represent minimum requirements, adopted for the promotion of the public health, safety, morals, and general welfare.

## 1.2 Applicability

### 1.2.1 General Applicability

No activity regulated by this Ordinance shall be undertaken by any [person](#) or entity, including, without limitation, any public or private agency or authority, unless such activity is in full conformance with the provisions of this Ordinance.

No activity requiring any [permit](#) or approval issued pursuant to the provisions of this Ordinance shall be undertaken unless such permit or approval is first issued or granted by the [approving authority](#) indicated herein, including any [conditions](#) attached thereto.

It is unlawful to construct, reconstruct, alter, demolish, [change the use of](#), or [occupy](#) any [land](#), [building](#), or other [structure](#) within the City without first obtaining the appropriate [permit](#) or permit approval. No permit or approval may be issued or approved unless the requirements of this Ordinance are complied with.

### 1.2.2 Applicability to Specific Development Activities

The following [development](#) and [redevelopment](#) activities, whether publicly or privately conducted, shall be subject to the provisions and standards of this Ordinance.

- A. **Use of a Structure or Land.** The establishment or re-establishment of a [use](#), or a [change in use](#) of a [structure](#) or [land](#), whether temporary or permanent, which the Planning Director determines would affect the area's natural environment, parking requirements, transportation patterns, public health, or economic values.
- B. **Construction, Demolition, Reconstruction, or Alteration.** A building operation involving the construction, demolition, reconstruction, or [alteration](#) of the size of a [structure](#) which the Planning Director determines would affect the area's natural environment, parking requirements, transportation patterns, public health, or economic values.

- C. **Increase in Land Use Intensity.** An increase in the [intensity of land use](#), such as an increase in the number or size of nonresidential or residential uses in a [structure](#) or on [land](#), an increase in traffic trip generation, or an increase in the number of [parking spaces](#) or amount of [impervious surface](#), when the Planning Director determines that such increases would affect the area's natural environment, parking requirements, transportation patterns, public health, or economic values.
- D. **Filling, Excavating, or Dredging.** The commencement of any [filling](#) or excavating operation on a [parcel](#) of [land](#), or filling or [dredging](#) of intertidal or underwater land.
- E. **Change in Effects or Conditions.** In connection with the [use](#) of [land](#), the making of any material change in [noise](#) levels, vibration levels, lighting intensity, thermal conditions, [odors](#), or emissions of waste material.
- F. **Alteration of a Shore, Bank, or Floodplain.** The material alteration of a shore, bank, or [floodplain](#) of a [river](#), [stream](#), [lake](#), or other [water body](#).
- G. **Utility Construction.** The construction, expansion, or modification of any utility line or [facility](#).
- H. **Road Construction.** The construction, expansion, or modification of any public or private [road](#), [street](#), or [right-of-way](#).
- I. **Silviculture.** The sustained management and harvesting of [trees](#) as a commodity.
- J. **Subdivision.** The [subdivision](#) of [land](#) within the City of Simpsonville and the recording of a [plat](#) with the Register of Deeds for Greenville County.
- K. **Other.** Any other [development](#), construction, [alteration](#), modification, or [change in land use](#) not otherwise excluded by this Article that the Planning Director determines would affect the area's natural or built environment, parking requirements, transportation patterns, public health, and economic values.



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### 1.2.3 Activities That Do Not Constitute Development

The following operations or [uses](#) do not constitute [development](#) for the purpose of this Ordinance.

- A. **Transfer of Title.** A transfer of title to [land](#) not involving the division of land into [parcels](#).
- B. **Transfer of [Property](#) to Family Members.** The division of [land](#) into [parcels](#) for the purpose of sale or transfer to member(s) of one's own immediate family, or to non-related individuals specifically identified in a will, where no new [street](#) is involved or required for [access](#) and the resultant [lots](#) comply with all standards of this Ordinance and any other applicable land development regulations.
- C. **Division of Land into Five Acres or Larger Parcels.** The division of [land](#) into [parcels](#) of five acres or more where no new [street](#) is involved or required for [access](#).
- D. **Combination or Recombination of Lots.** The combination or recombination of portions of previously [platted](#) lots where the total number of lots is not increased and the resultant lots are equal to all standards of this Ordinance; and the combination or recombination of entire [lots of record](#) where no new [street](#) or change in existing streets is involved.
- E. **Legal Exhibits and Documents.** The recording of any documents or [plats](#) expressly for the purpose of reference or attachment to a publicly recorded document when such recording does not result in [subdivision](#) of [land](#) into [parcels](#). Such recording may include, but is not limited to, documents such as master deeds or [covenants](#), or plats for mortgage or HUD filing purposes only.
- F. **Leases and Easements.** The creation or termination of leases, [easements](#), or other rights, except that no easement required by this Ordinance may be terminated without the approval of the Planning Director.

### 1.2.4 Prior Development Approval

Land development plans and subdivision [plats](#) submitted to and approved by the City of Simpsonville prior to the adoption of this Ordinance shall have expiration dates governed as follows.

- A. **The Vested Rights Act.** The expiration of a [phased](#) development plan or a site specific development plan, as defined in the [Vested Rights Act, Title 6, Chapter 29, Article 11 of the South Carolina Code of Laws \(1976\)](#), as amended, approved by the City prior to the adoption of this Ordinance is governed by the Vested Rights Act.
- B. **Other Approvals.** Any land development plan or subdivision [plat](#) approved by the City prior to the adoption of this Ordinance that is not subject to the Vested Rights Act shall expire on the latter of (i) a definite expiration date contained in the approval or [permit](#) itself, or (ii) two years from the issuance date of the approval or permit.
- C. **The Development Agreement Act.** Subject to the terms of the [South Carolina Local Government Development Agreement Act, Title 6, Chapter 31 of the South Carolina Code of Laws \(1976\)](#), as amended, this Ordinance applies to any Development Agreement previously approved by the City of Simpsonville or any other governmental entity.

# Administration and Enforcement

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## 1.3 Administration and Enforcement

### 1.3.1 Violations

As applicable, any of the following shall constitute a violation of this Ordinance:

- A. It shall be unlawful to commence or continue any activity regulated by this Ordinance which is not in full conformance with the provisions of this Ordinance, or which is not in full conformance with the provisions of any [permit](#) or approval, including any [conditions](#) attached thereto, issued pursuant to this Ordinance.
- B. It shall be unlawful to construct, reconstruct, alter, demolish, [change the use of](#), or [occupy](#) any [land](#), [building](#), or other [structure](#), without first obtaining the appropriate [permit](#) or permit approval. No permit may be issued or approved unless the requirements of this Ordinance are complied with.
- C. It shall be unlawful to submit for filing or to record a subdivision [plat](#) or other land development plan without proper approval as required by this Ordinance or the City's Land Development Regulations.
- D. It shall be unlawful to [use](#) any [land](#) or portion thereof other than as specifically designated on an approved land development plan or as otherwise regulated by this Ordinance.
- E. It shall be unlawful to remove, deface, obscure, or obstruct any notice required to be posted or otherwise given pursuant to this Ordinance.
- F. It shall be unlawful to continue any violation of this Ordinance after notice of such violation by the Planning Director, with each day of continued violation considered a separate offense.

### 1.3.2 Responsibility for Administration and Enforcement

This Ordinance shall be administered and enforced according to South Carolina state law and the authority and procedures in all Articles contained herein. The responsibility for the interpretation and enforcement of this Ordinance is delegated to the Planning Director. The Planning Director, or duly authorized staff, shall have the authority to enter onto any [site](#) for the purpose of enforcing the provisions of this Ordinance and shall have the authority to enact those procedures and means of enforcement established in [Article 6, Administration](#), of this Ordinance.

### 1.3.3 Penalties

A violation of any provision of this Ordinance is a misdemeanor. Upon the conviction thereof, any [person](#) violating any provisions of this Ordinance shall forfeit and pay such penalties as the court may decide as prescribed by South Carolina state law, not to exceed \$500 or 30 days imprisonment for each offense.

# Conflicting Provisions

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## 1.4 Conflicting Provisions

### 1.4.1 Conflict with State Law

Where there is a conflict between provisions of applicable South Carolina state law and the provisions of this Ordinance, the provisions of applicable South Carolina state law shall control.

### 1.4.2 Conflict with Provisions of this Ordinance

Where there is a conflict or apparent conflict among provisions of this Ordinance, the more restrictive provision shall control; except, when there is a conflict or apparent conflict between an [overlay district](#) and the underlying base zoning district, the provisions of the overlay district shall control. Where it is possible to implement, administer, or construe a particular provision of this Ordinance in more than one way, it shall be implemented, administered, or construed in a way that eliminates or minimizes conflicts with other provisions of this Ordinance.

### 1.4.3 Conflict with Other City Requirements

Whenever this Ordinance imposes a more restrictive standard than required by any other City ordinance or requirement, the provisions of this Ordinance shall control. Whenever any other City ordinance or requirement imposes a more restrictive standard than required by this Ordinance, the provisions of such other City ordinance or requirement shall control.

### 1.4.4 Relationship to Deed Restrictions and Restrictive Covenants

The City is required by [Section 6-29-1145 of the South Carolina Code of Laws \(1976\)](#), as amended, to inquire of an [Applicant](#) for a [permit](#) whether the [tract](#) or [parcel](#) is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity. If the City has actual notice of a [restrictive covenant](#) on a tract or parcel of [land](#) that is contrary to, conflicts with, or prohibits the permitted activity, the City must not issue the permit unless the City receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

# Effective Date/Severability

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## **1.5 Effective Date**

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This Ordinance shall take effect and be in full force from the date of its adoption by the City Council, effective December 10, 2013.

## **1.6 Severability**

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If the provisions of any Article, section, subsection, paragraph, subdivision, or clause of this Ordinance shall be adjudged or construed to be invalid by a court of competent jurisdiction for any reason, such judgment shall not affect or invalidate the remainder of any Article, section, subsection, paragraph, subdivision, or clause of this Ordinance, all of which shall remain in full force and effect.

## ARTICLE 2

# ZONING DISTRICTS

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- 2.1 [Establishment of Districts](#)
- 2.2 [R-E, Residential—Estate District](#)
- 2.3 [R-Lo, Residential—Low Density District](#)
- 2.4 [R-Mid, Residential—Medium Density District](#)
- 2.5 [R-Hi, Residential—High Density District](#)
- 2.6 [R-OI, Residential—Neighborhood Office & Institution District](#)
- 2.7 [B-L, Business—Limited District](#)
- 2.8 [B-G, Business—General District](#)
- 2.9 [B-U, Business—Urban District](#)
- 2.10 [B-I, Business—Industrial District](#)
- 2.11 [ID, Innovative Development District](#)
- 2.12 [DO-TC, Design Overlay—Town Center District](#)
- 2.13 [DO-VC, Design Overlay—Village Commerce District](#)
- 2.14 [DO-E, Design Overlay—Entertainment District](#)

# Establishment of Districts

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## 2.1 Establishment of Districts

### 2.1.1 Zoning Districts

The following [districts](#) are established to meet the purposes of this Ordinance.

#### Residential Zoning Districts

<a href="#">R-E</a>	Residential—Estate District
<a href="#">R-Lo</a>	Residential—Low Density District
<a href="#">R-Mid</a>	Residential—Medium Density District
<a href="#">R-Hi</a>	Residential—High Density District
<a href="#">R-OI</a>	Residential—Neighborhood Office & Institution District

#### Business Zoning Districts

<a href="#">B-L</a>	Business—Limited District
<a href="#">B-G</a>	Business—General District
<a href="#">B-U</a>	Business—Urban District
<a href="#">B-I</a>	Business—Industrial District

#### Special Zoning Districts

<a href="#">ID</a>	Innovative Development District
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#### Overlay Districts

<a href="#">DO-TC</a>	Design Overlay —Town Center District
<a href="#">DO-VC</a>	Design Overlay —Village Commerce District
<a href="#">DO-E</a>	Design Overlay —Entertainment District

### 2.1.2 Official Zoning Map

- A. *Official zoning map.* An Official Zoning Map is adopted as part of this Ordinance. The Official Zoning Map identifies the boundaries of the zoning districts.
- B. *Official zoning map amendment.* The Official Zoning Map may be amended in accordance with the procedures outlined in [Article 7, Procedures](#), of this Ordinance. The Official Zoning Map shall be maintained by the Planning Director and shall be updated as individual map amendments are adopted by City Council.
- C. *Designation of annexed territory.* All territory which may hereafter be [annexed](#) to the City of Simpsonville shall automatically be considered in the R-E (Residential—Estate) District unless otherwise specified by ordinance and approved by the City Council.
- D. *District boundaries interpreted.* Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Map, the Official Zoning Map shall be interpreted and construed in accordance with the provisions established in [Article 8, Interpretations](#), of this Ordinance.

# R-E District

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## 2.2 R-E, Residential—Estate District

### 2.2.1 Purpose

The R-E, Residential—Estate District is established to promote detached single-family residential estate development as the [principal use](#) of land within the district. The regulations of this district are intended to discourage any use that would substantially interfere with the development of [detached single-family residential estate dwellings](#) and that would be detrimental to the quiet residential nature of the district.

### 2.2.2 Allowed Uses

Uses allowed in the R-E district and conditions and standards for those allowed uses are provided in [Article 3, Use Standards](#), of this Ordinance.

### 2.2.3 Lot Size

#### A. Minimum Standards

Minimum [lot area](#) for new lots: 16,000 sq. ft.

Minimum [lot frontage](#) for new lots: 80 feet\*

\*Minimum lot frontage for new lots fronting a cul-de-sac may be reduced to 50 feet.

- B. **Lot Averaging.** [Averaging](#) of the [lot area](#) in new [subdivisions](#) may be permitted provided that the overall average lot area is not less than 16,000 square feet and no lot has an area less than 12,000 square feet. [Common open space](#) or lots within another district shall not be included in the calculation of average lot area. The maximum credit for any lot shall be 32,000 square feet.

- C. **Existing Lots.** The area and width of existing lots may be reduced below 16,000 square feet, particularly when adjacent property owners agree to adjust the location of a shared property line. However, the area of an existing lot shall not be reduced to less than 12,000 square feet, nor shall the [frontage](#) of existing lots be reduced to less than 50 feet. This shall not preclude any existing lot with an area less than 12,000 square feet or a frontage less than 50 feet from increasing its area or frontage.

### 2.2.4 Building Height

#### A. Maximum Standards

Maximum [building height](#): 35 feet



Maximum Building Height by Roof Type\*

\**Roof Type.* Any new roof shall reflect the traditional character of the neighborhood. The roof shall be a type that is commonly found in the surrounding district as determined by the Planning Director.

- B. **Maximum Building Height Adjustment.** In areas with existing structures that exceed the maximum height allowed, the maximum [building height](#) may be increased to the average height of the [principal buildings](#) on the immediately [adjoining lot](#) on each side of the subject [property](#) provided each lot is in the same zoning district and fronts the same [street](#) as the subject property.
- C. **Exceptions to the Maximum Height.** These height limitations generally shall not apply to church spires, steeples, belfries, [cupolas](#), domes, [chimneys](#), [smokestacks](#), fire or [parapet](#) walls, flagpoles, [water towers](#), communication towers, transmission lines, or other minor common building [appurtenances](#) provided such appurtenances are proportional to the [building](#) and are not intended for human occupancy, as determined by the Planning Director.



# R-E District

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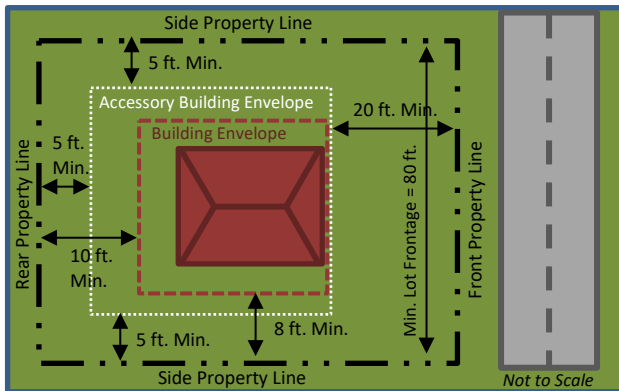
## 7 Procedures

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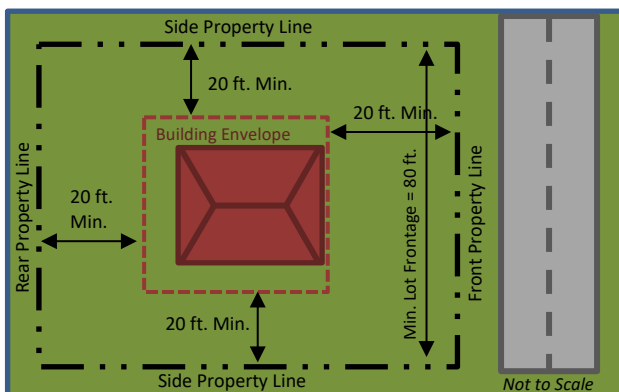
### 2.2.5 Setbacks

#### A. Minimum Standards

	Single-Family Residential Property	All Other Property
Minimum Front Yard Setback	20 feet	20 feet
Minimum Side Yard Setback	8 feet	20 feet
Minimum Rear Yard Setback	10 feet	20 feet
<a href="#">Accessory Structure</a>	5 feet	20 feet



Single-Family Residential Dwelling Setback Requirements



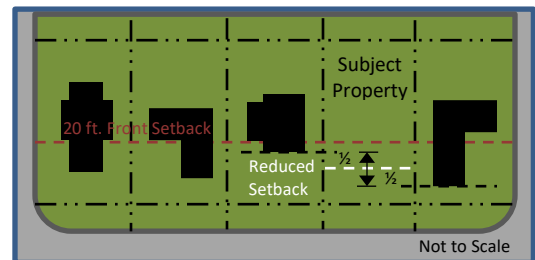
All Other Property Setback Requirements

B. **Corner Lots/Double Frontage.** On lots which front more than one [street](#), including [corner lots](#), the minimum front yard setback requirement shall be applicable along each property line adjacent to a street. The minimum side yard setback requirement shall apply to all remaining property lines.

C. **Projection into Yards.** The following may extend or project into a required [yard](#):

1. [Cornices](#), sills, eaves, belt courses, [chimneys](#), or other similar feature;
2. Unroofed platforms, landings, steps, or balconies;
3. [Ramps](#), lifts, and access facilities for the [handicapped](#); and
4. Heating and air conditioning units, or other similar machinery.

D. **Front Setback Reduction.** In areas where [buildings](#) have been built closer to the [road](#) than the current setback requirement, the minimum front yard setback requirement may be reduced to the average front [building line](#) along the [street](#).



Reduced Front Yard Setback

This calculation shall typically just use the [adjoining lot](#) on each side of the subject [property](#). However, where there is no [building](#) on an adjoining lot or when the Planning Director determines that the front [building line](#) on an adjoining lot is inconsistent with the pattern of the surrounding [neighborhood](#), the average front building line of the lots on the same side of the [street](#) as the subject property for the entire length of the block may be used as the minimum front yard setback requirement for the purpose of considering a reduction.

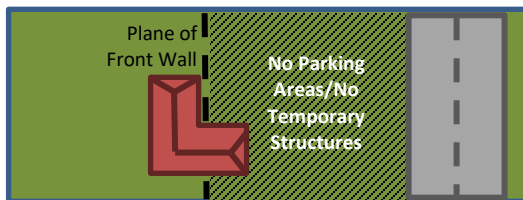
## 2.2.6 Open Space

In order to protect the residential estate form of this district, [open space](#) shall be provided at a rate of 30 percent of the total area of the subject [property](#).

Land used for [open space](#) shall be [landscaped](#) and permanently maintained with [trees](#), [shrubs](#), [indigenous plants](#) and [ground cover](#). Acceptable open space may include [natural areas](#), [greenways](#), [playgrounds](#), [plazas](#), [courtyards](#), [greens](#), and community gardens.

## 2.2.7 Nonresidential Site Design

- A. **Driveway Design.** In order to create a safe environment for both vehicles and [pedestrians](#), the width of the [driveway](#) on a nonresidential property within this district shall not exceed 27 feet throughout the [right-of-way](#) and the required street yard buffer, except for driveways at [facilities](#) for emergency response vehicles.
- B. **Parking Location.** In order to protect the residential [character](#) of this district, no [off-street parking area](#) on a nonresidential property shall be located between the [plane of any front wall](#) of the [principal building](#) and any adjacent street [right-of-way](#).
- C. **Temporary Structures.** [Temporary structures](#) shall not be placed between the [plane of any front wall](#) of the [principal building](#) and any adjacent street [right-of-way](#).



- D. **Building Orientation.** In order to protect the residential [character](#) of this district, the [main entrance](#) of each [principal building](#) on a nonresidential property shall face the adjacent [street](#). On [corner lots](#), the main entrance may face either of the streets or be oriented to the corner. With [buildings](#) that have more than one main entrance, only one entrance must meet this requirement.

## 2.2.8 Site Standards

All [buildings](#) and [sites](#) shall be subject to the applicable standards established in [Article 4, Site Standards](#), of this Ordinance, as well as any applicable [conditional use](#)-specific standards established in [Article 3, Use Standards](#), of this Ordinance.

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## 2.3 R-Lo, Residential—Low Density District

### 2.3.1 Purpose

The R-Lo, Residential—Low Density District is established to promote detached single-family residential development at low densities as the [principal use](#) of land within the district. The regulations of this district are intended to discourage any use that would substantially interfere with the development of [detached single-family dwellings](#) and that would be detrimental to the quiet residential nature of the district.

### 2.3.2 Allowed Uses

Uses allowed in the R-Lo district and conditions and standards for those allowed uses are provided in [Article 3, Use Standards](#), of this Ordinance.

### 2.3.3 Lot Size

#### A. Minimum Standards

Minimum [lot area](#) for new lots: 10,000 sq. ft.  
Minimum [lot frontage](#) for new lots: 50 feet\*

\*Minimum lot frontage for new lots fronting a cul-de-sac may be reduced to 30 feet.

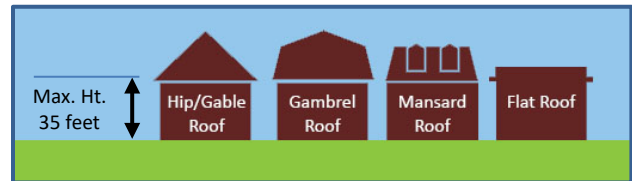
- B. **Lot Averaging.** Averaging of the [lot area](#) in new [subdivisions](#) may be permitted provided that the overall average lot area is not less than 10,000 square feet and no lot has an area less than 7,500 square feet. [Common open space](#) or lots within another district shall not be included in the calculation of average lot area. The maximum credit for any lot shall be 20,000 square feet.

- C. **Existing Lots.** The area and width of existing lots may be reduced below 10,000 square feet, particularly when adjacent property owners agree to adjust the location of a shared property line. However, the area of an existing lot shall not be reduced to less than 7,500 square feet, nor shall the [frontage](#) of existing lots be reduced to less than 30 feet. This shall not preclude any existing lot with an area less than 7,500 square feet or a frontage less than 30 feet from increasing its area or frontage.

### 2.3.4 Building Height

#### A. Maximum Standards

Maximum [building height](#): 35 feet



Maximum Building Height by Roof Type\*

\***Roof Type.** Any new roof shall reflect the traditional character of the neighborhood. The roof shall be a type that is commonly found in the surrounding district as determined by the Planning Director.

- B. **Maximum Building Height Adjustment.** In areas with existing structures that exceed the maximum height allowed, the maximum [building height](#) may be increased to the average height of the [principal buildings](#) on the immediately [adjoining lot](#) on each side of the subject [property](#) provided each lot is in the same zoning district and fronts the same [street](#) as the subject property.
- C. **Exceptions to the Maximum Height.** These height limitations generally shall not apply to church spires, steeples, belfries, [cupolas](#), domes, [chimneys](#), [smokestacks](#), fire or [parapet](#) walls, flagpoles, [water towers](#), communication towers, transmission lines, or other minor common building [appurtenances](#) provided such appurtenances are proportional to the [building](#) and are not intended for human occupancy, as determined by the Planning Director.

# R-Lo District

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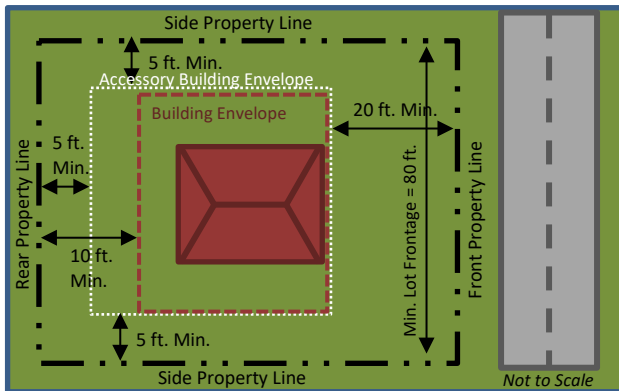
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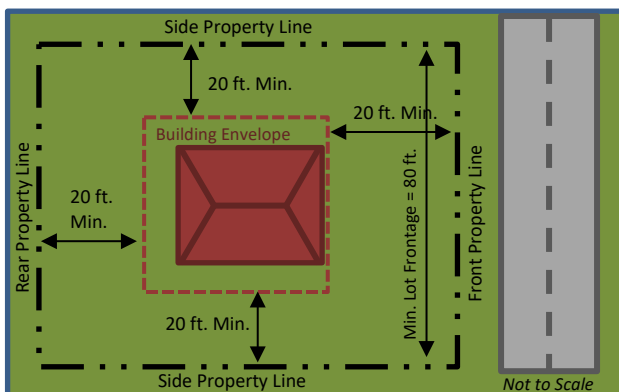
### 2.3.5 [Setbacks](#)

#### A. Minimum Standards

	Single-Family Residential Property	All Other Property
Minimum Front Yard Setback	20 feet	20 feet
Minimum Side Yard Setback	5 feet	20 feet
Minimum Rear Yard Setback	10 feet	20 feet
<a href="#">Accessory Structure</a>	5 feet	20 feet



Single-Family Residential Dwelling Setback Requirements



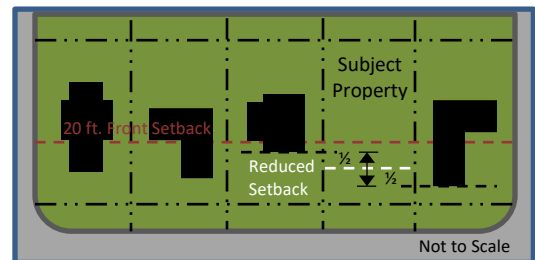
All Other Property Setback Requirements

B. **Corner Lots/Double Frontage.** On lots which front more than one [street](#), including [corner lots](#), the minimum front yard setback requirement shall be applicable along each property line adjacent to a street. The minimum side yard setback requirement shall apply to all remaining property lines.

C. **Projection into Yards.** The following may extend or project into a required [yard](#):

1. [Cornices](#), sills, eaves, belt courses, [chimneys](#), or other similar feature;
2. Unroofed platforms, landings, steps, or balconies;
3. [Ramps](#), lifts, and access facilities for the [handicapped](#); and
4. Heating and air conditioning units, or other similar machinery.

D. **Front Setback Reduction.** In areas where [buildings](#) have been built closer to the [road](#) than the current setback requirement, the minimum front yard setback requirement may be reduced to the average front [building line](#) along the [street](#).



Reduced Front Yard Setback

This calculation shall typically just use the [adjoining lot](#) on each side of the subject [property](#). However, where there is no [building](#) on an adjoining lot or when the Planning Director determines that the front [building line](#) on an adjoining lot is inconsistent with the pattern of the surrounding [neighborhood](#), the average front building line of the lots on the same side of the [street](#) as the subject property for the entire length of the block may be used as the minimum front yard setback requirement for the purpose of considering a reduction.

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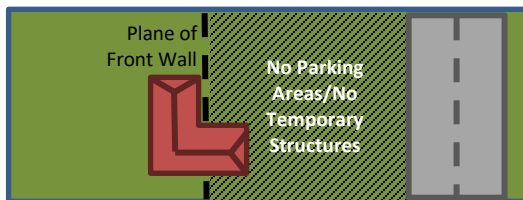
## 2.3.6 Open Space

In order to protect the residential form of this district, [open space](#) shall be provided at a rate of 25 percent of the total area of the subject [property](#).

Land used for [open space](#) shall be [landscaped](#) and permanently maintained with [trees](#), [shrubs](#), [indigenous plants](#) and [ground cover](#). Acceptable open space may include [natural areas](#), [greenways](#), [playgrounds](#), [plazas](#), [courtyards](#), [greens](#), and community gardens.

## 2.3.7 Nonresidential Site Design

- A. **Driveway Design.** In order to create a safe environment for both vehicles and [pedestrians](#), the width of the [driveway](#) on a nonresidential property within this district shall not exceed 27 feet throughout the [right-of-way](#) and the required street yard buffer, except for driveways at [facilities](#) for emergency response vehicles.
- B. **Parking Location.** In order to protect the residential [character](#) of this district, no [off-street parking area](#) on a nonresidential property shall be located between the [plane of any front wall](#) of the [principal building](#) and any adjacent street [right-of-way](#).
- C. **Temporary Structures.** [Temporary structures](#) shall not be placed between the [plane of any front wall](#) of the [principal building](#) and any adjacent street [right-of-way](#).



- D. **Building Orientation.** In order to protect the residential [character](#) of this district, the [main entrance](#) of each [principal building](#) on a nonresidential property shall face the adjacent [street](#). On [corner lots](#), the main entrance may face either of the streets or be oriented to the corner. With [buildings](#) that have more than one main entrance, only one entrance must meet this requirement.

## 2.3.8 Site Standards

All [buildings](#) and [sites](#) shall be subject to the applicable standards established in [Article 4, Site Standards](#), of this Ordinance, as well as any applicable [conditional use](#)-specific standards established in [Article 3, Use Standards](#), of this Ordinance.

## 2.4 R-Mid, Residential—Medium Density District

### 2.4.1 Purpose

The R-Mid, Residential—Medium Density District is established to promote residential development at medium densities as the [principal use](#) of land within the district. Appropriate [land use](#) includes both [detached](#) and [attached single-family residential dwellings](#). The establishment of this district is intended to meet the diverse housing needs of City residents while the regulations are intended discourage any use that would be detrimental to the quiet residential nature of the district.

### 2.4.2 Allowed Uses

Uses allowed in the R-Mid district and conditions and standards for those allowed uses are provided in [Article 3, Use Standards](#), of this Ordinance.

### 2.4.3 Lot Size

#### A. Minimum Standards

Minimum [lot area](#) for new lots: 6,000 sq. ft.

Minimum [lot frontage](#) for new lots: 40 feet\*

\*Minimum lot frontage for new lots fronting a cul-de-sac may be reduced to 30 feet.

Maximum [density](#): 6 units/acre

#### B. Lot Averaging. [Averaging](#) of the [lot area](#) in new [subdivisions](#) is not permitted.

#### C. Existing Lots. The area of an existing lot shall not be reduced to less than 6,000 square feet, nor shall the [frontage](#) of existing lots be reduced to less than 30 feet. This shall not preclude any existing lot with an area less than 6,000 square feet or a frontage less than 30 feet from increasing its area or frontage.

### 2.4.4 Building Height

#### A. Maximum Standards

Maximum [building height](#): 35 feet



Maximum Building Height by Roof Type\*

\**Roof Type.* Any new roof shall reflect the traditional character of the neighborhood. The roof shall be a type that is commonly found in the surrounding district as determined by the Planning Director.

#### B. Maximum Building Height Adjustment. In areas with existing structures that exceed the maximum height allowed, the maximum [building height](#) may be increased to the average height of the [principal buildings](#) on the immediately [adjoining lot](#) on each side of the subject [property](#) provided each lot is in the same zoning district and fronts the same [street](#) as the subject property.

#### C. Exceptions to the Maximum Height. These height limitations generally shall not apply to church spires, steeples, belfries, [cupolas](#), domes, [chimneys](#), [smokestacks](#), fire or [parapet](#) walls, flagpoles, [water towers](#), communication towers, transmission lines, or other minor common building [appurtenances](#) provided such appurtenances are proportional to the [building](#) and are not intended for human occupancy, as determined by the Planning Director.



# R-Mid District

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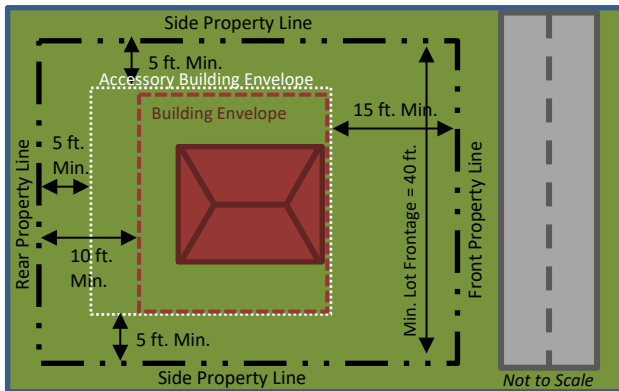
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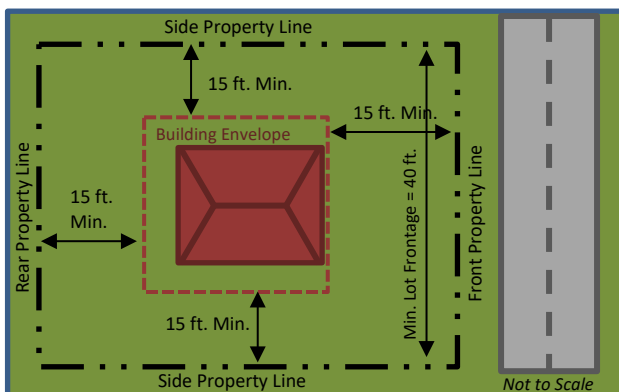
### 2.4.5 Setbacks

#### A. Minimum Standards

	Single-Family Residential Property	All Other Property
Minimum Front Yard Setback	15 feet	15 feet
Minimum Side Yard Setback	5 feet	15 feet
Minimum Rear Yard Setback	10 feet	15 feet
<a href="#">Accessory Structure</a>	5 feet	15 feet



Single-Family Residential Dwelling Setback Requirements



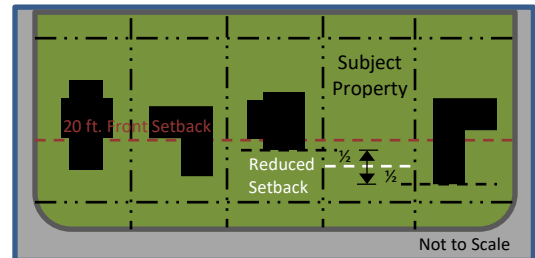
All Other Property Setback Requirements

B. **Corner Lots/Double Frontage.** On lots which front more than one [street](#), including [corner lots](#), the minimum front yard setback requirement shall be applicable along each property line adjacent to a street. The minimum side yard setback requirement shall apply to all remaining property lines.

C. **Projection into Yards.** The following may extend or project into a required [yard](#):

1. [Cornices](#), sills, eaves, belt courses, [chimneys](#), or other similar feature;
2. Unroofed platforms, landings, steps, or balconies;
3. [Ramps](#), lifts, and access facilities for the [handicapped](#); and
4. Heating and air conditioning units, or other similar machinery.

D. **Front Setback Reduction.** In areas where [buildings](#) have been built closer to the [road](#) than the current setback requirement, the minimum front yard setback requirement may be reduced to the average front [building line](#) along the [street](#).



Reduced Front Yard Setback

This calculation shall typically just use the [adjoining lot](#) on each side of the subject [property](#). However, where there is no [building](#) on an adjoining lot or when the Planning Director determines that the front [building line](#) on an adjoining lot is inconsistent with the pattern of the surrounding [neighborhood](#), the average front building line of the lots on the same side of the [street](#) as the subject property for the entire length of the block may be used as the minimum front yard setback requirement for the purpose of considering a reduction.



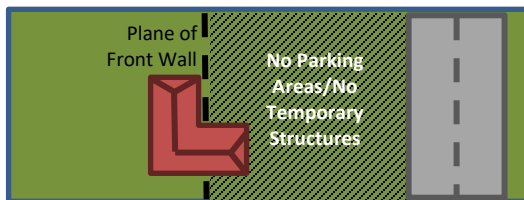
## 2.4.6 Open Space

In order to protect the residential form of this district, [open space](#) shall be provided at a rate of 25 percent of the total area of the subject [property](#).

Land used for [open space](#) shall be [landscaped](#) and permanently maintained with [trees](#), [shrubs](#), [indigenous plants](#) and [ground cover](#). Acceptable open space may include [natural areas](#), [greenways](#), [playgrounds](#), [plazas](#), [courtyards](#), [greens](#), and community gardens.

## 2.4.7 Nonresidential Site Design

- A. **Driveway Design.** In order to create a safe environment for both vehicles and [pedestrians](#), the width of the [driveway](#) on a nonresidential property within this district shall not exceed 27 feet throughout the [right-of-way](#) and the required street yard buffer, except for driveways at [facilities](#) for emergency response vehicles.
- B. **Parking Location.** In order to protect the residential [character](#) of this district, no [off-street parking area](#) on a nonresidential property shall be located between the [plane of any front wall](#) of the [principal building](#) and any adjacent street [right-of-way](#).
- C. **Temporary Structures.** [Temporary structures](#) shall not be placed between the [plane of any front wall](#) of the [principal building](#) and any adjacent street [right-of-way](#).



- D. **Building Orientation.** In order to protect the residential [character](#) of this district, the [main entrance](#) of each [principal building](#) on a nonresidential property shall face the adjacent [street](#). On [corner lots](#), the main entrance may face either of the streets or be oriented to the corner. With [buildings](#) that have more than one main entrance, only one entrance must meet this requirement.

## 2.4.8 Site Standards

All [buildings](#) and [sites](#) shall be subject to the applicable standards established in [Article 4, Site Standards](#), of this Ordinance, as well as any applicable [conditional use](#)-specific standards established in [Article 3, Use Standards](#), of this Ordinance.

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## 2.5 R-Hi, Residential—High Density District

### 2.5.1 Purpose

The R-Hi, Residential—High Density District is established to promote residential development at high densities. Appropriate [land use](#) includes multi-family residential development such as apartments and townhomes. The establishment of this district is intended to meet the diverse housing needs of City residents while the regulations are intended to discourage any use that would be detrimental to the quiet residential nature of the district.

### 2.5.2 Allowed Uses

Uses allowed in the R-Hi district and conditions and standards for those allowed uses are provided in [Article 3, Use Standards](#), of this Ordinance.

### 2.5.3 Lot Size

#### A. Minimum Standards\*

Minimum [lot area](#) for new lots: 6,000 sq. ft.

Minimum [lot frontage](#) for new lots: 30 feet

\*Minimum standards do not apply to [attached single-family dwellings](#).

#### B. Maximum Density

Size of Development	Maximum Density
Less than 1 acre	8 units/acre
1 to 5 acres	12 units/acre
More than 5 acres	14 units/acre

*Note:* Maximum density may also be limited by other site regulations such as parking standards, buffer requirements, and other dimensional standards. The City makes no guarantee that the indicated maximum density is attainable after accounting for those other provisions.

### 2.5.4 Building Height

#### A. Maximum Standards

Maximum [building height](#): 40 feet



Maximum Building Height by Roof Type\*

\**Roof Type.* Any new roof shall reflect the traditional character of the neighborhood. The roof shall be a type that is commonly found in the surrounding district as determined by the Planning Director.

B. **Maximum Building Height Adjustment.** In areas with existing structures that exceed the maximum height allowed, the maximum [building height](#) may be increased to the average height of the [principal buildings](#) on the immediately [adjoining lot](#) on each side of the subject [property](#) provided each lot is in the same zoning district and fronts the same [street](#) as the subject property.

C. **Exceptions to the Maximum Height.** These height limitations generally shall not apply to church spires, steeples, belfries, [cupolas](#), domes, [chimneys](#), [smokestacks](#), fire or [parapet](#) walls, flagpoles, [water towers](#), communication towers, transmission lines, or other minor common building [appurtenances](#) provided such appurtenances are proportional to the [building](#) and are not intended for human occupancy, as determined by the Planning Director.

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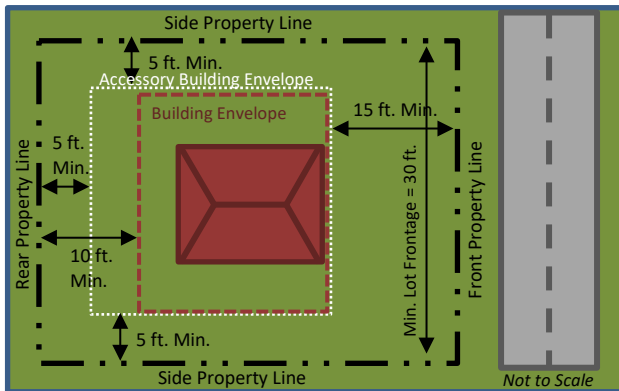
## 7 Procedures

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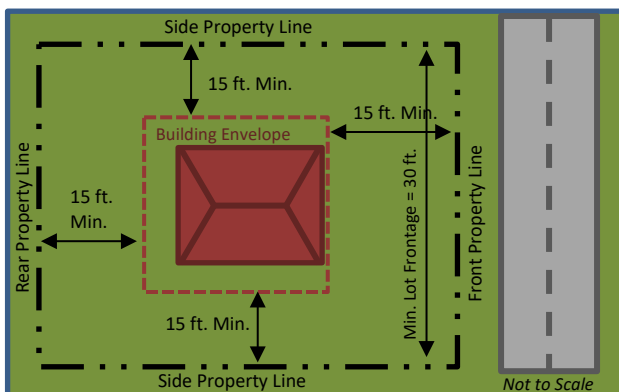
### 2.5.5 [Setbacks](#)

#### A. Minimum Standards

	Single-Family Residential Property	All Other Property
Minimum Front Yard Setback	15 feet	15 feet
Minimum Side Yard Setback	5 feet	15 feet
Minimum Rear Yard Setback	10 feet	15 feet
<a href="#">Accessory Structure</a>	5 feet	15 feet



Single-Family Residential Dwelling Setback Requirements



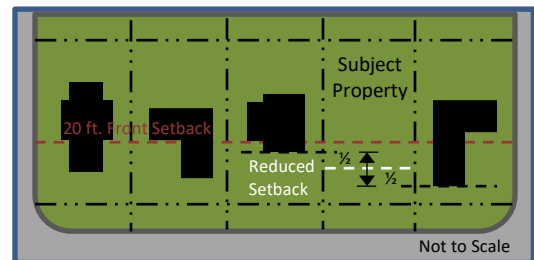
All Other Property Setback Requirements

B. **Corner Lots/Double Frontage.** On lots which front more than one [street](#), including [corner lots](#), the minimum front yard setback requirement shall be applicable along each property line adjacent to a street. The minimum side yard setback requirement shall apply to all remaining property lines.

C. **Projection into Yards.** The following may extend or project into a required [yard](#):

1. [Cornices](#), sills, eaves, belt courses, [chimneys](#), or other similar feature;
2. Unroofed platforms, landings, steps, or balconies;
3. [Ramps](#), lifts, and access facilities for the [handicapped](#); and
4. Heating and air conditioning units, or other similar machinery.

D. **Front Setback Reduction.** In areas where [buildings](#) have been built closer to the [road](#) than the current setback requirement, the minimum front yard setback requirement may be reduced to the average front [building line](#) along the [street](#).



Reduced Front Yard Setback

This calculation shall typically just use the [adjoining lot](#) on each side of the subject [property](#). However, where there is no [building](#) on an adjoining lot or when the Planning Director determines that the front [building line](#) on an adjoining lot is inconsistent with the pattern of the surrounding [neighborhood](#), the average front building line of the lots on the same side of the [street](#) as the subject property for the entire length of the block may be used as the minimum front yard setback requirement for the purpose of considering a reduction.

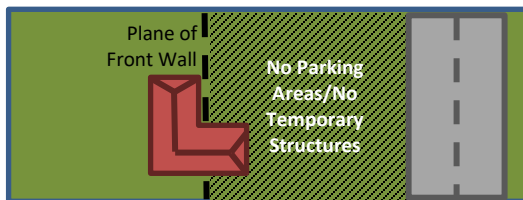
## 2.5.6 Open Space

In order to protect the residential form of this district, [open space](#) shall be provided at a rate of 20 percent of the total area of the subject [property](#).

Land used for [open space](#) shall be [landscaped](#) and permanently maintained with [trees](#), [shrubs](#), [indigenous plants](#) and [ground cover](#). Acceptable open space may include [natural areas](#), [greenways](#), [playgrounds](#), [plazas](#), [courtyards](#), [greens](#), and community gardens.

## 2.5.7 Nonresidential Site Design

- A. **Driveway Design.** In order to create a safe environment for both vehicles and [pedestrians](#), the width of the [driveway](#) on a nonresidential property within this district shall not exceed 27 feet throughout the [right-of-way](#) and the required street yard buffer, except for driveways at [facilities](#) for emergency response vehicles.
- B. **Parking Location.** In order to protect the residential [character](#) of this district, no [off-street parking area](#) on a nonresidential property shall be located between the [plane of any front wall](#) of the [principal building](#) and any adjacent street [right-of-way](#).
- C. **Temporary Structures.** [Temporary structures](#) shall not be placed between the [plane of any front wall](#) of the [principal building](#) and any adjacent street [right-of-way](#).



- D. **Building Orientation.** In order to protect the residential [character](#) of this district, the [main entrance](#) of each [principal building](#) on a nonresidential property shall face the adjacent [street](#). On [corner lots](#), the main entrance may face either of the streets or be oriented to the corner. With [buildings](#) that have more than one main entrance, only one entrance must meet this requirement.

## 2.5.8 Site Standards

All [buildings](#) and [sites](#) shall be subject to the applicable standards established in [Article 4, Site Standards](#), of this Ordinance, as well as any applicable [conditional use](#)-specific standards established in [Article 3, Use Standards](#), of this Ordinance.

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## 2.6 R-OI, Residential— Neighborhood Office & Institution District

### 2.6.1 Purpose

The R-OI, Residential—Neighborhood Office & Institution District is established to promote and accommodate residential uses, offices, and institutions in areas that are not exclusively residential or nonresidential by nature. Although nonresidential uses may be permitted, the intent of this district is to preserve the residential [character](#) of the area through careful attention to the [scale](#) and form of development. Furthermore, it is the intent of this district to discourage uses that generate excessive traffic or any other activity that would be largely incompatible with the residential nature of the district.

### 2.6.2 Allowed Uses

Uses allowed in the R-OI district and conditions and standards for those allowed uses are provided in [Article 3, Use Standards](#), of this Ordinance.

### 2.6.3 Lot Size

#### A. Minimum Standards

Minimum [lot area](#) for new lots: 6,000 sq. ft.

Minimum [lot frontage](#) for new lots: 40 feet\*

\*Minimum lot frontage for new lots fronting a cul-de-sac may be reduced to 30 feet.

Maximum [density](#): 6 units/acre

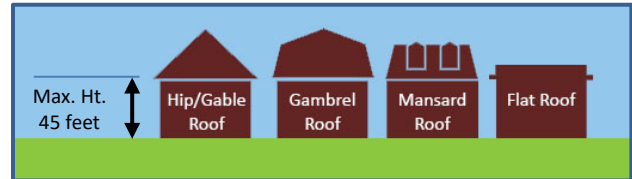
#### B. Lot Averaging. [Averaging](#) of the [lot area](#) in new [subdivisions](#) is not permitted.

#### C. Existing Lots. The area of an existing lot shall not be reduced to less than 6,000 square feet, nor shall the [frontage](#) of existing lots be reduced to less than 30 feet. This shall not preclude any existing lot with an area less than 6,000 square feet or a frontage less than 30 feet from increasing its area or frontage.

### 2.6.4 Building Height

#### A. Maximum Standards

Maximum [building height](#): 45 feet



Maximum Building Height by Roof Type\*

\**Roof Type.* Any new roof shall reflect the traditional character of the neighborhood. The roof shall be a type that is commonly found in the surrounding district as determined by the Planning Director.

#### B. Maximum Building Height Adjustment. In areas with existing structures that exceed the maximum height allowed, the maximum [building height](#) may be increased to the average height of the [principal buildings](#) on the immediately [adjoining lot](#) on each side of the subject [property](#) provided each lot is in the same zoning district and fronts the same [street](#) as the subject property.

#### C. Exceptions to the Maximum Height. These height limitations generally shall not apply to church spires, steeples, belfries, [cupolas](#), domes, [chimneys](#), [smokestacks](#), fire or [parapet](#) walls, flagpoles, [water towers](#), communication towers, transmission lines, or other minor common building [appurtenances](#) provided such appurtenances are proportional to the [building](#) and are not intended for human occupancy, as determined by the Planning Director.

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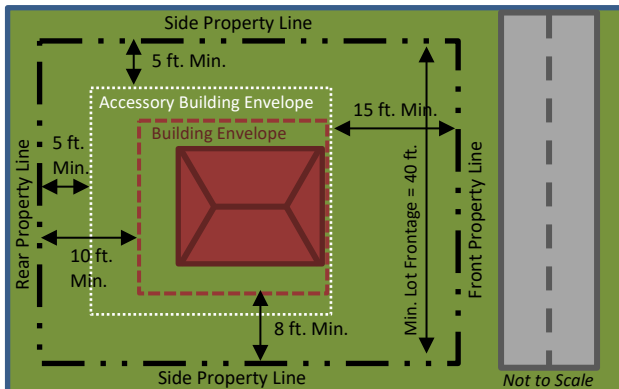
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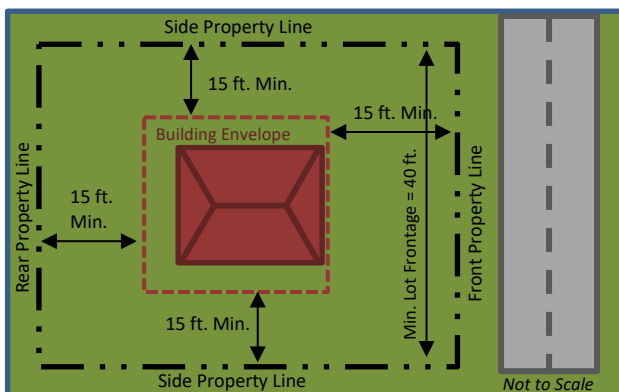
## 2.6.5 [Setbacks](#)

### A. Minimum Standards

	Single-Family Residential Property	All Other Property
Minimum Front Yard Setback	15 feet	15 feet
Minimum Side Yard Setback	8 feet	15 feet
Minimum Rear Yard Setback	10 feet	15 feet
<a href="#">Accessory Structure</a>	5 feet	15 feet



Single-Family Residential Dwelling Setback Requirements



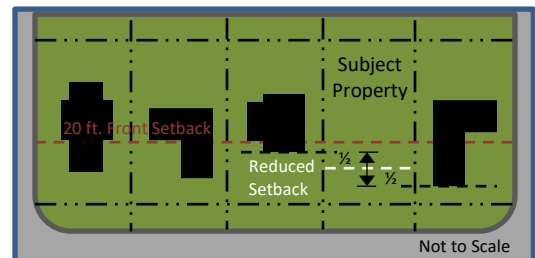
All Other Property Setback Requirements

B. **Corner Lots/Double Frontage.** On lots which front more than one [street](#), including [corner lots](#), the minimum front yard setback requirement shall be applicable along each property line adjacent to a street. The minimum side yard setback requirement shall apply to all remaining property lines.

C. **Projection into Yards.** The following may extend or project into a required [yard](#):

1. [Cornices](#), sills, eaves, belt courses, [chimneys](#), or other similar feature;
2. Unroofed platforms, landings, steps, or balconies;
3. [Ramps](#), lifts, and access facilities for the [handicapped](#); and
4. Heating and air conditioning units, or other similar machinery.

D. **Front Setback Reduction.** In areas where [buildings](#) have been built closer to the [road](#) than the current setback requirement, the minimum front yard setback requirement may be reduced to the average front [building line](#) along the [street](#).



Reduced Front Yard Setback

This calculation shall typically just use the [adjoining lot](#) on each side of the subject [property](#). However, where there is no [building](#) on an adjoining lot or when the Planning Director determines that the front [building line](#) on an adjoining lot is inconsistent with the pattern of the surrounding [neighborhood](#), the average front building line of the lots on the same side of the [street](#) as the subject property for the entire length of the block may be used as the minimum front yard setback requirement for the purpose of considering a reduction.

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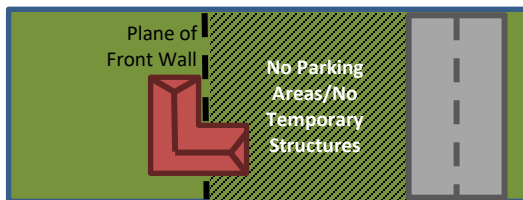
## 2.6.6 Open Space

In order to protect the residential form of this district, [open space](#) shall be provided at a rate of 20 percent of the total area of the subject [property](#).

Land used for [open space](#) shall be [landscaped](#) and permanently maintained with [trees](#), [shrubs](#), [indigenous plants](#) and [ground cover](#). Acceptable open space may include [natural areas](#), [greenways](#), [playgrounds](#), [plazas](#), [courtyards](#), [greens](#), and community gardens.

## 2.6.7 Nonresidential Site Design

- A. **Driveway Design.** In order to create a safe environment for both vehicles and [pedestrians](#), the width of the [driveway](#) on a nonresidential property within this district shall not exceed 27 feet throughout the [right-of-way](#) and the required street yard buffer, except for driveways at [facilities](#) for emergency response vehicles.
- B. **Parking Location.** In order to protect the residential [character](#) of this district, no [off-street parking area](#) on a nonresidential property shall be located between the [plane of any front wall](#) of the [principal building](#) and any adjacent street [right-of-way](#).
- C. **Temporary Structures.** [Temporary structures](#) shall not be placed between the [plane of any front wall](#) of the [principal building](#) and any adjacent street [right-of-way](#).



- D. **Building Orientation.** In order to protect the residential [character](#) of this district, the [main entrance](#) of each [principal building](#) on a nonresidential property shall face the adjacent [street](#). On [corner lots](#), the main entrance may face either of the streets or be oriented to the corner. With [buildings](#) that have more than one main entrance, only one entrance must meet this requirement.

## 2.6.8 Site Standards

All [buildings](#) and [sites](#) shall be subject to the applicable standards established in [Article 4, Site Standards](#), of this Ordinance, as well as any applicable [conditional use](#)-specific standards established in [Article 3, Use Standards](#), of this Ordinance.



## 2.7 B-L, Business—Limited District

### 2.7.1 Purpose

The B-L, Business—Limited District is established to promote small-scale retail, service, and professional offices that provide goods and services to the residents of a nearby or adjacent [neighborhood](#). This district is primarily intended to provide locations for appropriate business and similar activities adjacent to residential districts. The [scale](#) and form of such activities and development is regulated ensure compatibility with adjacent [residential areas](#).

### 2.7.2 Allowed Uses

Uses allowed in the B-L district and conditions and standards for those allowed uses are provided in [Article 3, Use Standards](#), of this Ordinance.

### 2.7.3 Lot Size

#### A. Minimum Standards

Minimum [lot area](#) for new lots: None

Minimum [lot frontage](#) for new lots: 30 feet

Maximum [density](#): 8 units/acre  
(where permitted by [special exception](#))

### 2.7.4 Building Height

#### A. Maximum Standards

Maximum [building height](#): 40 feet



Maximum Building Height by Roof Type\*

\**Roof Type.* Any new roof shall reflect the traditional character of the neighborhood. The roof shall be a type that is commonly found in the surrounding district as determined by the Planning Director.

- B. **Maximum Building Height Adjustment.** In areas with existing structures that exceed the maximum height allowed, the maximum [building height](#) may be increased to the average height of the [principal buildings](#) on the immediately [adjoining lot](#) on each side of the subject [property](#) provided each lot is in the same zoning district and fronts the same [street](#) as the subject property.
- C. **Exceptions to the Maximum Height.** These height limitations generally shall not apply to church spires, steeples, belfries, [cupolas](#), domes, [chimneys](#), [smokestacks](#), fire or [parapet](#) walls, flagpoles, [water towers](#), communication towers, transmission lines, or other minor common building [appurtenances](#) provided such appurtenances are proportional to the [building](#) and are not intended for human occupancy, as determined by the Planning Director.

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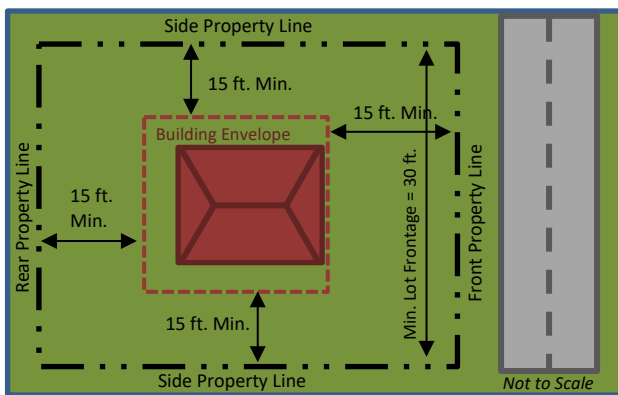
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### 2.7.5 [Setbacks](#)

#### A. Minimum Standards

All Properties	
Minimum Front Yard Setback	15 feet
Minimum Side Yard Setback	15 feet*
Minimum Rear Yard Setback	15 feet*

\*The minimum yard setback required along a property line [abutting](#) another property in the B-L, B-G, or B-U zoning district may be reduced to 10 feet.



Setback Requirements

#### B. Projection into Yards. The following may extend or project into a required [yard](#):

1. [Cornices](#), sills, eaves, belt courses, [chimneys](#), or other similar feature;
2. Unroofed platforms, landings, steps, or balconies;
3. [Ramps](#), lifts, and access facilities for the [handicapped](#); and
4. Heating and air conditioning units, or other similar machinery.

### 2.7.6 Open Space

In order to promote compatibility with adjacent residential districts, [open space](#) shall be provided at a rate of 20 percent of the total area of the subject [property](#). Land used for open space shall be [landscaped](#) and permanently maintained with [trees](#), [shrubs](#), [indigenous plants](#) and [ground cover](#). Acceptable open space may include [natural areas](#), [greenways](#), [playgrounds](#), [plazas](#), [courtyards](#), [greens](#), and community gardens.

### 2.7.7 Site Design

- A. **Driveway Design.** In order to create a safe environment for both vehicles and [pedestrians](#), the width of the [driveway](#) shall not exceed 27 feet at the property line and throughout the required street yard buffer, except for driveways at [facilities](#) for emergency response vehicles.

On [arterial streets](#) or at signalized intersections, the Planning Director may permit [driveways](#) at greater widths provided that each lane of traffic within the driveway does not exceed a width of 12 feet and where the Planning Director determines that multiple lanes provide a distinct safety advantage.

- B. **Parking Location.** In order to promote compatibility with adjacent residential districts, no [off-street parking area](#) containing more than six [parking spaces](#) shall be located between the [plane of any front wall](#) of the [principal building](#) and any adjacent street [right-of-way](#).



### 2.7.8 Site Standards

All [buildings](#) and [sites](#) shall be subject to the applicable standards established in [Article 4, Site Standards](#), of this Ordinance, as well as any applicable [conditional use](#)-specific standards established in [Article 3, Use Standards](#), of this Ordinance.

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## 2.8 B-G, Business—General District

### 2.8.1 Purpose

The B-G, Business—General District is established to promote accessible and central concentrations of business activities and commercial [establishments](#) offering both retail goods and services to people from throughout the community. This district also provides opportunities to integrate residential uses subject to careful design. The district is intended to serve both [pedestrians](#) as well as people who travel by [automobile](#). Therefore, this district is primarily located along major roadways, and businesses are encouraged to locate in close proximity to one another. Where necessary, adjacent [residential areas](#) are protected through landscaping and site design.

### 2.8.2 Allowed Uses

Uses allowed in the B-G district and conditions and standards for those allowed uses are provided in [Article 3, Use Standards](#), of this Ordinance.

### 2.8.3 Lot Size

#### A. Minimum Standards

Minimum [lot area](#) for new lots: None

Minimum [lot frontage](#) for new lots: 30 feet

Maximum [density](#): 12 units/acre  
(where permitted by [special exception](#))

### 2.8.4 Building Height

#### A. Maximum Standards

Maximum [building height](#): 65 feet



Maximum Building Height by Roof Type\*

\**Roof Type.* Any new roof shall reflect the traditional character of the neighborhood. The roof shall be a type that is commonly found in the surrounding district as determined by the Planning Director.

B. **Maximum Building Height Adjustment.** In areas with existing structures that exceed the maximum height allowed, the maximum [building height](#) may be increased to the average height of the [principal buildings](#) on the immediately [adjoining lot](#) on each side of the subject [property](#) provided each lot is in the same zoning district and fronts the same [street](#) as the subject property.

C. **Exceptions to the Maximum Height.** These height limitations generally shall not apply to church spires, steeples, belfries, [cupolas](#), domes, [chimneys](#), [smokestacks](#), fire or [parapet](#) walls, flagpoles, [water towers](#), communication towers, transmission lines, or other minor common building [appurtenances](#) provided such appurtenances are proportional to the [building](#) and are not intended for human occupancy, as determined by the Planning Director.

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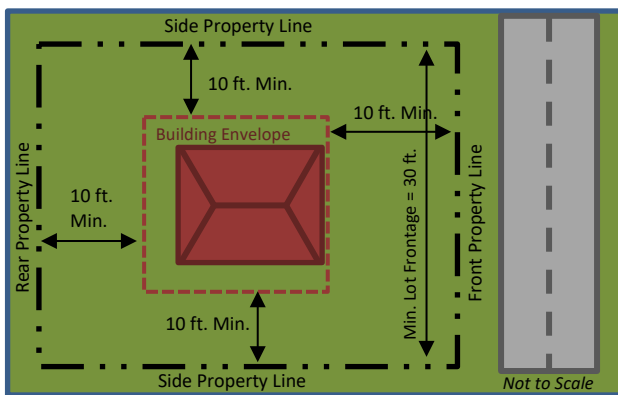
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## 2.8.5 [Setbacks](#)

### A. Minimum Standards

All Properties	
Minimum Front Yard Setback	10 feet
Minimum Side Yard Setback	10 feet*
Minimum Rear Yard Setback	10 feet*

\*The minimum yard setback required along a property line [abutting](#) another property in the B-G or B-U district may be reduced to 5 feet



Setback Requirements

### B. Projection into Yards. The following may extend or project into a required [yard](#):

1. [Cornices](#), sills, eaves, belt courses, [chimneys](#), or other similar feature;
2. Unroofed platforms, landings, steps, or balconies;
3. [Ramps](#), lifts, and access facilities for the [handicapped](#); and
4. Heating and air conditioning units, or other similar machinery.

## 2.8.6 Open Space

[Open space](#) shall be provided at a rate of 10 percent of the total area of the subject [property](#). Land used for open space shall be [landscaped](#) and permanently maintained with [trees](#), [shrubs](#), [indigenous plants](#) and [ground cover](#). Acceptable open space may include [natural areas](#), [greenways](#), [playgrounds](#), [plazas](#), [courtyards](#), [greens](#), and community gardens.

## 2.8.7 Site Design

- A. **Driveway Design.** In order to create a safe environment for both vehicles and [pedestrians](#), the width of the [driveway](#) shall not exceed 27 feet at the property line and throughout the required street yard buffer, except for driveways at [facilities](#) for emergency response vehicles.

On [arterial streets](#) or at signalized intersections, the Planning Director may permit [driveways](#) at greater widths provided that each lane of traffic within the driveway does not exceed a width of 12 feet and where the Planning Director determines that multiple lanes provide a distinct safety advantage.

## 2.8.8 Site Standards

All [buildings](#) and [sites](#) shall be subject to the applicable standards established in [Article 4, Site Standards](#), of this Ordinance, as well as any applicable [conditional use](#)-specific standards established in [Article 3, Use Standards](#), of this Ordinance.

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## 2.9 B-U, Business—Urban District

### 2.9.1 Purpose

The B-U, Business—Urban District is established to promote urban design concepts and compact development at a [pedestrian scale](#). The integration of symbiotic [land use](#) such as retail, service, entertainment, government, and residential uses, is encouraged. The intent of this district is to establish a [sense of place](#) and identity while preserving a healthy economic environment for businesses and residents. This is accomplished through careful attention to the [scale](#) and form of development.

### 2.9.2 Allowed Uses

Uses allowed in the B-U district and conditions and standards for those allowed uses are provided in [Article 3, Use Standards](#), of this Ordinance.

### 2.9.3 Lot Size

#### A. Minimum Standards

Minimum [lot area](#) for new lots: None

Minimum [lot frontage](#) for new lots: None

Maximum [density](#): 16 units/acre

### 2.9.4 Building Height

#### A. Maximum Standards

Maximum [building height](#): 50 feet



Maximum Building Height by Roof Type\*

\**Roof Type.* Any new roof shall reflect the traditional character of the neighborhood. The roof shall be a type that is commonly found in the surrounding district as determined by the Planning Director.

- #### B. Maximum Building Height Adjustment.
- In areas with existing structures that exceed the maximum height allowed, the maximum [building height](#) may be increased to the average height of the [principal buildings](#) on the immediately [adjoining lot](#) on each side of the subject [property](#) provided each lot is in the same zoning district and fronts the same [street](#) as the subject property.
- #### C. Exceptions to the Maximum Height.
- These height limitations generally shall not apply to church spires, steeples, belfries, [cupolas](#), domes, [chimneys](#), [smokestacks](#), fire or [parapet](#) walls, flagpoles, [water towers](#), communication towers, transmission lines, or other minor common building [appurtenances](#) provided such appurtenances are proportional to the [building](#) and are not intended for human occupancy, as determined by the Planning Director.

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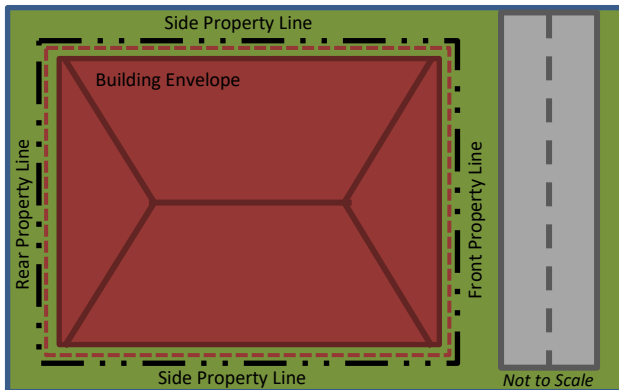
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## 2.9.5 [Setbacks](#)

### A. Minimum Standards

	All Properties
Minimum Front Yard Setback	0 feet
Minimum Side Yard Setback	0 feet
Minimum Rear Yard Setback	0 feet



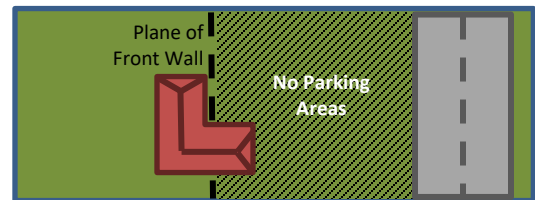
Setback Requirements

## 2.9.6 Open Space

No minimum [open space](#) shall be required within this district.

## 2.9.7 Site Design

- A. **Driveway Design.** In order to create a safe environment for both vehicles and [pedestrians](#), the width of the [driveway](#) shall not exceed 27 feet throughout the [right-of-way](#) and the required street yard buffer, except for driveways at [facilities](#) for emergency response vehicles.
- B. **Parking Location.** In order to protect the [pedestrian character](#) of this district, no [off-street parking area](#) shall be located between the [plane of any front wall](#) of the [principal building](#) and any adjacent street [right-of-way](#).



- C. **Building Orientation.** In order to protect the [pedestrian character](#) of this district, the [main entrance](#) of each [principal building](#) shall face the adjacent [street](#). On [corner lots](#), the main entrance may face either of the streets or be oriented to the corner. With [buildings](#) that have more than one main entrance, only one entrance must meet this requirement.

## 2.9.8 Site Standards

All [buildings](#) and [sites](#) shall be subject to the applicable standards established in [Article 4, Site Standards](#), of this Ordinance, as well as any applicable [conditional use](#)-specific standards established in [Article 3, Use Standards](#), of this Ordinance.

## 2.10 B-I, Business—Industrial District

### 2.10.1 Purpose

The B-I, Business—Industrial District is established to promote a wide range of employment-generating office, business, [institutional](#), research and development, and light [manufacturing](#) uses. The primary intent of this district is to provide lands for [industrial uses](#) that can be operated in a relatively clean and quiet manner. But it is also the intent of this district to allow a wide range of uses and accommodate the development of “flex space” arrangements which enable a different combination of allowable uses on a site over time, as the market dictates. This district is generally located in areas with appropriate [access](#) and [infrastructure](#). Potential [nuisances](#) or damage to the environment shall be minimized through careful design.

### 2.10.2 Allowed Uses

Uses allowed in the B-I district and conditions and standards for those allowed uses are provided in [Article 3, Use Regulations](#), of this Ordinance.

### 2.10.3 Lot Size

#### A. Minimum Standards

Minimum [lot area](#) for new lots: None

Minimum [lot frontage](#) for new lots: 30 feet

### 2.10.4 Building Height

#### A. Maximum Standards

[Building height](#) shall not be restricted except on properties adjacent to a residential district for which the maximum building height shall be 50 feet.

#### B. Maximum Building Height Adjustment.

When adjacent to a residential district, the maximum [building height](#) may be increased by one foot for each foot that the [building](#) is setback from the property line along the nearest residential district.

#### C. Measurement of Height.

Within this district, height shall be measured from the [grade](#) level at the [building](#) to the highest point of the structure.

#### D. Exceptions to the Maximum Height.

These height limitations generally shall not apply to church spires, steeples, belfries, [cupolas](#), domes, [chimneys](#), [smokestacks](#), fire or [parapet](#) walls, flagpoles, [water towers](#), communication towers, transmission lines, or other minor common building [appurtenances](#) provided such appurtenances are proportional to the [building](#) and are not intended for human occupancy, as determined by the Planning Director.



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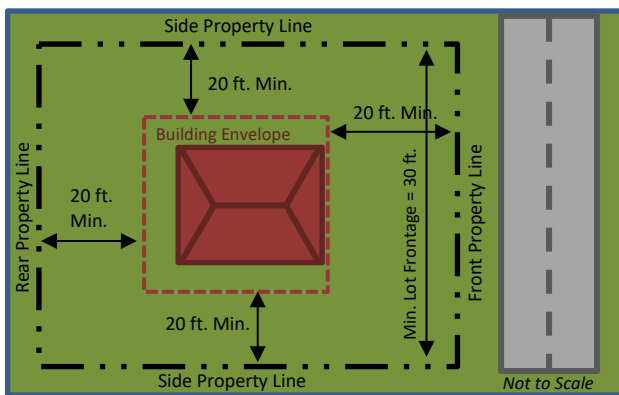
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## 2.10.5 Setbacks

### A. Minimum Standards

	All Properties
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	20 feet*
Minimum Rear Yard Setback	20 feet*

\*The minimum yard setback required along a property line abutting another property in the B-I district may be reduced to 10 feet



### Setback Requirements

### B. Projection into Yards. The following may extend or project into a required yard:

1. Cornices, sills, eaves, belt courses, chimneys, or other similar feature;
2. Unroofed platforms, landings, steps, or balconies;
3. Ramps, lifts, and access facilities for the handicapped; and
4. Heating and air conditioning units, or other similar machinery.

## 2.10.6 Open Space

Open space shall be provided at a rate of 10 percent of the total area of the subject property. Land used for open space shall be landscaped and permanently maintained with trees, shrubs, indigenous plants and ground cover. Acceptable open space may include natural areas, greenways, playgrounds, plazas, courtyards, greens, and community gardens.

## 2.10.7 Outdoor Storage

Any outdoor storage shall be located behind the principal structure. Outdoor storage viewable from a public right-of-way and/or residential property shall be screened with a wooden fence or masonry wall no less than eight feet in height. The height of materials and equipment stored shall not exceed the height of the screening fence or wall. At his discretion, the Planning Director may allow for vegetation to substitute the fence or wall provided the level of vegetation is sufficient in his judgement. The height of materials screened and opacity of vegetation will be among the factors used by the Planning Director to determine a sufficient level of screening.

Any stockpiles of soil, fertilizer, or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust, erosion, or blowing of materials.

Unless expressly permitted, there shall be no storage or warehousing of live fowl or animals, commercial explosives, or above or below ground bulk storage of flammable liquids or gases, unless and only to the extent that such storage of liquids or gases is directly connected to energy or heating on the premises.

## 2.10.8 Site Standards

All buildings and sites shall be subject to the applicable standards established in Article 4, Site Standards, of this Ordinance, as well as any applicable conditional use-specific standards established in Article 3, Use Standards, of this Ordinance.

## 2.11 ID, Innovative Development District

### 2.11.1 Purpose

The ID, Innovative Development District is established to provide flexibility in the planning and construction of [development](#) projects in accordance with an [approved plan](#). In return for greater flexibility in site design requirements, innovative development are expected to demonstrate exceptional quality community designs that:

- A. Preserve critical environmental resources;
- B. Provide above-average [open space](#) amenities;
- C. Demonstrate innovate and creative site planning techniques that improve upon the layout and design of [buildings](#), [open space](#) and circulation that would otherwise be achieved by the standards of other allowable zoning districts;
- D. Assure compatibility with surrounding [land uses](#) and [neighborhood character](#); and
- E. Provide greater efficiency in the layout and provision of [roads](#), utilities, and other [infrastructure](#).

This district provides a mechanism to evaluate each application on its own merit. Some concepts may be more appropriate in certain locations than others; therefore, the approval of an application in one location does not necessarily mean that the design of the development would automatically be appropriate in other locations.

### 2.11.2 Evaluation Criteria

In order to control for innovation, quality, and compatibility, the following criteria shall be considered whenever reviewing any application for the ID District. In addition, the reviewing body shall consider the extent to which the proposal accomplishes the purposes indicated for this district. These purposes and criteria shall neither be regarded as inflexible requirements nor are they intended to discourage creativity or innovation.

- A. The innovative development shall be consistent with the [Comprehensive Plan for the City](#) and shall meet all the applicable requirements of this Ordinance.
- B. Insofar as practicable, the [landscape](#) shall be preserved in its natural state by minimizing [tree](#) and [soil](#) removal.
- C. Proposed [buildings](#) shall be sited harmoniously to the terrain and to other buildings in the vicinity.
- D. Special attention shall be given to the location and number of [access](#) points to public [streets](#), width of [driveways](#), separation of [pedestrian](#) and vehicular traffic, the arrangement of [parking areas](#), and the general interior circulation of the [site](#). The design of these elements shall be safe and convenient and, insofar as practicable, shall not detract from the design of neighboring properties.

## 2.11.3 Concept Plan

The application for the designation of an ID District shall follow the same procedure as a [rezoning application](#). The application for the designation of an ID District shall be accompanied by a [concept plan](#). The concept plan shall be reviewed and approved concurrent with the application for the ID District. The concept plan shall depict the following elements. Aspects which cannot be visually illustrated by a sketch drawing shall be addressed in writing either as notes on the drawing(s) or in an attached written statement.

- A. The boundary and acreage of the entire [tract\(s\)](#) of [land](#) as delineated by survey.
- B. The approximate location of water courses, wetlands, and flood plains.
- C. The approximate location and acreage of various areas by type of use (e.g., single-family detached housing, office, commercial, etc.).
- D. The approximate location and acreage of recreational areas, [open space](#), and/or undisturbed [natural areas](#).
- E. The conceptual design for the project including the general [orientation](#) of [buildings](#), the exterior finish material(s) of building [façades](#), general [roof](#) types, [pedestrian](#) amenities, etc.
- F. The maximum number of units and the maximum [density](#) of the various residential types of use.
- G. The approximate number of bedrooms in each residential unit.
- H. The maximum [gross floor area](#) of the various nonresidential types of use.
- I. The approximate location and number of [parking spaces](#) per use.
- J. The approximate location, number, and type of [driveways](#) accessing the project from public right(s)-of-way.

- K. Indication that public facilities, including water, sewer collection and treatment, fire protection, etc., are available and adequate to serve the project at full build-out. Where such facilities may not be adequate, indicate the specific [improvements](#) and the timing of such improvements that will be undertaken to meet the service requirements of the proposed development.
- L. The approximate location and type of proposed [stormwater management](#) measures.
- M. General indication of the entity that will be responsible for the maintenance of jointly owned facilities such as [open space](#), [stormwater facilities](#), recreational facilities, etc.
- N. A tentative development schedule.

The [concept plan](#) shall also include any other materials or information requested by the Planning Director or the Planning Commission for their review so as to determine whether the application meets the criteria used for evaluation.

Approval of the ID District and the [concept plan](#) shall constitute authority for the [Applicant](#) to submit a master site plan for review by the Planning Commission.

## 2.11.4 Master Site Plan

Before any [plats](#) may be approved or any development [permits](#) issued, a master site plan must be approved by the Planning Commission. Only after the ID District has been granted and the [concept plan](#) approved may a master site plan be submitted for review by the Planning Commission. The master site plan shall conform to the approved conceptual development plan. The master site plan shall depict the following elements.

- A. The boundary and acreage of the entire [tract\(s\) of land](#) as delineated by survey.
- B. The topographic contour intervals for the land. [Sites](#) less than ten acres shall use intervals not greater than four feet. Sites at least ten acres shall use intervals not greater than eight feet.
- C. The location of water courses, wetlands, and flood plains.
- D. The acreage devoted to each [land use](#).
- E. The stakeout plan or lot layout for any proposed [subdivision](#) of land, including the size (in square feet) of each lot and the width (in feet) of each lot along each [right-of-way](#).
- F. The location and proposed use of all [buildings](#) or [structures](#) planned within the development.
- G. The number of residential [dwelling units](#) by type and the number of bedrooms in each.
- H. The total floor area for all nonresidential uses by type.
- I. The location, invert elevations, and size of all utilities, existing and proposed.
- J. The location and width of all right(s)-of-way and [easements](#).
- K. The location and acreage of each [open space](#), including specification of the proposed [improvements](#) to such areas.
- L. The location, total number of, and dimensions of all [off-street parking](#) and loading areas and [structures](#).
- M. The location of [curb cuts](#) and points of [ingress/egress](#).
- N. The location, width, and size of all [streets](#), [driveways](#), medians, service areas, [dumpster pads](#), entrances to [parking areas](#), etc.

- O. The design standards for each [building/structure](#). The master site plan may include sketches and/or [elevations](#) of the typical buildings/structures.
- P. The design standards for all [signage](#).
- Q. The location, height, and type of all exterior lighting fixtures and supports.
- R. The setback/buffer provisions along all external property lines of the development as well as along all property lines within the development.
- S. The location, type, and size of all landscaping materials/features.
- T. The basic [drainage](#) plan, including catch basin locations, piping, and drainage [easements](#).

If the master site plan will deviate from any of the City's typical [zoning](#) or [development](#) standards, the master site plan shall indicate such. The master site plan shall also include any other materials or information requested by the Planning Director or the Planning Commission for their review so as to determine compliance of the proposed development.

## 2.11.5 Development Standards

Generally, the appropriate regulations and standards contained in this Ordinance and the Land Development Regulations shall apply to each ID District. However, in order to accomplish the creativity and innovation promoted by this district, the Planning Commission may relax some of the standards contained in this Ordinance and the Land Development Regulations. The relaxation of these standards shall be indicated on the master site plan and shall only be permitted where necessary to advance the [concept plan](#) approved by City Council.

At the time of the master site plan review, the Planning Director shall prepare a technical review report for the proposed development which shall supplement the master site plan and reference the specific standards for the development.

Unless otherwise specified by the master site plan, the site design standards for the R-Lo, Residential—Low Density District shall apply to development within this district.

## 2.11.6 Allowed Uses

The [uses](#) permitted in the ID District shall include those indicated in the approved master site plan. These uses may include residential, [commercial](#), and [industrial uses](#); [cluster housing](#); [common open space](#); unusual arrangements of [structures](#) on the [site](#); or other combinations of structures and uses that depart from typical [development](#).

Note: The master site plan shall divide the ID District into specific [land use](#) categories and shall indicate the uses permitted in each category. Land use categories may make reference to Simpsonville zoning districts and defer to the uses permitted in a specified district.

## 2.11.7 Changes to [Approved Plans](#)

Changes to an ID District may be permitted in accordance with the following procedures as directed by the Planning Director.

### A. Major Change

A major change entails (1) any change that would amend or alter any basic concept depicted in the [concept plan](#) approved by City Council or (2) any change which the Planning Director determines should be reviewed by City Council due to the community impact of the proposed change. Only City Council shall have the authority to approve a major change. Prior to the review by City Council, an application for a major change shall be reviewed by the Planning Commission so that they may make a formal recommendation to City Council. Following approval of the major change, the [Applicant](#) shall revise and submit a master site plan for review by the Planning Commission.

### B. Minor Change

A minor change entails (1) any change that would amend or alter the minimum standards depicted in the master site plan approved by the Planning Commission without affecting the approved [concept plan](#) or (2) any change which the Planning Director determines should be reviewed by the Planning Commission due to questions of the compatibility of the proposed change. Only the Planning Commission shall have the authority to approve a minor change. The procedure for a minor change shall follow the same procedure as the master site plan review.

## C. Simple Deviation

A simple deviation entails changes that only include rearranging or reducing aspects of the development in accordance with the approved [concept plan](#) and the approved master site plan. This may include rearranging or reducing, in accordance with the applicable code provisions, any [driveways/accessways](#), parking, [impervious surface](#), [stormwater management facilities](#), or [building](#) on the subject [property](#). The Planning Director shall have the authority to approve a simple deviation. The procedure for a simple deviation shall follow the same procedure as a standard [site plan](#) review.

## 2.11.8 Former Planned Developments

ID Districts which are based on former planned developments shall continue to be regulated by the approved statement of intent, preliminary development plan, and final development plan, in addition to the applicable regulations of this Ordinance, until such time a [concept plan](#) and master site plan have been approved for such developments. Where the approved statement of intent, preliminary development plan, and/or final development plan conflict with the provisions of this Ordinance, the approved statement of intent, preliminary development plan, and/or final development plan shall prevail.

Where the approved statement of intent, preliminary development plan, and final development plan do not specify permitted uses, the following rules shall apply for interpretation of allowed uses in such developments:

- A. Areas described as “residential” or “single-family residential” shall allow for uses after the same manner as the [R-Lo District](#);
- B. Areas described as “multifamily residential” or similar shall allow for uses after the same manner as the [R-Hi District](#);
- C. Areas described as “neighborhood commercial” or similar shall allow for uses after the same manner as the [B-L District](#);
- D. Areas described as “commercial,” “retail,” or similar shall allow for uses after the same manner as the [B-G District](#);
- E. Areas described as “industrial” or similar shall allow for uses after the same manner as the [B-I District](#); and
- F. Areas located in the DO-TC District shall allow for uses after the same manner as the [B-U District](#).

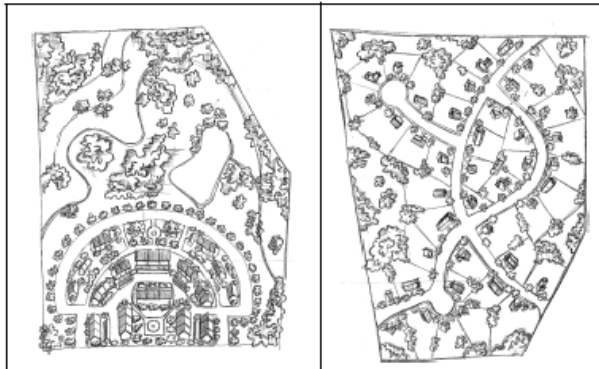


## 2.11.9 Development Patterns

This section provides examples of forms of [development](#) that may be appropriate in some locations and that represent the type of creativity and innovation that this district seeks to promote. In order to accomplish these types of designs, it may be necessary to relax specific development standards such as minimum lot size, minimum [setbacks](#), minimum parking requirements, etc. It is not the intent of this section to imply that acceptable forms of development are limited to the examples presented here.

### A. Conservation Subdivision

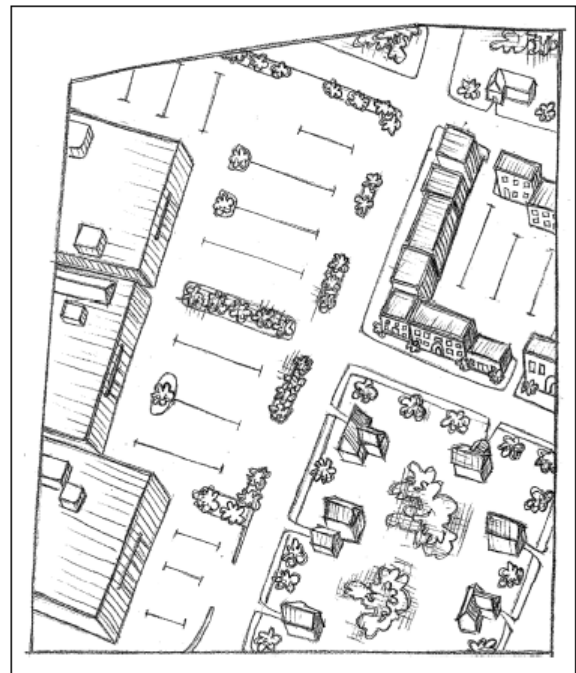
Conservation subdivisions allow developers to preserve [common open space](#) and natural resources. Conservation subdivisions feature smaller lots with a higher percentage of [open space](#) when compared to conventional subdivisions which feature large lots with little common open space. Not only do these developments protect and preserve natural resources, but they are typically associated with reduced [infrastructure](#) and housing costs as well as enhanced marketability.



Conservation subdivision (left) compared to conventional subdivision (right)

### B. Neighborhood Center

Conventional commercial centers typically feature front-loaded parking, long blocks, and a lack of architectural detailing. In contrast, neighborhood centers feature [buildings](#) that align the [street](#), short blocks, and a [pedestrian scale](#). Neighborhood centers often emphasize urban design and are located within walking or short driving distance of [residential areas](#).

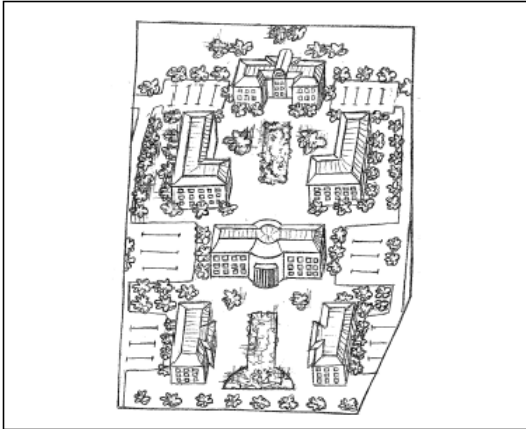


Conventional commercial center (left side of street) compared to neighborhood center (right side of street)



## C. Campus Development

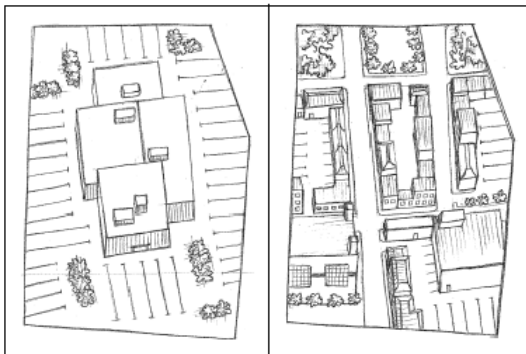
An office or institutional campus provides employment, civic, and/or residential uses interspersed with [open space](#) areas and [pedestrian walkways](#). A campus may be established as part of a larger [mixed-use development](#) or as a self-contained development or community.



Campus-style development

## D. Commercial Retrofit

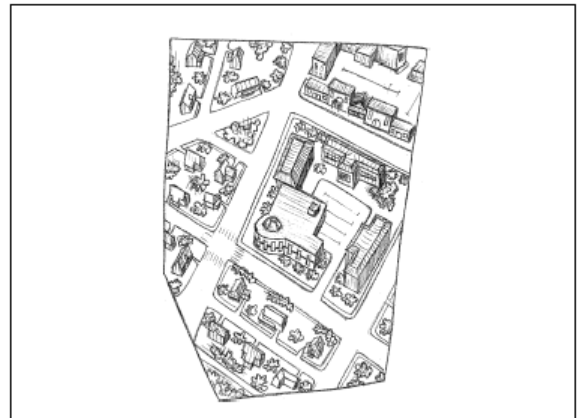
A commercial retrofit entails the [redevelopment](#) of existing [shopping centers](#), big-box retail sites, and other sites characterized by large expanses of surface parking into a development pattern that is [pedestrian](#) friendly, is [compatible](#) with surrounding development, provides a visually attractive site design, and which reduces reliance on the [automobile](#) for vehicular trips.



Retrofitting conventional commercial centers

## E. Traditional Neighborhood Development

A [traditional neighborhood development](#) is designed to permit the development of land in a manner consistent with historic and timeless principles of development. A traditional neighborhood development combines a variety of housing types with commercial and civic uses in a compact, walkable [neighborhood](#) setting. These developments feature a highly interconnected [street](#) network and [setbacks](#) appropriate to create a public realm built on a [human scale](#). The street network should recognize a site's [topography](#) and other natural features.



Traditional neighborhood development

## 2.11.10 Neighborhood Design Considerations

This section provides examples of some basic principles that further the purposes of this district and that should be considered when designing innovative developments for the purpose of enhancing the livability of the [neighborhood](#). It is not the intent of this section to imply that acceptable design considerations are limited to the examples presented here.

### A. Green Space Design

1. *Integrate Green Space.* Providing multiple “[greens](#)” can alleviate the monotony of standard suburban development patterns. Green space design can take many different creative forms. Greens can be part of the public realm, bordered by [streets](#), or they can be created as quieter, more secluded spaces, located behind homes.



Example of the integration of green space

2. *Position Green Space in Prominent Locations.* A highly effective technique for increasing the visibility of limited green space is to position it as [terminal vistas](#). Examples include the location of a [green](#) at the end of a [street](#) at a [T-intersection](#), a [neighborhood green](#) reached by a street or streets approaching it at a 45-degree angle, and parkland or a conservation area situated along the outside edge of a curving street.



Example of prominent green space

### B. Stormwater Design

1. *Basins for More than Merely Water.* With the ability to provide significant [open space](#) by trimming lot sizes, especially widths, comes the opportunity to replace relatively deep stormwater basins, in some cases resembling impact craters, with much broader and shallower meadows that sometimes double as informal playing fields. The enlarged basins with their much broader “floors” provide equal storage capacity and far more [infiltration](#) potential than do their crater-like counterparts.

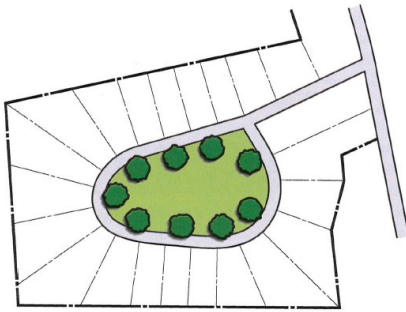


An enlarged stormwater management basin

2. *Infiltration Trenches.* An excellent technique for [infiltration](#) and recharge, particularly in denser developments where less land may be available for [open space](#) uses, is to provide infiltration trenches, dug several feet deep and backfilled with gravel or pea stone, into which stormwater literally disappears.

## C. Site Layout/Lot Design

1. *Traditional Street Patterns.* Dead ends needlessly fragment a community's rational network of interconnected [streets](#) and they are inherently less safe because they provide only one point of [access](#) for emergency vehicles. Concerns about through traffic can be addressed by ensuring connecting streets are specifically designed not to become shortcuts that attracted increased traffic.
2. *Cul-de-sac Islands.* [Cul-de-sacs](#) can become highly attractive visual end points that are easy to navigate around when designed with planting islands.



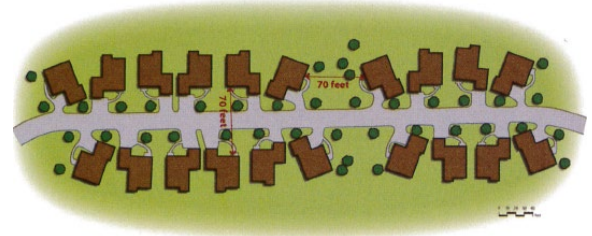
An enlarged cul-de-sac island

3. *Site Homes Off-Center.* On a narrow lot where a [side yard](#) is too small to be usable for much, greater livability can be achieved by situating the home off-center, with minimal or no yard space on one side and a double or nearly double yard on the other.
4. *Flag Lots.* [Flag lots](#) offer a practical and useful tool for situating homes in desirable, quiet locations without burdening the municipality with maintaining unnecessary [street](#) length. Flag lots should be situated at the ends of [cul-de-sacs](#), sitting beside but not behind their immediate neighbors. They should be avoided when they would sit behind other lots, reducing backyard privacy.

5. *Sloping Terrain.* On sloping terrain, a less formal, more organic design approach that doesn't involve narrow lots and rear [alleys](#) is highly recommended.

## D. Streetscape Design

1. *Roadside House-lot Development.* An alternative to stripping the entire [frontage](#) along an existing [street](#) with standardized lots is to adapt the conservation design principle of trimming lot size and width, resulting in the same number of homes accommodated on half the available land.
2. *House-to-Street Orientation.* Rather than having 100 percent of all new homes lined up, a more pleasing result can be achieved by varying their angles of [orientation](#) so they do not all face the [street](#) perpendicularly.



Houses with varying angles of orientation

3. *Modest Front Setbacks.* Unless the [street](#) is heavily trafficked there is not much justification for pushing [buildings](#) back from the street. Modest front [setbacks](#) provide the twin advantages of enlarging the more private backyards and allowing for each conversational distance between [pedestrians](#) and folks sitting on front [porches](#).
4. *Shade Trees.* [Streets](#) where shade [trees](#) have been planted at regular intervals on both sides are cooler, more attractive to residents and potential buyers, provide more varied habitat, tend to calm traffic speed, help to cleanse the air, and appreciate more in real estate value.



# ID District

## 1 Introduction

## 2 Zoning Districts

## 3 Use Standards

## 4 Site Standards

## 5 Nonconformities

## 6 Administration

## 7 Procedures

## 8 Interpretations

5. *Sidewalks.* Providing [sidewalks](#) make it safer for children and residents in general to walk the [neighborhood](#). Tweakens—footpaths inserted in midblock locations—increase accessibility and reduce the need for people to jump in their car to travel short distances.
6. *Avoid Protruding Garages.* Protruding garage doors become a central feature of the street façades, dominating the [streetscapes](#) and defining the [neighborhood](#) in an ugly and distinctly nontraditional way. Alternative design considerations may include: (a) Homes may be accessed via back lanes or [alleys](#); (b) Front-loaded garages may be recessed; or (c) Garages may be designed to be side-loaded.



Protruding garages



A recessed front-loaded garage



A side-loading garage

### E. Mixed Housing

1. *Detached Townhouses.* Building densities approaching those attainable with conventional town houses can also be achieved with narrow single-family homes situated on individual house-lots. For buyers desiring single-family living on a townhouse budget, this is an extremely attractive option. Plus, there may be a slight overall cost savings due to the absence of expensive fire-wall construction.



Detached townhomes

2. *Semidetached Houses.* Sometimes called duplexes, semidetached homes can be designed to look exactly like what they are, or they can be designed to blend in with the surrounding single-family homes. Front doors should be located farther apart, units should be articulated with large forward-projecting gable-end sections joined by a recessed connection, or the second unit should be visually subordinated in a wing of the house.



A duplex with gable-end sections

3. *Multifamily Residential.* In an effort to avoid anonymous, boxy multifamily residences, consider new multifamily construction that follows the traditional pattern, governed by maximum front [setbacks](#) and the provision of [sidewalks](#) and shade [trees](#) as part of a genuine [streetscape](#), with garages always located behind the homes.



Traditional example of multifamily housing

## F. [Traffic Calming](#)

A number of different [street](#) design techniques have evolved to slow the movement of traffic through residential [neighborhoods](#). These include:

- Small [greens](#) bounded by two [streets](#) ending in [T-intersections](#).
- [Trees](#) planted in the middle of the [street](#) as an informal median strip.
- Gazebos constructed as a [terminal vista](#), around which the [road](#) is deliberately curved.
- [Street](#) grids interrupted with offsets that create three-way [intersections](#).
- Sections of [pavement](#) narrowed to a single lane to create a “yield street.”
- [Trees](#) planted in central medians, boulevard style.



A green bound by two streets

## 2.12 DO-TC, Design Overlay— Town Center District

### 2.12.1 Purpose

The location of the DO-TC, Design Overlay—Town Center District is widely distinguished by features of a traditional American downtown. The [streets](#) are laid out in a grid pattern and the [buildings](#) are typically built to the front property line.

It is the intent of this [overlay district](#) to ensure, insofar as possible, that [buildings](#) or [structures](#) and the use of land within this district shall be in harmony with the architectural heritage and traditional [character](#) of the district. In approving [site plans](#) and granting building [permits](#), the architectural and visual significance of the structure and overall development shall be taken into account by the person(s) performing the review. New [development](#) and [redevelopment](#) shall be [compatible](#) with architecture and design of surrounding properties and existing developments. This includes the exterior finish, lighting, landscaping, and architectural design of proposed development and redevelopment.

By encouraging a general harmony of style, form, proportion, [use](#), architectural features and materials, the architectural heritage and traditional [character](#) of the City of Simpsonville will continue to be a distinctive aspect of the City and will promote positive visual experiences in the City of Simpsonville.

### 2.12.2 Site Design

#### A. Building Placement

Principal structures shall be built to the front property line, except for areas designed as a [plaza](#) or for [outdoor dining](#). No minimum building setback from the [right-of-way line](#) shall be required in this district.

#### B. Parking Design

[Off-street parking](#) shall not be located any closer to any adjacent [right-of-way line](#) than the principal structure. [Driveway](#) widths shall create a safe environment for both vehicles and [pedestrians](#). No drive-thru service window, bay, or queuing lane shall be located between the front [façade](#) of the [building](#) and the [right-of-way](#). Drive-thru facilities shall be located as far as practicable from any pedestrian route so as to have a minimal impact on pedestrian movement.

#### C. Pedestrian Design

The required minimum width of [sidewalks](#) in the public [right-of-way](#) shall be maintained free of obstruction for the required minimum width. Shelter, shade, and/or weather protection in the form of shade [trees](#), [awnings](#), [arcades](#), balconies, [overhangs](#), or other similar means acceptable by the Planning Director shall be provided along the public sidewalk.

Developers are encouraged to provide [pedestrian](#) amenities accessible to the public [sidewalk](#) and public use. Appropriate pedestrian amenities may include benches, trash receptacles, planters, fountains, public art, and similar design features. Pedestrian amenities shall be [compatible](#) and consistent with other nearby pedestrian amenities in terms of materials, appearance, scale, form, and placement. Pedestrian amenities shall be constructed of durable materials and shall be securely installed. Advertising tools, marketing tools, or other media which may be used for branding or marketing purposes shall not be considered as public art.

## 2.12.3 Architectural Design

### A. Building [Orientation](#)

Any [building](#) adjacent to the [right-of-way](#) shall be oriented to the [street](#). The [main entrance](#) for all nonresidential ground-floor units shall face the right-of-way. Secondary entrances may face [parking lots](#) or other interior site areas. Where a building is located on a [corner lot](#) or has [frontage](#) on two adjoining streets, the developer shall be encouraged to provide an angled entrance located at the street corner.

### B. Entryway Design

Entryways provide a special opportunity to make a [building](#) unique while providing a highly visible customer entrance and an identifiable public address. [Awnings](#), changes in the roofline, or other acceptable means shall be used to define the building entrance facing the [right-of-way](#). [Pedestrian](#) lighting shall be provided at building entrances. Appropriate fixtures, devices, and placement shall be considered so as to prevent or eliminate [glare](#) from the lighting.

### C. Building Façade

Each building [façade](#) visible from a [right-of-way](#) shall provide visual interest. Upper and lower façades shall be clearly delineated using [parapet](#) caps, decorative [cornice](#) lines, transoms, stringcourses, banding, canopies, [awnings](#), jetties, [fenestration](#), clerestories, and other architectural elements that create a recognizable base, middle, and top of [building](#). Metal or vinyl awnings are discouraged except where to accentuate the entryway and fenestration. Awnings or canopies shall not be used as a continuous band around a building and shall not include fixed [sidewalk](#) supports that interfere with [pedestrian](#) traffic. Roof gardens, [terraces](#), [decks](#), balconies, and balconets are encouraged.

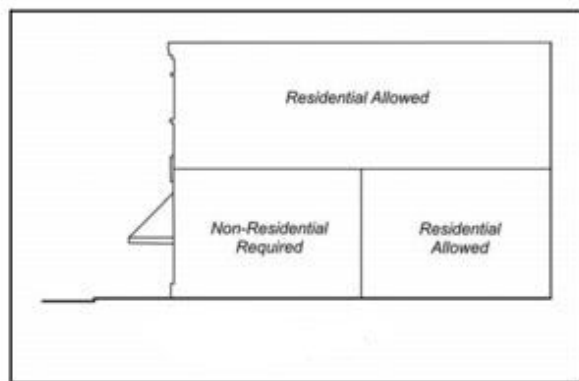
The [ground floors](#) of all [buildings](#) shall be designed to encourage and to complement [pedestrian-scale](#) activity by the use of windows and doors arranged so that the uses are visible from and/or accessible to the [street](#). The total surface area of the front [elevation](#) at the ground floor along the street [frontage](#) shall incorporate display windows, transoms, and/or entrances that account for a minimum of 50 percent of the ground level [façade](#) facing the public [right-of-way](#). Windows shall incorporate decorative architectural features such as sills, trim, and [lintels](#). Heavily tinted windows are discouraged.

At least 80 percent of the [exterior wall](#) construction shall be constructed of brick. This requirement shall be calculated by measuring the entire [façade](#), minus openings for windows, doors, and trim, and then multiplying that measurement by 80 percent. This standard shall apply to all sides of each [building](#).



## 2.12.4 Building Use

Each [development](#) or [building](#) is encouraged to provide for a mix of uses. [Pedestrian](#)-oriented uses such as retail, [restaurants](#), cultural activities, entertainment activities, and other similar establishments shall [occupy](#) the section of the [ground floor](#) adjacent to the [right-of-way](#). Professional office uses and residential units shall be permitted by right elsewhere within the building.



Location of residential units in a mixed use building

The arrangement and mixture of uses shall create a symbiotic environment which promotes general welfare. [Commercial uses](#) shall be designed and operated so that neighboring residents are not exposed to offensive [noise](#), particularly from late-night activity. Shared walls between residential and nonresidential uses shall be constructed to minimize the transmission of noise and vibration. All outdoor lighting associated with commercial uses shall be shielded and otherwise designed so as to not [adversely impact](#) surrounding residents while still maintaining a sufficient level of illumination for safety purposes. Nonresidential uses shall not expose nearby residents to offensive [odors](#), dust, electrical interference, and/or vibration.

## 2.12.5 Demolition

No [building](#) within the DO-TC district with a perceptible historic or cultural significance, as determined by the Planning Director, shall be demolished without approval from City Council. Prior to the review by City Council, the Planning Commission shall hold a [public hearing](#) on the matter. At the conclusion of the public hearing, the Planning Commission shall make a recommendation to City Council. The public hearing shall be advertised according to the City's standard [public notice](#) procedures.

In the review of the application, the Planning Commission and City Council shall consider the following:

- A. The historic significance of the building to the community.
- B. The architectural significance of the building.
- C. The age, [character](#), condition, and probable life expectancy of the building.
- D. The present [character](#) of the [neighborhood](#) and the [adverse effect](#) of the demolition on surrounding historic landmarks and buildings.
- E. Whether or not the building is of such old or uncommon design, [texture](#), or scarce material that reproduction of the building would be greatly difficult and/or expensive.
- F. Whether or not the [relocation](#) of the building or any other alternatives to demolition would be practicable or preferable to any extent.
- G. The threat that the current state of the building poses to public health and safety.
- H. The reasonable economic return on the property if the application for demolition were to be denied.

## 2.12.6 Signage

### A. Window signs

Signs on the interior or exterior of glass windows and glass doors shall comply with the following standards:

1. *Maximum sign display area.* The [sign face](#) or display area shall not exceed twenty percent of the glass area of the window frame section or glass door. The combination of [window signs](#), [projecting signs](#), [hanging signs](#), [awning signs](#) and [wall signs](#) shall not exceed ten percent of the gross surface area of the façade on which the signage is installed.
2. *Maximum number of window signs.* There is no limit to the number of [window signs](#) allowed provided the gross sign display does not exceed the maximum limitations described herein.
3. *Glass area.* For the purposes of this section, the glass area of a window frame section shall mean the glazed area between the head, jamb, and sill components of the window.
4. *Prohibited locations.* [Window signs](#) shall only be permitted on ground floors.
5. *Illumination.* Unless otherwise indicated, no [window sign](#) shall be illuminated.

### B. Freestanding signage

Monument signs shall comply with the following standards:

1. *Maximum sign display area.* The [sign face](#) or display area shall not exceed 50 square feet.
2. *Maximum number of signs.* [Monument signs](#) shall not exceed one sign per street front per lot. Not more than one [freestanding sign](#) at each [property](#) shall be oriented to the same [street](#).

3. *Maximum height.* No [monument sign](#) shall exceed a [height](#) of 8 feet above the [natural grade](#) at the base of the sign.
4. *Multi-tenant developments.* Where it is necessary due to the number of [tenants](#) at a single property, the display area of a monument may exceed the maximum sign display area provided (a) the sign shall not contain more than one placard for each tenant; (b) each placard shall not exceed four square feet; and (c) the display area of all other copy on the sign, including the name of the shopping center or development, shall not exceed 32 square feet.

Unless exempt, no sign shall be erected, altered, moved, or reconstructed within the DO-TC district except in accordance with the procedures set forth in [Article 7, Procedures](#), of this Ordinance.

## 2.13 DO-VC, Design Overlay— Village Commerce District

### 2.13.1 Purpose

The location of the DO-VC, Design Overlay—Village Commerce District is widely distinguished by its proximity to the Town Center. However, this district may be distinguished from the Town Center by its lack of a [street](#) grid and lack of “zero lot line” [setbacks](#) as is commonplace in the DO-TC district. Rather, this district is distinguished by the “small town” charm of its development and its mix of retail buildings, offices, multi-family residences, single-family residences, and single-family residences that have been converted to office and retail use.

It is the intent of this [overlay district](#) to ensure, insofar as possible, that [buildings](#) or [structures](#) and the use of land within this district shall be in harmony with the architectural heritage and traditional [character](#) of the district. In approving [site plans](#) and granting building [permits](#), the architectural and visual significance of the structure and overall development shall be taken into account by the person(s) performing the review. New [development](#) and [redevelopment](#) shall be [compatible](#) with the architecture and design of surrounding properties and existing developments. This includes the exterior finish, lighting, landscaping, and architectural design of proposed development and redevelopment.

By encouraging a general harmony of style, form, proportion, use, architectural features and materials, the architectural heritage and traditional [character](#) of the City of Simpsonville will continue to be a distinctive aspect of the City and will promote positive visual experiences in the City of Simpsonville.

### 2.13.2 Site Design

#### A. Building Placement

Minimum [setbacks](#) shall be governed by the requirements of the underlying zoning district. However, in order to preserve the existing [pedestrian-scale](#) and “small town” design of this district, principle structures shall not be setback from the [right-of-way line](#)

more than the median setback of all principle structures located on the same block and same [street](#).

#### B. Parking Design

[Driveway](#) widths shall create a safe environment for both vehicles and [pedestrians](#). No drive-thru service window, bay, or queuing lane shall be located between the front [façade](#) of the [building](#) and the [right-of-way](#). Drive-thru facilities shall be located as far as practicable from any pedestrian route so as to have a minimal impact on pedestrian movement.

#### C. Pedestrian Design

Developers are encouraged to provide [pedestrian](#) amenities accessible to the public [sidewalk](#) and public use. Appropriate pedestrian amenities may include benches, trash receptacles, planters, fountains, public art, and similar design features. Pedestrian amenities shall be [compatible](#) and consistent with other nearby pedestrian amenities in terms of materials, appearance, scale, form, and placement. Pedestrian amenities shall be constructed of durable materials and shall be securely installed. Advertising tools, marketing tools, or other media which may be used for branding or marketing purposes shall not be considered as public art.

## 2.13.3 Architectural Design

### A. Building [Orientation](#)

Any [building](#) adjacent to the [right-of-way](#) shall be oriented to the [street](#). The [main entrance](#) for all nonresidential ground-floor units shall face the right-of-way. Secondary entrances may face [parking lots](#) or other interior site areas. Where a building is located on a [corner lot](#) or has [frontage](#) on two adjoining streets, the developer shall be encouraged to provide an angled entrance located at the street corner.

### B. Entryway Design

Entryways provide a special opportunity to make a [building](#) unique while providing a highly visible customer entrance and an identifiable public address. [Awnings](#), changes in the roofline, or other acceptable means shall be used to define the building entrance facing the [right-of-way](#). [Pedestrian](#) lighting shall be provided at building entrances. Appropriate fixtures, devices, and placement shall be considered so as to prevent or eliminate [glare](#) from the lighting.

### C. Building Façade

The [ground floors](#) of all [buildings](#) shall be designed to encourage and to complement [pedestrian-scale](#) activity by the use of windows and doors arranged so that the uses are visible from and/or accessible to the [street](#). The total surface area of the front [elevation](#) at the ground floor along the street [frontage](#) shall incorporate display windows, transoms, and/or entrances that account for a minimum of 40 percent of the ground level [façade](#) facing the public [right-of-way](#). Windows shall incorporate decorative architectural features such as sills, trim, and [lintels](#). Heavily tinted windows are discouraged.

At least 60 percent of the [exterior wall](#) construction shall be constructed of brick, stone, fiber-cement siding or a combination thereof. The use of pressed wood, vinyl and aluminum siding, sheet metal sheathing, plain concrete block, corrugated metal, and other similar materials shall be prohibited in the exterior finish of buildings. This requirement shall be calculated by measuring the entire [façade](#), minus openings for windows, doors, and trim, and then multiplying that measurement by 60 percent. This standard shall apply to all sides of each [building](#).

### D. Roof Design

Any new [roof](#) shall reflect the traditional [character](#) of [hip](#) and [gable roofs](#) typically found throughout this district.

## 2.13.4 Signage

### A. Window Signs

Signs on the interior or exterior of glass windows and glass doors shall comply with the following standards:

1. *Maximum sign display area.* The [sign face](#) or display area shall not exceed twenty percent of the glass area of the window frame section or glass door. The combination of [window signs](#), [projecting signs](#), [hanging signs](#), [awning signs](#) and [wall signs](#) shall not exceed ten percent of the gross surface area of the façade on which the signage is installed.
2. *Maximum number of window signs.* There is no limit to the number of [window signs](#) allowed provided the gross sign display does not exceed the maximum limitations described herein.
3. *Glass area.* For the purposes of this section, the glass area of a window frame section shall mean the glazed area between the head, jamb, and sill components of the window.
4. *Prohibited locations.* [Window signs](#) shall only be permitted on ground floors.
5. *Illumination.* Unless otherwise indicated, no [window sign](#) shall be illuminated.

### B. Freestanding signage

Monument signs shall comply with the following standards:

1. *Maximum sign display area.* The [sign face](#) or display area shall not exceed 50 square feet.

2. *Maximum number of signs.* [Monument signs](#) shall not exceed one sign per street front per lot. Not more than one [freestanding sign](#) at each [property](#) shall be oriented to the same [street](#).
3. *Maximum height.* No [monument sign](#) shall exceed a [height](#) of 8 feet above the [natural grade](#) at the base of the sign.
4. *Multi-tenant developments.* Where it is necessary due to the number of [tenants](#) at a single property, the display area of a monument may exceed the maximum sign display area provided (a) the sign shall not contain more than one placard for each tenant; (b) each placard shall not exceed four square feet; and (c) the display area of all other copy on the sign, including the name of the shopping center or development, shall not exceed 32 square feet.

Unless exempt, no sign shall be erected, altered, moved, or reconstructed within the DO-TC district except in accordance with the procedures set forth in [Article 7, Procedures](#), of this Ordinance.

## **2.14 DO-E, Design Overlay - Entertainment District**

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### **2.14.1 Purpose**

The location of the DO-E, Design Overlay - Entertainment District is the entirety of South Main Street, including fronting properties, between West Curtis and Trade Street.

It is the intent of this overlay district to ensure, insofar as possible, flexibility in design to support South Main Street as a festival street. Festival streets are designed to be temporarily closed for the purpose of pedestrian-oriented special activities. Activities may include, but are not limited to, music, dance performances, art shows/displays, games or other events and celebrations.

Unless specified herein, the standards for the B-U, Business—Urban District and DO-TC, Design Overlay—Town Center District shall apply to development within this district.

### **2.14.2 Site Design**

#### **A. Parking Design**

In lieu of curbs and wheel stops, the Planning Director may permit for alternative design that promotes pedestrian safety and ADA accessibility.

### **2.14.3 Architectural Design**

#### **A. Building Facade**

The City Administrator, or designee, may permit design elements for building facades that promote the purpose of the Design Overlay—Entertainment District.

# ARTICLE 3

## USE STANDARDS

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- 3.1 [Uses by Districts](#)
- 3.2 [Conditional and Special Exception Use Standards](#)
- 3.3 [Accessory Use/Structure Standards](#)
- 3.4 [Temporary Use Standards](#)



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## 3.1 Uses by Districts

### 3.1.1 Generally

The [Table of Allowed Uses](#) established in this section sets forth the [uses](#) allowed within the base zoning districts of this Ordinance. The following shall serve as a key to this table and shall represent how each specific use is treated.

- A. **Permitted (P):** Permitted by right subject to general district standards and site standards.
- B. **Conditional (C):** Permitted subject to specific conditions and specific use standards set forth in this Article.
- C. **Special Exception (S):** Permitted by [special exception](#) through a discretionary review process set forth in [Article 7, Procedures](#), and subject to the review criteria herein. Such uses shall also be subject to any applicable specific use standards set forth in this Article.
- D. **Not Permitted (-):** The use is not permitted in the district. A blank cell shall also indicate that use is not permitted in the district.

### 3.1.2 State and Federal Regulations of Uses

Any [use](#) regulated by the laws of the State of South Carolina or the U.S. government shall be subject to such regulations in addition to any standards specified herein.

### 3.1.3 Multiple Principal Uses

Developments with multiple [principal uses](#) (such as [shopping centers](#)) shall incorporate only those uses allowed in the underlying district.

[Detached single-family residential dwellings](#) shall not be established in combination with any other [principal use](#), including another detached single-family dwelling, on the same [lot of record](#).

### 3.1.4 Uses Not Listed

If a particular [use](#) is not listed in the [Table of Allowed Uses](#), the Planning Director shall determine if that use can reasonably be interpreted to fit into a use category where [similar uses](#) are described. The Planning Director shall give due consideration to the purpose of this Ordinance and the zoning district(s) involved and the nature of the use(s) in question.

In order to determine if the proposed use(s) is similar in nature and function to another use category, the Planning Director shall assess all relevant characteristics of the proposed use, including but not limited to the following:

- A. The volume and type of [sales](#);
- B. The size and type of items sold and the nature of the inventory on the [premises](#);
- C. Any [processing](#) done on the [premises](#), including assembly, [manufacturing](#), [warehousing](#), shipping, and distribution;
- D. The nature and location of storage and outdoor display of merchandise;
- E. The type, size, and nature of [structures](#);
- F. The number of employees and customers and hours of operation;
- G. Traffic generation and parking turnover;
- H. The amount and nature of any [nuisances](#) generated on the [premises](#), including but not limited to [noise](#), [smoke](#), [odor](#), [glare](#), vibration, radiation, and fumes; and
- I. Other impacts related to health, safety, and general welfare.

The Planning Director may also utilize resources such as the Land-Based Classification Standards (LBCS) of the American Planning Association (APA) and the most current edition of the [North American Industrial Classification System \(NAICS\)](#) to assist in this determination.

If the Planning Director determines that a proposed use is similar to a listed use, the proposed use shall comply with the standards for that listed use. Where the Planning Director does not determine a [similar use](#), that use shall be [prohibited](#) until such time this Ordinance is amended to allow the use in a zoning district.

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## 3.1.5 Table of Allowed Uses

	R-E	R-Lo	R-Mid	R-Hi	R-OI	B-L	B-G	B-U	B-I
<b>Residential Uses and Accommodations</b>									
<a href="#">Bed and Breakfast Inn</a>	—	—	—	<u>C</u>	<u>C</u>	<u>C</u>	<u>S</u>	<u>S</u>	—
<a href="#">Dwelling, Attached Single-Family</a>	—	—	<u>C</u>	<u>C</u>	<u>C</u>	—	—	<u>S</u>	—
<a href="#">Dwelling, Detached Single-Family</a>	P	P	P	P	P	—	—	—	—
<a href="#">Dwelling, Multifamily</a>	—	—	—	<u>C</u>	—	<u>S</u>	<u>S</u>	<u>S</u>	—
<a href="#">Hotel</a> or <a href="#">Motel</a>	—	—	—	—	—	—	P	P	—
<a href="#">Manufactured Housing Park</a>	—	—	—	<u>S</u>	—	—	—	—	—
<a href="#">Nursing Home</a>	—	—	—	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>S</u>	—
<a href="#">Residential Care Facility</a>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	—	—	—	—
<b>Institutional and Social Uses</b>									
<a href="#">Cemetery</a>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<a href="#">Child Day Care Service</a>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	—
<a href="#">Funeral Home</a>	—	—	—	—	P	P	P	P	—
<a href="#">Hospital</a>	—	—	—	—	—	—	P	P	—
<a href="#">Library</a>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	P	P	P	P	—
<a href="#">Parking lots &amp; Parking Garages</a>	—	—	—	—	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	—
<a href="#">Professional and Similar Organization</a>	—	—	—	—	P	P	P	P	—
<a href="#">Public Administration Building</a>	—	—	—	—	P	P	P	P	P
<a href="#">Public Safety Facility</a>	P	P	P	P	P	P	P	P	P
<a href="#">Public Works Facility</a>	—	—	—	—	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	P
<a href="#">Religious Institution</a>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	P	P	P	P	<u>S</u>
<a href="#">School, College or University</a>	—	—	—	—	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	—
<a href="#">School, Grade</a>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	P	P	P	P	—
<a href="#">School, Technical, Trade, or Other Specialty</a>	—	—	—	—	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	P
<a href="#">Service, Ambulatory or Outpatient Health Care</a>	—	—	—	—	<u>S</u>	P	P	P	—
<a href="#">Service, Social Assistance</a>	—	—	—	—	P	P	P	P	—
<b>Office and Business Services</b>									
<a href="#">Financial Establishment</a>	—	—	—	—	—	P	P	P	—
<a href="#">Service, Communication or Information</a>	—	—	—	—	—	—	P	P	P
<a href="#">Service, Professional</a> or <a href="#">Administrative</a>	—	—	—	—	P	P	P	P	P

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<b>Commercial Sales and Services</b>									
<a href="#">Brewpub, Beer/Wine</a>	—	—	—	—	—	—	<u>C</u>	<u>C</u>	—
<a href="#">Micro-Distillery</a>	—	—	—	—	—	—	<u>C</u>	<u>C</u>	<u>C</u>
<a href="#">Restaurant, Bar or Drinking Place</a>	—	—	—	—	—	—	<u>C</u>	<u>C</u>	—
<a href="#">Restaurant, Full-Service</a>	—	—	—	—	—	—	P	P	—
<a href="#">Restaurant, Limited-Service (Cafeteria, Snack Bar, Etc.)</a>	—	—	—	—	—	P	P	P	—
<a href="#">Sales and Service, Heavy Consumer Goods</a>	—	—	—	—	—	—	P	P	—
<a href="#">Sales and Service, Light Consumer Goods</a>	—	—	—	—	—	P	P	P	—
<a href="#">Sales and Service, Motor Vehicles and Parts</a>	—	—	—	—	—	—	<u>C</u>	—	—
<a href="#">Sales, Convenience Store</a>	—	—	—	—	—	P	P	P	—
<a href="#">Sales, Grocery Store or Supermarket</a>	—	—	—	—	—	<u>S</u>	P	P	—
<a href="#">Sales, Health and Personal Care</a>	—	—	—	—	—	P	P	P	—
<a href="#">Sales, Packaged Alcoholic Beverage Store</a>	—	—	—	—	—	—	<u>C</u>	<u>C</u>	—
<a href="#">Sales, Pets and Pet Supplies Store</a>	—	—	—	—	—	—	P	P	—
<a href="#">Sales, Specialty Food Store (Bakery, Confectionery, Etc.)</a>	—	—	—	—	—	P	P	P	—
<a href="#">Service, Caterer</a>	—	—	—	—	—	P	P	P	—
<a href="#">Service, Dry Cleaning and Laundry</a>	—	—	—	—	—	P	P	P	—
<a href="#">Service, Health and Personal Care</a>	—	—	—	—	<u>S</u>	P	P	P	—
<a href="#">Service, Pet Care</a>	—	—	—	—	<u>S</u>	<u>C</u>	<u>C</u>	<u>C</u>	—
<a href="#">Services to Buildings and Dwellings</a>	—	—	—	—	—	—	<u>S</u>	<u>S</u>	P
<b>Industry, Warehousing, and Transportation</b>									
<a href="#">Brewery</a>	—	—	—	—	—	—	<u>C</u>	—	<u>C</u>
<a href="#">Junk/Salvage Yard</a>	—	—	—	—	—	—	—	—	<u>C</u>
<a href="#">Manufacturing</a>	—	—	—	—	—	—	—	—	P
<a href="#">Mini-Warehouse and Self-Storage Facility</a>	—	—	—	—	—	—	—	—	<u>C</u>
<a href="#">Sales and Service, Large Vehicle</a>	—	—	—	—	—	—	—	—	<u>C</u>
<a href="#">Service, Construction</a>	—	—	—	—	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	P
<a href="#">Service, Mail</a>	—	—	—	—	—	—	<u>S</u>	<u>S</u>	<u>C</u>
<a href="#">Service, Special Purpose Transit (Taxi, Limousine, Etc.)</a>	—	—	—	—	—	—	—	—	<u>C</u>
<a href="#">Service, Towing</a>	—	—	—	—	—	—	—	—	<u>C</u>
<a href="#">Service, Truck and Freight Transportation</a>	—	—	—	—	—	—	—	—	<u>C</u>
<a href="#">Warehousing</a>	—	—	—	—	—	—	—	—	P
<a href="#">Wholesaling</a>	—	—	—	—	—	—	—	—	P

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<b>Arts, Entertainment, and Recreation</b>									
<a href="#">Games Facility, Indoor</a>	—	—	—	—	—	—	<u>C</u>	<u>C</u>	P
<a href="#">Golf Course</a> or <a href="#">Country Club</a>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	—	—
<a href="#">Health Club, Gymnasium,</a> or <a href="#">Sports Center</a>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	P	P	P	P
<a href="#">Museum</a> or <a href="#">Exhibition Facility</a>	—	—	—	—	—	—	P	P	—
<a href="#">Park, Outdoor Amusement</a> or <a href="#">Theme</a>	—	—	—	—	—	—	<u>C</u>	<u>C</u>	<u>C</u>
<a href="#">Park, Outdoor Recreational</a>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	P
<a href="#">Stadium</a> or <a href="#">Arena</a>	—	—	—	—	—	—	<u>S</u>	<u>S</u>	<u>S</u>
<a href="#">Theater, Movie</a>	—	—	—	—	—	—	P	P	—
<a href="#">Theater, Performing Arts</a>	—	—	—	—	—	—	P	P	—
<b>Miscellaneous Use Types</b>									
<a href="#">Service, Solid Waste-Related</a>	—	—	—	—	—	—	—	—	<u>S</u>
<a href="#">Sexually Oriented Business</a>	—	—	—	—	—	—	—	—	<u>C</u>
<a href="#">Telecommunication Tower</a>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>C</u>
<a href="#">Utility, Major</a>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<b>Accessory Uses</b>									
<a href="#">Dwelling, Accessory</a>	—	—	—	—	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	—
<a href="#">Garden</a> or <a href="#">Greenhouse</a>	P	P	P	P	P	P	P	P	P
<a href="#">Home Occupation</a>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	—	—	—	—
<a href="#">Outdoor Dining</a>	—	—	—	—	—	<u>C</u>	<u>C</u>	<u>C</u>	—
<a href="#">Outdoor Storage</a> at Nonresidential Properties	—	—	—	—	—	—	<u>C</u>	—	<u>C</u>
<b>Accessory Structures</b>									
<a href="#">Children's Play Equipment</a>	P	P	P	P	P	P	P	P	P
<a href="#">Equine Stable</a>	<u>C</u>	—	—	—	—	—	—	—	—
<a href="#">Fence</a> or <a href="#">Wall</a>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<a href="#">Game Court</a>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<a href="#">Residential Storage (Garage, Shed, Etc.)</a>	P	P	P	P	P	—	—	—	—
<a href="#">Satellite Dish</a> or <a href="#">TV Antenna</a>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<a href="#">Solar Feature</a>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<a href="#">Swimming Pool</a> or <a href="#">Hot Tub</a>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<b>Temporary Uses</b>									
<a href="#">Construction Activity</a>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<a href="#">Garage/Yard Sale</a>	P	P	P	P	P	—	—	—	—
<a href="#">Outdoor Sales/Display of Goods</a>	—	—	—	—	—	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<a href="#">Real Estate Sales Office/Model Home</a>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	—	—	—	—
<a href="#">Vehicle Storage</a> at Residential Properties	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	—	—	—	—

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## 3.2 Conditional and Special Exception Use Standards

The provisions of this section shall only apply to conditional or [special exception](#) uses as set forth in the [Table of Allowed Uses](#). [Conditional uses](#) shall be subject to the appropriate specific standards contained here. Special exception uses shall likewise be subject to the appropriate specific standards contained herein. When reviewing an application to permit a use by special exception, the reviewing authority shall also specifically consider the appropriate criteria contained herein.

### 3.2.1 [Bed and Breakfast Inn](#)

#### A. Standards

1. The [principal building](#) shall be the primary and permanent legal [residence](#) of the property owner and inn operator.
2. The principal structure shall be single-family residential in [character](#).
3. The use shall be located on a single [tract](#) at least one acre in size.
4. Surface [parking areas](#), excluding [driveways](#), shall not be located between the [plane of the front façade](#) of the [building](#) and the adjacent [street](#).
5. Screening shall be provided between adjacent residences and [parking areas](#) or any outdoor eating area.
6. The resident owner shall maintain a register listing the name, address, and date of occupancy of each overnight guest.
7. Meals shall only be served to registered guests.
8. [Retail sales](#) shall be limited to postcards, shirts, and other small gift items for purchase by registered guests only.
9. Cooking implements, including stoves, grills, or ovens, shall not be located in individual guest rooms.

10. The use shall not create [noise](#), light, traffic, or other conditions detrimental to neighboring residents.

11. Such a facility shall comply with all applicable State laws, including the [S.C. Bed and Breakfast Act \(Title 45, Chapter 4 of the S.C. Code of Laws\)](#).

#### B. Special Exception Review Criteria

1. The number of guest rooms that will be available.
2. The compatibility of the site design, [orientation](#), and location of the development with respect to the surrounding [district](#).
3. The compatibility of the architectural design of the development with respect to the surrounding [district](#).
4. The extent to which the facility will be used for other functions such as weddings, receptions, and business meetings.
5. The extent to which landscaping and structural buffer elements may be necessary above and beyond the minimum requirements to protect the [character](#) of the surrounding [district](#) as well as to protect the hospitality and accommodations use of the property.

### 3.2.2 [Cemetery](#)

#### A. Special Exception Review Criteria

1. The compatibility of the scale, form, and design of the facility, including [off-street parking](#), with regard to the [character](#) of the surrounding [district](#).
2. The extent to which the use may pose a direct threat to the health and safety of the [neighborhood](#).

### 3.2.3 [Child Day Care Service](#)

#### A. Standards

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1. Any such facility shall be located on the [ground floor](#) when located in a [building](#) occupied by other uses.
2. The outdoor play area shall be enclosed by a [fence](#) at least four feet high and shall be safely segregated from parking, loading, and service areas.
3. Any such facility shall comply with all applicable State laws, including [Chapter 114 of the S.C. Code of Regulations](#).

### B. Special Exception Review Criteria

1. The maximum number of children to be received for care.
2. The number and qualifications of the staff operating the center as well as the training and supervision that any volunteers will receive.
3. The compatibility of the scale, form, and design of the facility, including [off-street parking](#), with regard to the [character](#) of the surrounding [neighborhood](#).
4. The availability and capacity of the surrounding [infrastructure](#) to support the ultimate size of the facility.
5. The ability of the drop-off and loading practices of the facility to be entirely managed [on-site](#) without causing traffic delays.
6. The extent to which existing and/or proposed landscaping shall help blend the facility into the [neighborhood](#), screen its purely functional aspects from the [street](#) and neighboring [yards](#), and absorb and/or deflect any excessive [noise](#).
7. The extent to which the use may pose a direct threat to the health and safety of the [neighborhood](#).

### 3.2.4 [Dwelling, Attached Single-Family](#)

#### A. Standards

1. The maximum number of units that may be attached is four [dwelling units](#).

2. [Façades](#) and [roofs](#) shall be varied by such features as projections, [porches](#), bay windows, [dormers](#), and by staggering the front walls at the front [building line](#).
3. Each [dwelling unit](#) shall have its own ground-floor entrance that faces an adjacent [street](#) or [common open space](#).

4. [Driveways](#) shall not occupy more than 50 percent of the [front yard](#). The driveway of each [dwelling unit](#) shall at a minimum be separated by a 3-foot-wide grass or [landscaped](#) strip extending at least 75 percent of the length of the driveway.

At their discretion, the Planning Commission may allow for [driveways](#) to occupy more than 50 percent of the front yard, not to exceed 20 feet in width, where additional vegetation is provided as [streetscaping](#) between [buildings](#) and adjacent to the roadway. The level of which the vegetation enhances the public realm and overall community appeal, as well as provides shading and cooling effects will be among the factors used by the Planning Commission to determine a sufficient level of vegetation.

5. Surface [parking areas](#), excluding [driveways](#), shall not be located between the [plane of the front façade](#) of the [building](#) and the adjacent [street](#).
6. [Lots](#) that are used for [attached single-family residential dwellings](#) may be subdivided through the common wall into separate fee simple lots for each [dwelling unit](#) provided that each lot meets the minimum dimensional standards and separate utility meters and service lines are provided to each lot. No side yard setback is required along any property line which is located along a common wall.

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### B. Special Exception Review Criteria

1. The compatibility of the site design, [orientation](#), and location of the development with respect to the surrounding [district](#).
2. The compatibility of the architectural design of the development with respect to the surrounding [district](#).
3. The extent to which landscaping and structural buffer elements may be necessary above and beyond the minimum requirements to protect the [character](#) of the surrounding [district](#) as well as to protect the residential use of the property.
4. The extent to which the development will provide sufficient [open space](#) and recreational facilities to meet the needs of its residents.
5. The extent to which the development shall provide adequate and appropriate facilities for waste disposal.
6. The adequacy of the illumination that will be provided on all [streets](#) and [sidewalks](#) to ensure the safety of [pedestrians](#) and motorists at night.
7. The availability and capacity of the surrounding [infrastructure](#) to support the [density](#) of the development.

### 3.2.5 [Dwelling, Multifamily](#)

#### A. Standards

1. [Façades](#) and [roofs](#) shall be varied by such features such as projections, [porches](#), bay windows, [dormers](#), and by staggering the front walls at the front [building line](#).
2. Adequate and appropriate facilities for waste disposal shall be provided. Such facilities shall be screened in accordance with the provisions of this Ordinance.
3. [Sidewalks](#) shall be installed within the interior of the development to provide [pedestrian access](#) to facilities and amenities such as [parking areas](#), mailboxes, laundry facilities, trash disposal areas, recreation areas, and adjoining sidewalks or [greenways](#). All sidewalks shall be constructed in accordance with the sidewalk standards in this Ordinance.
4. [Common open space](#) areas shall be provided at a rate of 200 square feet per [dwelling unit](#). Qualifying areas may include, but are not limited to, natural undisturbed areas, [landscaped](#) areas, ponds and [lakes](#), buffer areas, and ancillary recreational amenities such as swimming pools, tennis courts, and golf courses. At least 50 percent of the common open space shall be accessible for [active](#) or [passive recreation](#).

#### B. Special Exception Review Criteria

1. The compatibility of the site design, [orientation](#), and location of the development with respect to the surrounding [district](#).
2. The compatibility of the architectural design of the development with respect to the surrounding [district](#).



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3. The extent to which landscaping and structural buffer elements may be necessary above and beyond the minimum requirements to protect the [character](#) of the surrounding [district](#) as well as to protect the residential use of the property.
4. The extent to which the development will provide sufficient [open space](#) and recreational facilities to meet the needs of its residents.
5. The extent to which the development shall provide adequate and appropriate facilities for waste disposal.
6. The adequacy of the illumination that will be provided on all [streets](#) and [sidewalks](#) to ensure the safety of [pedestrians](#) and motorists at night.
7. The availability and capacity of the surrounding [infrastructure](#) to support the [density](#) of the development.

### 3.2.6 [Games Facility, Indoor](#)

#### A. Standards

1. The [building](#) shall provide sufficient sound absorbing insulation so [noise](#) generated inside said [premises](#) shall not be audible at any adjacent property or public [right-of-way](#).

### 3.2.7 [Golf Course](#) or [Country Club](#)

#### A. Standards

1. The size of the [property](#) on which it is located shall be at least two acres.
2. No use or [structure](#) shall be located within 50 feet of a [lot line abutting](#) a residential zoning district or residential use; **or** shall provide at a minimum a six-foot-high closed [fence](#) or solid [wall](#) and a 20-foot-wide natural or re-vegetated [buffer yard](#) along a lot line abutting a residential zoning district or residential use.
3. Any [swimming pools or hot tubs](#) shall meet the accessory use standards for swimming pools and hot tubs established in [Section 3.3](#) of this Ordinance.

### 3.2.8 [Health Club, Gymnasium, or Sports Center](#)

#### A. Special Exception Review Criteria

1. The compatibility of the scale, form, and design of the facility, including [off-street parking](#), with regard to the [character](#) of the surrounding [district](#).
2. The availability and capacity of the surrounding [infrastructure](#) to support the [establishment](#).
3. The extent to which the use may pose a direct threat to the health and safety of the [neighborhood](#).

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### 3.2.9 Junk/Salvage Yard

#### A. Standards

1. The size of the [property](#) on which it is located shall be at least two acres but not more than ten acres.
2. A [junk or salvage yard](#) shall be located at least 500 feet from any residential zoning district, residential use, [religious institution](#), [child day care](#), [school](#), or public park, as measured [lot line](#) to lot line.
3. A permanent indoor office must be located on the site of any [junk or salvage yard](#).
4. The [fence](#) or [wall](#) required for outdoor storage shall be of similar composition, construction and color throughout, and only contain openings necessary for entrances and exits. Entrances and exits shall be equipped with a solid 8-foot-high [gate](#) which shall remain closed at all times except when in use for [access](#). The height of materials and equipment stored shall not exceed the height of the screening fence or wall.
5. All loading and unloading shall be conducted within the enclosed area.

### 3.2.10 Library

#### A. Special Exception Review Criteria

1. The compatibility of the scale, form, and design of the facility, including [off-street parking](#), with regard to the [character](#) of the surrounding [neighborhood](#).
2. The availability and capacity of the surrounding [infrastructure](#) to support the ultimate size of the facility.
3. The extent to which the use may pose a direct threat to the health and safety of the [neighborhood](#).

### 3.2.11 Manufactured Housing Park

#### A. Standards

1. No manufacture housing park shall be located on a [tract](#) less than five acres.
2. The overall [density](#) of the park shall not exceed eight units per acre.
3. Each home shall have a label or documents certifying that it is constructed in compliance with Federal Manufactured Housing Construction and Safety Standards.
4. All towing devices, wheels, axles, and hitches shall be removed.
5. Each home shall be placed such that the front door is oriented to an adjacent [street](#).
6. Each home shall be completely skirted.
7. The main [roof](#) of each home shall have a minimum pitch of not less than one foot of rise for each four feet of horizontal and a roof [overhang](#) of at least six inches on all sides.
8. A permanent landing and steps with handrails shall be installed at each exterior doorway.
9. Each home shall be connected to a public water supply and public [sewage](#) disposal system.
10. All [streets](#) within the park shall be constructed and maintained in accordance with City standards.
11. [Access](#) to and from homes within the park shall be limited to [streets](#) which are internal to the development.
12. All [structures](#) within the [manufactured housing park](#) shall be setback at least 20 feet from the property boundary of the park.

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13. [Sidewalks](#) shall be installed within the interior of the development to provide [pedestrian access](#) to facilities and amenities such as [parking areas](#), mailboxes, laundry facilities, trash disposal areas, and recreation areas. All sidewalks shall be constructed in accordance with the sidewalk standards in this Ordinance.

14. [Common open space](#) areas shall be provided at a rate of 200 square feet per [dwelling unit](#). Qualifying areas may include, but are not limited to, natural undisturbed areas, [landscaped](#) areas, ponds and [lakes](#), buffer areas, and ancillary recreational amenities such as swimming pools, tennis courts, and golf courses. At least 50 percent of the common open space shall be accessible for [active](#) or [passive recreation](#).

15. Such facilities shall comply with all applicable State laws.

### B. Special Exception Review Criteria

1. The compatibility of the site design, [orientation](#), and location of the park with respect to the surrounding [neighborhood](#).
2. The compatibility of the architectural design of the homes and other park structures with respect to the surrounding [neighborhoods](#).
3. The extent to which landscaping and structural buffer elements may be necessary above and beyond the minimum requirements to protect the [character](#) of the surrounding [neighborhood](#) as well as to protect the residential use of the property.
4. The extent to which the park will provide sufficient [open space](#) and recreational facilities to meet the needs of its residents.

5. The extent to which the development shall provide adequate and appropriate facilities for waste disposal.

6. The extent to which hazardous conditions such as flooding, poor [soil](#) conditions, and poor [drainage](#) will be [mitigated](#).

7. The adequacy of illumination that will be provided on all [streets](#) and [sidewalks](#) to ensure the safety of [pedestrians](#) and motorists at night.

8. The measures that will be taken to control against rodent harborage and breeding places for flies, mosquitoes, and other pests.

### 3.2.12 [Mini-Warehouse](#) and [Self-Storage Facility](#)

#### A. Standards

1. The use shall be limited to the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines, or electrical equipment, or conduct similar repair activities; conduct [garage sales](#) or [retail sales](#) of any kind; or conduct any other commercial or industrial activity on the [site](#).
2. No storage of combustible or flammable liquids, combustible fibers, or explosive materials as defined in the fire prevention code, or toxic materials, shall be permitted within the self-storage buildings or upon the [premises](#).
3. Outdoor storage shall be restricted to approved designated areas behind the principal structure and outside of any minimum yard setback areas and shall be limited to vehicles, [trailers](#), boats, campers, [recreational vehicles](#), and other motorized or towable equipment. All other items shall be stored within enclosed [buildings](#).

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4. Interior parking shall be provided in the form of [aisleways](#) adjacent to the storage bays. These aisleways shall be used both for circulation and temporary customer parking while using the storage bays. The minimum width of these aisleways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted. The one- or two-way traffic flow patterns in aisleways shall be clearly marked.
5. Not more than one security or caretaker quarters may be developed on the [site](#).

### 3.2.13 [Nursing Home](#)

#### A. Standards

1. Any supporting [retail sales](#) and [services](#) shall be enclosed within the principal structure, accessible only through the principal structure, and shall not exceed 20 percent of the [gross floor area](#) of the principal structure.
2. Such a facility shall comply with all applicable State laws, including [§61-17 of the S.C. Code of Regulations](#).

#### B. Special Exception Review Criteria

1. The compatibility of the site design, [orientation](#), and location of the development with respect to the surrounding [district](#).
2. The compatibility of the architectural design of the development with respect to the surrounding [district](#).
3. The extent to which landscaping and structural buffer elements may be necessary above and beyond the minimum requirements to protect the [character](#) of the surrounding [district](#) as well as to protect the residential use of the property.

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### 3.2.14 Park, Outdoor Amusement or Theme

#### A. Standards

1. No use or structure shall be located within 50 feet of a lot line abutting a residential zoning district or residential use; **or** shall provide at a minimum a six-foot-high closed fence or solid wall and a 20-foot-wide natural or re-vegetated buffer yard along a lot line abutting a residential zoning district or residential use.
2. Any swimming pools or hot tubs shall meet the accessory use standards for swimming pools and hot tubs established in Section 3.3 of this Ordinance.

### 3.2.15 Park, Outdoor Recreational

#### A. Standards

1. Accessory uses to the recreational park may include, but shall not be limited to, refreshment stands, maintenance buildings, offices for management functions, spectator seating and service areas, including locker rooms and restrooms. Accessory retail or commercial facilities shall be designed to serve only the patrons of the recreational park.
2. No use, structure, or spectator seating facility shall be located within 50 feet of a lot line abutting a residential zoning district or residential use; **or** shall provide at a minimum a six-foot-high closed fence or solid wall and a 20-foot-wide natural or re-vegetated buffer yard along a lot line abutting a residential zoning district or residential use.
3. Any swimming pools or hot tubs shall meet the accessory use standards for swimming pools and hot tubs established in Section 3.3 of this Ordinance.

### 3.2.16 Religious Institution

#### A. Special Exception Review Criteria

1. The compatibility of the scale, form, and design of the facility, including off-street parking, with regard to the character of the surrounding neighborhood.
2. The availability and capacity of the surrounding infrastructure to support the ultimate size of the facility.
3. The extent to which the use may pose a direct threat to the health and safety of the neighborhood.

The Board of Zoning Appeals shall have the authority to grant modifications to any standards for a religious institution in order to eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000, as amended. Such modifications shall be consistent with the purposes of this Ordinance and shall not create any potential adverse impact on the environment or on adjacent properties.

### 3.2.17 Residential Care Facility

#### A. Standards

1. Not more than six individuals may be housed at a given time.
2. A residential care facility, where permissible, shall not be located within a radius of 1,500 feet of another residential care facility, as measured from lot line to lot line.
3. Surface parking areas, excluding driveways, shall not be located between the plane of the front façade of the building and the adjacent street.
4. Any such facility shall comply with all applicable State laws, including §61-84 of the S.C. Code of Regulations.

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5. The application for a [residential care facility](#) shall include the following:
  - a. A description of the services to be provided and relevant licensing requirements.
  - b. A description of the administrative support to be provided.
  - c. A description of the number and qualifications of staff operating the use.
  - d. A description of how volunteers may be used in the provision of services, and the training and supervision the volunteers will receive.
  - e. A description of how service records for each client using the facility will be maintained and kept current.
  - f. A description of how public awareness and education will be promoted on a [neighborhood](#) level.

The Board of Zoning Appeals shall have the authority to grant modifications to any standards for a [residential care facility](#) in order to eliminate a substantial burden on fair housing as needed to ensure reasonable accommodation in compliance with the Federal Fair Housing Act. Such modifications shall be consistent with the purposes of this Ordinance and shall not create any potential [adverse impact](#) on the environment or on adjacent properties.

### 3.2.18 [Restaurant, Bar or Drinking Place](#)

#### A. Standards

1. A [bar or drinking place](#) shall not have a drive-up window, nor an outside amphitheater, stage, or other provision for live or recorded acoustic or amplified entertainment outside of the [building](#), unless approved as part of a special event [permit](#).
2. A [bar or drinking place](#) shall be located at least 300 feet from any [religious institution](#), [child day care](#), [school](#), or [playground](#).
3. A [bar or drinking place](#) shall be located at least 100 feet from any residential zoning district or residential property.
4. Any such facility shall comply with all applicable State laws, including [Chapter 7 of the S.C. Code of Regulations](#).



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## 3.2.19 Sales and Service, Large Vehicle

### A. Standards

1. Any fuel pumps or associated [canopy](#) shall be setback at least 25 feet from any [right-of-way line](#) of an adjacent [street](#).
2. All service and repair operations shall be conducted within a fully enclosed [building](#) or within a fully screened area setback at least 25 feet from any property line.
3. Service bay doors shall be oriented away from the public right of way.
4. All parts shall be stored within an enclosed [building](#).
5. A permanent indoor sales/rental office must be located on the [site](#) of any [large vehicle sales or rental use](#).
6. Large vehicles for sale or rent shall be parked in designated display areas as depicted on an approved [site plan](#). Vehicles shall not be parked in any [landscaped](#) areas, on top of [buildings](#), or in any location which obstructs visibility in [sight triangles](#) for [streets](#) and [driveways](#).
7. Except for vehicles for sale or rent in designated display areas, vehicles shall not be stored on [site](#) unless stored within a fully enclosed [building](#) or stored behind the building within an area completely screened from the [street](#) and [adjoining properties](#).

## 3.2.20 Sales and Service, Motor Vehicles and Parts

### A. Standards

1. Any fuel pumps or associated [canopy](#) shall be setback at least 25 feet from any [right-of-way line](#) of an adjacent [street](#).
2. Lighting mounted on canopies shall be recessed into the [canopy](#) ceiling.
3. All service and repair operations shall be conducted within a fully enclosed [building](#).
4. Service bay doors including car wash bays and tunnels, shall be oriented away from the public right of way.
5. All parts shall be stored within an enclosed [building](#).
6. A permanent indoor sales/rental office must be located on the [site](#) of any auto sales or rental use.
7. Vehicles for sale or rent at an auto sales or rental use shall be parked in designated display areas as depicted on an approved [site plan](#). Vehicles shall not be parked in any [landscaped](#) areas, on top of [buildings](#), or in any location which obstructs visibility in [sight triangles](#) for [streets](#) and [driveways](#).
8. Except for vehicles for sale or rent in designated display areas, vehicles shall not be stored on [site](#) unless stored within a fully enclosed [building](#) or stored behind the building within an area completely screened from the [street](#) and [adjoining properties](#).
9. Carwash activities shall be entirely conducted within an enclosed [structure](#) or shall be completely screened and buffered from adjacent properties.

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## 3.2.21 Sales, Grocery Store or Supermarket

### A. Special Exception Review Criteria

1. The appropriateness of the size of the facility with regard to the typical size of [establishments](#) that are permitted within the underlying zoning district.
2. The compatibility of the scale, form, and design of the facility, including [off-street parking](#), with regard to the [character](#) of the surrounding [district](#).
3. The availability and capacity of the surrounding [infrastructure](#) to support the [establishment](#).
4. The extent to which the use may pose a direct threat to the health and safety of the [neighborhood](#), particularly any adjacent residential properties.

## 3.2.22 Sales, Packaged Alcoholic Beverage Store

### A. Standards

1. A [packaged alcoholic beverage store](#) shall be located at least 300 feet from any [religious institution](#), [child day care](#), [school](#), or [playground](#).
2. A [packaged alcoholic beverage store](#) shall be located at least 100 feet from any residential zoning district or residential property.
3. Any such facility shall comply with all applicable State laws, including [Chapter 7 of the S.C. Code of Regulations](#).

## 3.2.23 School, College or University

### A. Special Exception Review Criteria

1. The compatibility of the scale, form, and design of the facility, including [off-street parking](#), with regard to the [character](#) of the surrounding [district](#).
2. The compatibility of the architectural design of the development with respect to the surrounding [district](#).
3. The availability and capacity of the surrounding [infrastructure](#) to support the ultimate size of the facility.
4. The adequacy of the illumination that will be provided on all [streets](#) and [sidewalks](#) to ensure the safety of [pedestrians](#) and motorists at night.
5. The extent to which the development will provide sufficient [open space](#) and recreational facilities.
6. The extent to which the location and design of any athletic or recreational facilities will minimize the impacts, including [noise](#) and light, on any surrounding residential property.
7. The extent to which the use may pose a direct threat to the health and safety of the [neighborhood](#).

## 3.2.24 School, Grade

### A. Special Exception Criteria

1. The compatibility of the scale, form, and design of the facility, including [off-street parking](#), with regard to the [character](#) of the surrounding [neighborhood](#).
2. The availability and capacity of the surrounding [infrastructure](#) to support the ultimate size of the facility.
3. The ability of the drop-off and loading practices of the facility to be entirely managed [on-site](#) without causing traffic delays.

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4. The extent to which the location and design of any athletic or recreational facilities will minimize the impacts, including [noise](#) and light, on any surrounding residential property.
5. The extent to which the use may pose a direct threat to the health and safety of the [neighborhood](#).

### 3.2.25 School, Technical, Trade, or Other Specialty

#### A. Standards

1. Any such facility shall be located along an [arterial](#) or [collector street](#).
2. All activities shall be performed inside a [building](#).
3. Training shall not be permitted in any activity that is not otherwise permitted within the underlying zoning district.
4. All [structures](#) and [parking areas](#) shall be setback at least 25 feet from any property line which [abuts](#) a residential zoning district or residential use.

### 3.2.26 Service, Ambulatory or Outpatient Health Care

#### A. Special Exception Review Criteria

1. The compatibility of the scale, form, and design of the facility, including [off-street parking](#), with regard to the [character](#) of the surrounding [district](#).
2. The availability and capacity of the surrounding [infrastructure](#) to support the [establishment](#).
3. The extent to which the use may pose a direct threat to the health and safety of the [neighborhood](#).

### 3.2.27 Service, Construction

#### A. Special Exception Review Criteria\*

1. The compatibility of the scale, form, and design of the facility, including [off-street parking](#), with regard to the [character](#) of the surrounding [district](#).
2. The extent to which the visible presence of the [establishment](#) is consistent with the purpose and intent of the underlying zoning district. Outdoor storage that is not consistent with the [district](#) shall not be permitted.
3. The extent to which the use may pose a direct threat to the health and safety of the [neighborhood](#).
4. Outdoor storage shall be prohibited within the B-L and R-OI district.

\* Administrative offices for construction services shall be permitted by right within the R-OI, B-L, B-G, B-U Districts. The storage of materials and/or vehicles is prohibited.

### 3.2.28 Service, Health and Personal Care

#### A. Special Exception Review Criteria

1. The compatibility of the scale, form, and design of the facility, including [off-street parking](#), with regard to the [character](#) of the surrounding [district](#).
2. The availability and capacity of the surrounding [infrastructure](#) to support the [establishment](#).
3. The extent to which the use may pose a direct threat to the health and safety of the [neighborhood](#).

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### 3.2.29 Service, Mail

#### A. Standards

1. A permanent indoor office must be located on the [site](#).
2. Any fuel pumps or associated [canopy](#) shall be setback at least 25 feet from any [right-of-way line](#) of an adjacent [street](#).
3. All service and repair operations shall be conducted within a fully enclosed [building](#).
4. Service bay doors shall be oriented away from the public right of way.
5. All parts shall be stored within an enclosed [building](#).
6. Vehicles shall not be stored on [site](#) unless stored within a fully enclosed [building](#) or stored behind the building within an area completely screened from the [street](#) and [adjoining properties](#).
7. Carwash activities shall be setback at least 25 feet from any property line or shall be entirely conducted within an enclosed [structure](#).

#### B. Special Exception Review Criteria

1. The compatibility of the scale, form, and design of the facility, including [off-street parking](#), with regard to the [character](#) of the surrounding [district](#).
2. The extent to which the visible presence of the [establishment](#) is consistent with the purpose and intent of the underlying zoning district. Outdoor storage that is not consistent with the [district](#) shall not be permitted.
3. The extent to which the use may pose a direct threat to the health and safety of the [neighborhood](#).

### 3.2.30 Service, Pet Care

#### A. Standards

1. A [kennel](#), or similar outdoor area accessible to dogs or domesticated animals, shall not be permitted on a property which [abuts](#) a residential zoning district or residential use.
2. The [establishment](#) shall provide sufficient means so that no unreasonable [noise](#) or [odor](#) shall be detected off-premises.

#### B. Special Exception Review Criteria

1. The compatibility of the scale, form, and design of the facility, including off-street parking, with regard to the character of the surrounding district.
2. The availability and capacity of the surrounding infrastructure to support the establishment.
3. The extent to which the use may pose a direct threat to the health and safety of the neighborhood.

### 3.2.31 Service, Solid Waste-Related

#### A. Standards

1. Any waste-related service shall be located at least 500 feet from any residential zoning district, residential property, [religious institution](#), [child day care](#), [school](#), or public park, as measured [lot line](#) to lot line.
2. A permanent indoor office must be located on the [site](#) of any such facility.
3. All activities and storage shall be conducted within a completely enclosed [building](#). Doors shall remain closed during operations and there shall be no outdoor storage.

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4. Publicly owned and/or operated facilities are allowed to collect and sort any non-hazardous waste [on-site](#) and outdoors. All outdoor waste or collection bins must be setback a minimum of 50 feet from the property line.
5. The property shall be screened by a wooden [fence](#) or masonry [wall](#) no less than eight feet in height.
6. All areas adjacent to the transfer point, such as the tipping floor, the turning area, and the area supporting the [trailer](#) while it is being packed, shall be paved with concrete.
7. Adequate standing and parking facilities shall be provided on the [site](#) so that no packers or other collection vehicles at any time stand on a public [right-of-way](#) waiting entrance to the site.
8. [Sewage](#) or hazardous substances in quantities considered to be detrimental to the operation of the transfer facility shall be prohibited.

### B. Special Exception Review Criteria

1. The necessity of the facility for the provision of a beneficial service to the surrounding area.
2. The threat of danger that the facility may present to public and personal health and safety.
3. The detriment to neighboring properties or the [neighborhood character](#) that may be caused by the [visual impact](#) of the facility.
4. The historic [character](#) of the [site](#) on which the facility will be provided.

### 3.2.32 [Service, Special Purpose Transit \(Taxi, Limousine, Etc.\)](#)

#### A. Standards

1. A permanent indoor office must be located on the [site](#).
2. Any fuel pumps or associated [canopy](#) shall be setback at least 25 feet from any [right-of-way line](#) of an adjacent [street](#).
3. All service and repair operations shall be conducted within a fully enclosed [building](#).
4. Service bay doors shall be oriented away from the public right of way.
5. All parts shall be stored within an enclosed [building](#).
6. Vehicles shall not be stored on [site](#) unless stored within a fully enclosed [building](#) or stored behind the building within an area completely screened from the [street](#) and [adjoining properties](#).
7. Carwash activities shall be setback at least 25 feet from any property line or shall be entirely conducted within an enclosed [structure](#).

### 3.2.33 [Service, Towing](#)

#### A. Standards

1. Vehicles shall not be stored on [site](#) unless stored within a fully enclosed [building](#) or stored behind the building within an area completely screened from the [street](#) and [adjoining properties](#). The height of vehicles and equipment stored shall not exceed the height of the screening [fence](#) or [wall](#).
2. A permanent indoor office must be located on the [site](#) of any towing or other road and ground service.

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## 3.2.34 Service, Truck and Freight Transportation

### A. Standards

1. A permanent indoor sales/rental office must be located on the [site](#).
2. Any fuel pumps or associated [canopy](#) shall be setback at least 25 feet from any [right-of-way line](#) of an adjacent [street](#).
3. All service and repair operations shall be conducted within a fully enclosed [building](#) or within a fully screened area setback at least 25 feet from any property line.
4. Service bay doors shall be oriented away from the public right of way.
5. All parts shall be stored within an enclosed [building](#).
6. Trucks and tractor [trailers](#) shall only be stored within a fully enclosed [building](#) or stored behind the building within an area completely screened from the [street](#) and [adjoining properties](#).

## 3.2.35 Services to Buildings and Dwellings

### A. Special Exception Review Criteria

1. The compatibility of the scale, form, and design of the facility, including [off-street parking](#), with regard to the [character](#) of the surrounding [district](#).
2. The extent to which the visible presence of the [establishment](#) is consistent with the purpose and intent of the underlying zoning district. Outdoor storage that is not consistent with the [district](#) shall not be permitted.
3. The extent to which the use may pose a direct threat to the health and safety of the [neighborhood](#).

## 3.2.36 Sexually Oriented Business

### A. Standards

1. Any such facility shall comply with all applicable State and local laws, including Chapter 10, Article III, of the [Simpsonville Code of Ordinances](#).
2. The [building](#) and [site](#) shall be designed, constructed, and maintained such that the merchandise or activities of the [establishment](#) shall not be visible from any point outside the establishment. The exterior portions of the establishment shall not have any signs, words, lettering, photographs, silhouettes, drawings or pictorial representations of any specified anatomical area or sexually explicit activity.
3. The [building](#) shall provide sufficient sound absorbing insulation so [noise](#) generated inside said [premises](#) shall not be audible at any adjacent property or public [right-of-way](#).
4. The Planning Director shall also consider the need for any special conditions to control the negative secondary impacts such businesses have been documented to have on the surrounding area and the community.

## 3.2.37 Stadium or Arena

### A. Special Exception Review Criteria

1. The compatibility of the scale, form, and design of the facility, including [off-street parking](#), with regard to the [character](#) of the surrounding [district](#).
2. The availability and capacity of the surrounding [infrastructure](#) to support the [establishment](#).
3. The extent to which the use may pose a direct threat to the health and safety of the [neighborhood](#).



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## 3.2.38 Telecommunication Tower

### A. Standards

1. Telecommunication towers shall be prohibited on properties used for single-family residences.
2. In any residential zoning district, no tower shall be within a radius of 1,500 feet from another tower, as measured from lot line to lot line.
3. When the telecommunication tower is adjacent to a residential zoning district, the minimum setback along that property line shall be increased by one foot for each foot the height of the tower exceeds 40 feet. However, in no case shall the minimum setback requirement exceed 200 feet.
4. The maximum height of any freestanding tower shall be 200 feet. The maximum height of any tower erected on a building shall be one-fourth of the height of the building or 50 feet above the roofline of the building, whichever is less.
5. An eight-foot-high fence shall be installed around the telecommunication tower and any associated buildings or equipment.
6. Evergreen shrubs at least five feet high at the time of planting shall be installed around the exterior of the fence and shall not be spaced more than five feet apart. This requirement may be waived in whole or in part by the Planning Director when determined that existing vegetation will provide adequate screening or the landscaping requirements are not feasible due to physical constraints of the site.
7. The telecommunication tower shall be accessible by a public road or drive at least 20 feet in width.

8. Unless otherwise required by the F.C.C. or the F.A.A., the color of a tower shall be a light grey or similar color to blend with the sky.
9. The Applicant shall submit a statement prepared by a S.C. registered professional engineer that the NIER (non-ionizing electromagnetic radiation) emitted therefrom shall not result in a ground level exposure outside the facility which exceeds the lowest applicable exposure standards by any regulatory agency of the U.S. government or the American National Standards Institute. For roof-mounted towers, the statement regarding the NIER shall address inhabitable spaces within the building on which the tower is mounted.
10. Towers and their foundations shall meet the requirements of the Standard Building Code for winds and seismic loads. The Applicant shall submit drawings and calculations prepared and sealed by a S.C. registered professional engineer.

The addition of an antenna to an existing tower may be approved by the Planning Director if the antenna would not add to the tower's height and if certification from a structural engineer in South Carolina is submitted confirming that the tower structure is adequate to accommodate the antenna. The Applicant shall also bring the fencing, landscaping, and access up to minimum standards if it is deficient.

### B. Special Exception Review Criteria

1. The extent to which the telecommunication tower is an ancillary or secondary use of the site.
2. The proposed number of antennae on the tower.
3. The integrity of the structure based on the structural analysis submitted by the Applicant.

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4. The threat of danger that the tower may present to public and personal health and safety.
5. The detriment to neighboring properties or the [neighborhood character](#) that may be caused by the [visual impact](#) of the tower.
6. The historic [character](#) of the [site](#) or [building](#) on which the tower will be erected.
7. The necessity of the tower for the provision of a beneficial service.
8. The availability, or lack thereof, of existing towers or similar structures within the [Applicant's](#) site search area.

### 3.2.39 [Utility, Major](#)

#### A. Standards

1. The facility and associated [appurtenances](#) shall be set back at least 100 feet from all [lot lines](#) or shall be entirely enclosed within a [building](#).
2. The property shall be secured by a wooden [fence](#) or masonry [wall](#) no less than eight feet in height.

#### B. Special Exception Review Criteria

1. The necessity of the utility or facility for the provision of a beneficial service to the surrounding area.
2. The threat of danger that the utility may present to public and personal health and safety.
3. The detriment to neighboring properties or the [neighborhood character](#) that may be caused by the [visual impact](#) of the tower.
4. The historic [character](#) of the [site](#) on which the utility will be constructed.

### 3.2.40 [Public Works Facility](#)

#### A. Standards

1. Any waste-related service shall be located at least 200 feet from any principle residential structure, religious institution, child day care, or school.

### 3.2.41 [Brewery](#)

#### A. Standards

1. A [brewery](#) shall be located at least 300 feet from any [religious institution](#), [child day care](#), [school](#), or [playground](#).
2. A [brewery](#) shall be located at least 100 feet from any residential zoning district or residential [property](#).
3. Any such facility shall comply with all applicable State laws, including [Title 61 of the S.C. Code of Laws](#) and [Chapter 7 of the S.C. Code of State Regulations](#).
4. Within the B-G District, a [restaurant](#) must be on-site and operated in conjunction with the [brewery](#).

### 3.2.42 [Brewpub Beer/Wine](#)

#### A. Standards

1. A [brewpub](#) shall be located at least 300 feet from any [religious institution](#), [child day care](#), [school](#), or [playground](#).
2. A [brewpub](#) shall be located at least 100 feet from any residential zoning district or residential [property](#).
3. Any such facility shall comply with all applicable State laws, including [Title 61 of the S.C. Code of Laws](#) and [Chapter 7 of the S.C. Code of State Regulations](#).

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### 3.2.43 Micro-Distillery

#### A. Standards

1. A micro-distillery shall be located at least 300 feet from any religious institution, child day care, school, or playground.
2. A micro-distillery shall be located at least 100 feet from any residential zoning district or residential property.
3. A micro-distillery within the B-G or B-U districts shall have retail sales on site.
4. Any such facility shall comply with all applicable State laws, including Title 61 of the S.C. Code of Laws and Chapter 7 of the S.C. Code of State Regulations.

### 3.2.44 Parking lots & Parking Garages

#### A. Standards

1. The use of entry and exit gates or barriers shall be prohibited for lots containing less than 50 parking spaces.
2. For parking lots containing more than 50 spaces or at parking garages, the use of entry and exit gates or barrier arms shall be designed to prevent vehicles from blocking the flow of traffic. These devices shall not be installed along the first 40 feet of the driveway measured from the closet edge of the adjacent street or setback at least 5 feet from property lines, whichever is greater.
3. The use or installation of operator booths shall be prohibited in parking lots or parking garages.
4. A residential buffer shall be required along the property line adjacent to any single-family residential property or property zoned R-E, R-Lo, or R-Mid.
5. Any property that is proposed to be used as a parking lot shall be landscaped in accordance with the applicable requirements of Section 4.9 of this ordinance.

6. The use of parking stall barrier devices, automated or manual, is prohibited.

#### 7. Paid parking

- a. Transactions shall be conducted via smartphone, app-based system, or like digital process.
- b. Parking kiosk devices shall be installed in a pedestrian safe area within the site, away from any travel lane & not within parking spaces. Kiosk signage shall be limited to information only. These signs shall be implemented into the device for the purpose of providing descriptive information or operational instructions to users on-site. No commercial signage or video motion is permitted within the device.

- c. If a property intends to use parking spaces within a developed site for paid parking, the proposed parking spaces must be in excess of the required parking requirements for the current use(s).\*

\*Exception - Required parking may be used for paid parking when the owner can demonstrate that the proposed paid parking does not conflict with the hours of operations.

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## 3.3 Accessory Use/Structure Standards

This section authorizes the establishment of [accessory uses](#) and structures that are [incidental](#) and customarily subordinate to [principal uses](#). All accessory uses and [accessory structures](#) shall comply with the standards set forth herein.

### 3.3.1 General Standards

All [accessory uses](#) and [accessory structures](#) shall meet the following standards:

- A. [Accessory uses](#) and [structures](#) shall directly serve the [principal use](#) or structure and shall be located on the same [site](#) as the principal use.
- B. [Accessory uses](#) and [structures](#) shall be subordinate in area, height, extent, and purpose to the [principal use](#) or structure.
- C. [Accessory uses](#) and [structures](#) shall be owned and operated by the same [person](#) as the [principal use](#) or structure.
- D. Together with the [principal use](#) or structure, [accessory uses](#) and [structures](#) shall not violate the bulk, [density](#), parking, landscaping, or [open space](#) standards of this Ordinance.
- E. Unless otherwise indicated herein, [accessory uses](#) and [structures](#) on residential properties shall not be located closer to the street [right-of-way](#) than the [plane of any front wall](#) of the [principal building](#) on the subject [property](#) as well as that of the principal building on an adjacent property.

### 3.3.2 Listed Accessory Uses/Structures

The [Table of Allowed Uses](#) established in [Section 3.1](#) of this Ordinance lists the types of [accessory uses](#), [structures](#), and activities that are allowed in each of the zoning districts. The key to this table as established in [Section 3.1](#) of this Ordinance shall similarly apply to accessory uses.

### 3.3.3 Accessory Uses/Structures Not Listed

The Planning Director may evaluate proposed [accessory uses](#), [structures](#), and activities that are not identified in the [Table of Allowed Uses](#) established in [Section 3.1](#) of this Ordinance on a case-by-case basis. The objective for this evaluation is to determine if that use, structure, or activity can reasonably be interpreted to fit into a use category where [similar uses](#), structures, or activities are described. In making an interpretation, the Planning Director shall apply the rules for interpretation established in [Section 3.1.4](#) of this Ordinance. In addition, the Planning Director shall also consider if the proposed use, structure, or activity will pose any potential [adverse effects](#) to surrounding properties and whether the use, structure, or activity is consistent with the definition and general standards for an accessory use.

If the Planning Director determines that a proposed used is similar to a listed use, the proposed use shall comply with the standards for that listed use.

### 3.3.4 Dwelling, Accessory

- A. Except for appropriate live-work arrangements, [accessory dwelling](#) units may only be permitted on stories above the [ground floor](#) of nonresidential buildings.
- B. Shared walls and floors between residential and nonresidential uses shall be constructed to minimize the transmission of [noise](#) and vibration.

### 3.3.5 Equine Stables

- A. Such stables shall be used for only boarding horses and/or ponies owned by residents who reside [on-site](#).
- B. The size of the [lot](#) shall contain at least a half-acre for each horse or pony boarded.
- C. The stable shall be setback at least 100 feet from any property line that [abuts](#) a residential use or residential zoning district and 50 feet from any other property line.

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### 3.3.6 Fence or Wall

- A. Freestanding [fences](#) or [walls](#) shall be allowed within the minimum side and rear yard setback area provided the fence does not exceed a height of seven feet above [grade](#).
- B. Freestanding [fences](#) or [walls](#) shall be allowed within the minimum front yard setback area provided the fence is ornamental such as a picket fence or wrought iron fence and does not exceed a height of four feet above [grade](#).
- C. [Fences](#) may be prohibited within occupied [utility easements](#) and the City shall not be responsible for damage to, or the repair or replacement of fences that must be removed to access such easements. In no instance shall this provision be construed to prevent fencing required around [stormwater retention or detention facilities](#).
- D. Barbed wire, razor wire, and similar material shall be prohibited in all zoning districts except where the Planning Director determines such is necessary for [on-site](#) security on appropriate nonresidential properties to maintain public safety.

### 3.3.7 [Game Court](#)

- A. Any lighting associated with such uses shall be shielded from adjacent properties.

### 3.3.8 [Home Occupation](#)

- A. *Intent.* The City of Simpsonville recognizes the desire and/or need of some citizens to use their [residence](#) for business activities in order to generate fewer trips on local roadways and to provide another economic development tool, but it also recognizes the need to protect the surrounding areas from [adverse impacts](#) generated by these business activities.

- B. *Use of residence.* A [home occupation](#) shall be conducted entirely within the [residence](#) and shall be clearly [incidental](#) and secondary to the residential use of the [dwelling](#). The area of the dwelling used exclusively for the home occupation, including storage, shall not exceed 25 percent of the [habitable floor area](#) of the dwelling.
- C. *Number of home occupations.* Not more than one [home occupation](#) shall be operated at the same [dwelling unit](#), except where the Planning Director determines that the additional home occupation will not generate additional traffic to the premises.
- D. *Permitted home-based businesses.* The following businesses may be permitted as a [home occupation](#) provided that the business complies with the provisions of this Section.
  1. Offices for such professionals as, but not limited to, architects, brokers, counselors, clergy, dentists, doctors, draftspersons and cartographers, engineers, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, landscape design, surveyors, cleaning services, salespersons and manufacturer's representatives, and travel agents.
  2. Personal services, including barbers, beauticians, hair stylists, manicurists and pedicurists, pet groomers, caterers, and chauffeurs.
  3. Instructional services, including music, dance, art and craft classes, and tutoring.
  4. Babysitting services and child care homes.
  5. Studios for artists, sculptors, musicians, photographers, and authors.
  6. Workrooms for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and woodworking.



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7. Repair services, including watch and clocks, small appliances, computers, and electronic devices.

This list is not entirely inclusive. The Planning Director shall determine whether an unlisted business is similar to a permitted use listed herein.

E. *Prohibited home-based businesses.* The following businesses shall be strictly prohibited as a [home occupation](#).

1. Body piercing service
2. Escort service
3. Lodging/rooming and boarding house
4. Machine shop or metal working
5. Motor vehicle or small engine repair
6. [Restaurant](#), club, or drinking establishment
7. [Sexually oriented business](#)
8. Tattoo service
9. Undertaking or funeral parlor
10. Veterinary clinic or [kennel](#)

F. *Operational standards.*

1. No more than two clients, patients, or pupils may be on the [premises](#) at any one time with the exception of child care.
2. Child care is limited to a maximum of six children. The [rear yard](#) at any child care [home occupation](#) shall be enclosed by a [fence](#) or [wall](#) at least four feet in height.
3. The principal [person](#) operating the [home occupation](#) shall permanently reside at the [dwelling unit](#). No more than one non-resident employee shall be on the [premises](#) at any one time.
4. Delivery vehicles used to deliver goods to the [home occupation](#) are limited to passenger vehicles, mail carriers, and express carriers such as UPS and FedEx.
5. No more than one commercial or business vehicle, including [trailers](#), shall be parked or stored on the [premises](#) at any time.

6. The [home occupation](#) shall not generate any parking or traffic congestion. Any demand for parking that the Planning Director determines cannot be accommodated in the [driveway](#) at the [premises](#) in addition to the spaces required for the [dwelling](#) itself shall constitute parking congestion.

7. A [home occupation](#) shall not create any disturbing or offensive [noise](#), vibration, [smoke](#), dust, [odor](#), fumes, heat, [glare](#), unhealthy or unsightly condition.

8. There shall be no material change in the outside appearance of the [dwelling](#) or other visible evidence of the conduct of the [home occupation](#) except as expressly permitted herein.

9. Outdoor storage of any kind related to the [home occupation](#) is prohibited.

10. Outdoor display or display windows is prohibited.

11. No merchandise, commodities or goods of any kind shall be sold or traded in person on the [premises](#).

G. *Existing home occupations.* Any [home occupation](#) with a current valid City of Simpsonville business license existing at the time of the effective date of this Ordinance shall be permitted to continue indefinitely as long as the business license is renewed each year. If the business license expires, or if the business license is revoked, the home occupation may only be reestablished in accordance with the provisions herein.



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## 3.3.9 Outdoor Dining

- A. Tables and chairs for [outdoor dining](#) areas shall be constructed of heavyweight, high-quality materials like metal or wood. Lightweight materials such as plastic or vinyl which may be blown astray by moderate winds shall be prohibited.
- B. Exterior sound systems may be permitted to play soft music to assist in masking the clamor of the street [noise](#) and add to the ambiance of the dining experience provided the music does not become so loud that it becomes a [nuisance](#) to people on adjacent properties or within the [right-of-way](#).
- C. Where trash cans are used, they shall be managed so that they do not attract [nuisance](#) creatures and insects nor harbor the potential for foul [odors](#). Trash shall be promptly removed from the [outdoor dining](#) area and disposed within the [restaurant](#).
- D. Extension cords shall not be used in a manner which might create a tripping hazard.
- E. Outdoor music shall comply with [Chapter 18, Article II, Division 3 of the Simpsonville Code of Ordinances](#).

## 3.3.10 Outdoor Storage at Nonresidential Properties

- A. [Outdoor storage](#) areas shall include areas in which equipment, unlicensed or [inoperable vehicles](#), materials, supplies, or products not on display, are stored outside for a period exceeding 24 hours.
- B. [Outdoor storage](#) areas shall not be located closer to the street [right-of-way](#) than the [plane of any front wall](#) of the [principal building](#) nor shall such areas be located within any required [buffer yard](#).
- C. [Outdoor storage](#) areas shall be completely screened from the view of any public or private right(s)-of-way and from any adjacent residential use or residential zoning district.

- D. Screening shall be accomplished through the use of [evergreen](#) plant materials, [fences](#), [walls](#), or a combination thereof. Fences or walls shall be made of the same or compatible material—with regard to [texture](#), quality, and color—as the [principal building](#).
- E. The height of the screening material shall be at least six feet or 12 inches above the items being screened, whichever is greater.
- F. These standards shall not take the place of higher standards that may be in place for particular uses and zoning districts.
- G. Recreational equipment and [recreational vehicles](#) shall not be used for living, sleeping, or housekeeping purposes while parked or stored on nonresidential properties.

## 3.3.11 Satellite Dish or TV Antenna

- A. All piping and wiring for satellite dishes and TV antennae shall be concealed or run underground.

## 3.3.12 Solar Feature

- A. All piping and wiring for solar features shall be concealed or run underground.

## 3.3.13 Swimming Pool or Hot Tub

- A. All non-portable swimming pools and hot tubs having a depth greater than 24 inches shall be enclosed by a [fence](#), [wall](#), or combination thereof not less than four feet high.
- B. In lieu of fencing, hot tubs and spas may have a lockable cover capable of supporting a minimum of 150 pounds. Such cover shall be locked when the hot tub or spa is not in use.
- C. All [gates](#) or door openings into the enclosure shall be equipped with self-latching devices and shall be securely locked at all times when the enclosed area is not in use.
- D. Any lighting associated with such uses shall be shielded from adjacent properties.

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## 3.4 Temporary Use Standards

This section allows for the establishment of certain [temporary uses](#), structures, and activities of limited duration and special events provided that such uses do not negatively affect adjacent properties, and provided that such uses are discontinued upon the expiration of the set time period.

### 3.4.1 General Standards

All [temporary uses](#), structures, and activities shall meet the following standards:

- A. All [temporary uses](#) shall be subject to the requirements in the [City Code of Ordinances](#) or other provisions related to business licenses, vendor [permits](#), or other City authorization.
- B. Permanent changes to the [site](#) (including [tree removal](#)) shall be prohibited.
- C. Together with the [principal use](#) or structure, [temporary uses](#) and structures shall not violate the bulk, [density](#), parking, landscaping, or [open space](#) standards of this Ordinance.
- D. The [temporary use](#) or structure shall not violate any applicable [conditions of approval](#) that apply to the [principal use](#) of the [site](#).
- E. The [temporary use](#) or structure shall not occupy any required buffers or existing [landscaped](#) areas.
- F. Temporary activities shall not prevent the use or cause the elimination of required [off-street parking](#).
- G. Safe and adequate [off-street parking](#), maneuvering, and traffic flow for vehicles and [pedestrians](#) shall be provided in accordance with this Ordinance to accommodate the proposed [temporary use](#).
- H. Tents and other [temporary structures](#) shall be located so as to not interfere with the normal operations of any permanent use located on the [property](#).

### 3.4.2 Listed Temporary Uses/Structures

The [Table of Allowed Uses](#) established in [Section 3.1](#) of this Ordinance lists the types of [temporary uses](#), structures, and activities that are allowed in each of the zoning districts. The key to this table as established in [Section 3.1](#) of this Ordinance shall similarly apply to temporary uses.

### 3.4.3 Temporary Uses/Structures Not Listed

The Planning Director may evaluate proposed [temporary uses](#), structures, or activities that are not identified in the [Table of Allowed Uses](#) established in [Section 3.1](#) of this Ordinance on a case-by-case basis. The objective for this evaluation is to determine if that use, structure, or activity can reasonably be interpreted to fit into a use category where [similar uses](#), structures, or activities are described. In making an interpretation, the Planning Director shall apply the rules for interpretation established in [Section 3.1.4](#) of this Ordinance. In addition, the Planning Director shall also consider if the proposed use, structure, or activity will pose any potential [adverse effects](#) to surrounding properties and whether the use, structure, or activity is consistent with the definition and general standards for a temporary use.

If the Planning Director determines that a proposed use is similar to a listed use, the proposed use shall comply with the standards for that listed use.

### 3.4.4 Construction Activity

- A. Temporary construction-related activities for new construction, including construction offices, storage buildings, outdoor storage, and employee [parking areas](#), may occur on the same [site](#) as the permitted [construction activity](#).
- B. The equipment and materials used in such operations shall be removed within seven days after the issuance of the final [certificate of occupancy](#) for the project or the expiration/absence of active building [permits](#) at the [site](#), whichever occurs first.

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## 3.4.5 Outdoor Sales/Display of Goods

- A. All outdoor sales or display of goods shall be located on an improved surface such as the sidewalk or pavement immediately adjacent to the storefront or buildings sides or in parking spaces in excess of the minimum number required. Goods shall not be located in drive aisles, loading zones, fire lanes, or landscaped areas.
- B. Where any sales or display of goods is located on a sidewalk or walkway, at least five feet of the sidewalk or walkway shall be maintained free of obstruction to allow for safe pedestrian movement.
- C. Merchants selling, collecting, distributing, or displaying goods at any site where they do not occupy space in a permanent structure at the site shall comply with the following:
  - 1. The merchant shall demonstrate explicit permission from the property owner for their activity. The agreement between the merchant and the property owner shall indicate the days and hours of operation, the specific location of the activity, and the starting and ending date of the activity.
  - 2. The merchant shall indicate the restroom facilities that will be made available on-site for both employees and customers.
  - 3. No more than one such merchant may operate on the same property during any given period of time.
  - 4. Operations conducted in any part of a parking area shall be limited to 30 days. At least 30 days shall pass before the merchant may be permitted to be re-established in any parking area within the City.

## 3.4.6 Real Estate Sales Office/Model Home

- A. The sales office/model home shall be aesthetically compatible with the character of the surrounding development in terms of color, predominant exterior building materials, and landscaping.
- B. Upon termination of the sales office/model home, the structure shall be converted into a permanent residential use or shall be removed.

## 3.4.7 Vehicle Storage at Residential Properties

- A. Recreational equipment and recreational vehicles parked or stored at residential properties shall not be used for living, sleeping, or housekeeping purposes while parked or stored on the residential property.
- B. Vehicles with a ton rating exceeding 1½ tons shall not be parked or stored on a residential property.
- C. Not more than one commercial vehicle shall be parked or stored on a residential property at any time.

# ARTICLE 4

## SITE STANDARDS

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- 4.1 [General](#)
- 4.2 [Building Design](#)
- 4.3 [Utility and Service Equipment](#)
- 4.4 [Access Management](#)
- 4.5 [Parking](#)
- 4.6 [Loading](#)
- 4.7 [Traffic/Pedestrian Safety](#)
- 4.8 [Lighting](#)
- 4.9 [Environment/Landscape Design](#)
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# General/Building Design

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## 4.1 General

This Article identifies the standards and requirements for [development](#) and [redevelopment](#) to ensure that development and redevelopment is consistent with the City of Simpsonville's goals for good site design and planning. The intent of this Article is to produce development that functions well, is an asset to the community, and protects and enhances the small town environment of the City. This Article shall apply to any development or redevelopment within the City of Simpsonville, unless otherwise indicated.

## 4.2 Building Design

### 4.2.1 Intent

The purpose of these regulations is to provide specific criteria so that new [buildings](#) blend into the historic architectural framework of the City of Simpsonville. These criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing design principles, which can result in creative solutions that will develop a satisfactory visual appearance within the City of Simpsonville, preserve taxable values, and promote the public health, safety, and general welfare.

The standards are designed to:

- Promote a quality, urban [streetscape](#);
- Promote a [pedestrian](#)-friendly environment;
- Promote an orderly development pattern;
- Maintain an overall design theme; and
- Preserve a [human scale](#) for new [buildings](#).

### 4.2.2 Applicability

These standards are applicable to all [development](#) and [redevelopment](#) within the City of Simpsonville except for the following:

- A. Any single-family residential use of property;
- B. Any [industrial use](#) of property; or
- C. [Improvements](#) or repairs to existing [buildings](#) which do not alter more than 50 percent of the affected [roof](#) or [façade](#).

### 4.2.3 Roof Design

Any new [roof](#) shall reflect the traditional [character](#) of the [neighborhood](#). The roof shall be a type that is commonly found in the surrounding [district](#) as determined by the Planning Director. Roofs should provide visual interest through the incorporation of [dormers](#), crests, bargeboards, brackets, decorative [cornice](#) lines, and other similar architectural features.

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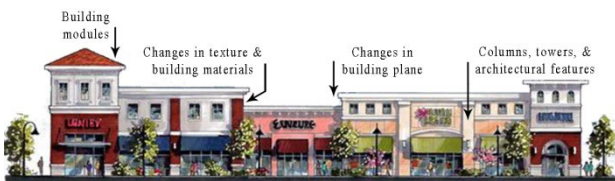
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### 4.2.4 Façade Design

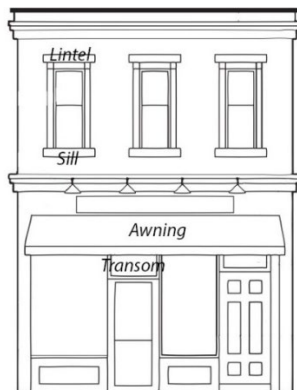
Long, monotonous, or uninterrupted horizontal stretches of building [façade](#) shall be prohibited. In order to prevent a monolithic edge to the [street](#), façades shall be visually broken down into distinct modules or bays not to exceed 50 feet in length. These modules shall incorporate visible changes in the façade through the use of wall plane projections, piers, columns, [pilasters](#), [colonnades](#), [arcades](#), or other three-dimensional surface modulations.



Building modulation

### 4.2.5 Building Fenestration

Blank, windowless walls shall be prohibited where visible from any public [right-of-way](#). Any [façade](#) visible from a public right-of-way shall incorporate windows and doorways that account for at least 25 percent of the façade, but not more than 85 percent of the façade. Where windows are used, they shall be transparent. Windows and doorways should incorporate decorative elements such as sills, trim, [lintels](#), transoms, and [awnings](#). Where windows are not feasible, alternative fenestration techniques, meeting the intent of the Ordinance, may be approved by the Planning Commission



Decorative elements such as sills, trim, lintels, transoms, and awnings

### 4.2.6 Building Finish Materials

Exterior building materials shall draw upon the [neighborhood](#) pattern of finish materials. Exterior finishes shall primarily be wood, masonry, stone, high quality architectural metal, or a combination thereof. The use of pressed wood, composite siding, vinyl siding, sheet metal sheathing, plain concrete block, plain concrete, corrugated metal, and other similar materials shall be prohibited in the exterior finish of [buildings](#) where visible from any public [right-of-way](#). However, low maintenance materials may be used in the trim work not to exceed ten percent of the building's [exterior wall](#) area. The use of architectural metal shall not exceed 50 percent of the [façade](#).



# Utility and Service Equipment

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## 4.3 Utility and Service Equipment

### 4.3.1 Intent

This section provides standards relative to the construction and location of utility and service equipment for the purpose of reducing the [visual impact](#) and providing screening of such utility and service equipment.

### 4.3.2 Applicability

These standards are applicable to all [development](#) and [redevelopment](#) within the City of Simpsonville except for any single-family residential use of property.

### 4.3.3 Utility Line Construction

Any new electrical service lines or electric distribution lines shall be placed underground. All new wiring for telephone, cable, or any other purpose shall also be installed underground. In some circumstances, it may not be reasonable, technically feasible, or economically practical to install new wiring underground. In these instances, permission to install the utilities aboveground may be requested. If deemed appropriate, the City Administrator or his designee may grant permission to install the utilities aboveground.

When there is a conflict between this Ordinance and an existing franchise agreement, the City Administrator or his designee will determine whether the utilities shall be installed aboveground or belowground.

[Easements](#) shall be provided for all new utilities in accordance with the requirements established by the governing agency of the particular [utility service](#). The property owner shall maintain and ensure access to each [utility easement](#) across their property.

### 4.3.4 Mechanical Equipment

Outdoor mechanical equipment, including heating, ventilating, air conditioning systems, or similar utility equipment, shall be screened from the view of any public or private right(s)-of-way and from any adjacent residential use or residential zoning district.

The height of such screening shall be at least 12 inches above the height of the equipment being screened. Such screening shall be accomplished through the use of [evergreen](#) plant materials, [fences](#), [walls](#), or a combination thereof. Fences or walls shall be made of the same or compatible material—with regard to [texture](#), quality, and color—as the [principal building](#). For equipment requiring air flow, such as air conditioning, a lattice screen of at least 50 percent [opacity](#) may be used.

### 4.3.5 Garbage Containers

All non-construction related [dumpsters](#), trashcans, and recycling containers shall be entirely enclosed by a [fence](#), [wall](#), and/or [gates](#) when being stored. Such [enclosures](#) shall meet the following standards:

- A. The height of this [enclosure](#) shall be at least six feet or 12 inches above the container, whichever is greater.
- B. The [enclosure](#) shall be made of the same or compatible material—with regard to [texture](#), quality, and color—as the [principal building](#).
- C. The entire [enclosure](#), including [gates](#), shall be 100 percent [opaque](#).
- D. [Enclosures](#) of garbage containers shall be set back at least five feet from each property line and shall not be located within any required [buffer yard](#).
- E. [Enclosures](#) of garbage containers shall be partially screened by [shrubs](#) around the outside perimeter of the enclosure. Shrubs shall be a minimum height of 24 inches at the time of planting and shall be spaced not more than five feet on center.

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## 4.4 Access Management

### 4.4.1 Intent

The purpose of this section is to improve traffic operations and reduce the potential for accidents through the control of the number and design of [access](#) points along a roadway. Therefore, this section establishes standards and criteria for the number, location, design, construction, and maintenance of [driveways](#), [acceleration/deceleration](#) lanes, and interparcel connections in the City of Simpsonville.

### 4.4.2 Applicability

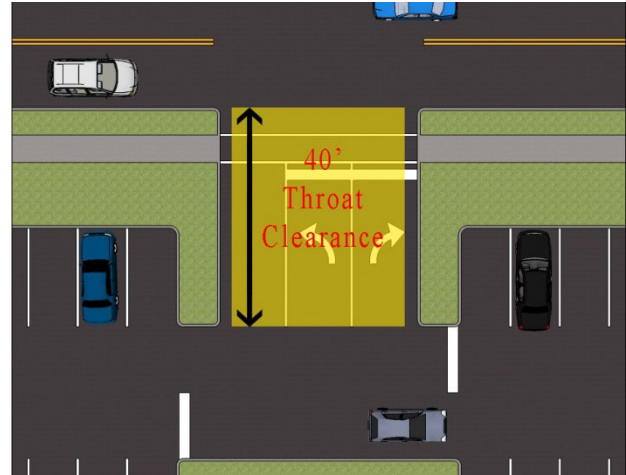
These standards are applicable to all [development](#) or [redevelopment](#) within the City of Simpsonville which entails the reconfiguration or addition of [driveways](#) except for any single-family residential use of property.

### 4.4.3 SCDOT Standards

The City of Simpsonville endorses the current edition of the South Carolina Department of Transportation (SCDOT) Access and Roadside Management Standards and will seek to apply its standards to all [development](#) and [redevelopment](#), including along [roads](#) which are not owned or maintained by SCDOT. Where SCDOT Access and Roadside Management Standards vary from the requirements of the section, the higher standard shall apply. Where warranted, higher standards may be encouraged.

### 4.4.4 Driveway Throat

[Driveway](#) throats shall be designed to prevent vehicles from blocking the flow of traffic on the public [street](#) or causing hazardous conditions for traffic circulation. [Parking spaces](#), parking [aisles](#), and loading zones shall not be located along the first 40 feet of the driveway measured from the closest edge of the adjacent [street](#).



Driveway throat/queuing area

The Planning Director may reduce the minimum throat depth required to 20 feet for [driveways](#) that [access parking areas](#) with fewer than ten [parking spaces](#) and where the Planning Director determines that the reduction will not compromise the safety of motorists and [pedestrians](#).

### 4.4.5 Cross Access

[Development](#) shall be designed to facilitate movement of [pedestrians](#) and vehicles between [establishments](#) and [lots](#) without requiring vehicles to [access](#) the public [street](#) in order to travel between adjacent establishments. All development which fronts an [arterial](#) or [collector street](#) shall provide a cross-access connection to existing and future adjacent non-residential [parking areas](#). Such connections shall meet the following standards:

- A. The width of this cross-access connection shall be at least 20 feet, unless there is parking along this connection, in which case, the width of the connection shall be that required in conjunction with the [parking requirements](#) of this Ordinance.

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- B. The [Applicant](#) shall record an appropriate legal document such as an [easement](#) or deed [restriction](#) which provides and maintains common [access](#) across this connection.

Ideally, the location of this cross-access connection across a property line should be mutually determined by affected property owners. However, when coordination becomes overly challenging or difficult, the Planning Director shall determine the location of the cross access connection.

### 4.4.6 Gated Private Streets

[Gates](#) across [private streets](#) shall meet the following standards:

- A. The total [gate](#) opening, as measured between the face of each opposite gatepost, shall be at least two feet wider than the paved surface of the [street](#).
- B. [Gates](#) shall not swing toward the public [street](#).
- C. A minimum vertical clearance of 15 feet shall be provided and maintained over the full width of the [gate](#) opening.
- D. The location of the [gate](#) shall allow for sufficient queuing capacity such that queued vehicles will not block or otherwise interfere with the traffic on adjacent [streets](#). Therefore, all gates shall be setback at least 60 feet from any street [intersection](#), as measured to the closest edge of an intersecting street.
- E. In the event that a vehicle is denied access through the gated entrance, the [gate](#) design shall provide for a sufficient vehicle turn-around area. This area shall have a minimum turning radius of at least 40 feet.
- F. A master key security system shall be provided at all [gates](#). The security system shall include the following:
  1. A [gate](#) override in case of power failure; and

2. A master key provided to the fire department, the school district, the police department, and the public works department.

Note: Any [homeowners association](#) (HOA) seeking to dedicate their [private streets](#) to the City of Simpsonville shall remove all [gates](#) and related [appurtenances](#) and shall provide documentation that the street is in a condition acceptable per the City's standards.

### 4.4.7 Gated Private Driveways

[Gates](#) across private [driveways](#) shall meet the following standards:

- A. The total [gate](#) opening, as measured between the face of each opposite gatepost, shall be at least two feet wider than the paved surface of the [driveway](#).
- B. The location of the [gate](#) shall allow for sufficient queuing capacity such the queued vehicles will not block or otherwise interfere with the traffic on adjacent [streets](#). Therefore, all gates shall be setback at least 40 feet from any adjacent street, as measured to the closest edge of the street. If the gate(s) swings toward the street, the measurement shall be taken from the closest point of the gate to the street when the gate is fully open.
- C. In the event that a vehicle is denied access through the gated entrance, the [gate](#) design shall provide for a sufficient vehicle turn-around area.

## 4.5 Parking

### 4.5.1 Intent

In order to relieve traffic congestion in the [streets](#), to minimize any detrimental effects of [off-street parking areas](#) on adjacent lands, to ensure the proper and uniform development of parking areas throughout the City, and to encourage appropriate [infill](#) and reinvestment within established areas, off-street [parking spaces](#) for each [use](#) shall be provided in accordance with the standards established in this section.

### 4.5.2 Applicability

These standards are applicable in any of the following circumstances:

- A. All new [development](#) or [redevelopment](#) within the City;
- B. When an existing [structure](#) or [use](#) is expanded, enlarged, or otherwise increased in capacity and the minimum parking ratio for the use(s) on the property following the expansion would be at least ten percent greater than the number of existing [parking spaces](#) at the property;
- C. Where there is a [change in use](#) and the minimum parking ratio for the [use\(s\)](#) on the property following the change in use would be at least ten percent greater than the number of existing [parking spaces](#) at the property; or
- D. Any proposal to construct, enlarge, restripe, or otherwise modify a [parking lot](#) or [parking area](#).

The minimum parking ratio standards found herein shall not apply within the B-U zoning district. Furthermore, the only standards contained herein that shall apply to the single-family residential use of a property shall be the minimum parking ratio standards.

### 4.5.3 Minimum Parking Ratios

The following table, [Table of Minimum Parking Ratios](#), establishes the minimum number of [off-street parking spaces](#) required for a given [land use](#). When this minimum requirement results in a fraction, the fraction shall be rounded up to the next whole number.

Note: These ratios do not represent the recommended number of [parking spaces](#) that should be provided at every [site](#) or [establishment](#). These ratios merely represent generic *minimum* requirements. Furthermore, these minimum ratios were selected with an underlying intent to avoid requiring parking in excess of what may be necessary. However, each site and/or establishment is unique and is subject to varying factors and circumstances that may generate greater demand for parking. Therefore, each [Applicant](#) should carefully consider whether their site and/or establishment will regularly require parking in excess of these minimum ratios and should provide adequate parking accordingly.

### 4.5.4 Uses Not Identified

The Planning Director shall determine the parking requirements for [uses](#) that do not correspond exactly with a category or use identified in the [Table of Minimum Parking Ratios](#). In such instances, the [Applicant](#) shall provide the appropriate information requested by the Planning Director so that he may make an appropriate determination. The following includes some of the information the Planning Director may need to consider in order to make an appropriate determination:

- A. Type of use(s);
- B. Number of employees;
- C. Building design capacity;
- D. Square feet of sales area and service area;
- E. [Parking spaces](#) provided on [site](#);
- F. [Parking spaces](#) provided elsewhere; and
- G. Hours of operation.

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## 4.5.5 Table of Minimum Parking Ratios

Use	Minimum Parking Requirement
<b>Residential Uses and Accommodations</b>	
– <a href="#">Bed and Breakfast Inn</a>	One space per guest room <b>plus</b> two spaces per primary <a href="#">dwelling unit</a>
– <a href="#">Dwelling, Accessory</a> – <a href="#">Dwelling, Attached Single-Family</a> – <a href="#">Dwelling, Detached Single-Family</a> – <a href="#">Dwelling, Multifamily</a>	Two spaces per <a href="#">dwelling unit</a>
– <a href="#">Hotel</a> or <a href="#">Motel</a>	One space per 200 square feet of banquet, assembly, meeting, and <a href="#">restaurant</a> seating area, or fraction thereof, <b>plus</b> 1 space per guestroom or lodging unit
– <a href="#">Manufactured Housing Park</a>	Two standard <a href="#">automobile</a> spaces at each <a href="#">manufactured home</a> site
– <a href="#">Nursing Home</a>	One space per four beds at design capacity
– <a href="#">Residential Care Facility</a>	One space per 1,000 square feet of <a href="#">gross floor area</a> , or fraction thereof
<b>Institutional and Social Uses</b>	
– <a href="#">Cemetery</a> – <a href="#">Funeral Home</a> – <a href="#">Religious Institution</a>	One space per four seats in the chapel or assembly area
– <a href="#">Child Day Care Service</a>	One space per 375 square feet of <a href="#">gross floor area</a> , or fraction thereof
– <a href="#">Hospital</a> – <a href="#">Public Safety Facility</a>	One space per 400 square feet of <a href="#">gross floor area</a> , or fraction thereof
– <a href="#">Library</a>	One space per 500 square feet of <a href="#">gross floor area</a> , or fraction thereof
– <a href="#">Professional and Similar Organization</a> – <a href="#">Public Administration Building</a> – <a href="#">School, Technical, Trade, or Other Specialty</a> – <a href="#">Service, Ambulatory or Outpatient Health Care</a> – <a href="#">Service, Social Assistance</a>	One space per 250 square feet of <a href="#">gross floor area</a> , or fraction thereof
– <a href="#">School, College or University</a>	Five spaces for each classroom, <b>plus</b> three spaces for each administrative office, <b>plus</b> one space for each three fixed seats in auditoriums and other places of assembly (if an outdoor <a href="#">stadium</a> is built in conjunction with the school, only the <a href="#">parking spaces</a> in excess of the other required parking spaces shall be required for the stadium); the appropriate residential parking requirement shall be provided for any on-campus dorms

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– <a href="#">School, Grade</a>	Three spaces per each classroom and administrative office <u>or</u> one space for each four seats of seating capacity in the primary assembly area, whichever is greater, or as determined upon review by the Planning Director
<b>Office and Business Services</b>	
– <a href="#">Financial Establishment</a> – <a href="#">Service, Communication or Information</a> – <a href="#">Service, Professional</a> or <a href="#">Administrative</a>	One space per 250 square feet of <a href="#">gross floor area</a> , or fraction thereof
<b>Commercial Sales and Services</b>	
– <a href="#">Restaurant, Bar or Drinking Place</a>	One space per 100 square feet of <a href="#">gross floor area</a> , or fraction thereof
– <a href="#">Restaurant, Full-Service</a> – <a href="#">Restaurant, Limited-Service (Cafeteria, Snack Bar, Etc.)</a>	One space per 150 square feet of <a href="#">gross floor area</a> , including outdoor seating areas, or fraction thereof
– <a href="#">Sales and Service, Health and Personal Care</a> – <a href="#">Sales and Service, Heavy Consumer Goods</a> – <a href="#">Sales and Service, Light Consumer Goods</a> – <a href="#">Sales, Convenience Store</a> – <a href="#">Sales, Grocery Store or Supermarket</a> – <a href="#">Sales, Packaged Alcoholic Beverage Store</a> – <a href="#">Sales, Pets and Pet Supplies Store</a> – <a href="#">Sales, Specialty Food Store (Bakery, Confectionery, Etc.)</a> – <a href="#">Service, Dry Cleaning and Laundry</a> – <a href="#">Service, Pet Care</a>	One space per 250 square feet of <a href="#">gross floor area</a> , or fraction thereof
– <a href="#">Sales and Service, Motor Vehicles and Parts</a>	One space per 250 square feet of office space and indoor sales/customer area, or fraction thereof, <b>plus</b> one space per service bay
– <a href="#">Service, Caterer</a>	One space per 300 square feet of <a href="#">gross floor area</a> , or fraction thereof
– <a href="#">Services to Buildings and Dwellings</a>	One space per 400 square feet of <a href="#">gross floor area</a> , or fraction thereof
<b>Industry, Warehousing, and Transportation</b>	
– <a href="#">Junk/Salvage Yard</a>	One space per 5,000 square feet of site area <b>plus</b> one space per 250 square feet of <a href="#">gross floor area</a> , or fraction thereof
– <a href="#">Manufacturing</a>	One space per 800 square feet of <a href="#">gross floor area</a> , or fraction thereof
– <a href="#">Mini-Warehouse</a> and <a href="#">Self-Storage Facility</a>	One space per 40 storage units <b>plus</b> one space per 300 square feet of office space, or fraction thereof
– <a href="#">Sales and Service, Large Vehicle</a> – <a href="#">Service, Truck and Freight Transportation</a>	One truck <a href="#">parking space</a> per 5,000 square feet of site area <b>plus</b> one vehicle parking space per 250 square feet of <a href="#">gross floor area</a> , or fraction thereof



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Industry, Warehousing, and Transportation (continued)	
– <a href="#">Service, Construction</a>	One space per 300 square feet of <a href="#">gross floor area</a> , or fraction thereof
– <a href="#">Service, Mail</a>	One space per 250 square feet of office space and indoor sales/customer area <b>plus</b> one space per 1,500 square feet of <a href="#">warehousing</a> area, or fraction thereof
– <a href="#">Service, Special Purpose Transit (Taxi, Limousine, Etc.)</a>	One space per 250 square feet of office space and indoor sales/customer area, or fraction thereof, <b>plus</b> one space per service bay
– <a href="#">Service, Towing</a>	One space per 5,000 square feet of outdoor storage area <b>plus</b> one space per 250 square feet of <a href="#">gross floor area</a> , or fraction thereof
– <a href="#">Warehousing</a>	One space per 1,500 square feet of <a href="#">gross floor area</a> , or fraction thereof
– <a href="#">Wholesaling</a>	One space per 800 square feet of <a href="#">gross floor area</a> , or fraction thereof
Arts, Entertainment, and Recreation	
– <a href="#">Games Facility, Indoor</a>	One space per 250 square feet of <a href="#">gross floor area</a> , or fraction thereof
– <a href="#">Health Club, Gymnasium, Sports Center</a>	
– <a href="#">Golf Course</a> or <a href="#">Country Club</a>	Three spaces per hole <b>plus</b> one space per 250 square feet of clubhouse, or fraction thereof
– <a href="#">Museum</a> or <a href="#">Exhibition Facility</a>	One space per 500 square feet of <a href="#">gross floor area</a> , or fraction thereof
– <a href="#">Park, Outdoor Amusement or Theme</a>	One space per 800 square feet of recreational area, or fraction thereof
– <a href="#">Park, Outdoor Recreational</a>	One space per 5,000 square feet of site area, or fraction thereof
– <a href="#">Stadium</a> or <a href="#">Arena</a>	One space per four seats in the theater or assembly area
– <a href="#">Theater, Movie</a>	
– <a href="#">Theater, Performing Arts</a>	
Miscellaneous Use Types	
– <a href="#">Service, Solid Waste-Related</a>	One space per 800 square feet of <a href="#">gross floor area</a> , or fraction thereof, but not less than two spaces
– <a href="#">Utility, Major</a>	
– <a href="#">Sexually Oriented Business</a>	One space per 100 square feet of <a href="#">gross floor area</a> , or fraction thereof
– <a href="#">Telecommunication Tower</a>	Two spaces per tower

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### 4.5.6 Multiple Uses

Where the application identifies multiple [uses](#) or [structures](#) on a [site](#), the minimum standards shall be computed for each use and structure. The minimum parking requirement shall equal the sum of the requirements for each separate use and/or structure.

However, developments that contain a mix of uses on the same [lot](#), as set forth in the table below, may reduce the amount of required parking in accordance with the following methodology:

- Determine the minimum parking requirements for the individual uses listed in column (1) of the table below separately.
- Multiply each amount by the corresponding percentages for each of the five time periods set forth in columns (2) through (6) of the table below.
- Calculate the total for each time period.
- Select the total with the highest value as the required minimum number of [parking spaces](#).

(1) Land Use	Weekday		Weekend		(6) Nighttime (12 am – 6 am)
	(2) Daytime (9 am – 4 pm)	(3) Evening (6 pm – 12 am)	(4) Daytime (9 am – 4 pm)	(5) Evening (6 pm – 12 am)	
Office/bank /industrial	100%	10%	19%	5%	5%
Retail / <a href="#">service</a>	60%	90%	100%	70%	5%
<a href="#">Hotel</a>	75%	100%	75%	100%	75%
<a href="#">Restaurant</a>	50%	100%	100%	100%	10%
Entertainment /recreation	40%	100%	80%	100%	10%
<a href="#">Religious institution</a>	10%	80%	100%	80%	5%

### 4.5.7 Shopping Centers

[Shopping centers](#) that contain multiple leasable spaces traditionally occupied by retail, office, and [restaurant](#) uses shall provide at least one space per 200 square feet of [gross floor area](#), or fraction thereof. Shopping centers shall not be subject to the requirements for multiple uses.

### 4.5.8 Cooperative Parking

If the [off-street parking space](#) requirements cannot be reasonably provided on the same [lot](#) at which the [principal use](#) is located, such space may be provided on a separate lot if all of the following conditions are met:

- The [off-site, off-street parking](#) facility shall be within 400 feet of the subject [property](#).
- The parking facility shall have an excess number of [parking spaces](#) that can meet the minimum parking requirement of the subject use(s) after accounting for the minimum parking requirement of the [on-site establishment](#) and any other [off-site establishments](#) which have legal use of the parking facility.
- A written agreement between the owners and lessees for the use of the parking facility shall be executed for a minimum of 20 years, as approved by the Planning Director. Should the agreement expire or be otherwise terminated, the use for which the [off-site parking](#) was provided shall be considered nonconforming and shall be brought into compliance. Failure to comply may subject the use to revocation of its business license and/or occupancy [permit](#).

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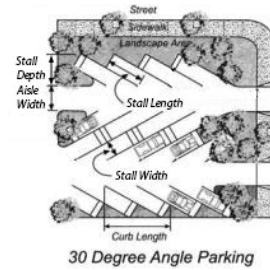
## 4.5.9 Parking Space Dimensions

[Off-street parking spaces](#) and [parking areas](#) shall comply with the following dimensional standards:

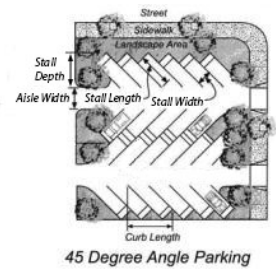
- [Off-street parking spaces](#) shall not be less than nine feet wide unless otherwise provided herein.
- [Parking spaces](#) shall have a minimum depth per the table below, exclusive of [access](#) or maneuvering areas, [ramps](#), and other [appurtenances](#).
- Each [parking space](#) shall be accessed by a driveway [aisle](#) not less than the minimum width indicated in the table and diagrams below.

Note: These minimum driveway aisle widths shall not preclude the Simpsonville Fire Marshal from requiring greater widths for the purpose of accommodating emergency response vehicles on the [site](#).

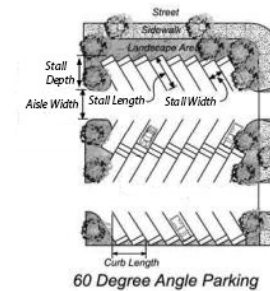
	Stall Depth		Aisle Width	
(1) Parking Angle (degrees)	(2) Car-to-Wall Stalls (feet)	(3) Interlocking Stalls (feet)	(4) One-Way Operation (feet)	(5) Two-Way Operation (feet)
0	24	24	12	20
30	17	13	12	20
45	19	16	12	20
60	20	18	16	20
90	18	18	24	24



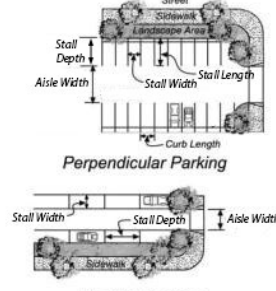
30 Degree Angle Parking



45 Degree Angle Parking



60 Degree Angle Parking



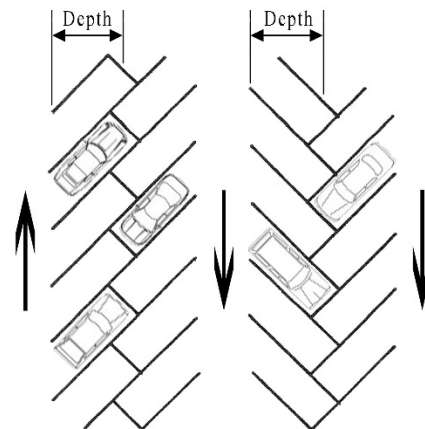
Perpendicular Parking



Parallel Parking

Parking layout and measurements

- Interlocking parking [stalls](#) entail [parking lot](#) arrangements where [parking spaces](#) are interlocked as depicted in the diagram below. The depth of interlocking stalls shall be measured to the mid-point of the head of the space that interlocks with another parking space.



Depth measurement of interlocking parking stalls

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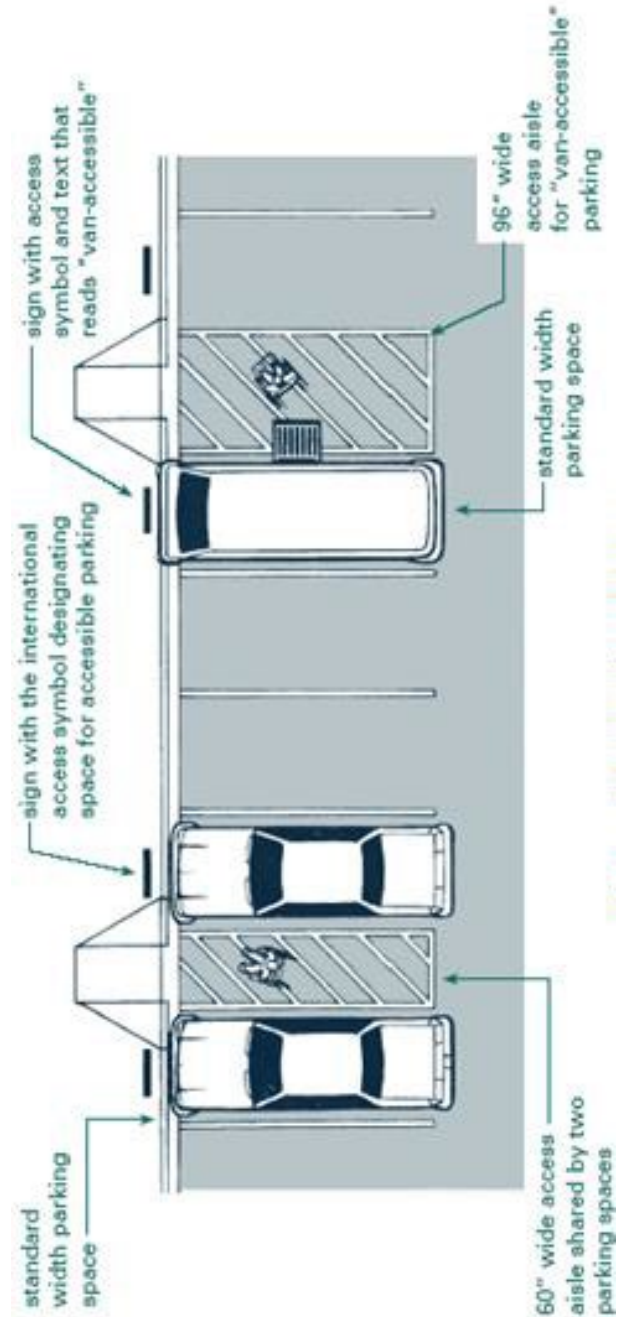
## 4.5.10 Handicap Accessible Parking

Where [off-street parking](#) is required, [handicap accessible parking](#) shall be provided in accordance with the Accessibility Guidelines of the Americans with Disabilities Act (ADA).

- A. The minimum number of [handicap accessible parking spaces](#) shall be provided in accordance with the table below.

(1) Total Parking Spaces in Lot	(2) Minimum Number of Accessible Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus one for each 100, or fraction thereof, over 1,000

- B. Each [handicap accessible parking space](#) shall be at least 9 feet wide. However, if the side of the handicap accessible parking space opposite of the handicap accessible aisle is not adjacent to any other parking space, the minimum width of the handicap parking space may be reduced to 8 feet.
- C. Each [handicap accessible parking space](#) shall be adjacent to a handicap accessible aisle not less than five feet in width. Two accessible parking spaces may share a common accessible aisle. Aisles shall be part of an [accessible route](#) to the [building](#) or [facility](#) entrance. Accessible aisles shall be marked so as to discourage parking in them.



Accessible parking layout and design

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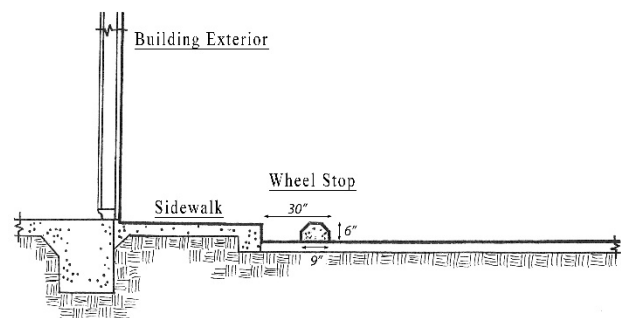
- D. For every six or fraction of six accessible parking spaces, at least one shall be a van-accessible parking space. Van accessible spaces shall be adjacent to an accessible aisle not less than eight feet in width. The accessible aisle shall be located on the passenger side of the parking space on angled van accessible parking spaces.
- E. Accessible parking spaces shall be located on the shortest [accessible route](#) of travel to an accessible building entrance. In [parking areas](#) that do not serve a particular [building](#), accessible parking spaces shall be located on the shortest route to an accessible [pedestrian](#) entrance to the parking area. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances. Accessible routes shall be designed such that they do not run behind parked vehicles and their width will not be reduced by the [overhang](#) of parked vehicles.
- F. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Van accessible spaces shall have an additional sign indicating "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so that they will not be obscured by a vehicle parked in the space.

- C. All [parking areas](#) shall be surfaced with asphalt, bituminous, brick, [turf block](#), or concrete material to minimize [nuisance](#) from dust.
- D. Each [parking space](#) shall be marked by painted lines, [curbs](#), or other acceptable means to indicate individual spaces.
- E. Sidewalks, walls and fences shall be protected from the overhang of parked vehicles by suitable [curbs](#), [wheel stops](#), or stop blocks. Adjoining properties shall also be protected so that no part of a parked vehicle will [overhang](#) or extend beyond the site's property line. Curbing or wheel stops shall be installed at least 30 inches from the adjacent sidewalk, wall, fence, or property line. The stops shall be a permanently affixed concrete piece or similar feature or design as approved by the Planning Director. Where a concrete piece or similar [appurtenance](#) is used, the piece shall measure at least six feet in length, six inches in height, and nine inches in width. The Planning Director may waive the requirement for wheel stops in parking spaces that abut a sidewalk where the sidewalk is at least seven feet wide and the surface of the sidewalk is raised by at least six inches above the parking space surface.

### 4.5.11 Parking Area Design

[Off-street parking areas](#) shall be designed in accordance with the following standards:

- A. All [off-street parking](#) shall include sufficient maneuvering areas designed such that vehicles can enter, exit, and turn around within the [parking area](#) without backing onto a public [right-of-way](#) or backing up for long distances.
- B. All [parking areas](#) shall be properly graded for [drainage](#).



Wheel stop measurements



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## 4.6 Loading

### 4.6.1 Intent

In order to relieve traffic congestion in the [streets](#), to minimize any detrimental effects of off-street loading areas on adjacent lands, to ensure the proper and uniform development of loading areas throughout the City, and to encourage appropriate [infill](#) and reinvestment within established areas, any [use](#) which requires goods, merchandise, or equipment to be delivered to or shipped from the development shall provide off-street [loading spaces](#) in accordance with the standards established in this section. This shall include, but not be limited to, uses devoted to business, industry, [manufacturing](#), storage, [warehousing](#), [processing](#), offices, professional buildings, [hotels](#), [hospitals](#), [airports](#), railroad terminals, and any [buildings](#) of a commercial nature.

### 4.6.2 Applicability

These standards are applicable in any of the following circumstances:

- A. All new [development](#) or [redevelopment](#) within the City;
- B. When an existing [structure](#) or [use](#) is expanded, enlarged, or otherwise increased in capacity;
- C. Where there is a [change in use](#); or
- D. Any proposal to construct, enlarge, restripe, or otherwise modify a [parking lot](#) or [parking area](#).

This section shall not apply within the B-U zoning district or to any single-family residential use of a property.

### Minimum Number of Loading Spaces

The following table establishes the minimum number and type of [loading spaces](#) required depending on the gross floor area at a given facility.

(A) <a href="#">Gross Floor Area</a> of Structure (square feet)	(B) Required Number and Type of Spaces
Between 0 and 12,500	1 “small” space
12,501 to 25,000	2 “small” spaces
25,001 to 50,000	1 “large” space
50,001 to 100,000	2 “large” spaces
More than 100,000	2 “large” spaces, plus 1 additional “large” space for each 80,000 sq. ft. over 100,000 sq. ft., or fraction thereof

The requirement for [loading spaces](#) shall be in addition to the requirement for [off-street parking spaces](#). Loading spaces shall not count towards the minimum off-street parking requirement, nor shall any off-street parking spaces count towards the minimum loading space requirement.

### 4.6.3 Loading Space Dimensions

[Loading spaces](#) shall comply with the following dimensional standards:

- A. Each “small” space shall be at least 10 feet wide, at least 20 feet long, and shall have an overhead clearance of at least 12 feet.
- B. Each “large” space shall be at least 12 feet wide, at least 40 feet long, and shall have an overhead clearance of at least 14 feet.



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## Loading Space Design

[Loading space](#) areas shall be designed in accordance with the following standards:

- A. [Loading spaces](#) shall be located on the same [lot](#) or [parcel](#) of [land](#) as the structure the spaces are intended to serve.
- B. All off-street loading areas shall include sufficient maneuvering areas designed such that vehicles can maneuver safely and conveniently. Vehicles shall be able to enter, exit, and turn around without backing onto a public [right-of-way](#) or backing up for long distances.
- C. All loading areas shall be properly graded for [drainage](#).
- D. All loading areas shall be surfaced with asphalt, bituminous, or concrete material to minimize [nuisance](#) from dust.
- E. Each [loading space](#) shall be marked by painted lines, [curbs](#), signs, or other means to designate individual spaces and to indicate the function of the space(s).

### 4.6.4 Waiver

The Planning Director may reduce or [waive](#) the off-street loading requirements for [sites](#) that having [parking areas](#) with fewer than ten [parking spaces](#). The Planning Commission may reduce or waive the off-street loading requirements for sites having parking areas with ten, or more, [parking spaces](#). In their determination, the Planning Director, or Planning Commission, shall consider whether the design of the structure or potential use of the property would demonstrate a need for off-street loading.

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## 4.7 Traffic/Pedestrian Safety

### 4.7.1 Intent

This section provides standards relative to the safety of [pedestrians](#), bicyclists, and motorists for the purpose of improving motorists' awareness of the other users of the roadways and to protect pedestrians, bicyclists, and other vulnerable road users.

### 4.7.2 Applicability

These standards are applicable in any of the following circumstances:

- A. All new [development](#) or [redevelopment](#) within the City; or
- B. When an existing [structure](#) or [use](#) is expanded, enlarged, or otherwise increased in capacity.

These standards shall not apply to the single-family residential use of property except for in the development of [subdivisions](#).

### 4.7.3 Public Sidewalk

A public [sidewalk](#) shall be required within the [right-of-way](#) along all adjacent [streets](#) except as may be noted below. The design and construction of the sidewalk shall comply with the following standards:

- A. The [sidewalk](#) shall be constructed of concrete, unless otherwise approved by the Simpsonville Public Works Director.
- B. The width of the [sidewalk](#) shall not be less than five feet.
- C. The thickness of the [sidewalk](#) shall not be less than four inches.
- D. The [grade](#) of the [sidewalk](#) shall not exceed 10 percent.
- E. [Sidewalks](#) shall align vertically and horizontally with [abutting](#) sidewalks.
- F. Where any public [sidewalk](#) crosses a [street](#) or [driveway](#), this crossing shall be marked by painted [crosswalk](#) or other similar designation.

- G. [Sidewalks](#) shall not be installed in such a manner that they conflict with or are obstructed by power lines, telephone poles, fire hydrants, traffic/street signs, mailboxes, [trees](#), [buildings](#), barriers, light poles, or any other [structure](#). When there is an existing or anticipated obstruction, the sidewalk shall be installed around the object while maintaining the minimum width for the sidewalk throughout the section that circumnavigates the object.
- H. In single-family residential [subdivisions](#), a public [sidewalk](#) shall be required on both sides of [arterial](#) and [collector streets](#) but only on one side of all other streets. Where sidewalks are designed, a strip of vegetated section shall be installed between the backside of curb and sidewalk, for the length of the sidewalk at a minimum of 18" inches wide.
- I. *Waivers*. The Planning Director may [waive](#) all or part of the requirement for the construction of the public [sidewalk](#) in the following circumstances:
  1. On [local streets](#) in the development of a subdivision in the R-E district;
  2. On local streets in the development of a subdivision in the R-Lo district where the subdivision is not within a one-mile radius of a [grade school](#);
  3. Where the Planning Director determines that a planned [public improvement](#) project would necessitate the removal of the prospective sidewalk; or

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4. Where the Planning Director determines that such factors exist whereby the sidewalk would not provide any realistic benefit for prospective [pedestrians](#). This determination will typically entail a finding by the Planning Director that the sidewalk would have no purposeful destination or use and where there is no realistic expectation that the sidewalk would become part of a larger network or system of sidewalks.

### 4.7.4 Pedestrian Walkways

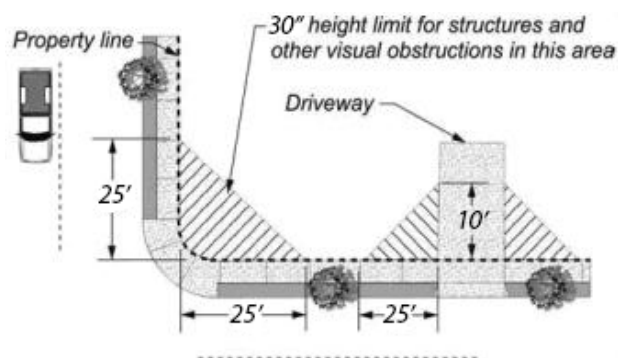
A [pedestrian walkway](#) shall be provided from the public [sidewalk](#) to the [main entrance](#) and between [buildings](#) except at the single-family residential use of property. The design and construction of pedestrian walkways shall comply with the Accessibility Guidelines of the Americans with Disabilities Act (ADA) for [accessible routes](#) in addition to the following standards:

- A. The walkway shall be constructed of concrete, asphalt, or brick.
- B. The width of the walkway shall not be less than four feet.
- C. Any walkway less than five feet wide shall provide [handicap accessible parking spaces](#). Passing spaces shall measure at least five feet by five feet square and shall be located at intervals not more than 200 feet.

### 4.7.5 Sight Triangles

[Sight triangles](#) shall be maintained at all street [intersections](#) with [driveways](#) and other [streets](#). No planting, [fence](#), [building](#), [sign](#), [wall](#), or other [structure](#) shall be installed, placed, or constructed within a required sight triangle.

- A. *Triangle measurement.* The sides of the [sight triangle](#) shall extend 25 feet along the street [right-of-way line](#) and 10 feet along the edge of each [driveway](#) beginning at the property line.



Sight triangle measurements

- B. *Vision clearance area.* Vision throughout the [sight triangle](#) shall be unobstructed in the area between 30 inches and ten feet above the adjacent [curb](#) (or [grade](#) of the adjacent [street](#) in the absence of any curb).
- C. *B-U district waiver.* The Planning Director may reduce or [waive](#) the [sight triangle](#) requirements on properties in the B-U zoning district. In his determination, the Planning Director shall consider the safety implications of the reduction or waiver.

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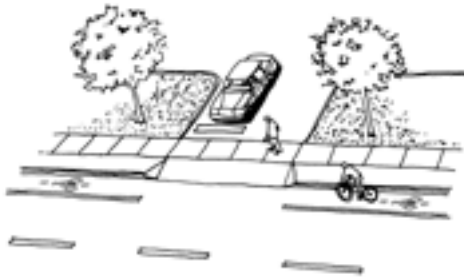
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## 4.7.6 Traffic Signs

Traffic signs pertinent to the development shall be provided at the developer's expense. The design and placement of signs shall follow both SCDOT standards as well as City of Simpsonville standards. The provision of traffic signage shall comply with the following standards:

- A. All uses with [parking areas](#) containing at least ten [parking spaces](#) shall be required to provide a standard, reflective stop sign and a 24-inch wide white reflective painted stop bar across all [egresses](#) and at the [intersection](#) of driveway [aisles](#). The stop sign and stop bar shall be placed such that motorists are encouraged to stop before encroaching into any [crosswalk](#) or [pedestrian walkway](#) area.



- B. At least two street name signs shall be placed at each four-way street [intersection](#). At least one street name sign shall be placed at each ["T"-intersection](#). Signs shall be reflective and shall be a style consistent with City standards, of a uniform size and color, and erected on street posts of a uniform height and set in concrete per the standards of the Simpsonville Public Works Director. Street name signs shall not be accepted by the City of Simpsonville until the dedication of the [street](#) has been accepted.
- C. The Planning Director may require other [directional signage](#) where appropriate to orient motorists and [pedestrians](#) or to reduce potential traffic hazards. This may include, but is not limited to, "Do Not Enter" signage, "One-Way" signage, "No Left Turn" signage, "Pedestrian Crossing" signage, painted directional arrows, etc.

## 4.7.7 Address Identification

So as to promote efficient emergency response operations as well as to aid in the ability to locate homes, businesses, and other properties by address, all [principal buildings](#) within the City shall have their assigned address numbers displayed, regardless of whether mail is delivered to the location. Numbers need not be displayed on [accessory buildings](#). Physical numbering shall conform to the following minimum standards:

- A. Assigned numbers for [principal buildings](#) shall be clearly visible, legible, and preferably reflective from the [street](#) or private way to which the building fronts.
- B. Address numbers shall consist of Arabic numerals not less than three inches in height and the font shall not be less than one-half inch in thickness.
- C. Numbers must be in a color that contrasts the building or other background on which they are mounted.
- D. Where a building has multiple [main entrances](#), the assigned number shall be displayed at each separate main entrance.
- E. Any conflicting numbers which might be mistaken for or confused with the assigned address shall be removed.
- F. Where it is not reasonable for address numbers on the building to be legible from the [street](#) or private way, the address numbers shall be additionally displayed at the [intersection](#) of the [driveway](#) and street. Such numbers may be displayed on a post, [wall](#), mailbox, or [sign](#) and shall be displayed in a manner that ensures visibility.

## 4.8 Lighting

### 4.8.1 Intent

It is the intent of this section to protect the health, safety, and welfare of the public by recognizing that [sites](#) may need to be illuminated for safety, security, and visibility for occupants, users, [pedestrians](#), and motorists. Furthermore, it is also the intent of this section to:

- A. Minimize light pollutions;
- B. Maintain safe nighttime environment;
- C. Preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to “sky glow”;
- D. Reduce light trespass from light sources onto adjacent properties;
- E. Conserve electrical energy; and
- F. Curtail the degradation of the nighttime visual environment.

### 4.8.2 Applicability

The standards of this section shall apply to any proposed exterior light source. Any application for [development](#) or [redevelopment](#) shall include sufficient information to enable the Planning Director to determine whether the development will comply with this section.

Holiday lighting displays and lighting on single-family residential properties are exempt from this section. Furthermore, government [facilities](#), parks and open areas, public safety, and other uses where sensitive or dangerous materials are stored may submit to the Planning Director a site security plan requesting exterior lighting that deviates from the standards in this section. The Planning Director may approve deviations from these standards where necessary for the adequate protection of the public and where the deviations are the minimum required and will not have a significant [adverse effect](#) on neighboring lands.

### 4.8.3 Standards

- A. [Parking lots](#) shall be adequately lit unless the parking lot contains fewer than ten [parking spaces](#) and the property owner can sufficiently demonstrate that the [parking area](#) will not be used at night.
- B. Only incandescent, fluorescent, metal halide, LED, mercury vapor or color corrected high-pressure sodium light shall be permitted.
- C. Light sources shall be shielded or recessed within [opaque](#) housing. Any fixture under a [canopy](#) shall be flush-mount with a flat lens. Each light fixture in excess of 100 watts or equivalent shall meet ISENA definition of [full cut-off fixtures](#) or hoods to prevent [glare](#) or spillover onto adjacent lands and [streets](#) and into the sky.
- D. Fixtures shall be positioned and mounted in such a manner that the light source or the cone of light is not directed at or beyond any property line or [right-of-way](#). The placement and positioning of lighting shall be designed such that the vision of motorists is not impaired.
- E. Poles or structures used to support exterior light fixtures shall be set back at least 5 feet from each property line and shall not exceed a height of 30 feet.
- F. Lighting shall not blink, flash, rotate, flutter, or otherwise change in light intensity, brightness, or color, except for public safety purposes.
- G. For commercial uses that are abutting single family residential property, light levels shall be no greater than 0.5 [foot candles \(FC\)](#) when measured at the abutting property line.
- H. For non-residential uses that abut a property line of a single-family detached use. Exterior illumination levels shall be reduced to 25 percent or less of the normal permitted levels one hour after business closing to one hour before business opening.

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- I. *Color temperature.* Outdoor lighting fixtures must not exceed 3000K at the light source.
- J. *Canopy lighting.* Areas under vehicle canopies shall have maximum point of horizontal illuminance of 20 maintained [foot candles \(FC\)](#). The sides or top of the canopy shall not be illuminated, except as permitted by permanent sign standards, section 4.10.5B. Lighting under canopies shall be designed so as to not create glare beyond the outside edge of the canopy; acceptable methods include the following:
  - 1. The use of recessed fixtures incorporating lens covers that are recessed or flush with the bottom surface (ceiling) of the canopy: or
  - 2. The use of light fixture shields or the canopy edge itself.
- K. Light measurements shall be made with a metering device at ground level (finished grade) consistent with the manufacturing specifications.
- L. A lighting plan must be submitted with an application for development or redevelopment that includes a photometric plan showing the maximum and average light layout.



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## 4.9 Environment/Landscape Design

### 4.9.1 Intent

This section establishes standards for the conservation, removal, and [mitigation](#) of removed [trees](#) as well as the standards for landscaping, in order to protect the environment, provide critical habitat, and preserve the [character](#) of the City of Simpsonville. Further, the intent of this section is to:

- A. Preserve and enhance the local, [native vegetation](#) in order to maintain the City's [character](#);
- B. Eradicate or control certain [exotic](#) and invasive plant species that have negative impacts to native ecosystems;
- C. Provide critical habitats for animals and plants through the City;
- D. Reduce air pollution by precipitating unwanted particles from the air.
- E. Encourage efficient usage of water with native landscaping and reduce the use of potable water for irrigation;
- F. [Mitigate](#) against [erosion](#) and sedimentation;
- G. Protect and enhance property values and [aesthetic](#) qualities by requiring visual screening, where appropriate; and
- H. Provide shade and make outdoor areas more tolerable during summers.

### 4.9.2 Applicability

These standards are applicable to all [development](#) and [redevelopment](#), including any [tree](#) removal or [grading](#) activities within the City of Simpsonville, except for the following:

- A. At any single-family residential property;
- B. Normal forestry activities taking place on property that is taxed under the present use value as forestland under [Section 12-43-220\(d\) of the South Carolina Code of Laws](#) or forest activities precluded from municipal regulation by [Section 48-23-205 of the South Carolina Code of Laws](#); or
- C. The removal of [trees](#) by public or private agencies within the lines of any public street [right\(s\)-of-way](#), [utility easements](#), or other City property, as may be necessary to ensure public safety, to protect utilities or other [public improvements](#), to obtain clear visibility at [driveways](#) or [intersections](#), to perform authorized field survey work, or to preserve or enhance the symmetry and beauty of such City property.

Any [property](#) or [tract](#) of [land](#) that is or proposed to be cleared or graded without any immediate plans for [development](#) shall be [landscaped](#) in accordance with the applicable requirements of this section.

Unless exempt or not applicable, no [tree](#) shall be removed except in accordance with the procedures set forth in [Article 7, Procedures](#), of this Ordinance.

## 4.9.3 Plant Material Standards and Maintenance

Plant materials provided to meet the [landscape](#) requirements herein shall meet the following standards:

- A. Single-trunk [trees](#) shall have a minimum [caliper](#) of 2 ½ inches at the time of planting. Multi-trunk trees shall have a minimum [height](#) of ten feet at the time of planting. Height shall be measured from the [natural grade](#) at the planting area to the highest point of the tree after it has been planted.
- B. [Shrubs](#) shall have a minimum height of 24 inches at the time of planting, unless otherwise specified. Height shall be measured from the [natural grade](#) at the planting area to the highest point of the shrub after it has been planted.
- C. All [landscaped](#) areas and buffers shall be stabilized with [ground covers](#), [mulches](#), or other approved materials to prevent [soil erosion](#). Ground cover shall mean perennial species capable of thriving under local conditions. Grasses may be sodded, sprigged, plugged, or seeded.
- D. No artificial or synthetic plant materials shall be used to satisfy the [landscape](#) requirements herein.
- E. Required plants shall be maintained in good health. The property owner shall provide weeding, mowing, irrigation, fertilization, prevention of pests, pruning, and other similar maintenance as needed.
- F. [Trees](#) may only be pruned in accordance with the standards of ANSI A300 Standards for Tree Care Operations. Trees aggressively or improperly pruned will be a violation of this ordinance and the property will be considered nonconforming. Any property in violation of improper or aggressive pruning will be required to replace the tree(s) with tree(s) meeting the minimum planting standards as specified in this ordinance.

- G. Required plants which have become dead or diseased shall be replaced with a new comparable planting within 90 days after notification by the Planning Director, or designee. The Planning Director may grant a one-time 90-day [extension](#) where warranted due to weather constraints.
- H. Where plant materials not native to the upstate area of South Carolina are used for more than 25 percent of the required plants materials, [landscaped](#) areas shall be irrigated with a system that is suitable for the type(s) of plantings installed. Irrigation systems shall comply with South Carolina laws and standards.
- I. Some types of [trees](#), upon maturing, represent liabilities to the community due to structural weakness, disease or insect susceptibility, short life, destructive root systems, rank growing branches requiring extensive maintenance, and invasive qualities. The following trees, adapted from the South Carolina Exotic Pest Plant Council Invasive Species List, shall be discouraged in any [landscaped](#) area or buffer.
  1. Tree of Heaven (*Ailanthus Altissima*)
  2. Mimosa (*Alibzia Julibrissin*)
  3. Paper Mulberry (*Broussonetia Papyrifera*)
  4. Russian Olive (*Elaeagnus Angustifolia*)
  5. Chinaberry (*Melia Azedarach*)
  6. White Mulberry (*Morus Alba*)
  7. Princess tree (*Paulownia Tomentosa*)
  8. White Poplar (*Populus Alba*)
  9. Bradford Pear (*Pyrus Calleryana*)
  10. Sawtooth Oak (*Quercus Acutissima*)
  11. Chinese Tallowtree (*Triadica Sebifera*)

Any party involved with the utilization of these [trees](#) may be held liable for damages caused thereby.

## 4.9.4 Tree Preservation

The City of Simpsonville promotes the preservation of [trees](#) as outlined below. No [grading](#), demolition, trenching, or other activity may adversely affect protected trees may proceed except in compliance with the provisions herein and upon the issuance of the necessary development approvals by the City of Simpsonville.

### A. Protected Trees

Protected [tree](#) shall mean any tree, except pine trees or dead or unhealthy trees, with a [diameter at breast height \(DBH\)](#) equal to or greater than 12 inches and shall be classified as follows:

1. "Class I" protected trees shall include [trees](#) with a DBH equal to or greater than 12 inches but less than 24 inches.
2. "Class II" protected trees shall include [trees](#) with a DBH equal to or greater than 24 inches.

### B. Removal and Tree Replacement

Protected [trees](#) may be removed provided that they are replaced at the following rate. All tree replacement plantings shall meet the minimum plant material standards set forth in this Ordinance.

1. Class I protected trees shall be replaced at a rate of one [tree](#) planting per each tree removed, exclusive of the principal structure area or a proposed [right-of-way](#) area. In a residential [subdivision](#), the principal structure area shall include the [building envelope](#) prescribed by the minimum yard setback requirements.
2. Class II protected trees shall be replaced at a rate of two [tree](#) plantings per each tree removed.

Unless exempt or not applicable, no [tree](#) shall be removed except in accordance with the procedures set forth in [Article 7, Procedures](#), of this Ordinance.

### C. Credit for Preserved Trees

Credit may be received toward any required [tree](#) replacement planting by preserving existing trees. Credit may be earned for the preservation of trees at the rate indicated in the table below.

Note: Credit shall not be received towards other [tree](#) requirements of this Ordinance. Credit shall only be received toward replacement tree planting requirements. However, preserved trees may be used to satisfy other [landscape](#) requirements of this Ordinance if those trees are appropriately located.

(1) DBH of Preserved Tree	(2) Number of Trees Credited
Equal to or greater than 4 inches but less than 8 inches	1
Equal to or greater than 8 inches but less than 12 inches	2
Equal to or greater than 12 inches but less than 24 inches	3
Equal to or greater than 24 inches	4

## D. Protective Barriers

Preserved [trees](#) shall be protected as follows:

1. Protective barriers shall be installed around each protected [tree](#) or group of protected trees that are designated for preservation prior to the start of [development](#) activities. Barricades shall be maintained in place until development activities are complete.
2. Barriers shall not be supported by the plants they are protecting but shall be self-supporting.
3. Protective barriers shall be a minimum of four feet high and constructed of a durable material that will last until construction is complete.
4. Protective barriers shall be installed at least one foot from the [drip line](#) or one foot from the trunk of the [tree](#) for each inch of tree [caliper](#), whichever is greater.
5. The area within the protective barrier shall remain free of all building materials, harmful substances, dirt, construction debris, vehicles, digging, trenching, [grading](#), or other [development](#) activity.
6. Any [tree](#) damaged during or as a result of construction shall be repaired in accordance with accepted practices of the International Society of Arboriculture (ISA). All damage must be repaired prior to the issuance of a [certificate of occupancy](#) or completion for the development project.

## 4.9.5 Riparian Buffers

Riparian buffers are herein established on each side of all [streams](#), [water bodies](#), and wetlands. The distances for these buffers shall be measured as the horizontal, linear distance landward from the stream or water body bank in a direction perpendicular to the surface of the water.

### A. Buffer Types and Widths

The following buffers shall be established and maintained:

1. Buffer of a normally dry waterway. The minimum width of this buffer shall be 15 feet.
2. Buffer of a live [stream](#) draining less than 50 acres. The minimum width of this buffer shall be 15 feet.
3. Buffer of a live [stream](#) draining 50 acres or more. The minimum width of this buffer shall be 35 feet.
4. Buffer of a perennial [water body](#). The minimum width of this buffer shall be 50 feet.
5. Buffer of a wetland. Where an impact [permit](#) is required to be issued by the South Carolina Department of Environmental Control (SCDHEC) and/or the US Army Corps of Engineers, the minimum width of this buffer shall be 25 feet from the jurisdictional wetland, inclusive of the wetland area.

[Streams](#) and wetlands shall be identified according to the most recent USGS Quadrangle Maps, NRCS USDA Soil Survey Maps, or other locally adopted maps.

### B. Standards

1. All [vegetation](#), [ground cover](#), [trees](#) and [shrubs](#) shall be retained throughout the entire buffer.
2. No [development](#) or [soil](#) disturbance is permitted within the buffer exception for the following uses:
  - a. Pedestrian trails, [walkways](#), or [greenways](#).
  - b. Docks, fishing piers, or boat landings.
  - c. Flood control devices, [erosion](#) control devices, and other activities related to [soil](#) and water conservation and/or [stormwater management](#).
  - d. Utility lines, including irrigation, provided such lines shall be buried and any disturbed area shall be replanted with [vegetation](#).
  - e. [Roads](#) leading to bridges or causeways that cross the waterway provided the roads are configured to minimize disturbance into and within the buffer, and provided all [shoulders](#) are vegetated.
  - f. Scientific studies including water quality monitoring and [stream](#) gauging.
  - g. Reforestation projects and associated [facilities](#) and activities.
  - h. Horticulture practices for the purpose of maintaining the health of individual [trees](#).

## 4.9.6 Landscape Buffers

### A. Generally

[Landscape](#) buffers shall be provided on each [property](#) as follows. No [development](#) or [structures](#) shall be permitted in any required landscape buffer except for the following:

1. [Landscape](#) features and associated structural elements such as [fences](#) and [walls](#).
2. Driveway [access](#) to the [site](#) provided the [driveway](#) is approximately perpendicular to the [buffer yard](#).
3. [Underground utility](#) or service lines.
4. Pedestrian and bicycle [paths](#) provided they are approximately perpendicular to the [buffer yard](#).
5. Lighting fixtures.
6. [Signage](#).
7. Stormwater [drainage](#) features provided that it does not impair the basic integrity of the required buffer.

The Planning Director may approve alternative buffer designs that vary from the requirements below where the design will achieve similar results. Alternative design may be necessary where adverse physiographic conditions, extreme topographical differences, or overhead or [underground utilities](#) exist.

### B. Residential Buffers

In order to maintain the quiet nature of residential districts, a natural or re-vegetated [buffer yard](#) shall be required along the property line adjacent to any single-family residential property or property zoned R-E, R-Lo, or R-Mid. Such buffers shall comply with the following standards:

1. The [buffer yard](#) shall not be less than 10 feet wide at any point on the subject [property](#).
2. The [buffer yard](#) shall be vegetated with at least one [tree](#) per 40 linear feet of the buffer, or fractional part thereof.
3. The [buffer yard](#) shall include a closed [fence](#) or solid [wall](#) at least six feet in height for the length of the required buffer yard.
4. Additional provisions shall be provided where necessary to [mitigate](#) any impacts of [noise](#), light, or similar [adverse effects](#) as determined by the Planning Director.



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## C. Common Buffers

In order to promote compatibility between adjacent [land uses](#), a common [buffer yard](#) shall be required along the property line adjacent to any other [property](#). Such buffers shall comply with the following standards:

1. The [buffer yard](#) shall not be less than 5 feet wide at any point on the subject [property](#).
2. Where the [buffer yard](#) is adjacent to a [parking area](#) on the subject [property](#), [shrubs](#) shall be planted throughout the buffer yard for the length of the parking area. Shrubs shall be spaced not more than 7½ feet on center. Where 36-inch shrubs are used, the maximum space may increase to 10 feet on center. Maximum spacing shall mean the greatest permissible distance between the center of shrubs at the time of planting.
3. Additional provisions shall be provided where necessary to [mitigate](#) any impacts of [noise](#), light, or similar [adverse effects](#) as determined by the Planning Director.

Common [buffer yards](#) shall not be required between [adjoining properties](#) which share cross access or on properties in the B-U zoning district.

## D. Streetscape Buffers

In order to enhance the public realm and overall community appeal, as well as to provide shading and cooling effects, a [streetscape](#) buffer shall be required along the street [frontage](#) of each [property](#) except properties in the B-U zoning district. Such buffers shall comply with the following standards:

1. The [buffer yard](#) shall not be less than 8 feet wide at any point on the subject [property](#). [Sidewalks](#) shall not be included in the calculation of the width of this required buffer area.
2. The [buffer yard](#) shall be vegetated with at least one [tree](#) per 50 linear feet of the buffer, or fractional part thereof.
3. Where the [buffer yard](#) is adjacent to a [parking area](#) on the subject [property](#), [shrubs](#) shall be planted throughout the buffer yard for the length of the parking area. Shrubs shall be spaced not more than 7½ feet on center. Where 36-inch shrubs are used, the maximum space may increase to 10 feet on center. Maximum spacing shall mean the greatest permissible distance between the center of shrubs at the time of planting.

## 4.9.7 Parking Lot Landscaping

In order to promote shading and cooling within large areas of [pavement](#), landscaping shall be provided within [parking areas](#) with at least ten [parking spaces](#) in accordance with the provisions herein.

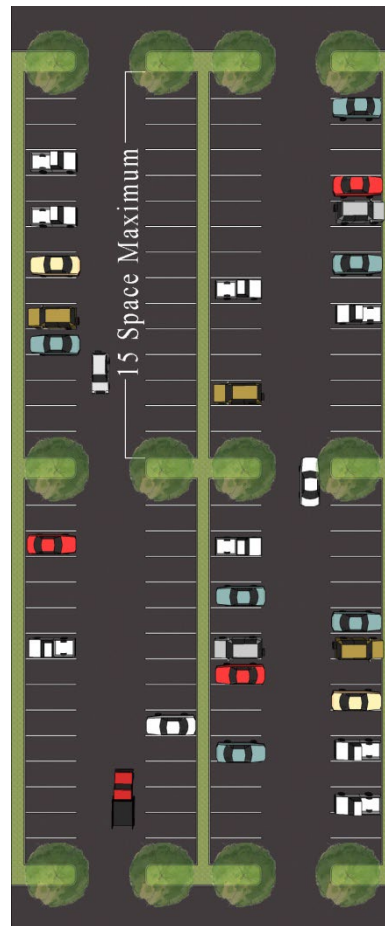
The Planning Director may approve alternative [landscape](#) designs that vary from the requirements below where the design will achieve similar results.

### A. End of Parking Rows

Each row of [off-street parking spaces](#) shall be terminated at each end by a [landscaped](#) area with a minimum area of 125 square feet, a minimum breadth of eight feet, and at least one [tree](#) planted therein.

### B. Within Long Parking Rows

[Landscaped](#) areas shall be provided to break up excessively long, continuous runs of [parking spaces](#). Rows of parking spaces shall not contain more than 15 side-by-side parking spaces without an intervening landscaped area to break the run of parking spaces. Each landscaped area shall have a minimum area of 125 square feet, a minimum breadth of eight feet, and at least one [tree](#) planted therein.



Parking lot landscaping

## 4.10 Signage

### 4.10.1 Intent

The intent of this section is to regulate [signs](#) which are visible from the public [right-of-way](#). Further, the purpose of these regulations is to:

- A. Encourage the effective use of [signs](#) as a means of communication in the City of Simpsonville;
- B. Maintain and enhance the [aesthetic](#) environment and the City's ability to attract sources of economic development and growth;
- C. Minimize the possible [adverse effects](#) of [signs](#) on nearby public and private property;
- D. Ensure that [signs](#) are designed, constructed, installed, and maintained so that public safety is not compromised, particularly [pedestrian](#) and traffic safety;
- E. Prevent [sign](#) clutter that may overload the public's capacity to receive information; and
- F. Promote [signs](#) which are compatible with their surroundings and are appropriate to the type of activity to which they pertain.

### 4.10.2 Applicability

A [sign](#), where visible from the public [right-of-way](#), may be erected, placed, established, painted, or maintained within the City of Simpsonville only in conformance with the requirements of this section.

The effect of this Ordinance as more specifically set forth herein is:

- A. To allow a variety of types of [signs](#) in business zones and a limited variety of signs in other zones, subject to the standards and procedures of this Ordinance;
- B. To allow certain [signs](#) that are small, unobtrusive, and [incidental](#) to the [principal use](#) of the respective [lots](#) on which they are located, subject to the requirements of this Ordinance; and
- C. To prohibit all [signs](#) not expressly permitted in this Ordinance.

Unless exempt, no [sign](#) shall be erected, altered, moved, or reconstructed within the City except in accordance with the procedures set forth in [Article 7, Procedures](#), of this Ordinance.

## 4.10.3 Exempt Signs

The following [signs](#) and sign alterations are hereby exempt from the standard [permit](#) procedures provided such signs comply with the appropriate requirements of this Ordinance. Signs exempt from permitting procedures shall not count towards the maximum number or size of signs per [premises](#).

- A. *Governmental signs.* A legal notice or public traffic, directional, warning, or informational sign authorized by an appropriate governmental agency.
- B. *Official or organizational flags.* A [flag](#) bearing the official design or insignia of a government, educational institution, church, fraternal, or corporate organization, excluding flags erected for commercial purposes. The size of the flag shall not exceed 40 square feet. The display of the National flag shall follow the appropriate protocol per the United States Code for the display of the U.S. flag.
- C. *Utility signs.* A [sign](#) denoting the location of [underground utilities](#) or other public utility sign placed on utility equipment provided the sign face does not exceed one square foot in size.
- D. *Addresses.* Any building or house numbers provided the size of the address display does not exceed four square feet.
- E. *Nameplates.* A family name plate, coat-of-arms, or similar non-commercial identification of the [premises](#) provided the size of the display does not exceed four square feet.
- F. *Temporary Window signs.* A [sign](#) on the interior of window glass provided the size of the display does not exceed 4 square feet. At no point shall window signs cover more than 20 percent of the glass area of the window frame or door section.

*\*Perforated window film and like material are defined as permanent signage.*

- G. *Private directional signs.* A [private street](#) name sign or an [on-site](#) traffic, directional, or warning sign provided the [sign face](#) does not exceed three square feet and no more than 50 percent of the sign face is used for commercial copy or graphics.
- H. *Memorial signs.* Historic markers, monuments, plaques, or similar [signs](#) recognized by an appropriate governmental agency.
- I. *Sandwich board and easel signs.* A sandwich board or easel sign provided the sign meets the following requirements:
  - 1. The sign shall be located at the [property](#) of the [establishment](#) or event being advertised thereon;
  - 2. The sign shall not be located on any property that uses an outdoor electronic message display;
  - 3. Not more than one such sign shall be displayed per business or [establishment](#);
  - 4. The size of the sign shall not exceed six square feet, nor shall the [height](#) of the sign exceed four feet;
  - 5. The sign shall not obstruct any [sidewalk](#), [driveway](#), door, or other way used by [pedestrians](#) or motorists; and
  - 6. The sign shall only be displayed during the hours the [establishment](#) is open for business.
- J. *Special event signs.* A yard sign or similar sign announcing a [public event](#) or [garage sale](#) provided the sign meets the following requirements:
  - 1. The sign shall be located at the [site](#) of the event for which the sign is being used;
  - 2. The size of the sign shall not exceed six square feet, nor shall the [height](#) of the sign exceed three feet;
  - 3. The sign shall be [set back](#) at least 12 inches from any [curb](#) or edge of [road](#);

# Signage

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4. The sign shall identify the date of the event and shall not be erected more than eight days prior to the event; and
5. The sign shall be removed within 48 hours of the event's completion.
- K. [Seasonal decorations](#). Seasonal decorations provided they do not create a hazard or [nuisance](#) to [pedestrians](#), motorists, or adjacent properties.
- L. [Political signs](#). A yard sign or similar sign announcing candidates seeking public office or relating to an election or public referendum provided the sign meets the following requirements:
  1. The sign shall not be located on City of Simpsonville [property](#) or [right-of-way](#);
  2. The size of the sign shall not exceed six square feet, nor shall the [height](#) of the sign exceed three feet;
  3. The sign shall be [set back](#) at least 12 inches from any [curb](#) or edge or [road](#);
  4. The sign shall not be erected more than 30 days prior to the election for the candidate or referendum being advertised; and
  5. The sign shall be removed within 48 hours of the completion of the election.
- M. [Real estate signs](#). A yard sign or similar sign advertising [real estate](#) for sale or lease provided the sign meets the following requirements:
  1. The sign shall be located at the [site](#) of the [real estate](#) for which the sign is being used;
  2. The size of the sign shall not exceed six square feet, nor shall the [height](#) of the sign exceed three feet;
  3. On each [lot](#), there shall not be more than one [real estate sign](#) oriented to the same [street](#); and
  4. The sign shall be removed within seven days of the sale or lease of the [real estate](#) for which the sign is being used.
- N. [Private security signs](#). A permanent or temporary sign that advertises a security company which provides service to the [premises](#) provided the [sign face](#) does not exceed one square foot.
- O. [Construction signs](#). A yard sign or similar sign identifying the parties involved in the new construction, [remodeling](#), or similar [construction activity](#) on a [property](#) provided the sign meets the following requirements:
  1. The sign shall be located at the [site](#) where the [construction activity](#) indicated thereon is being provided;
  2. The size of the sign shall not exceed six square feet, nor shall the [height](#) of the sign exceed three feet;
  3. On each [lot](#), there shall not be more than one [construction sign](#) oriented to the same [street](#); and
  4. The sign shall be removed within seven days of the termination or completion of the [construction activity](#).
- P. [Vehicle graphics](#). Any decaling or graphics/lettering similarly affixed to a vehicle or [trailer](#) provided the vehicle is not parked outside of an appropriate [parking area](#).
- Q. [Special information signs](#). Any sign attached to or integrated into a gasoline pump, automatic teller machine, vending machine, drive-through facility of a commercial [establishment](#), or similar component for the purpose of providing descriptive information or operational instructions to users [on-site](#) and which is not intended to be viewed from the public [right-of-way](#).

## 4.10.4 Prohibited Signs

It shall be unlawful for any [person](#) or business to erect, place or use within the City any of the following [signs](#):

- A. [Off-premises signs](#). Unless otherwise permitted herein, no [sign](#) identifying or advertising a business, use or event shall be permitted at any [site](#) other than on the [premises](#) of the business, use or event being advertised.
- B. *Signs imitating traffic or warning signals*. No [sign](#) shall display intermittent lights resembling lights customarily used in traffic signals or emergency response vehicles such as police or fire, nor shall any sign use the words “stop”, “danger”, or any other word, phrase, symbol, or character in a manner that might mislead or confuse motorists or [pedestrians](#), except for public signs indicating a hazard or regulating traffic.
- C. *Certain attached or painted signs*. No [sign](#) shall be painted on or attached to [trees](#), [fence](#) posts, [street furniture](#) such as benches and waste receptacles, telephone or other utility poles, rocks or other natural features.
- D. [Roof signs](#). No [sign](#) shall be painted on or erected on the [roof](#) of any [building](#). No sign shall project above the top of any building, [canopy](#), or [awning](#) on which it is erected or mounted. Signs erected on buildings with pitched roofs shall not project above the lower eave line of the building.
- E. *Mobile or portable signs*. Unless otherwise permitted herein, no [sign](#) or sign structure shall be unattached to a permanent foundation. This shall include, but not be limited to, trailer signs, signs mounted on vehicles, sign holders or human directionals, yard signs, and signs mounted on transportable frames.
- F. *Signs within the street right-of-way*. No [sign](#), sign structure, or similar type of obstruction shall be erected in the street [right-of-way](#) except:
  1. One newspaper box per family.
  2. Standard highway signs and markers that the South Carolina Department of Transportation or the City may authorize.
  3. Historical, commemorative and other monuments and memorials approved by City Council.
  4. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate [pedestrian](#) or vehicular traffic.
  5. Informational signs of a public agency or [utility](#) regarding its [facilities](#).
  6. Temporary signs and [banners](#) for public agencies or [public events](#) approved by City Council, provided the sign(s) does not interfere with traffic or public safety.
  7. Residential [subdivision](#) entrance or [identification signs](#) which meet the approval of the Planning Director and Public Works Director and which meet the appropriate provisions herein.
  8. [Directional](#) or [wayfinding signs](#) or [kiosks](#) which meet the approval of City Council and which meet the appropriate provisions herein.
- G. *Obstructing signs*. No [sign](#) shall obstruct free [ingress](#) to or [egress](#) from a required door, window, fire escape or other required exitway.



- H. [Moving](#) or [windblown signs](#). Unless otherwise permitted herein, no [sign](#), or part thereof, shall flutter, rotate, or be set in motion by movement of the atmosphere or by mechanical, electrical, or other means. This shall include, but not be limited to, pennants, posters, propellers, discs, ribbons, streamers, feather signs, banner flags, spinners, moving, fluttering or revolving devices, or similar object or material used to attract attention, regardless of whether it contains a written message.
- I. [Flashing](#) or [animated signs](#). Unless otherwise expressly permitted herein, no [sign](#) shall contain an illuminating device causing it to blink, flash, pulsate, fluctuate, animate, or provide the appearance of animation or movement.
- J. [Emitting signs](#). No [sign](#) shall emit audible sound, [odor](#), or visible matter.
- K. [Obscene signs](#). No [sign](#) shall contain statements, words or pictures of obscene, pornographic or immoral character.
- L. [Billboards](#). It shall be unlawful for any [person](#) or business to erect or construct a new [billboard sign](#) within the City.
- M. [Other non-compliant signs](#). It shall be unlawful for any [person](#) or business to erect or construct any new [sign](#) within the City which does not comply with the terms, conditions, and provisions of this Ordinance.

## 4.10.5 Standards for All Signs

All [signs](#), including associated electrical wiring and lighting equipment, shall comply with the prevailing building codes and electrical codes adopted by the City of Simpsonville as well as the following standards.

### A. Sign Placement

- 1. [Minimum setback](#). Unless otherwise specified herein, all [signs](#) shall be [setback](#) a minimum distance of five feet from each property line and a minimum distance of ten feet from any street [curb](#) face or edge of [pavement](#).

- 2. [Vision clearance area](#). No [sign](#) shall be located within a vision clearance area as defined below, nor shall any sign be located within the highway line of sight. A support structure for a sign may only be located in a vision clearance area provided the structure does not obstruct more than 12 inches of the vision clearance area.

The vision clearance area shall consist of a triangular area located at the [intersection](#) of any combination of [streets](#), [alleys](#), or [driveways](#). The sides of the triangle shall extend 25 feet along each street [right-of-way line](#) and ten feet along the edge of each driveway or alley. This area shall remain clear between 2 ½ feet and ten feet above the [grade](#) of the adjacent street.

Note: See illustration in [Section 4.7.5](#) of this Ordinance.

- 3. [Vehicle clearance area](#). Any [sign](#) which extends over a vehicular area, such as a [driveway](#), alley, [parking lot](#), or loading and maneuvering area, shall provide [clearance](#) of at least 14 feet between the bottom of the sign, including the support structure, and the [grade](#) of the land immediately below the sign.
- 4. [Pedestrian area clearance](#). Any [sign](#) which extends over a [pedestrian](#) area, such as a [sidewalk](#), shall provide [clearance](#) of at least eight feet between the bottom of the sign, including the support structure, and the [grade](#) of the land immediately below the sign.

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## B. Sign Illumination

[Illuminated signs](#) shall be placed and shielded such that [glare](#) from the sign will not [adversely affect](#) any residential property or motorist in the public [right-of-way](#). Furthermore, the illumination of signage shall meet the following provisions:

1. *Internal illumination.* The background of any internally [illuminated sign](#), except channel letters, shall be completely [opaque](#).
2. *External illumination.* Any external light source used to illuminate a sign shall be appropriately concealed and/or shielded.
3. *Neon or like signs.* With the exception of a single window sign per business or establishment and provided that such sign is not larger than two square feet, [neon signs](#) shall be prohibited.
4. *Flashing or moving illumination.* With the exception of a single window sign per business or establishment and provided that such sign is not larger than four square feet, no [sign](#) shall use illumination which intermittently switches on and off, changes intensity and/or color, or otherwise creates an illusion of flashing or movement.

## C. Sign Maintenance

All [signs](#) and supports, braces, guys, and anchors thereof shall be kept in good repair, refurbished and repaired from time to time, as necessary, and perpetually maintained in a safe condition, free from deterioration, defective or missing parts, or peeling or faded paint, and able to withstand the wind pressure for which the sign was originally designed.

Any [sign](#) not in compliance with this provision may be declared a [nuisance](#) by the Planning Director, or designee, and shall be refurbished, repaired, or removed within 30 days after notification by the Planning Director, or designee.

## 4.10.6 Permissible Signs in Business Districts

The following [signs](#) may be erected, placed, altered, or reconstructed in any business zoning district upon the issuance of the appropriate [permit\(s\)](#) in accordance with this Ordinance.

### A. [Wall Signs](#)

Signs on the walls of a [building](#) (including signs attached flat against a wall or painted on a wall) shall comply with the following standards:

1. *Maximum [sign display area](#).* The combination of [wall signs](#), [projecting signs](#), [hanging signs](#), and [awning and canopy signs](#) shall not exceed ten percent of the gross surface area of the [façade](#) on which the signage is installed. Furthermore, no wall sign shall exceed 200 square feet.
2. *Maximum depth.* No [wall sign](#) shall extend more than 12 inches from the wall on which it is installed.
3. *Maximum number of signs.* There is no limit to the number of [wall signs](#) allowed on the exterior surface of a [building](#) provided the gross sign display does not exceed the maximum limitations described herein.
4. *Multi-tenant buildings.* On a multi-tenant building, each occupant may have a separate [wall sign](#) on the [façade](#) for the portion of the building occupied by that [tenant](#). The maximum [sign display area](#) shall be based on the tenant's portion of the façade.

5. *Building graphics.* Drawings painted on [buildings](#) that contain no copy, symbols, or other references to commercial products or [services](#) shall not be considered [signs](#) and shall be exempt from the provisions of this Ordinance. However, drawings painted on buildings that do contain copy, symbols, or other references to commercial products or services shall be considered [wall signs](#) and shall be subject to the regulations herein.
6. *Installation.* Where applicable, [wall signs](#) shall be securely attached to the building by appropriate metal supports such as bolts, anchors, supports, chains, guys or steel rods.

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## B. Permanent Window Signs

Signs on the interior or exterior of glass windows and glass doors shall comply with the following standards:

1. *Maximum sign display area.* The sign face or display area shall not exceed twenty percent of the glass area of the window frame section or glass door. The combination of window signs, projecting signs, hanging signs, awning signs, and wall signs shall not exceed the ten percent of the gross surface area of the façade on which the signage is installed.
2. *Maximum number of window signs.* There is no limit to the number of window signs allowed provided the gross sign display does not exceed the maximum limitations described herein.
3. *Window graphics.* Drawings painted on windows or doors that contain no copy, symbols, or other references to commercial products or services shall not be considered signs and shall be exempt from the provisions of this Ordinance. However, drawings painted on windows that do contain copy, symbols, or other references to commercial products or services shall be considered window signs and shall be subject to the regulations herein.
4. *Glass area.* For the purposes of this section, the glass area of a window frame section shall mean the glazed area between the head, jamb, and sill components of the window.

Unless otherwise indicated, properties with facades not in compliance with the fenestration requirement are prohibited from window signs.

## C. Projecting Signs

Projecting signs perpendicular to and attached to the wall of a building shall comply with the following standards:

1. *Maximum sign display area.* The combination of wall signs, projecting signs, hanging signs, and awning and canopy signs shall not exceed ten percent of the gross surface area of the façade on which the signage is installed. Furthermore, no projecting sign shall exceed 20 square feet or one square foot per lineal foot of storefront, whichever is less.
2. *Maximum projection.* No projecting sign shall extend more than four feet from the wall on which it is installed.
3. *Maximum number of signs.* Not more than one projecting sign shall be permitted per façade per tenant.
4. *Multi-tenant buildings.* On a multi-tenant building, each occupant may have a separate projecting sign on the portion of the building occupied by that tenant. The maximum sign display area shall be based on the tenant's portion of the façade.
5. *Sign placement.* No projecting sign shall extend above the fascia nor shall any sign extend above the cornice or eave line. Furthermore, no projecting sign shall be mounted to an awning or canopy.
6. *Construction and installation.* A projecting sign shall be constructed entirely of metal or similar noncombustible material and shall be securely attached to a building by appropriate metal supports such as bolts, anchors, supports, chains, guys or steel rods.

D. Hanging Signs

Signs which hang from a fixed [marquee](#) or [porch](#) overhang shall comply with the following standards:

1. *Maximum [sign display area](#).* The combination of [wall signs](#), [projecting signs](#), [hanging signs](#), and [awning and canopy signs](#) shall not exceed ten percent of the gross surface area of the [façade](#) on which the signage is installed. Furthermore, no hanging sign shall exceed 20 square feet or one square foot per lineal foot of storefront, whichever is less.
2. *Maximum number of signs.* Not more than one [hanging sign](#) shall be permitted per [façade](#) per [tenant](#).
3. *Multi-tenant buildings.* On a multi-tenant building, each occupant may have a separate [hanging sign](#) on the portion of the building occupied by that [tenant](#). The maximum [sign display area](#) shall be based on the tenant's portion of the [façade](#).
4. *Sign placement.* No [hanging sign](#) shall hang from an [awning](#) or [canopy](#).
5. *Installation.* [Hanging signs](#) shall be securely attached to the building by appropriate metal supports such as bolts, anchors, supports, chains, guys or steel rods.

E. Awning or Canopy Signs

Signs on [awnings](#) or canopies shall comply with the following standards:

1. *Maximum [sign display area](#).* The combination of [wall signs](#), [projecting signs](#), [hanging signs](#), and [awning and canopy signs](#) shall not exceed ten percent of the gross surface area of the [façade](#) on which the signage is installed. Furthermore, awning and canopy signs shall be restricted to the valance area of the awning or [canopy](#) and shall not exceed 80 percent of the valance area.
2. *Maximum number of signs.* There is no limit to the number of [awning or canopy signs](#) allowed provided the gross sign display does not exceed the maximum limitations described herein.
3. *Sign placement.* No sign shall project from or hang from an [awning](#) or [canopy](#).

F. Monument Signs

Monument signs shall comply with the following standards:

1. *Maximum [sign display area](#).* The [sign face](#) or display area shall not exceed one square foot per linear foot of the property's [street frontage](#) to which the sign is oriented. Furthermore, no [monument sign](#) shall exceed 120 square feet when it fronts and is oriented to a [street](#) with less than four through-travel lanes, nor shall the sign exceed 160 square feet when it fronts and is oriented to a street with at least four through-travel lanes.
2. *Maximum number of signs.* The combination of [monument signs](#), [decorative post signs](#), [pole signs](#), and similar [freestanding signs](#) shall not exceed one sign per street front per [lot](#). Not more than one freestanding sign at each [property](#) shall be oriented to the same [street](#).

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3. *Maximum height.* No [monument sign](#) which fronts and is oriented to a [street](#) with less than four through-travel lanes shall exceed a [height](#) of 15 feet above the [natural grade](#) at the base of the sign. No monument sign which fronts and is oriented to a street with at least four through-travel lanes shall exceed a height of 20 feet above the natural grade at the base of the sign.
4. *Multi-tenant developments.* Where it is necessary due to the number of [tenants](#) at a single [property](#), the display area of a monument may exceed the maximum [sign display area](#) provided (a) the sign shall not contain more than one placard for each tenant; (b) each placard shall not exceed eight square feet; and (c) the display area of all other copy on the sign, including the name of the [shopping center](#) or development, shall not exceed 32 square feet.
5. *Interpretation of "fronting a street with at least four through-travel lanes."* For the purpose of this section, "fronting a street with at least four through-travel lanes" shall mean [property](#) which [abuts](#) the [right-of-way](#) of a [street](#) with at least four travel lanes used for through traffic of [motorized vehicles](#). Through-travel lanes shall not include [deceleration lanes](#), turn lanes, [fire lanes](#), merge lanes, emergency lanes, designated bicycle lanes, or bus lanes.

### G. [Decorative Post Signs](#)

Decorative post signs shall comply with the following standards:

1. *Maximum [sign display area](#).* The [sign face](#) or display area shall not exceed 32 square feet.
2. *Maximum number of signs.* The combination of [monument signs](#), [decorative post signs](#), [pole signs](#), and similar [freestanding signs](#) shall not exceed one sign per street front per [lot](#). Not more than one freestanding sign at each [property](#) shall be oriented to the same [street](#).
3. *Maximum height.* No [decorative post sign](#) shall exceed a [height](#) of eight feet above the [natural grade](#) at the base of the sign.
4. *Multi-tenant developments.* At a development with multiple [tenants](#), multiple sign panels may be supported between the same two decorative posts, provided each sign panel shall be made of the same material.

### H. [Pole Signs](#)

Pole or pylon signs may be permitted on [lots](#) adjacent to a federal interstate highway where the average [grade](#) of the lot is lower than the grade of the adjacent interstate highway provided the sign shall comply with the following standards:

1. *Maximum [sign display area](#).* No [pole or pylon sign](#) shall exceed 160 square feet or one square foot per linear foot of the property's [frontage](#) along the interstate highway, whichever is less.



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2. *Maximum number of signs.* The combination of [monument signs](#), [decorative post signs](#), [pole signs](#), and similar [freestanding signs](#) shall not exceed one sign per street front per [lot](#). Not more than one freestanding sign at each [property](#) shall be oriented to the same [street](#). Furthermore, not more than one pole or pylon sign shall be permitted per lot.
3. *Maximum height.* No [pole or pylon sign](#) shall exceed a [height](#) of 27 feet above the [natural grade](#) at the base of the sign.
4. *Interpretation of “adjacency to a federal interstate highway.”* For the purpose of this section, “adjacency to a federal interstate highway” shall mean [property](#) which [abuts](#) the [right-of-way](#) of a designated highway in the Dwight D. Eisenhower National System of Interstate and Defense Highways (Interstate Highway System).

Adjacency is not established by another [right-of-way](#) or [easement](#) which connects a [property](#) to the interstate highway. However, if the connecting right-of-way or easement intervenes between a property and the interstate highway, which but for the intervening right-of-way or easement would abut one another, the intervening right-of-way or easement does not destroy adjacency.

### I. [Electronic Message Display Signs](#)

Signs that incorporate an electronic message display shall comply with the following standards:

1. *Prohibited locations.* [Electronic message display signs](#) shall be prohibited in the DO-TC district and at [premises](#) adjacent to the section of Main Street (both N/S Main Street and NE/SE Main Street) beginning at Hillcrest Avenue and ending at Loma Street.
2. *Sign type.* An [electronic message display sign](#) may only be installed or incorporated into a [monument sign](#) and shall not be constructed upon or mounted onto any other type of sign, [building](#), or [structure](#). Furthermore, the addition of an electronic message display sign to a [nonconforming sign](#) shall be strictly prohibited.
3. *Maximum electronic message display area.* No [electronic message display sign](#) shall exceed 24 square feet or 50 percent of the total [sign display area](#) of the sign in which it is installed, whichever is less.
4. *Maximum number of signs.* Not more than one [electronic message display sign](#) shall be permitted per [lot](#).
5. *Electronic message appearance.* The [electronic message display sign](#) shall not simulate traffic control devices or emergency vehicles. The electronic message display sign shall not have any distracting appearance of motion, flashing, blinking, or shimmering. When the display changes, it shall change as rapidly as practicable with no flashing, change in illumination intensity, blending, twirling, or other manner which imitates movement or animation, except for scrolling.

6. *Electronic message illumination.* The [electronic message display sign](#) shall be equipped with an automatic dimming control to adjust the sign's brightness level such that the sign will not increase area illumination by more than 0.3 foot-candles above the ambient levels as measured by a light meter at an approximate distance of 100 feet between the sign and the measurement device. Ambient light shall be determined using a light meter at the distance indicated above while the electronic message display is turned off or displaying all-black copy.

Furthermore, the illumination from an [electronic message display sign](#) shall not encroach onto or create a visual [nuisance](#) to residential properties.

#### 4.10.7 Permissible Signs in Residential Districts

The following [signs](#) may be erected, placed, altered, or reconstructed in any residential zoning district upon the issuance of the appropriate [permit\(s\)](#) in accordance with this Ordinance.

##### A. [Wall Signs](#)

Wall signs may be installed to identify institutions and similar [principal uses](#) permitted by [special exception](#) provided that the sign shall comply with the following standards:

1. *Maximum [sign display area](#).* The combination of [wall signs](#) and [hanging signs](#) shall not exceed ten percent of the gross surface area of the [façade](#) on which the signage is installed. Furthermore, no wall sign shall exceed 120 square feet.
2. *Maximum depth.* No [wall sign](#) shall extend more than 12 inches from the wall on which it is installed.
3. *Maximum number of signs.* There is no limit to the number of [wall signs](#) allowed on the exterior surface of a building provided the gross sign display does not exceed the maximum limitations described herein.
4. *Sign illumination.* No [wall sign](#) shall be internally illuminated.

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## B. Permanent Window Signs

Signs on the interior or exterior of glass windows and glass doors shall comply with the following standards:

1. *Maximum sign display area.* The sign face or display area shall not exceed twenty percent of the glass area of the window frame section or glass door. The combination of window signs, projecting signs, hanging signs, awning signs, and wall signs shall not exceed ten percent of the gross surface area of the façade on which the signage is installed.
2. *Maximum number of window signs.* There is no limit to the number of window signs allowed provided the gross sign display doesn't not exceed the maximum limitations described herein.

## C. Hanging Signs

Hanging signs may be installed to identify institutions and similar principal uses permitted by special exception provided that the sign shall comply with the following standards:

1. *Maximum sign display area.* The combination of wall signs and hanging signs shall not exceed ten percent of the gross surface area of the façade on which the signage is installed. Furthermore, no hanging sign shall exceed 20 square feet.
2. *Maximum number of signs.* Not more than one hanging sign shall be permitted per façade.
3. *Sign placement.* No hanging sign shall hang from an awning or canopy.
4. *Installation.* Hanging signs shall be securely attached to the building by appropriate metal supports such as bolts, anchors, supports, chains, guys or steel rods.
5. *Sign Illumination.* No hanging sign shall be internally illuminated.

## D. Monument Signs

Monuments signs may be installed to identify residential subdivisions, multi-family developments, manufactured housing parks, institutions, and similar principal uses permitted by special exception provided that the sign shall comply with the following standards:

1. *Maximum sign display area.* No monument sign shall exceed 50 square feet.
2. *Maximum number of signs.* The combination of monument signs, decorative post signs, and similar freestanding signs shall not exceed one sign per street front per lot, with the exception of mirroring identification signs used at driveways which shall not exceed two signs per driveway provided each sign does not exceed 32 square feet. Except for mirroring identification signs, not more than one freestanding sign at each property shall be oriented to the same street.
3. *Maximum height.* No monument sign shall exceed a height of 12 feet above the natural grade at the base of the sign.
4. *Sign illumination.* No monument sign shall be internally illuminated.

## E. Decorative Post Signs

Decorative post signs may be installed to identify institutions and similar principal uses permitted by special exception provided that the sign shall comply with the following standards:

1. *Maximum sign display area.* No decorative post sign shall exceed 32 square feet.

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2. *Maximum number of signs.* The combination of [monument signs](#), [decorative post signs](#), and similar [freestanding signs](#) shall not exceed one sign per street front per [lot](#). Not more than one freestanding sign at each [property](#) shall be oriented to the same [street](#).
3. *Maximum height.* No [decorative post sign](#) shall exceed a [height](#) of eight feet above the [natural grade](#) at the base of the sign.
4. *Sign illumination.* No [decorative post sign](#) shall be internally illuminated.

F. [Home Occupation Signs](#)

Signs that identify or are used for the purpose of a [home occupation](#) shall comply with the following standards:

1. *Sign type.* Only [walls signs](#) or [hanging signs](#) shall be used at the [premises](#) of a [home occupation](#).
2. *Maximum [sign display area](#).* No [home occupation sign](#) shall exceed four square feet.
3. *Maximum number of signs.* Not more than one [home occupation sign](#) shall be permitted per [lot](#).
4. *Sign placement.* No [hanging sign](#) shall hang from an [awning](#) or [canopy](#).
5. *Installation.* [Hanging signs](#) shall be securely attached to the building by appropriate metal supports such as bolts, anchors, supports, chains, guys or steel rods.
6. *Sign Illumination.* No [home occupation sign](#) shall be internally illuminated.

G. [Electronic Message Display Signs](#)

Signs that incorporate an electronic message display shall comply with the following standards:

1. *Prohibited locations.* [Electronic message display signs](#) shall be prohibited in the R-E, R-Lo, R-Mid, R-Hi, DO-TC districts and at [premises](#) adjacent to the section of Main Street (both N/S Main Street and NE/SE Main Street) beginning at Hillcrest Avenue and ending at Loma Street.
2. *Sign type.* An [electronic message display sign](#) may only be installed or incorporated into a [monument sign](#) and shall not be constructed upon or mounted onto any other type of sign, [building](#), or [structure](#). Furthermore, the addition of an electronic message display sign to a [nonconforming sign](#) shall be strictly prohibited.
3. *Maximum electronic message display area.* No [electronic message display sign](#) shall exceed 24 square feet or 50 percent of the total [sign display area](#) of the sign in which it is installed, whichever is less.
4. *Maximum number of signs.* Not more than one [electronic message display sign](#) shall be permitted per [lot](#).
5. *Electronic message color.* The [electronic message display sign](#) may be illuminated with amber or red color only.
6. *Electronic message appearance.* The [electronic message display sign](#) shall not simulate traffic control devices or emergency vehicles. The electronic message display sign shall not have any distracting appearance of motion, flashing, blinking, or shimmering. When the display changes, it shall change as rapidly as practicable with no flashing, change in illumination intensity, blending, twirling, or other manner which imitates movement or animation, except for scrolling.

7. *Electronic message illumination.* The [electronic message display sign](#) shall be equipped with an automatic dimming control to adjust the sign's brightness level such that the sign will not increase area illumination by more than 0.3 foot-candles above the ambient levels as measured by a light meter at an approximate distance of 100 feet between the sign and the measurement device. Ambient light shall be determined using a light meter at the distance indicated above while the electronic message display is turned off or displaying all-black copy.
8. *Hours of operation.* Electronic message displays shall be turned off between the hours of 7:00 pm and 6:00 am (EST).
9. *Sign orientation.* An electronic message display must be perpendicular to the adjacent road front.

Furthermore, an electronic message display facing a residential [lot](#) must be setback a minimum distance of 100 feet as measured from every property line of that residential [lot](#).

## 4.10.8 Temporary Signs

The following temporary signs may be erected, placed, altered, or reconstructed upon the issuance of the appropriate [permit\(s\)](#) in accordance with this Ordinance. The intent of this section is to permit the notification or advertisement of a unique event or [sale](#) of a short duration.

### A. Commercial Banners

A [banner](#) at a commercial [establishment](#) shall comply with the following standards:

1. *Location.* Commercial [banners](#) shall only be erected at the [property](#) of the [establishment](#) or event being advertised thereon. Commercial banners shall be prohibited at any [premises](#) with an electronic message display.
2. *Maximum [sign display area](#).* No commercial [banner](#) shall exceed 32 square feet.
3. *Maximum number of banners.* Not more than one commercial [banner](#) shall be permitted per [façade](#) per [tenant](#).
4. *Multi-tenant buildings.* On a multi-tenant building, each occupant may have a separate [banner](#) on the portion of the building occupied by that [tenant](#).
5. *Banner placement.* No commercial [banner](#) shall be attached to a [freestanding sign](#) or freestanding supports. Commercial banners may only be installed on a building wall. No banner shall extend above the [cornice](#) or eave line of the structure to which it is attached.
6. *Banner duration.* Commercial [banners](#) shall not be erected more than four display periods in a calendar year. As used herein, a display period shall mean each period, not to exceed 30 days, during which a banner is on continuous display from the time it is erected to the time it is removed. When a banner has been displayed continuously for more

than 30 days, each interval of 30 days, or portion thereof, shall count as a new display period.

When a new occupancy [permit](#) is issued for a new business during the course of a calendar year, the number of display periods permitted for that new business shall be reset.

7. *Banner appearance.* Commercial [banners](#) shall be professionally lettered and shall not contain any handwritten, paper, or similar components thereon.
8. *Banner illumination.* No commercial [banner](#) shall be illuminated by artificial lighting directed toward the banner.

### B. Inflatable Signs

An inflatable sign shall comply with the following standards:

1. *Location.* [Inflatable signs](#) shall only be placed at the [property](#) of the [establishment](#) or event for which the inflatable sign is being used.
2. *Maximum number of signs.* Not more than one [inflatable sign](#) shall be permitted per [property](#).
3. *Maximum height.* No [inflatable sign](#) shall exceed a [height](#) of 20 feet.
4. *Sign placement.* No [inflatable sign](#) shall obstruct a [sidewalk](#), [driveway](#), door, or other way used by [pedestrians](#) or motorists.
5. *Sign duration.* [Inflatable signs](#) shall not be displayed at the same [property](#) on more than two occasions in a calendar year. During each occasion, the inflatable sign shall not be displayed more than three consecutive days.



## C. Nonprofit Institutional Banners

A [banner](#) at a nonprofit [institutional establishment](#) shall comply with the following standards:

1. *Location.* Institutional [banners](#) shall only be erected at the [property](#) of the [establishment](#) or event being advertised thereon, unless otherwise approved by City Council.
2. *Maximum [sign display area](#).* No institutional [banner](#) shall exceed 32 square feet.
3. *Maximum number of banners.* Not more than one institutional [banner](#) shall be permitted per street front of the [property](#) at which it is erected.
4. *Banner placement.* Institutional [banners](#) may be attached to freestanding supports or a building wall. Freestanding supports for banners shall not exceed a [height](#) of four feet above the ground. No banner installed on a building wall shall extend above the [cornice](#) or eave line of the structure to which it is attached.
5. *Banner duration.* Institutional [banners](#) shall not be erected more than 30 days prior to the event and shall be removed within three days after the conclusion of the event.
6. *Banner appearance.* Institutional [banners](#) shall be professionally lettered.
7. *Banner illumination.* No commercial [banner](#) shall be illuminated by artificial lighting directed toward the banner.

## D. Nonprofit Institutional Light Pole Banners

A light pole [banner](#) may be attached to a freestanding light pole on the private property of a nonprofit [institutional use](#)—or one public property if erected by the City of Simpsonville—provided it complies with the following standards:

1. *Maximum [sign display area](#).* No light pole [banner](#) shall exceed 12 square feet per light pole.
2. *Maximum number of banners.* Not more than two light pole [banners](#) shall be attached to a single light pole.
3. *Installation.* Light pole [banners](#) shall be attached to the light pole by a mounting structure or hardware that, at a minimum, shall support the top and the bottom of the banner. The mounting hardware shall be a similar color to the light pole and shall be positioned below the light arm or light fixture.

## E. Temporary Decorative Post Sign

[Decorative post signs](#) may be temporarily installed to convey information about a development project entailing new construction, including the development of a residential [subdivision](#), provided that the sign shall comply with the following standards:

1. *Location.* The sign shall only be erected at the [site](#) of the development project indicated thereon.
2. *Maximum [sign display area](#).* No [decorative post sign](#) shall exceed 32 square feet.
3. *Maximum number of signs.* At each [site](#), there shall not be more than one [decorative post sign](#) oriented to the same [street](#).
4. *Maximum height.* No [decorative post sign](#) shall exceed a [height](#) of eight feet above the [natural grade](#) at the base of the sign.
5. *Sign duration.* The sign shall be removed within seven days of the termination or completion of the development project.
6. *Sign illumination.* No [decorative post sign](#) shall be internally illuminated or illuminated by artificial lighting directed toward the sign.

## ARTICLE 5

# NONCONFORMITIES

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## 5.1 General Provisions

### 5.1.1 Purpose

The [zoning](#) regulations and [development](#) standards established by this Ordinance are designed to guide future [use](#) and development of [land](#) within the City by, among other things, encouraging controlled site development and appropriate groupings of [compatible](#) and related uses, thereby promoting and protecting the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes of currently established zoning and land development regulations and can [adversely affect](#) orderly development and the value of nearby properties; thus, the gradual elimination or lessening of nonconformities is generally desirable.

Concurrently, however, the City Council recognizes that a substantial portion of the [character](#) and ambiance of the City which should be preserved is a result of development that occurred prior to the [zoning](#) and land development regulations established by this Ordinance.

This Article provides for the removal and termination of illegal nonconformities and the regulation of legal [nonconforming uses](#), [structures](#), sites, and [signs](#), and specifies those circumstances and conditions under which legal nonconformities are permitted to continue or expand.

### 5.1.2 Applicability

#### A. Legal Nonconformities

Legal nonconformities are the nonconformities that were properly permitted and legally established at the time of establishment but no longer comply with applicable [zoning](#) and land development regulations.

This Article shall apply to [uses](#), [structures](#), [sites](#), and [signs](#) that became nonconforming by the initial adoption of this Ordinance, an amendment to this Ordinance, or the revision to the territory subject to the jurisdiction of the City.

Legal nonconformities are allowed to continue, subject to the regulations of this Article.

#### B. Illegal Nonconformities

Illegal nonconformities are those nonconformities that were not properly permitted or legally established at the time of establishment and do not comply with applicable [zoning](#) and land development regulations.

Illegal nonconformities are hereby declared to be illegal. Illegal nonconformities are subject to removal and termination by the City upon a determination of such illegality by the Planning Director, or a determination by the Planning Director that the continuance of an illegal nonconformity will have a material [adverse impact](#) on the public health, safety, or welfare.

Illegal [nonconforming uses](#), [structures](#), sites, and [signs](#) shall not be changed, enlarged, expanded, or extended, unless such action is in full conformance with the provisions of this Ordinance.

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## 5.1.3 Burden of Proof

The burden of establishing a legal nonconformity shall, in all cases, be upon the owner of such nonconformity and not upon the City or any other [person](#). Upon application to the Planning Director, any property owner may seek a determination by the Planning Director of the character of any nonconformity.

## 5.1.4 Repairs and Maintenance

Repairs and normal maintenance required to keep [nonconforming structures](#) and [site improvements](#) in a safe condition are permitted, provided that no [alterations](#) may be made to nonconforming structures and site improvements except those allowed by this Article or those required by law or ordinance.

This Article shall not be construed as to prevent strengthening or repair of a structure in compliance with the order of a public official whose duties include protecting the public safety.

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## 5.2 Nonconforming Uses

### 5.2.1 Continuation of Nonconforming Uses

Uses of land and buildings that lawfully existed prior to the adoption, amendment, or application of this Ordinance, but do not comply with the provisions of this Ordinance, may be continued as legal nonconforming uses subject to the following provisions:

- A. A nonconforming use may not be enlarged, expanded, or extended to occupy a greater area of land or floor area than was occupied on the effective date of this Ordinance, and no additional nonconforming accessory use or structure may be established on the site of a nonconforming use.
- B. A nonconforming use may not be moved or relocated, in whole or in part, to any other portion of the property on which it is located, or to any other building located thereon, nor to any other lot or property, unless such use will be in conformance with the use regulations of the district into which it is moved.
- C. A nonconforming use may not be changed to another nonconforming use absent a written determination by the Planning Director that the extent of the nonconforming nature of the new use is no greater than the nonconforming nature of the existing use, provided the size of the use, or gross floor area of the building in which it is located, is not expanded.

- D. A nonconforming use located within a building or structure which is damaged or destroyed may be restored or reestablished provided that a building permit for such reconstruction or restoration is applied for under applicable building codes within one year from the date of the damaging occurrence and provided that the size of the building or structure is not increased. Furthermore, any building or structure which is not reestablished in the exact same footprint shall meet all the bulk and setback requirements for the zoning district in which it is located.
- E. A nonconforming use located within a building or structure which is physically removed or relocated from its specific site location shall not be reestablished or replaced on the parcel or tract. However, manufactured homes in nonconforming manufactured housing parks or courts may be replaced as long as the total number of units does not increase from the time of adoption, amendment, or application of this Ordinance.

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## 5.2.2 Abandonment of Nonconforming Uses

If a legal [nonconforming use](#) is [abandoned](#) for a period at least one year, such use shall not be reestablished, and any use on the applicable [property](#) shall thereafter conform to the uses permitted in the [district](#) in which it is located.

The Planning Director shall have the authority to determine if a legal [nonconforming use](#) has been [abandoned](#) for a period of one year or more. In making such a determination, the Planning Director shall consider all of the facts and circumstances regarding the nonconforming use, including, but not limited to, the following:

- A. If steps have been taken by the property owner to resume the [nonconforming use](#);
- B. If [utility services](#) such as water, gas, and electricity, to the [building](#) or [property](#) have been disconnected;
- C. If equipment or fixtures which are necessary for the operation of the [nonconforming use](#) have been removed from the [property](#);
- D. If [structures](#) on the [property](#) have fallen into disrepair, as defined by applicable building codes;
- E. If [signs](#) advertising the [nonconforming use](#) have been removed from the [property](#);
- F. If any applicable City business licenses for the [nonconforming use](#) have expired or have not been renewed;
- G. If activities generally associated with the [nonconforming use](#) are no longer observed on the [property](#); or
- H. Other actions which, in the opinion of the Planning Director, demonstrate an intention on the part of the owner to [abandon](#) the [nonconforming use](#).

## 5.2.3 Accessory Nonconforming Use

A legal [nonconforming use](#) that is accessory to a principal legal conforming use shall not be allowed to continue after the [abandonment](#) of the [principal use](#).



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## 5.3 Nonconforming Structures

### 5.3.1 Continuation of Nonconforming Structures

Structures that lawfully existed prior to the adoption, amendment, or application of this Ordinance, but do not comply with the provisions of this Ordinance, may be continued as legal nonconforming structures subject to the following provisions:

- A. Repairs, improvements, modernization, alteration, or rehabilitation of nonconforming structures shall be permitted, provided that the extent of any nonconformity is not increased, or the structure is brought into conformance with the regulations of this Ordinance. A nonconforming structure that is altered or modified so as to eliminate, remove, or reduce any or all of its nonconforming characteristics shall not be allowed to reestablish previous nonconformities, or increase the extent of nonconformity unless otherwise permitted by this Article.
- B. A nonconforming building or structure which is damaged or destroyed may be restored or reestablished within the same footprint as the original building or structure, provided that a building permit for such reconstruction or restoration is applied for under applicable building codes within one year from the date of the damaging occurrence.
- C. Nothing in this section shall be construed or enforced to prevent strengthening or restoring to a safe condition any building or structure, or part thereof, declared to be unsafe by any appropriate official charged with protecting the public safety, upon order of such official.

### 5.3.2 Nonconforming Façade Design

The façade of a building with a façade design that does not conform to the building design standards of this Ordinance may be repaired or improved provided the extent of its nonconforming characteristics is not increased. However, if any other building expansion or renovation is proposed, such expansion or renovation shall conform with the building design standards of this Ordinance, as determined by the Planning Director.

### 5.3.3 Expansion of Nonconforming Structures

- A. A legal nonconforming building may be enlarged or altered, provided the area of expansion is within required setbacks and all other site dimensional requirements (setbacks, height, open space, etc.) are met.
- B. Additional height above a nonconforming portion of a nonconforming building shall not be permitted.

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## 5.4 Nonconforming Sites/Lots

### 5.4.1 Continuation of Nonconforming Sites

[Sites](#) with [improvements](#) that lawfully existed prior to the adoption, amendment, or application of this Ordinance, but do not comply with the provisions of this Ordinance, may be continued as legal nonconforming sites. The City may permit further improvements and site modifications to a nonconforming site containing [nonconforming uses](#) and [structures](#). This section is intended to foster gradual increased conformance and ultimately compliance with the site standards related to landscaping, parking, lighting, and other [site improvements](#) for nonconforming sites in proportion to the amount of expansion or improvement proposed.

New [site improvements](#) or expansions to existing nonconforming sites may be permitted by the Planning Director during development application review without a complete upgrade of all nonconforming site elements upon a determination by the Planning Director that such site improvements are reasonable. In making such a determination, the Planning Director shall consider all of the facts and circumstances regarding the nonconforming site improvements, including, but not limited to, the following:

- A. The [Applicant](#) has proposed reasonable [site improvements](#) on the overall site in relation to the scale and construction cost of the building improvements or expansion;
- B. The [Applicant](#) has addressed safety related site issues on the overall site;
- C. The [site improvements](#) or expansion will not increase noncompliance with site requirements;
- D. [Driveways](#) that do not conform to the [access](#) standards of this Ordinance shall be eliminated, provided that the minimum reasonable access shall be maintained;

- E. If any expansion of an existing [building](#), [parking lot](#), or site is proposed, then [sidewalks](#) shall be installed along the site [frontage](#) where required by this Ordinance;
- F. [Parking areas](#) that do not conform to the required number of spaces, location, setback, lighting, or other requirement of this Ordinance shall be brought into compliance proportionate to the amount of expansion proposed on the site;
- G. Sites that do not conform to the landscaping requirements of this Ordinance shall be brought into compliance proportionate to the amount of expansion proposed on the site; and/or
- H. Required screening [walls](#) for waste receptacles, fencing of outdoor storage and equipment, and screening from adjacent residential uses shall be provided.

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## 5.4.2 Nonconforming Sites Resulting from Right-of-Way Dedication or Acquisition

[Buildings](#), [structures](#), and [parking lots](#) and other [site improvements](#) which lawfully existed prior to the adoption, amendment, or application of this Ordinance, but do not comply with the provisions of this Ordinance regarding yard [setbacks](#), buffer requirements, or [open space](#) requirements as a result of required additional [right-of-way](#) dedication or acquisition by the City, Greenville County, or the State of South Carolina may be improved or expanded without obtaining a [variance](#) from the Board of Zoning Appeals upon a determination by the Planning Director that such [improvement](#) or expansion is reasonable. In making such a determination, the Planning Director shall consider all of the facts and circumstances regarding the proposed improvement or expansion, including, but not limited to, the following:

- A. The [building](#), [structure](#), [parking lot](#) or other [site improvement](#) was in conformance with applicable requirements prior to the dedication or acquisition of the additional [right-of-way](#);
- B. The [building](#), [structure](#), or [parking lot](#) or other [site improvement](#) will not reduce the remaining depth of the required [setbacks](#); and
- C. All other applicable requirements of this Ordinance shall be met and all necessary approvals and [permits](#) shall be obtained.

## 5.4.3 Development of [Nonconforming Lots](#)

[Lots of record](#) that lawfully existed prior to the adoption, amendment, or application of this Ordinance, but do not comply with the provisions of this Ordinance, may be developed for uses allowed in the applicable zoning district, subject to the following provisions:

- A. The [lot](#) must be an existing [lot-of-record](#), created prior to the adoption, amendment, or application of this Ordinance that made the lot nonconforming.
- B. Location and [development](#) of the site shall conform to all other applicable requirements, such as yard setbacks, maximum [density](#), minimum [open space](#), and maximum height requirements for the applicable zoning district.

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## 5.5 Nonconforming Signs

### 5.5.1 Continuation of Nonconforming Signs

Signs that lawfully existed prior to the adoption, amendment, or application of this Ordinance, but do not comply with the provisions of this Ordinance, may continue to be operated and maintained, subject to the following provisions:

- A. A nonconforming sign shall not be changed or replaced with another nonconforming sign. However, this provision shall not prohibit a change in copy or graphics on the sign face of a nonconforming sign.
- B. A nonconforming sign may only be structurally altered to eliminate or substantially reduce a nonconforming aspect of the sign. The Planning Director shall determine if the reduction is substantial enough to warrant the alteration. Additionally, the alteration of a nonconforming sign shall not introduce or increase a nonconforming aspect of the sign.
- C. A nonconforming sign shall not be enlarged, expanded, or relocated.
- D. A nonconforming sign which has been removed for any reason shall not be reestablished or reconstructed.
- E. A nonconforming sign shall not be reestablished or reconstructed after damage or destruction of more than 50 percent of the replacement value of the same type sign at the time of such damage or destruction.
- F. A nonconforming sign shall not be reestablished or reused after it has been abandoned for more than 180 days. Abandonment shall include signs without a message or whose display surface has been blank; signs which pertain to a time, event, or purpose which no longer applies or has elapsed; or signs advertising a business that has discontinued occupancy at the premises of the sign.

### 5.5.2 Repair and Maintenance of Nonconforming Signs

Other than as provided in this section, this section shall not prevent the repair or restoration of a nonconforming sign or sign structure to a safe condition or normal maintenance operations performed on a nonconforming sign or sign structure such as painting or refinishing the surface of the sign face or sign structure.

### 5.5.3 Signs Made Nonconforming Due to Condemnation

When a sign is located on property which condemned for right-of-way acquisition by the City, Greenville County, or the State of South Carolina, it shall be subject to the following provisions:

- A. A sign which is not located in and does not overhang the new right-of-way may remain in place, subject to the other provisions of this section.
- B. When a sign located within the right-of-way of a state or federal highway must be relocated out of the new right-of-way, such sign shall conform to all applicable standards for such relocation.
- C. When a sign located within the right-of-way of a city or county street must be relocated out of the new right-of-way, such sign shall conform, as near as possible, to the appropriate setbacks established in this Ordinance.

## ARTICLE 6

# ADMINISTRATION

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- 6.1 [Intent and Applicability](#)
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# Administrative and Decision-Making Bodies

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## 6.1 Intent and Applicability

The intent of this Article is for the City of Simpsonville to establish the responsibility and administrative authority of the Planning Director as well as City Council appointed boards and commissions, including the Planning Commission and the Board of Zoning Appeals, and other bodies or individuals, as described throughout this Ordinance.

It is further the intent of this Article to provide for enforcement of the provisions of this Ordinance, and remedies, and penalties for violations of this Ordinance.

## 6.2 Administrative and Decision-Making Bodies

### 6.2.1 Planning Director

The City Administrator shall designate the Planning Director to whom reference is made throughout this Ordinance. The Planning Director shall be the City's zoning administrator for all [zoning](#) and land [development](#) matters under this Ordinance.

Where this Ordinance assigns a responsibility, power, or duty to the Planning Director, the Planning Director may delegate that responsibility, power, or duty to any other agent or employee of the City.

The Planning Director shall perform the duties and possess the powers as follows.

- A. Review and take action on, or approve, [approve with conditions](#), or deny, [zoning permits](#) or approvals for the [use](#) of [land](#), [buildings](#), and [structures](#), or the construction, conversion, demolition, enlargement, movement, or structural [alteration](#) of a building or structure;
- B. Review and take action on, or approve, [approve with conditions](#), or deny applications in accordance with the provisions of [Article 7, Procedures](#), of this Ordinance;
- C. Make administrative interpretations of this Ordinance;

- D. Prepare and publish rules and procedures relating to the administration of this Ordinance;
- E. Review and, when required or requested, make recommendations for action to approve, [approve with conditions](#), or deny applications to the City Council, Planning Commission, Board of Zoning Appeals, and other appropriate decision-making authorities in accordance with the provisions of this Ordinance;
- F. Provide staff support and, when required or requested, serve as secretary, to all appointed Boards, Commissions, and Committees listed in this section;
- G. Organize a Development Review Committee; and
- H. Such other powers, duties, and responsibilities explicitly granted by this Ordinance or as delegated by City Council.

An appeal from any administrative decision of the Planning Director shall follow the procedures established in [Article 7, Procedures](#), of this Ordinance.



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## 6.2.2 Development Review Committee

In order to aid in land [development](#) review matters, the Planning Director may, at his discretion, organize a Development Review Committee consisting of representatives of City departments and other applicable agencies involved in the land development review process. The Development Review Committee shall have those functions, duties, and powers of an administrative advisory board to the Planning Director concerning land development review matters including, but not limited to:

- A. Preparing and recommending for adoption by the appropriate [approving authority](#) technical requirements for the design, installation, management, and maintenance of [streets](#), [roads](#), utilities, [stormwater management](#) systems, [buildings](#), [structures](#), lighting, landscaping, and other systems or items necessary for the orderly development of the City of Simpsonville in conformance with this Ordinance, the [Comprehensive Plan](#), and any other adopted or accepted policy or plan of the City;
- B. Reviewing and recommending action on applications pertaining to land [development](#) as authorized by this Ordinance; and
- C. Such other responsibilities and powers delegated by the Planning Director.

## 6.2.3 City Council

City Council shall perform the duties and possess the powers as set forth in this Ordinance, including final action on [rezoning](#), text amendments to this Ordinance, [annexation](#) petitions, fee schedules, and the appointment of members to boards and commissions.

It is the intent of this Ordinance that the duties of City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise.

In the appointment of members to boards and commissions, the City Council shall consider the professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens of potential members. Members shall represent a broad cross section of the interests and concerns within the City.

## 6.2.4 Planning Commission

The Planning Commission is established by Chapter 28 of the [Simpsonville Code of Ordinances](#) pursuant to the authority granted by [Chapter 29, South Carolina Local Government Comprehensive Planning Enabling Act of 1994, of Title 6 of the South Carolina Code of Laws \(1976\)](#), as amended.

The Planning Commission shall perform the duties and possess the powers as follows.

- A. Prepare and periodically review the [Comprehensive Plan](#), and make recommendations to City Council for the adoption thereof and revisions thereto;
- B. Prepare and recommend for adoption to the City Council means for implementing the plans and programs in the City;
- C. Take final action on street names;
- D. Review and make recommendations to City Council on [rezoning](#) and text amendments to this Ordinance; and
- E. Such other responsibilities and powers explicitly granted by South Carolina state law, this Ordinance, or delegated by City Council.

Any party aggrieved by a final decision of the Planning Commission may appeal to the Circuit Court for Greenville County within 30 days of written notification.

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## 6.2.5 Board of Zoning and Building Appeals

- A. *Establishment.* The Board of Zoning Appeals is hereby established, pursuant to the authority granted by [Chapter 29, South Carolina Local Government Comprehensive Planning Enabling Act of 1994, of Title 6 of the South Carolina Code of Laws \(1976\)](#), as amended.
- B. *Membership.* The Board shall consist of seven members appointed by City Council. A majority of the membership shall constitute a quorum. The City Council may, at its discretion, appoint not more than two alternate members to serve on the Board in the absence, for any cause, of any regular members. Alternate members shall be appointed in the same manner as regular members. None of the members shall hold any other public office or position in the City. Members must be a resident of the city or own and operate a business within the city that holds a current business license.
- C. *Terms and vacancies.* All members shall be appointed for three-year overlapping terms or until their successors are appointed. Vacancies shall be filled by City Council for the balance of the unexpired term and in the same manner as the initial appointment.
- D. *Removal.* Upon written charges, City Council may remove a member for cause, which may include, but not be limited to, nonattendance at meetings.
- E. *Officers.* The Board shall elect one of its members to serve as chairman for one year or until he is re-elected or his successor is elected and qualified. A vice chairman and other officers as deemed necessary shall also be elected from among the members.

- F. *Meetings.* The Board shall meet at the call of the Chair or the Planning Director and at such regular times as the Board may determine. All meetings shall be held at a designated place and shall be open to the public. [Public notice](#) of all meetings shall be provided consistent with State law. The Board shall draw up and adopt rules of procedure for the conduct of its business in accordance with the provisions of this Ordinance.
- G. *Records.* The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations, findings, determinations, and other official actions.
- H. *Powers and Duties.* The Board shall have the following powers and duties:
  - 1. To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance or the adopted Building Code;
  - 2. To hear and decide appeals for [variances](#) from the requirements of this Ordinance when strict application of the provisions of this Ordinance would result in unnecessary hardship;
  - 3. To permit [uses](#) by [special exception](#) subject to the terms and conditions for such uses set forth in this Ordinance; and
  - 4. To remand a matter to an administrative official, upon motion by a party or the Board's own motion, if the Board determines the record is insufficient for review.

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- I. *Order of the Board.* In exercising the above-mentioned powers, the Board may, in conformity with the provisions of this Section, reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination, and to that end, has all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a [permit](#).

Provided a quorum is present, the concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the [Applicant](#) on any matter upon which it is required to pass under this Ordinance or to affect any variation in this Ordinance.

- J. *Appeal from the Board.* A [person](#) who may have substantial interest in any decision of the Board or an officer or agent of the City, may appeal from a decision of the Board to the Circuit Court for Greenville County, by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Board is mailed. Appeals shall proceed in accordance with [Chapter 29, South Carolina Local Government Comprehensive Planning Enabling Act of 1994, of Title 6 of the South Carolina Code of Laws \(1976\)](#), as amended.

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## 6.3 Enforcement

### 6.3.1 Responsibility for Enforcement

Per [Section 1.3](#) of this Ordinance, this Ordinance shall be administered and enforced according to South Carolina state law and the authority and procedures in all Articles contained herein. The responsibility for the interpretation and enforcement of this Ordinance is delegated to the Planning Director. The Planning Director, or duly authorized staff, shall have the authority to enter onto any [site](#) for the purpose of enforcing the provisions of this Ordinance and shall have the authority to enact those means of enforcement established herein.

### 6.3.2 General Procedures for Enforcement

If the Planning Director shall find or determine that any of the provisions of this Ordinance are being or have been violated, he shall notify in writing the property owner and any other [person](#) or entity responsible for such violations, setting forth the nature of the violation and order the action necessary to correct such violation.

No provision of this Article shall prevent the City from taking such lawful action as is necessary to prevent or remedy any violation of this Ordinance.

### 6.3.3 Complaints

Whenever a violation of this Ordinance occurs or is alleged to have occurred, any [person](#) may file a signed written complaint with the Planning Director, which shall state fully the causes and basis thereof.

The Planning Director shall properly record any complaint, immediately investigate to determine the validity of the charge, and take such appropriate and reasonable action as may be necessary to assure compliance with this Ordinance.

### 6.3.4 General Enforcement Actions

The Planning Director, on behalf of the City, may take any one or more of the following actions as a remedy for any violation of this Ordinance:

- A. *Withhold permits.* The City may withhold any building [permit](#) or any approval or permit required by this Ordinance.
- B. *Stop work.* The City may issue stop work orders against any work undertaken by any [person](#) or entity not having a proper building [permit](#) or other permit or approval required by this Ordinance.
- C. *Institute an injunction.* The City may institute an injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, [alteration](#), conversion, maintenance, or [use](#), or to correct or abate the violation, or to prevent the [occupancy](#), of any [building](#), [structure](#), or [land](#).
- D. *Prosecution.* The City may prosecute the violation as a misdemeanor. Any [person](#) convicted of a violation of this Ordinance shall pay such penalties as the court may decide, as prescribed by South Carolina law, not to exceed \$500 or 30 days imprisonment for each violation. Each day during which any violation shall continue shall constitute a separate offense.

### 6.3.5 Contempt and Penalty

In case of contempt by a party, witness, or other [person](#) before the Board of Zoning Appeals, the Board may certify such fact to the Circuit Court for Greenville County and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

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## 6.3.6 Sign Enforcement

In addition to other available remedies, the Planning Director shall have the authority to physically remove and impound any prohibited or illegal [sign](#) or sign structure. Any prohibited sign as defined in [Section 4.10.4, Prohibited Signs](#), of this Ordinance, is subject to removal and impoundment without notice to the owner. Any other illegal sign or sign structure is subject to removal and impoundment upon written notice to the owner if required remedial action has not been taken by the owner within the specified timeframe.

The Planning Director shall have authority to dispose of any impounded [sign](#) or sign structure without compensation to the owner if such sign or sign structure is not claimed within ten days from the date of its impoundment.

Where the City removes an illegal [sign](#) or sign structure that incurs an expense to the City, the department doing said removal shall keep accurate records of the costs incurred. The owner shall reimburse the City for the costs of removal or the costs may become a lien against the real property from which the sign was removed. No impounded sign shall be released to the owner until such costs have been reimbursed.

## 6.3.7 Tree Protection and Replacement

In cases of removal or destruction of [trees](#) in violation of this Ordinance, in addition to any other remedies available to the City for such violation, the violator shall plant replacement trees at the rate set forth in the following table. Each replacement tree shall have a minimum [caliper](#) of 2 ½ inches. However, the Planning Director may accept a comparable proposal for [mitigation](#) that provides fewer replacement trees with a greater caliper size.

DBH of Tree Removed	Replacement Trees per Tree Removed
Less than 8 inches	2 for 1
8 to 11 inches	4 for 1
12 to 23 inches	6 for 1
24 inches or more	8 for 1

At his discretion, the Planning Director may accept a fee in lieu of the replacement [trees](#) for the current nursery market value for each required replacement plus associated costs of installation and maintenance. Fees in lieu shall be allocated to a tree fund for the purpose of planting trees within the City.

Any development plan, building [permit](#), or [certificate of occupancy](#) shall be suspended until required replacement [trees](#) have been planted.

# ARTICLE 7

## PROCEDURES

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- 7.1 [Intent and Applicability](#)
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## 7.1 Intent and Applicability

This Article provides standards and procedures enabling the City of Simpsonville to review applications for compliance with this Ordinance. The regulations of this Ordinance are intended to ensure consistency with the [City of Simpsonville Comprehensive Plan](#), to minimize negative impacts of [development](#) on adjacent [land uses](#), to conserve the natural environment, to coordinate with [infrastructure](#) capacity, and to protect the public health, safety, and welfare, and City of Simpsonville's [character](#).

## 7.2 General Procedures

### 7.2.1 Pre-Application Coordination

- A. *Pre-application meeting.* A pre-application meeting with the Planning Director is advised prior to the submission of specific applications. The purpose of this meeting is to provide an opportunity for the [Applicant](#) and the Planning Director to discuss the basic scope, nature, and intent of the proposed project and to allow the Planning Director to provide guidance in the formative stages of the project. Additionally, the submittal requirements and the procedures and standards applicable to an anticipated application can be discussed.
- B. *Application check-in meeting.* When an application is submitted to the Planning Director, the Planning Director may review the application materials being submitted with the [Applicant](#) and ensure that the Applicant understood and provided the required applications materials as set forth or as otherwise required by the Planning Director. During this Check-In Meeting, as applicable, the application review process and schedule, [public notice](#) requirements, and other information relevant to the application being submitted may be discussed.

### 7.2.2 Application Requirements

- A. *Authority to file.* Applications submitted under this Ordinance shall be submitted by the land [owner](#), or any other [person](#) having a recognized interest in the [land](#) upon which the development is proposed, or their authorized agent. If the [Applicant](#) is not the owner of the land, or is a contract purchaser of the land, a letter signed by the owner consenting to the submission of the application shall be submitted.
- B. *Agent designation.* All applications submitted pursuant to this Ordinance, shall include a designation of a single agent through whom all communications shall occur. The agent may be either the [Applicant](#) or a representative of the Applicant.
- C. *Application forms.* All applications required under this Ordinance shall be submitted on forms and in such format and numbers as required by the Planning Director. The Planning Director shall publish and make available to the public application forms setting forth the requirements for the various types of applications and general application and [permit](#) information.
- D. *Complete applications.* [Complete applications](#) shall include a completed application form, any required fee based upon the City of Simpsonville fee schedule adopted by the City Council, the minimum submittal requirements for the respective application, and any other information determined necessary by the Planning Director to demonstrate compliance with the requirements and standards of this Ordinance and/or other applicable codes and laws.
- E. *Certified Surveys.* All surveys showing the legal boundaries of properties, as-built conditions, existing [tree](#) locations, etc., shall be prepared and signed by a Surveyor as appropriate and consistent with South Carolina State Law.

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- F. *Certified plans.* All design, [grading](#), [drainage](#) and construction plans for [roads](#), other required [infrastructure](#), and for [site-related improvements](#) shall be prepared and signed and sealed by either an Engineer or Landscape Architect, as appropriate, and consistent with South Carolina State Law. All design and construction plans for building-related [improvements](#) shall be prepared and signed and sealed by an Architect as appropriate and consistent with South Carolina State Law.
- G. *Application schedules.* The Planning Director shall establish the submission and review schedule (including time frames for review) for applications as necessary.
- H. *Simultaneous applications.* Whenever two or more applications are required under this Ordinance, the applications for those [permits](#) or approvals may, at the discretion of the Planning Director, be processed simultaneously, so long as all applicable state and local requirements are satisfied.

### 7.2.3 Application Review

- A. *Completeness review.* All applications shall be submitted to and reviewed for [completeness](#) by the Planning Director who will inform the [Applicant](#) in writing of any information that is missing from the application as set forth or as otherwise required by the Planning Director. Such review shall be completed within 10 business days from the date the application was received by the Planning Director.

- B. *Incomplete applications.* If any application is not [complete](#), the Planning Director shall inform the [Applicant](#) in writing, specifying the ways in which the application is incomplete and the actions, materials, documents, and information necessary to complete the application. Following written notification by the Planning Director to the Applicant that an application is incomplete, the Applicant shall have 60 days to complete the application. Any application which has not been completed within this 60 day period shall be considered by the Planning Director as withdrawn by the Applicant, unless the Applicant and the Planning Director agree to an [extension](#) of such 60 day period for good cause, as determined by the Planning Director.
- C. *Application review.* Once the application is determined to be [complete](#), it shall be distributed to all appropriate Staff and applicable review bodies. As applicable, the Planning Director reserves the right to submit any application for the applicable board, commission, or committee for comment, input and interpretation at any time throughout the application process. Furthermore, the Planning Director may request at any time additional information necessary to demonstrate compliance with the requirements and standards of this Ordinance.
- D. *Application inactivity.* If at any time the Planning Director determines that an application pending approval remains inactive through the inaction or lack of response by the [Applicant](#), the Planning Director, with written notice to the Applicant, may expire the application not less than 60 days since the last date of response or action by the Applicant.

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- E. *Decisions.* The appropriate [approving authority](#) shall approve, [approve with conditions](#), or deny the applications set forth in this Article. Once an application for approval is considered [complete](#), failure to act on such application within 60 days shall constitute approval of the [plat](#) or plan. The Planning Director shall provide the [Applicant](#) with written notice of approval, conditional approval, or denial within this 60 day period. This 60 day period may be extended by written agreement between the Planning Director and the Applicant.

### 7.2.4 Public Hearings

Specific applications are subject to [public hearing](#) and [public notice](#) requirements as set forth in this Section. Upon acceptance of an application that requires a [public hearing](#), the Planning Director shall fix a reasonable date and time for the public hearing. Notice of public hearing requirements are as follows:

- A. *Timing of public notice.* [Public notice](#) as set forth in this Section shall be provided not less than the following number of calendar days prior to the [public hearing](#):

Application Type	Published Notice	Posted Notice	Mailed Notice
Comprehensive Plan Amendment	30	--	--
Zoning Map Amendment	15	15	14
Zoning Ordinance Text Amendment	15	--	--
Special Exception	15	15	14
Variance	15	15	14
ID Master Site Plan	15	15	--
Street Renaming	15	15	--

- B. *Published notice.* When required, the Planning Director shall cause notice of the [public hearing](#) to be published in a newspaper of general circulation in the City not less than the number of days prior to the public hearing as specified in the preceding table. Notices should also be electronically published on the City of Simpsonville website.
- C. *Posted notice.* When required, the Planning Director shall cause a conspicuous notice of public hearing sign to be posted not less than the number of days prior to the [public hearing](#) as specified in the preceding table on or adjacent to the subject [property](#).
- D. *Mailed Notice.* When required, the [Applicant](#) shall cause notice of the [public hearing](#) to be mailed to adjoining or immediately adjacent property owners to the subject [property](#) not less than the number of days prior to the [public hearing](#) as specified in the preceding table. Mailing is to be conducted through the United States Post Office. A copy of the notification and certificate of mailing for each mail piece must be provided to the Planning Director. A proof of delivery or signature of receipt is not required.

For this purpose, adjoining or immediately adjacent is defined as properties that share any lot line or point along a lot line, and properties that are separated by a street, right of way, creek, or easement in common. Interstate 385 should be excluded as a right of way in common. Property owner is defined as the current owner(s) of record as listed by the Greenville County Register of Deeds.

- E. *Public notice compliance.* Excluding mailed notices, failure to comply with the [public notice](#) requirements shall result in the removal of an application from the [public hearing](#) meeting agenda. Any rescheduled public hearing on an application shall be subject to subsequent compliance with all public notice requirements.

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- F. *Official public hearing.* Where a [public hearing](#) is required by law to be held, the Planning Commission meeting at which the item is taken up for review, and for which adequate notice has been provided in accordance with this Section, shall constitute the official public hearing for that matter. Where final action on a request will be taken by City Council, the Planning Commission shall summarize and convey to City Council the comments received at such public hearing, along with its own recommendation for the action to be taken.
- G. *Public hearing procedures.* [Public hearings](#) shall follow the rules of procedure adopted by the body which shall conduct the public hearing.

## 7.2.5 Approved Applications

- A. *Approved plans.* Plans which have been approved and which demonstrate conformance to any applicable [conditions](#) shall be marked by the Planning Director as approved. The Planning Director shall attest to such by his signature or similar mark. One set of marked [approved plans](#) shall be retained by the Planning Director and a second set of marked approved plans shall be released to the [Applicant](#).
- B. *Expiration of approvals.* Pursuant to the [Vested Rights Act, Title 6, Chapter 29, Article 11 of the South Carolina Code of Laws \(1976\)](#), as amended, approvals of site-specific development plans shall expire after two years after the date of the decision authorizing the plans. Other [permits](#) and approvals are subject to expiration or [extension](#) as specified by this Ordinance. If no expiration is specified, the permit or approval shall expire after one year of inactivity.

- C. *Extensions of approval.* For applications where this Article indicates a time period for approval and provides for an [extension](#) to the expiration of the approval, the Planning Director may grant one or more extensions, each for a period as set forth or as otherwise determined by the Planning Director, upon the request of the [Applicant](#). In determining whether or not to grant the expiration the Planning Director shall determine that there shall not be any [adverse effect](#) on the public health, safety, and welfare and that no amendments to this Ordinance have been adopted that prohibit the approved activity or [permit](#). The Planning Director may require that plans and other information be revised to reflect amendments to this Ordinance since that time at which approval was granted. Applications for extension must be received and accepted by the Planning Director prior to the expiration date.

## 7.2.6 Denied Applications

In the event that any application is denied or disapproved by staff, Planning Commission, City Council, or the Board of Zoning Appeals, an application for the same request shall not be refilled for one year from the date of the decision. The Planning Director, upon petition by the Applicant, may permit the refilling of an application prior to the end of the one-year period upon a determination that significant physical, economic, or [land use changes](#) have taken place on the subject [tract](#) or within the immediate vicinity, or a significant text amendment to this Ordinance has been adopted.

## 7.2.7 Deferred or Withdrawn Applications

An Applicant may defer or withdraw an application by submitting a written statement of deferral or withdrawal to the Planning Director at least 36 hours prior to the public meeting or by making a verbal statement of deferral or withdrawal during the public meeting. Fees shall not be refunded for withdrawn applications.

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## 7.3 Comprehensive Plan Amendment

### 7.3.1 Intent

This Section is intended to provide procedures and standards for the review of [Comprehensive Plan](#) Amendment applications. Review of Comprehensive Plan Amendment applications shall consider the following objectives:

- A. Provide specific, objective and prescriptive guidance for undertaking a continuing planning program for the physical, social and economic growth, [development](#) and [redevelopment](#) of the area within the jurisdiction of the City of Simpsonville;
- B. Ensure that the [Comprehensive Plan](#) is designed to promote public health, safety, convenience, prosperity, or the general welfare, as well as the efficiency and economy of the City of Simpsonville;
- C. Ensure that the [Comprehensive Plan](#) is based upon careful and comprehensive surveys and studies of existing conditions and probable future development and includes recommended means of [implementation](#); and
- D. Provide for meaningful public participation.

### 7.3.2 Applicability

Application for a [Comprehensive Plan](#) Amendment may be initiated by City Council, the Planning Commission, the Planning Director, or by request of an [owner](#) of land in the City to address a specific topic or geographic area, or to respond to new information, data, other studies, or an opportunity that would benefit the City of Simpsonville that was not foreseen when the Comprehensive Plan was prepared.

### 7.3.3 Authority

Only the City Council may adopt an ordinance amending the [Comprehensive Plan](#).

### 7.3.4 Application Review Criteria

The Planning Commission and City Council shall consider the following criteria in assessing an application for a [Comprehensive Plan](#) Amendment:

- A. Consistency with the intent of the overall policies in the [Comprehensive Plan](#);
- B. Consistency with demographic changes, prevailing economic trends and/or newly recognized best planning practices that would deem the proposed amendment necessary and proper for the advancement of the City of Simpsonville's goals;
- C. If applicable, the ability of public [infrastructure](#) and services to sufficiently accommodate the requested amendment to the [Comprehensive Plan](#);
- D. Appropriate and efficient use of public funds, the future growth, [development](#) and [redevelopment](#) of its area of jurisdiction, and consideration of the fiscal impact on property [owners](#);
- E. Enhancement of the health, safety, and welfare of the City of Simpsonville;
- F. Consistency with applicable South Carolina planning law and consideration of case law; and
- G. Impact of the proposed amendment on the provision of [public services](#).

### 7.3.5 Actions by the City

- A. The Planning Commission shall conduct a [public hearing](#) on the application for a [Comprehensive Plan](#) Amendment. Any application initiated by a member of City Council may, at the Council's discretion, be given first reading before being referred to the Planning Commission to conduct a public hearing.
- B. Following the [public hearing](#), the Planning Commission shall make a recommendation to the City Council either to approve or deny the application based on the above criteria.

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- C. The City Council shall consider the recommendation of the Planning Commission in taking action to approve or deny the application. A concurring vote of at least five City Council members shall be required to override the recommendation of the Planning Commission.

## **7.3.6 Effect of Approval**

Upon City Council adoption of a [Comprehensive Plan Amendment Ordinance](#), any necessary changes shall be made to the Comprehensive Plan. A record of the type and date of such change shall be maintained by the Planning Director and available for public review within the amended Comprehensive Plan.



# Zoning Ordinance Text Amendment

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## 7.4 Zoning Ordinance Text Amendment

### 7.4.1 Intent

This Section is intended to provide procedures and standards for the review of Zoning Ordinance Text Amendment applications.

### 7.4.2 Applicability

An application for a Zoning Ordinance Text Amendment may be initiated by City Council, the Planning Commission, the Planning Director, or by request of an [owner](#) of land in the City when public necessity, convenience, State or Federal law, general welfare, new research, or published recommendations on [zoning](#) and land [development](#) justifies such action.

### 7.4.3 Authority

Only the City Council may adopt an ordinance amending the text of this Ordinance.

### 7.4.4 Application Review Criteria

The Planning Commission and City Council shall consider the following criteria in assessing an application for Zoning Ordinance Text Amendment:

- A. Consistency with the [Comprehensive Plan](#) or, if conditions have changed since the Comprehensive Plan was adopted, consistency with the overall intent of the Plan, recent development trends, and the general [character](#) of the area;
- B. Consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices;
- C. Enhancements of the health, safety, and welfare of the City of Simpsonville; and
- D. Impact of the proposed amendment on the provision of [public services](#).

### 7.4.5 Actions by the City

- A. The Planning Commission shall conduct a [public hearing](#) on the application for a Zoning Ordinance Text Amendment. Any application initiated by a member of City Council may, at the Council's discretion, be given first reading before being referred to the Planning Commission to conduct a public hearing.
- B. Following the [public hearing](#), the Planning Commission shall make a recommendation to the City Council either to approve or deny the application based on the above criteria.
- C. The City Council shall consider the recommendation of the Planning Commission in taking action to approve or deny the application. A concurring vote of at least five City Council members shall be required to override the recommendation of the Planning Commission.

### 7.4.6 Effect of Approval

Upon City Council adoption of the Zoning Ordinance Text Amendment Ordinance, any necessary changes shall be made to the Zoning Ordinance. A record of the type and date of such change shall be maintained by the Planning Director and available for public review within the amended Zoning Ordinance.

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## 7.5 Zoning Map Amendment

### 7.5.1 Intent

This Section is intended to provide procedures and standards for the review of Zoning Map Amendment Applications.

### 7.5.2 Applicability

Application for a Zoning Map Amendment may be initiated by City Council, the Planning Commission, the Planning Director, or the [owner](#) of the subject [property](#) to establish and maintain sound, stable, and desirable development within the City of Simpsonville. The Zoning Map may be amended to [rezone](#) an area or to extend the boundary of an existing zoning district. A rezoning must be based upon the recommended future [land use](#) category for the property as shown on the future land use map in the [City of Simpsonville Comprehensive Plan](#). If, as determined by the Planning Director, the requested zoning change is not in accord with the future land use category, then an application for a [Comprehensive Plan](#) Amendment to change the future land use map is required prior to or concurrent with the submittal of the Zoning Map Amendment application.

### 7.5.3 Authority

Only the City Council may adopt an ordinance amending the Official Zoning Map.

### 7.5.4 Application Review Criteria

The Planning Commission and City Council shall consider the following criteria in assessing an application for a Zoning Map Amendment:

- A. Consistency with the [Comprehensive Plan](#) or, if conditions have changed since the Comprehensive Plan was adopted, consistency with the overall intent of the Plan, recent development trends, and the general [character](#) of the area;

- B. Capability of the site's physical, geological, hydrological and other environmental features to support the breadth and [intensity of uses](#) that could be developed in the proposed zoning district;
- C. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning districts in terms of suitability of location, impacts on the environment, [noise](#), [density](#), nature of use, traffic impacts, [aesthetics](#), ability to develop adjacent properties under existing zoning, and potential influence on property values;
- D. Capacity of public [infrastructure](#) and services to sufficiently accommodate all potential uses allowed in the proposed district without compromising the public health, safety and welfare of the City of Simpsonville; and
- E. Public need for the potential uses permitted in the requested zoning district.

### 7.5.5 Actions by the City

- A. The Planning Commission shall conduct a [public hearing](#) on the application for a Zoning Map Amendment.
- B. Following the [public hearing](#), the Planning Commission shall make a recommendation to the City Council either to approve or deny the application based on the above criteria.
- C. The City Council shall consider the recommendation of the Planning Commission in taking action to approve or deny the application. A concurring vote of at least five City Council members shall be required to override the recommendation of the Planning Commission.

### 7.5.6 Effect of Approval

Upon City Council adoption of a Zoning Map Amendment Ordinance, any necessary changes shall be made to the City of Simpsonville Official Zoning Map. A record of the type and date of such changes shall be maintained by the Planning Director and available for public review.

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Where an [existing use](#) is subsequently [rezoned](#) such that the use would require [Special Exception](#) approval in the new zoning district, such Special Exception approval is deemed to have been automatically granted upon the rezoning.

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## 7.6 Special Exception

### 7.6.1 Intent

This Section is intended to provide procedures and standards to facilitate the review of Special Exception Applications and to ensure that the [Special Exception](#) uses listed for each zoning district are located and designed to be [compatible](#) with other [uses](#) in the vicinity. Review of Special Exception Applications shall consider the following objectives:

- A. Ensure impacts associated with a specific use can be accommodated or are [mitigated](#);
- B. Ensure site design and operational standards minimize negative impacts on [adjoining](#) or nearby properties; and
- C. Provide a mechanism for public input.

### 7.6.2 Applicability

[Special Exceptions](#) are [uses](#) that require a heightened level of scrutiny due to [intensity of land use](#) and potential impact on neighboring properties, compared to the range of uses permitted by right in a particular zoning district. The Board of Zoning Appeals shall determine whether Special Exceptions should be allowed and may prescribe appropriate conditions and safeguards to protect surrounding property owners and property values.

### 7.6.3 Authority

Only the Board of Zoning Appeals shall have authority to approve a [Special Exception](#) application.

### 7.6.4 Application Review Criteria

The Board of Zoning Appeals shall only approve a [Special Exception](#) application upon finding that all of the following standards are met:

- A. The use is allowed as a [Special Exception](#) in the zoning district;
- B. The proposed [Special Exception](#) use is consistent with the spirit, purpose and intent of the [City of Simpsonville Comprehensive Plan](#);

- C. The proposed [Special Exception](#) use is consistent with the “purpose and intent” statement of the applicable zoning district;
- D. The proposed [Special Exception](#) use will be constructed, operated and maintained so as to be [compatible](#) with the existing or intended [character](#) of the applicable district and so as not to change the essential character of the area in which it is proposed;
- E. The proposed [Special Exception](#) use is [compatible](#) with the existing uses adjacent to and near the property;
- F. The proposed [Special Exception](#) use does not have an [adverse effect](#) on any site or feature of historical, cultural, natural, or scenic importance;
- G. The proposed [Special Exception](#) use is consistent with existing and planned [pedestrian](#) and vehicular circulation adjacent to and near the property;
- H. The adjacent [streets](#) and highways are or will be adequate to carry any additional traffic generated by the proposed [Special Exception](#) use;
- I. The proposed [Special Exception](#) use will be adequately served by public facilities and services, such as traffic operations along [streets](#), police and fire protection, [drainage](#) structures, water and [sewage](#) facilities and primary and secondary [schools](#);
- J. The proposed [Special Exception](#) use will not involve uses, activities, processes, materials and equipment or conditions of operations that, in comparison to by-right permitted uses in the district, will be hazardous, detrimental or disturbing to the natural environment, or the public health, safety and welfare by reason of excessive production of traffic, [noise](#), [smoke](#), [odors](#) or other such [nuisances](#);
- K. The proposed [Special Exception](#) use will conform to any specific criteria or conditions specified for that use in the applicable zoning district; and

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- L. The application must be in compliance with other applicable provisions provided in this Ordinance.

### 7.6.5 Action by the City

- A. The Board of Zoning Appeals shall conduct a [public hearing](#) on the application for a [Special Exception](#).
- B. Following the [public hearing](#), the Board of Zoning Appeals shall make a written finding and approve, approve with modifications or [conditions](#), or deny the application based on the criteria above.
- C. The decision of the Board shall be communicated in writing to the [Applicant](#).

### 7.6.6 Effect and Expiration of Approval

- A. *Approval.* Approval of a [Special Exception](#) application by the Board of Zoning Appeals shall authorize an [Applicant](#) to apply for any further applicable City of Simpsonville approvals. All such applications shall be considered under the applicable provisions of this Ordinance, subject to the Special Exception and any [conditions](#) imposed by the Board of Zoning Appeals.

Approval of a [Special Exception](#) application shall authorize only the particular special exception that is approved by the Board. A Special Exception, including any [conditions](#), shall [run with the land](#) and shall not be affected by a change in ownership.

- B. *Expiration.* Approval of a [Special Exception](#) shall expire two years from the date of its issue unless construction or [development](#) commences and proceeds to completion in a timely and customary manner to establish the use in accordance with the terms and requirements of the Special Exception.

- C. *Abandonment.* If a [Special Exception](#) use is [abandoned](#) for a period of at least one year after it has been lawfully established, the approval for the Special Exception use shall be considered to have expired. The Planning Director shall have the authority to determine if a Special Exception use has been abandoned for a period of one year or more. In making such a determination, the Planning Director shall consider similar facts and circumstances as set forth for abandoned nonconforming uses in [Article 5, Nonconformities](#), of this Ordinance.

### 7.6.7 Amendments to Approval

Any expansion of any use or any change in the configuration of the use, [building\(s\)](#), or [site](#) allowed by a [Special Exception](#) shall require resubmittal and approval in the manner described in this Section.

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## 7.7 Zoning Permit

### 7.7.1 Intent

This Section is intended to ensure that no construction, reconstruction, [alteration](#), demolition, [change in the use](#) or [occupancy](#) of any [land](#), [building](#), or other [structure](#) occurs without first obtaining the appropriate [permit](#) approval and that no permit is issued or approved by the City of Simpsonville unless compliance with the requirements of this Ordinance has been met.

### 7.7.2 Applicability

Applicable [development](#) activities, as established in [Article 1, Introduction](#), of this Ordinance, shall require approval of a [Zoning Permit](#) prior to commencing construction and/or [occupancy](#). This shall include, but not be limited to, any activity involving the construction, reconstruction, [grading](#), [alteration](#), demolition, and [change in the use](#) of or [occupancy](#) of any [land](#), [building](#), or other [structure](#), including [temporary uses](#). Approval of a zoning permit shall be a prerequisite to the approval of a building [permit](#).

A [Zoning Permit](#) shall not be required for the following:

- A. Those activities that do not constitute [development](#) as established in [Article 1, Introduction](#), of this Ordinance;
- B. The construction of a single-family residential structure where permitted by right and [accessory uses/structures](#) associated with a single-family residential structure;
- C. Public projects including the construction of any public [street](#) or other public way, grounds, [buildings](#), [structures](#) or public utility;
- D. Special events where permitted; and
- E. Maintenance of any [structure](#) that does not involve a material [change of use](#).

### 7.7.3 Authority

The Planning Director shall have authority to approve a [Zoning Permit](#) application.

### 7.7.4 Application Review Criteria

The Planning Director shall consider the following criteria in assessing a [Zoning Permit](#). Where applicable, the Planning Director may require the submission of [site plans](#) and any other documentation necessary to review for the criteria below.

- A. The proposed activity shall be in conformance with the applicable provisions provided in this Ordinance;
- B. The proposed activity shall be in conformance with any approved Development Agreement, Subdivision Plan, or any other agreements, plans, or regulations that are applicable;
- C. The proposed activity must be able to be served by adequate [public services](#), including, but not limited to, water, sanitary sewer, [roads](#), police, fire, and [school](#) services; and
- D. The [phasing](#) plan, if applicable, is logical and is designed in a manner that allows each phase to fully function independently regarding services, utilities, circulation, [facilities](#), and [open space](#) irrespective of the completion of other proposed phases.

### 7.7.5 Action by the City

The Planning Director shall review and take action on the application for a [Zoning Permit](#) in accordance with this Section. The Planning Director shall mark approved [site plans](#) as such and attest to the same by his signature or similar mark. One set of marked approved site plans shall be issued to the [Applicant](#) while a second set shall be retained by the Planning Director.

### 7.7.6 Effect and Expiration of Approvals

- A. *Approval.* Issuance of a [permit](#) shall authorize the [Applicant](#) to either begin the activity specified by the permit or apply for any additional permits, including permits required for the construction of all [buildings](#) and [facilities](#) shown and specified by the [site plan](#), if applicable.



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- B. *Expiration.* Approval of a [Zoning Permit](#) shall expire one year from the date of its issue unless the Planning Director determines an appreciable amount of the approved activity commences and proceeds to completion in a timely and customary manner in accordance with the Zoning Permit. In the case of [phased developments](#), this shall be understood as [improvement](#) or [development](#) of the permitted phase of the development.

## **7.7.7 Amendments to Approved Site Plans**

An amendment to an approved [Zoning Permit](#), particularly to [site plans](#) that have been reviewed and approved, shall be reviewed by the Planning Director in the same procedure prescribed for the review of Zoning Permit applications.

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## 7.8 Certificate of Construction Compliance

### 7.8.1 Intent

This Section is intended to provide procedures and standards for the review of [Certificate of Construction Compliance](#) Applications. Review of Certificate of Construction Compliance Applications will help ensure that all [site improvements](#) required by the [site plan](#) have been made.

### 7.8.2 Applicability

The regulations set forth in this Section shall apply to any [development](#) which is subject to a [Zoning Permit](#) approval and [site plan](#) review pursuant to the provisions of this Article. No [Certificate of Occupancy](#) shall be issued for any development, or [phase](#) thereof, where a [Certificate of Construction Compliance](#) is required by this Section until such Certificate of Construction Compliance has been issued.

### 7.8.3 Authority

The Planning Director shall have authority to issue a [Certificate of Construction Compliance](#).

### 7.8.4 Application Review Criteria

The Planning Director shall consider the following criteria in assessing an application for [Certificate of Construction Compliance](#):

- A. Compliance with all applicable provisions of this Ordinance and Simpsonville's Land Development Regulations, as applicable;
- B. Compliance with all requirements of the approved [site plan](#); and
- C. The approved development must be able to function alone with all required [infrastructure](#) including, but not limited to, [access](#) drives, parking, [drainage](#) facilities, utilities, and required landscaping/[tree](#) planting.

### 7.8.5 Action by the City

The Planning Director shall review and take action on the application for a [Certificate of Construction Compliance](#) in accordance with this Ordinance.

### 7.8.6 Effect and Expiration of Approval

- A. *Approval.* Following the issuance of a [Certificate of Construction Compliance](#), the [Applicant](#) may be eligible for a [Certificate of Occupancy](#). A Certificate of Occupancy shall not be issued by the City of Simpsonville until a Certificate of Construction Compliance has been issued for the [site](#) or [phase](#) thereof in which the building is located.
- B. *Temporary certificates.* A Temporary [Certificate of Construction Compliance](#) may be issued and valid for a maximum of six months if the following conditions are met: (1) Development is substantially complete and the [site](#) is in a safe, accessible, and useable condition as determined by the Planning Director; and (2) Upon providing financial [guarantees](#) assuring completion of all requirements of the approved [site plan](#) where the temporary certificate is issued for a period exceeding 15 days.
- C. *Financial guarantees.* Financial [guarantees](#) shall be in an amount determined by the Planning Director to be necessary to assure completion of required [improvements](#), based on such contract or cost estimate, but not less than 125% of the improvement costs. This amount includes a contingency amount to ensure completion of work which may have been underestimated or unanticipated plus fees to cover any potential cost incurred by the City of Simpsonville in stabilizing site improvements and administering completion of any unfinished portion of the work. The following types of guarantees may be accepted by the Planning Director:
  1. Cash;
  2. A surety bond that names the City of Simpsonville as beneficiary;

# Certificate of Construction Compliance

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3. A bank certified check payable to “City of Simpsonville”; and
4. An irrevocable [letter of credit](#) approved by the Planning Director that names the City of Simpsonville as beneficiary.

Subsequent to [on-site](#) inspection by the Planning Director verifying that all [improvements](#) subject to the financial [guarantee](#) have been satisfactorily completed or a percentage has been satisfactorily completed in the opinion of the Planning Director, the guarantee, either in whole, in part, or any remaining balance thereof, shall be released. If the improvements secured by the guarantee have not been completed by the time the Temporary [Certificate of Construction Compliance](#) has expired, the Planning Director may take possession of the full amount or remaining balance of the guarantee and contract out the remaining work and stabilization of the [site](#) following normal City of Simpsonville procurement procedures.

# Street Naming and Renaming

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## 7.9 Street Naming and Renaming

### 7.9.1 Intent

This Section is intended to provide procedures and standards for the review of Street Naming and Renaming applications. Review of Street Naming and Renaming applications will enhance and coordinate the efficient and effective delivery of services related to the United States Postal Service, Simpsonville Fire Department, Simpsonville Police, and all other applicable emergency management organizations.

### 7.9.2 Applicability

Every existing, proposed or constructed public or private [street](#) requires a City of Simpsonville approved street name.

### 7.9.3 Authority

Only the Planning Commission shall have authority to approve a Street Naming or Renaming application.

### 7.9.4 Application Review Criteria

The Planning Commission shall consider the following criteria in assessing an application for Street Naming or Renaming:

- A. No new street name or proposed renaming of an existing [street](#) shall duplicate, be phonetically similar to, or in any way be likely to be confused with an existing street name, in spite of the use of prefixes or suffixes;
- B. A proposed [street](#) obviously in alignment with an existing street shall bear the name of the existing street to the extent practicable;
- C. Street sections not planned to be or unlikely to be connected shall not bear the same name;
- D. Names must be simple, logical, easy to read and pronounce, clear, and brief with no frivolous or complicated words or unconventional spellings;
- E. Name that might reasonably be perceived as offensive shall not be permitted;

- F. The use of numbers (such as 1<sup>st</sup> Street) or alphabetical letters (such as A Street) is prohibited;
- G. Preference will be given to names that have some association with Simpsonville or the immediate location of the [road](#) or place such as reference to local history or physiographic features;
- H. Use of a common theme is recommended for names of [streets](#) that are associated with one another, such as those within a residential development; and
- I. In determining whether a [street](#) should be named in honor of a particular person, consideration shall be given to that person's relationship to the Simpsonville area, [character](#), public image, and public contribution.

For any Street Renaming application, the application shall be accompanied by a notarized, stamped and sealed Affidavit of Compliance which shall contain a list of all property owners affected by the change, property owners contacted, and the signatures of all property owners in agreement with the proposed street name change. An 80% majority of the existing property owners must be in agreement with the proposed street name change.

### 7.9.5 Action by the City

- A. The Planning Commission shall conduct a [public hearing](#) on the application for a Street Naming or Renaming.
- B. Following the [public hearing](#), the Planning Commission shall take action to approve, approve with modifications or [conditions](#), or deny the application based on the criteria above.

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## 7.9.6 Effect of Approval

Upon Planning Commission approval the street name(s) shall become the legal name of the [street](#) and will supersede all other records illustrating such street name(s). For any Street Renaming application which has been approved, the Planning Commission shall issue a Certificate of Street Renaming which shall be recorded with the Greenville County Register of Deeds.

The Planning Director will provide the updated street data and notify, either by hand delivery, by post office mail, or by electronic delivery, the Greenville County Assessor's Office, E-911, affected property owner(s), the U.S. Post Office, and all other applicable agencies.

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## 7.10 Sign Permit

### 7.10.1 Intent

This Section is intended to provide procedures and standards for the review of Sign [Permit](#) Applications. Review of Sign Permit Applications shall consider the following objectives:

- A. Encourage a high degree of design quality in the context of the overall image and visual environment of the City of Simpsonville, as well as encourage decisions that are in [aesthetic](#) harmony with their location on [buildings](#) and surrounding area;
- B. Promote the public welfare and property values by preserving the [aesthetic](#) qualities of the natural environment and Simpsonville vernacular architecture and reducing visual clutter;
- C. Protect [pedestrians](#), motorists and property by ensuring that signs do not create hazards due to distractions, collapse, fire, collision, or decay;
- D. Promote the efficient transfer of general public and commercial information by improving the legibility and effectiveness of signs through the control of their number, location, size, appearance and illumination; and
- E. Stimulate the economic vitality of the City of Simpsonville and encourage a business atmosphere that continues to attract new enterprises to the City of Simpsonville.

### 7.10.2 Applicability

A sign [permit](#) is required to install signage on any [property](#), replace existing signage, or modify existing signage. However, a sign permit shall not be required for signs exempted under [Section 4.10.4, Exempt Signs](#), of this Ordinance.

### 7.10.3 Authority

The Planning Director shall have authority to approve a Sign [Permit](#) application.

### 7.10.4 Application Review Criteria

The Planning Director shall consider the following criteria in assessing an application for a Sign [Permit](#):

- A. The application must be in conformance with applicable provisions provided in [Article 4, Site Standards](#), of this Ordinance; and
- B. The signage is compatible with the surrounding [natural area](#) and the [character](#) of structures and architecture in the vicinity.

### 7.10.5 Action by the City

The Planning Director shall review and take action on the application for a Sign [Permit](#) in accordance with this Ordinance.

### 7.10.6 Effect and Expiration of Approvals

- A. *Approval.* The issuance of a Sign [Permit](#) shall authorize the [Applicant](#) to either install or modify signage as specified by the permit or apply for a building permit, if applicable.
- B. *Expiration.* Approval of a Sign [Permit](#) shall expire 90 days from the date of its issue unless the Planning Director determines an appreciable amount of [improvement](#) or [development](#) has commenced and the [Applicant](#) adequately demonstrates that completion will occur in a timely and customary manner in accordance with the Sign Permit.



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## 7.11 Tree Removal Permit

### 7.11.1 Intent

This Section is intended to provide procedures and standards for the review of Tree Removal [Permit](#) Applications. Review of Tree Removal Permit Applications shall consider the following objectives:

- A. Protect the City of Simpsonville's [tree](#) canopy, historic trees, and significant individual trees;
- B. Protect woodlands as important natural resources that provide natural beauty, preserve animal habitat, protect the groundwater recharge areas, and maintain plant and [tree](#) diversity, as well as protect threatened, endangered, and imperiled species;
- C. Minimize disturbance and structural changes to the vegetative community; prevent damage from [erosion](#), siltation, and disease; manage stormwater runoff, limit loss of animal habitat and vegetative cover, all of which, in the aggregate, result in the destruction of the woodland character; and
- D. Provide economic support to local property values and preservation of historical [character](#) of the City of Simpsonville.

### 7.11.2 Applicability

Regardless of the health or condition of the [tree\(s\)](#), a Tree Removal [Permit](#) is required to remove any tree with a [diameter at breast height \(DBH\)](#) equal to or greater than 12 inches and/or any tree that is required by this Ordinance or as a [condition of approval](#) for any plan or permit.

Nothing in this Section shall be preclude the Planning Director, or any other appropriate official charged with protecting public safety, from waiving the requirement for a Tree Removal [Permit](#) to remove any hazardous [tree](#) that poses imminent and immediate peril to life or property, upon the determination of such official.

### 7.11.3 Authority

The Planning Director shall have authority to approve a Tree Removal [Permit](#) application.

### 7.11.4 Action by the City

The Planning Director shall review and take action on the application for a Tree Removal [Permit](#) in accordance with this Ordinance. When assessing the application, the Planning Director shall consider whether the application complies with the applicable requirements of this Ordinance.

### 7.11.5 Effect and Expiration of Approvals

- A. *Approval.* Issuance of a [permit](#) shall authorize the [Applicant](#) to remove the [tree\(s\)](#) specified by the permit.
- B. *Expiration.* Approval of a Tree Removal [Permit](#) shall expire one year from the date of its issue unless the Planning Director determines an appreciable amount of [tree](#) removal commences and proceeds to completion in a timely and customary manner in accordance with the Tree Removal Permit.

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## 7.12 Written Interpretation

### 7.12.1 Intent

This Section is intended to provide procedures and standards for written interpretations of this Ordinance.

### 7.12.2 Applicability

This Section applies to any written request for an interpretation of this Ordinance. A written interpretation may be requested by City Council, the Planning Commission, the Board of Zoning Appeals, any resident or [landowner](#) in the City, or any [person](#) having a contractual interest in [land](#) in the City.

### 7.12.3 Authority

The Planning Director shall have authority to make written interpretations of this Ordinance.

### 7.12.4 Action by the City

The Planning Director shall take the following steps after receipt of a written request for interpretation:

- A. Review and evaluate the request in light of the text of this Ordinance, the Official Zoning Map, the [Comprehensive Plan](#), and any other relevant information;
- B. Consult with other staff, as necessary;
- C. Render an opinion in writing within 15 days of receipt of the request; and
- D. Maintain an official record of interpretations which shall be available for public inspection during normal business hours.

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## 7.13 Variance

### 7.13.1 Intent

This Section is intended to provide procedures and standards for the review of [Variance](#) applications for requests in order to deviate from dimensional standards of a particular zoning district or the site standards prescribed in [Article 4, Site Standards](#), of this Ordinance, when literal enforcement of the provisions of this Ordinance would result in unnecessary hardship to the property [owner\(s\)](#) and the deviation would not be contrary to the public interest. Review of Variance applications shall consider the following objectives:

- A. Ensure site design and operational standards minimize negative impacts on [adjoining](#) or nearby properties; and
- B. Provide a mechanism for public input.

### 7.13.2 Applicability

The Board of Zoning Appeals, upon request, may vary certain requirements of the zoning district dimensional regulations or the site standards of [Article 4, Site Standards](#), of this Ordinance, which will not be contrary to the public interest, when strict application of the provisions of this Ordinance would result in unnecessary hardship as defined below. The fact that property may be utilized more profitably, if a [Variance](#) is granted, may not be considered grounds for a Variance. Further, the [nonconforming use](#) of neighboring [lands](#), [buildings](#), or [structures](#) in the same [district](#) and the permitted or nonconforming use of lands, buildings, or structures in other districts shall not be considered grounds for a Variance.

### 7.13.3 Authority

Only the Board of Zoning Appeals shall have authority to approve a [Variance](#) application in an individual case of unnecessary hardship. The Board may not grant a Variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a [nonconforming use](#) of land, or to change the zoning district boundaries shown on the Official Zoning Map.

### 7.13.4 Application Review Criteria

The Board of Zoning Appeals shall only approve a [Variance](#) from a dimensional or site standard in an individual case of unnecessary hardship upon finding that all of the following standards are met:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- B. These conditions do not generally apply to other property in the vicinity, particularly those in the same zoning district;
- C. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property in a manner consistent with others in the zoning district;
- D. The need for the [Variance](#) is not the result of the [Applicant's](#) own actions;
- E. The authorization of a [Variance](#) does not substantially conflict with the [Comprehensive Plan](#) and the purposes of this Ordinance;
- F. The authorization of a [Variance](#) will not result in a substantial detriment to adjacent property or the public good, and the [character](#) of the [district](#) will not be harmed by the granting of the Variance;
- G. The reason for the [Variance](#) is more than simply for convenience or to allow the property to be utilized more profitably; and
- H. The [Variance](#) requested is the minimum Variance that will make possible the legal use of the [land](#), [building](#), or [structure](#).

### 7.13.5 Action by the City

- A. The Board of Zoning Appeals shall conduct a [public hearing](#) on the application for a [Variance](#).

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- B. Following the [public hearing](#), the Board of Zoning Appeals shall make a written finding and approve, approve with modifications or [conditions](#), or deny the application based on the criteria above.
- C. The decision of the Board shall be communicated in writing to the [Applicant](#).

## 7.13.6 Effect and Expiration of Approval

- A. *Approval.* Approval of a [Variance](#) application shall authorize the [Applicant](#) to apply for any further applicable City of Simpsonville application approvals. All such applications shall be considered under the applicable provisions of this Ordinance, subject to the Variance and any [conditions](#) imposed by the Board of Zoning Appeals. Approval of a Variance does not ensure that the [development](#) shall receive subsequent approval for other [permit](#) applications unless the relevant and applicable portions of this Ordinance or any other applicable provisions are met.

Approval of a [Variance](#) application shall authorize only the particular Variance that is approved by the Board. A Variance, including any [conditions](#), shall [run with the land](#) and shall not be affected by a change in ownership.

- B. *Expiration.* Approval of a [Variance](#) shall expire two years from the date of its issue unless construction or [development](#) commences and proceeds to completion in a timely and customary manner in accordance with the terms and requirements of the Variance.

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## 7.14 Appeal of Administrative Decision

### 7.14.1 Intent

This Section is intended to provide procedures and standards for appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance.

### 7.14.2 Applicability

Any [person](#) aggrieved by an administrative decision or interpretation made pursuant to this Ordinance may bring an appeal to the Board of Zoning Appeals by filing an application with the Planning Director. An aggrieved person is defined as any property owner within 200 feet of the property for which a decision has been rendered and may include persons owning property beyond 200 feet if it is determined by the Board of Zoning Appeals (based upon information provided by the appellant) that such property owners may be affected by a decision or interpretation.

An application for appeal shall be received by the Planning Director not later than 15 days after the decision being appealed in order to be considered by the Board of Zoning Appeals.

### 7.14.3 Authority

Only the Board of Zoning Appeals shall have authority to hear and decide appeals of administrative decisions.

### 7.14.4 Action by the City

- A. The Board of Zoning Appeals shall conduct a hearing on the appeal.
- B. Following the [public hearing](#), the Board of Zoning Appeals shall make a written finding and affirm, modify, or reverse the action of the official.
- C. The decision of the Board shall be communicated in writing to the appellant.

### 7.14.5 Effect of Appeal

A pending appeal stays all proceedings in furtherance of the action appealed from, unless the Planning Director certifies to the Board of Zoning Appeals, after the notice of Appeal is filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Planning Director, and on due cause shown.

### 7.14.6 Appeal to Circuit Court

Any party aggrieved by a decision of the Board of Zoning Appeals may appeal to the Circuit Court in Greenville County. Such appeal must be made within 30 days of the Board's decision.

## ARTICLE 8

# INTERPRETATIONS

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# General Interpretations

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## 8.1 Purpose

The purpose of this Article is to define words, terms, and phrases contained within this Ordinance, unless otherwise specifically defined elsewhere herein. Furthermore, it is the intent of this Article to clarify and establish rules for the interpretation of various requirements and regulations contained within this Ordinance.

## 8.2 General Interpretations

### 8.2.1 Rules of Construction

Unless the context clearly indicates otherwise, the following rules of construction shall apply to this Ordinance:

- A. Except for words specifically defined in these regulations, all words shall have the customary dictionary meaning; technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning;
- B. The present tense includes the future tense and the future tense includes the present tense;
- C. The singular includes the plural and the plural includes the singular;
- D. The masculine gender shall include the feminine and the feminine gender shall include the masculine;
- E. The words “shall,” “must,” and “will,” are mandatory in nature, establishing an obligation or duty to comply with a particular provision;
- F. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
  1. “And” indicates that all connected terms, conditions, provisions, or events apply; and

2. “Or” indicates that one or more of the connected items, conditions, provisions, or events apply;
- G. Lists of examples prefaced by “including the following,” “such as,” or other similar preface shall not be construed as exclusive and shall not preclude an interpretation of the list including other similar and non-mentioned examples;
- H. The word “City” shall mean the City of Simpsonville;
- I. All public officials, bodies, and agencies to which references are made are those of the City of Simpsonville, unless otherwise indicated;
- J. A reference to an administrative official shall refer to that official and his or her designee;
- K. The word “person” or any similar term includes individuals, firms, corporations, associations, trusts, and any other similar entities or groupings of such entities;
- L. The term “building,” “structure,” or “premises,” or any similar term, shall be interpreted to include any part of the [building](#), [structure](#), [premises](#) or other similar term unless otherwise stated; and/or
- M. All references to other local, state, or federal government regulations or guiding documents in these regulations refer to the most current version and citation for those regulations or documents, where such versions are consistent with the purposes, intent, and objectives of this Ordinance.

### 8.2.2 Graphics, Commentary, and Notes

Graphics and commentary associated with graphics used in this Ordinance are to aid interpretation of the text, unless otherwise specifically stated. In the event of a conflict or ambiguity between a graphic or commentary and the text, the text shall control. Notes to tables shall apply only to the particular provision footnoted, or to the entire table if it is not specifically footnoted to an item in the table, and not as generally applicable rules.

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### 8.2.3 Intent, Applicability, and Standards

This Ordinance is developed under a hierarchy of guidance generally organized as follows, ranging from the most general to the most specific:

- A. *Intent*. “Intent” refers to the general intent of a chapter section or sub-section in this Ordinance;
- B. *Applicability*. “Applicability” refers to the applicability of a chapter, section, or sub-section in this Ordinance to certain anticipated [development](#) circumstances or [land](#) areas; and
- C. *Standards*. Standards typically follow the “intent” and “applicability” of a chapter, section, or sub-section and entail the desired and physical result of standards in that chapter, section, or sub-section of this Ordinance.

This hierarchy should be used to guide consistent interpretation of the Ordinance, and to guide all discretionary approvals or relief authorized under this Ordinance.

### 8.2.4 Computations of Time

- A. The time in which an act is to be done shall be computed by excluding the first day and including the last day.
- B. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City.
- C. References to days are calendar days unless otherwise stated.

### 8.2.5 References to Other Regulations/Publications

Whenever a reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

### 8.2.6 Conflicts

When determining the “more restrictive” conflicting provision in accordance with [Article 1, Introduction](#), of this Ordinance, the Planning Director shall determine which one most closely follows the strategies and policies of the [Comprehensive Plan](#), and the purposes, intent, and objectives of this Ordinance.

# Interpretation of Measurements

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## 8.3 Interpretation of Measurements

Dimensional standards and measurements in these regulations shall be interpreted according to the following rules and guidance, unless the context clearly indicates otherwise.

### 8.3.1 Fractions

When calculations result in fractions, any fractional result shall be rounded up to the next consecutive whole number.

### 8.3.2 Inadvertent Non-compliance

In the event that a property [owner](#) or land developer inadvertently fails to comply with a dimensional requirement by six inches or less, the actual measurement shall be deemed to be in compliance with the applicable dimensional requirements, provided that no [adverse](#) health, safety, or welfare impacts result from the inadvertent failure to comply with the dimensional requirements.

### 8.3.3 Distance between Establishments

Where this Ordinance requires a minimum separation between specific [uses](#) or [establishments](#), such distances shall be measured along the shortest straight line from [lot line](#) to lot line of such establishments, unless otherwise indicated.

Distances associated with alcohol sales are as follows. With respect to a church or a [school](#), the distance shall be measured from the nearest entrance of the place of business by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare to the nearest point of entrance to the grounds of the church or [school](#), or any [building](#) in which religious services or school classes are held, whichever is the closer. The South Carolina Department of Revenue has determined that the grounds in use as part of the church or [school](#) is restricted to the grounds immediately surrounding the [building](#) or [buildings](#) which provide ingress or egress to such [building](#) or [buildings](#) and does not extend to the grounds surrounding the church which may be used for beautification, cemeteries, or any purpose other

than such part of the land as is necessary to leave the public thoroughfare and to enter or leave such [building](#) or [buildings](#). Only one entrance to the grounds of a church or [school](#) shall be considered, to wit: the entrance to the grounds nearest an entrance to the church or [school](#) building. Where no fence is involved, the nearest entrance to the grounds shall be in a straight line from the public thoroughfare to the nearest door. The nearest point of the grounds in use as part of a [playground](#) shall be limited to the grounds actually in use as a [playground](#) and the grounds necessary for ingress or egress to such grounds from the public thoroughfare.

### 8.3.4 Lot Dimensions

- A. *Lot area*: The total area within the [lot lines](#) of a lot, excluding any street [right\(s\)-of-way](#).
- B. *Lot coverage*: The portion of the [lot](#) covered by any [structure](#) or constructed element that impedes [infiltration](#) of stormwater into the ground or disrupts vegetated surfaces. For purposes of lot coverage standards, structures or constructed elements that allow some infiltration, such as [decks](#), patios, and [driveways](#), porous [pavers](#) or concrete, or other elements that disturb [ground cover](#) shall be counted towards the total surface coverage unless they demonstrate they are a functional and integral part of a stormwater system and [best management practice](#).
- C. *Lot frontage*: The length of the [front lot line](#) measured at the street [right-of-way line](#). For the purpose of reduced minimum lot frontage standards for lots fronting a cul-de-sac, only lots that front and directly abut the circular turning area terminating the cul-de-sac street shall be eligible for a reduced minimum lot frontage standard.
- D. *Lot width*: The horizontal distance between the [side lot lines](#), measured at right angles to the lot depth, along a straight line parallel to the [front lot line](#) at the minimum required building setback. Where a minimum lot width is specified, it shall be applied at the front yard setback line.

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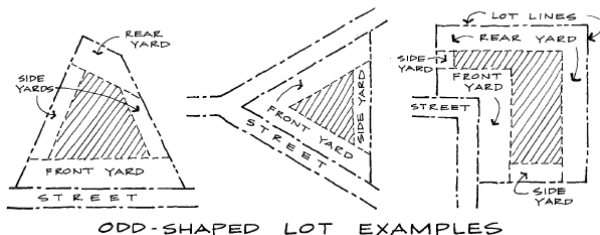
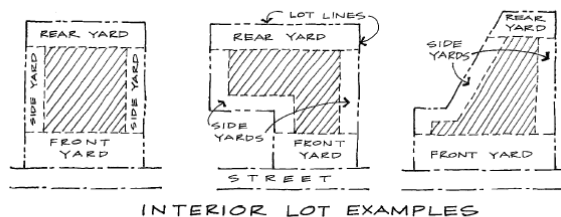
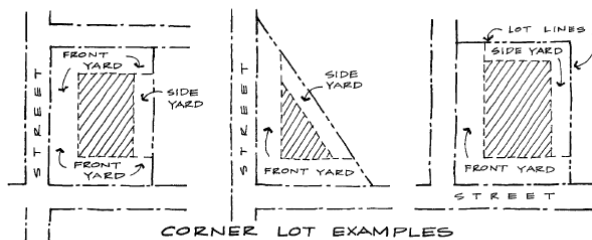
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- E. **Lot depth:** The average distance measured from the [front lot line](#) to the [rear lot line](#). For lots where the front and rear lot lines are not parallel, the lot depth should be measured by drawing several evenly separated lines, to the satisfaction of the Planning Director, from the front to rear lot lines, at right angles to the front lot line, and averaging the length of these lines.

## 8.3.5 Setbacks

- A. **Description:** The distance from the property line to the nearest part of the applicable [building](#), [structure](#), or [sign](#), measured perpendicularly to the property line. The minimum setbacks in a zoning district define the [building envelope](#) and establish the required [yards](#)—front, rear, and side.



Examples of yard locations as they relate to setback measurements

- B. Where the property line encroaches into a roadway, the setback shall be measured from the street [right-of-way line](#) or, in the absence of a measurable street [right-of-way](#), the edge of the roadway [pavement](#).
- C. In cases where setback lines are listed as a range indicating a minimum and maximum setback, the range shall be interpreted as a build-to range at or within such distance a [building line](#) must be established.
- D. Building [appurtenances](#) (steps, [porches](#)/stoops, eaves, bays) attached and projecting from the foundation or building are not restricted by the setback requirement, except in no case shall these appurtenances extend within three feet of adjacent properties, or into [easements](#) or rights-of-way unless specifically provided in this Ordinance.

## 8.3.6 Build-To Line

- A. **Description:** The line specified as a distance from the [right-of-way line](#), [easement](#), or other public or private [access](#) way if the context so indicates, at which a building shall be located.
- B. When expressed as a single point (i.e. 5 feet) the building shall be located within an accuracy of 12 inches of that point.
- C. When expressed as a range (i.e. 0-10 feet) the building shall be located at any point in that range.

## 8.3.7 Building Height

- A. **Description:** The vertical distance measured from the average [elevation](#) of the [finished grade](#) at the front [building line](#) to the [cornice line](#). The cornice line as used herein shall mean the horizontal line on the exterior of a building at which the roof system intersects the exterior wall.

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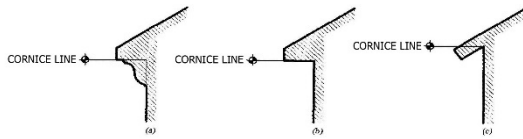
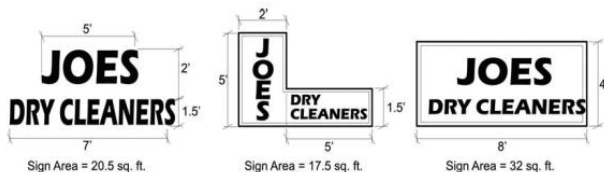


Illustration of cornice line

- B. The height limitations generally shall not apply to church spires, steeples, belfries, [cupolas](#), domes, [chimneys](#), [smokestacks](#), fire or [parapet](#) walls, flagpoles, [water towers](#), transmission lines, or other minor common building accessories not intended for human occupancy, unless specifically indicated in this Ordinance.

### 8.3.8 Sign Measurements

- A. *Sign display area:* The entire [face of a sign](#), including the advertising surface and any framing, trim, or molding, but not including the support structure.
1. The area of a [sign](#) where there is no defined sign background shall be determined by calculating the area enclosed within a perimeter consisting of a series of straight lines at right angles enclosing all the parts of the sign copy.
  2. For those [signs](#) with a defined background, including signs within a frame, cabinet, or on a base material such as wood, metal, or Plexiglas, the calculated area shall include the defined background.



Sign Measurement—The sign on the left has no defined background; two signs on the right have a defined background

3. The area for a [sign](#) with more than one face is typically computed by adding together the area of all [sign faces](#) visible from any point. For double-sided signs with identical faces on each side, only one side constitutes total sign area, provided that the two sign faces are mounted on a single structure and the faces are not greater than four feet apart at any point.

- B. *Sign height:* The height of a [sign](#) shall be measured from the [natural grade](#) at the base of the sign to the highest point of the [sign face](#) or sign structure, whichever is higher. Natural grade shall be construed to be the established grade, exclusive of any [filling](#), [berming](#), mounding, or excavating solely for the purpose of locating the sign.
- C. *Sign setback:* The setback required for a [sign](#) shall be measured to the part of the sign closest to the property line, [curb](#) face, or other reference point from which the setback is being measured. The [pavement](#) edge shall only be used in the measurement of sign setbacks in the absence of a curb.
- D. *Sign clearance:* The clearance of a [sign](#) shall be measured from the ground directly below the sign to the lowest point of the [sign face](#) or horizontal element of the sign structure enclosing the sign face, whichever is lower.
- E. *Sign projection:* On a [sign](#) attached to a wall, the projection of a sign shall be measured from the [exterior wall](#) surface to the sign element farthest from such surface.
- F. *Street frontage:* The length of the [front lot line](#) measured at the street [right-of-way line](#). For lots with multiple frontages, the street frontage to be used for the purpose of [sign](#) measurements shall be the frontage of the [street](#) to which the sign is oriented. Should a sign be directed to both frontages, the street having the highest vehicular traffic volume shall be used for the applicable sign measurements.



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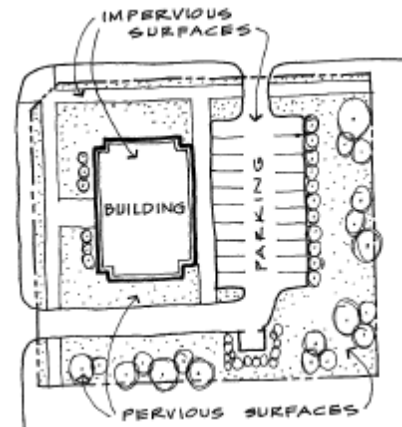
- G. *Window frame section.* The sign display area for a window sign consists of the glass surface between the head jamb, side jamb and sill components of the window.



Sign Measurements— The areas outlined in red indicates a single window frame section.

## 8.3.9 Landscape Measurements

- A. *Open space/impervious surface:* [Impervious surfaces](#) include any surface that has been compacted or covered with a layer of material so that it is highly resistant to [infiltration](#) by water. [Open space](#) shall be measured as the remaining pervious area of land or water on the [property](#) that is [landscaped](#) or essentially unimproved. For purposes of open space measurements, [structures](#) or constructed elements that allow some infiltration, such as [decks](#), patios, and [driveways](#), porous [pavers](#) or concrete, or other elements that disturb [ground cover](#) shall be counted towards the total surface coverage unless they demonstrate they are a functional and integral part of a stormwater system and [best management practice](#).



Distinction of impervious surface and open space

- B. *Tree height:* Tree height shall be measured as the vertical distance between the base of the [tree](#) at [natural grade](#) after it has been planted and the tip of the highest branch of the tree.



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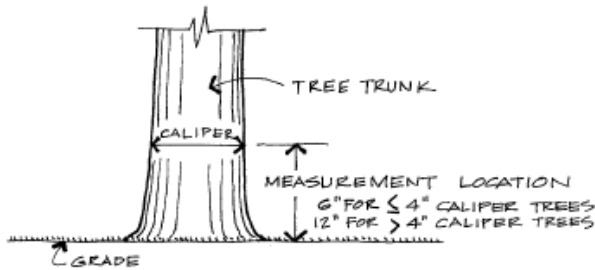
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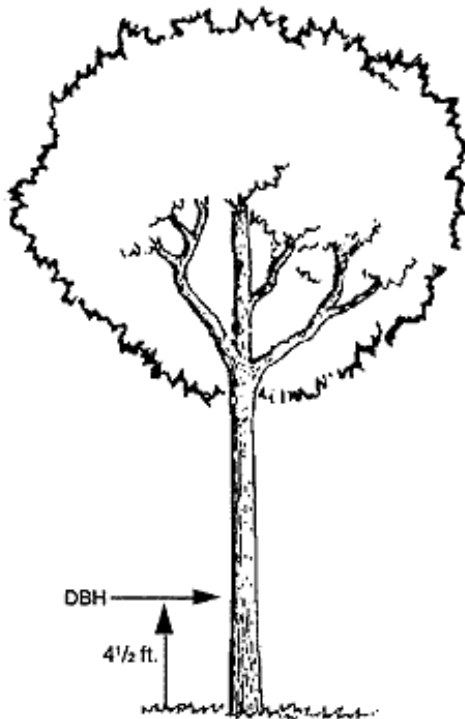
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- C. *Tree caliper*: The [caliper](#) of a [tree](#) shall be the measurement of the diameter of the tree trunk at 6 inches above [natural grade](#) for trees up to and including 4-inch caliper trees and at 12 inches above natural grade for trees larger than 4-inch caliper trees.



Measurement of tree caliper

- D. *Diameter at breast height (DBH)*: The diameter of a [tree](#) trunk measured at the standard height of 54 inches above [natural grade](#).



Measurement of diameter at breast height (DBH)

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## 8.4 Interpretation of Maps and Boundaries

### 8.4.1 Zoning Maps

Where uncertainty exists with respect to any of the boundaries of a zoning district as shown on the Official Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following [streets](#), [alleys](#), highways, railroad lines, or similar [right-of-way](#), or extensions of these lines, the centerline of such streets, alleys, highways, railroad lines, or similar right-of-way, and extensions of the lines shall be construed to be the boundaries.
- B. Wherever any [street](#), [alley](#), or other public way is vacated in a manner authorized by law, the district boundary adjoining each side of such street, alley, or public way shall be automatically extended to the center of the vacated street, alley, or public way.
- C. Where district boundaries are indicated as approximately following the corporate limit line of the City, the corporate limit line shall be construed to be the boundaries, unless otherwise indicated.
- D. Where district boundaries are indicated as approximately following property lines or the extension of these lines, these lines shall be construed to be the boundaries.
- E. Where the district boundaries are indicated as approximately following streambeds or riverbeds, the centerline of such streambeds and riverbeds shall be construed to be the boundaries.
- F. Where district boundaries are shown as being located a specific distance from a street line or other easily identifiable feature, this distance shall control.

- G. If the actual location of a [street](#), [alley](#), highway, railroad line, [right-of-way](#), corporate boundary, property line, streambed, or riverbed varies slightly from the location as shown on the zoning map, then the actual location shall control.
- H. Where district boundaries do not coincide or approximately coincide with [streets](#), [alleys](#), highways, railroad lines, similar rights-of-way, corporate boundaries, property lines, streambeds, riverbeds, or other easily identifiable feature, and no dimensions are shown, the location of such district boundary shall be determined by the scale of the map.
- I. Where district boundaries cannot be determined using the methods listed above, the Planning Director shall interpret the district boundaries.

### 8.4.2 Other Maps

Where these regulations refer to other maps or documents containing maps, such as those associated with the [Comprehensive Plan](#), the Planning Director may utilize the above rules to interpret those maps where appropriate and as necessary.

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## 8.5 Defined Terms

All words and phrases shall have their ordinary and customary meanings unless the context of the word or phrase indicates otherwise. The following terms shall have the meaning given below, unless the context of the use of the term clearly indicates otherwise based on the purposes, intent, objective or other guidance associated with its use in a particular section.

**Abandonment:** The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

**Abut:** To physically touch or border on; or to share a common property line but not overlap.

**Acceleration Lane:** An added roadway lane that permits integration and merging of slower-moving vehicles into the main vehicular stream.

**Access:** A way or means of approach to provide vehicular or [pedestrian](#) physical entrance to a property.

**Accessible Route:** A continuous, unobstructed and improved [path](#) connecting all accessible elements and spaces of a [building](#) or [facility](#).

**Adaptive Reuse:** The development of a new use for an older building or for a building originally designed for a special or specific purpose.

*Comment:* Adaptive reuse is a particularly useful technique for preserving older buildings of historic or architectural significance. It also applies to the conversion of other special-use structures, such as gas stations, train stations, or [school](#) buildings, that are no longer needed for their original use.

**Addition:** (1) A structure added to the original structure at some time after the completion of the original; (2) an [extension](#) or increase in floor area or height of a [building](#) or [structure](#).

**Adjoining Lot, Property, or Land:** A [lot](#) or [parcel](#) of land that shares all or part of a common [lot line](#) with another lot or parcel of land.

**Adverse Impact or Effect:** A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a [site](#) proposed for [development](#) or on off-tract [property](#) or [facilities](#).

*Comment:* Adverse impacts usually relate to circulation, [drainage](#), [erosion](#), potable water, [sewage](#) collection, and treatment. They may also relate to lighting and [glare](#), [aesthetics](#), quality of life, and impact on the environment.

**Aesthetic:** The perception of artistic elements or elements in the natural or created environment that are pleasing to the eye.

**Aisle:** The traveled way by which cars enter and depart [parking spaces](#).

**Alley:** A service roadway providing a secondary means of [access](#) to [abutting](#) property and not intended for general traffic circulation.

*Comment:* Found in many older, grid-pattern [neighborhoods](#) and providing access to garages, alleys have now found favor in traditional neighborhood designs by eliminating front-lot [driveways](#), thereby improving the appearance of small lot layouts.

**Alteration:** Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of [ingress](#) or [egress](#), or any enlargement to or diminution of a [building](#) or [structure](#), whether horizontally or vertically, or the moving of a building or structure from one location to another.

*Comment:* All expansions are alterations, but not all alterations are expansions. This definition excludes normal repairs and maintenance, such as painting or [roof](#) replacement, but includes more substantial changes.

**Annexation:** The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

**Applicant:** A [person](#) submitting an application for [development](#).

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**Approved Plan:** A plan that has been granted final approval by the appropriate [approving authority](#).

**Approving Authority:** The agency, board, group, or other legally designated individual or agency that has been charged with the review and approval of plans and applications.

**Appurtenances:** The visible, functional, or ornamental objects accessory to, and part of, [buildings](#) or [structures](#).

**Arcade:** A continuous passageway parallel to and open to a [street](#), [open space](#), or [building](#), usually covered by a [canopy](#) or permanent roofing, and accessible and open to the public.

**Automobile:** A self-propelled, free-moving vehicle, with four wheels, usually used to transport not more than six passengers and licensed by the appropriate state agency as a passenger vehicle.

**Awning:** An architectural projection that provides weather protection or decoration and is wholly supported by the building to which it is attached. An awning is typically comprised of a lightweight, rigid skeleton structure over which a covering is attached.

**Balcony:** An exterior floor projecting from a structure and supported by a cantilever or brackets, not be vertical columns or piers.

**Berm:** A mound of earth or the act of pushing earth into a mound.

**Best Management Practices (BMP):** [Stormwater management](#) practices, either structural, non-structural, or natural that has been demonstrated to effectively control movement of pollutants, prevent degradation of [soil](#) and water resources, and that are compatible with the planned [land use](#).

**Brook:** A small [stream](#) or [creek](#).

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

**Building:** Any [structure](#) having a [roof](#) supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

*Comment:* This excludes shipping containers (modified or not) and portable storage pods.

**Building, Accessory:** A subordinate structure on the same [lot](#) as the principal or main building or use.

**Building, Principal:** A [building](#) in which is conducted the [principal use](#) of the [lot](#) on which it is located.

*Comment:* Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly [accessory structures](#) shall not be considered principal buildings.

**Building Envelope:** The three-dimensional space within which a [structure](#) is permitted to be built on a [lot](#); it is defined by maximum height regulations and minimum yard [setbacks](#).

**Building, Front Plane of:** Any [façade](#) of a [building](#) that [abuts](#) and faces the [front yard](#).

**Building Line:** A line parallel to the street [right-of-way line](#) touching that part of a [building](#) closest to the [street](#).

**Bulk Requirements:** Standards applying to individual [lots](#) that control the placement, [intensity](#), and [character](#) of [development](#) and include the amount of [open space](#) on the lot, the height of structures, [setbacks](#) from property lines and public rights-of-way, [impervious surface](#) coverage, and [density](#).

**Caliper:** The diameter of a [tree](#) trunk. The usual measurement distance from ground level is 6 inches for trees up to 4 inches in diameter and 12 inches for larger-diameter trees.

**Canopy:** A [roof](#)-like, unenclosed (except when connected to a building) shelter, having various means of support and generally used for protection from weather for [pedestrians](#).

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**Certificate of Construction Compliance:** A document issued by the proper authority certifying that the [development](#) of a [site](#) has appropriately adhered to the approved [site plans](#) for that development.

**Certificate of Occupancy:** A document issued by a governmental authority allowing the occupancy or use of a [building](#) and certifying that the [structure](#) or [use](#) has been constructed and will be in compliance with all the applicable municipal codes and ordinances.

**Change of Use:** Any use that substantially differs from the previous use of a [building](#) or [land](#).

*Comment:* From a zoning perspective, change of use is important only if it affects any of the usual elements involved in [site plan](#) review: parking, [drainage](#), traffic, circulation, landscaping, [signage](#), building arrangements, and [nuisance](#) factors, such as lighting and [noise](#).

**Character:** Special physical characteristics of a structure or area that set it apart from its surroundings and contribute to its interest and/or individuality.

*Comment:* Examples of an area's character might include: a pattern of residential gridiron, tree-lined [streets](#) with [alleys](#) for garage access and trash removal; a business district with uniformity in building scale, materials, [setbacks](#), [street furniture](#), and sign design; or a waterfront promenade with fountains, public art, and design-coordinated street furniture of benches, light standards, and trash receptacles.

**Chimney:** A structure containing one or more flues for drawing off emissions from stationary sources of combustion.

**Cluster Housing:** A form of development that permits a reduction in [lot area](#) and [bulk requirements](#), provided there is no increase in the number of lots permitted under a conventional [subdivision](#) or increase in the overall [density](#) of development, and the remaining land area is devoted to [open space](#), [active recreation](#), preservation of environmentally sensitive areas, or agriculture.

*Comment:* Cluster housing should not be used to subsidize a developer who buys a piece of land with development constraints, such as steep slopes, wetlands, and [floodplains](#), and expects the yield to be the same as if the land were completely developable.

**Colonnade:** A roofed structure, extending over the [sidewalk](#), open to the [street](#) except for supporting columns or piers.

**Compatible Design:** The visual relationship between adjacent and nearby [buildings](#) and the immediate [streetscape](#), in terms of a consistency of materials, colors, building elements, building mass, and other constructed elements of the urban environment, such that abrupt or severe differences are avoided.

**Compatible Land Use:** A use of [land](#) and/or [building\(s\)](#) that, in terms of development [intensity](#), building coverage, design, bulk and occupancy, traffic generation, parking requirements, [access](#) and circulation, [site improvements](#), and public facilities and service demands, is consistent with and similar to neighboring uses and does not [adversely affect](#) the quality of life of persons in surrounding or nearby buildings.

*Comment:* Compatible land uses may include different land uses that are mutually supportive and necessary, providing goods and services, economic opportunities, and a healthy and safe environment.

**Complete Application:** An application for [development](#) completed as specified by ordinance and the rules and regulations of the [approving authority](#) and the provisions of all required documents.



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**Comprehensive Plan:** A comprehensive, long-range plan intended to guide the growth and development of a community or region for a set period of time and which typically includes inventory and analytic sections leading to recommendations for the community's [land use](#), future economic development, housing, recreation and [open space](#), transportation, community facilities, and community design, all related to the community's goals and objectives for these elements.

*Comment:* The principle underlying its analysis and preparation is the comprehensive nature of the document, integrating all of the various parts into a single, unified, coherent plan that includes [implementation](#) proposals. State enabling legislation specifies the legal requirements of a comprehensive plan, including its preparation, contents, modifications, adoption, and implementation.

**Concept Plan:** A schematic or conceptual design for land [development](#), prepared for informal review purposes that carries no vesting rights or obligations on any party.

*Comment:* The informal concept plan review process is used to alert [applicants](#) to problems and requirements before the submission of a formal development application. Use of the concept plan review can save time and money for all parties.

**Conditional Use:** A [use](#) permitted in a particular zoning district when it is shown that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in this Ordinance and authorized by the [approving authority](#).

*Comment:* Conditional uses are permitted uses and are appropriate in the zoning district only when all conditions are met.

**Conditions of Approval:** Requirements established by the [approving authority](#) before preliminary or final approval of an application for [development](#) becomes effective.

*Comment:* Applications for development are often approved by the responsible authority subject to certain changes, corrections, or compliance with other agency reviews or approval. These changes and corrections, usually minor in nature, and compliance with other agency reviews or approvals, usually statutory, must be achieved before the application is deemed approved.

**Condominium:** A [building](#), or group of buildings, in which [dwelling units](#), offices, or floor area are owned individually and the structure, common areas, and [facilities](#) are owned by all the owners on a proportional, undivided basis.

**Condominium Association:** The community association that administers and maintains the common property and common elements of a [condominium](#).

*Comment:* Condominium associations differ from other forms of community associations in that the condominium association does not have title to the common [property](#) and [facilities](#). These are owned by the [condominium](#) owner on a proportional, undivided basis.

**Contiguous:** Next to, [abutting](#), or touching and having a boundary, or portion thereof, that is coterminous.

**Cornice:** Any horizontal member, structural or nonstructural, projecting outward from the [exterior walls](#) at the roofline, including eaves and other [roof overhang](#).

**Cornice Line:** The horizontal line on the exterior of a building at which the roof system intersects the exterior wall.

**Courtyard:** Any [open space](#), unobstructed from the ground to the sky, that is bound on two or more sides by the walls of a building that is on the same [lot](#).

**Creek:** A small [stream](#) somewhat larger than a [brook](#).

**Crosswalk:** Any portion of a roadway distinctly indicated for [pedestrian](#) crossing by lines or other surface markings or by a change in surface material.



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**Cupola:** A small roof tower, usually rising from the [roof ridge](#).

**Curb:** A stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

**Curb Cut:** The opening along the [curb](#) line at which point vehicles may enter or leave the roadway.

**Deceleration Lane:** An added roadway lane that permits vehicles to slow down and leave the main vehicle stream.

**Deck:** An unroofed platform, either freestanding or attached to a building, that is supported by pillars or posts.

**Deck Line:** The intersection of two [roof](#) surfaces of a [mansard roof](#) forming the highest horizontal line of the steeper roof slope.

**Density:** The number of families, individuals, [dwelling units](#), [households](#), or housing structures per unit of land.

*Comment:* The most common application in this Ordinance is dwelling units per acre and includes all the area within the boundaries of the specific area.

**Development:** Generally, the division of a [parcel](#) of land into two or more parcels; the construction, reconstruction, conversion, structural [alteration](#), [relocation](#), or enlargement of any [structure](#); any mining, excavation, [landfill](#), or land disturbance; or any use or extension of the use of land.

*Comment:* Article 1, Introduction, of this Ordinance provides greater insight into the nature of activities that constitute and do not constitute development.

**Diameter at Breast Height (DBH):** The diameter of a [tree](#) trunk measured at the standard height of 54 inches above [natural grade](#).

**District:** A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply.

**Dormer:** A projection from a sloping [roof](#) that contains a window.

**Drainage:** (1) Surface water runoff; (2) the removal of surface water or groundwater from land by drains, [grading](#), or other means, which include runoff controls to minimize [erosion](#) and sedimentation during and after construction or [development](#).

**Dredging:** A method of deepening [streams](#), swamps, or coastal waters by removing solids from the bottom.

**Drip Line:** The ground line around a [tree](#) that defines the limits of the tree canopy.

**Driveway:** A private roadway providing [access](#) to a [street](#) or highway.

**Dumpster:** An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle.

**Dumpster Enclosure:** See [GARBAGE ENCLOSURE](#).

**Dwelling Unit:** One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a [household](#).

**Easement:** A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another [person](#) or entity.

**Easement, Utility:** The [right-of-way](#) acquired by a [utility](#) or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables, and towers.

**Egress:** An exit.

**Elevation:** (1) A vertical distance above or below a fixed reference level; (2) a fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of [grade](#) to floor level.

**Erosion:** The detachment and movement of [soil](#) or rock fragments or the wearing away of the land surface by water, wind, ice, and gravity.

**Establishment:** An economic unit where business is conducted or services or industrial operations are performed.

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**Evergreen:** A plant with foliage that remains green year-round.

**Existing Use:** The [use](#) of a [lot](#) or [structure](#) at the time of the enactment of this Ordinance.

**Extension:** (1) An increase in the amount of existing floor area beyond the [exterior wall](#); (2) extending the length of time an [approving authority](#) can act on an application for [development](#).

**Façade:** The [exterior walls](#) of a [building](#) exposed to public view or that wall viewed by persons not within the building.

**Facility:** A place where an activity occurs.

*Comment:* The word “facility” (or “facilities”) is a general term describing one or more [buildings](#), [structures](#), locations in, on, or at which something, other than a random occurrence, is happening.

**Family:** A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a [dwelling unit](#) as a single housekeeping unit. For purposes of this Ordinance, “family” does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

*Comment:* The key words in this definition are “single housekeeping unit,” which is defined as “common use and access to all living and eating areas.” In addition to the single housekeeping unit, a family also represents an intentionally structured relationship and implies a permanent and long-term voluntary relationship as opposed to one that is short-term, transient, and mandated by law.

**Fence:** A structure constructed of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials used to define a boundary or as a means of protection, confinement, or visual obstruction.

**Fenestration:** Windows and other openings on a building [façade](#).

**Filling:** The process of depositing fill in a low-lying area.

**Fire Lane:** An unobstructed paved or improved surface area clearly defined by [pavement](#) markings and signs, and designed to provide access for fire-fighting equipment.

**Flag:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**Floodplain:** The channel and the relatively flat area adjoining the channel of a natural [stream](#) or [river](#) that has been or may be covered by floodwater.

**Floor Area, Gross:** The sum of the gross horizontal areas of all enclosed floors of a [building](#), including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of [exterior walls](#), or from the centerline of a common wall separating two buildings, but excluding any space with a floor-to-ceiling height of less than 6 feet 6 inches.

**Floor Area, Habitable:** The total floor area of all the [habitable rooms](#) in a [dwelling unit](#).

**Floor Area, Net:** The total of all floor areas of a [building](#), excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or [ground floor](#), except when these are used or intended to be used for human habitation or service to the public.

**Floor Area Ratio:** Representing the gross floor area of all [buildings](#) or [structures](#) on a [lot](#) divided by the total [lot area](#).

**Foot candle (FC):** A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

**Frontage:** That side of a lot [abutting](#) on a [street](#); the [front lot line](#).

*Comment:* On [corner lots](#) or [through lots](#), the frontage should be consistent with the [orientation](#) of [buildings](#) on the other lots and [improvements](#) on the same side of the [street](#). On improved lots, the frontage is usually the side where the [main building entrance](#) is located and in the general direction in which the [principal building](#) faces.

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**Full cut-off fixture:** An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

**Garbage Enclosure:** An [accessory use](#) or [structure](#) where trash and/or recycling material containers or any other type of waste or refuse containers are stored.

**Gate:** (1) An opening in a [fence](#); (2) an artificial barrier capable of being opened and closed, permitting or denying access across a [driveway](#) or [path](#).

**Glare:** The effect produced by light from a [luminaire](#) with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**Grade:** (1) The average [elevation](#) of the land around a [building](#); (2) the percent of rise or descent of a sloping surface.

**Grade, Finished:** The final [elevation](#) of the average ground level adjoining a [building](#) at all [exterior walls](#) after [development](#).

**Grade, Natural:** The [elevation](#) the ground level in its natural state, before construction, [filling](#), or excavation.

**Grading:** Any stripping, cutting, [filling](#), or stockpiling of earth or land, including the land in its cut or filled condition, to create new [grades](#).

**Green Area:** Land shown on a development plan or master plan for conservation, preservation, recreation, landscaping, or park.

**Greenway:** (1) A linear [open space](#) established along either a natural corridor, such as a riverfront, stream valley, or ridge line, or over land along a railroad [right-of-way](#) converted to recreational use, a canal, a scenic road, or other route; (2) any natural or [landscaped](#) course for [pedestrian](#) or bicycle passage; (3) an open-space connector linking parks, natural reserves, cultural features, or historic sites with each other and with populated areas; (4) locally, certain strip or linear parks designated as a parkway or greenbelt.

**Ground Cover:** Grasses or other low-growing plants and landscaping.

**Ground Floor:** The first floor of a [building](#) other than a cellar or basement.

**Guarantee:** Cash, [letter of credit](#), bond, or similar financial instrument deposited with the municipality to ensure that required [improvements](#) will be constructed or installed.

*Comment:* Guarantees are designed to ensure that all required improvements are completed and in place before [certificates of construction compliance](#) and [certificates of occupancy](#) are issued.

**Habitable Room:** Any room in a [dwelling unit](#) other than a kitchen, bathroom, closet, pantry, hallway, cellar, storage place, garage, or unfinished basement, cellar, or attic.

**Handicap:** Physical or mental impairment that substantially limits one or more of a person's major life activities.

**Handicapped Person:** A person or persons who may be classified as having a physical impairment that manifests itself in one or more of the following ways: nonambulatory; semiambulatory; visually impaired; deaf or hard-of-hearing; having faulty coordination; and having reduced mobility, flexibility, coordination, or perceptiveness due to age or physical or mental conditions.

**Homeowners Association:** A community association, other than a [condominium association](#), that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of [common open space](#) or [facilities](#).

*Comment:* The homeowners association usually holds title to certain common property, manages and maintains the common property, and enforces certain [covenants](#) and [restrictions](#). [Condominium associations](#) differ from homeowners associations in that condominium associations do not have title to the common property.

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**Household:** A [family](#) living together in a single [dwelling unit](#), with common access to and common use of all living and eating areas and all areas and [facilities](#) for the preparation and serving of food within the dwelling unit.

**Human Scale:** The proportional relationship of a particular [building](#), [structure](#), [open space](#) enclosure, or [streetscape](#) element to the human form and function.

**Impervious Surface:** A surface that has been compacted or covered with a layer of material so that it is highly resistant to [infiltration](#) by water.

**Implementation:** Carrying out or fulfilling plans and proposals.

**Improvement:** Any [permanent structure](#) that becomes part of, is placed upon, or is affixed to [real estate](#).

**Incidental:** Subordinate and minor in significance and bearing a reasonable relationship to the primary use.

**Infill:** The development of new housing or other uses on scattered vacant sites in a built-up area.

**Infiltration:** (1) The flow of water into [soil](#); (2) unplanned and unwanted stormwater flow into a sanitary sewer system.

**Infrastructure:** [Facilities](#) and services needed to sustain all land-use activities.

*Comment:* Infrastructure includes water and sewer lines and other utilities, [streets](#) and [roads](#), communications, and public facilities, such as firehouses, parks, and [schools](#).

**Ingress:** [Access](#) or entry.

**Intensity of Use:** The number of [dwelling units](#) per acre for residential development and [floor area ratio](#) (FAR) for nonresidential development, such as commercial, office, and industrial.

**Intermittent Stream:** A [stream](#) that normally flows for at least 30 days after the last major rain of the season and is dry a large part of the year.

**Intersection:** The location where two or more roadways cross at [grade](#) without a bridge.

**Kiosk:** A freestanding structure upon which temporary information and/or posters, notices, and announcements are posted.

**Lake:** An inland [water body](#) fed by springs or surrounding runoff.

**Land:** Ground, [soil](#), or earth, including [structures](#) on, above, or below the surface.

**Land Use:** A description of how [land](#) is occupied or used.

**Landscape:** (1) An expanse of natural scenery; (2) lawns, [trees](#), plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.

*Comment:* As noted in the definition, landscaping treatment can include some elements of [street furniture](#). It does not include artificial trees or other artificial plants. Natural materials often are referred to as “soft” landscape, and other materials are known as “hard” landscape.

**Letter of Credit:** A letter issued by a bank permitting the [person](#) or agency named in it to draw a certain amount of money from another specified bank.

**Lintel:** A horizontal beam that supports the weight of the wall above a window or door.

**Loading Space:** An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

**Lot:** A designated [parcel](#), [tract](#), or area of land established by [plat](#), [subdivision](#), or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

**Lot, Corner:** A [lot](#) or [parcel](#) of land [abutting](#) on two or more [streets](#) at their [intersection](#) or on two parts of the same street forming an interior angle of less than 135 degrees.

**Lot, Flag:** A [lot](#) not meeting the minimum [frontage](#) requirements and where [access](#) to the public [road](#) is by a private [right-of-way](#) or [driveway](#).

**Lot, Through:** A [lot](#) that fronts on two parallel [streets](#) or that fronts on two streets that do not intersect at the boundaries of the lot.

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**Lot Averaging:** A form of development that permits a reduction in individual [lot areas](#) and [bulk requirements](#), provided that the number of lots remains the same as permitted without lot averaging.

**Lot Line:** A line of record bounding a [lot](#) that divides one lot from another lot or from a public or private [street](#) or any other public space.

**Lot Line, Front:** The [lot line](#) separating a lot from a street [right-of-way](#).

**Lot Line, Rear:** The [lot line](#) opposite and most distant from the front lot line.

**Lot Line, Side:** Any [lot line](#) other than a front or rear lot line.

**Lot of Record:** A [lot](#) that exists as shown or described on a [plat](#) or deed in the records of the local registry of deeds.

**Luminaire:** A complete lighting unit consisting of a light source, pole, and all mounting brackets, if appropriate, and all necessary mechanical, electrical, and decorative parts.

**Main Entrance:** The place of [ingress](#) and [egress](#) used most frequently by the public.

**Marquee:** Any hood, [canopy](#), [awning](#), or permanent construction that projects from a wall of a building, usually above an entrance.

**Mitigation:** Methods used to alleviate or lessen the impact of [development](#).

**Mixed-Use Development:** The development of a [neighborhood](#), [tract](#) of [land](#), [building](#), or [structure](#) with a variety of complementary and integrated uses, such as, but not limited to, residential, office, [manufacturing](#), retail, public, and recreation, in a compact urban form.

**Mulch:** A layer of wood chips, dry leaves, straw, hay, plastic, or other material placed on the surface of the [soil](#) around plants to retain moisture, to prevent weeds from growing, to hold soil in place, and to aid plant growth.

**Natural Area:** An area that is in a condition that arises from or is found in nature and not altered by human intervention.

**Neighborhood:** An area of a community with characteristics that distinguish it from other areas and that may include distinct ethnic or economic characteristics, housing types, [schools](#), or boundaries defined by physical barriers, such as major highways and railroads, or natural features, such as water bodies or [topography](#).

**Noise:** (1) Any undesired audible sound; (2) any sound that annoys or disturbs humans or that causes or tends to cause an [adverse](#) psychological or physiological effect on humans.

**Nonconforming Lot:** A [lot](#), the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**Nonconforming Structure or Building:** A [structure](#) or [building](#), the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Ordinance.

**Nonconforming Use:** A [use](#) or activity that was lawful prior to the adoption, revision, or amendment of this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**North American Industry Classification System (NAICS):** A standard code system to describe and classify business [establishments](#) based on the activities in which they are primarily engaged.

**Nuisance:** A condition or situation that results in an interference with the enjoyment and use of property.

**Occupancy or Occupy:** The residing of an individual or individuals overnight in a [dwelling unit](#) or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

**Odor:** The quality of something that produces an olfactory response in a human being.



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**Off-Site:** Located outside the [lot lines](#) of the lot in question.

**Off-Street Parking:** A temporary storage area for [motor vehicles](#) that is directly accessible to an access [aisle](#) and that is not located on a dedicated street [right-of-way](#).

**On-Site:** Located on the [lot](#) that is the subject of an application for [development](#).

**On-Street Parking:** A temporary storage area for [motor vehicles](#) that is located on a dedicated street [right-of-way](#).

**Opacity:** (1) The property of a substance that renders it partially or wholly obstructive to the transmission of visible light; (2) degree of obscuration of light.

**Open Space:** Any pervious area of land or water on the property that is [landscaped](#) or essentially unimproved.

**Open Space, Common:** Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development and their guests and that may include such complimentary [structures](#) and [improvements](#) as are necessary and appropriate.

**Orientation:** The placement of a [structure](#) on its [lot](#) with regard to other structures, natural elements such as sun and wind, and impacts from [noise](#), [glare](#), and similar adverse elements.

**Overhang:** The part of a [roof](#) or wall that extends beyond the [façade](#) of a lower wall.

**Overlay Zoning District:** A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zone.

*Comment:* Overlay zones deal with special situations that are not appropriate to a specific zoning district or that apply to several districts.

**Owner:** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek [development](#) of land.

**Parapet:** The extension of the main walls of a building above the [roof](#) level.

*Comment:* Parapet walls often are used to shield mechanical equipment and vents.

**Parcel:** (1) A piece or area of [land](#) formally described and recorded with block and lot numbers, by metes and bounds, by ownership, or in such a manner as to specifically identify the dimensions and/or boundaries; (2) informally, as land in general.

**Parking Area:** Any public or private area, under or outside of a [building](#) or [structure](#), designed and used for parking [motor vehicles](#), including [parking lots](#), garages, private [driveways](#), and legally designated areas of public [streets](#).

**Parking Garage:** An off-street, enclosed garage structure that provides temporary storage for motor vehicles.

**Parking Kiosk:** An electronic, freestanding device used to conduct or assist with financial transactions for paid parking within a site.

**Parking Lot:** An [off-street](#), ground-level open area that provides temporary storage for [motor vehicles](#).

*Comment:* Parking lots may provide [access](#) to other uses, such as [dwellings](#), offices, stores, and so on. They are not designed for permanent storage unless otherwise permitted by this Ordinance.

**Parking Space:** A space for the parking of a [motor vehicle](#) within a public or private [parking area](#).

**Parking Space, Handicapped:** A space in a [parking area](#) with stall dimensions, [access](#), and signage conforming to the Americans with Disabilities Act (ADA) or applicable state or local standards.

**Parking Stall Barriers:** A mechanical device installed to allow or prevent vehicles from entering parking spaces.

**Party Wall:** A common wall shared by two attached [structures](#), [buildings](#), or [dwelling units](#).

**Path:** A cleared way for [pedestrians](#) and/or bicycles that may or may not be improved.



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**Pavement:** (1) A created surface, such as brick, stone, concrete, or asphalt, placed on the land to facilitate passage; (2) that part of a [street](#) having an improved surface.

**Pavers:** Preformed paving blocks that are installed on the ground to form patterns while at the same time facilitating [pedestrian](#) and vehicular travel.

*Comment:* Pavers provide an attractive alternative to concrete or asphalt for walkways, [driveways](#), and residential or light-duty [parking areas](#).

**Pedestrian:** An individual who travels on foot.

**Pedestrian Scale:** The proportional relationship between an individual and his or her environment.

*Comment:* Pedestrian scale suggests that the relationship between the person and his or her environment, whether natural or created, is comfortable, intimate, and contributes to the individual's sense of accessibility.

**Pedestrian Walkway:** A [right-of-way](#) for pedestrians, separate from vehicular traffic and including access [ramps](#), stairs, mechanical lifts, and routes through [buildings](#) and other areas that are available for public use.

**Permit:** Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

**Person:** A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.

**Phase:** [Development](#) undertaken in a logical time and geographical sequence.

**Pilaster:** A column partially embedded in a wall and usually nonstructural.

**Plat:** (1) A map representing a [tract](#) of land, showing the boundaries and location of individual properties and [streets](#); (2) a map of a [subdivision](#) or [site plan](#).

**Plaza:** An [open space](#) that may be improved and [landscaped](#); usually surrounded by [streets](#) and [buildings](#).

**Porch:** A roofed, open area, which may be screened, attached to or part of a building, and with direct access to or from it.

**Premises:** A [lot](#), [parcel](#), [tract](#), or plot of [land](#) together with the [buildings](#) and [structures](#) thereon.

**Principal Use:** The primary or predominant [use](#) of any [lot](#) or [parcel](#).

**Prohibited Use:** A [use](#) that is not permitted in a zoning district.

**Property:** A [lot](#), [parcel](#), or [tract](#) of [land](#) together with the [buildings](#) and [structures](#) located thereon.

**Public Event:** Any planned gathering on public property or an event organized by a nonprofit institution or [homeowners association](#).

*Comment:* A public event is typically of a civic, political, public, or educational nature, including city festivals and fairs. A public event shall not include swap meets, [flea markets](#), swap malls, seasonal sporting events, grand opening celebrations, anniversary celebrations, or similar functions.

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

**Public Improvement:** Any [improvement](#), [facility](#), or service, together with its associated [site](#) or [right-of-way](#), necessary to provide transportation, [drainage](#), utilities, or similar essential services and [facilities](#) and that is usually owned and operated by a governmental agency.

**Public Notice:** The advertisement of a [public hearing](#) in a paper of general circulation, and through other media sources, indicating the time, place, and nature of the public hearing and where the application and pertinent documents may be inspected.

**Public Service:** Relating to the health, safety, and welfare of the population.

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**Ramp:** (1) A sloping walkway, roadway, or passage used to join and provide a smooth transition between two levels of different [elevations](#); (2) [driveways](#) leading to parking [aisles](#).

*Comment:* For ramps accessible to the [handicapped](#), the Americans with Disabilities Act (ADA) specifies a maximum slope of 1 to 12 (8.33 percent).

**Real Estate:** [Land](#), tenements, and other hereditaments or rights therein, and whatever is made part of or is attached to it by nature or by humans; the land and all [improvements](#) thereon.

**Recreation, Active:** Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

**Recreation, Passive:** Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, board and table games.

**Recreational Vehicle (RV):** A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes.

*Comment:* Recreational vehicles include, but are not limited to, [travel trailers](#), truck campers, camping [trailers](#), and self-propelled motor homes.

**Redevelopment:** The removal and replacement, [rehabilitation](#), or [adaptive reuse](#) of an existing [structure](#) or structures, or of [land](#) from which previous [improvements](#) have been removed.

*Comment:* Replacement may include construction of residential, commercial, industrial, public, or other uses as well as provisions for [streets](#), parks, and other public facilities.

**Rehabilitation:** The [restoration](#) of a property previously in a dilapidated or substandard condition for human habitation or use, without drastically changing the plan, form, or style of architecture.

**Relocation:** To move an individual, [household](#), [use](#), or [building](#) from its original place to another location.

**Remediation:** The action or measures taken, or to be taken, to lessen, clean up, remove, or [mitigate](#) the existence of hazardous materials present on a property to such standards or requirements as may be established by federal, state, or local statute or regulation.

**Remodel:** To construct an [addition](#) or alter the design or layout of a [building](#) or make [alterations](#) or structural changes.

**Residence:** A home, abode, or place where an individual is actually living at a specific point in time.

**Residential Area:** A generic term describing an area that gives the impression that it is predominantly a place where people live.

**Restoration:** The replication or reconstruction of a building's original architectural features.

*Comment:* "Restoration" is usually used to describe the technique of preserving historic buildings. [Rehabilitation](#), which also accomplishes building upgrading, does not necessarily retain the building's original architectural features.

**Restriction:** A limitation on property, which may be created in a property deed, lease, mortgage, through certain zoning or subdivision regulations, or as a [condition of approval](#) of an application for [development](#).

**Restrictive Covenant:** A [restriction](#) on the use of land, usually set forth in the deed.

*Comment:* Restrictive covenants usually [run with the land](#) and are binding on subsequent owners of the property. However, some restrictive covenants run for specific periods of time.

**Rezone:** To change the zoning classification of particular [lots](#) or [parcels](#) of land.

**Ridge:** The intersection of two [roof](#) surfaces forming the highest horizontal line of the roof.

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**Right-of-Way (ROW):** (1) A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a [street](#), [crosswalk](#), railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other [similar uses](#); (2) generally, the right of one to pass over the property of another.

**Right-of-Way Lines:** The lines that form the boundaries of a [right-of-way](#).

**River:** A natural [stream](#) of water, of greater volume than a [creek](#), flowing in a more or less permanent bed or channel, between defined banks or walls, with a current that may be either continuous in one direction or affected by the ebb and flow of the tide.

**Road:** See [STREET](#).

**Roof:** The outside top covering of a [building](#).

**Roof, Flat:** A [roof](#) that is not pitched and the surface of which is generally parallel to the ground.

**Roof, Gable:** A ridged [roof](#) forming a gable at both ends of the building.

**Roof, Gambrel:** A gable [roof](#) with two slopes on each side, the lower steeper than the upper.

**Roof, Hip:** A [roof](#) with sloping ends and sides.

**Roof, Mansard:** A [roof](#) with two slopes on each of four sides, the lower steeper than the upper.

**Roof, Shed:** A [roof](#) with one slope.

**Run with the Land:** A [covenant](#) or [restriction](#) to the use of land contained in a deed and binding on the present and all future owners of the property.

**Scale of Development:** The relationship of a particular project or [development](#), in terms of size, height, bulk, [intensity](#), and [aesthetics](#), to its surroundings.

**Sense of Place:** The characteristics of an area that make it readily recognizable as being unique and different from its surroundings and having a special [character](#) and familiarity.

**Sewage:** The total of organic waste and wastewater generated by residential, industrial, and commercial [establishments](#).

**Shoulder:** That part of the roadway [contiguous](#) with the traveled way for accommodation of stopped vehicles, emergency use, and lateral support of base and surface courses.

**Shrub:** A woody plant, smaller than a [tree](#), consisting of several small stems from the ground or small branches near the ground. It may be deciduous or [evergreen](#).

**Sidewalk:** A paved, surfaced, or leveled area, paralleling and usually separated from the traveled way, used as a [pedestrian walkway](#).

**Sight Triangle:** A triangular-shaped portion of land established at street [intersections](#) in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**Sign:** Any object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, [person](#), institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

**Sign, Animated or Moving:** Any [sign](#) or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

**Sign, Awning:** A [sign](#) that is mounted, painted, or attached to an [awning](#) or other window or door [canopy](#) that is otherwise permitted by this Ordinance.

**Sign, Banner:** A temporary [sign](#) of cloth or similar material. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**Sign, Billboard:** A commercial [sign](#) that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the [premises](#) on which the sign is located.

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*Comment:* Billboards are also known as “off-premises” or “[off-site](#)” signs because they generally advertise a product or service available at another location.

**Sign, Construction:** A temporary [sign](#) erected on the [premises](#) where construction is taking place, during the period of such construction, indicating the names of the architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

**Sign, Decorative Post:** A [sign](#) which is attached to a decorative post using a horizontal arm for support or a sign which is supported between two decorative posts.

**Sign, Directional:** A [sign](#) limited to directional messages such as “one way,” “entrance,” and “exit.”

**Sign, Electronic Message Display:** A [sign](#) with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

**Sign, Face:** The area or display surface used for the message.

**Sign, Flashing:** Any directly or indirectly [illuminated sign](#) that exhibits changing natural or artificial light or color effects by any means whatsoever.

**Sign, Freestanding:** Any nonmovable [sign](#) not affixed to a building.

*Comment:* Freestanding signs are usually [pole signs](#), [monument signs](#), and [post signs](#).

**Sign, Hanging:** A [sign](#) that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Sign, Home Occupation:** A [sign](#) containing only the name and occupation of a permitted [home occupation](#).

**Sign, Identification:** A [sign](#) giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or [establishment](#) on the [premises](#) where it is located.

**Sign, Illuminated:** A [sign](#) lighted by, or exposed to, artificial lighting either by lights on or in the sign or directed toward the sign.

**Sign, Inflatable:** Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

**Sign, Monument:** A freestanding [sign](#), other than a pole sign, in which the exposed underside or under surface of all the major elements of the sign, including the sign face and/or sign cabinet and the sign supports or structural base, shall be in contact with the ground or not more than 12 inches from the ground. The use of any poles, pylons or similar supports used for the support of the sign shall be completely concealed.

**Sign, Nameplate:** A [sign](#), located on the [premises](#), giving the name and/or address of the owner or occupant of a [building](#) or premises.

**Sign, Neon:** A [sign](#) consisting of glass tubing, bent to form letters, symbols, or other shapes and illuminated by neon or a similar gas through which an electric voltage is discharged.

**Sign, Nonconforming:** A [sign](#) lawfully erected and maintained prior to the adoption of the current ordinance that does not conform with the requirements of the current ordinance.

**Sign, Off-Premises:** See [SIGN, BILLBOARD](#).

**Sign, Pole:** A [sign](#) that is mounted on a freestanding pole or similar support.

**Sign, Political:** A temporary [sign](#) announcing or supporting political candidates or issues in connection with any national, state, or local election.

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**Sign, Portable:** Any [sign](#) not permanently attached to the ground or other [permanent structure](#), or a sign designed to be transported, including, but not limited to, signs to be transported on wheels; sandwich board signs; and signs on balloons and umbrellas.

**Sign, Projecting:** A [sign](#) that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building.

**Sign, Real Estate:** A [sign](#) pertaining to the sale or lease of the [premises](#), or a portion of the premises, on which the sign is located.

**Sign, Roof:** A [sign](#) that is mounted on the [roof](#) of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a [flat roof](#), the eave line of a building with a [gambrel](#), [gable](#), or [hip roof](#), or the [deck line](#) of a building with a [mansard roof](#).

**Sign, Seasonal Decoration:** Temporary [signs](#), in the nature of decorations, and customarily and commonly associated with any national, local, or religious holiday.

**Sign, Wall:** A [sign](#) fastened to, or painted on, the wall of a [building](#) or [structure](#) in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure.

**Sign, Window:** A permanent [sign](#) that is painted or mounted onto a windowpane, or that is hung directly inside a window solely for the purpose or effect of identifying any [premises](#) from the [sidewalk](#) or [street](#); or a temporary sign advertising special [sales](#), events, or products.

**Silviculture:** The development and/or maintenance of a forest or wooded preserve.

**Similar Use:** A [use](#) that has the same characteristics as the specifically cited use in terms of trip generation and type of traffic, parking, and circulation; utility demands; environmental impacts; physical space needs; and market area.

*Comment:* The term “same” refers to the range of impacts of all the previously cited uses as opposed to one specific standard for each characteristic.

**Site:** Any plot or [parcel](#) of land or combination of [contiguous lots](#) or parcels of land.

**Site Improvements:** Construction of, or [improvement](#) to, [streets](#), [access](#) roadways, parking facilities, [sidewalks](#), [drainage](#) structures, and utilities in connection with any development.

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

**Smoke:** (1) Solid particles generated as a result of the incomplete combustion of materials containing carbon; (2) gas-borne and airborne particles arising from a process of combustion in sufficient numbers to be observable, exclusive of visible condensed water vapor.

**Smokestack:** A vertical pipe, [chimney](#), flue, conduit, or opening designed to exhaust gases and suspended particulate matter into the outdoor air.

**Soil:** All unconsolidated mineral and organic material, of whatever origin, that overlies bedrock and can be readily excavated.

**Solid Waste:** Unwanted or discarded material, including waste material with insufficient liquid content to be free flowing.

**Special Exception:** An exception issued by the Board of Zoning Appeals authorizing a particular [use](#) in a specified location within a zoning district, upon demonstrating that such use complies with all the conditions and standards specified by this Ordinance.

**Stall:** The [parking space](#) in which vehicles park.



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**Stormwater Facilities:** The various [improvements](#), such as swales, [curbs](#), catch basins, trunk sewers, collector sewers, detention and retention basins, comprising the system that accommodates and controls stormwater runoff.

**Stormwater Management:** The control and management of stormwater to minimize the effects of surface water runoff.

**Stream:** A watercourse having a source and terminus, banks, and channel through which waters flow at least periodically.

*Comment:* Streams usually empty into other streams, [rivers](#), [lakes](#), or the ocean but do not lose their character as a watercourse even though the water may dry up.

**Street:** Any vehicular way that is (1) an existing state, county, or municipal roadway; (2) shown upon a [plat](#) approved pursuant to law; (3) approved by other official action; (4) shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; (5) shown on the official map or adopted master plan. It includes the land between the street lines, whether improved or unimproved.

**Street, Arterial:** A [street](#) that connects and distributes traffic to and from collector streets, with [access](#) control, channelized [intersections](#), and restricted parking.

*Comment:* Arterials may overlap major collectors to some extent. Traffic volumes are in excess of 5,000 vehicles per day (ADT). Arterials may also carry regional traffic between communities.

**Street, Collector:** A [street](#) that collects traffic from local streets and connects with arterials.

*Comment:* Collector streets generally carry traffic within, but not usually between, [neighborhoods](#). They do provide [access](#) to [abutting land uses](#). Traffic volumes may vary between 1,500 and 5,000 vehicles per day (ADT) but may drop as low as 1,000 and go as high as 7,500, depending on the [density](#) and type of development.

**Street, Cul-de-Sac:** A [street](#) with a single common [ingress](#) and [egress](#) and with a turnaround at the end.

**Street, Local:** A [street](#) that provides [frontage](#) for [access](#) to [abutting](#) lots and carries slow-speed traffic primarily having a destination or origin on the street itself.

*Comment:* Local streets are also known as residential access or [neighborhood](#) streets and are the lowest order of residential street, other than a rural street.

**Street, Private:** A [street](#) that has not been accepted by the municipality or other governmental entity.

*Comment:* Private streets may be used by the public, often as [access](#) to a development, industrial plant, or shopping area.

**Street Furniture:** Constructed, above-ground objects, such as outdoor seating, [kiosks](#), bus shelters, sculpture, trash receptacles, planters, bollards, fountains, and telephone booths, that have the potential for enlivening and giving variety to [streets](#), [sidewalks](#), [plazas](#), and other outdoor spaces open to and used by the public.

**Streetscape:** A design term referring to all the elements that constitute the physical makeup of a [street](#) and that, as a group, define its [character](#), including building frontage; street paving; street furniture; landscaping, including [trees](#) and other plantings; [awnings](#) and [marquees](#); signs; and lighting.

**Structure:** A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

*Comment:* By this definition, all [buildings](#) are structures; however, not all structures are buildings.

**Structure, Permanent:** A [structure](#) that is built and designed for long-term use and not including a tent, mobile unit, [trailer](#), [recreational vehicle](#), or other temporary shelter.



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**Structure, Temporary:** A [structure](#) that is erected without any foundation or footings and is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**Subdivision:** The division of a [lot](#), [tract](#), or [parcel](#) of land into two or more lots, tracts, parcels, or other divisions of land for sale, [development](#), or lease.

**Tenant:** An occupant of [land](#) or [premises](#) who occupies, uses, and enjoys a real property for a fixed time, usually through a lease or rental arrangement with the property owner.

**Terminal Vista:** (1) A [building](#), [structure](#) or other surface or [streetscape](#) element terminating a view; (2) the placement of a building or structure for the purpose of spatial enclosure, providing a visual focal point, or giving enhanced recognition to the building or structure by such placement.

**Terrace:** A level, [landscaped](#), and/or surfaced area, also referred to as a patio, directly adjacent to a [principal building](#) at or near the [finished grade](#) and not covered by a permanent [roof](#).

**Texture:** The quality of a surface, ranging from mirror-finish smooth to coarse and unfinished.

**T-Intersection:** An at-[grade intersection](#) where one of the intersecting legs is perpendicular to the other two.

**Ton Rating:** A general classification term used in the automotive industry to differentiate a vehicle's size and payload capacity.

*Comment:* This term only loosely refers to a vehicle's payload capacity. A vehicle's actual maximum payload capacity may very well exceed its ton rating. Furthermore, payload capacity is not the same thing as towing capacity.

**Topography:** The physical land surface relief describing terrain [elevation](#) and slope.

**Tract:** An area, [parcel](#), [site](#), piece of [land](#), or [property](#) that is the subject of a [development](#) application.

**Traditional Neighborhood Development (TND):** An approach to land-use planning and urban design that promotes the building of [pedestrian](#)-friendly neighborhoods with a mix of uses, housing types and costs, lot sizes and [density](#), architectural variety, a central meeting place such as a town square, a network of narrow [streets](#) and [alleys](#), and defined development edges.

*Comment:* Traditional neighborhood development deemphasizes dependence on the [automobile](#) by employing [mixed land-use](#) patterns that afford residents the opportunity to live, work, play, and shop within their own neighborhood. It is based on the form and design of older towns and cities. [Porches](#), detached garages, alleys, and residences over retail uses are encouraged. Traditional neighborhood design promotes mass transit alternatives by allowing higher densities.

**Traffic Calming:** The use of traffic management measures such as changes in existing [street](#) alignment, installation of barriers and diversions, and other physical measures to reduce traffic speeds and/or volumes in the interest of street safety and [neighborhood](#) amenity.

*Comment:* Traffic calming has the objective of reducing the negative effects of [motor vehicle](#) use on the quality of life in a residential [neighborhood](#) by altering driver behavior and thereby improving living conditions for area residents. Traffic calming includes both volume-control devices and speed-control devices. Volume-control devices largely divert traffic in order to reduce or eliminate through traffic. Speed-control devices have the objective of slowing traffic in a given neighborhood. Both types of devices are physical in nature, ranging from speed humps or bumps in streets to street closures or diversions.

**Trailer:** A structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office.

**Travel Trailer:** A [recreational vehicle](#) that is towed by a car or a truck.

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**Tree:** Any self-supporting, woody perennial plant, which can grow to a diameter of eight inches or more, measured three feet up from the base, which normally attains a height of at least ten feet at maturity, and usually has one main stem or trunk and many branches.

**Turf Block:** Interlocking concrete or plastic cells filled with [soil](#) and planted with turf grass or a low-maintenance groundcover.

*Comment:* Typically, water passes through the turf block into a reservoir base of crushed aggregate, then infiltrates into the subgrade.

**Utility, Underground:** The placement of electric, telephone, cable, and other utilities, customarily carried on poles, in underground vaults or trenches.

**Use:** The purpose or activity for which [land](#) or [buildings](#) are designed, arranged, or intended or for which land or buildings are occupied or maintained.

**Variance:** Permission to depart from the literal requirements of this Ordinance.

**Vegetation:** (1) [Trees](#), [shrubs](#), [ground covers](#), vines, grasses (both lawn and ornamental types), herbaceous perennials, biennials, annuals, bulbs, ferns, mosses, and lichens; (2) a living organism belonging to the vegetable kingdom, as distinguished from the animal kingdom, having rigid cell walls and characterized by growth chiefly from the syntheses of simple, usually inorganic food materials from [soil](#), water, and air.

**Vegetation, Exotic:** [Vegetation](#) that occurs naturally in another part of the world and does not occur locally.

**Vegetation, Indigenous:** [Vegetation](#) existing in a specific geographic area at the present time.

**Vegetation, Native:** [Vegetation](#) that exists naturally, without intervention by humans, in a specific geographic area. Also, vegetation that would exist naturally in an area if not for human intervention.

**Vehicle, Inoperable:** Any vehicle at present inoperable but capable of being repaired to place it in operating condition without exceeding its present estimated value and repair cost.

**Vehicle, Junk:** Any rusted, wrecked, damaged, dismantled or partially dismantled, inoperative, or abandoned [motor vehicle](#) in such a condition that it is economically infeasible to restore the vehicle to an operating condition.

*Comment:* "Economically infeasible" means that the cost of restoring the vehicle to an operating condition exceeds the market value of the vehicle.

**Vehicle, Motor:** A self-propelled device licensed as a motor vehicle and used for transportation of people or goods over [roads](#).

**Vehicle Overhang:** The portion of a vehicle extending beyond the [wheel stops](#) or [curbs](#).

**Vested Right:** A right that cannot be changed or altered by changes in regulation.

*Comment:* A [development](#) application that has been granted approval has a vested right for a certain period of time. During that period of time, changes in [zoning](#) do not apply to the development.

**Visual Impact:** A modification or change that could be incompatible with the scale, form, [texture](#), mass, or color of the natural or built environment.

**Waiver:** Permission to depart from the requirements of this Ordinance with respect to the submission of required documents.

**Wall:** (1) The vertical exterior surface of a [building](#); (2) one of the vertical interior surfaces that divide a building's space into rooms; (3) see [FENCE](#).

**Wall, Exterior:** Any wall that defines the exterior boundaries of a [building](#) or [structure](#).

**Water Body:** Any natural or artificial collection of water, whether permanent or temporary.

**Water Tower:** A water storage facility, usually above ground and often spherical or cylindrical in shape.

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**Wayfinding System:** A comprehensive and coordinated [signage](#) system that provides coherent regulatory and [directional signs](#).

**Wheel Stops:** Permanent devices in parking [stalls](#) that block the front wheels of a vehicle.

**Yard:** An [open space](#) that lies between the [principal building](#) or buildings and the nearest [lot line](#).

**Yard, Front:** A space extending the full width of the lot between any [building](#) and the [front lot line](#) and measured perpendicular to the building at the closest point of the front lot line.

*Comment:* Note that this term defines a space and not a required setback. The definition specifies that the line of measurement is perpendicular to the building and extends to the lot line. If the line of measurement were perpendicular to the lot line, there would be problems with pie-shaped and irregular lots.

**Yard, Rear:** A space extending across the full width of the lot between the [principal building](#) and the [rear lot line](#) and measured perpendicular to the building to the closest point of the rear lot line.

**Yard, Side:** A space extending from the [front yard](#) to the [rear yard](#) between the [principal building](#) and the [side lot line](#) and measured perpendicular from the side lot line to the closest point of the principal building.

**Zoning:** The delineation of [districts](#) and the establishment of regulations governing the use, placement, spacing, and size of [land](#) and [buildings](#).

**Zoning Permit:** A document signed by a zoning officer, as required in this Ordinance, as a condition precedent to the commencement of a [use](#) or the erection, construction, reconstruction, [restoration](#), [alteration](#), conversion, or installation of a [structure](#) or [building](#), which acknowledges that such use, structure, or building complies with the provisions of this Ordinance or authorized [variance](#) therefrom.

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## 8.6 Description of Uses of Land and Buildings

This Section contains general descriptions associated with the used of [land](#) and [buildings](#). It is organized alphabetically for ease of navigation. These categories and types correspond to the [Table of Allowed Uses](#) in [Article 3, Use Standards](#), of this Ordinance. Where a [use](#) appears to meet two or more descriptions or where a use is not described, the Planning Director shall make a determination.

**Accessory Structure:** A [structure](#) detached from a [principal building](#) located on the same [lot](#) and customarily [incidental](#) and subordinate to the principal building or use.

*Comment:* The accessory structure must be on the same lot as the principal structure unless this Ordinance specifically permits it to be located on another lot. This category excludes shipping containers (modified or not) and portable storage pods.

**Accessory Structure, Children's Play Equipment:** An accessory freestanding structure exclusively for the recreational use of children.

**Accessory Structure, Equine Stable:** An [accessory building](#) in which horses are sheltered.

**Accessory Structure, Game Court:** An accessory playing surface for sports and activities such as basketball, tennis, volleyball, etc.

**Accessory Structure, Swimming Pool or Hot Tub:** An [accessory structure](#), whether above or below [grade](#) level, designed to hold water more than 24 inches deep.

**Accessory Structure, Residential Storage (Garage, Shed, Etc.):** A detached structure which is accessory to a [dwelling unit](#) and designed for the storage of [motor vehicles](#), boats, lawn and garden equipment, pool care equipment, or similar equipment of the residents of the dwelling unit.

**Accessory Structure, Satellite Dish or TV Antenna:** An accessory device used to transmit and/or receive radio or electromagnetic waves between land-based or orbiting uses.

**Accessory Structure, Solar Feature:** An accessory device or combination of accessory devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling a structure, heating or pumping water, or generating electricity.

**Accessory Use:** A use of [land](#) or of a [building](#) or portion thereof customarily [incidental](#) and subordinate to the [principal use](#) of the land or building and located on the same [lot](#) with the principal use.

**Accessory Use, Garden:** An accessory area used for the growing of vegetables, flowers, etc. used for human consumption but not for commercial sale.

**Accessory Use, Greenhouse:** An [accessory building](#) or structure whose [roof](#) and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for subsequent sale or for personal enjoyment.

**Accessory Use, Home Occupation:** Any activity carried out for gain in a [dwelling](#) or an occupational use of a dwelling clearly [incidental](#) and secondary to its use for residential purposes and which does not change the [character](#) of the [building](#) and [site](#).

**Accessory Use, Outdoor Dining:** An area used or intended to be used for the purpose of eating, but not for cooking or the preparation of meals, outside of an enclosed [building](#).

**Accessory Use, Outdoor Storage:** The storage of any material for a period greater than 24 hours, including items for sale, lease, [processing](#), and repair not in an enclosed [building](#).

**Airport:** A place where aircraft can land and take off, usually equipped with hangars, [facilities](#) for refueling and repair, and various accommodations for passengers.

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**Aquarium:** A building where collections of fish, live water plants, and marine animals are exhibited.

**Arena:** See [STADIUM](#).

**Bed and Breakfast Inn:** A residential-type lodging facility having no more than ten guestrooms and that serves only breakfast to registered guests. The facility is primarily residential in style with regard to the amenities provided to guests and serves as both the facility proprietor's [residence](#) and a place of lodging for transient guests.

**Bulk Storage:** The storage of chemicals, petroleum products, grains, and other materials in structures for subsequent resale to distributors or retail dealers or outlets.

*Comment:* Bulk storage is essentially a [warehousing](#) and [wholesaling](#) operation. The products are primarily sold for eventual resale and not directly to the consuming public.

**Brewpub Beer-Wine:** A tavern, public house, restaurant, or hotel which produces beer/wine for sale on the premises.

**Brewery:** A building housing operation for the production of beer/wine.

**Campground:** A plot of ground on which two or more sites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

*Comment:* "Camping units" shall include any tent, [trailer](#), cabin, lean-to, [recreational vehicle](#), or similar structure.

**Cemetery:** An [establishment](#) that operates sites or structures reserved for the interment of human or animal remains.

**Child Day Care Service:** An [establishment](#) primarily engaged in providing day care of infants or children. These establishments generally care for preschool children, but may care for older children when they are not in [school](#) and may also offer prekindergarten educational programs.

*Comment:* This category excludes child care homes.

**Civic Organization:** See [PROFESSIONAL AND SIMILAR ORGANIZATIONS](#).

**Commercial Use:** Activity involving the sale of goods or services carried out for profit.

**Construction Activity:** [On-site](#) erection, fabrication, installation, [alteration](#), demolition, or removal of any [structure](#), [facility](#), or [addition](#) thereto, including all related activities, but not restricted to, clearing of [land](#), earth moving, blasting and landscaping.

**Correctional Facility:** A public or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

**Country Club:** A recreational facility, usually restricted to members and their guests, which generally includes a clubhouse, dining and eating [establishments](#), and recreational facilities such as [golf course\(s\)](#), tennis courts, and swimming pools.

*Comment:* While most country club facilities are restricted to members and their guests, some clubs make available their facilities to nonmembers for weddings, banquets, golf tournaments, dances, conferences, and so forth.

**Drive-Thru Use:** An [establishment](#) that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their [motor vehicles](#).

**Dwelling:** A structure or portion thereof that is used exclusively for human habitation.

**Dwelling, Accessory:** A secondary [dwelling unit](#) established in conjunction with and clearly subordinate to a principal dwelling or other [principal use](#), and that is part of the same structure.

*Comment:* [Mobile homes](#), [recreational vehicles](#), and [travel trailers](#) shall not be used as accessory dwelling units.

**Dwelling, Attached:** A one-family [dwelling](#) with [ground floor](#) outside access, attached to one or more one-family dwellings by common vertical walls without openings.



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**Dwelling, Detached:** A [dwelling](#) that is not attached to any other dwelling by any means.

*Comment:* The detached dwelling does not have any [roof](#), wall, or floor in common with any other [dwelling unit](#).

**Dwelling, Multifamily:** A [dwelling](#), or group of dwellings on one [lot](#), designed for occupancy by three or more families living independently of each other in individual [dwelling units](#).

**Dwelling, Single-Family Detached:** A building containing one [dwelling unit](#) and that is not attached to any other [dwelling](#) by any means and is surrounded by [open space](#) or [yards](#).

*Comment:* This category excludes [mobile homes](#), [manufactured homes](#), [recreational vehicles](#), and [travel trailers](#).

**Dwelling, Town House:** A one-family [dwelling](#) in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

**Exhibition Facility:** See [MUSEUM](#).

**Financial Establishment:** An [establishment](#) that primarily engages in financial transactions (transactions involving the creation, liquidation, or change in ownership of financial assets) and/or facilitating financial transactions. Such establishments include the following:

1. Bank, credit union, or savings institution.
2. Credit and finance establishment.
3. Investment banking, securities, and brokerages.
4. Fund, trust, or other financial establishment.

**Fire Station:** See [PUBLIC SAFETY FACILITY](#).

**Flea Market:** An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

*Comment:* What differentiates flea markets from other retail stores or [shopping centers](#) is that there are no long-term leases between the sellers and owners, or lessors, of the site and that often the sellers use their own vehicles for display or set up temporary tables for their wares.

**Funeral Home:** An [establishment](#) that prepares the dead for burial or interment and conducts funerals (i.e. providing facilities for wakes, arranging transportation for the dead, selling caskets and related merchandise).

**Games Facility, Indoor:** An [establishment](#) primarily engaged in operating indoor games for play by paying customers. Such establishments include the following:

1. Arcades.
2. Bowling centers.
3. Billiard parlors.
4. Indoor miniature golf.
5. Indoor shooting range.
6. Family fun centers.

*Comment:* This category excludes [establishments](#) that are engaged in or resemble gambling activities.

**Golf Course:** A [tract](#) of land laid out for at least nine holes for playing the game of golf that may include a clubhouse, dining and snack bars, pro shop, and practice facilities.

*Comment:* This category excludes miniature golf courses.

**Gymnasium:** See [HEALTH CLUB](#).

**Health Club:** An [establishment](#) primarily engaged in operating indoor fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, or racquet sports. This category includes [gymnasiums](#).

*Comment:* This category excludes activities associated with [indoor games facilities](#).



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**Hospital:** An [establishment](#) that provides medical, diagnostic, and treatment services. These establishments often offer physician, nursing, and specialized accommodation services for inpatient care.

**Hotel:** An [establishment](#) primarily engaged in providing short-term lodging in facilities known as hotels or [motels](#). These establishments may offer food and beverage services, recreational services, conference rooms and convention services, laundry services, parking, and other services in addition to short-term lodging accommodations.

**Industrial Use:** All [manufacturing](#), assembly, fabrication, finishing, packaging, [processing](#), production, or warehouse operations. Outdoor storage of natural or manmade materials intended to be used in industrial operations shall be considered to be an industrial use.

**Institutional Use:** A nonprofit, [religious](#), or public use, such as a religious building, [library](#), public or private [school](#), [hospital](#), or government-owned or –operated [building](#), [structure](#), or [land](#) used for public purpose.

**Junk/Salvage Yard:** A [facility](#) or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. Scrap or discarded material includes, but is not limited to, metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment, and appliances.

**Kennel:** An [establishment](#) in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

**Landfill:** A land site used primarily for the disposal by dumping, burial, burning, or other means and for whatever purposes of garbage, [sewage](#), trash, refuse, junk, discarded machinery, vehicles or parts thereof, and other waste, scrap, or discarded material of any kind.

**Library:** An [establishment](#) engaged in maintaining collections of documents (e.g. books, journals, newspapers, and music) and facilitating the use, but not sale, of such documents according to the informational, research, educational, or recreational needs of their users.

**Manufactured Home:** A factory-built, single-family structure that meets the Federal Manufactured Home Construction and Safety Standards Act, commonly known as the HUD (U.S. Department of Housing and Urban Development) Code.

*Comment:* Such houses are often referred to as [modular homes](#), and formerly, [mobile homes](#). The latter term was originally coined to describe [trailers](#) that were equipped to function as truly mobile homes. The mobile home of years past has long since become a fixed, in-place house that is mobile only at the time it is moved from the factory to the site. Besides losing its mobility, the “mobile home” has also become larger, and the safety and quality have been significantly improved as a result of the passage of the Federal Manufactured Home Construction and Safety Standards Act in 1976. Units built to this code are properly referred to as “manufactured homes” as a result of the 1976 act.

**Manufactured Housing Park:** Any area or [tract](#) of land designed for the parking or other type of installation of two or more [manufactured homes](#) used or intended to be used for living or sleeping purposes regardless of whether or not such homes are offered for lease or rent.

*Comment:* [Travel trailers](#), campers, motor homes, and other [recreational vehicles](#) shall not be permitted in any manufactured housing park.

**Manufacturing:** An [establishment](#) that is engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products. The assembly of components parts of manufactured products is considered manufacturing, except for [construction services](#). Such establishments include manufacturers of the following product lines:

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1. Food, beverage, and related products.
2. Textiles, apparel, and related products.
3. Wood, furniture, and related products.
4. Plastics and rubber products.
5. Nonmetallic mineral products.
6. Machinery and fabricated metal products.
7. Transportation equipment.
8. Computer and electronic products.
9. Electrical equipment and components.
10. Medical equipment and supplies.
11. Jewelry and silverware.
12. Sporting and athletic goods.
13. Dolls, toys, games, and musical instruments.
14. Office supplies (except paper), inks, etc.
15. Signs.

*Comment:* This category excludes the manufacture of explosives, agricultural industries, petroleum refineries, smelting, fertilizer manufacturing, sanitary [landfills](#), waste to energy facilities, solid waste transfer stations, sewage treatment plants, lumber or paper mills, or other manufacturing uses with potentially noxious impacts, as determined by the Planning Director.

**Micro-distillery:** A manufacturer who distills, blends, and bottles alcoholic liquors on the licensed premises in this State with an alcohol content greater than seventeen percent and who produces a maximum quantity of one hundred twenty-five thousand cases per year at the licensed premises.

**Mini-Warehouse:** An [establishment](#) primarily engaged in renting or leasing space for self-storage. These establishments provide secure space (i.e. rooms, compartments, lockers, containers, or outdoor space) where clients can store and retrieve their goods.

**Mobile Home:** A residential [dwelling](#) that was fabricated in an [off-site manufacturing](#) facility, designed to be a permanent [residence](#), and built prior to enactment of the Federal Manufactured Home Construction and Safety Standards.

**Modular Home:** A structure intended for residential use and manufactured [off-site](#) in accordance with the local or state code.

*Comment:* This definition differs from the one for [manufactured home](#) in that it refers to the code that governs the construction of modular homes if other than the Federal Manufactured Home Construction and Safety Standards Code. Where the Code is used, the definition is the same as for manufactured home.

**Motel:** See [HOTEL](#).

**Museum:** An [establishment](#) that engages in the preservation and exhibition of objects, sites, and natural wonders of historical, cultural, and/or educational value. Included are public and private museums, exhibitions and art galleries, historical sites, observatories, planetariums, [aquariums](#), botanical gardens or zoological parks, and similar establishments. This category also includes convention facilities which have both an exhibition hall and a number of meeting rooms.

**Nursing Home:** A [facility](#) with organized nursing staff to maintain and operate organized care and services to accommodate two or more unrelated individuals over a period exceeding 24 hours that is operated either in connection with a [hospital](#) or as a freestanding facility for the express or implied purpose of providing nursing care for individuals who are not in need of hospital care. Rehabilitative therapies may be provided on an outpatient basis.

**Park, Outdoor Amusement or Theme:** An [establishment](#) primarily engaged in operating a variety of outdoor attractions, such as mechanical rides, water rides, games, shows, theme exhibits, refreshment stands, and picnic grounds. These establishments may lease space to others on a concession basis. This category includes outdoor go-cart tracks and outdoor miniature golf courses.

*Comment:* This category excludes hunting or game preserves, outdoor shooting ranges, [campgrounds](#), and related [establishments](#).

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**Park, Outdoor Recreational:** A park without special economic functions and which may serve a variety of outdoor leisure activities. These parks may include outdoor amenities such as [playgrounds](#), ball fields, game courts, swimming pools, and picnic tables.

*Comment:* This category excludes hunting or game preserves, outdoor shooting ranges, [campgrounds](#), and related [establishments](#).

**Playground:** An [active recreational](#) area with a variety of facilities, including equipment for younger children as well as court and field games.

**Police Station:** See [PUBLIC SAFETY FACILITY](#).

**Processing:** A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

*Comment:* The term “processing” is usually associated with the chemical transformation of materials or substances into new products and may include the blending and combining of gases and liquids. However, the term also may be applied to a specific industrial or [manufacturing](#) operation.

**Professional and Similar Organizations:** An [establishment](#) that (1) advocates various social and political causes, or (2) promotes and defends the interests of their members. Such establishments include the following:

1. Social advocacy organizations such as human rights organizations or environment, conservation, and wildlife organizations.
2. Civic and social organizations.
3. Business associations.
4. Professional organizations.
5. Labor unions and similar labor organizations.
6. Political organizations.
7. Other similar organizations.

**Public Administration Building:** A government-owned [establishment](#) that administers, oversees, and manages public programs and has executive, legislative, or judicial authority.

**Public Safety Facility:** A government-owned [establishment](#) that provides fire and rescue, police, or emergency medical services.

*Comment:* This category excludes [correctional facilities](#).

**Public Works Facility:** A government-owned [establishment](#) that provides and maintains public infrastructure and may provide services such as solid waste collection.

**Religious Institution:** An [establishment](#) primarily engaged in operating religious organizations, such as churches, temples, monasteries, synagogues, etc. and/or an establishment primarily engaged in administering an organized religion or promoting religious activities.

**Residential Care Facility:** A [facility](#) which offers room and board and which, unlike a boarding house, provides/coordinates a degree of personal care for a period of time in excess of 24 consecutive hours for two or more persons, 18 years of age or older, not related to the licensee within the third degree of consanguinity. It is designed to accommodate residents’ changing needs and preferences, maximize residents’ dignity, autonomy, privacy, independence, and safety, and encourage family and community involvement. Included in this category is any facility (other than a [hospital](#)) which offers or represents to the public that it offers a beneficial or protected environment specifically for individuals who have mental illness or disabilities. These facilities may be referred to as “assisted living.”

**Restaurant:** An [establishment](#) where food and drink are prepared, served, and consumed, mostly within the [principal building](#).

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**Restaurant, Bar or Drinking Place:** An [establishment](#) known as a bar, tavern, nightclub, or drinking place primarily engaged in preparing and serving alcoholic beverages for immediate consumption. These establishments may also provide limited food and non-erotic entertainment (primarily singing or comedy) services.

*Comment:* This category excludes erotic dance clubs and other [sexually-oriented businesses](#).

**Restaurant, Full-Service:** An [establishment](#) primarily engaged in providing food services to patrons who typically order and are served while seated (i.e. waiter/waitress service) and pay after eating. These establishments may provide this type of food services to patrons in combination with selling alcoholic beverages, providing carry-out services, or presenting live nontheatrical, non-erotic entertainment.

**Restaurant, Limited-Service (Cafeteria, Snack Bar, Etc.):** An [establishment](#) primarily engaged in providing food services where patrons typically order or select items and pay before eating. Food and drink may be consumed on the [premises](#), taken out, or delivered to the customer's location.

*Comment:* This category includes establishments primarily engaged in (1) preparing and/or serving a specialty snack such as ice cream, frozen yogurt, cookies, or popcorn, or (2) serving nonalcoholic beverages such as coffee, juices, or sodas for consumption on or near the [premises](#). This category excludes establishments which sell alcoholic beverages.

**Sale:** The exchange of goods, services, or property for money or some other consideration.

**Sales and Service, Heavy Consumer Goods:** An [establishment](#) that retails or provides service directly related to any of the following product lines:

1. Furniture or home furnishings.
2. Hardware, lumber, building materials, and similar home improvement materials.
3. Lawn and garden supplies.
4. Electronics and appliances.
5. General merchandise as may be retailed in department stores, warehouse clubs, or superstores.

*Comment:* This category also includes [establishments](#) primarily engaged in renting the above-mentioned goods. Such establishments generally provide short-term rental, although in some instances, the goods may be leased for longer periods of time. These establishments operate from a retail-like or store-front facility.

**Sales and Service, Large Vehicle:** An [establishment](#) that retails, rents, or services large vehicles from fixed point-of-sale locations. Such establishments include the following:

1. Large vehicle (RV, bus, truck, aircraft, or [mobile home](#)) dealers.
2. Truck, utility [trailer](#), and [RV](#) rental.
3. Truck stops.
4. Truck repair shops.
5. Truck and bus washes.

*Comment:* This category excludes salvage yards of damaged or [inoperable motor vehicles](#).

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**Sales and Service, Light Consumer Goods:** An [establishment](#) that retails or provides customary service directly related to any of the following product lines:

1. Computers and software.
2. Camera and photographic supplies.
3. Clothing, jewelry, luggage, shoes, etc.
4. Sporting goods, toy and hobby, and musical instruments.
5. Bicycles.
6. Books, magazines, music, videos, office supplies, and stationery.
7. Flowers and floral arrangements.
8. Art works and supplies.
9. Tobacco products and supplies.
10. Used merchandise as may be retailed in antique shops and thrift stores ([flea markets](#) excluded).
11. Gifts, novelties, souvenirs, and similar miscellanea.

*Comment:* This category also includes [establishments](#) primarily engaged in renting the above-mentioned goods. Such establishments generally provide short-term rental, although in some instances, the goods may be leased for longer periods of time. These establishments operate from a retail-like or store-front facility.

**Sales and Service, Motor Vehicles and Parts:** An [establishment](#) that retails, rents, or services [motor vehicles](#) and/or parts from fixed point-of-sale locations. Such establishments include the following:

1. New and used car dealers.
2. Passenger car rental and leasing.
3. Motorcycle, ATV, moped, motor scooter, and golf cart dealers.
4. Boat and personal watercraft dealers.
5. Automotive parts, accessories, and tire stores.
6. Gasoline stations.
7. General automotive repair and maintenance shops.
8. Automotive body, paint, interior, and glass repair shops.
9. Automotive oil change and lubrication shops.
10. Car washes.

*Comment:* This category excludes [large vehicle](#) (RV, bus, truck, aircraft, or [mobile home](#)) dealers or rental, truck stops, truck repair shops, and salvage yards of damaged or [inoperable motor vehicles](#).

**Sales, Convenience Store:** An [establishment](#) primarily engaged in retailing a limited line of goods that generally includes milk, bread, soda, and snacks. These establishments are generally known as convenience stores or food marts (except those with fuel pumps). Fuel pumps shall only be permitted in [districts](#) in which motor vehicle services are permitted.

**Sales, Grocery Store or Supermarket:** An [establishment](#) primarily engaged in retailing a general line of food, such as canned and frozen foods, fresh fruits and vegetables, and fresh and prepared meats, fish, and poultry. These establishments are generally known as a supermarket or grocery store.



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**Sales, Health and Personal Care:** An [establishment](#) that retails health and personal care merchandise from fixed point-of-sale locations. Such establishments include the following:

1. Pharmacy or drug stores.
2. Cosmetics, beauty supplies, and perfume stores.
3. Optical goods stores.
4. Food (health) supplement stores.

*Comment:* This category excludes tattoo parlors and body piercing [establishments](#).

**Sales, Packaged Alcoholic Beverage Store:** An [establishment](#) primarily engaged in retailing packaged alcoholic beverages, such as ale, beer, wine, and liquor.

**Sales, Pets and Pet Supplies Store:** An [establishment](#) primarily engaged in retailing pets, pet foods, and pet supplies.

*Comment:* This category excludes veterinary services.

**Sales, Retail:** [Establishments](#) engaged in the selling or rental of goods or merchandise (usually to the general public for personal use or household consumption, although they may also serve business and institutional clients) and in rendering services [incidental](#) to the sale of such goods.

*Comment:* Some of the important characteristics of retail sales establishments follow:

- The establishment is usually a place of business and is engaged in activity to attract the general public to buy.
- The establishment buys and receives as well as sells merchandise.
- It may process or manufacture some of the products, such as a jeweler or bakery, for example, but such [processing](#) or [manufacturing](#) is usually [incidental](#) or subordinate to the selling activities.
- Retail establishments sell to customers for their own personal or household use.

**Sales, Specialty Food Store (Bakery, Confectionery, Etc.):** An [establishment](#) that primarily retails specialty food items not for immediate consumption, such as baked goods, meats and poultry, fish and seafood, coffee and tea, confectionery products, nuts, spices, dairy products, and gourmet foods.

*Comment:* This category excludes produce stands.

**School:** Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

**School, College or University:** An [establishment](#) that furnishes academic or technical courses and grants degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels. These comprise junior colleges, colleges, universities, and professional schools. The requirement for admission is typically at least a high school diploma or equivalent general academic training.

**School, Grade:** An [establishment](#) primarily engaged in furnishing academic courses and associated work that comprise a basic preparatory education. A basic preparatory education ordinarily constitutes kindergarten through 12<sup>th</sup> grade.

**School, Technical, Trade, or Other Specialty:** An [establishment](#) which offers vocational and technical training among a variety of technical subjects and trades. The training often leads to job-specific certification.

**Self-Storage Facility:** See [MINI-WAREHOUSE](#).

**Service, Administrative:** See [SERVICE, PROFESSIONAL](#).

**Service, Ambulatory or Outpatient Health Care:** An [establishment](#) that offers health care services directly to patients without providing inpatient services. These establishments include physician offices, dentists, chiropractors, optometrists, outpatient family planning services, medical and diagnostic laboratories, and blood and organ banks.



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**Service, Caterer:** An [establishment](#) primarily engaged in providing single event-based food services. These establishments generally have equipment and vehicles to transport meals and snacks to events and/or prepare food at an off-premise site. Examples of events catered by establishments in this category are graduation parties, wedding receptions, business or retirement luncheons, and trade shows.

*Comment:* This category includes [establishments](#) primarily engaged in providing food services at institutional, governmental, commercial, or industrial locations based on contractual arrangements with them for a specified period of time.

**Service, Communication or Information:** An [establishment](#) engaged in the following processes: (1) producing and distributing information and cultural products, (2) providing the means to transmit or distribute these products as well as data or communications, and (3) processing data. Such establishments include the following:

1. Publishing industries, including software publishing, traditional publishing, and publishing exclusively on the Internet.
2. Motion picture and sound recording industries.
3. Broadcasting industries, including traditional broadcasting and broadcasting exclusively over the Internet.
4. Telecommunication industries.
5. Internet service providers and web search portals.
6. Data processing industries.
7. Information services industries.

*Comment:* This category excludes motion picture theaters and film festivals, libraries, [telecommunication towers](#) and other broadcasting towers.

**Service, Construction:** An [establishment](#) primarily engaged in the construction of [buildings](#) or engineering projects. Establishments primarily engaged in the preparation of sites for new construction and establishments primarily engaged in subdividing [land](#) for sale as building sites are also included in this category. This category also includes establishments of specialized construction activities, such as plumbing, painting, and electrical work.

*Comment:* Construction work done may include new work, [additions](#), [alterations](#), or maintenance and repairs. This category entails the fixed place of business at which these activities are generally managed and not the actual site of the [construction activity](#) itself. The construction activity must be performed at a separate project site, where permitted.

**Service, Dry Cleaning and Laundry:** An [establishment](#) primarily engaged in one or more of the following: (1) providing dry cleaning services; (2) providing laundering services; (3) providing drop-off and pick-up sites for laundries and/or drycleaners; and (4) providing specialty cleaning services for specific types of garments and other textile items (except carpets and upholstery), such as fur, leather, suede, wedding gowns, hats, draperies, and pillows.

**Service, Health and Personal Care:** An [establishment](#) that retails health and personal care services from fixed point-of-sale locations. Such establishments include the following:

1. Hair, nail, and skin care services, including barber and beauty shops.
2. Diet and weight loss centers and personal fitness centers.
3. Day spas, massage parlors, or saunas.
4. Tanning salons.

*Comment:* This category excludes tattoo parlors and body piercing establishments.

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**Service, Mail:** An [establishment](#) that provides intercity and/or local delivery of parcels. These articles can be described as those that may be handled by one person without using special equipment. This category includes activities of the National Post Office and its subcontractors in delivering letters and small parcels.

**Service, Pet Care:** An [establishment](#) that is primarily engaged in providing pet care services, such as veterinary, boarding, grooming, sitting, and training pets.

**Service, Professional:** An [establishment](#) that specializes in performing professional, scientific, and technical activities for others. These activities require a high degree of expertise and training. Such establishments include the following:

1. Office and administrative services.
2. Real estate services.
3. Legal services.
4. Insurance-related services.
5. Financial investment advice services.
6. Accounting, tax, bookkeeping, and payroll services.
7. Architectural, engineering, and related services.
8. Graphic, industrial, and interior design services.
9. Management and environmental consulting services.
10. Research and development services.
11. Advertising, media, and photography services.
12. Business support services.
13. Translation and interpretation services.
14. Travel arrangement and reservation services.
15. Investigation and security services.
16. Employment agency.
17. Collection agency.
18. Wedding and party planning services.

**Service, Retail:** [Establishments](#) providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places; [hotels](#) and [motels](#); finance, real estate, and insurance offices; personal services; theatres; amusement and recreation services; health, educational, and social services; [museums](#); and galleries.

*Comment:* Services may involve some products, like restaurants, for example. The difference, though, is that the products are part of the overall service and are usually consumed on the [premises](#). Retail services may also include personal services, such as cleaners, shoemakers, and beauty parlors. Services to businesses or industry are not usually included under retail services.

**Service, Social Assistance:** An [establishment](#) that provides social assistance and associated services. Such establishments include the following:

1. Child and youth services, such as adoption and foster care, drug prevention, life skills training, and positive social development.
2. Services for the elderly and disabled, such as day care, nonmedical home care or homemaker services, social activities, group support, and companionship.
3. Individual and family counseling services.
4. Community food services, such as food banks and meal delivery programs.
5. Vocational rehabilitation services, such as job counseling and job training.

*Comment:* This category excludes soup kitchens and temporary shelters.

**Service, Solid Waste:** An [establishment](#) which provides waste management services such as (1) locally hauls waste materials; (2) operates materials recovery facilities (i.e., sort recyclable materials from trash); or (3) provides remediation services (i.e., the cleanup of contaminated sites).

*Comment:* This category excludes [landfills](#).

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**Service, Towing:** An [establishment](#) that tows light or heavy [motor vehicles](#), both local and long distance. These establishments may provide [incidental](#) services, such as storage and emergency road repair services.

**Service, Truck and Freight Transportation:** An [establishment](#) primarily engaged in providing over-the-road transportation of cargo using [motor vehicles](#), such as trucks and tractor [trailers](#). General freight establishments handle a wide variety of commodities, generally palletized, and transported in a container or van trailer. Specialized freight transportation requires specialized equipment due to the size, weight, shape, or other inherent characteristics of the cargo.

**Service, Utility:** The generation, transmission, and/or distribution of electricity, gas, steam, communications, and water; the collection and treatment of [sewage](#) and [solid waste](#); and the provision of mass transportation.

*Comment:* This category excludes [services to buildings and dwellings](#).

**Services:** [Establishments](#) primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

*Comment:* The general category of services includes [hotels](#) and other lodging places; personal, business, repair, and amusement services; health, legal, engineering, and other [professional services](#); education services; membership organizations; and other miscellaneous services.

**Services to Buildings and Dwellings:** An [establishment](#) primarily engaged in providing services, such as pest control, janitorial activities, locksmith, landscaping, carpet and upholstery cleaning, packing and crating services, and other services for [buildings](#) and [dwellings](#).

*Comment:* This category excludes [utility services](#).

**Sexually Oriented Business:** See Chapter 10, Article III, of the [Simpsonville Code of Ordinances](#) for a complete description of the classification of these businesses as well as accompanying regulations.

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

**Sports Center:** See [HEALTH CLUB](#).

**Stadium:** An [establishment](#) involving sports teams or clubs or independent athletes participating in live sporting events before a paying audience.

*Comment:* This category excludes racetracks (e.g. [automobile](#), dog, horse, etc.).

**Telecommunication Tower:** A structure on which there are electronic facilities for receiving or transmitting communication signals.

*Comment:* This category excludes consumer [satellite dishes and television antennae](#), amateur radio operators licenses by the Federal Communications Commission, and telephone/power lines supported by poles.

**Temporary Use:** A use established for a limited duration with the intent to discontinue such use upon the expiration of an indicated period of time.

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**Temporary Use, Garage/Yard Sale:** All general [sales](#), open to the public, conducted from or on residential [premises](#) in any residential district for the purpose of disposing of personal property, including but not limited to all sales entitled “garage,” “lawn,” “yard,” “attic,” “porch,” “room,” “backyard,” “patio,” or “rummage” sale. The sale of personal property that is conducted on premises within a residential district upon which is located a [dwelling](#).

**Temporary Use, Outdoor Sales/Display of Goods:** The temporary [sale](#) or display of goods not located within an enclosed [building](#). This shall include the display of merchandise on a [sidewalk](#) or other outdoor area, including uses where the primary business is generated by merchandise displayed permanently outside.

**Temporary Use, Real Estate Sales Office/Model Home:** A [dwelling unit](#) temporarily used for display purposes as an example of dwelling units available for sale or rental in a particular residential [subdivision](#) or other residential development approved by the City. Model homes may also incorporate sales or rental offices for [dwellings](#) within the development.

**Theater, Drive-In:** An open lot devoted primarily to the showing of motion pictures or theatrical productions on a paid-admission basis to patrons seated in [automobiles](#).

**Theater, Movie:** A specialized theater for showing movies or motion pictures. This category includes cineplexes—complex structures with multiple movie theaters, each theater capable of providing performances independent of the others in the complex.

*Comment:* This category excludes [drive-in theaters](#), adult motion picture theaters and other [sexually-oriented businesses](#).

**Theater, Performing Arts:** An [establishment](#) that is primarily engaged in producing live presentations involving the performances of actors and actresses, singers, dancers, musical groups and artists, comedians, and other performing artists.

*Comment:* This category excludes nightclubs, erotic dance clubs, and other [sexually-oriented businesses](#).

**Utility:** (1) An agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, [sewage](#) collection, or other similar service; (2) a closely regulated enterprise with a franchise for providing a needed service.

**Utility, Major:** A centralized [facility](#) or equipment necessary to manage and operate support [infrastructure](#) in surrounding areas. Examples include utility substations, pump stations, [water towers](#), or similar public infrastructure.

**Warehousing:** An [establishment](#) primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, and other warehouse products. These establishments provide facilities to store goods. They may also provide a range of services, often referred to as logistic services, related to the distribution of goods. However, establishments in this category always provide warehousing or storage services in addition to any logistic services. Furthermore, the warehousing or storage of goods must be more than [incidental](#) to the performance of services, such as price marking.

*Comment:* This category excludes lessors or [mini-warehouses](#) and [self-storage units](#).

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**Wholesaling:** An [establishment](#) engaged in wholesaling merchandise, generally without transformation, and rendering services [incidental](#) to the sale of merchandise. The wholesale process is an intermediate step in the distribution of merchandise. Wholesalers are organized to sell or arrange the purchase or sale of (1) goods for resale (i.e. goods sold to other wholesalers or retailers), (2) capital or durable non-consumer goods, and (3) raw and intermediate materials and supplies used in production.

*Comment:* Wholesalers sell merchandise to other businesses and normally operate from a warehouse or office. These warehouses and offices are characterized by having little or no display of merchandise. In addition, neither the design nor the location of the [premises](#) is intended to solicit walk-in traffic. Wholesalers do not normally use advertising directed to the general public. Customers are generally reached initially via telephone, in-person marketing, or by specialized advertising that may include Internet and other electronic means.

## **8.7 Resources, Guides, Manuals, and Industry Standards**

Resources, guides, and industry standards that are recognized as reputable authority in planning, urban design, transportation, urban forestry, or other applicable profession, may be used as a supplement to interpreting this Ordinance. Any use of such resources, guides, and industry standards shall be subject to the approval of the Planning Director upon a determination that the content is consistent with the [Comprehensive Plan](#) and the purposes, intent, and objectives of this Ordinance. Best practices published by such professional organizations as the American Planning Association (APA), Congress for the New Urbanism (CNU), Institute of Transportation Engineers (ITE), and the Urban Land Institute (ULI) may also be used.

These materials shall only be used to aid in the interpretation and application of these regulations, and shall not be used to modify, contradict, or in any way change the standards and requirements of these regulations.