

**TITLE XV: LAND USAGE**

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## CHAPTER 150: BUILDING REGULATIONS

### Section

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**GENERAL PROVISIONS****' 150.01 STATE PROVISIONS; ADOPTION OF STANDARD CODES.**

(A) Should any conflict arise between the provisions of this chapter and any South Carolina law, rule or regulation, the provisions of state law shall prevail and be controlling. (>88 Code, ' 5.101)

(B) (1) The current edition of the International Building Codes, together with the current amendments thereto, are hereby adopted by reference, as amended by South Carolina Building Codes Council Mandatory and Permissive Codes.

- (a) International Building Code, including Chapter 1;
- (b) International Residential Code;
- (c) International Fire Code;
- (d) International Mechanical Code;
- (e) International Energy Conservation Code;
- (f) International Plumbing Code;
- (g) International Fuel Gas Code;
- (h) Electrical Code, National;
- (i) International Property Maintenance Code;
- (j) International Existing Building Code;
- (k) International Swimming Pool and Spa Code.

(2) The Council reserves the right to make modifications in the codes, as amendments thereto are promulgated by the issuing authority.  
(>88 Code, ' 5.107) (Am. Ord. passed 11-20-12; Am. Ord. 16-06-001, passed 6-21-16)

**' 150.02 BUILDING PERMITS REQUIRED; FEES.**

(A) No building or structure, nor any additions thereto, shall be erected or constructed unless a permit has been issued by the Building Inspector and a fee paid as may be required by standard codes, when adopted, or this code. (>88 Code, ' 5.102)

(B) Permit fees shall be charged as set forth in the various codes adopted by the Council. See Appendix. (>88 Code, ' 5.117)

**' 150.03 INDUSTRIAL BUILDINGS; APPEALS.**

(A) No person, firm or corporation desiring to construct, erect or use a building for industrial purposes, shall do so without first applying for a permit.

(B) If the permit is not approved, the applicant may appeal the decision to the City Council. (>88 Code, ' 5.103)

**' 150.04 BUILDING REMOVAL PERMIT; FEE.**

(A) No house or building shall be moved within the corporate limits until a permit has been obtained therefor. The Building Inspector shall not issue a permit if, in his judgment, the proposed new location of the building would seriously increase fire hazards to surrounding buildings. A fee of \$150 shall be charged for the permit. ( S.C. Code ' 5-25-330) (>88 Code, ' 5.104)

(B) For the demolition of any building or structure, the fee shall be \$150. (>88 Code, ' 5.119) (Am. Ord. 09-11-01, passed 11-17-09) Penalty, see ' 10.99

**' 150.05 NONRESIDENT CONTRACTORS.**

It shall be unlawful for a nonresident contractor to commence any work until a business license has been obtained therefor. (>88 Code, ' 5.105) Penalty, see ' 10.99

**' 150.06 LICENSED CONTRACTORS.**

All services regulated by the International Code Council Codes, when not performed by the owner of the property, shall be performed by contractors licensed by the state, unless otherwise authorized by the Council. (>88 Code, ' 5.106) (Am. Ord. 16-06-001, passed 6-21-16)

**' 150.07 UTILITY CONNECTIONS.**

No supplier of water, gas or electric service shall initiate service to a building unless the owner thereof has been issued a building permit or certificate of occupancy. (>88 Code, ' 5.112)

**' 150.08 ALTERNATE MATERIALS AND METHODS.**

The Building Official, or a person designated by Council, may authorize the use of alternate materials or construction methods, provided the proposed design complies with the provisions of the International Residential Code or the International Building Code.

(>88 Code, ' 5.113) (Am. Ord. 16-06-001, passed 6-21-16)

**' 150.09 HOMEOWNER=S PROVISIONS.**

Nothing in this subchapter shall prevent any homeowner from installing or maintaining buildings, electrical wiring or plumbing within his own property boundaries, provided the work is done by himself and is used exclusively by him or his family. The privilege does not convey the right to violate any of the provisions of this subchapter, neither is it to be construed as exempting any property owner from obtaining a permit after having work inspected.

(>88 Code, ' 5.115)

**' 150.10 REPAIRS AND MAINTENANCE.**

Ordinary minor repairs and general maintenance may be made without a permit; provided, that the repairs shall not violate any of the provisions of this code. Examples of minor repairs and general maintenance shall include, but not be limited to, painting, reroofing less than 100 square feet, carpeting, etc.

(>88 Code, ' 5.116) (Am. Ord. 16-06-001, passed 6-21-16)

**' 150.11 EFFECTS ON RIGHTS OR PROCEEDINGS.**

Nothing in this subchapter or in the codes adopted by ' 150.01(B) shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this subchapter.

(>88 Code, ' 5.120)

**' 150.12 LIABILITY.**

This subchapter shall not be construed to relieve from or lessen the responsibility of any party owning, operating, controlling or installing any building, electrical, gas or plumbing equipment from damages to anyone injured thereby, nor shall the city be held as assuming any liability by reason of inspection authorized herein or certificate issued.

(>88 Code, ' 5.114)

**' 150.13 ENFORCEMENT: APPEALS.**

(A) Within the codes, when reference is made to the duties of certain officials named therein, the official whose duties shall correspond thereto shall be deemed to be the responsible official for enforcement. (>88 Code, ' 5.109)

(B) Appeals from the decision of the Building Official shall be to the Board of Zoning and Housing Appeals. (>88 Code, ' 5.111)  
(Am. Ord. 05-02-03, passed 2-15-05)

***UNFIT HOUSING***

**' 150.25 LEGISLATIVE FINDINGS.**

(A) The city finds that there exists in the city certain dwellings which are unfit for human habitation due to:

- (1) Dilapidation;
- (2) Defects increasing the hazards of fire, accidents or other calamities;
- (3) Lack of ventilation, light or sanitary facilities; or

(4) Other conditions rendering the dwellings unsafe or unsanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the city.

(B) The city deems it necessary to exercise its police powers to repair, close or demolish any dwelling in the manner herein provided, pursuant to the provisions of S.C. Code ' 31-15-10 *et seq.*, as the same may be from time to time amended.

(S.C. Code ' 31-15-20) (>88 Code, ' 5.201)

**' 150.26 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BOARD OF ZONING AND HOUSING APPEALS.*** A board appointed by the Mayor, with the approval of a majority of the Council, which shall have the powers described in this subchapter, in addition to any other powers granted to the Board by this code and any other ordinance or act of the city.

**DWELLINGS.** Any building, structure or part thereof, used and occupied for human habitation or intended to be so used, including any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

**HOUSING ENFORCEMENT OFFICER.** An individual appointed by the City Administrator who shall have powers described in this subchapter, in addition to any other powers granted to the officer by this code and any other ordinance or act of the city.

**OWNER.** The holder of the title in fee simple and every mortgagee of record.

**PARTIES IN INTEREST.** All persons who have interests of record in a dwelling and any who are in possession thereof.

(S.C. Code ' 31-15-10) (>88 Code, ' 5.202) (Am. Ord. 05-02-03, passed 2-15-05)

#### ' 150.27 PETITIONS; COMPLAINT AND HEARING.

(A) Whenever a petition is filed with the Housing Enforcement Officer by any official of the city or any department head having duties relating to health, fire or building regulations or to any other activities concerning dwellings in the city, or by at least five residents of the city, charging that any dwelling is unfit for human habitation, or whenever it appears to the Enforcement Officer, on his own motion, that any dwelling is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for the charges, issue and cause to be served a complaint upon the owner of and all parties of interest in the dwelling.

(B) The complaint shall state the charges in that respect and contain a notice that a hearing will be held before the Enforcement Officer or his designated agent, at a place therein fixed, not less than ten days nor more than 30 days after the serving of the complaint. The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person or to otherwise give testimony at the place and time fixed in the complaint.

(C) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Enforcement Officer.

(S.C. Code ' 31-15-30(2)) (>88 Code, ' 5.203)

#### ' 150.28 ORDERS DETERMINING FITNESS.

(A) If, after notice and hearing as provided above, the Housing Enforcement Officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of the determination and shall issue and cause to be served upon the owner thereof an order, providing as follows:



(1) If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, which reasonable cost is hereby determined as 50% or less of the value of the dwelling, requiring the owner, within the time specified in the order, to repair, alter or improve the dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or

(2) If the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, which reasonable cost is hereby determined as 50% or less of the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish the dwelling.

(S.C. Code ' 31-15-30(3)) (>88 Code, ' 5.204)

(B) (1) If the owner fails to comply with an order to repair, alter or improve or to vacate and close a dwelling, the Housing Enforcement Officer may cause the dwelling to be repaired, altered or improved or to be vacated and closed. The Enforcement Officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: AThis building is unfit for human habitation. The usage or occupation of this building for human habitation is prohibited and unlawful.@ (S.C. Code ' 31-15-30(4))

(2) If the owner fails to comply with an order to remove or demolish the dwelling, the Enforcement Officer may cause the dwelling to be removed or demolished. (S.C. Code ' 31-15-30(5))

(3) The amount of the cost of the repairs, alterations or improvements, vacating and closing or removal or demolition by the Housing Enforcement Officer shall be a lien against the real property upon which cost was incurred, and said cost shall be added to the annual property tax levied on the property and shall be collected in the same manner as the annual property tax. Said costs shall be forwarded by the appropriate City of Bennettsville Official to the Marlboro County Treasurer for collection in the manner set forth above. (S.C. Code ' 31-15-30(6))

(>88 Code, ' 5.205) (Am. Ord. 017-11-01, passed 11-21-17)

**' 150.29 STANDARDS; CONDITIONS.**

(A) The Housing Enforcement Officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in the dwelling which are dangerous or injurious to the health, safety or morals of the occupants of the dwelling, the occupants of neighboring dwellings or other residents of the city.

(B) Conditions may include the following:

(1) Defects therein increasing the hazards of fire, accident or other calamities;

(2) Lack of adequate ventilation, light or sanitary facilities; or

(3) Dilapidation, disrepair, structural defects or uncleanness.

(S.C. Code ' 31-15-50) (>88 Code, ' 5.206)

#### **' 150.30 SERVICE OF COMPLAINTS AND ORDERS.**

Complaints or orders issued by the Housing Enforcement Officer pursuant to this subchapter shall be served upon persons either personally or by certified mail, return receipt requested. If the whereabouts of the persons are unknown and cannot be ascertained by the Enforcement Officer in the exercise of reasonable diligence, and he shall make an affidavit to that effect, the serving of the complaint or order upon the persons may be made by publishing it once a week for two consecutive weeks in a newspaper printed and published in the city. A copy of the complaint or order also shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of the complaint or order also shall be filed with the County Court Clerk as a lis pendens.

(S.C. Code ' 31-15-60) (>88 Code, ' 5.207)

#### **' 150.31 SALE OF MATERIALS; PROCEEDS.**

If a dwelling is removed or demolished by the Housing Enforcement Officer, he shall sell the materials of the dwelling and shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining shall be deposited in the Circuit Court by the Enforcement Officer, secured in the manner as may be directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

(S.C. Code ' 31-15-90) (>88 Code, ' 5.209)

#### **' 150.32 HOUSING ENFORCEMENT OFFICER.**

The Housing Enforcement Officer is hereby authorized to exercise the powers as may be necessary or convenient to carry out and effect the purposes and provisions of this subchapter, including the following powers in addition to others herein granted:

(A) To investigate the dwelling conditions in the city in order to determine which dwellings therein are unfit for human habitation;

(B) To administer oaths and affirmations, examine witnesses and receive evidence;

(C) To enter upon premises for the purpose of making examinations; provided, that the entries are made in a manner as to cause the least possible inconvenience to the persons in possession;

(D) To appoint and fix the duties of the officers, agents and employees, with the approval of the City Administrator, as he deems necessary to carry out the purposes of this subchapter; and

(E) To delegate any of his functions and powers under this subchapter to the officers and agents as he may designate.

(S.C. Code ' 31-15-80) (>88 Code, ' 5.208)

**' 150.33 BOARD OF ZONING AND HOUSING APPEALS.**

The Board of Zoning and Housing Appeals shall have all of the powers granted to the Housing Enforcement Officer herein and may carry out its orders through its own actions or those of the Enforcement Officer or other officers and agents as it may designate.

(>88 Code, ' 5.214) (Am. Ord. 05-02-03, passed 2-15-05)

**' 150.34 APPEALS.**

(A) Any person receiving an order from the Housing Enforcement Officer may, within 15 days following the date of the notice, enter an appeal in writing to the Board of Zoning and Housing Appeals. The appeal shall state the location of the property, the date of the notice of violations and the number of the notice. The appellant shall state the variance or modification requested, the reasons therefor and the hardship or conditions upon which the appeal is made. No appeal filed later than 15 days after the date of the notice shall be acted upon by the Board, unless the Building Official shall consent thereto. (>88 Code, ' 5.210)

(B) (1) The Board of Zoning and Housing Appeals shall notify the appellant at least seven days in advance of the date of a hearing set on his appeal, stating the time and place of the hearing. The Board may consider any matter contained in the record of the Housing Enforcement Officer and may take any additional testimony that may be offered by the appellant or the Enforcement Officer. After the hearing on appeal, the Board shall report its findings of fact in support of its determination on the issues, which may affirm, modify or reject the findings of fact, determinations and orders of the enforcement officer, and shall cause such to be served upon the appellant owner.

(2) The Board may establish its own rules of procedure, provided the rules are not in conflict with this subchapter or the laws of the state. The rules of evidence prevailing in courts of law or equity shall not be controlling in appeals or hearings before the Board.

(>88 Code, ' 5.211)

(C) The Housing Enforcement Officer shall not take any action on an order issued by him until after the 15-day period for the owner to appeal to the Board of Zoning and Housing Appeals. An appeal to the Board shall operate a stay of the order of the Enforcement Officer until the appeal is heard and the Board has issued its order. (>88 Code, ' 5.212)

(D) Any person affected by this subchapter shall have the right to appeal to a court of competent jurisdiction within 60 days from any order of the Board of Zoning and Housing Appeals Officer, or within 60 days of any order from the Board of Zoning and Housing Appeals as provided in S.C. Code ' 31-15-70. Any order of the Board shall state that the owner has the right to appeal to a state court of competent jurisdiction as provided in the section. The Housing Enforcement Officer shall, from the time an appeal is made and one issue is resolved, stay any further action on his part with regard to the dwelling in question. (>88 Code, ' 5.213)  
(Am. Ord. 05-02-03, passed 2-15-05)

#### **' 150.35 SUPPLEMENTAL PROVISIONS.**

The provisions of this subchapter shall not abrogate the powers of any other department of the city or repeal any criminal ordinance but shall be in addition to and is supplemental to any other provision of this code and any other ordinance of the city. The procedures enumerated in this subchapter shall be the procedures followed in dealing with dwellings unfit for human habitation, the provisions of any previously adopted standard housing code notwithstanding.  
(>88 Code, ' 5.215)

**APPENDIX: PERMIT FEES**

Section

- 1 Permit fees
- 2 Moving fee
- 3 Demolition fee
- 4 Penalties
- 5 Plan-Checking fees

**' 1 PERMIT FEES.**

<i><b>Total Valuation</b></i>	<i><b>Fee</b></i>
\$1 to \$500	\$25
\$501 to \$50,000	\$30 up to the first \$1,000 plus \$5 for each additional thousand or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$260 for the first \$50,000 plus \$4 for each additional thousand or fraction thereof, to and including \$100,000
\$100,000 to \$500,000	\$460 for the first \$100,000 plus \$3 for each additional thousand or fraction thereof, to and including \$500,000.
\$500,001 to \$1,000,000	\$3,827 for the first \$500,001 plus \$5 for each additional \$1,000 or fraction thereof up to and including \$1,000,000.
\$1,000,001 to \$5,000,000	\$6,327 for the first \$1,000,001 to \$5,000,000 plus \$3 for each additional \$1,000 and a fraction thereof up to and including \$5,000,000.
\$5,000,001 and over	\$18,327 for the first \$5,000,001 plus \$1 for each additional \$1,000 or fraction thereof

(Am. Ord. 09-11-01, passed 11-17-09; Am. Ord. 15-05-001, passed 5-19-15)

**' 2 MOVING FEE.**

For the moving of any building or structure, the fee shall be \$150.  
(Am. Ord. 09-11-01, passed 11-17-09)

**' 3 DEMOLITION FEE.**

For the demolition of any building or structures, the fee shall be \$150.  
(Am. Ord. 09-11-01, passed 11-17-09)

**' 4 PENALTIES.**

Where work for which a permit is required by this code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

**' 5 PLAN-CHECKING FEES.**

When the valuation of the proposed construction exceeds \$1,000 and a plan is required to be submitted by ' 104.2 of the Standard Building Code, 1997, a plan-checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half of the building permit fee as set forth in 104.7 of the Standard Building Code, 1997. Such plan-checking fee is in addition to the building permit fee.

## CHAPTER 151: STREET NAMING; ADDRESS NUMBERING

### Section

#### *General Provisions*

- 151.01 Establishment
- 151.02 Base lines
- 151.03 Administration

#### *Street Naming*

- 151.15 Prefixes and suffixes
- 151.16 Extension streets
- 151.17 Duplicate street names
- 151.18 Maximum letters and spaces
- 151.19 Directional abbreviations
- 151.20 Street sign expense
- 151.21 Sign printing specifications
- 151.22 New subdivision streets
- 151.23 Name changes
- 151.24 Public hearings
- 151.25 Private street names
- 151.26 Approval

#### *Address Numbering*

- 151.35 Base line originations
- 151.36 Number interval determinations
- 151.37 Assignment and placement of numbers

***GENERAL PROVISIONS*****' 151.01 ESTABLISHMENT.**

(A) There is hereby established a system for providing distinct street names and address numbering for all streets in the jurisdiction of Bennettsville, and beyond corporate limits of the municipality, as elected.

(B) All address property shall be numbered and all streets shall be named in accordance with the provisions of this chapter.

(Ord. 89-09-0, passed 10-10-89)

**' 151.02 BASE LINES.**

Baselines are hereby established dividing the city into northern, southern, eastern and western parts.

(A) North/south boundary shall be Main Street.

(B) East/west boundary shall be Broad Street (Highway 38).

(Ord. 89-09-0, passed 10-10-89)

**' 151.03 ADMINISTRATION.**

(A) (1) It shall be the duty of the planning staff to officially inform any party applying for official street name or the address number of property as provided for in this chapter.

(2) In case of conflict as to the official street name or the proper number to be assigned to any building, the planning staff shall make the final determination.

(B) Whenever any house, building or other structure shall be erected or located in the area of the jurisdiction of this chapter after the effective date of this chapter, in order to preserve the continuity and uniformity of address numbering, it shall be the duty of the owner to obtain the correct number as designated by the planning staff for the property and to fasten the assigned number upon property as provided for in this chapter.

(C) No building permit shall be issued for any house, building or other structure until the owner has procured from the planning staff the official street number address of the property.



(D) In order to facilitate correct numbering, a plat book of all streets within the jurisdiction of this chapter showing the assigned numbers of all houses or buildings fronting upon all streets shall be kept on file in the office of the planning staff. These plats shall be open to inspection during the planning staff office hours.

(E) (1) For the purpose of clarifying and systematizing the street naming and numbering pattern in the area of the jurisdiction of this chapter and to implement the application of the matters set forth in this chapter, the planning staff is hereby authorized to prepare and present to the City Council a complete plan for the naming of all streets within the city and for the numbering of all property thereon.

(2) The planning staff shall follow the general requirements set forth in this chapter.

(F) The City Council, by ordinance, may name or rename an existing or newly established street within the limits of the city at any time after the adoption of this chapter after receiving a recommendation from the planning staff in accordance with the provisions of Act No. 487, South Carolina Acts of 1967. (Ord. 89-09-0, passed 10-10-89)

### ***STREET NAMING***

#### **' 151.15 PREFIXES AND SUFFIXES.**

(A) Signs for streets that cross baselines shall carry the appropriate directional prefix (north, south, east or west), as described below, and shall constitute part of the name of the particular street as a prefix. For example, 400 West Main Street and 400 East Main Street.

(1) All streets crossing the north/south base line and running northerly shall bear the prefix AN@ or ANorth@ for that section of the street lying north of the north/south base line.

(2) All streets crossing the north/south base line and running southerly shall bear the prefix AS@ or ASouth@ for that section of the street lying south of the north/south base line.

(3) All streets crossing the east/west base line and running easterly shall bear the prefix AE@ or AEast@ for that section of the street lying east of the east/west base line.

(4) All streets crossing the east-west base line and running westerly shall bear the prefix AW@ or AWest@ for that section of the street lying West of the east/west base line.

(B) After the effective date of this chapter, all new streets and all existing streets undergoing a change of name shall be identified as AStreet@ or AAvenue@ unless otherwise provided for below.

(1) Any street that is basically curvilinear and longer than 1,000 feet in length shall be designated as ADrive.@

(2) Any street longer than 1,000 feet and not curvilinear shall be designated as ARoad.@

(3) Any street less than 1,000 feet in length, any street that is a cul-de-sac, or any street that begin and ends on the same street without being crossed by any other street shall be designated as a ACourt,@ ATerrace,@ ACircle,@ AWay,@ ALane,@ ALoop@ or APlace.@  
(Ord. 89-09-0, passed 10-10-89)

#### ' 151.16 EXTENSION STREETS.

Proposed streets which are obviously in alignment with other existing streets shall be designated as an extension of the existing street and bear the name of the existing street.  
(Ord. 89-09-0, passed 10-10-89)

#### ' 151.17 DUPLICATE STREET NAMES.

In no case shall names of proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of suffix and/or prefix.  
(Ord. 89-09-0, passed 10-10-89)

#### ' 151.18 MAXIMUM LETTERS AND SPACES.

The maximum number of street name characters and spaces, including the suffix, shall not exceed a total of 48. Directional prefixes, such as AN@ or ANE@ shall not exceed two spaces.  
(Ord. 89-09-0, passed 10-10-89)

#### ' 151.19 DIRECTIONAL ABBREVIATIONS.

(A) The following list of abbreviations shall be used as the official list of abbreviations in identifying road names.

(1) Annex: Anx.

(2) Apartment: Apt.

- (3) Avenue: Av.
- (4) Block: Blk.
- (5) Boulevard: Blvd.
- (6) Building: Bldg.
- (7) Center: Ctr.
- (8) Circle: Cir.
- (9) Court: Ct.
- (10) Depot: Dep.
- (11) District: Dist.
- (12) Drive: Dr.
- (13) \*East: E.
- (14) Expressway: Expwy.
- (15) Extension: Ext.
- (16) Freeway: Frwy.
- (17) Heights: Hts.
- (18) Highway: Hwy.
- (19) Junction: Jctn.
- (20) Lake: Lk.
- (21) Lane: Ln.
- (22) Market: Mkt.
- (23) Mount: Mt.

- (24) Neck: Nk.
- (25) \*North: N.
- (26) Northeast: NE.
- (27) Northwest: NW.
- (28) Park: Pk.
- (29) Parkway: Pkwy.
- (30) Place: Pl.
- (31) Point: Pt.
- (32) Promenade: Prom.
- (33) Rear: Rr.
- (34) Road: Rd.
- (35) Route: Rt.
- (36) Row: Row.
- (37) Saint: St.
- (38) \*South: S.
- (39) Southeast: SE.
- (40) Southwest: SW.
- (41) Square: Sq.
- (42) Station: Sta.
- (43) Street: St.
- (44) Terminal: Term.

- (45) Terrace: Terr.
- (46) Throughway: Thrwy.
- (47) Trail: Tr.
- (48) Turnpike: Trnpk.
- (49) Walk: Wk.
- (50) Warehouse: Whse.
- (51) Way: Way.
- (52) \*West: W.
- (53) Yard: Yd.

(B) When an asterisk precedes a designation above, when used with lettered streets, the directional name should be spelled in full. For example, North L Avenue.

(C) When numerical names are used for street names, the number shall be used in place of the word, as illustrated below. For example, 511 First Street shall be abbreviated to 511 1st St.  
(Ord. 89-09-0, passed 10-10-89)

**' 151.20 STREET SIGN EXPENSE.**

The city shall bear the expense for street signs, except in situations of resident petitioned street name changes, in which case the residents shall bear the required expense, or with new subdivisions in which case the developer shall bear the expense of street signs.  
(Ord. 89-09-0, passed 10-10-89)

**' 151.21 SIGN PRINTING SPECIFICATIONS.**

Street signs shall be printed and erected in accordance with the guidelines outlined for the city.  
(Ord. 89-09-0, passed 10-10-89)

**' 151.22 NEW SUBDIVISION STREETS.**

New subdivision plans shall include proposed street names to be approved by the planning staff in accordance with this chapter.

(Ord. 89-09-0, passed 10-10-89)

**' 151.23 NAME CHANGES.**

The Bennettsville planning staff may recommend to City Council a change in the name of any street within the jurisdiction of this chapter.

(A) When there is duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders or messages;

(B) At the petition of 75% of the street residents; or

(C) Upon any other good and just reason that may appear to the planning staff.

(Ord. 89-09-0, passed 10-10-89)

**' 151.24 PUBLIC HEARINGS.**

(A) The planning staff shall publish notice of the street name public hearing in a newspaper of general circulation in the jurisdiction of this chapter, not less than 15 days before the public hearing, and the planning staff shall conduct a public hearing on name, or proposed change of name. The planning staff shall submit a written report to City Council containing its recommendation within 30 days after the public hearing. The City Council shall, within 30 days after receipt of the written report, determine whether or not the street shall be named as proposed.

(B) If the name of the street is adopted by the City Council, the City Council shall cause its resolution to be issued designating the name. This resolution shall be recorded in the office of the planning staff and in the office of the Bennettsville Court Clerk and the name so changed and certified shall thereafter be the legal name of the street or road.

(C) Written notice of the change shall be given by the planning staff to every property owner on the affected street, area utility companies, area postmaster, emergency medical service, Bennettsville Fire Department, Police Department, Tax Assessor, County Planning and County Public Works Department. Tax maps shall be amended to show official street names.

(Ord. 89-09-0, passed 10-10-89)

**' 151.25 PRIVATE STREET NAMES.**

(A) Private street property owners shall be contacted and notified that a proposed name for each private street must be submitted to the planning staff within 30 days of the written notification.

(B) After 30 days, the private street will receive a utility name approved by the planning staff, for the street identification purposes of this chapter.

(Ord. 89-09-0, passed 10-10-89)

**' 151.26 APPROVAL.**

(A) A local planning commission created under the provisions of this chapter shall, by proper certificate, approve and authorize the name of a street or road laid out within the territory over which the commission has jurisdiction. It is unlawful for a person in laying out a new street or road to name the street or road on a plat, by a marking or in a deed or instrument without first getting the approval of the planning commission. Any person violating this provision is guilty of a misdemeanor and, upon conviction, must be punished in the discretion of the court.

(B) A commission may, after reasonable notice (15 days) through a newspaper having general circulation in which the commission is created and exists, change the name of a street or road within the boundary of its territorial jurisdiction:

(1) When there is duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders, or messages;

(2) When it is found that a change may simplify marking or giving of directions to persons seeking to locate addresses; and

(3) Upon any other good and just reason that may appear to the commission.

(C) On the name being changed, after reasonable opportunity for a public hearing, the planning commission shall issue its certificate designating the change, which must be recorded in the office of the register of mesne conveyances or Clerk of Court, and the name changed and certified is the legal name of the street or road.

(D) Written notice of the change shall be given by the planning staff to every property owner on the affected street, area utility companies, area postmaster, Emergency Medical Service, Bennettsville Fire Department, Bennettsville Police Department, Tax Assessor, County Planning, and County Public Works Department. Tax maps shall be amended to show official street names.

(Ord. 00-08-02, passed 8-15-00)

***ADDRESS NUMBERING*****' 151.35 BASE LINE ORIGINATIONS.**

(A) The numbering of property on each street shall begin at the base line or zero point. All buildings or property facing streets not extending through to the base line shall be assigned the same relative numbers as if the street did extend to the base line.

(B) All property on the south side of east-west streets and on the east side of north-south streets shall bear even numbers. All property on the north side of east-west streets and on the west side of north-south streets shall bear odd numbers.

(1) Property north of the north-south base line and facing a street determined to run in a northerly direction shall carry an assigned number and address indicating its location north of the base line.

(2) Property south of the north-south base line and facing a street determined to run in a southerly direction shall carry an assigned number and address indicating its location south of the base line.

(3) Property east of the east-west base line and facing a street determined to run in an easterly direction shall carry an assigned number and address indicating its location east of the base line.

(4) Property west of the east-west baseline and facing a street determined to run in a westerly direction shall carry an assigned number and address indicating its location west of the base line.

(5) Property facing a diagonal street shall be numbered the same as if facing a northerly and southerly street if the diagonal runs more north/south; likewise, each building or property facing a diagonal street shall be numbered the same as if facing an easterly and westerly street if the diagonal runs more east/west.

(Ord. 89-09-0, passed 10-10-89)

**' 151.36 NUMBER INTERVAL DETERMINATIONS.**

(A) *Minimum frontage.* Property shall be assigned on the basis of one number for each 30 foot frontage minimum along the street, except as determined appropriate by the planning staff for business districts.

(B) *Grid lines.* Grid lines, as shown on the property numbering map, shall indicate the point at which all numbers shall change to the next higher hundred number interval.



(C) *Multiple entrances.* Where any building has more than one frontage entrance, a separate number shall be assigned for each entrance that serves a separate occupant. Should two or more entrances fall within the same grid number interval, a separate number interval may be assigned if the total address numbers within the grid do not exceed the next higher hundred interval, or letter suffixes may be used.

(D) *Main entrance.* Buildings shall be assigned numbers following a sequence after the numbering interval in which the main entrance of the building falls. If the main entrance of a building falls exactly upon the line which divides one interval from the next higher interval, the number of either interval may be assigned to that entrance.

(E) *Multiple-family dwellings.* A multiple-family dwelling having only one main entrance shall be assigned only one number, and separate apartments in the building shall carry a letter designation such as A, B, C or sequential numbers such as 1, 2, 3 or 101, 102, 103, and the like.

(F) *Rear buildings.* Any building to the rear of another building fronting on a street or alley shall carry a fractional suffix number in addition to the number assigned to the building having frontage on the street.

(G) *Maximum number of address characters.* Address numbers shall not exceed eight characters and address number suffixes shall not exceed four characters.

(H) *Duplexes, triplexes, and the like.* A duplex, triplex, and the like, house having two or more front entrances shall be assigned only one number and a letter designation such as A, B or C.  
(Ord. 89-09-0, passed 10-10-89)

#### ' 151.37 ASSIGNMENT AND PLACEMENT OF NUMBERS.

(A) *Assignment responsibility.*

(1) The planning staff shall assign to each address property located on any street or public way in the jurisdiction of this chapter its respective number under the system provided for in this chapter. Existing numbers shall be changed only where it is necessary in the judgement of the planning staff to maintain the order and uniformity sought by this chapter.

(2) House numbers shall be assigned in all new subdivisions. The planning department staff shall provide appropriate address numbers. The planning staff shall approve the numbers as necessary to maintain a systematic organized location system.

(B) *Notifications.* Written notification of the proper address of each address property shall be provided to the owner, occupant or agent of each property, the postmaster and utility companies.

*(C) Placement.*

(1) The numbers shall be placed on existing buildings within 30 days after the date of notification. The numbers shall not be less than three inches in height and shall be durable and clearly visible, contrasting the color of the building.

(2) The numbers shall be conspicuously placed immediately on, above or at the side of the front door of each building so that the property number can be plainly identified from the street and also facing mail delivery traffic on mail boxes. Whenever any building is situated more than 50 feet from the street line, the property number shall also be placed near the walk, driveway or common entrance to the building attached to the appropriate structure so as to be easily identified from the street.

(3) When a house or other building has been assigned its respective number, the owner, occupant or agent shall place or cause to be placed upon each structure the number assigned as provided in this chapter.

(Ord. 89-09-0, passed 10-10-89)

## CHAPTER 152: ZONING

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**GENERAL PROVISIONS**

**' 152.001 TITLE.**

This chapter shall be known and may be cited as the AZoning Chapter of the City of Bennettsville, South Carolina.@  
(Ord. 94-06-01, passed 6-14-94)

**' 152.002 DEFINITIONS.**

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(B) Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Plumbing Code, Standard Gas Code or International Fire Code. Words not defined in the codes shall have the meanings in Webster=s Ninth New Collegiate Dictionary, as revised.

(C) Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

**ABUTTING.** Having a common border with or being separated from the common border by an easement.

**ADULT USES.** Any establishment or use which, as one of its principal purposes, sells, displays or exhibits materials, including books, magazines, movies, tapes, photographs, and the like, which appeal to prurient interests, contain patently offensive depictions of sexual conduct, and have no serious literary, artistic, political or scientific value.

**ALTERATION.** A change in the external architectural features of any historic structure or in the interior of any such structure if the interior feature is specifically included in the historic designation; a change in the landscape features of any historic site or place; or work having an adverse effect upon designated archaeological resources.

**BED AND BREAKFAST INN.** Any owner-occupied dwelling or portion thereof offering five or fewer guest rooms to transient lodgers in return for compensation, with or without meals. If meals are served, they shall be restricted to breakfast only. The use of a dwelling as a **BED AND BREAKFAST INN** shall not be considered as an accessory use nor a customary home occupation.

**BOARD OF ZONING AND HOUSING APPEALS.** The Board of Zoning and Housing Appeals for the city.

**BUILDABLE AREA.** That portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side and rear yard, open space and applicable buffer area requirements have been met.

**BUILDING.**

(1) **ACCESSORY BUILDING.** A subordinate structure on the same lot as the principal or main building or incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, animal shelters, pool houses, and the like, when detached from the principal building and carports attached to the principal building when at least 75% open or unenclosed.

(2) **PRINCIPAL BUILDING.** A building in which is conducted or in which is intended to be conducted, the main or principal use of the lot on which it is located.

**BUILDING ALTERATION.** Any act or process that changes one or more of the exterior architectural features of a structure, including but not limited to the erection, construction, reconstruction or removal of any structure.

**CANOPY TREE.** A deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars and others.

**CERTIFICATE OF APPROPRIATENESS.** Document issued by the Board of Architectural Review, following a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property or the historic district.

**CONDOMINIUM.** A unit in a multi-unit structure owned by an individual who has use of all common areas associated with that structure.

**COUNCIL or CITY COUNCIL.** The legally elected governing body of the city.

**DAY-CARE SERVICES.**

(1) **CHILD DAY-CARE SERVICE.** Any home, center, agency or place, however styled, where children not related to the operator are received for custodial care, apart from their parents, whether for compensation, reward or otherwise during part or all of the day or night and upon any number of successive days or nights.

(2) **FAMILY DAY-CARE HOME.** A home in which care is given by a family member and no others during the day only for one and not more than 12 children, including the day-care parents' own children.

**DENSITY.** The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, **DENSITY** requirements in this chapter are expressed in dwelling units per net acre; that is, per acre of land devoted to residential use and common open space exclusive of land utilized for streets, alleys, parks, playgrounds or other public uses.

**DWELLING.** A building or portion of a building arranged or designed exclusively for human habitation.

(1) **APARTMENT DWELLING.** See **MULTI-UNIT DWELLING.**

(2) **ATTACHED DWELLING.** A dwelling unit attached to one or more other units by common vertical walls.

(3) **DETACHED DWELLING.** A single dwelling unit, other than a mobile home, surrounded by open space or yards and which is not attached to any other dwelling by any means.

(4) **DUPLEX DWELLING.** A building containing two dwelling units connected by a common wall.

(5) **GROUP OCCUPIED DWELLING.** A dwelling unit occupied by four or more individuals unrelated by blood, marriage, adoption or guardianship living as a single housekeeping unit. The term also applies to mentally or physically handicapped persons for which care is provided on a 24-hour basis, in accord with S.C. Code ' 6-7-830.

(6) **MOBILE HOME DWELLING.** A transportable structure of one or more sections built on a permanent metal chassis and designed to be towed. The term **MOBILE HOME**, as used in this chapter, shall not include prefabricated, modular or unitized dwellings placed on permanent foundations, nor shall it include travel trailers, motor homes, campers or similar units designed for recreation or other short term uses.

(7) **MULTI-UNIT DWELLING.** A building containing five or more dwelling units.

(8) **PATIO HOUSE DWELLING.** A single-family detached or semi-detached dwelling unit. It is built on a small lot generally enclosed by walls which provide privacy. The term is synonymous with zero lot lines dwellings.

(9) **QUADRUPLEX DWELLING.** A building containing four dwelling units.

(10) **SINGLE-FAMILY OCCUPIED DWELLING.** A dwelling unit occupied by one family.

(11) **TOWNHOUSE DWELLING.** A series of attached dwelling units on separate lots which may or may not have a common floor and are separated from each other by common vertical walls.

(12) **TRIPLEX DWELLING.** A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(13) **ZERO LOT LINE DWELLING.** A single-family detached unit which instead of being centered on a lot, is placed against at least one of the side lot lines. The term is synonymous with patio house.

**FAMILY.** One or more persons related by blood, marriage, adoption or guardianship, and not more than three persons not so related.

**FLOOR AREA RATIO.** An intensity measure of land use derived at by dividing the total floor area of a building by the total site area.

**FRONTAGE LINE.** All lot lines that abut a public right-of-way. A corner lot or a through lot has two frontage lines.

**HISTORIC DISTRICT.** An area, designated by the City Council, upon the recommendation of the Board of Architectural Review and pursuant to the provisions of this chapter.

**HISTORIC PROPERTY.** Any place (including an archaeological site or the location of a significant historical event), building, structure, work of art, fixture or similar object that has been individually designated by City Council or designated as a contributing property within a historic district.

**HOME OCCUPATION.** Any occupation within a dwelling, including a family day-care home, and clearly incidental thereto, carried on by a member or members of the family residing on the premises and no others, provided that:

(1) No exterior indication of the use or change in the character or exterior appearance is evident other than a sign permitted by these regulations;



(2) The maximum floor area used for operations shall not exceed 600 square feet or 25% of the gross floor area;

(3) No mechanical equipment is installed or used except such as is normally used for domestic purposes;

(4) No display of products shall be visible from the street and only articles made on the premises may be sold; and

(5) Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition.

**IMPERVIOUS SURFACE RATIO.** A measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.

**IMPERVIOUS SURFACE.** Surfaces that do not absorb water. All buildings, paved parking areas, driveways, roads, sidewalks and any areas in concrete or asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Building Official to be impervious within the meaning of this definition also will be classified as **IMPERVIOUS SURFACES**.

**LOT.** A parcel of land considered as a unit. The terms **LOT**, A lot of record, @ A property, @ A plot, @ A parcel @ or A tract, @ whenever used in this chapter, are interchangeable.

(1) **CORNER LOT.** A lot located at the intersection of two or more streets.

(2) **DOUBLE FRONTAGE LOT.** A lot which has frontage on two parallel streets, or upon two streets which do not intersect at the boundaries of the lot.

(3) **INTERIOR LOT.** A lot, other than a corner lot, which has frontage on only one street other than an alley.

**LOT AREA.** The area contained within the boundary line of a lot.

**LOT DEPTH.** The horizontal distance between front and rear lot lines.

**LOT LINE.** A line bounding a lot which divides one lot from another or from a street or any other public or private space.

**LOT WIDTH.** The distance between side lot lines measured at the front of the building line.

**MAP** or **ZONING MAP.** The official zoning map of the city.

**MAY.** The act is permissive.

**MINI-WAREHOUSE.** A building or group of buildings in a controlled-access and fenced compound that contains individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customer=s goods or wares.

**MOBILE HOME.** See *DWELLING, MOBILE HOME DWELLING.*

**MOBILE HOME PARK.** A lot or parcel with space, improvements and utilities for the long-term parking or two or more mobile homes which may include services and facilities for the residents.

**MOBILE HOME SPACE.** A plot or ground within a mobile home park designed for the accommodation of one mobile home.

**MODULAR UNIT or MODULAR STRUCTURE.** A building, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site. This term is not to be limited to residential dwellings. When meeting the requirements of the Modular Building=s Construction Act, S.C. Code ' 23-43-10, the building or structure may be located in any of the city=s several zoning districts.

**NONCONFORMITY.** Any lot of record, use, building, structure or vegetation in existence prior to the effective date of this chapter, but which fails, by reason of the adoption, revision or amendment to conform to the present requirements of the chapter.

**OPEN SPACE RATIO.** A measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the total site area.

**PERSON.** Includes a firm, association, organization, partnership, trust company or corporation, as well as an individual.

**PLANNING COMMISSION.** The City Planning Commission.

**PRINCIPAL USE.** The primary purpose for which land is used.

**PRIVATE GARAGE.** As defined by the Standard Building Code.

**PUBLIC GARAGE.** As defined by the Standard Building Code.

**PUBLIC SPACE WITHIN A BUILDING.** Spaces designed for use by the public, such as auditoriums, court rooms, lobbies, entrance halls, etc. These spaces are usually gathering places as opposed to corridors for public use.

**RECREATIONAL VEHICLE.** A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

**SHALL.** The act is always mandatory.

**SIGN.** Any object, device display or structure, or part thereof, situated outdoors or indoors, which 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.

(1) **ABANDONED SIGN.** A sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists or to which it refers.

(2) **ANIMATED SIGN.** Any sign that uses movement or change of lighting to depict action or creates a special effect or scene.

(3) **AWNING, CANOPY OR MARQUEE SIGN.** A sign that is mounted or painted on or attached to an awning, canopy or marquee.

(4) **BANNER SIGN.** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered **BANNER SIGNS**.

(5) **BUILDING SIGN.** Any sign attached to any part of a building.

(6) **CHANGEABLE COPY SIGN.** A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an **ANIMATED SIGN** and not a **CHANGEABLE COPY SIGN** for purposes of this chapter. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a time and temperature portion of a sign and not a **CHANGEABLE COPY SIGN** for purposes of this chapter.

(7) **FLAT SIGN.** A single-faced sign attached flush to a building or projecting no more than 12 inches.

(8) **FREE-STANDING SIGN.** Any non-movable sign not affixed to a building.

(9) **INCIDENTAL SIGN.** A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as No parking, No entrance, No loading only, No telephone and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered an **INCIDENTAL SIGN**.

(10) **PERMANENT SIGN.** A sign attached to a building, structure or the ground in some manner and made of materials intended for more than short term use.

(11) **POLITICAL SIGN.** A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

(12) **PORTABLE SIGN.** A sign that is not permanently affixed to a building, structure or the ground.

(13) **PROJECTING SIGN.** A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from the building.

(14) **ROOF SIGN.** A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point 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.

(15) **TEMPORARY SIGN.** A sign that is used only for a short period of time and is not permanently mounted.

(16) **WALL SIGN.** A sign painted on the wall of a building and has no sign structure.

(17) **WINDOW SIGN.** A sign that is applied or attached to the exterior or interior of a window or located in a manner within a building that it can be seen from the exterior of the structure through a window.

**SIGN FACE.** The area or display surface used for the message.

**SUBSTANTIAL HARDSHIP.** Hardship, caused by unusual and compelling circumstances, based on one or more of the following:

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

(3) The property is owned by a nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.

**UNDERSTORY TREE.** A small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees and others.

**USE.** The purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

**USED or OCCUPIED.** The land or building is in actual use or occupancy and shall be construed to include the words Aintended,@ Aarranged@ or Adesigned to be used or occupied.@ An intended project shall be defined as one where substantial monies have been spent towards the goal of the project.

**VARIANCE.** A modification of the area regulations of this chapter, granted by the Board of Zoning and Housing Appeals, where the modification will not be contrary to the public interest, and where owing to conditions peculiar to the property, a literal enforcement of the chapter would result in unnecessary and undue hardship, and where the modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

**YARD.** An open space that lies between the principal or accessory building or buildings and the nearest lot line. The **YARD** is unoccupied and unobstructed from the ground upward except as may be specifically provided by this chapter.

(1) **FRONT YARD.** A yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line.

(2) **REAR YARD.** A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

(3) **REQUIRED YARD.** That part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this chapter.

(4) **SIDE YARD.** A yard extending the full length of the lot in the area between the side lot line and a side building line.

**ZONING DISTRICT.** A specifically delineated area or district in the city within which regulations and requirements govern the use, placement, spacing and size of land and buildings. (Ord. 94-06-01, passed 6-14-94; Am. Ord. 00-08-01, passed 8-15-00; Am. Ord. 02-04-06, passed 4-16-02; Am. Ord. 05-02-03, passed 2-15-05; Am. Ord. passed 11-20-12)

**' 152.003 ZONING DISTRICTS AND MAP ESTABLISHED.**

(A) The city is hereby subdivided into the following zoning districts:

- (1) A-1, single-family residential;
- (2) A-2, two-family residential;
- (3) A-3, multi-family residential;
- (4) A-4, general residential;
- (5) ROI-1, residential, office and institutional;
- (6) C-1, central commercial;
- (7) C-2, highway and neighborhood commercial;
- (8) U-1, industrial;
- (9) ME-1, planned development for mobile home parks;
- (10) W-1, wildlife and marine district; and
- (11) HCD, historical conservation district.

(B) (1) The boundaries of the above zoning districts are shown on a map entitled Official Zoning Map of Bennettsville, South Carolina, which together with all explanatory matter thereon is hereby adopted by reference and declared to be a part of this chapter. The official zoning map shall be identified by the signature of the Mayor attested by the City Clerk, together with the date of the adoption of this chapter.

(2) In addition, FIA flood hazard boundary maps designating flood hazard areas within the city having an effective date as prepared by the Department of Housing and Urban Development, Federal Insurance Administration, copies of which are on file in the office of the City Clerk, are hereby adopted by reference and are fully a part of this chapter as if set forth herein.

(Ord. 94-06-01, passed 6-14-94)

**' 152.004 INTERPRETATION OF DISTRICT BOUNDARIES.**

(A) Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

(1) Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow the center lines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.

(3) Boundaries indicated as approximately following city limits shall be construed as following the city limits.

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the main track.

(5) Boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed to follow the center lines.

(6) Boundaries indicated as parallel to all extensions of features indicated in divisions (A) through (E) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

(B) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances covered by divisions (A) through (F) above, the Board of Zoning and Housing Appeals shall interpret the district boundaries.

(Ord. 94-06-01, passed 6-14-94; Am. Ord. 05-02-03, passed 2-15-05)

**' 152.005 CHANGES TO BOUNDARIES.**

(A) If, in accordance with the provisions of this chapter and S.C. Code Title 6, Chapter 7, changes are made in district boundaries or other matter portrayed on the official zoning map, the changes shall be entered on the official zoning map promptly after the amendment has been approved by the City Council. No amendments to this chapter which involves matter portrayed on the official zoning map shall become effective until after the change has been made on the map.

(B) No changes of any nature shall be made on the official zoning map except in conformity with the procedures set forth by this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided by law.

(Ord. 94-06-01, passed 6-14-94)

**' 152.006 CUSTODIAN OF MAP.**

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the City Clerk shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city.

(Ord. 94-06-01, passed 6-14-94)

**' 152.007 CONFLICT AND GREATER RESTRICTIONS.**

Whenever the regulations of this chapter require a greater width of size of yards, or require a greater percentage of lot be left unoccupied, or impose other statutes, the requirements of this chapter shall govern.

Whenever the provisions of any other statute require more restrictive standards than are required by this chapter, the provisions of the statute shall govern.

(Ord. 94-06-01, passed 6-14-94)

***ZONING DISTRICT REGULATIONS*****' 152.020 A-1, SINGLE-FAMILY RESIDENTIAL.**

(A) *Purpose.* The purpose of this district is to provide for low density residential development of relatively spacious character together with public buildings, schools, churches, public recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to protect residential surroundings. The district is located to protect existing development of this character and contains vacant land considered appropriate for development in the future.

(B) *Uses permitted.* Within the A-1 district, a building or premise shall be used only for the following purposes:

- (1) Single-family dwellings, excluding mobile homes;
- (2) Schools, either public or private, offering general education courses and public utilities, provided that all buildings shall be located at least 50 feet from all front, side and rear lot lines;
- (3) Noncommercial horticulture or agriculture, but not including the keeping of poultry or livestock;



- (4) Neighborhood and community parks and centers, golf courses and similar uses;
- (5) Churches or similar places of worship, including parish houses, parsonages, convents and dormitories accessory thereto;
- (6) Day-care facilities limited to family day-care home, as defined by this chapter;
- (7) Customary incidental home occupations;
- (8) Accessory buildings and uses, including private garages, noncommercial greenhouses and workshops;
- (9) Signs, provided they are in accord with all applicable provisions of " 152.045 through 152.053;
- (10) Private or commercial horse stables, provided the uses shall meet all requirements of ' 152.101.

(C) *Dimensional requirements.* Regulations governing the location and height of structures, and the area upon which they may be placed are as follows:

- (1) *Lot area requirements; permitted uses.*
  - (a) Single-family dwellings shall have a minimum of 12,000 square feet.
  - (b) Other permitted uses shall have no minimum.
- (2) *Yard requirements.* Unless otherwise specified by this section, the following yard requirements are applicable to all permitted uses:
  - (a) The minimum depth of a front yard shall be 35 feet.
  - (b) The minimum depth of a rear yard shall be 25 feet.
  - (c) There shall be two side yards, one with a minimum width of five feet and one with a minimum width of ten feet, however, the sum of the widths of both side yards shall be not less than 18 feet.
- (3) *Height requirements.*
  - (a) The maximum height of all permitted uses shall be 35 feet.

(b) Churches, steeples and spires shall have a maximum height of 75 feet.

(4) *Off-street parking requirements.* See " 152.065 through 152.070.  
(Ord. 94-06-01, passed 6-14-94)

**' 152.021 A-2, SINGLE- AND TWO-FAMILY RESIDENTIAL.**

(A) *Purpose.* The purpose of this district is to provide for the moderate density residential development to include single- and two-family dwellings, together with public buildings, schools, churches, public recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of this character and contains vacant land considered appropriate for the development in the future.

(B) *Permitted uses.* Within the A-2 district, a building or premise shall be used only for the following purpose:

(1) Any use, together with the conditions attached thereto, permitted in the A-1 district; and

(2) Two-family dwellings, including accessory apartments, in accord with the provisions of ' 152.089(B).

(C) *Dimensional requirements.* Regulations governing the location and height of structures and the area upon which they may be placed are as follows:

(1) *Lot area requirements; permitted uses.*

(a) A single-family dwelling shall have a minimum of 7,500 square feet.

(b) A two-family dwelling shall have a minimum of 10,500 square feet.

(c) Other permitted uses shall have no minimum.

(2) *Yard requirements.* Unless otherwise specified by ' 152.020 for certain uses, the following yard requirements are applicable:

(a) The minimum depth of a front yard for single-family or two-family dwellings shall be 35 feet.

(b) The minimum depth of a rear yard for a single-family dwelling shall be 15 feet. The minimum for a two-family dwelling shall be 25 feet.

(c) The minimum width of side yards for a single-family dwelling shall be five feet each. The minimum for a two-family dwelling shall be 7.5 feet each.

(3) *Height requirements.*

(a) The maximum height of all permitted uses shall be 35 feet.

(b) The maximum height for churches, steeples and spires shall be 75 feet.

(4) *Off-street parking requirements.* See " 152.065 through 152.070.  
(Ord. 94-06-01, passed 6-14-94)

**' 152.022 A-3, MULTI-FAMILY RESIDENTIAL.**

(A) *Purpose.* The purpose of this district is to maintain and promote medium to high density residential development as might be appropriate for garden apartments and condominiums, and at the same time to permit a variety of housing types. Population density and height of buildings are low enough to be generally compatible with single-family residential development in the same general neighborhood.

(B) *Permitted uses.* Within the A-3 district, a building or premise shall be used only for the following purposes:

(1) Any use, together with the conditions attached thereto, permitted in the A-1 district;

(2) Two-family dwellings, including accessory apartments, in accord with the provisions of ' 152.089(B);

(3) Multi-family dwellings, including condominiums, apartments and related long term occupancy units;

(4) Rooming and boarding houses;

(5) Child day-care services;

(6) Hospitals, clinics and related uses, provided a 15-foot evergreen buffer is established whenever these uses abut residential uses and no building shall be established closer than 50 feet to the nearest property line. (The buffer may be counted as part of the required setback.);

(7) Townhouses, in accord with the provisions of ' 152.099;

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(8) Patio and zero lot line houses, in accord with the provisions of ' 152.100;

(9) Group-occupied dwellings, provided the dwelling arrangements are reviewed and approved by the Planning Commission, following an advertised public notice and hearing on the occupancy request.

(C) *Dimensional requirements.* Regulations governing the location and height of structures, and the area upon which they may be placed are as follows:

(1) *Lot area requirements.*

(a) Single-family dwellings shall have a minimum of 5,000 square feet.

(b) Two-family dwellings shall have a minimum of 7,500 square feet.

(c) Three- or more family dwellings shall have a minimum of 7,500 square feet, plus 3,000 square feet for each unit over two.

(d) Other permitted uses shall have no minimum.

(2) *Yard requirements.* Unless otherwise specified for certain permitted uses, the following yard requirements are applicable:

(a) *Front yards.*

1. The minimum depth for a single-family dwelling shall be 35 feet.

2. The minimum depth for a two-family dwelling shall be 35 feet.

3. The minimum depth for a three- or more family dwelling shall be 35 feet.

4. The minimum depth for other permitted uses shall be 35 feet.

(b) *Rear yards.*

1. The minimum depth for single-family dwellings shall be 15 feet.

2. The minimum depth for two-family dwellings shall be 25 feet.

3. The minimum depth for three- or more family dwellings shall be 25 feet.

4. The minimum depth for other permitted uses shall be 25 feet.

(c) *Side yards.*

1. The minimum depth for single-family dwellings shall be five feet.
2. The minimum depth for two-family dwellings shall be 7.5 feet.
3. The minimum depth for three- or more family dwellings shall be as follows. No building shall be erected closer than 7.5 feet from any side lot line. Where a building exceeds 80 feet horizontally and/or 35 feet vertically, whichever is greater, the side yard shall increase by the ratio of one foot for each additional seven feet in width and by the ratio of one foot for each additional three feet in height. On lots with two or more principal residential dwellings or uses, the minimum distance between the uses shall be not less than 15 feet.
4. The minimum depth for other permitted uses shall be 15 feet each.

(3) *Height requirements.* The maximum height of structures shall be 75 feet.

(4) *Off-street parking requirements.* See " 152.065 through 152.070.  
(Ord. 94-06-01, passed 6-14-94; Am. Ord. 00-08-01, passed 8-15-00; Am. Ord. 15-10-001, passed 10-20-15)

**' 152.023 A-4, GENERAL RESIDENTIAL.**

(A) *Purpose.* The purpose of this district is to maintain and promote medium to high density residential development as might be appropriate for garden apartments and condominiums, and to permit a variety of housing types. Population density and height of buildings are intended generally to be compatible with single-family residential development in the same general neighborhood.

(B) *Permitted uses.* Within the A-4 district, a building or premise shall be used only for the following purposes:

- (1) Any use, together with the conditions attached thereto, permitted in the A-3 district;
- (2) Commercial establishments shall be home owned and operated businesses providing certain convenience items and services to the public limited to beauty shops, seamstress/tailor shops, barber shops and flower shops. The establishments shall not exceed 300 square feet of gross floor space if they are located as attached structures to the operator=s permanent residence. Design and construction shall be consistent with the existing residential structure. Any detached structure used for commercial purposes stated herein shall also comply in design and construction with the owner=s permanent on-site residence and shall not exceed 400 square feet in gross floor space and shall observe all minimum lot and yard distances as follows:

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(a) Attached commercial establishments shall comply with lot and yard distances for single-family dwellings; and

(b) Detached commercial establishments shall comply with lot and yard distances for two-family dwellings.

(3) Signs, in accordance with " 152.045 through 152.053.

(C) *Dimensional requirements.* Regulations governing the location and height of structures and the area upon which they may be placed are as follows:

(1) *Lot area requirements; permitted uses.*

(a) The minimum lot area for single-family dwellings shall be 5,000 square feet.

(b) The minimum lot area for two-family dwellings shall be 7,500 square feet.

(c) The minimum lot area for three- or more family dwellings shall be 7,500 square feet, plus 3,000 square feet for each unit over two.

(2) *Yard requirements.* Unless otherwise specified for certain permitted uses, the following yard requirements are applicable:

(a) *Front yard.*

1. The minimum depth for single-family dwellings shall be 35 feet.

2. The minimum depth for two-family dwellings shall be 35 feet.

3. The minimum depth for three- or more family dwellings shall be 35 feet.

4. The minimum depth for other permitted uses shall be 35 feet.

(b) *Rear yard.*

1. The minimum depth for single-family dwellings shall be 15 feet.

2. The minimum depth for two-family dwellings shall be 25 feet.

3. The minimum depth for three- or more family dwellings shall be 25 feet.

4. The minimum depth for other permitted uses shall be 25 feet.

(c) *Side yards.*

1. The minimum depth for single-family dwellings shall be five feet.

2. The minimum depth for two-family dwellings shall be 7.5 feet.

3. The minimum depth for three- or more family dwellings shall be as follows. No building shall be erected closer than 7.5 feet from any side lot line. Where a building exceeds 80 feet horizontally and/or 35 feet vertically, whichever is greater, the side yard shall increase by the ratio of

one foot for each additional seven feet in width and by the ratio of one floor for each additional three feet in height. On lots with two or more principal residential dwellings or uses, the minimum distance between the uses shall be not less than 15 feet.

4. The minimum depth for other permitted uses shall be 15 feet.

(3) *Height requirements.* The maximum height of structures shall be 75 feet.

(4) *Off-street parking requirements.* See " 152.065 through 152.070.  
(Ord. 94-06-01, passed 6-14-94)

#### ' 152.024 ROI-1, RESIDENTIAL, OFFICE AND INSTITUTIONAL.

(A) *Purpose.* This district is intended to accommodate office, institutional and residential uses in areas whose character is neither exclusively business nor residential in nature. It is designed principally for areas in transition, along major streets and for ameliorating change impacting established residential areas.

(B) *Permitted uses.* Within the ROI-1 district, a building or premise shall be used only for the following purposes:

- (1) Any use, together with the conditions attached thereto, permitted in the A-3 district;
- (2) Public utility stations and facilities;
- (3) Financial, insurance and real estate uses;
- (4) Bed and breakfast inns, in accord with the provisions of ' 152.098;
- (5) Funeral homes;
- (6) Parks and playgrounds;
- (7) Health care services and facilities, including:
  - (a) Offices and clinics;
  - (b) Nursing and personal care; and
  - (c) Allied services.



- (8) Legal services;
- (9) Educational services and facilities, including:
  - (a) Libraries;
  - (b) Public and private schools; and
  - (c) Vocational schools.
- (10) Social services and facilities;
- (11) Child day-care services;
- (12) Museums and art galleries;
- (13) Religious services and facilities;
- (14) Public administrative services and facilities, but not including correctional facilities;
- (15) Accessory uses and structures customarily incidental to permitted uses; and
- (16) Signs, in accordance with all applicable provisions of " 152.045 through 152.053.

(C) *Dimensional requirements.* Regulations governing the location and height of structures, and the area an which they may be placed are as follows:

- (1) *Lot area requirements; permitted uses.*
  - (a) The minimum for single-family dwellings shall be 7,500 square feet.
  - (b) The minimum for two-family dwellings shall be 10,000 square feet.
  - (c) The minimum for three- or more dwellings shall be 5,000 square feet for each unit over two.
  - (d) The minimum for other permitted uses shall be 5,000 square feet.
- (2) *Yard requirements.*
  - (a) The minimum depth of a front yard shall be 35 feet.
  - (b) The minimum depth of a rear yard shall be 15 feet.

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(c) The minimum width of a side yard shall be five feet each.

(3) *Height regulations.*

(a) The maximum height of structures shall be 45 feet.

(b) The maximum for church steeples and spires shall be 75 feet.

(4) *Off-street parking requirements.* See " 152.065 through 152.070.  
(Ord. 94-06-01, passed 6-14-94)

**' 152.025 C-1, CENTRAL COMMERCIAL.**

(A) *Purpose.* The purpose of this district is to provide for the intensive business and commercial development of the Bennettsville central business district. Off-street parking is permitted separately and is not required as a use because of small lot sizes and intensity of development. This district is designed to provide comparative shopping opportunities within a concentrated area, and promote a business climate essential to the vitality and economic stability of the community.

(B) *Permitted uses.*

(1) Within the C-1 district, a building or premise shall be used only for the following purposes.

(2) All uses, including signs in accord with " 152.045 through 152.053, are permitted except the following which are specifically prohibited:

(a) Building supplies and/or lumber yards;

(b) Cabinet shops;

(c) Cemeteries;

(d) Coal yards and wood yards;

(e) Cotton gins;

(f) Garage apartments and/or rear yard dwellings;

(g) Junk yards and/or used auto parts;

(h) Laundries and/or dry cleaning establishments;

(i) Machine shops;

(j) Manufacturing plants, where articles produced are sold at wholesale, either direct or through distributors, and where the total number of employees or operatives is five persons or less. In no case shall any of the following industrial processes or storage of the products thereof be permitted in the central business district:

1. Acid manufacture;
2. Cement, lime gypsum or plaster of Paris manufacture;
3. Distillation of bones;
4. Explosives manufacture;
5. Fertilizer manufacture;
6. Garbage, offal or dead animal reduction or dumping;
7. Glue manufacture;
8. Petroleum, refining or bulk storage;
9. Poultry hatching, raising or processing;
10. Smelting of tin, copper, zinc or iron ores; and
11. Stock yards or slaughter of animals.

(k) Mobile homes parks or courts;

(l) Recycling facilities, but not enclosed or screened pick-up stations;

(m) Mini-warehouses;

(n) Self service carwashes;

(o) Adult uses;

(p) Veterinary and animal boarding services; and

(q) Substance abuse clinics (aka drug clinics) offering counseling, drug dispensing, or other services.

(C) *Dimensional requirements.* Regulations governing the location and height of structures, and the area on which they may be placed are as follow:

(1) *Lot area requirements.* There shall be no minimum lot size.

(2) *Yard requirements.*

(a) No front yard minimum depth shall be required. No building, however, shall be erected or structurally altered so as to be within 40 feet of the centerline of the abutting street.

(b) No side yard minimum depth shall be required. No building, however, shall be erected or structurally altered as to be within 40 feet of the center line of the abutting street.

(c) No rear yard minimum depth shall be required. On through lots, however, the yard abutting the rear street shall be considered a front yard and the front yard requirements for the district in which the yard is located shall be met. For lots which abut on an alley at the rear of the lot, no building or structure shall be erected within 15 feet of the centerline of the alley.

(3) *Height requirements.* The maximum height of all buildings and structures shall be 75 feet.

(4) *Off-street parking requirements.* There are none.

(Ord. 94-06-01, passed 6-14-94; Am. Ord. 17-02-01, passed 2-21-17)

#### **' 152.026 C-2, HIGHWAY AND NEIGHBORHOOD COMMERCIAL.**

(A) *Purpose.* The purpose of this district is to service the automobile and its passengers and to provide for commercial activities in harmony with highway development. This district also is intended to provide convenience services and goods to relatively small residential areas, and to accommodate commercial development outside of the central commercial district. For these reasons, open space, off-street parking and building setbacks are prerequisite to new construction in this district.

(B) *Permitted uses.* Within the C-2 district, a building or premise shall be used only for the following purposes:

(1) Any use, together with the conditions attached thereto, permitted in the A-3 district;

(2) Any retail, wholesale or storage business involving the sale of merchandise, except the following, which are expressly prohibited:

(a) Junk and salvage yards; or

(b) Adult arcades, theaters, food and video stores within 500 feet of a residential, religious, recreational or educational facility.

(3) Business involving the rendering of personal and general services, including but not limited to barber and beauty shops, dressmaker, jewelry and watch repair, photographers, studios, funeral homes, laundry and dry cleaning, plumbing and upholstery;

(4) Private or semi-private club, lodge, union hall or social center;

(5) Off-street commercial parking lot or garage;

(6) Hotels, tourist homes and motels;

(7) Frozen food lockers;

(8) Commercial recreation facilities, including, but not limited to billiard parlors, theaters, including drive-ins, bowling alleys and golf courses, including driving range, miniature or Par Three operation;

(9) Newspaper plants and printing shops;

(10) Child day-care services;

(11) Eating and/or drinking establishments including drive-ins;

(12) Public utilities, parks and facilities;

(13) Horticultural operations, including greenhouses and commercial nurseries, but not the keeping of poultry or livestock;

(14) Social, cultural, philanthropic, educational, financial, medical, business and governmental institutions and offices;

(15) Radio and television stations;

(16) Bus and transportation terminals;

(17) Veterinarians, animal hospitals or kennels;

(18) Bottling works and beverage distribution;

(19) Fabricating and assembling establishments provided the entire operation is enclosed within a building;

(20) Mechanical and repair services;

- (21) Tire recapping services;
- (22) Cemeteries;
- (23) Recycling facilities;
- (24) Accessary uses and structures customarily incidental to permitted;
- (25) Signs, in accordance with all applicable provisions of " 152.045 through 152.053.

(C) *Dimensional requirements.* Regulations governing the location and height of structures, and the area on which they may be placed are as follows:

(1) *Lot area requirements.*

- (a) The minimum for single-family dwellings shall be 5,000 square feet.
- (b) The minimum for two-family dwellings shall be 7,500 square feet.
- (c) The minimum for three- or more dwellings shall be 7,500 square feet, plus 3,000 square feet for each unit over two.
- (d) There shall be no minimum for other permitted uses.

(2) *Yards.*

- (a) The minimum depth of a front yard shall be 40 feet.
- (b) The minimum depth of a rear yard shall be ten feet.
- (c) The minimum width of side yards shall be 7.5 feet total. It may be observed, however, on either side or divided.

(3) *Height requirements.*

- (a) The maximum height of structures shall be 45 feet.
- (b) The maximum height of church steeples and spires shall be 75 feet.

(4) *Off-street parking requirements.* See " 152.065 through 152.070.  
(Ord. 94-06-01, passed 6-14-94)

**' 152.027 U-1, INDUSTRIAL.**

(A) *Purpose.* The purpose of this district is to provide primarily for light manufacturing, fabricating, warehousing and wholesale distributing in areas with off-street loading and off-street parking for employees and with access by major streets or railroads. Commercial uses are not limited, but residential development is excluded.

(B) *Permitted uses.* Within the U-1 district, a building or premise shall be used only for the following purposes:

- (1) Cemeteries;
- (2) Building supply and lumber yards;
- (3) Cabinet shops;
- (4) Cold storage and freezer lockers;
- (5) Coal yards and wood yards;
- (6) Cotton gins;
- (7) Laundries and/or dry cleaning establishments;
- (8) Storage yards, including automobile junk yards, provided:

(a) No material, because it is discarded and incapable of being reused in some form, shall be placed in storage or junk yard.

(b) No material shall be placed in any junk yard in a manner that it is capable of being transferred out of the junk yard by wind, water or other causes.

(c) All paper, rags, cloth, other fibers and activities involving the same other than loading and unloading, shall be within a fully enclosed building.

(d) In order to lessen the adverse effect on adjoining property, reduce wind-blown trash and create a more healthful environment, all junkyard materials and activities not within fully enclosed buildings shall not be located nearer than 60 feet to any street line and shall be surrounded by a greenbelt planting strip composed of a row of white pine trees spaced not further than ten feet apart. This greenbelt planting strip may be modified by the Board of Zoning and Housing Appeals in situations where abundant natural buffering exists in the form of vegetation and/or terrain or where suitable planting is proposed. The Board of Zoning and Housing Appeals may also approve an alternate method of buffering when planting is not practical.

(9) Industrial and processing plants provided that the uses shall not be injurious or obnoxious to surrounding development;

(10) Customary accessory uses;

(11) Signs, provided they are in accordance with the provisions set forth in " 152.045 through 152.053.

(C) *Dimensional requirements.* Regulations governing the location and height of structures, and the area on which they may be placed are as follows:

(1) *Lot area requirements.* No minimum lot area is required.

(2) *Yard requirements.*

(a) There shall be a front yard having a minimum depth of 50 feet. No building, however, shall be erected or structurally altered within 75 feet of the centerline or centerline of any abutting street or streets.

(b) No side yard shall be required except that for a corner lot, the side yard abutting the side street shall have a minimum depth of 50 feet. No building, however, shall be erected or structurally altered within 75 feet of the centerline of the abutting side street.

(c) No rear yard shall be required except in the case of a rear yard abutting on a street, then the rear yard shall be considered another front yard and minimum front yard requirements for this district shall be effective.

(3) *Height requirements.* The maximum height of all buildings and structures shall be 150 feet.

(4) *Off-street parking requirements.* See " 152.065 through 152.070.  
(Ord. 94-06-01, passed 6-14-94; Am. Ord. 05-02-03, passed 2-15-05)

#### ' 152.028 HPD, HISTORIC PRESERVATION.

(A) *Purpose.*

(1) The purpose of this section is:

(a) To protect, preserve and enhance the distinctive architectural and cultural heritage of the City of Bennettsville;



(b) To promote the educational, cultural, economic and general welfare of the people of the City of Bennettsville;

(c) To foster civic pride;

(d) To encourage harmonious, orderly and efficient growth and development of the City of Bennettsville;

(e) To strengthen the local economy; and

(f) To improve property values.

(2) It is the city's hope that by encouraging a general harmony of style, form, proportion and material between buildings of historic design and those of contemporary design, the city's historic buildings and historic districts will continue to be a distinctive aspect of the city and will serve as visible reminders of the significant historical and cultural heritage of the City of Bennettsville and State of South Carolina.

(3) This section is part of the Zoning Ordinance of the City of Bennettsville and is enacted pursuant to the S.C. Code " 6-29-710 and 6-29-870 *et seq.*

(B) *Architectural Review Board established.*

(1) *Creation.* To implement the provisions of this chapter, there is hereby established a Board of Architectural Review, hereinafter referred to as the Board, for the City of Bennettsville, consisting of seven members. Members shall be appointed by the City Council upon the recommendation of the Board.

(2) *Composition and qualifications.*

(a) All members of the Board shall have a demonstrated interest in historic preservation. If available in the community, the Board should have at least one member who is qualified as:

1. A historian, knowledgeable in local history;

2. An architect or, if an architect is not available to serve, someone knowledgeable in building design and construction.

Other suggested members include a lawyer, a real estate agent, an engineer, and a representative of the historical society.

(b) No members shall hold any other municipal office. (S.C. Code ' 6-29-870(C).)

(c) A representative of the Board of Zoning and Housing Appeals may serve only as an ex-officio, non-voting member.

(d) Members shall assume their duties at the first regular meeting after their appointment. Members shall serve without compensation except for reimbursement for authorized expenses attendant to the performance of their duties.

(3) *Terms of office.*

(a) The term of office for each member shall be two years.

(b) Membership shall be identified by place numbers 1 through 7. Terms of office for members in the odd-numbered places shall expire in odd numbered years; terms for even-numbered members expire in even numbered years, provided, however, that each member shall serve until his successor is appointed and installed.

(4) *Removal.* Any member of the Board may be removed by the Mayor of the City of Bennettsville upon confirmation of the City Council, for repeated failure to attend meetings of the Board or for any other cause deemed sufficient by the Mayor.

(5) *Appointment to fill a vacancy.* If any place on the Board becomes vacant due to resignation, removal, or for any reason, the Mayor shall appoint a replacement within 60 days for the remainder of the unexpired term, subject to confirmation by the City Council.

(6) *Conflicts of interest.* Any member of the board who has a personal or financial interest, either directly or indirectly, in any property which is the subject of, or affected by, a decision of the Board shall be disqualified from participating in the decision of the Board concerning the property.

(7) *Liability of members.* Any member of the Board acting within powers granted by this section shall be relieved from personal liability for any damage and held harmless by the City of Bennettsville. Any suit brought against any member of the Board shall be defended by a legal representative furnished by the city until the termination of the proceedings.

(C) *Powers and duties.* The responsibility of the Board is to promote the purposes and objectives of this section, to review and recommend to City Council the designation of individual historic properties and historic districts, and to review plans and applications, as hereinafter provided, for all construction within historic districts and construction or demolition pertaining to or affecting duly designated historic properties. The Board shall have the power to approve, approve with modifications or deny approval for such applications in accordance with the prescribed procedures and guidelines.

(D) *Historic property inventory.* The Board shall maintain a local inventory of buildings, structures, objects, and sites more than 50 years old. These records shall be available to the public.

(E) *Designation of historic properties.*

(1) *Criteria for historic designation.* The Board shall review the local inventory and make recommendations for historic designation(s) to City Council based on the following criteria. A property may be designated historic if it:

(a) Has significant inherent character, interest, or value as part of the development or heritage of the community, state, or nation; or

(b) Is the site of an event significant in history; or

(c) Is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation; or

(d) Exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation; or

(e) Individually, or as a collection of resources, embodies distinguishing characteristics of a type, style, period, or specimen in architecture or engineering; or

(f) Is the work of a designer whose work has influenced significantly the development of the community, state or nation; or

(g) Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or

(h) Is part of or related to a square or other distinctive element of community planning; or

(i) Represents an established and familiar visual feature of the neighborhood or community;  
or

(j) Has yielded, or may be likely to yield, information important in pre-history or history.

(2) *Owner notification.*

(a) Owners of properties proposed to be designated historic shall be notified in writing 30 days prior to consideration by City Council. Owners may appear before the City Council to voice approval or opposition to such designation.

(b) The City of Bennettsville Planning Commission shall provide its formal comment to the Council on ordinance adoption, amendment, and designation and may also serve as the entity conducting the required public hearing if so authorized by council.

(3) *Identification on town zoning map.* All locally designated historic properties and historic districts shall be clearly shown on the zoning map.

(4) *Opposition to designation.*

(a) Any property owner may object to the decision by the City Council to designate his property as historic by filing suit against the city before the Courts of the State of South Carolina.

(b) This suit must be based on procedural nonconformities in the designation process or on the misapplication of the criteria for designation as specified in the city's ordinance or under S.C. Code ' 6-29-870.0, not simply on the desire not to be included in the locally designated district. In the case of individual landmarks, the basis for challenging designation is the same.

(F) *Jurisdiction of the Board of Architectural Review.* The jurisdiction of the Board, in general, is the Bennettsville city limits. The jurisdiction of the Board for the recommendation of properties to be designated historic is the city limits. The jurisdiction of the Board for the review of proposed alteration to exteriors of buildings, new construction, and demolition is the individual properties and areas that have been designated by the City Council as historic.

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

(H) *Certificate of Appropriateness.*

(1) *General.*

(a) A Certificate of Appropriateness is required before a building permit can be issued for the demolition, new construction, exterior alteration, modification or addition to a designated historic property. Any building permit not issued in conformity with this section shall be considered void.

(b) Application for a Certificate of Appropriateness must be signed by the owner or his authorized representative and the form must be signed by the chairman or vice-chairman of the Board stating its approval, denial, or approval with conditions and the reasons for the decision.

(2) *Required procedure.* An application for a Certificate of Appropriateness shall be obtained from the City Planning Department and, when completed, filed with the appropriate administrative official as designated by the Board.

(3) *Time limits.* Applications for a Certificate of Appropriateness shall be considered by the Board at its next regular meeting, provided they have been filed at least seven calendar days before the regularly scheduled meeting of the Board. If the Board fails to take action upon any application within 45 days after the complete application is received, the application shall be considered approved, except in cases where the Board has postponed an application to demolish a structure under the provisions contained in this section.

(4) *Board action on application.* The Board shall review the application, using the design guidelines appearing in division (I) to make findings of fact to decide whether or not the applicant's plans are appropriate. The decision of the Board, along with the reasons for each decision, will be recorded in the minutes and will be available upon request as a public reference for preservation procedures.

(5) *Contents of application.* The Board shall, in its *Rules of Procedure*, require data as are reasonable and necessary to determine the nature of the application. An application shall not be considered complete until all the required data have been submitted.

(6) *Notification of affected property owners.* Prior to the issuance of an approval or denial of a Certificate of Appropriateness, the Board shall inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard.

(7) *Submission of a new application.* If the Board determines that a Certificate of Appropriateness should be denied, a new application affecting the same property may be submitted only if substantial change is made in the plans for the proposed work.

(8) *Maintenance, repair, and interior projects.* Nothing in this document shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of structures designated as historic when that repair does not involve a change in design, material, color, or outer appearance of the structure. The Board shall not consider the interior arrangements or alterations to the interior of a building unless the interior of a public building or the public space of a private building is specifically described and designated as historic. The Board may authorize a staff member to approve minor projects involving repairs and ordinary maintenance that do not alter design, materials, color or the outer appearance of a structure or interior projects not subject to design review.

(9) *Fines and penalties.* The system of fines applied by the city for violation of the Building Code will apply to violations of this section.

(10) *Substantial hardship.*

(a) In the event a Certificate of Appropriateness is denied, the property owner may apply for an exemption based on the substantial hardship of maintaining the property according to the design guidelines for historic properties. Substantial hardship is to be considered by the Commission where one or more of the following unusual and compelling circumstances exists:

1. The property cannot reasonably be maintained in the manner dictated by this section;
2. There are no other reasonable means of saving the property from deterioration or collapse; or
3. The property is owned by a nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.

(b) The owner may be required to submit documents to show that he cannot comply with the design guidelines and earn a reasonable rate of return on his investment in the property. Information required may include:

1. Costs of the proposed development with and without modification needed to comply with the design guidelines as determined by the Board;
2. Structural report and/or a feasibility report;
3. Market value of the property in its present condition and after completion of the proposed project;
4. Cost of the property, date purchased, relationship, if any, between seller and buyer, terms of financing;
5. For the past two years, annual gross income from the property with operating and maintenance expenses, depreciation, and annual cash flow before and after debt service during that time; and
6. Other information considered necessary by the Board to determine whether or not the property may yield a reasonable return.

(11) *Demolition.* If the Board denies, or postpones for 180 days, a request to demolish a historic building, the Board shall work closely with the owner to find an appropriate use for the property, to help find a buyer or to obtain funding for rehabilitation, including low interest loans or grants. The Board

shall inform the community concerning the threat to the building, its value as part of the fabric of the community and, through publicity and contacts with civic groups, seek to provide assistance in preserving the property.

(I) *Design guidelines.*

(1) *Intent.* It is the intent of this section to ensure, insofar as possible, that properties designated as historic shall be in harmony with the architectural and historical character of the City of Bennettsville. In granting a Certificate of Appropriateness, the Board shall take into account the architectural and historical significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure, as well as the effect of such change or additions upon other structures in the vicinity.

(2) *The Secretary of the Interior=s Standards for Rehabilitation.*

(a) When considering an application for a Certificate of Appropriateness for new construction, alteration, repair, or restoration, the Commission shall use the Secretary of the Interior=s Standards for Rehabilitation as guidelines in making its decisions. In addition, the Board may adopt more specific guidelines for local historic districts and local historic buildings. These guidelines serve as the basis for determining the approval, approval with modifications, or denial of an application.

(b) The Secretary=s Standards for Rehabilitation are:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, will not be undertaken.
4. Changes to a property that have acquired acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(J) *Appeals.* Any person may appeal a decision of the Board to the Courts of South Carolina pursuant to S.C. Code " 6-29-900 *et seq.*

(Ord. 94-06-01, passed 6-14-94; Am. Ord. 00-08-01, passed 8-15-00; Am. Ord. 05-02-03, passed 2-15-05; Am. Ord. passed 8-18-15)

#### ' 152.029 MH-1, PLANNED DEVELOPMENT FOR MOBILE HOMES.

(A) The purpose of this district is to provide for the orderly and planned development of mobile home parks and courts in order to enhance the health and safety of our citizens. Mobile home parks or courts shall contain an area not less than 22 acres and shall be subject to the following requirements:

(1) The maximum number of mobile homes per acre shall not exceed eight.

(2) Sanitary sewage, storm drainage, water and refuse disposal facilities are available.

(3) Parking spaces are paved, properly marked and lighted.

(4) Concrete curbs or other appropriate car stops are installed at the end of all Ahead-in@ parking bays which are not Adrive-through@ type.

(5) Roadways are not to be dedicated as public streets, have a minimum travel width of 20 feet exclusive of parking.



(6) All roadways are paved with cement or asphalt.

(7) No access roadway to a mobile home park is located closer than 150 feet to any public street intersection.

(8) The number of entrances and/or exits do not exceed the ratio of one per 150 feet of parking frontage. Parks with less than 150 feet frontage are only allowed one combination ingress and egress road.

(9) A 15-foot landscaped buffer strip (screening) is provided along the side and rear lot lines. The screening may be evergreen trees or shrubs. In lieu of the planting strip, a masonry wall or fence at least five feet high and designed to provide equivalent screening may be provided.

(10) A minimum of 10% of the land area is set aside and developed for recreational purposes.

(11) No recreational area shall be less than 300 square feet in area. No area shall be located over a drainage field or septic tank.

(12) A request or application for a mobile home park is accompanied by a Aplot plan@ illustrating the above requirements and showing the placement of all mobile homes, structures, facilities, landscaping, off-street parking and drives. This plan shall become a part of the application, and if approved, any violation thereof shall constitute a misdemeanor.

(B) It is the intention by the creation of this district to provide for the use of mobile homes subject to the conditions and requirements set forth and prohibit the use of mobile homes in all areas of the city except this district.

(Ord. 94-06-01, passed 6-14-94)

**' 152.030 W-1, WILDLIFE AND MARINE.**

(A) *Purpose.* The purpose of this district is to primarily provide for public recreation and the development and management of wildlife and marine resources.

(B) *Permitted uses.* The property located within this district is owned by the South Carolina Department of Wildlife and Marine Resources and so long as the property is so owned the permitted uses shall be, notwithstanding any other provision of this chapter, any use thereof which is determined by the Department to be proper for the property.

(Ord. 94-06-01, passed 6-14-94)

**' 152.031 DBOZD, DOWNTOWN BENNETTSVILLE OVERLAY ZONING DISTRICT.***(A) Purpose.*

(1) The purposes of this District are to:

(a) Encourage and direct development within the boundaries of the Downtown Bennettsville Overlay Zoning District and implement the Downtown Bennettsville Masterplan.

(b) Encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of Downtown Bennettsville and maintain the desired character of the City of Bennettsville as stated in the Downtown Bennettsville Masterplan.

(c) Encourage the rehabilitation of existing buildings; ensure new buildings are compatible with their context and the desired character of the city; ensure that all uses relate to the pedestrian; ensure that retail be safeguarded along specific street frontages; ensure that rehabilitation be equitable for all scales of ownership; and assure that the permitting process be simplified and facilitated.

(d) Promote the rehabilitation of historic buildings and ensure that new buildings are compatible with and enhance the historic districts that reflect the city's cultural, social, economic, political, and architectural heritage.

(2) For applicants that elect to develop under the standards of the Downtown Bennettsville Overlay Zoning District, the design of buildings and sites shall be regulated under the provisions of ' 152.028, HPD, Historic Preservation District.

*(B) Definitions.*

Note - Terms used throughout this section shall take their commonly accepted meaning unless herein defined or defined in ' 152.002, Definitions. When there are conflicts between the definitions herein and definitions as provided in ' 152.002, Definitions, the definitions of this division shall take precedence.

**ARTISAN USE.** Premises used principally for the repair, manufacture and sale of domestic furniture, arts, and crafts. The work must take place entirely within an enclosed structure using only hand-held and/or table-mounted manual and electrical tools.

**BUILDING HEIGHT.** The vertical distance from the grade at the sidewalk at the frontage line to the highest point of the roof surface in a flat roof, to the deck line for mansard roofs, and to the eaves for gable, hip and gambrel roofs. Height limits do not apply to parapet walls, belfries, steeples, flagpoles, skylights, chimneys, or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.

**COMMERCIAL USE.** Premises used generally in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services.

**COMMUNITY BUILDING.** A building used principally for education, worship, cultural performances, and gatherings administered by non-profit, cultural, educational, and religious organizations. Also, buildings used principally for local, state, and federal government, administration, provision of public services, education, cultural performances, and gatherings.

**FACADE.** The vertical exterior surface of a building that is set parallel to a frontage line.

**FRONTAGE LINE.** All lot lines that abut a public street. A corner lot or a through lot has two frontage lines.

**OFFICE.** A building or portion of a building wherein services are performed, including professional, financial, banks, clerical, sales, administrative, or medical services.

**REHABILITATION.** The act or process of making possible an efficient compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

**RETAIL FRONTAGE LINE.** All lot lines abutting a public street which are required to be retail, as designated on the Regulating Plan.

**RETAIL USE.** Any of the following uses: artisan, civic, commercial, cultural, entertainment, or restaurant uses.

**SCREENWALL.** An opaque freestanding wall aligned with the facade of an adjacent building with the purpose of masking off-street parking from view from the street. Screenwalls shall be between two and one-half and three and one-half feet in height and made of brick, stone, or other masonry material matching the building.

**STOREFRONT.** The portion of the building at the first story of a retail frontage line.

**TERMINATED VISTAS.** A building or a portion thereof which terminates a view as designated on the Regulating Plan, with architectural features of enhanced character and visibility.

**TRANSITION LINE.** A horizontal line the full width of a facade expressed by (a) a material change, by (b) a trim line, or by (c) a continuous balcony a maximum of two and one-half feet deep.

(C) *Permit approval process.* All construction activity within the Downtown Bennettsville Overlay Zoning District (DBOZD), including the construction, reconstruction, alteration, demolition, and rehabilitation of new and existing buildings and appurtenances, shall be required to follow the design

standards contained in the Zoning Ordinance of the City of Bennettsville, as amended, to include the special provisions of the Historic Preservation Ordinance, ' 152.028.

(D) *General standards.*

(1) This division shall govern the design of all publicly and privately owned land within the Downtown Bennettsville Overlay Zoning District where the applicant elects to apply under the standards of this overlay zone.

(2) Where an applicant elects to comply with the standards of this overlay zone, the provisions of this overlay zone, when in conflict with other sections of the Zoning Ordinance, shall take precedence, except where specified otherwise herein. Where application is made following the standards of the overlay zone, the provisions of this section shall specifically supersede the floor area ratio, maximum height and minimum setback regulations contained in ' 152.025, Central Commercial District, Schedule of Regulations. This standard shall be tested for one year and then reviewed and adjusted.

(3) The provisions of the Building and Building Regulations of the City Code and ' 152.028, HPD - Historic Preservation District of the Zoning Ordinance, when in conflict with this overlay zone, shall take precedence.

(4) The design of civic buildings and improvements shall not be subject to the specific standards of this division, but shall be subject to negotiated design by the Planning Board, and as required by ' 152.028, HPD.

(5) All site, building and sign improvement standards contained in the Downtown Bennettsville Masterplan shall be complied with on all site plan approval applications.

(6) Locations designated on the Regulating Plan for new parking areas and civic buildings shall be reserved for such development.

(7) Designated Landmark buildings shall be rehabilitated complying with ' 152.028, Historic Preservation District of the Zoning Ordinance.

(E) *Specific standards.*

(1) *Building height.* The various elements of building height shall be:

(a) Maximum height of three stories and 42 feet; this shall be interpreted as shown on the Regulating Plan.

(b) For Zone C and P, building height shall be negotiated with the Planning Board.

(c) Stories at sidewalk level shall be a minimum of ten feet in height from finished floor to finished ceiling. The Planning Board may reduce this standard for rehabilitation of existing structures that do not meet this standard.

(d) A transition line shall be provided between the first and second stories. The transition shall be detailed to facilitate an awning.

(2) *Building placement.* Buildings and their elements shall be placed on lots as follows:

(a) Front building facades at the first story shall be located at the frontage line as shown on the Regulating Plan.

(b) In the event of adjacent preexisting setbacks, an adjustment may be allowed or required by the Planning Board.

(c) In the absence of a building facade, a screenwall shall be built along the frontage line aligned with the adjacent building facade. Screenwalls shall be between two and one-half and three and one-half feet in height and made of brick, stone or other masonry material matching the building. Screenwalls that are not for the purpose of screening off-street parking lots may be a continuous, maintained evergreen hedge. Screenwalls may have openings a maximum of 25 feet in width to allow vehicular and pedestrian access.

(d) Side setbacks shall not be required, provided that exterior walls provide the required fire resistance rating required by the Building Code.

(e) A minimum 12-foot rear yard building setback shall be provided from the mid-point of the alley, except that the Planning Board may allow this setback to be reduced or eliminated. In the absence of an alley, the rear setback shall be equal to that of the building that backs onto the lot.

(f) Awnings may encroach the frontage line and public sidewalk, but must avoid the street trees, provide at least eight feet of clearance above the sidewalk and be set back a minimum of one foot from the street curb line.

(g) Loading docks and service areas shall be permitted only within rear yards. Doors for access to interior loading docks and service areas shall not face a public street.

(h) Off-street parking on the first story shall not be permitted within 20 feet of any building facade on a frontage line or between the building facade and a frontage line.

(i) All buildings shall have their principal pedestrian entrance on a frontage line.

(3) *Building use.* Buildings shall accommodate the following range of uses for the various zones designated on the Regulating Plan of the Downtown Bennettsville Overlay Zoning District:

(a) Uses shall be limited to those allowed in each underlying zoning district, unless otherwise specifically provided for herein. In addition, the following uses are not permitted under the standards of this overlay zone:

1. Automatic food and drink vending machines outdoors;
2. Drive-in facilities or any commercial use which encourages patrons to remain in their automobiles while receiving goods or services, except bank drive-thru; and
3. Outdoor advertising or billboards.

(b) Civic buildings (C) shall be premises used principally for education, worship, cultural performances, and gatherings administered by non-profit cultural, educational, and religious organizations. Buildings are used principally for local, state, and federal government, administration, provision of public services, education, cultural performances, and gatherings.

(c) Parking buildings (P) shall be premises used primarily for parking, except retail frontages may be allowed at the first floor level.

(d) Downtown Buildings may be used for any commercial, office, or residential use allowed in the underlying zoning district. Upper story uses may be commercial, office, or residential, provided that no commercial or office use shall be located on a story above a residential use.

1. Exterior evidence of internal residential area that would alter the business or historic character of the principal building. Examples include, but are not limited to. satellite receiver: outdoor clothesline. A Conditional Use Permit is required.

2. Bed and Breakfast Inns or guest cottages of five or fewer guest rooms, shall be permitted in the DBOZD.

(e) *Frontage.* Buildings that have frontage along the Required Retail Frontage lines, shall be built to the frontage line as specified on the Regulating Plan, and must consist of retail within the first story. Uses that constitute retail include: artisan, civic, commercial, cultural, entertainment, or restaurant uses. Lobbies for hotels, offices and multiple family dwellings may be considered as part of the Required Retail Frontage, provided that such lobby occupies no more than 50% of the frontage of the structure.

(f) Retail, office, or residential uses are required to have a minimum depth of 20 feet from the frontage line on all stories. The remaining depth may be used for off-street parking. Parking access on a frontage line shall be an opening a maximum of 25 feet wide. Openings for parking garage access shall repeat the same rhythm and proportion as the rest of the building to maintain a consistent streetscape.

(g) Seating for outdoor dining shall be allowed to encroach upon the public sidewalks, with the exception of a five-foot clear pedestrian passage. This provision shall not exempt the applicant from obtaining the necessary leases from the city for use of public space.

(4) *Parking requirements.*

(a) For all non-residential uses located within the DBOZD, parking on the site shall not be required.

(b) For all residential uses located within the DBOZD, the on-site parking requirements may be met through leasing the required spaces from an off-site parking area.

(c) AH sites located in the DBOZD must be designed in accordance with the requirements of parking, loading, and screening in the Zoning Ordinance.

(d) All off-street parking shall comply with the screening requirement contained in this section.

(5) *Architectural standards.* All buildings shall be subject to the following physical requirements:

(a) At least 90% of the exterior finish material on all facades that face a street shall be limited to the following: glass, brick, cut stone, cast stone, or smooth cement stucco.

(b) The color of building exteriors shall be within the same quadrant of the color circle as adjacent buildings.

(c) Blank walls shall not face a public street. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building.

(d) Storefronts shall be directly accessible from public sidewalks. Each storefront must have transparent areas, equal to 70% of its portion of the facade, between two and eight feet from the ground. The wood or metal armature of such storefronts shall be painted, bronzed, or powder coated.

(e) Storefronts shall have the mullion systems, with doorways and signage integrally designed and painted.

(f) The glazed area of a facade above the first floor shall not exceed 35% of the total area with the facade being calculated independently.

(g) Glass shall be clear only.

(h) Facade openings, including porches, windows, and colonnades, shall be vertical in proportion.

(i) Sliding doors and siding windows are prohibited along frontage lines.

(j) Flat roofs shall be enclosed by parapets at least 42 inches high, or higher if required to conceal equipment.

(k) Cantilevered mansard roofs are prohibited.

(l) Balconies, railings, and porch structures shall be metal, wood, cast concrete, or stone.

(m) Facades may be supplemented by awnings that shall be straight sheds without side flaps, not cubed or curved. Awnings shall be between seven and 12 feet above sidewalk grade at the lower drip edge.

(n) Outside dining tables and chairs shall be primarily metal or wood (no plastic).

(o) Buildings which terminate a view as designated on the Regulating Plan shall provide distinct and prominent architectural features of enhanced character and visibility which reflect the importance of the building's location and creates a positive visual landmark.

(6) *Signage standards.* Signage, when provided, shall be as follows:

(a) Signage shall be integrally designed made of weather proof material and painted with the storefront. A detailed description, sketch or picture must be submitted for approval prior to issuance of permit.

(b) Address numbers shall be a maximum of eight inches in vertical dimension. The quantity and location shall be as required for post office purposes.

(c) A single external sign band or zone may be applied to the façade of each building between the first and second floors, providing that the size is 25% or less than total wall area. The sign band or zone may contain multiple individual signs, but all must refer to a tenant of the building. Smaller identification signs, not to exceed 18 inches by 24 inches, may be placed beside the entrance at eye level.

(d) Additional pedestrian, blade, or shingle signs may be attached to a building perpendicular to the facade extending up to four feet from the facade. These signs shall be a maximum of one and one-half feet in vertical dimension and four feet in horizontal dimension. There may be one individual pedestrian sign for each business located on the first floor.

(e) The storefront glass may be stenciled with signage not to exceed one and one-half feet in vertical dimension and four feet in horizontal dimension.



(f) The vertical drip of an awning may be stenciled with signage a maximum of eight inches in vertical dimension by any length.

(g) External signs may be translucent or externally lighted, provided the signage plan is approved by the zoning administrator. Neon signs are permitted within the interior shop fronts providing they do not exceed a maximum of four square feet in area.

(7) *Boundaries.*

(a) All that area within the boundary, as shown on the official map, and described as follows:

- Begin at Crooked Creek
- Cheraw Street to West Main Street
- West Main Street to Jennings Street
- Jennings Street to McColl Street
- McColl Street to Liberty Street
- Liberty Street to King Street and a line extending Liberty Street to Fleet Street
- Fleet Street to Broad Street
- Broad Street to Fayetteville Avenue
- Fayetteville Avenue to Cook Street
- Cook Street to East Main Street
- East Main Street to John Corry Road
- John Corry Road to Market Street
- Market Street to Marlboro Street
- Marlboro Street to Crooked Creek
- Crooked Creek to Cheraw Street

This area includes East, West, North and South sides of the boundary lines and all streets and areas within.

(b) The official boundary lines may be changed at any time with the approval of City Council.  
(Ord. 00-08-01, passed 8-15-00; Am. Ord. 02-04-06, passed 4-16-02; Am. Ord. 17-10-002, passed 10-17-17)

' **152.032 CEMETERY REGULATIONS.**

(A) The minimum area for a cemetery shall be five acres.

(B) *Setback.*

(1) Where a cemetery adjoins non-residentially-zoned property, no setback is required. However, if a setback is provided, it shall not be less than five feet in width.

(2) When a cemetery adjoins residentially zoned property, no building structure, burial plot or storage of equipment or materials shall have a minimum setback of 50 feet of the adjacent residentially zoned property and have a minimum setback of 25 feet from all road right-of-ways.

(C) *Screening and buffering.*

(1) Screening must be provided alongside and rear exterior lot lines where any non-residential use is adjacent to a residential use and/or district for the purpose of screening non-residential activities from view. Unless otherwise required, the following landscaping and screening provisions will apply.

(2) A six foot wall, fence, berm, evergreen screening plant material, or a combination of wall, fence, berm or evergreen screening plant material with a combined height of six feet above grade shall be used for the purposes of screening. If evergreen plant material is used, it must be at least four feet in height at time of planting and capable of forming a continuous opaque screen at least six feet in height, with individual plantings spaced not more than five feet apart. Berms shall have a side slope no greater than 3:1.

(D) *Off-street parking.* Adequate off-street waiting space shall be provided for funeral processions so that no vehicle stands or waits in a road right-of-way.

(E) *Access.* All cemetery access shall be provided from an arterial or collector street.

(F) *Additional requirements.*

(1) Mausoleums may be located only within the boundaries of approved cemeteries.

(2) Cemetery review standards shall apply to all cemeteries, regardless of zoning classification.

(3) A storm water plan must be submitted and approved by the city before cemetery approval may be granted.

(4) A cemetery may not be located in a flood plain or floodway (i.e., an area of special flood hazard).

(5) Perpetual care cemeteries must also comply with S.C. Code, Title 40, Chapter 8.

(G) *Preexisting cemeteries.* Any cemetery or portion of a cemetery that is preexisting on the date of adoption of this section shall be considered a non-conforming use. All other shall be subject to the specific provisions of this section.

(H) *Columbariums.* Columbariums are allowed on church properties and cemetery properties in all districts as a use permitted by special exception by the Board of Zoning and Housing Appeals. (Ord. 12-11-01, passed 11-20-12)



***SIGN REGULATIONS*****' 152.045 PURPOSE.**

(A) The regulations herein set forth shall apply and govern in all districts. No sign shall be erected or maintained unless it is in compliance with the regulations of this subchapter.

(B) (1) The purpose of these regulations is to protect the dual interest of the public and the advertiser.

(2) They are designed to protect public safety and welfare and to ensure the maintenance of an attractive community environment while satisfying the needs of sign users for adequate identification, communication and advertising.

(Ord. 94-06-01, passed 6-14-94)

**' 152.046 APPLICABILITY; CONFORMANCE.**

(A) This subchapter regulates the number, size, placement and physical characteristics of signs, allows certain signs without permits, prohibits certain signs and requires permits for certain signs.

(B) From and after the adoption of this subchapter, no sign may be erected or enlarged in the city unless it conforms to the requirements of this subchapter.

(Ord. 94-06-01, passed 6-14-94)

**' 152.047 SIGNS ON PRIVATE PROPERTY.**

(A) Signs shall be allowed on private property in the city in accordance with Appendix A.

(B) Although permitted under the previous division, a sign designated by an AA@ in Appendix A shall be allowed only if in compliance with the conditional requirements.

(Ord. 94-06-01, passed 6-14-94)

***Editor=s note:***

*All matters regarding code enforcement except health and safety shall be dealt with utilizing the summons process and Municipal Court.*

**' 152.048 COMMON SIGNAGE PLAN REQUIRED.**

(A) A common signage plan shall be prerequisite to the issuance of any sign permit involving:

(1) Two or more contiguous lots or parcels under the same ownership;

(2) A single lot or parcel with more than one principal use or building (not including accessory uses or buildings) or qualifying on the basis of street frontage for more than one free-standing sign; and

(3) The identification or announcement of a land subdivision or development project.

(B) The plan shall contain all information required for sign permits generally and shall also specify standards for consistency among all signs on the zone lot affected by the plan with regard to:

(1) Lettering or graphic style;

(2) Lighting;

(3) Location of each sign on the buildings;

(4) Material; and

(5) Sign proportions.

(C) The common signage plan, for all zone lots with multiple uses or multiple users, shall limit the number of free-standing signs to a total of one for each street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of the signs. The maximum sign area may be increased by 25%.

(D) Once approved by the Building Official, the common signage plan shall become binding on all business and used occupying the affected zone lots, but may be amended by filing a new or revised plan that conforms with all requirements of this subchapter.

(E) If any new or amended common signage plan is filed on a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended plan or to the requirements of this subchapter in effect on the date of submission.

(Ord. 94-06-01, passed 6-14-94)

#### ' 152.049 SIGNS IN PUBLIC RIGHT-OF-WAY.

No sign shall be allowed in the public right-of-way, except for the following:

(A) 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;

(B) Bus stop signs erected by a public transit company;

(C) Informational signs of a public agency or utility regarding its facilities;

(D) Awning, projecting and suspended signs projecting over a public right-of-way in conformity with the conditions established by this section; and

(E) Emergency signs.

(Ord. 94-06-01, passed 6-14-94) Penalty, see ' 152.999

#### ' 152.050 TEMPORARY SIGNS.

The following conditions shall apply to all temporary signs:

(A) No sign, with or without a permit, shall be displayed for a period exceeding 60 consecutive days within any six-month period.

(B) Posters shall not exceed six square feet in area, and portable signs shall not exceed ten square feet in area.

(Ord. 94-06-01, passed 6-14-94) Penalty, see ' 152.999

#### ' 152.051 DEVELOPMENT STANDARDS.

All signs allowed by this subchapter shall comply with the development standards of this section.

(A) *Visual area clearance.* No sign shall be located within a vision clearance area, as defined in ' 152.088.

(B) *Vehicle area clearance.* When a sign extends over an area where vehicles travel or are parked, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots and loading and maneuvering areas.

(C) *Pedestrian area clearance.* When a sign extends over sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least 82 feet from the ground.

(D) *Sign materials.* Signs must be constructed of durable all-weather materials, maintained in good condition and not permitted to fall in disrepair.

(E) *Sign illumination.*

(1) Signs, when illuminated, shall have the lighting shielded so as not to directly shine on abutting properties or in the line of vision of the public using the streets or sidewalks.

(2) No illumination simulating traffic-control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.

(Ord. 94-06-01, passed 6-14-94) Penalty, see ' 152.999

#### ' 152.052 SIGN MEASUREMENT.

(A) *Sign face area.*

(1) The area of a sign enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face. Sign area does not include foundations or supports only one side of a double-faced or V-shaped freestanding sign is counted.

(2) For signs on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used in the measurement unless it is clear that part of the base contains no sign related display or decoration.

(3) For signs constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all the pieces.

(4) For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face.

(5) The maximum surface area visible at one time of a round or three dimensional sign is counted to determine sign area.

(6) For signs incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign related display or decoration.

(B) *Clearances.* Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face.

(Ord. 94-06-01, passed 6-14-94)

***Cross-reference:***

*Sign Types; Illustrations, see Appendix C*



**' 152.053 REMOVAL.**

(A) The lawful use of any permanently mounted sign existing at the time of the enactment of this subchapter may be continued although the use does not conform with the provisions of this subchapter, except those declared abandoned, which shall be removed within 90 days of the effective date hereof.

(B) Any existing sign which is subsequently abandoned shall be removed, and any existing sign exceeding the allowable face area by 25%, and which is subsequently destroyed or damaged to the extent of 50% or more of its replacement cost, shall be removed or brought into conformity with these regulations.

(C) Any nonconforming temporary sign which is not permanently mounted shall be removed or brought into conformity no later than 60 days following the effective date of this subchapter.

(D) An order under this section shall be issued in writing to the owner or responsible party of any sign, or of the building or premises on which the sign is located to comply within five days time. Upon failure to comply with the notice, the Building Official may cause the sign to be removed and any costs of removal incurred in the process may be collected in a manner prescribed by law.

(Ord. 94-06-01, passed 6-14-94)

***Editor=s note:***

*All matters regarding code enforcement except health and safety shall be dealt with utilizing the summons process and Municipal Court.*

***OFF-STREET REGULATIONS*****' 152.065 REQUIREMENTS.**

(A) Off-street automobile storage or parking spaces shall be provided on every lot on which any of the following uses are hereafter established except in the C-1, central commercial district. The number of parking spaces provided shall be at least as great as the number specified below for the particular uses. When application of the provisions results in a fractional space requirement, the next larger requirements shall prevail.

- (1) Single-family residential dwellings shall have one space.
- (2) Two- or more family residential dwellings shall have three spaces for each two units.
- (3) Tourist courts, hotels and motels shall have one space for each unit.

- (4) Trailer parks or courts shall have one space for each unit.
- (5) Hospital and clinics shall have one space for each two patient beds, plus one space for each staff or visiting doctor, plus one space for each four employees, including nurses.
- (6) Funeral parlors shall have one space for each 50 square feet of service area.
- (7) Churches, spiritual institutions and places of public assembly with fixed seats shall have one space for each four seats in the principal assembly room.
- (8) Places of public or private assembly or recreation without fixed seats shall have one space for each 200 feet of gross floor space directed to patron use.
- (9) Schools, elementary and junior high, shall have one for each 15 seats in the main assembly room.
- (10) Schools, senior high, shall have one space for each eight seats in the main assembly room.
- (11) Doctor and dentist offices shall have five spaces per each doctor or dentist.
- (12) Professional and business offices shall have one space for each 300 square feet of gross floor space.
- (13) Banks shall have one space for each 150 square feet of gross floor space.
- (14) Private clubs, fraternities, sororities, lodges, and the like, with no sleeping facilities shall have one space for each five active members.
- (15) Public libraries, museums or art galleries shall have ten spaces for each use.
- (16) Sanitariums, convalescent homes, homes for the aged or similar institutions shall have one space for each five patient beds.
- (17) Animal hospitals shall have one space for each 400 square feet of gross floor space.
- (18) Bus terminals shall have one space for each 100 square feet of gross floor space.
- (19) Bowling alleys shall have five spaces per alley.
- (20) Retail stores and shops of all kinds, including barber and shoe and similar service outlets, shall have one space for each 250 square feet of gross floor space.

(21) Car sales, house and truck trailer sales, outdoor equipment and machinery sales and commercial nurseries shall have four spaces for each salesperson, plus one space for each two other employees.

(22) Restaurants shall have one space for each three seating accommodations, plus one space for each two employees on shift of greatest employment.

(23) General service or repair establishments, printing, publishing, plumbing, heating, and the like, shall have one space for each three employees.

(24) Wholesaling and industrial uses shall have one space for each two employees at maximum employment on a single shift, plus one space for each company vehicle operating from the premises.

(B) The parking space requirements for a use not specifically listed above shall be the same as for a listed use of similar characteristics of parking demand generation.

(C) In the case of mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(D) Whenever a building or use, constructed or established after the effective date of these regulations, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of 10% or more in the number of existing parking spaces, the spaces shall be provided on the basis of the enlargement or change.

(Ord. 94-06-01, passed 6-14-94; Am. Ord. 12-11-003, passed 11-20-12)

**' 152.066 LOCATION ON OTHER PROPERTY.**

If the required automobile parking spaces cannot reasonably be provided on the same lot on which the principal use is conducted, the spaces may be provided on other off-street property provided the property lies within 200 feet of the main entrance to the principal use. The automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner.

(Ord. 94-06-01, passed 6-14-94)

**' 152.067 EXTENSIONS INTO RESIDENTIAL DISTRICTS.**

Required off-street parking space may extend up to 120 feet into a residential zoning district, provided that:

(A) The parking space adjoins a commercial or industrial district;

(B) Has its only access to or fronts upon the same street as the property in the commercial or industrial district for which it provides the required parking space; and

(C) Is separated from abutting properties in the residential district by a ten-foot wide evergreen buffer strip.

(Ord. 94-06-01, passed 6-14-94)

#### ' 152.068 JOINT USE OF OFF-SITE FACILITIES.

(A) Up to 50% of the parking spaces required for theaters, public auditoriums, bowling alleys, dance halls and clubs, and up to 100% of the parking spaces required for a church auditorium may be provided and used jointly by bands, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed. Written agreement thereto must be properly executed and filed as specified below.

(B) In any case, where the required parking spaces are not located on the same lot with the building or use served, or where the spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for the purposes shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a permit.

(Ord. 94-06-01, passed 6-14-94)

#### ' 152.069 DESIGN STANDARDS.

(A) *Minimum area.* For the purpose of these regulations, an off-street parking space is an all-weather surfaced area not in a street or alley and having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.

(B) *Drainage and maintenance.*

(1) Off-street parking facilities shall be drained to prevent damage to abutting property and/or public streets or alleys and surfaced with erosion-resistant material.

(2) Off-street parking areas shall be maintained in a clean, orderly and dust-free condition as the expense of the owner or lessee and not used for the sale, repair or dismantling or servicing of any vehicles, equipment, materials or supplies.

(C) *Separation from walkways and streets.* Off-street parking spaces shall be separated from walkways, sidewalks, streets or alleys by a wall, fence or curbing or other approved protective device.

(D) *Entrances and exits.* Landscaping, curbing or other approved barriers shall be provided along lot boundaries to control entrance and exit of vehicles or pedestrians.

(E) *Marking.*

(1) Parking spaces in lots of more than ten spaces shall be marked, by painted lines or curbs or other means to indicate individual spaces.

(2) Signs or markers shall be used as necessary to ensure efficient traffic operation of the lot.

(F) *Lighting.* Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare on property in a residential district.

(G) *Screening.* When off-street parking areas for ten or more automobiles are located closer than 50 feet to a lot in a residential district, or to any lot upon which there is a dwelling as a permitted use under these regulations, and where the parking areas are not entirely screened visually from the lot by an intervening building or structure, there shall be provided along the lot line a continuous, visual screen with a minimum height of six feet, the screen may consist of a compact evergreen hedge or foliage screening or a louvered wall or fence.

(Ord. 94-06-01, passed 6-14-94)

#### ' 152.070 LOADING REQUIREMENTS.

There shall be provided at the time any building is erected or structurally altered off-street loading space in accordance with the following requirements:

(A) Retail, restaurant, wholesale, warehouse, general service, manufacturing or industrial establishments shall have the following number of parking spaces.

(1) For up to 10,000 square feet of floor area, one.

(2) For 10,000 to 20,000 square feet of floor area, two.

(3) For 20,000 to 40,000 square feet of floor area, three.

(4) For 40,000 to 60,000 square feet of floor area, four.

(5) For each 50,000 over 60,000, one additional.

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(B) Apartment buildings, hotels, motels, offices, office buildings, hospitals or similar institutions or places of public assembly shall have the following number of parking spaces.

- (1) For up to 10,000, one.
- (2) For 10,000 to 100,000, two.
- (3) For 100,000 to 200,000, three.
- (4) For each 100,000 over 200,000, one additional.

(C) Funeral homes or mortuaries shall have the following number of parking spaces.

- (1) For up to 4,000, one.
- (2) For 4,000 to 6,000, two.
- (3) For each 10,000 over 6,000, one additional.

(Ord. 94-06-01, passed 6-14-94)

***GENERAL REGULATIONS*****' 152.085 NONCONFORMING USES.**

(A) The regulations set forth in this subchapter supplement or modify the district regulations set forth in " 152.020 through 152.030.

(1) *Nonconforming use may be continued.* Except as otherwise provided herein, the lawful use of land or buildings existing at the effective date of this chapter may be continued although such does not conform to the provisions hereof. Except as provided in the section, the nonconforming use may not be enlarged, extended, reconstructed or structurally altered except in compliance with the provisions of this chapter.

(2) *Change of nonconforming use.* If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same classification. Whenever a nonconforming use of land or building has changed to a more restricted use or to a conforming use, the use shall not thereafter be changed to a less restrictive use.

(3) *Extension of use within existing building.* The nonconforming use of a building may be hereafter extended throughout those parts of a building which are primarily arranged or designed for the use at the time of the enactment of this chapter.

(4) *Buildings nonconforming in height, area, yard or bulk.* A building nonconforming as to height, area, yard or bulk requirements may be altered or extended, provided the alteration or extension does not increase the degree of nonconformity in any respect.

(5) *Discontinuance of nonconforming use.* No nonconforming building or portion thereof in whole or in part in a residential district which remains idle or unused for a continuous period of 120 days, or which remains idle, unused or without utilities which are required by the International Property Maintenance Code in any other district for a period of 12 months, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which the building or land is located. No nonconforming mobile home on an individual lot or parcel shall be replaced by another nonconforming mobile home after removal or discontinuance of use for seven consecutive days. However, mobile homes in nonconforming mobile home parks or courts may be replaced as long as the total number of units does not exceed the total number in place at the time of enactment, amendment or revision of this chapter.

(6) *Destruction of a nonconforming use.* No building which has been damaged by any cause whatsoever to the extent of more than 50% of the fair market value of the building, immediately prior to the damage, shall be restored except in conformity with the regulations of this chapter and all rights as a nonconforming use are terminated. If a building is damaged by less than 50% of the fair market values, it may be repaired or reconstructed and used as before the time of damage, provided that the repairs or reconstruction be substantially completed within 12 months of the date of the damage. The provisions of this division shall not, apply to any bona fide residence, including mobile homes used for residential purposes. The uses may be reestablished regardless of the extent of damage.

(7) *Intermittent use.* The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

(8) *Nonconforming lots of record.* Where a lot of record at the time of the effective date of this chapter has less area or depth than herein required in the district in which it is located, and the owner of the lot does not own any other parcel or tract adjacent thereto, the lot may nevertheless be used, for any use permitted within the district in which it is located, provided that side yard setbacks shall not be reduced below five feet, rear yard setbacks below 15 feet or front yard setbacks below 35 feet except by a variance from the Board of Zoning and Housing Appeals.

(B) If, however, the owner of two or more adjoining lots, with insufficient land dimensions, decides to build on or sell off these lots, he must combine the lots to comply, with the dimensional requirements of the chapter.

(Ord. 94-06-01, passed 6-14-94; Am. Ord. 05-02-03, passed 2-15-05; Am. Ord. 13-05-001, passed 5-20-14)

#### ' 152.086 FLOOD HAZARD AREAS.

Notwithstanding the applicable provisions of this chapter, all proposed uses, buildings or structures within any established flood hazard area, as delineated on flood hazard area maps for the city, shall meet the additional requirements contained in the city's flood hazard ordinance, 1987, as amended.

(Ord. 94-06-01, passed 6-14-94)

#### ' 152.087 MODIFICATIONS OF LOT AREA AND YARD REQUIREMENTS.

(A) Lot area requirements per unit shall not apply to dormitories, fraternities, sororities, nursing homes or other similar group quarters where no cooking facilities are provided in individual rooms or apartments.

(B) (1) *Generally.*

(a) Whenever a lot abuts upon an alley, half of the alley width may be considered as a portion of the required yard.

(b) Whenever more than one main building is to be located on a lot the required yards shall be maintained around the group buildings and buildings shall be separated by a horizontal distance that is at least equal to the height of the highest adjacent building, unless otherwise specified.

(c) Sills, belt courses, windows, air-conditioning units, chimneys, cornices and ornamental features may project into a required yard a distance not to exceed 24 inches.

(d) Filling station pumps and pump islands may occupy required yards, provided that they are not less than 15 feet from all lot lines.

(2) *Front yards.*

(a) The front yard setback requirements for dwelling shall not apply on any lot where the average setback of existing buildings located wholly or in part within 100 feet on each side of the lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on the lot may be less than the required setback but not less than the average of the setbacks of the aforementioned existing buildings.



(b) Where a lot fronts on two nonintersecting streets, front yards shall be provided on both streets.

(3) *Side yards.*

(a) Where a side yard abuts a street corner lot, the setback requirements shall be not less than 50% of the front yard required on the lot lying to the rear of the corner lot, no accessory building shall extend beyond the adjacent front yard setback.

(b) The minimum width of side yards for day and child care centers, churches, community buildings and other public and semi-public buildings in residential districts shall be 25 feet, unless otherwise specified.

(c) No side yards are required where dwellings are erected above commercial and industrial structures, except the side yard as may be required for a commercial or industrial use is contiguous to that of a residential district.

(d) Where the side yard of a commercial or industrial use is contiguous to that of a residential use in an A-1, A-2, A-3, A-4, or AC-1 district, the commercial or industrial use shall observe the minimum side yard setback for the district within which the residential use is located.

(4) *Rear yards.*

(a) Open fire escapes, outside stairways and balconies, air conditioning units and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than four feet may be permitted when so placed as to not obstruct light and ventilation.

(b) Where the rear yard of a commercial or industrial use is located contiguous to that of a residential use in an A-1, A-2, A-3, A-4 or AC-1 district, the commercial or industrial use shall observe the minimum rear yard setback for the district within which the residential use is located.

(Ord. 94-06-01, passed 6-14-94)

**' 152.088 VISIBILITY AT INTERSECTIONS.**

On any corner lot in any district, except the C-1 district, no planting shall be placed or maintained and no fence, building, wall or other shall be constructed, after the effective date of this chapter, if the planting or structure thereby obstructs vision at any point between a height of 22 feet and ten feet above the upper face of the nearest curb (or street center line if no curb exists) and within the triangular area bounded on two sides by the street right-of-way lines as required by the side triangular and vertical vision clearance illustration. However, poles and support structures less than 12 inches in diameter may be permitted in the areas.

(Ord. 94-06-01, passed 6-14-94)

**' 152.089 ACCESSORY BUILDINGS AND USES; APARTMENTS.**(A) (1) *Generally.*

- (a) The number of accessory buildings shall not exceed two in any zoning district.
- (b) Accessory buildings in residential districts shall not be used for storage in connection with a trade.
- (c) Accessory buildings shall not exceed 50% of the gross floor area (GFA) of the principal building or use.

(2) *Location in required yards.*

- (a) Off-street parking may be located in required yards in the ROI-1, C-2 and U-1 districts but not within five feet of a residential property line.
- (b) Signs may be located in required yards in all zoning districts, but no closer than five feet to any property or street right-of-way line.
- (c) Accessory buildings, including garages, carports, domestic kennels, storage sheds, and the like, may be located in required rear and side yards only; provided the uses shall be located no closer than five feet to any property line.
- (d) Swimming pools, tennis courts and recreational uses may be located in all required yards. The uses shall be no closer than ten feet to the nearest residential property line, nor the deck of the pool any closer than five feet, and shall have all lighting shielded or directed away from adjoining residences.
- (e) Satellite dishes, ham radio towers and ground supported television antennas may be located in required yards; provided that the uses shall observe a ten-foot setback from all residential property lines however, no use shall be located in front of any dwelling or building in the A-1, A-2, A-3, A-4, ROI-1 or MH-1 districts.

## (B) An accessory apartment, where permitted by this chapter, shall meet the following requirements:

- (1) The principal structure or dwelling must be owner-occupied.
- (2) The apartment, whether attached or detached, cannot exceed 50% of the gross floor area of the principal dwelling, or contain more than two bedrooms.

(3) The apartment must be a complete living space, with kitchen and bathroom facilities separate from the principal unit.

(4) The apartment shall be accessory only to a single-family dwelling, and not more than one apartment shall be allowed per dwelling or lot.

(5) The lot size shall be at least 50% greater where an accessory apartment is proposed than the minimum required lot area for the district in which the lot is located.

(6) The apartment shall meet all yard and setback requirements and, where detached from the principal dwelling, shall be set back not less than ten feet from the principal dwelling.

(7) Evidence of the accessory apartment should not be apparent from the street.

(8) A third off-street parking space shall be required.

(Ord. 94-06-01, passed 6-14-94)

#### ' 152.090 ACCESS TO STRUCTURES REQUIRED.

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to any approved private street, and all structures shall be so located as to provide safe and convenient access for servicing, fire protection and required off-street parking.

(Ord. 94-06-01, passed 6-14-94)

#### ' 152.091 PARKING AND STORAGE OF CERTAIN VEHICLES.

(A) *Recreational vehicles and equipment.* No major recreational vehicles or equipment shall be parked or stored in any required front or side yard extending beyond the front of the structure or setback area in a residential district. The equipment, however, may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. No equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for the uses.

(B) *Non-recreational vehicles and equipment.*

(1) No automobile, truck or trailer of any kind or type, without current license plates, shall be parked, and construction equipment shall not be stored on any lot zoned for residential use, other than in completely enclosed buildings, or screened from vision from the public street serving the property.

(2) Parking of vehicles, implements and/or equipment used for commercial, industrial, farm or construction purposes in residential districts shall be limited to one vehicle per residence, and shall weigh no more than 22 tons.

(3) Vehicles with a gross weight in excess of 22 tons and used for commercial, industrial, farm or construction purposes are prohibited from parking in residential districts including the street or highway right-of-way in the districts, when not actively involved in commerce.

(Ord. 94-06-01, passed 6-14-94; Am. Ord. 10-01-01, passed 1-19-10) Penalty, see ' 152.999

#### ' 152.092 TEMPORARY USES.

(A) Uses may be permitted by the Building Official, subject to the conditions attached thereto:

(1) Religious meetings in a tent or other temporary structures in the C-2 district for a period not to exceed 45 days;

(2) Open lot sales of Christmas trees, in the C-2 and U-1 districts for a period not to exceed 45 days;

(3) Contractor=s office and equipment shed in any district for a period covering construction phase of the project, not to exceed one year; provided that the office be placed on the property to which it is appurtenant; and

(4) Real estate office in conjunction with a major project, 50 or more lots, provided the office is removed when 75% of the lots are sold or developed.

(B) All temporary use permits may be renewed without limitation, provided the use is clearly of a temporary nature, will cause no traffic congestion, nor create a nuisance to surrounding uses.

(Ord. 94-06-01, passed 6-14-94)

#### ' 152.093 ANNEXED PROPERTY.

All territory which may hereafter be annexed into the city shall be zoned A-1 unless at the time the application for annexation is filed, the applicant(s) request an alternative zoning classification. In such case(s), the matter shall be referred to the Planning Commission for review and recommendation to City Council as to the request and the type of zoning for the area to be annexed. The City Council shall then act on the zoning request at the time it rules on the annexation.

(Ord. 94-06-01, passed 6-14-94)

#### ' 152.094 USE OF LAND OR STRUCTURES.

(A) No land or structure shall be used or occupied, and no structure or portions thereof shall be constructed, erected, altered or moved, unless in conformity with all of the regulations specified for the district in which it is located.

(B) No structure shall be erected or altered:

- (1) With greater height, size, bulk or other dimensions;
- (2) To accommodate or house a greater number of families;
- (3) To occupy a greater percentage of lot area; and

(4) To have narrower or smaller rear yards, front yards, side yards or other open spaces than required by this chapter, or in any other manner than contrary to the provisions of this chapter.

(C) Except for the following uses and projects, no more than one principal building may be located upon a lot of record:

- (1) Institutional buildings;
- (2) Industrial buildings;
- (3) Multi-family dwellings;
- (4) Commercial buildings;
- (5) Planned development projects; and
- (6) Mobile home parks.

(D) Where more than one principal building is located on a lot, the required setbacks for the district shall be maintained along all property lines.

(E) (1) The minimum yards, parking spaces and open spaces required by these regulations for each building existing at the time of the passage of this chapter shall not be encroached upon, reduced or considered as required yards, parking or open space for any other building, except as otherwise provided herein.

(2) Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

(Ord. 94-06-01, passed 6-14-94)

**' 152.095 BUFFER AREAS.**

(A) *Definition.* A buffer area is a unit of yard, together with plantings, fences, walls and other screening devices required thereon.

(B) *Purpose.* The purpose of a buffer area is to ameliorate nuisances between adjacent land uses and streets, and promote land use compatibility. Additionally, the buffer area is designed to safeguard property values and preserve the character and ambience of the city.

(C) *Location.* Buffer areas shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. They shall not be located on any portion of an existing street or right-of-way; however, they may occupy part or all of any front, side or rear yard or setback required by this chapter. Where required, buffer areas and/or buffer area structures shall be developed as an integral part of the proposed use.

(D) *Design standard.* Three types of buffer areas are required by this chapter, Type A, Type B and Type C.

(1) Type AA@ buffer area.

(a) The Type A area consists of low density landscaping between a proposed use and the adjacent street, providing separation between the two.

(b) The buffer area shall be a minimum width of five feet. Per 100 lineal feet of frontage, the buffer area shall consist of a combination of not less than 12 ornamental shrubs, two understory trees and landscaped grass areas, or other appropriate ground cover. The shrubs may be clustered to ensure their survival. An example site plan is illustrated by Appendix E.

(2) Type AB@ buffer area.

(a) The Type B area is a medium density screen intended to block visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of ten feet. Per 100 lineal feet the screen shall consist of a combination of two deciduous trees planted 40 to 60 feet on center and eight evergreen plants ten feet on center.

(b) An example site plan is illustrated by the diagram in Appendix E.

(3) Type AC@ buffer area.

(a) The Type C area is a high density screen intended to exclude all visual contact between uses and to create a spatial separation. The buffer area shall be a minimum width of 15 feet. Per 100 lineal feet, the screen shall consist of a combination of two deciduous trees planted 40 to 60 feet on center and 17 evergreen plants or understory trees planted in a double staggered row ten feet on center.

(b) An example site plan is illustrated by the diagram in Appendix E.

(E) *Determination of buffer area requirements.* Buffer areas shall be required under the following circumstances.

(1) Wherever a multi-family complex, mobile home park or non-residential use is proposed, a Type A area shall be provided along with street right-of-way boundary of the proposed use, separating it from the adjoining street, except for driveways and visibility angles.

(2) Wherever a mobile home park, multi-family or townhouse project, mini-warehouse, institutional or commercial use is proposed for a site or lot adjoining a single-family residential use in a residentially-zoned district with an intervening public or private street or right-of-way of 18 feet or greater, a Type B area shall be provided along the boundary of the adjoining residential property line. A Type B buffer area also shall be required between the above listed residential and non-residential uses.

(3) Wherever an industrial, warehouse, outdoor storage or related use is proposed for a site or lot adjoining any residential use in a residentially zoned district with no intervening public or private street or right-of-way of 18 feet or greater, a Type C buffer area shall be provided along the boundary of the residential property line.

(F) *Buffer area specifications.*

(1) *Minimum installation size.* At installation or planting, all evergreen (understory) trees and/or shrubs used to fulfill buffer area requirements shall be not less than six feet in height, and all deciduous (canopy) trees shall be not less than eight feet in height, except for ornamental shrubs for Type A buffer areas, which may be used.

(2) *Minimum mature size.* At maturity, evergreen plant material used for screening shall form a continuous opaque screen averaging ten feet in height, and deciduous plant material used for screening shall average 25 feet in height.

(3) *Staggered planting.* Where required, evergreen and deciduous plant material shall be planted in at least two rows and in an alternating fashion to form a continuous opaque screen of plant material.

(G) *Substitutions.* The following substitutions shall satisfy the requirements of this section:

(1) *Existing plant materials.* Existing trees of four inches DBH (Diameter Breast High) or more in diameter, within the required buffer area may be included in the computation of the required buffer area planting, with approval of the Building Official.

(2) *Fence or wall.*

(a) Where, owing to existing land use, lot size or configurations, topography or circumstances peculiar to a given piece of property, the buffer area requirements of this section cannot reasonably be met, the developer(s) may request and the Building Official may approve the substitution of appropriate screening, in the way of a fence or wall structure along the property line of the proposed use in accord with the provisions of this division.

(b) A six-foot fence or wall, as illustrated below, may be substituted for a Type B buffer areas, and an eight-foot fence may be substituted for a Type C buffer area.

(c) All fences and walls used as part of the buffer area requirements must have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished as owner deems appropriate. Where fences or walls are proposed by the developer, but not required by the applicable buffer area requirements, they shall be established along the inside line of the buffer areas, toward the proposed use, except for ornamental fences, which may be built on the property line.

(H) *Responsibility.* It shall be the responsibility of the proposed new use to provide the buffer area where required by this chapter, except that no new detached single-family use or duplex shall be required to provide the buffer area.

(I) *Required maintenance.* The maintenance of required buffer areas shall be the responsibility of the property owner. All areas shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed. Debris and litter shall be cleaned and berms, fences and walls shall be maintained at all times. Failure to do so is a violation of this chapter, and may be remedied in the manner prescribed for other violations.

(J) *Use of buffer areas.* A buffer area may be used for passive recreation. No plant material may be removed. All other uses are prohibited.

(Ord. 94-06-01, passed 6-14-94) Penalty, see ' 152.999

## ' 152.096 SCREENING AND LANDSCAPING; TREE PROTECTION.

### (A) *Screening.*

(1) *Definition.* A Screening@ is a type of buffer that is designed to block or obscure a particular element, or use from view.

(2) *Purpose.* The purpose of screening is to minimize if not eliminate entirely the visual impact of potentially unsightly open storage areas and refuse disposal facilities.

(3) *Where required.* Screening specified by this section shall be required of all open storage areas visible from any public street, including boats, trailers, building materials, appliances, container-sized trash, salvage materials and similar unenclosed uses.

(4) *Type required.* Screening shall be accomplished by an opaque divide not less than six feet high. Screening may be accomplished by the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, proper siting of disruptive elements, building placement or other design techniques approved by the Building Official.



(B) *Landscaping.*

(1) *Definition.* Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

(2) *Purpose.* The purpose of landscaping is to improve the appearance of vehicular use areas and property abutting public rights-of-way; to protect, preserve and promote the aesthetic appeal, scenic beauty, character and value of land in the city; to promote public health and safety through the reduction of noise pollution, storm water run off, air pollution, visual pollution and artificial light glare.

(3) *Where required.* No proposed multi-family or non-residential use shall hereafter be established and subsequently used unless landscaping is provided in accord with the provisions of this section. No existing building, structure or vehicular use area shall be expanded or enlarged unless the minimum landscaping required by the provisions of this section is provided to the extent of the alteration or expansion. Landscaping is not required for existing uses.

(4) *Landscaping plan.* A landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

(a) Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.

(b) Indicate the location and dimensions of landscaped areas, plant materials, decorative features, and the like.

(c) Identify all existing trees 12 inches DBH (diameter breast high) in required setback (yard) areas.

(5) *Landscaping requirements.* Required landscaping shall be provided as follows:

(a) Along the outer perimeter of a lot or parcel, where required by the buffer area provisions of this chapter, to separate incompatible land uses. The amount specified shall be as prescribed by ' 152.095.

(b) Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 20 or more parking spaces. Landscaped areas shall be located in a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and directions. Elsewhere, landscaped areas shall be designed to soften and complement the building site.

(c) At a minimum, interior lot landscaping shall be provided in the following amounts:

1. Institutional uses shall have 20% of the interior lot landscaped.

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2. Industrial/wholesale/storage uses shall have 5% of the interior lot landscaped.
3. Office uses shall have 10% of the interior lot landscaped.
4. Commercial/retail/service uses shall have 8% of the interior lot landscaped.

(d) Buffer area landscaping may provide up to 50% of the above requirement. Landscaping along exterior building walls and structures is suggested to separate with greenery the building from the vehicular surface area.

(6) *Landscaped areas.*

(a) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six inches in height. The barrier need not be continuous.

(b) Landscaped areas must be at least 25 square feet in size and a minimum of three feet wide to qualify.

(c) Landscaped areas adjacent to parking spaces shall be landscaped so that no plant material greater than 12 inches in height is located within two feet of the curb or other protective barrier. Plant material greater than 12 inches in height would be damaged by the automobile bumper overhang or by doors swinging open over the landscaped area.

(7) *Required maintenance.* The maintenance of required landscaped areas shall be the responsibility of the property owner. All areas shall be properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or a readily available water supply. Failure to monitor the areas is a violation of this chapter, and may be remedied in the manner prescribed for other violations.

(C) *Common open space.*

(1) *Definition.* Common open space is land and/or water bodies used for recreation, amenity or buffer. It shall be freely accessible to all residents of a development, where required by this chapter. Open space shall not be occupied by buildings or structures, roads, parking or road right-of-way; nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

(2) *Purpose.* The purpose of this section is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery and/or natural areas into the projects; to promote the health and safety of residents of the projects; and to compensate for the loss of open space inherent in single-family residential projects.

(3) *Where required.*

(a) The following uses/projects consisting of nine or more units shall provide open space and/or landscaping in the amounts prescribed:

1. Cluster developments, 15%.
2. Townhouse projects, 15%.
3. Mobile home parks, 15%.
4. Multi-family projects, 20%.

(b) Landscaped open areas provided to meet the requirements of division (B) above may be applied toward meeting the above requirements if held in common ownership.

(c) No new development, building or structure in connection with the above shall hereinafter be erected or used unless common open space is provided in accord with the provisions of this section.

(d) No existing development, building or structure in connection with the above shall be expanded or enlarged unless the minimum common open space required by the provisions of this section are provided to the extent of the alteration or expansion.

(4) *Common open space plan.* Proposed uses/projects set forth in division (C)(3) above shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

(a) Designate areas shall be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.

(b) Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, and the like.

(c) Specify the manner in which common open space shall be perpetuated, maintained and administered.

(5) *Types of common open space; required maintenance.* The types of common open space which may be provided to satisfy the requirements of this chapter together with the maintenance required for each are as follows:

(a) Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials and brush. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.

(b) Recreation areas are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ballfields and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exists no hazards, nuisances or unhealthy conditions.

(c) Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum of removal and avoidance of hazards, nuisances or unhealthy conditions.

(d) Landscaped areas, lawns and required buffer areas including creative landscaped areas, with gravel and tile, so long as the tile does not occupy more than 2% of the required open space. Lawns, with or without trees and shrubs shall be watered regularly to ensure survival, and mowed regularly, to ensure neatness. Landscaped areas shall be trimmed, cleaned and weeded regularly.

(6) *Preservation of open space.*

(a) Land designated as common open space may not be separately sold, subdivided or developed open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

1. Dedication of and acceptance by the city;
2. Common ownership of the open space by a homeowner=s association which assumes full responsibility for its maintenance; or
3. Deed restricted, private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.

(b) In the event that any private owner of open space fails to maintain same, the city may in accordance with the open space plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same.

(c) The cost of the maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

(D) *Tree protection.*

(1) *Purpose.* The purpose of this section is to prevent the clear cutting of building sites, a practice which destroys the balance of nature, leads to sedimentation and erosion, contributes to air and water pollution and unnecessarily robs the community of valuable natural resources.

(2) *Existing trees.*

(a) Because any healthy tree greater than 12 inches DBH (Diameter Breast High) is a valuable natural resource, by virtue of its age and size and its contribution to the environment, all trees meeting this measurement shall be protected to the extent practical and feasible.

(b) All existing trees measuring 12 inches DBH or more, not in the proposed buildable area or driveway, shall be flagged and shown on the required plat or site plan for a building permit.

(c) No more than 25% of the trees shall be felled and removed, except by order of the Board of Zoning and Housing Appeals owing to unique circumstances surrounding the development of the property.

(d) Where, due to unusual topographic conditions or circumstances peculiar to a given site, more than 25% of the trees to be preserved must be felled, replacement trees measuring not less than two inches DBH shall be planted in like number. To the extent possible, the trees shall be integrated into the required landscaping.

(3) *Development precautions.*

(a) After the necessary permit approvals have been granted, and before any site work has begun, the developer shall cause protected trees to be marked with surveyor=s flagging.

(b) During development, a minimum protective zone, marked by barriers, shall be established (erected) at the Adrip line@ and maintained around all trees to be retained as required by this section.

(c) There shall be no construction, paving, grading or vehicles, or storage of materials within this protected zone.

(Ord. 94-06-01, passed 6-14-94; Am. Ord. 05-02-03, passed 2-15-05)

***Cross-reference:***

*Landscaping and Screening, see Appendix F*

**' 152.097 IMPERVIOUS SURFACE STANDARDS.**

(A) (1) Impervious surfaces are those that do not absorb water.

(2) All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt are considered impervious surfaces within this definition. The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.

(B) The purpose of impervious surface standards is to reduce the impact of storm water runoff created by development. By requiring on-site permeable areas, lot-line-to-lot-line Ablack topping@ is declared by this chapter to be an unacceptable practice.

(C) The following uses shall be limited in the amount of on-site impervious surface areas to the prescribed rations:

(1) Single-family/two-family:

(a) A-1 district, 50%.

(b) All other districts, 60%.

(2) Multi-family and other, 65%.

(3) Institutional, 65%.

(4) Commercial/business:

(a) C-1 district, 100%.

(b) All other districts, 80%.

(5) Industrial/warehousing/storage, 75%.

(Ord. 94-06-01, passed 6-14-94)

#### ' 152.098 BED AND BREAKFAST INNS.

Bed and breakfast inns, where permitted by this chapter, shall meet the following requirements:

(A) The uses shall be allowed only in older residential structures that are recognized as architecturally, historically or culturally significant and that, through renovation and use as a bed and breakfast inn, will contribute significantly to the ambience, character or economic revitalization of the neighborhood.

(B) The architectural integrity and arrangement of existing interior spaces must be maintained, except as may be required to meet health, safety and sanitation requirements.

(C) Minimal outward modification of the structure or grounds may be made only if the changes are compatible with the character of the area or neighborhood.

(D) The proposed uses shall be submitted to the Planning Commission for review and approval prior to the issuance of a permit for same.

(Ord. 94-06-01, passed 6-14-94)

**' 152.099 TOWNHOUSES.**

Due to the unique design features of townhouses, the dimensional requirements of the districts in which they may be located are hereby waived and substituted by the following design requirements:

(A) Townhouse projects shall have a minimum of 0.5 acre.

(B) No more than eight and no fewer than three townhouses may be joined together, with approximately the same (but staggered) front line.

(C) Side yard setbacks at the end unit shall be as required for the district in which the project is to be located, with not less than 20 feet setback between buildings in the project area.

(D) Rear yard setbacks shall be 20 feet.

(E) Minimum lot width shall be 18 feet.

(F) Sidewalks not less than three feet in width shall be provided along the front property line of each project.

(G) Impervious surface area shall not exceed 65% of a townhouse lot, on average, except where a minimum of 20% of the project area is in common open space. In such instances, impervious surface areas may increase to 85% of a townhouse lot, on average.

(H) Maximum height of buildings shall not exceed 35 feet.

(I) Front yard setbacks shall be 20 feet, but may be waived or modified by the Planning Commission due to the unique style of the housing.

(J) Rear yards shall be enclosed by a six-foot wall or fence, unless used for parking, and may include one accessory building no greater than 1,000 square feet in GFA.

(Ord. 94-06-01, passed 6-14-94)

**' 152.100 PATIO AND ZERO LOT LINE HOUSING PROJECTS.**

Due to the unique design features of patio and zero lot line housing, the dimensional requirements of the districts in which they may be located are hereby waived and substituted by the following design requirements:

- (A) Projects shall have a minimum of 1.5 acres.
- (B) Minimum lot area per unit shall be 3,000 square feet, on average.
- (C) Minimum lot width shall be 40 feet.
- (D) Maximum height of buildings shall not exceed 35 feet.

(E) Where a unit is to be constructed at or on the property line, a five-foot maintenance easement shall be provided on the adjoining lot.

(F) A minimum patio or yard area of 700 square feet shall be provided on each lot, not more than 15% of which shall be impervious to water.

(G) At least one side yard extending not less than five feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of five feet.

(H) The side yard of the exterior units shall be ten feet, from the Aoutside@ property line.

(I) Rear yard setbacks shall be not less than ten feet.

(J) Front yard setbacks shall be 25 feet, but may be waived or modified by the Planning Commission due to the unique style of the housing.  
(Ord. 94-06-01, passed 6-14-94)

**' 152.101 HORSE STABLES.**

Owing to environmental consequences of keeping horses in residential areas, and elsewhere in the community, horse stables, pens and areas for keeping horses shall meet the following requirements:

(A) The lot or parcel shall have a minimum width of 200 feet and a minimum area of three acres, plus one additional acre for each horse or horse stall over three.

(B) The lot must be designed and maintained to drain so as to prevent ponding and propagation of insects.



(C) The lot must be designed and maintained so as to prevent the pollution by drainage of adjacent streams and other water bodies.

(D) The premises must be maintained in a sanitary condition through the proper use of lime and pesticides.

(E) The premises must be maintained by keeping manure piles in covered containers at least 50 feet from any dwelling or any pool, patio or other recreational structure on an adjoining lot and at least 25 feet from any property line.

(F) All manure must be removed at least twice weekly so as to prevent propagation of flies and creation of odors.

(G) All grain on the lot must be stored in rodent proof containers.

(H) All feed spillage on the lot must be promptly removed so as to prevent attraction of flies, rodents and birds and creation of odors.

(I) The exercise and training areas on the lot must be dampened so as to prevent dust.

(J) Prompt veterinary care and services must be provided for sick horses and sick horses shall be removed promptly when deemed necessary by a licensed veterinarian.  
(Ord. 94-06-01, passed 6-14-94)

***ADMINISTRATION AND ENFORCEMENT***

**' 152.115 ADMINISTRATIVE OFFICER.**

(A) It shall be the duty of the duly appointed Building Inspector, and he is hereby given the authority to administer and enforce all provisions of this chapter.

(B) If the Building Inspector shall find that any one of the provisions of this chapter is being violated, he shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuances of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alteration or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.  
(Ord. 94-06-01, passed 6-14-94)

**' 152.116 BUILDING AND SIGN PERMITS; APPLICATION.**

(A) (1) Unless elsewhere exempted by this chapter, no building, sign or other structure shall be erected, moved, added to or structurally altered without a permit therefor, issued by the Building Inspector.

(2) No building or sign permit shall be issued by the Building Inspector except in conformity with the provisions of this chapter, unless he receives a written order from the Board of Zoning and Housing Appeals in the form of an administrative review, special exception or variance as provided by this chapter.

(3) In addition to the requirements of this chapter, the Building Inspector shall review sign permits for compliance with the provisions of the Building Code in effect in the city. Unlawful signs shall be made to comply with all regulations or shall be removed in accordance with the appropriate provisions set forth in the Building Code.

(4) If the work described in any building permit has not begun within six months from the date of issuance thereof, the permit shall expire. It shall be canceled by the Building Inspector and written notice thereof shall be given to the persons affected.

(B) (1) *Application requirements for a building permit.*

(a) Each application for a permit for a building or structure other than a sign shall be accompanied by two sets of the following or as much thereof as the Building Official shall find necessary to determine whether the proposed building or use will be in compliance with the provisions of this chapter.

(b) A plat and/or site plan with date and scale, showing the actual shape and dimensions of the lot to be built upon; the size, height and location on the lot of existing and proposed buildings and structures; the existing and intended use of each building; the number of families or housekeeping units the building is designed to accommodate; buffer areas; flood and wetland areas; proposed parking; building elevations and other information with regard to the lot and contiguous land uses as required to determine compliance with and provide for the enforcement of this chapter.

(2) *Application requirements for a sign permit.* Each application to erect a sign, where a sign permit is required by this chapter, shall be accompanied by the following information:

(a) Common signage plan, where applicable, in accord with the requirements of ' 152.048;

(b) Identification of ownership and/or leaseholder of property on which the sign is to be erected, including street address;

(c) Name and address of the owner of the sign;

(d) Site plan sketch with dimensions (non-professionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and buildings, parking areas, existing free-standing signs and buffer areas;

(e) Correct size, shape, configuration, face area, height, nature, number and type of sign to be erected;

(f) The value of the sign and sign structure; and

(g) The Building Official may waive any of the informational requirements listed above deemed unnecessary to process an application.

(3) *Fees.* Fees to cover the administrative cost of issuing permits and certificates shall accompany all requests for the permits and certificates, and for processing applications for variance and amendments. The amount of the fees shall be determined by the Mayor and City Council, a schedule of which shall be available at City Hall.

(Ord. 94-06-01, passed 6-14-94; Am. Ord. 05-02-03, passed 2-15-05)

**' 152.117 CERTIFICATES OF COMPLIANCE.**

It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the Building Inspector stating that the proposed use of the building or land conforms to the requirements of this chapter.

(Ord. 94-06-01, passed 6-14-94)

**' 152.118 COMPLAINTS; APPEALS.**

(A) Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. The complaint stating fully the causes and basis thereof shall be filed with the Building Inspector. He shall record properly the complaint, immediately investigate and take action thereon as provided by this chapter.

(B) It is the intention of this chapter that all questions arising in connection with the enforcement of the chapter shall be presented first to the Building Inspector and that the question shall be presented to the Board of Zoning and Housing Appeals only on appeal from the decisions of the Building Inspector.

(Ord. 94-06-01, passed 6-14-94; Am. Ord. 00-08-01, passed 8-15-00; Am. Ord. 05-02-03, passed 2-15-05)

**' 152.119 BOARD OF ZONING AND HOUSING APPEALS.**

(A) A Board of Zoning and Housing Appeals is hereby established. The Board shall consist of seven members, who shall be citizens of the city and shall be appointed by the City Council for overlapping terms of three years. Initial appointment shall be as follows: two members for a term of three years, three members for a term of two years and two members for a term of one year. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay, but may be reimbursed for any expenses incurred while representing the Board.

(B) The Board of Zoning and Housing Appeals shall elect a chairman and a vice-chairman from its members who shall serve for one year or until reelected or until their successors are elected. The Board shall appoint a secretary, who shall be a city staff member. The Board shall adopt rules and by-laws in accordance with the provisions of this chapter and the S.C. Code Title 6, Chapter 7. Meetings of the Board shall be held at the call of the Chairman and at other times as the Board may determine. All meetings of the Board shall be open to the public.

(C) The concurring vote of a majority of members shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to affect any variation of this chapter. 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 the fact, and shall keep records of its examinations and other official actions, all of which shall be maintained by the Secretary and shall be a public record. On all appeals, applications and other matters brought before the Board of Zoning and Housing Appeals, the Board shall inform in writing all the parties involved of its decisions and the reasons therefor, via certified mail.

(D) (1) Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality or county. The appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Zoning and Housing Appeals notice of appeal specifying the ground thereof. The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(2) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(3) The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

(E) (1) The Board of Zoning and Housing Appeals shall have the following powers and duties:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the Building Inspector in the enforcement of this act.

(b) To authorize upon appeal in specific cases, a variance from the terms of the chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the chapter will, in an individual case, result in unnecessary hardship, so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done. The variance may be granted in the individual case of unnecessary hardship upon a finding by the Board of Zoning and Housing Appeals that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
2. The application of the chapter on the particular piece of property would create an unnecessary hardship;
3. Conditions are peculiar to the particular piece of property involved; and
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the chapter or the comprehensive plan, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district.

(2) In exercising the above powers, the Board of Zoning and Housing Appeals may, in conformity with the provisions of this act, reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the circuit court having jurisdiction.

(F) Any person who may have a substantial interest in any decision of the Board of Zoning and Housing Appeals may appeal from any decision of the Board to the circuit court in and for the County of Marlboro with the clerk of the court a petition in writing setting forth plainly, fully and distinctly wherein the decision is contrary to law. The appeal shall be filed within 30 days after the decision of the Board is rendered.

(Ord. 94-06-01, passed 6-14-94; Am. Ord. 00-08-01, passed 8-15-00; Am. Ord. 05-02-03, passed 2-15-05)

**' 152.120 AMENDMENTS.***(A) Authorization.*

(1) This chapter, including the zoning map, may be amended from time to time by the City Council, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have 30 days within which to submit its report. If the Commission fails to submit a report within the 30-day period, it shall be deemed, to have approved the request amendment. In no instance shall a property owner or owners initiate action for a zoning amendment affecting the same parcel of property, or any part thereof, more often than once every 12 months.

(2) Any communication purporting to be an application for a change shall be regarded as mere notice to seek relief until it is made in the form required. Upon receipt of any communication, the interested parties shall be supplied with the proper form for presenting his application by the Building Inspector.

*(B) Initiation.* Proposed changes or amendments to the chapter may be initiated by City Council, Planning Commission, Board of Zoning and Housing Appeals, or by application of any interested property owner or resident of the city.

*(C) Public hearing.* Before enacting an amendment to this chapter, the City Council shall hold a public hearing thereon, at least 15 days notice of the time and place of which shall be published in a newspaper of general circulation in the city.

(Ord. 94-06-01, passed 6-14-94; Am. Ord. 05-02-03, passed 2-15-05)

**' 152.999 PENALTY.**

Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined, as determined by the court for each offense. Each day the violation continues shall constitute a separate offense. Nothing herein contained shall prevent the city from taking other lawful action as is necessary to prevent or remedy any violation.

(Ord. 94-06-01, passed 6-14-94)

APPENDIX A: SIGN REGULATIONS

Sign Type	A-1	A-2	A-3	A-4	INS***	ROI-1	C-1	C-2	U-1	NH-1	W-1
<b>Permanent:</b>											
Freestanding:											
Principal	A*	A*	A*	P	P	P	P	P	P	P	P
Incidental	N	A	A	A	A	A	A	A	A	A	A
Building:											
Canopy	N	N	N	A	N	P	P	P	P	N	N
Identification	A	A	A	A	A	A	A	A	A	N	N
Incidental	N	A	A	A	A	A	A	A	A	N	N
Marquee	N	N	N	N	N	N	P	P	P	N	N
Projecting	N	N	N	N	N	N	P	P	P	N	N
Roof	N	N	N	N	N	N	P	P	P	N	N
Roof, integral	N	N	N	N	N	N	P	P	P	N	N
Wall	N	N	N	N	A	P	P	P	P	N	N
Window	N	N	N	A	N	A	A	A	A	N	N

Sign Type	A-1	A-2	A-3	A-4	INS***	ROI-1	C-1	C-2	U-1	NH-1	W-1
<b>Temporary**:</b>											
Banner	N	N	N	N	N	N	P	P	P	N	N
Posters	A	A	A	A	A	A	A	A	A	A	A
Portable	N	N	N	N	N	N	P	N	N	N	N
Inflatable	N	N	N	N	N	N	P	N	N	N	N
<b>Sign Characteristics:</b>											
Animated	N	N	N	N	N	N	P	P	N	N	N
Changeable copy	N	N	N	N	A	A	A	A	A	N	A
Illumination, indirect	A	A	A	A	A	A	A	A	A	A	A
Illumination, internal	A	A	A	A	A	A	A	A	A	A	A
Illumination, exposed bulb or neon	N	N	N	N	N	N	N	N	N	N	N
<b>NOTES TO TABLE:</b>											
* - Signs identifying or announcing land subdivisions or multi-family housing projects shall be allowed by permit only, in accord with the requirements of Appendix B and § 152.048.											
** - See § 152.050.											
*** - This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts, such as, churches, schools, parks, and the like.											
A - The sign is allowed without prior permit approval in the zoning districts.											
P - The sign is allowed only with prior permit approval in the zoning districts. Special conditions may apply in some cases.											
N - A sign is not allowed in the zoning districts represented by that column under any circumstances.											

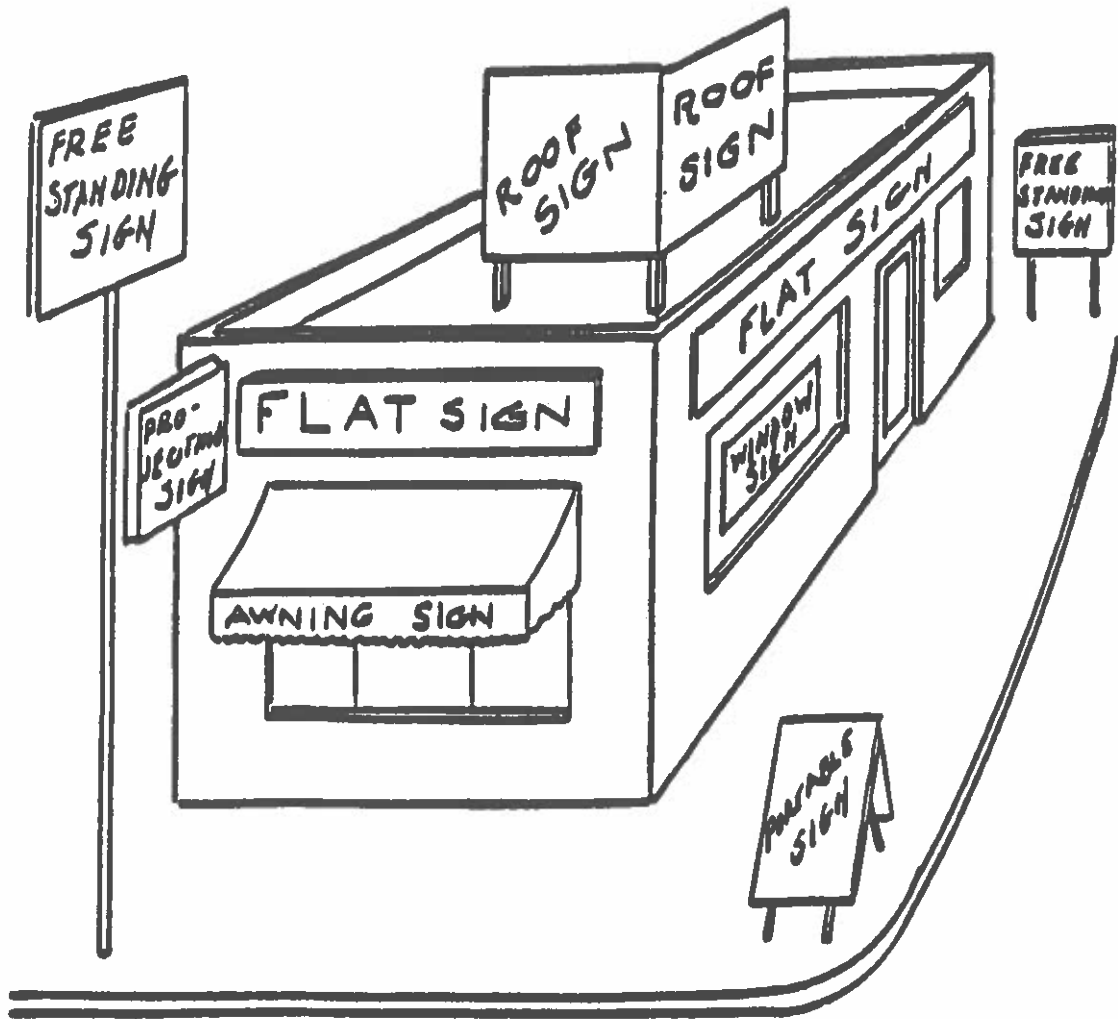


**APPENDIX B: PERMITTED SIGNS; NUMBERS AND LOCATIONS**

Sign Type	A-1*	A-2*	A-3*	A-4*	INS**	ROI-1	C-1	C-2	U-1	MH-1	W-1
<b>Freestanding Signs:</b>											
Number, per lot	1	1	1	1	1	1	1	1	N/A	1	1
Number, per frontage feet	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1:300	1:300	N/A	1:100 0
Max. area	6	6	6	10	20	32	40	1 sq. ft./ 1 ft. street front	1 sq. ft./2 ft. street front	32	20
Min. setback	10	10	10	10	10	5	5	5	5	10	10
Max. height	6	6	6	12	12	12	12	24	24	12	12
<b>Building Signs:</b>											
Number	1	1	1	1	1	1	N/A	N/A	N/A	1	1
Max. area	2	4	4	10	10	10	N/A	N/A	N/A	4	4
Max. wall area	N/A	N/A	N/A	N/A	N/A	N/A	25%	25%	25%	N/A	N/A
<b>NOTES TO TABLE:</b>											
* - Subdivision and/or multi-family project identification signs, not to exceed 20 square feet in area are permitted in these districts; provided they meet the requirements for a common signage plan, in accord with § 152.048.											
** - This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the zoning ordinance in residential zoning districts, such as churches, schools, parks, and the like.											

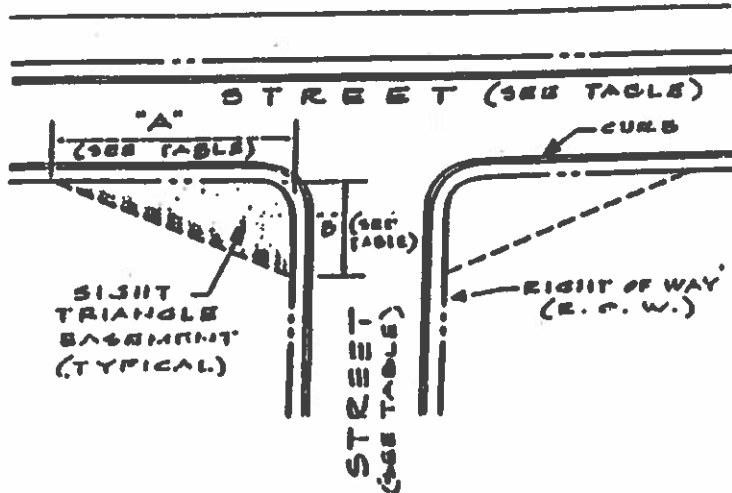


APPENDIX C: SIGN TYPES; ILLUSTRATIONS



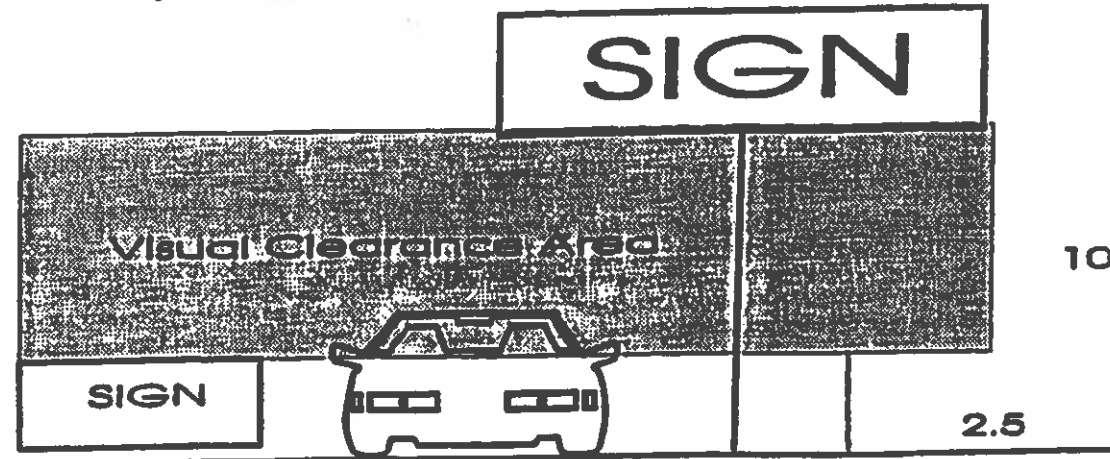
Bennettsville - Land Usage

SIGHT TRIANGLES



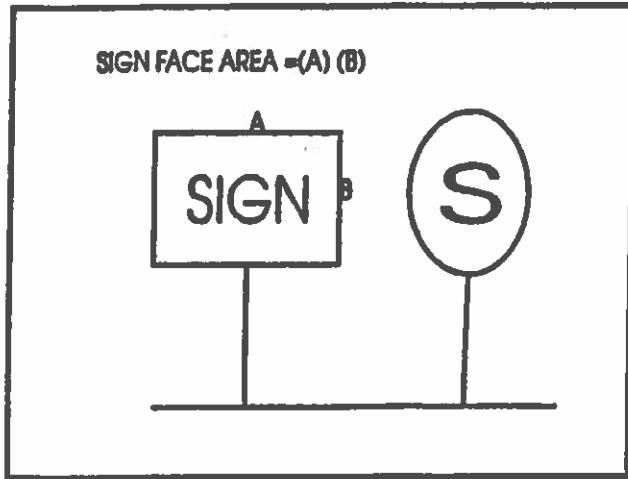
TYPICAL REQUIREMENTS  
BY STREET TYPE  
(Measured along R.O.W. Line)

"A" (Distance in Feet)		"B" (Distance in Feet)	
		MINOR	MAJOR
15	Driveway	15	15
25	Minor Street	25	50
35	Major Street	25	50

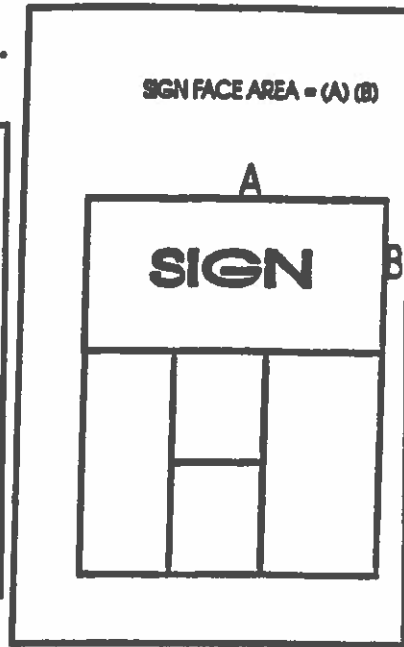


**SIGN FACE MEASUREMENT ILLUSTRATIONS**

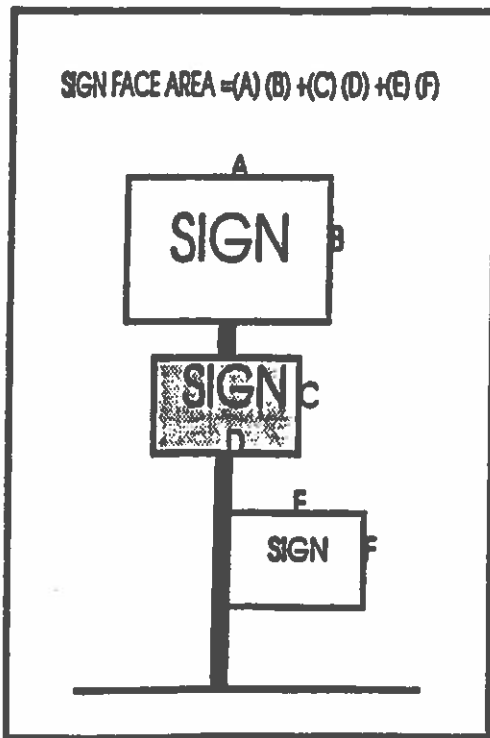
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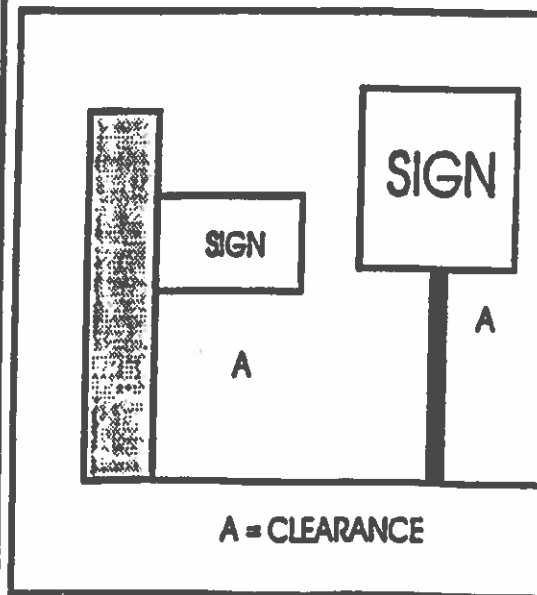
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3.

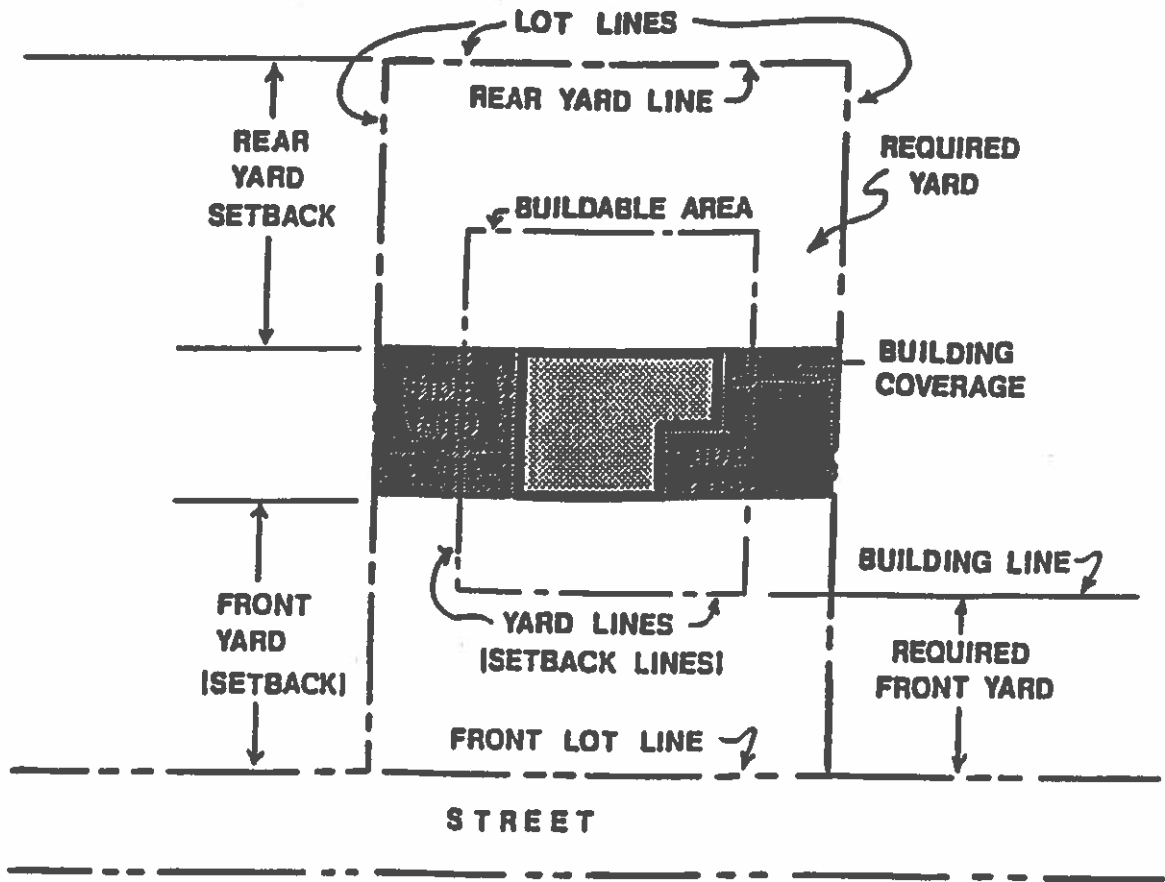


4.





APPENDIX D: YARD AND SETBACK DIAGRAM

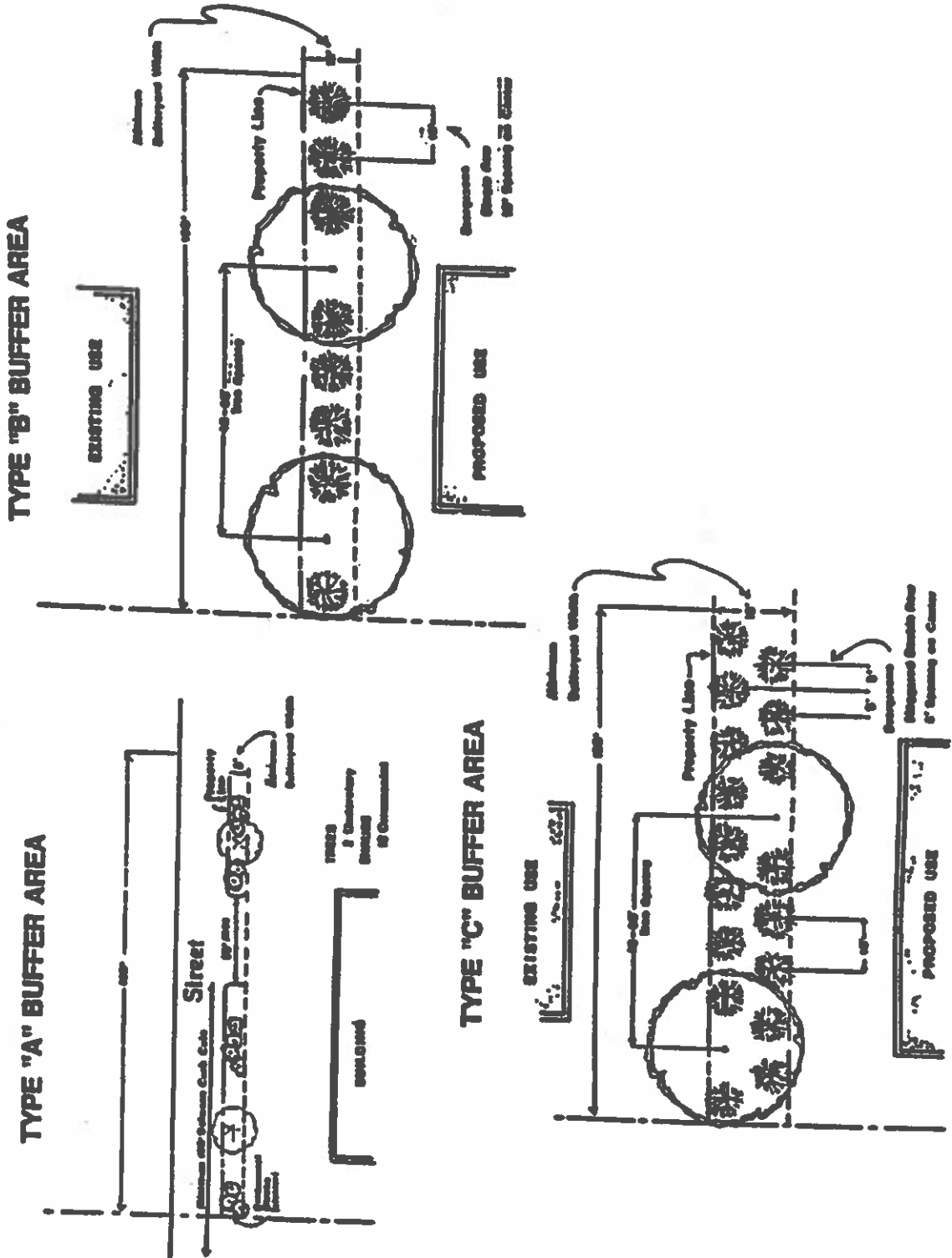


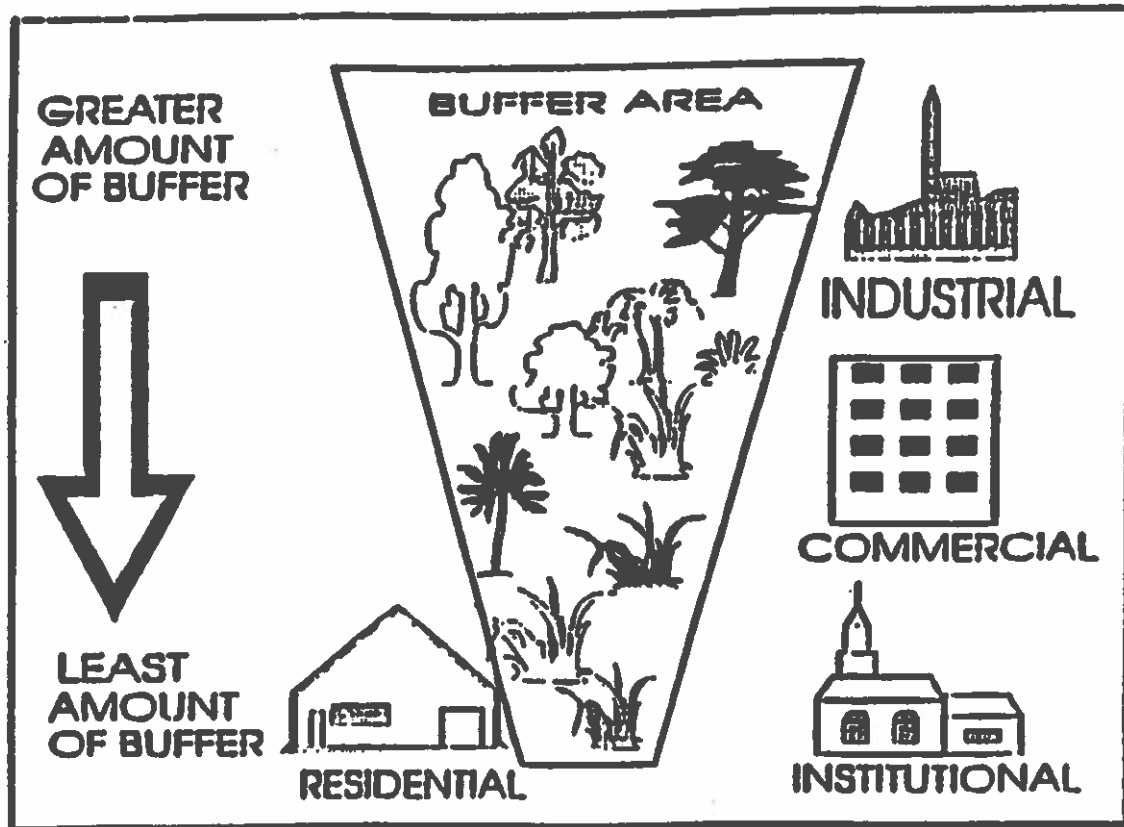
(Ord. 94-06-01, passed 6-14-94)



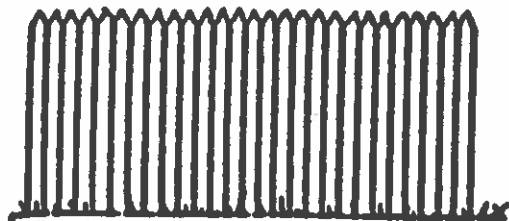


APPENDIX E: BUFFER AREA DIAGRAMS

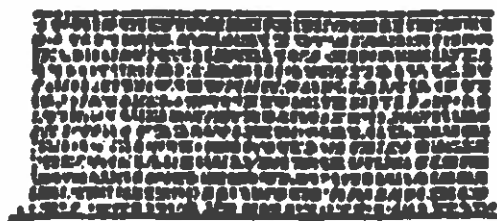




### FENCE and WALL ILLUSTRATIONS

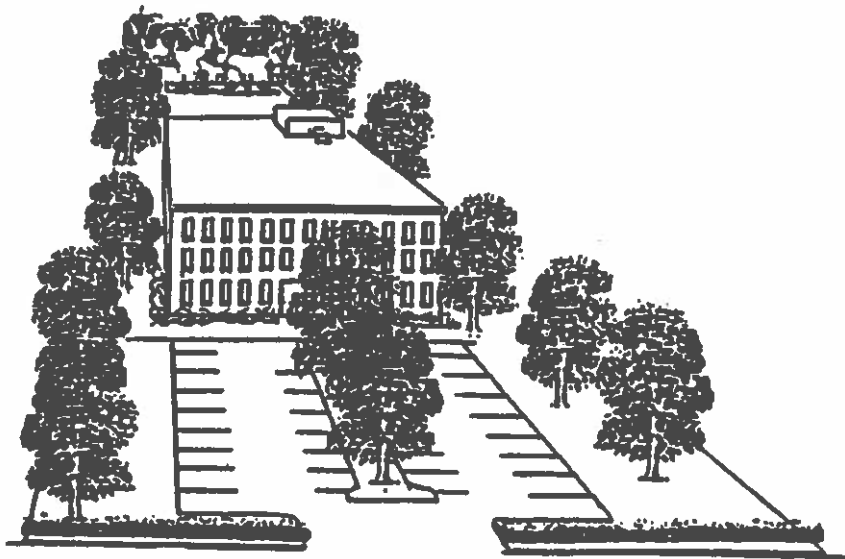
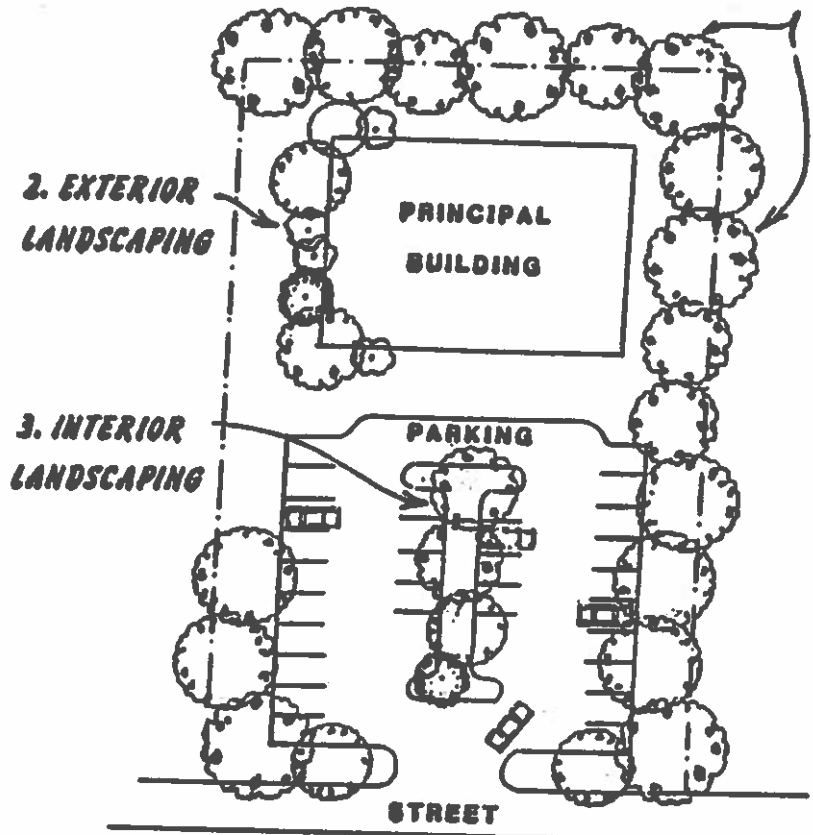


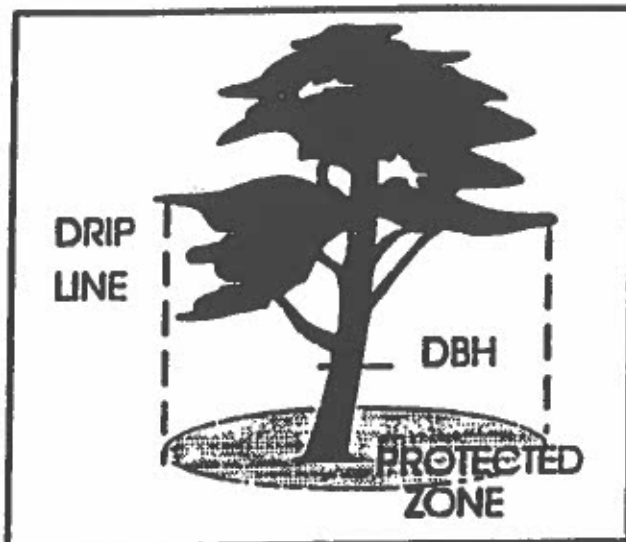
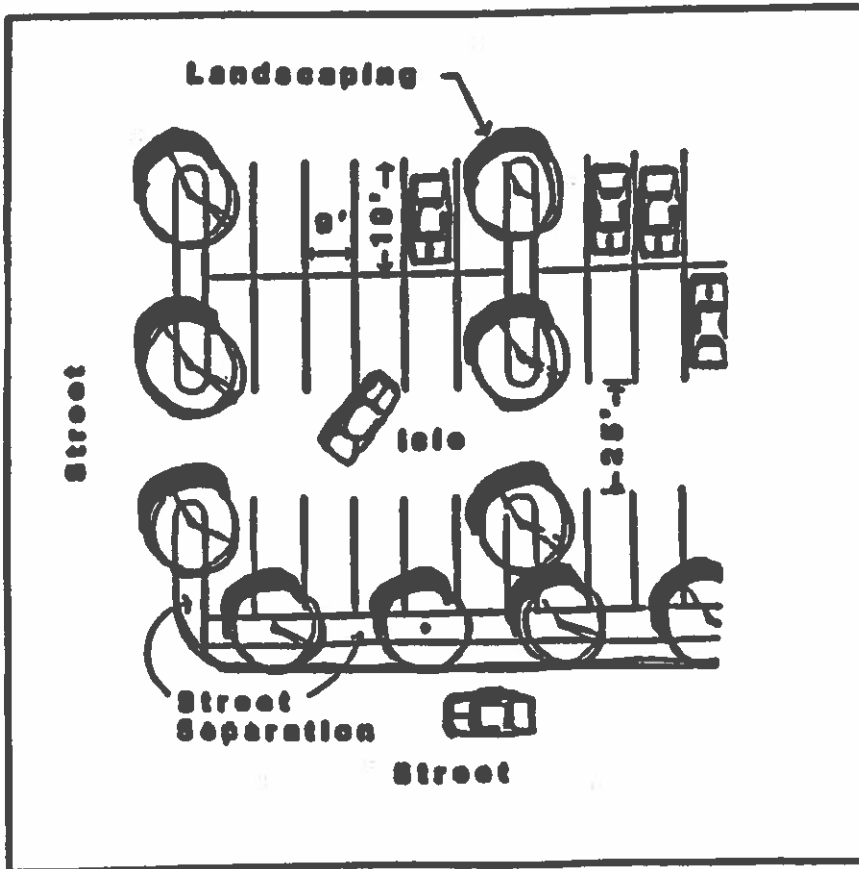
Wood Slatboard/Opaque Fence  
(non-perishable support)



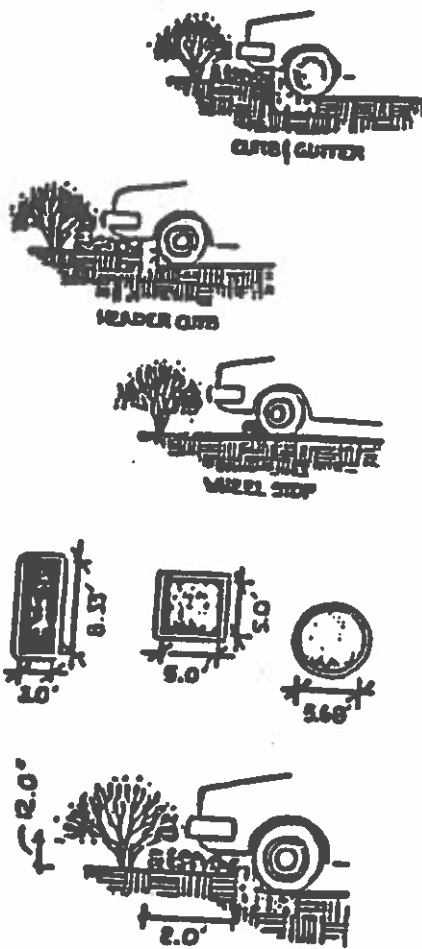
Masonry Wall  
(poured concrete, stucco concrete, brick, etc.)

APPENDIX F: LANDSCAPING AND SCREENING DIAGRAMS





Landscaped areas adjacent to parking spaces



(Ord. 94-06-01, passed 6-14-94)

2002 S-1 Repl.



## **CHAPTER 153: COMPREHENSIVE PLAN**

### Section

#### 153.01 Adoption of plan

#### **' 153.01 ADOPTION OF PLAN.**

The Comprehensive Plan prepared by RS3 Planning Collaborative, LLC, for the city, dated May 21, 2019, be and is hereby adopted, and by reference incorporated and made a part hereof with a copy attached to Ord. 019-05-001, for use as a guide to the orderly development and zoning of the city.  
(Ord. 019-05-001, passed 5-21-19)

