



General Provisions

**Article
IX**

DRAFT

Fort Mill Unified Development Ordinance

Section 9.1 Buildings

A. Accessory Buildings.

1. Accessory buildings or garages shall be considered to be part of the main building if structurally and architecturally integrated into the building, or if attached by an enclosed breezeway or similar enclosed structure not greater than 10 feet in length.
2. Detached accessory buildings shall be located no closer than 10 feet to the main building.
3. The area of accessory buildings shall be included in the maximum lot coverage.
4. No accessory building shall be located in a front yard, except on waterfront lots, subject to *Section 9.3 C*.
5. No accessory building shall be constructed or occupied on a lot before the principal building or use on the lot is constructed or occupied.
6. Accessory buildings shall meet the minimum side and rear yard setbacks required for principal buildings, except an accessory building which is equal to or less than 100 square feet in area and 10 feet in height may be located in a rear yard as near as five (5) feet from the side and rear lot lines. However, if the rear lot line of the property on which the accessory building is located is also the side lot line of the neighboring property, the accessory building shall be set back the same distance from the rear lot line as the required side yard setback for a principal building.
7. The maximum number of accessory buildings permitted on any residential lot and the total allowed floor area of all accessory buildings on the lot shall not exceed the limits specified in Table 9-1A:

Lot Area (sq. ft.)	Maximum Combined Floor Area (sq. ft.)	Maximum Number Allowed
Less than 10,000	576	1
10,000 – 25,000	900	2
Greater than 25,000	1,200	2

B. Model Homes. A model home shall be permitted in any residential or mixed use district, subject to the terms and conditions of this section. A model home shall not be permitted under any accessory use provision or comparable provision of this ordinance.

1. A model home may be used for discussing the purchase and sale of dwellings or lots, as a place for meeting and greeting customers for dwellings or lots and as a place for signing papers in connection with the purchase and sale of dwellings or lots. The use of a dwelling as a model home shall not include its use for a general real estate office or other kind of office. Transactions occurring in the model home shall not include those covering dwellings or land outside the plat or land development area in which the model home is located.
2. A model home may be shown to prospective customers only by appointment or during open houses.
3. The architecture and appearance of model homes shall be substantially similar to those of other dwellings in the immediate vicinity.
4. Signs shall comply with the sign provisions of the zone district in which the model home is located and other applicable sign provisions in this ordinance.
5. A model home shall at all times comply with the Fort Mill building code and other applicable town ordinances.
6. A certificate of occupancy shall be obtained, in accordance with the building code.
7. The model home shall not be used as such for more than two (2) years from the date of issuance of the certificate of occupancy. After that time, it shall be used solely as a dwelling unit.

- C. Restoring Unsafe Buildings.** Nothing in this ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the building official, or required to comply with his lawful order; provided, such restoration shall be subject to and completed in accordance with the Town of Fort Mill building code and all other applicable ordinances. Nonconforming buildings and uses shall also be subject to the limitations of **Article XIX.**

Section 9.2 General Compliance

- A. Compliance with Ordinance.** Except as otherwise provided in this ordinance, no building, structure or premises shall be used or occupied; and no building or part of any building or other structures shall be erected, razed, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with the provisions of this ordinance.
- B. Excavations or Holes.** The construction, maintenance, or existence within the town of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, is hereby prohibited; provided, this section shall not apply to the following:
1. any excavation under a permit issued by the building official where such excavation is properly protected and warning signs posted in such manner as approved by the building official; and
 2. streams, natural bodies of water, or ditches, reservoirs, and other such bodies of water created or existing by authority of governmental units or agencies.
- C. Trash, Litter or Junk.** It shall be unlawful for any person to accumulate, place, store, or allow or permit the accumulation, placement or storage of trash, litter or junk on premises in the town, except in a lawful sanitary landfill, a lawful junkyard, or not to exceed eight (8) days storage in watertight storage receptacles designed for the temporary accumulation of trash. Waste receptacles shall not be left unattended in any front yard longer than a period of 48 hours, unless they are kept or enclosed in a permanent structure designed to prevent disturbance of such receptacles by animals or severe weather conditions.
- D. Unlawful Buildings and Uses.** Any building, use, or lot which has been unlawfully constructed, occupied, or created prior to the date of adoption of this ordinance shall continue to be unlawful, unless expressly permitted by this ordinance. Such unlawful buildings, uses or lots shall not be considered to be nonconforming buildings or uses or lots of record and shall not be afforded any protections or allowances otherwise granted to legally nonconforming buildings, uses or lots.
- E. Withholding of Approval.** The town council, planning commission, board of zoning appeals, planning director or other authorized board, commission or administrative staff may, in its sole discretion, withhold approval of any plan, use or permit request pending receipt of permits or approvals from other local, state or federal departments or agencies.

Section 9.3 Lots

- A. Corner Lots.** On corner lots, the minimum front yard requirement shall be met on each street in accordance with the provisions of this ordinance.
- B. Cul-de-sac Lots.** In the case of lots abutting cul-de-sac streets, the minimum required lot width shall be measured at the required front setback line. Cul-de-sac lots shall have a minimum width of 40 feet at the front lot line.
- C. Lots on Lakes, Rivers and Streams.** Lots abutting or containing an inland lake, river or stream shall comply with the following regulations:

Insert cul-de-sac graphic

1. The lot width on the street side shall be the minimum width required for the zoning district in which the lot is located.
2. The lot shall meet the minimum width requirements for the zoning district in which the lot is located, measured at the ordinary high water mark between side lot lines.
3. Waterfront lots shall be considered through lots with both the water side and street side considered to be front yards. The front yard on the water side shall be the area between the ordinary high water mark and the nearest wall of the principal building. The front yard on the street side shall be the area between the street right-of-way line and the nearest wall of the principal building.
4. Accessory buildings shall be permitted within the water side front yard, but outside of the required water side yard, and shall comply with all applicable requirements of Section 9.1 A.

D. Minimum Lot Frontage. All lots and parcels shall have frontage upon and be accessed from a public right-of-way or private street easement. Lots or parcels created after the effective date of this ordinance shall provide the required frontage by meeting the minimum lot width requirement along the public or private street, as required for the zoning district in which the lot or parcel is located.

E. Required Area or Space. No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered, or reduced as to make such area or space of a size less than the minimum required under this ordinance. If already less than the minimum size required, the area or space shall not be further divided or reduced.

F. Through Lots. On through lots, the minimum front yard requirement shall be met on each street in accordance with the provisions of this ordinance.

Section 9.4 Nuisances

A. Declared Nuisance. The maintaining of premises in violation of the terms and provisions of this section is declared to be a nuisance.

B. Dumping and Discarding Litter, Garbage and Solid Waste. It shall be unlawful for any person to dump, deposit, throw, drop, discard or otherwise dispose of litter, garbage, solid waste, rubbish, or trash on any public or private property within the Town of Fort Mill except in approved containers or other authorized disposal sites.

1. Improper Disposal Prohibited. It shall be unlawful for any person to dump, throw, drop, discard, deposit or otherwise dispose of litter, garbage, rubbish, solid waste or trash on any public street, road, alley or other public place in Fort Mill or upon the property of another person, corporation or agency except in containers or areas lawfully provided therefore.
2. Property to be Kept Clean. It shall be unlawful for any owner, agent, occupant or lessee of property within the Town of Fort Mill to:
 - a. Deposit litter, garbage, rubbish, solid waste, junk or trash in any receptacle except a covered container, or other authorized disposal site.
 - b. Place litter, garbage, rubbish, solid waste, trash or any similar material in or upon any place in such manner that transmission of infected material to human beings may result therefrom;
 - c. Place outside of any building any discarded bulky waste, including discarded appliances, furniture, mattresses, tires, machinery, equipment or accumulation of litter, garbage, rubbish, solid waste, junk or bulk except at approved disposal sites, or accordance with the town's sanitation policy.
 - d. Sweep, push, dump, deposit or place litter, garbage, rubbish, solid waste, bulk, or trash onto public right-of-ways in such location as to obstruct the vision or endanger the safety of the public.
 - e. Maintain or allow the existence of an abandoned swimming pool, water garden or ornamental pond which, because of its condition, decay or other cause shall be unsafe or defective, or which may become a breeding ground for or infested with vermin, mosquitoes, insects, noxious diseases or present physical dangers to the safety and well being of the public.

- f. Store, park or keep abandoned, junk or inoperable vehicles which, because of their condition or maintenance constitutes a nuisance, or which may become a breeding ground for or infested with vermin, mosquitoes, insects, noxious diseases or present physical dangers to the safety and well being of the public. Vehicles stored, parked, or kept in completely enclosed buildings or in a structure attached to a completely enclosed building shall be exempt from this provision.
3. **Responsibility.** It shall be the responsibility of every owner, agent, occupant or lessee of property within the Town of Fort Mill to maintain property under the control of such person in compliance with the requirements of this section. It shall be unlawful for the owner of such property to fail to remove from or to keep such property free of litter, garbage, rubbish, solid waste, trash and bulk.
4. **Exemptions.** The provisions of this section shall not be construed to limit the temporary placement of construction material on a properly permitted site under active construction so long as such construction materials are properly placed so as to control loose debris, paper, building material waste, scrap building material, and other litter, garbage, rubbish, trash, solid waste or bulk. Such construction material shall be contained at the end of each work day and the site shall be kept in a reasonably clean and litter-free condition. The person or persons responsible for such construction shall provide appropriate receptacles or containers for construction waste and any construction materials, debris, litter, garbage, rubbish, solid waste or similar materials deposited upon public property or adjoining private property as the result of the construction or demolition of buildings shall be removed immediately by the person or persons having control over such construction or demolition. Construction sites shall be kept orderly at all times.

C. Control of Rank Vegetation and Overgrown Property.

1. **Purpose.** The purpose of this section is to provide a mechanism whereby developed residential, commercial and industrial property in the Town of Fort Mill may be required to be maintained free of tall weeds, noxious growth, brush and rank vegetation more than two feet in height which constitutes a hazard or nuisance, real or potential, for harboring vermin, the accumulation of litter, garbage, rubbish, solid waste, bulk, debris or other unsightly or injurious conditions. It is declared that the regulation of such property within the Town of Fort Mill is necessary and in the public interest:
 - a. To encourage a positive visual environment;
 - b. To promote the economic well being of the Town of Fort Mill by creating a favorable physical image;
 - c. To protect property values within the town;
 - d. To promote the safety of persons and property by providing that lots do not create fire or traffic hazards; and
 - e. To promote the health, safety and welfare of the public by ensuring that such property does not become a breeding ground for or infested with vermin, mosquitoes, insects, noxious diseases or present physical dangers to the safety and well being of the public.
2. **Exemptions.** The following conditions and properties shall be exempt from this requirement:
 - a. Any improved property or part thereof on which such growth may be reasonably demonstrated to be for agricultural or horticulture use and which are properly attended;
 - b. Wooded portions of rear or side yards where equipment cannot maneuver because of density, provided such property is not otherwise in violation of the provisions of this section;
 - c. Unimproved property on which new permitted construction work is taking place and during such time as the actual construction is in progress;
 - d. Any property located in the unincorporated area of the Town of Fort Mill outside a developed residential, commercial or industrial area and not otherwise in violation of the provisions of this division or used in such manner as to constitute a nuisance.

3. **Overgrown Improved Property.** It shall be unlawful for the owner, agent or occupant of any improved property located within a developed residential, commercial or industrial part of the Town of Fort Mill to:
 - a. Permit or allow weeds, noxious growth, brush, or similar vegetation to grow to a height of two feet or more except for natural or agricultural uses.
 - b. Permit such growth to a height, which constitutes a hazard, real or potential, for the harborage of vermin or insects.
 - c. Permit the accumulations of litter, garbage, rubbish, and/or solid waste, which constitutes a hazard, real or potential.
 - d. Permit other unsightly or injurious conditions to such an extent as to create a nuisance or potential health hazard for adjoining property or the general public.
4. **Unimproved Property.** It shall be unlawful for the owner, agent or occupant of any vacant unimproved property in developed residential, commercial or industrial unincorporated areas of York County which abut developed property or public streets on at least two sides to:
 - a. Permit or allow weeds, noxious growth, brush, or similar vegetation to grow to a height of two feet or more except for natural or agricultural uses.
 - b. Permit such growth to a height, which constitutes a hazard, real or potential, for the harborage of vermin or insects.
 - c. Permit the accumulations of litter, garbage, rubbish, and/or solid waste, which constitutes a hazard, real or potential.
 - d. Permit other unsightly or injurious conditions to such an extent as to create a nuisance or potential health hazard for adjoining property or the general public.

D. Burning Near Residences. It shall be unlawful for the owner, agent or occupant of any improved or unimproved lot, parcel or tract within a developed residential, commercial or industrial portion of the Town of Fort Mill to burn any item or substance within 500 feet of a residence, occupied building, occupied housing unit, occupied modular home, occupied mobile home, or commercial or industrial building other than that of the owner or occupant of such premises. It shall be unlawful for any person or entity to burn any substance on ozone action days.

E. Repairing, Closing or Demolishing Unfit Dwellings; Unlawful to Maintain, Use or Occupy Dangerous Structure or Nuisance, Etc.

1. **Unfit Dwellings.** The governing body of the Town of Fort Mill finds that there exist in the county dwellings which are unfit for human habitation due to (a) dilapidation, (b) defects increasing the hazards of fire, accidents or other calamities, (c) lack of ventilation, light or sanitary facilities or (d) other conditions rendering such dwellings unsafe or unsanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the county.
2. **Use and Occupancy Prohibited.** It shall be unlawful for any owner, agent or occupant to maintain, use or occupy any building, structure, manufactured housing unit, modular home, mobile home; abandoned swimming pool, water garden or ornamental pond, which is dangerous to life or limb, is likely to cause a fire, or which, because of its condition, use or maintenance constitutes a nuisance or which, because of the condition of the walls, overloaded floors, defective construction, decay or other cause shall be unsafe or defective, or which may become a breeding ground for or infested with vermin, mosquitoes, insects, noxious diseases or present physical dangers to the safety and well being of the public.

F. Abandoned and Junked Vehicles.

1. **Purpose.** Abandoned and junked motor vehicles constitute a hazard to the health and welfare of individuals in that such vehicles can harbor diseases, provide breeding places for vermin, present physical danger for children and other citizens, create fire hazards, promote deterioration of the community, create unsightly areas and tend to reduce the value of private property. Additionally,

- such wrecked, junked, abandoned, partially dismantled, or inoperative motor vehicle is in the nature of rubbish, litter, and unsightly debris in violation of health and sanitation laws.
2. **Declaration of Nuisance.** It is deemed to be in the public interest that the accumulation of such vehicles be eliminated and that the future abandonment of the vehicles be prevented. Therefore, it is declared that the abandonment, accumulation, or storage of such vehicles on public or private property constitutes a public nuisance which may be abated as such, which remedy shall be cumulative and in addition to any other remedy provided by law.
 3. **Timeframe.** No person shall park, store or leave, or permit the parking, storage or leaving of any motor vehicle which is in a rusted, wrecked, junked, partially dismantled, inoperative or abandoned condition upon any public or private property within the town for a period in excess of seven days, unless such vehicle located on any private property is completely enclosed within a building or unless such vehicle is so stored or parked on private property in connection with a duly licensed business or commercial enterprise operated and conducted pursuant to law when such parking or storing of vehicles is necessary to the operation of the business or commercial enterprise.
 4. **Exemption.** The provisions of this section shall not apply to motor vehicles housed or protected from the elements, those classified as antiques and registered as such in accordance with state law, those exempted from registration or those vehicles reported as stolen, unless such vehicles present some safety or health hazard or constitute a nuisance.
 5. **Disposal.** All abandoned and junk motor vehicles shall be subject to removal from public or private property and disposed of in accordance with the provisions of this article, except that all abandoned vehicles left on any right-of-way of a road, street, or highway shall be disposed of as provided for by state law under the supervision of the chief of police.

Section 9.5 Setbacks

- A. Clear Vision Corner.** In all zoning districts, except the downtown core (DC) district, fences, walls, structures, benches, shrubbery or other potential obstructions to vision, shall not be permitted to exceed a height of three (3) feet within a triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 25 feet from the point where the right-of-way lines intersect; provided, utility poles, street lights and street signs shall be exempt from this requirement.
- B. Encroachment into Right-of-Way.** No buildings, structures, service areas or off-street parking and loading facilities, except driveways, shall be permitted to encroach on public rights-of-way.
- C. Front Setback Requirements.** All yards abutting upon a public street right-of-way or private street easement shall be considered as front yards for setback purposes, except as otherwise provided in this ordinance.
- D. Projections into Required Yards.** Certain structures and architectural features may project into the required yard setbacks, as shown in Table 9-5D:

Insert clear vision graphic

Table 9-4 D, Encroachments into Required Yard Setbacks

Type of Feature	Allowed Encroachment into a Setback		
	Front Yard	Side Yard	Rear Yard
Accessory structures, residential, detached	See Section 9.1A		

Table 9-4 D, Encroachments into Required Yard Setbacks

Type of Feature	Allowed Encroachment into a Setback		
	Front Yard	Side Yard	Rear Yard
Accessible ramps, wheelchair lifts and similar structures	Least encroachment necessary to meet state or federal requirements, but no more than 8 ft.; must maintain a 3-foot side yard setback		
Air conditioning units, generators and other mechanical equipment ¹	None	3 ft.	3 ft.
		No more than 5 ft. from the building	
Arbors, trellises and pergolas (attached to principal building)	5 ft.	3 ft.	10 ft.
Awnings and canopies			
Balconies	5 ft.	None	10 ft.
Bay windows	3 ft.	3 ft.	3 ft.
Chimneys	3 ft.	3 ft.	3 ft.
Eaves and gutters	1 foot	1 foot	1 foot
Fences and walls	See Section 9.5A		
Flagpoles	Permitted up to 6 ft. from all lot lines		
Light poles (not including ground-mounted lights)	Permitted up to 6 ft. from all lot lines		
Paved patios and similar at-grade structures (not including driveways and sidewalks), un-roofed and unenclosed ¹	10 ft.	Up to 3 ft. from a side lot line	Up to 3 ft. from a rear lot line
Porches, decks and stoops, uncovered and unenclosed ¹	5 ft.	3 ft.	10 ft.
Signs	See Article XII		
Stairways (not including steps to main floor entry) and below-grade stairwells	None	3 ft.	10 ft.
Swing sets and similar play structures (attached)	None	Up to 3 ft. from a side lot line	Up to 3 ft. from a rear lot line
Window wells and egress windows, below grade	3 ft.	3 ft.	3 ft.

¹ Any covered or roofed porch, deck, patio, stoop or similar structure shall be considered part of the principal building and shall comply with the required setbacks applicable to the principal building.

E. Setback Requirements. All setbacks shall be measured from the property lines. In the case of a private street or similar access easement, setbacks shall be measured from the easement line. A building shall not be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the setback requirements of the district in which it is located.

Section 9.6 Structures

A. Fences and Walls.

1. Fences or walls in any residential district or on any residentially used lot shall not exceed six (6) feet in height, measured from the natural grade to the uppermost portion of the fence.
2. Fences or walls erected within the required front yard in any residential district or on any residentially used lot, shall not exceed four (4) feet in height. This shall apply to each front yard of a corner lot or through lot; provided, the fence or wall shall not exceed three (3) feet in height within the clear vision corner.
3. Fences shall not be erected within any public right-of-way.
4. In any district, if both sides of the fence or wall are not identical, the finished side shall face the adjoining property.
5. Chain link fences shall not be erected in any front yard within a residential district or a lot containing a dwelling, unless enclosing a retention pond that has been approved by the planning commission.
6. Barbed wire shall not be permitted in any residential district or on any lot or parcel containing a residential use.
7. An eight (8) foot high, non-sight obscuring, security fence may be permitted around the perimeter of an essential public service building, essential public service storage yard, towers, and approved outdoor storage areas in the commercial or industrial districts, not including the DC, Downtown Core District. The security fence may also include a maximum of one (1) additional foot of barbed wire. Razor wire and electrification shall not be permitted in any district.
8. Required walls shall be located inside the property line. The design of all walls, including openings for vehicular traffic or other purposes, shall only be as approved by the planning director.

B. Height Exceptions. The following structures are exempt from the height limitations of this ordinance: belfries, broadcast towers/antennas, chimneys, cooling towers, elevator bulkheads, fire towers, flag poles, stacks, elevated water towers, stage lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, HVAC or similar equipment on the roof of a buildings. Parapet walls may not exceed the height limits by more than four (4) feet.

C. Mechanical Appurtenances.

1. Mechanical units located on the ground shall be located in the rear or side yard, not closer than three (3) feet to adjoining property. When attached to a building, the mechanical equipment shall be architecturally integrated or appropriately screened by shrubbery or fencing so as not to be visible from neighboring property. Screening shall comply with the requirements of [Section 11.3](#).
2. If located on the roof of a building or in a location that cannot otherwise be screened, the equipment shall be enclosed or designed in a manner that is architecturally integrated with the building where it is located.

Section 9.7 Uses

A. Illegal Dwellings. The use of any basement for dwelling purposes is prohibited in all zoning districts, unless the basement meets the applicable building code requirements. Buildings erected as garages or accessory buildings, except approved accessory dwelling units, shall not be occupied for dwelling purposes.

B. Domestic Animals.

1. The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals commonly considered household pets is permitted in any residential district; provided, no more than three (3) dogs or cats, six (6) months of age or older, in any combination shall be kept or housed in or at one (1) dwelling.

2. The keeping of animals not generally considered to be household pets, including, but not limited to, horses, pigs, sheep, cattle, goats and poultry is prohibited in all zoning districts, except on existing bona fide farms within the town.

C. Outdoor Storage. Outdoor storage of merchandise, equipment, supplies, products or other materials shall only be permitted as a conditional use within those districts and under such conditions as specifically authorized by this ordinance.

D. Parking, Storage and Repair of Vehicles.

1. It shall be unlawful for the owner, tenant or lessee of any building or land within the town to permit the open storage or parking of any inoperable motor vehicle, machinery or equipment, or parts thereof, outside of an enclosed garage or enclosed building, for a period of more than 48 hours. An inoperable motor vehicle for purposes of this subsection shall include motor vehicles which, by reason of dismantling, disrepair or other cause, are incapable of being propelled under their own power, or are unsafe for operation on the streets and highways of this state because of the inability to comply with the State Motor Vehicles and Traffic Code, or do not have a current license and registration as required for operation by the State Motor Vehicles and Traffic Code.
2. The repair, restoration and maintenance of vehicles in any residential district or on property containing a dwelling unit, shall be conducted entirely within an enclosed building, except for those activities that can be and are completed in less than 24 hours. All such repair shall take place on private property and may not be conducted within the public right-of-way.
3. It shall be unlawful for the owner, tenant or lessee of any lot or building in a residential district or on property containing a dwelling unit to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked for purposes of construction being conducted on that lot.

E. Similar Uses. Every type of potential use cannot be addressed in this ordinance, each district provides for "similar uses" referencing this section. All requests for a use not specifically addressed in any zoning district shall be submitted to the planning commission for review, based on the following standards.

1. A finding has been made by the planning director that the proposed use is not listed as a permitted or conditional use in any zoning district.
2. If the use is not addressed in this ordinance, the planning commission shall select the use listed which most closely approximates the proposed use using criteria such as the nature of the use, conformance with the purpose of the zoning district in which it is proposed, aesthetics, traffic characteristics, and potential nuisance effects (noise, vibration, dust, smoke, odor, glare, hours of operation).
3. Once a similar use is determined, the proposed use shall comply with any conditions and review procedures that may apply to that similar use, including the conditional use requirements of **Article VIII**, as applicable.
4. Where the planning commission determines a proposed use is not similar to any use addressed in the ordinance, the applicant may petition for an amendment to the ordinance, as described in **Article XX**.
5. The determination as to whether a proposed use is similar in nature and class to another permitted or conditional use within a district shall be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the planning commission to be similar shall thereafter be included in the enumeration of the uses.

F. Storage of RVs. Recreational vehicles may be located outside an enclosed building on any lot within a residential district; provided, the following requirements are met:

1. If located on an interior lot, recreational vehicles shall not be permitted in the front yard. On a corner or through lot, recreational vehicles shall not be permitted in any yard abutting a street.

2. Notwithstanding the provisions of *Subsection F.1*, recreational vehicles may be parked within any yard, but not within the required setback area, for up to 48 hours within a seven (7) day period for purposes of cleaning, loading or unloading.
3. Recreational vehicles may be used for temporary occupancy for periods not to exceed 48 hours; provided, the recreational vehicle contains sleeping accommodations and is solely for the use of the owner of the lot or guests of the owner.

G. Swimming Pools Spas and Hot Tubs.

1. Any swimming pool, spa, hot tub or similar structure whose depth at any point exceeds 24 inches shall be subject to the following regulations and shall be fenced securely, in accordance with the applicable requirements of the Town of Fort Mill building code.
2. Swimming pools, spas, hot tubs and similar structures shall only be permitted in the rear yard.
3. Swimming pools, spas, hot tubs and similar structures, whether above or below ground, shall be setback a minimum of 10 feet from any side or rear lot line.

H. Temporary Storage Units.

1. It shall be unlawful to place or permit the placement of a temporary storage unit on property located within the Town of Fort Mill for more than 72 hours, unless it is registered with the administrator, as provided in *Subsection H.12*.
2. Temporary storage units shall only be placed upon or within a driveway or a parking area or, if access exists at the side or rear of the lot, the side or rear yard.
3. No temporary storage unit shall be placed upon or within public property or a public place, including without limitation, a street, sidewalk or outlawn.
4. The temporary storage unit shall not be located at the registered address for more than 30 consecutive days, including the days of delivery and removal.
5. Each lot is limited to a maximum of one registration per six (6) month period.
6. The temporary storage unit shall not exceed eight (8) feet in height, eight (8) feet in width and 16 feet in length.
7. The temporary storage unit shall be secured in a manner that does not endanger the safety of persons or property in the vicinity of the unit.
8. The temporary storage unit shall be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks at all times.
9. No temporary storage unit shall be used for human occupancy or to store solid waste, construction debris, demolition debris, business inventory, commercial goods, goods for property other than the property where the storage unit is located or any other illegal or hazardous material. Upon reasonable notice, the officials of the Town of Fort Mill may inspect the contents of any temporary storage unit at any reasonable time to ensure compliance with these requirements.
10. Any temporary storage unit which is not removed at the end of the time for which it may lawfully remain in place, may be removed by the town immediately, without notice, and the cost of such removal may be assessed against the property on which the unit was located.
11. A sign identifying the storage unit supplier, mounted on the temporary storage unit, shall not require a sign permit; provided, the storage unit is in compliance with this subsection and all other applicable ordinances.
12. Prior to or within 72 hours of the initial delivery of a temporary storage unit or units, the property owner, occupant of the premises (if not the owner) or storage unit supplier shall register the placement of the storage unit with the administrator; provided, registration shall not be required if the storage unit is removed within 72 hours of its delivery.
 - a. Registration requires completion of a required application form including the property owner's or occupant's name (if not the owner), number and size of the temporary storage

units to be registered, the address at which the storage unit(s) will be placed, delivery date, removal date and a sketch illustrating the location and placement of the storage unit(s).

- b. No fee will be charged for the registration, but written approval of the application by the administrator is required.
- c. The effective date of the registration shall be the date of the administrator's approval.

I. Principal Use. A lot or parcel shall not be devoted to more than one principal use, or contain more than one principal building; except for groups of multiple family buildings, commercial establishments or industrial buildings which are determined by the planning director to be a principal use collectively, based on the following considerations:

1. individual buildings share common parking areas;
2. access to the buildings/uses is provided via shared access drives or streets;
3. buildings are under single ownership; or
4. individual activities support one another (such as auto dealership/vehicle repair or a convenience store/restaurant/gas station).

J. Voting Place. The provisions of this ordinance shall not interfere with the temporary use of any property as a voting place in connection with a federal, state, county, municipal or other public election.

Section 9.8 Utilities and Services

A. Essential Public Services. The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district and shall be exempt from the application of this ordinance; provided, buildings, parking areas and other uses or structures accessory to the essential service shall not be exempt and shall conform to all applicable ordinance requirements and procedures.

B. Lighting. This section shall apply to all new development in the Town of Fort Mill subject to this ordinance, unless otherwise specified. When a building, structure, or lighting fixture is extended, enlarged, or reconstructed after the effective date of this ordinance, the applicable lighting standards shall apply.

1. Purpose. The purpose of this section is to improve safety and preserve the quality of life in Fort Mill by minimizing light pollution, glare, and light trespass on to neighboring properties; conserving energy and resources while maintaining night-time safety and utility; and curtailing the degradation of the night-time visual environment.
2. General standards. Unless otherwise exempted, the following standards shall apply to lighting fixtures in all zoning categories and applications.
 - a. Lighting fixture heights are measured from ground level to the top of the fixture.
 - b. All lighting fixtures shall be full-cutoff certified.
 - c. All lighting fixtures shall have internal visors/panels or external visors that control offsite light spill and glare.
 - d. The orientation of all lighting shall be downward; provided, however, churches, temples, mosques, and other such places of worship may orient some lights upward onto specific architectural components of the structure (such as steeples or domes).
 - e. Accent lighting for sculptures, statues, trees, landscaping features, flags, signs, architectural features and entrances may orient light upward, provided the directed light shall be substantially confined to the object intended to be illuminated to minimize glare, sky glow, and light trespass. Accent lighting shall not shine directly into the window of a neighboring structure or directly onto a roadway.
 - f. To control light spill and glare, lighting fixtures shall be properly aimed when installed, and proper aiming shall be maintained at all times.

- g. The following types of lighting features shall be prohibited: search lights, strobe lights, laser source lights, or any similar high-intensity or flashing light, except in emergencies by police and fire personnel or at their direction.
3. Maximum fixture height in nonresidential districts.
- a. Except as provided below, lighting fixtures in nonresidential districts shall not exceed the following height:
- Eighteen feet in the downtown core (DC), local commercial (LC) and for non-residential uses in the neighborhood mixed use (NMU) districts.
 - Twenty-eight feet in the light industrial (LI) and general commercial (GC) districts, as well as for non-residential uses within the community mixed use (CMU) and transit oriented mixed use (TOMU) districts.
- b. The planning director may approve lighting fixtures up to 35 feet in height if all of the following conditions are met:
- The area of development is at least five (5) acres in size;
 - The property is located within the following zoning districts: Light industrial (LI) or general commercial (GC). Property located within the community mixed use (CMU) or transit oriented mixed use (TOMU) districts may be approved if the proposed use is non-residential;
 - The total square footage of any building or buildings to be constructed on the property is at least 50,000 square feet; and
 - The applicant submits a lighting plan, certified by a licensed lighting engineer, demonstrating that lighting levels will not exceed 0.5 foot-candles along any public right-of-way or any shared property line.
4. Maximum fixture height in residential districts.
- a. Except as specified below, light fixtures in any residential district, including residential uses within any mixed use district, shall not exceed 16 feet in height.
- b. Light fixtures mounted on a building in a residential district may not be mounted above the 1st floor of the building; however, this restriction shall not apply to any single-family residence.
5. Decorative or aesthetic light fixtures. The planning director may approve decorative or aesthetic lighting fixtures, including those that do not orient all light downward, if the following conditions are met:
- The fixtures shall not exceed the maximum height specified in this section;
 - The fixtures shall offer a design element that is complementary to the architectural style of the adjacent building(s); and
 - The fixtures shall not negatively impact neighboring residential properties or any public right-of-way.
6. Lighting exempt from these standards. The following types of lighting shall be exempt from the standards set forth in this section:
- Lighting within swimming pools or other water features that are governed by South Carolina Department of Health and Environmental Control regulations;
 - Exit signs, stairs, ramps, and other illumination required by building codes;
 - Emergency room entrances;
 - Airport lighting;
 - Lighting of the American flag; and
 - Any lighting fixture that is exempt from the provisions of this section by state and/or federal law.

- C. Water and Sanitary Sewer Service.** No structure for human occupancy shall, after the effective date of this ordinance, be erected, altered or moved upon any lot or premises and used, in whole or in part, for dwelling, business, industrial, institutional or recreational purposes unless provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial and industrial waste. Such installations and facilities shall conform to the minimum requirements for such facilities as established by the State of South Carolina, York County, Town of Fort Mill and other relevant government codes, ordinances and standards.

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