Unified Development Ordinance

ADOPTED: <INSERT DATE>

DRAFT 3

Table of Contents

TOC

DRAFT 3

Fort Mill Unified Development Ordinance

PART 1 INTRODUCTION

Article I Title and Purpose

Section 1.1 Short title I-1
Section 1.2 Purpose I-1
Section 1.3 Enabling Authority I-1
Section 1.4 Conflicting Regulations I-1
Section 1.5 Interpretation I-1
Section 1.6 Vested Right I-1

PART 2 ZONING DISTRICTS

Article II Mapped Districts

Section 2.1 Districts Established II-1
Section 2.2 Zoning Map II-1
Section 2.3 District Boundaries Interpreted II-1
Section 2.4 Lots Divided by Zoning Line II-1
Section 2.5 Zoning of Vacated Areas II-1
Section 2.6 Zoning of Annexed Areas II-2

Article III Residential Zoning Districts

Section 3.1 Purpose III-1
Section 3.2 Schedule of Uses III-1
Section 3.3 Area, Height and Placement Requirements III-2
Section 3.4 Site Development Requirements III-4

Article IV Commercial Zoning Districts

Section 4.1 Purpose IV-1
Section 4.2 Schedule of Uses IV-1
Section 4.3 Area, Height and Placement Requirements IV-4
Section 4.4 Site Development Requirements IV-6

Article V Industrial Zoning District

Section 5.1 Purpose V-1
Section 5.2 Schedule of Uses V-1
Section 5.3 Area, Height and Placement Requirements V-3
Section 5.4 Site Development Requirements V-4

Article VI Mixed Use Districts

Section 6.1 Purpose VI-1
Section 6.2 Schedule of Uses VI-1
Section 6.3 Area, Height and Placement Requirements VI-4
Section 6.4 Additional Requirements VI-5
Section 6.5 Review Procedures VI-7
Section 6.6 Development Review Criteria VI-10
Section 6.6 Site Development Requirements VI-12

Article VII Overlay Districts

DRAFT 3

Section 7.1 General Purpose and Scope VII-1
Section 7.2 COD and COD-N, Corridor Overlay Districts VII-1
Section 7.3 HPOD, Historic Preservation Overlay District VII-13

Article VIII Conditional Use Requirements

Section 8.1 Scope VIII-1
Section 8.2 Application and Review VIII-1
Section 8.3 General Standards for Review VIII-1
Section 8.4 Specific Use Requirements-Financial, Office and Business Services VIII-1
Section 8.5 Specific Use Requirements-Food, Drink, Entertainment and Hospitality VIII-2
Section 8.6 Specific Use Requirements-Health Care and Social Assistance VIII-3
Section 8.7 Specific Use Requirements-Public/Quasi-Public Facilities VIII-3
Section 8.8 Specific Use Requirements-Recreation and Leisure VIII-4
Section 8.09 Specific Use Requirements-Residential VIII-16
Section 8.10 Specific Use Requirements-Retail Trade and Service VIII-22
Section 8.11 Specific Use Requirements-Transportation and Warehousing VIII-22
Section 8.12 Specific Use Requirements-Utility and Waste Processing and Disposal VIII-24
Section 8.13 Specific Use Requirements- Vehicle Sales, Service and Related Uses VIII-32
Section 8.14 Specific Use Requirements - Other VIII-35

PART 3 SITE DEVELOPMENT REQUIREMENTS

Article IX General Provisions

Section 9.1 Buildings IX-1
Section 9.2 General Compliance IX-2
Section 9.3 Lots IX-3
Section 9.4 Setbacks IX-3
Section 9.5 Structures IX-5
Section 9.6 Uses IX-5
Section 9.7 Utilities and Services IX-8

Article X Off-Street Parking, Loading and Transportation

Section 10.1 Purpose X-1
Section 10.2 General Requirements X-1
Section 10.3 Required Off-Street Parking Spaces X-4
Section 10.4 Off-Street Parking and Facility Design X-7
Section 10.5 Access Management X-9
Section 10.6 Traffic Impact Analysis X-11
Section 10.7 Off-Street Loading Requirements X-12
Section 10.8 Sidewalks and Non-motorized Pathways X-12

Article XI Landscaping, Buffering and Tree Preservation

Section 11.1 Intent XI-1
Section 11.2 Buffer Zones XI-1
Section 11.3 Screening XI-2
Section 11.4 Streetscape XI-3
Section 11.5 Parking Lot Landscaping XI-4
Section 11.6 General Requirements XI-5

DRAFT 3

Section 11.7 Tree Preservation XI-7

Article XII Signs

Section 12.1 Purpose XII-1
Section 12.2 General Provisions XII-1
Section 12.3 Signs Exempt from Permits XII-3
Section 12.4 Prohibited Signs XII-6
Section 12.5 Temporary Signs XII-6
Section 12.6 Permitted Signs by District XII-7
Section 12.7 Sign Permits XII-11
Section 12.8 Application Procedure XII-11
Section 12.9 Inspection and Maintenance XII-11
Section 12.10 Enforcement XII-12
Section 12.11 Nonconforming Signs XII-13

Article XIII Building Design and Materials

Section 13.1 Purpose XIII-1
Section 13.2 Applicability XIII-1
Section 13.3 Building Materials XIII-1
Section 13.4 Allowance for Other Materials XIII-2
Section 13.5 Design Standards XIII-3
Section 13.6 Mechanical Equipment XIII-3
Section 13.7 Lighting XIII-4
Section 13.8 Trash Receptacle Enclosures XIII-6
Section 13.9 Mail Box Clusters XIII-7

Article XIV Development Plan Review

Section 14.1 Purpose XIV-1
Section 14.2 Applicability XIV-1
Section 14.3 Exemptions XIV-1
Section 14.4 Application and Review XIV-2
Section 14.5 Development Plan Requirements XIV-2
Section 14.6 Review Standards XIV-4
Section 14.7 Conditions XIV-5
Section 14.8 Changes to Approved Development Plan XIV-5
Section 14.9 Expiration XIV-6
Section 14.10 Appeal XIV-6

Article XV Stormwater Management and Sedimentation Control

Section 15.1 General Provisions XV-1
Section 15.2 Organization and Administration XV-3
Section 15.3 Water Quality/Quantity Control XV-3
Section 15.4 Illicit Connections, Illicit Discharges and Improper Disposal XV-17
Section 15.5 Enforcement, Penalties and Abatement XV-19
Section 15.6 Appeals and Variances XV-20
Section 15.7 Charges and Fees XV-22
Section 15.8 Stormwater Utility Fee Structure and Policy XV-22

DRAFT 3

Section 15.9 Legal Status XV-24
Section 15.10 References XV-24

PART 4 ADMINISTRATION

Article XVI Administration and Enforcement

Section 16.1 Minimum Requirements XVI-1
Section 16.2 Permits and Procedures XVI-1
Section 16.3 Permits and Licenses Void if Used in Conflict XVI-2
Section 16.4 Fees XVI-2
Section 16.5 Performance Guarantees XVI-2
Section 16.6 Enforcement XVI-2
Section 16.7 Violations XVI-3
Section 16.8 Penalties XVI-4
Section 16.9 Public Nuisance, per se XVI-4
Section 16.10 General Responsibility XVI-4
Section 16.11 Appeals XVI-5

Article XVII Planning Commission

Section 17.1 Membership XVII-1
Section 17.2 Rules and Procedures XVII-1
Section 17.3 Powers and Duties XVII-3

Article XVIII Board of Zoning Appeals

Section 18.1 Membership XVIII-1
Section 18.2 Rules and Procedures XVIII-1
Section 18.3 Powers and Duties XVIII-2
Section 18.4 Administrative Appeals XVIII-3
Section 18.5 Variances XVIII-3
Section 18.6 Decisions of the Board XVIII-4
Section 18.7 Time Limits XVIII-4
Section 18.8 Appeal of Board Decision XVIII-4

Article XIX Nonconforming Uses, Buildings and Lots

Section 19.1 Intent XIX-1
Section 19.2 Non-Reversion XIX-1
Section 19.3 Nonconforming Uses XIX-1
Section 19.4 Nonconforming Buildings and Structures XIX-2
Section 19.5 Nonconforming Lots of Record XIX-3
Section 19.6 Unlawful Nonconformities XIX-3

Article XX Historic Review Board

Section 20.1 Membership XX-1
Section 20.2 Rules and Procedures XX-2
Section 20.3 Powers and Duties XX-3

Article XXI Amendments

Section 21.1 Initiation of Amendments XXI-1

DRAFT 3

Section 21.2 Review Guidelines XXI-1
Section 21.3 Amendment Process XXI-1
Section 21.4 Public Hearing XXI-2

Article XXII Enactment Provisions

Section 22.1 Repeal of Ordinances XXII-1
Section 22.2 Severability XXII-1
Section 22.3 Enactment and Effective Date XXII-1

PART 5 SUBDIVISION REGULATIONS

Article XXIII Subdivision Purpose and Procedures

Section 23.1 Scope and Purpose XXIII-1
Section 23.2 Subdivision Types and Approval Authorities XXIII-1
Section 23.3 Exempt Subdivisions XXIII-2
Section 23.4 Minor Subdivisions XXIII-2
Section 23.5 Major Subdivisions XXIII-3
Section 23.6 Submittal Requirements XXIII-5
Section 23.7 Filing and Recording XXIII-8
Section 23.8 Amendments to Subdivision Approvals XXIII-8

Article XXIV Requirements and Specifications

Section 24.1 Design Requirements XIV-1
Section 24.2 Required Improvements XIV-4

Artible XXV Administrative Provisions

Section 25.1 Modification XV-1
Section 25.2 Conditions of Modification XV-1
Section 25.3 Interpretation of Boundaries XV-1
Section 25.4 Amendment XV-1
Section 25.5 Appeal XV-1
Section 25.6 Violations and Penalties XV-1

PART 6 APPENDICES

Appendix A Definitions

Section 26.1 Construction of Language A-1
Section 26.2 Definitions A-B A-1
Section 26.4 Definitions C-D A-4
Section 26.5 Definitions E-F A-7
Section 26.6 Definitions G-H A-9
Section 26.7 Definitions I-J A-10
Section 26.8 Definitions K-L A-10
Section 26.9 Definitions M-N A-12
Section 26.10 Definitions O-P A-13
Section 26.11 Definitions Q-R A-15
Section 26.12 Definitions S-T A-16
Section 26.13 Definitions U-V A-27

DRAFT 3

Section 26.14 Definitions W-Z A-27

Appendix B Table of Uses

Appendix C Table of Dimensional Requirements

DRAFT 3

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DRAFT 3

Part I

Introduction

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Article I

Title and Purpose

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Fort Mill Unified Development Ordinance

Section 1.1 Short title

This Ordinance shall be known and may be cited as the "Town of Fort Mill Zoning Ordinance", and may be referred to as the "Zoning Ordinance," or "this Ordinance."

Section 1.2 Purpose

This Ordinance is intended to promote the public health, safety and general welfare; to encourage the use of land in accordance with its character and adaptability; to limit the improper use of land; to conserve natural resources and energy to meet the needs of the public for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to ensure that uses of land are situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for transportation uses, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources, and other property interests. In accordance with the South Carolina Local Government Comprehensive Planning Enabling Act, this Ordinance is based on a Comprehensive Plan for the Town, which promotes safeguarding the character and unique resources of the community, while providing for a full range of land uses in harmony with that character and the ability to provide public services.

Section 1.3 Enabling Authority

A. The Fort Mill Town Council is authorized to adopt this Ordinance pursuant to the enabling authority contained in the S.C. Code of Laws, Sections 6-29-710, et. seq., and all other relevant laws of the State of South Carolina.
B. Whenever any provision of this Ordinance refers to or cites a section of the S.C. Code of Laws and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 1.4 Conflicting Regulations

Whenever the regulations of this ordinance require a greater width or size of yards, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied or impose other restrictive standards than are required in or under any other statutes or private deed restrictions, the requirements of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

Section 1.5 Interpretation

In the interpretation and application of this Zoning Ordinance, all provisions shall be considered as minimum requirements, liberally construed in favor of the Town Council, and deemed neither to limit nor repeal any other powers granted under state law. This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 1.6 Vested Right

A. **Findings.**

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1. The General Assembly of the State of South Carolina, by Act 287 of 2004, amended the South Carolina Local Government Comprehensive Planning Enabling Act (Title 6, Chapter 29 of the S.C. Code) to add Article 11 cited as the "Vested Rights Act."
2. The General Assembly of the State of South Carolina passed two joint resolutions (A297/R215/H4445 on May 6, 2013, and R123/H3774 on June 20, 2013) that together suspend the running of approval timeframe on any site-specific development plan that was valid on or after January 1, 2008, until December 31, 2016. Site-specific development plans that are valid on December 31, 2016, then have the benefit of the remainder of their original vesting period. For example, if a site-specific development plan was approved on March 31, 2007, it would have originally had a two-year vesting period under the State Code of Laws Section referenced in *Section 1.6 (A)(.1).*. At the time the first joint resolution was passed, it would have used nine months of this two-year vesting period. The effect of the two joint resolutions is to make its approval valid through December 31, 2016. At that time, it would have fifteen months remaining in its vesting period (two years minus the nine months it used prior to the passing of the joint resolutions).
3. The City Council has determined that it is in the best interest of the City to avoid the default provisions and maintain and allow for local government control and flexibility of local planning and zoning functions to the extent allowed by law.

B. **Establishment and Conditions of Vested Rights**.

1. Vested Rights Established. A vested right to develop property in accord with a site specific development plan is triggered upon the final approval of the site specific development plan by the final official or decision-making body authorized to approve the site specific development plan, and the payment to the City of all applicable established fees. While the City may approve grading, installation of utilities, streets or other infrastructure under separate permits in anticipating of site specific development plan approval, any such construction or any expenditure in preparing documents for further permits is done at risk, since rights are not vested in the site specific development plan until it is approved and fees paid.
2. Subject to the South Carolina Code of Laws and Legislative Joint Resolutions. Except as hereinafter set forth, a vested right established by this Ordinance is subject to the conditions and limitations set out in Sections 6-29-1540 and 6-29- 1550 of the Code of Laws of South Carolina, as enacted by Act 287 of 2004, and the joint resolutions references in *Section 1.6 (A)(.2)* of this Ordinance so long as they are in effect.
3. Expiration and Extension. The expiration or extension of a vested right is subject to the terms of *Section 2- 200 (O)* of this Ordinance.
4. Phased Development Plans. No vested rights established for phased development plans, including approved or conditionally approved phased development plans including those plans applicable to lands proposed for annexation unless approved under a development agreement. An approved or conditionally approved site specific development plan is required prior to approval with respect to each of a phased development plan.

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Part II
Zoning Districts

II

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Mapped Districts

Article II

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Fort Mill Unified Development Ordinance

Section 2.1 Districts Established

~~**Establishment of Zone Districts.**~~ The following zone districts are established:

Table 2-1, Zone Districts Established		
Category	**Designation**	**District Name**
Residential Districts	R-25	Low Density Single Family
	R-15	Low/Moderate Density Single Family
	R-~~5~~7	Moderate Density Single Family
	RT-8	Medium Density Residential
	RM-15	High Density Residential
Commercial Districts	LC	Local Commercial
	DC	Downtown Core
	GC	General Commercial
Industrial District	LI	Light Industrial
Mixed Use Districts	NMU	Neighborhood Mixed Use
	CMU	Community Mixed Use
	TOMU	Transit Oriented Mixed Use
Overlay Districts	COD	Corridor Overlay
	COD-N	Corridor Node Overlay
	HPOD	Historic Preservation Overlay

Section 2.2 Zoning Map

A. **General**. The official zone district map and applicable ordinances designate the location and boundaries of the various zone districts established in this ordinance within the Town of Fort Mill. The official zone district map shall be kept on file in the office of the town clerk and be available for public inspection during normal business hours. It may be kept in either hardcopy or digital form.

B. **Amendments**. The town council may, at its discretion or upon formal application, amend the zoning map, in accordance with the amendment procedures of *Article ~~XX~~XXI*.

Section 2.3 District Boundaries Interpreted

A. Unless otherwise expressly stated in the ordinance, zone district boundaries shall be considered to be lot lines or the centerline of streets, alleys, railroad rights-of-way, streams and rivers, town limit boundaries, or such lines extended.

B. When the street or property layout existing on the ground is inconsistent with that shown on the official zoning map, the planning director shall interpret the district boundaries.

Section 2.4 Lots Divided by Zoning Line

Where a zoning line divides a lot or where two (2) lots in different districts are combined, the entire lot shall be considered to be wholly within the more restrictive zoning district. Where two (2) lots are combined and one of the lots is within an overlay district, the entire lot shall be considered to be wholly within the overlay district. *Table 2-1* lists districts from most restrictive to least restrictive.

Section 2.5 Zoning of Vacated Areas

Whenever any street, alley or other public way within the town is vacated by official governmental action, and when the lands within those vacated lands attach to and become a part of lands adjoining the street, alley, or public way, those lands shall automatically be subjected to the same zoning regulations as are applicable to the adjoining lands.

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Section 2.6 Zoning of Annexed Areas

When land is annexed into the town, the zoning designation of said lot shall be established by the annexation ordinance. Where the zoning designation of land annexed into the town is not established by the annexation ordinance, it shall be zoned R-25 until or unless the town council takes action to classify it as another zone district.

DRAFT 3

Article III

Residential Zoning Districts

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Fort Mill Unified Development Ordinance

Section 3.1 Purpose

A. **R-25, Low Density Single Family District.** The R-25 low density single family zoning district is established primarily for the purpose of providing opportunities for residential development generally at the periphery of the community and in locations where natural features pose limitations on layout and density, making them more conducive to larger lot subdivisions. Densities in this district will be less than 2 units per acre.

B. **R-15, Low/Moderate Density Single Family District**. The R-15 low/moderate density single family zoning district is intended to create cohesive, single family, walkable neighborhoods at a density of three units per acre. This district should be established in locations near the downtown core, schools and/or the bypass to facilitate pedestrian and cycling opportunities.

C. **R-~~5~~7, Moderate Density Single Family District**. The R-~~5~~7 moderate density single family residential district encourages the development of concentrated neighborhoods where densities will allow development that is more affordable and may support transit service in the future. These are walkable, cohesive neighborhoods in proximity to shopping and community amenities. In this district, densities may be between three and five units per acre.

D. **RT- 8, Medium Density Residential District**. The RT-8 medium density residential district is established to offer housing options consistent with the walkable, neighborhood character intended for the single family districts. It allows for a variety of housing choices within attached and detached single family dwellings in a medium density environment of up to eight units per acre.

E. **RM-15, High Density Residential District**. The RM-15 high density residential district is intended to provide a full range of housing choice at higher densities than other residential districts. In addition to attached and detached single family dwellings, this district also permits multiple family dwellings. Densities up to 15 units per acre are permitted in order to promote economically viable development on infill and redevelopment sites. The district may also be established as a transition zone between low and medium density residential districts and nonresidential or mixed use districts or uses.

Section 3.2 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of *Table 3-2* may be used for the purposes denoted by the following abbreviations:

A. **Permitted Use (P)**. Land and/or buildings with this designation may be used for these purposes by right.

B. **Conditional Use (C)**. Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the planning commission or by the planning director where allowed, upon a finding that all applicable requirements in *Article VIII* are satisfied.

C. **Specific Conditions**. Indicates that conditions related to the specific use must be satisfied in addition to the general criteria of *Article VIII, Section* ***.*8.3.*

Table 3-2, Schedule of Use, Residential Districts

Uses	Residential Districts					Specific Conditions
	R-25	R-15	R-~~5~~7	RT-8	RM-15	
Residential						
Attached single family dwelling				P	P	
Detached single family dwelling	P	P	P	P	P	
Manufactured home community/subdivision				C	C	*Section* ****8.9 D*
Multiple family dwelling					P	

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Table 3-2, Schedule of Use, Residential Districts

Uses	Residential Districts					Specific Conditions
	R-25	R-15	R-~~5~~7	RT-8	RM-15	
Two family dwelling				P	P	
Bed and breakfast	C			C	C	*Section ~~***~~8.9 B*
Boarding house					C	~~Section ***~~
Group dwellings					P	
Public or private care homes					C	~~Section ***~~
Retirement community					C	~~Section ***~~
Recreation and Leisure						
Golf courses/country clubs	C	C	C	C	C	~~Section ***~~
Private noncommercial recreation	C	C	C	C	C	*Section ~~***~~8.8 B*
Public parks/playgrounds	P	P	P	P	P	
Public/Quasi-Public						
Cemeteries	C	C	C	C	C	~~Section ***~~
Colleges/universities (including student housing)					C	*Section ~~***~~8.7 A*
Day care facilities	C	C	C	C	C	*Section ~~***~~8.7 B*
Government buildings and facilities	C	C	C	C	C	
Places of worship	C	C	C	C	C	*Section ~~***~~8.7 C*
Pre-school nursery			C	C	C	*Section ~~***~~8.7 B*
Schools (K-12)	C	C	C	C	C	*Section ~~***~~8.7 D*
Utility substation or subinstallation, incl. water towers	C	C	C	C	C	*Section ~~***~~8.7 E*
Accessory Uses						
Accessory dwelling units	C	C				*Section ~~***~~8.9 A*
Accessory uses and structures	P	P	P	P	P	
Community or neighborhood activity uses such as sales/rental office, fitness center, swimming pool, club house, and off-street parking	P	P	P	P	P	
Home occupations	P	P	P	P	P	
Solar Installations	C	C	C	C	C	*See Section 8.12 D*
Other Uses						
Uses of the same nature or class as uses listed in this district but not listed elsewhere in this ordinance, in accordance with the criteria specified in *Section~~***~~. 9.6 E.*	P/C					*See ~~Section ***~~Article VIII*

Section 3.3 Area, Height and Placement Requirements

All lots and buildings shall meet the minimum area and width requirements listed below in *Table 3-3* for the corresponding district requirements. New lots shall not be created, except in conformance with these requirements. In addition, all structures and their placement on a lot shall conform to the minimum dimensional requirements listed for the respective districts.

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Table 3-3, Schedule of Area, Height and Placement Requirements						
Requirements		**Residential Districts**				
		R-25	**R-15**	**R-~~5~~7**	**RT-8**	**RM-15**
Lot Area, Width and Density						
Lot area	Minimum sq. ft.	20,000	10,000	~~4~~5,000	-	-
	Average sq. ft.	25,000	15,000	~~5~~7,000		
Lot width	Minimum ft.	100	80	40	-	-
	Average ft.	125	100	50		
Density (maximum units/gross acre)		1.7	2.9	5	8	15
Setbacks (minimum ft.)						
Front		50[1]	35[1]	10[1]	-	-
Rear		50	35	15	-	-
Side (interior)		20	10	5	[2]	[2]
Side (street)		50	35	10	-	-
Height and Coverage (maximum)						
Building coverage (%)		30	35	40	45	60
Impervious surface coverage (%)		35	40	45	55	70
Height (ft./stories)		35/2 ½	35/2 ½	35/2 ½	35/2 ½	35/2½
Floor Area (minimum sq. ft.)						
Total						
Ground level						
One-bedroom[3]		-	-	-	750	750
Two-bedroom[3]		-	-	-	900	900
Three-bedroom[3]		-	-	-	1050	1050
Additional bedrooms > 3[3]		-	-	-	150/addl. bedroom	150/addl. bedroom

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[1] In the R-25, R-15 and R-~~5~~7 Districts, if 40 percent or more of all lots on one side of a street between two intersecting streets contain a principal building, the minimum required front yard setback shall be the average of the front yards established by the principal building located on lots on the same side of the street within the same block that are within 200 feet in each direction from the subject property (not including corner lots where the front setback is on the intersecting street). However, if this average results in a setback that is greater than the established front yard setbacks on both lots adjacent to the subject property, the required setback shall be the average of the established setback of the two adjacent lots.
[2] Minimum 25 ft. between ends of contiguous buildings within a development.
[3] Applies to two-family, attached single family and multiple family dwellings.

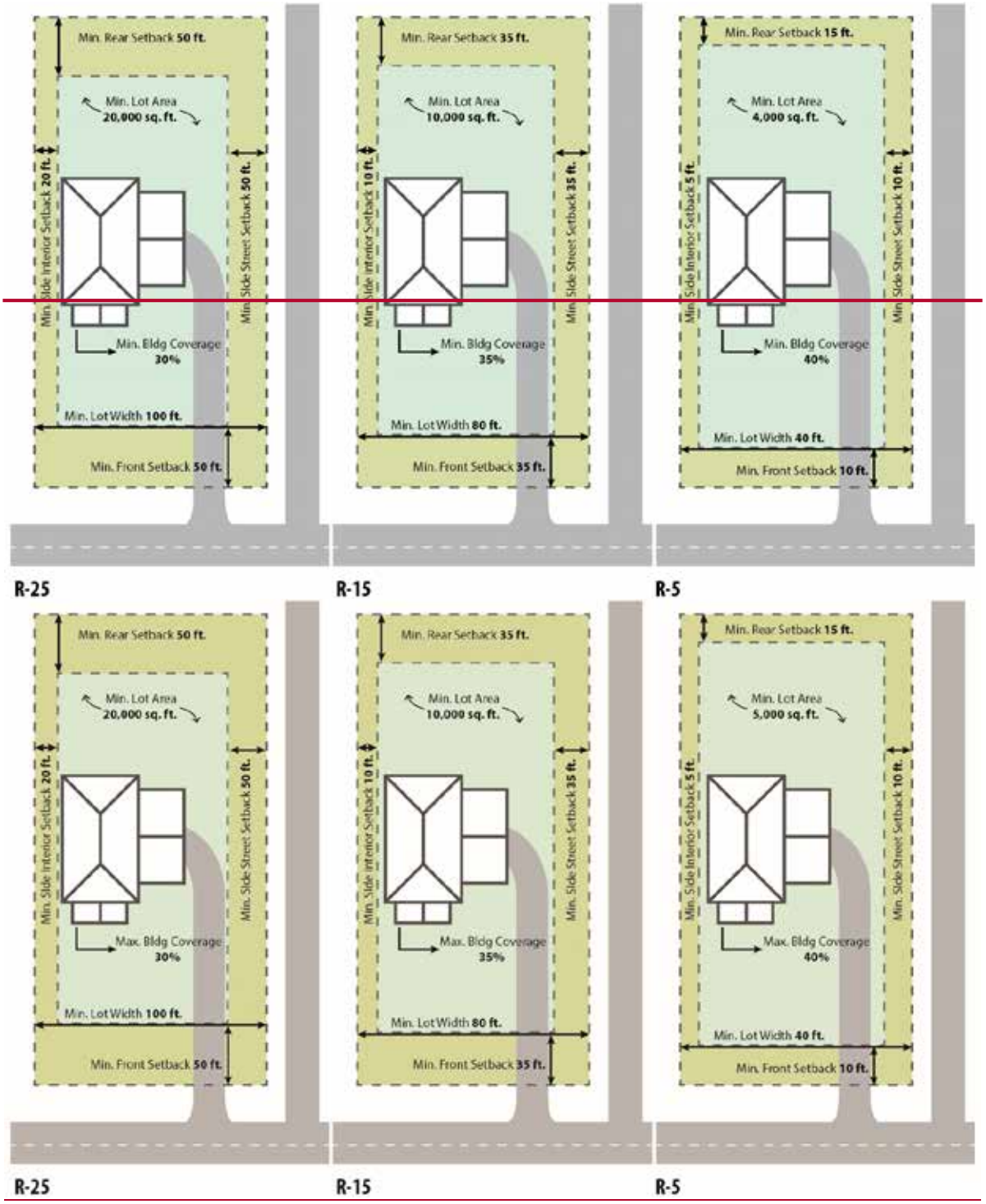

Figure 3-1: Setback requirements by district

Section 3.4 Site Development Requirements

In addition to the requirements of this article, all development in the residential districts shall meet the applicable requirements as listed elsewhere in this ordinance.

A. Overlay Zone Requirements, see *Article VII*
B. Conditional Use Requirements, see *Article VIII*
C. General Provisions, see *Article IX*
D. Parking and Loading, see *Article X*
E. Landscaping, Buffering and Tree Preservation, see *Article XI*
F. Building Design and Material Requirements, see *Article* ~~XII~~*XIII*
G. Signs, see *Article* ~~XIII~~*XII*
H. Development Plan Review, see *Article XIV*
I. Stormwater Management and Sedimentation Control, see *Article XV*
J. Subdivision Regulations, see *Part V*

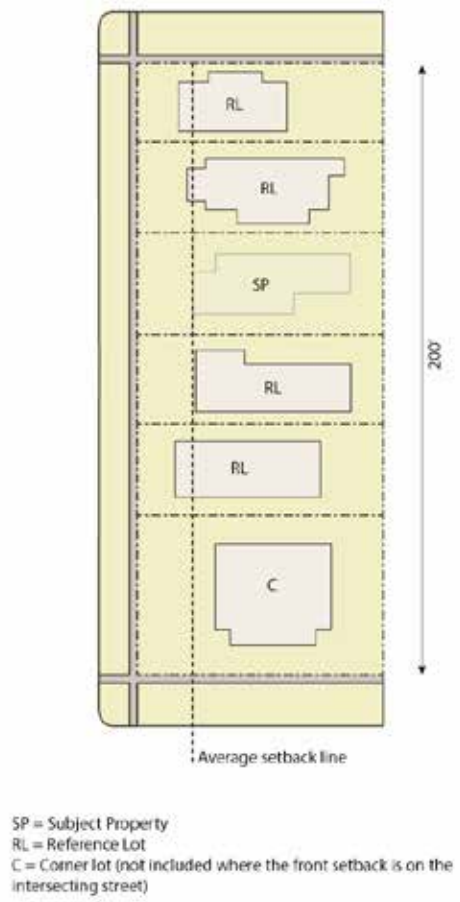

Figure 3-2: Average setback (see footnote 1)

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Commercial Zoning Districts

Article IV

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Fort Mill Unified Development Ordinance

Section 4.1 Purpose

A. **LC, Local Commercial District**. The local commercial district is intended as a location for convenience goods and services for residents of nearby neighborhoods. Allowed uses should be of a low intensity nature, appropriate in scale and appearance to and compatible with the surrounding residential character. Pedestrian accessibility will be promoted. The district may be found as a node within residential neighborhoods or used as a transitional zone between residential and nonresidential districts.

B. **DC, Downtown Core District.** The downtown core district is intended to protect the traditional, small town character of downtown Fort Mill and enhance a pedestrian-oriented environment. The district accommodates a mix of retail stores, offices, entertainment, public spaces, residential uses and related activities that are mutually supporting and serve the needs of the community. This district encourages a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian-oriented and unified setting.

C. **GC, General Commercial District**. The general commercial district is intended primarily to accommodate a range of retail and service uses serving the broader needs of the community and the motoring public. Large-scale retailers, auto-related businesses and similar uses not generally appropriate within other commercial districts will be permitted. While the district will be established primarily along arterial roadways, care should be taken to ensure compatibility with adjacent uses and minimize conflicts with traffic along abutting streets.

Section 4.2 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of *Table 4-2* may be used for the purposes denoted by the following abbreviations:

A. **Permitted Use (P)**. Land and/or buildings with this designation may be used for these purposes by right.

B. **Conditional Use (C)**. Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the planning commission or the planning director, where applicable, upon a finding that all applicable requirements in *Article VIII* are satisfied.

C. **Specific Conditions**. Indicates that conditions related to the specific use must be satisfied in addition to the general criteria of *Article VIII, Section* ***.*8.3.*

Table 4-2, Schedule of Use, Commercial Districts

Uses	Business Districts			Specific Conditions
	LC	DC	GC	
Food, Drink, Entertainment and Hospitality				
Banquet facilities	P	P	P	
Food catering	P	P	P	
Hotel		P	P	
Micro-brewery	P	P	P	*See Section 8.5 A*
Movie theaters		P	P	
Performance theaters, concert halls		P	P	
Radio or television broadcast studio	P	P	P	
Restaurants, drive-thru	C	C	C	*See Section 8.5 C*
Restaurants, not including drive-thru	P	P	P	
Taverns and bars	P	P	P	
Financial and Business Services				
Banks, credit unions and savings & loans, not including check cashing establishments, payday	P	P	P	

Table 4-2, Schedule of Use, Commercial Districts

Uses	Business Districts			Specific Conditions
	LC	DC	GC	
lenders, title loan lenders, deferred presentment lenders, pawnshops and similar lending businesses				
Check cashing establishments, payday lenders, title loan lenders, deferred presentment lenders, pawnshops and similar lending businesses			C	*See Section ***8.4 A*
Insurance and real estate offices	P	P	P	
Office equipment sales and service		P	P	
Printing and photocopying establishments	P	P	P	
Health Care and Social Assistance				
Ambulance service			P	
Hospital and medical centers			P	
Medical, dental or chiropractic office, clinic and/or laboratory	C	P	P	
Research, development and testing laboratories			P	
Veterinary office, clinic or hospital			C	*See Section 8.6 A*
Offices, Research and Technology				
Offices for executive, administrative, professional, accounting and other similar professional activities	P	P	P	
Personal Services[1]				
Barber shop, hair salon or spa	P	P	P	
Day care facilities and preschools	P	P	P	
Dress maker, tailor	P	P	P	
Dry cleaning, laundry pick-up and laundromat	P	P	P	
Jewelry and watch repair	P	P	P	
Kennels and pet day care	C		C	*See Section 8.10 A*
Optician and eyeglasses	P	P	P	
Photographic studios	P	P	P	
Shoe repair	P	P	P	
Small appliance repair	P	P	P	
Public/Quasi-Public				
Colleges/universities (including student housing)		C	C	*See Section 8.7 A*
Government buildings and facilities	C	C	C	
Places of worship	C	C	C	*See Section 8.6 C*
Schools (K-12)	C	C	C	*See Section 8.6 D*
Utility substation or subinstallation, incl. water towers	C	C	C	*See Section 8.6 E*
Recreation and Leisure				
Commercial recreation (indoor) such as bowling alleys, roller rinks, arcades			P	
Commercial recreation (outdoor) such as mini-golf, batting cages, go-cart tracks			C	*See Section 8.8 A*
Golf courses/country clubs			C	
Health/fitness clubs and spas	P	P	P	
Performing arts, dance or martial arts school or studio	P	P	P	
Private noncommercial recreation	P	P	P	
Public parks/playgrounds	P	P	P	
Residential				
Attached single family dwelling		C		
Dwellings on upper floors above businesses		C		

[1] Within the DC, Downtown Core, District all personal service and retail businesses located on the street level and established after the effective date of adoption of this ordinance shall be open to the public at least 32 hours per week.

DRAFT 3

Table 4-2, Schedule of Use, Commercial Districts

Uses	Business Districts			Specific Conditions
	LC	DC	GC	
Multiple family dwelling		C		
Two family dwelling		C		
Bed and breakfast	C	C		*See Section 8.9 B*
Boarding house		C		
Group dwellings		C		
Public or private care homes		C		
~~Retail~~Retail[1]				
Appliance sales and repair		P	P	
Art gallery or studio	P	P	P	
Building and lumber supply, fence material, rental and related construction oriented retail establishments			P	
Convenience store	P		P	
Nurseries and greenhouses, including retail sales			P	
Shopping centers			P	
Retail establishments such as apparel, antique, variety, florist, gift, notions, music, book, hardware or pharmacies, not exceeding 15,000 sq. ft.	P	P		
Retail food establishments which supply groceries, fruit, dairy products, baked goods, confections and similar commodities for consumption off the premises as their principal activity, not ~~exceeding 15~~exceeding50,000 sq. ft.	P	P		
Retail establishments whose principal activity is the sale of merchandise within an enclosed building			P	
Vehicle Sales~~,~~ and Service, Storage, Contractor's Offices and Related Uses				
Auto parts and tire store			P	
Automobile, trailer, truck, recreational vehicle, boat, manufactured home or motorcycle sales and service			C	*See Section 8.13 A*
Contractor's offices, not exceeding 15,000 square feet of gross floor area and not including outdoor storage			P	
Mini-storage facilities			C	*See Section 8.11 C*
Parking structure or surface lot as principal use		C		
Vehicle repair, major			C	*See Section 8.13 C*
Vehicle repair, minor			C	*See Section 8.13 D*
Vehicle service station			C	*See Section 8.13 E*
Vehicle wash facility			C	*See Section 8.13 F*
Wholesale and distribution businesses, not exceeding 15,000 square feet of gross floor area and not including outdoor storage			P	
Accessory Uses				
Accessory uses and structures	P	P	P	
Drive-in and drive-through facilities for automated teller machines, banks and pharmacies, not including drive-in restaurants	C	C	C	*See Section 8.13 B*
Outdoor display areas for retail establishments			C	*See Section 8.10 B*
Outdoor seating areas for restaurants, taverns and similar establishments	C	C	P	*See Section 8.5 B*
Indoor storage of goods, equipment or materials needed for the conduct of the principal permitted use.[2]	P	P	P	

[2] The storage of goods, equipment or materials shall not be permitted as a principal use in any business district, except for mini-storage facilities or other specifically permitted uses in the GC District.

DRAFT 3

Table 4-2, Schedule of Use, Commercial Districts				
Uses	**Business Districts**			**Specific Conditions**
	LC	**DC**	**GC**	
Solar Installations	C	C	C	*See Section 8.12 D*
Wind energy conversion systems (single accessory or commercial)	C	C	C	*See Section 8.12 E*
Wireless communication facilities and towers			C	*See Section 8.12 F*
Other Uses				
~~Parking structure or surface lot as principal use~~		~~C~~		
Uses of the same nature or class as uses listed in this district but not listed elsewhere in this ordinance, in accordance with the criteria specified in *Section*~~***~~ *9.6 E.*	P/C			*See* ~~Section~~ ~~***~~*Article VIII*

Section 4.3 Area, Height and Placement Requirements

All lots and buildings shall meet the minimum area and width requirements listed below in *Table 4-3* for the corresponding district requirements. New lots shall not be created, except in conformance with these requirements. In addition, all structures and their placement on a lot shall conform to the minimum dimensional requirements listed for the respective districts.

Table 4-3, Schedule of Area, Height and Placement Requirements			
Requirements	**Business Districts**		
	LC	**DC**	**GC**
Lot Area, Width and Density			
Minimum lot area	10,000	-	20,000
Minimum lot width	50	-	100
Density (maximum dwelling units/gross acre)	-	28	-
Setbacks (minimum ft.)			
Front	20	[3]	35
Rear	15	-	35
Side (interior)	10	-	10
Side (street)	20	-	35
Height (maximum)			
Height (ft./stories)	35/2½	48/4[4]	35/2½ [5]
Floor Area (sq. ft.)			
Residential (minimum)	-	[6]	-
Non-residential (maximum)[7]	15,000 per individual business and 30,000 per building containing multiple businesses	-	

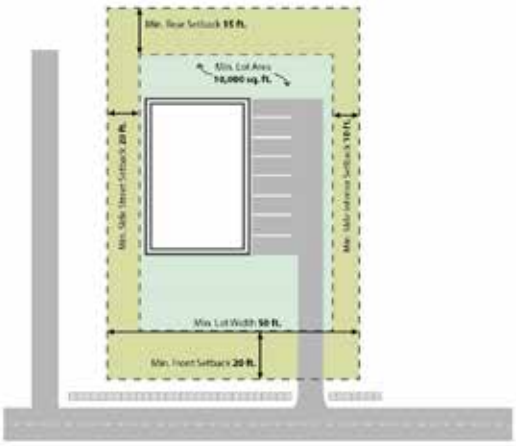
Commented [SS1]: Why limit minimum lot area to 20,000SF in GC?

Commented [SS2]: Why limit height to 35 feet?

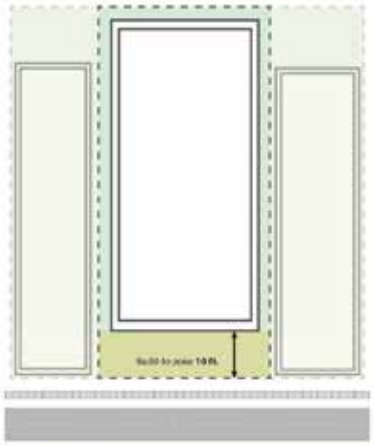
Commented [SS3]: Why is there no max square footage for retail in the GC District?

[3] There shall be a build-to zone within which the front wall of the building shall be erected. The build-to zone will be an area extending the width of the lot from the front property line and no further than 10 feet from the front property line.
[4] Within the DC district, a minimum height shall be required equal to the average height of the existing structures adjacent to and on each side of the proposed structure. If an existing structure is not found on each side of the proposed structure, the minimum height shall be the average of all structures on the same side of the street and within 200 feet on each side of the proposed structure.
[5] The maximum height for buildings located within 1,500 feet of the Interstate 77 right-of-way may exceed the maximum height limitation for the district: provided, all portions of the structure exceeding the maximum height limit shall be stepped back an additional one (1) foot from the adjoining property line for each one (1) foot in excess of the maximum height limit.
[6] Minimum requirements for the RM-~~12~~15 zoning district, as specified in *Table 3-3*, shall apply.
[7] Any existing retail building or collection of buildings lawfully in existence prior to the adoption of this ordinance may be rebuilt, altered or repaired, provided that the total footprint of any new building or buildings may not exceed the total combined

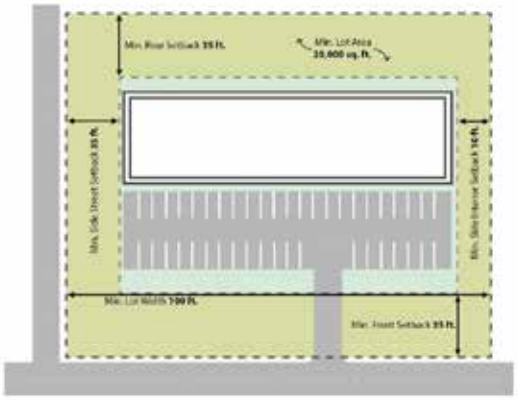
DRAFT 3



LC - Local Commercial



DC - Downtown Core



GC - General Commercial

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Section 4.4 Site Development Requirements

In addition to the requirements of this article, all development in the commercial districts shall meet the applicable requirements as listed elsewhere in this ordinance.

A. Overlay Zone Requirements, see *Article VII*
B. Conditional Use Requirements, see *Article VIII*
C. General Provisions, see *Article IX*
D. Parking and Loading, see *Article X*
E. Landscaping, Buffering and Tree Preservation, see *Article XI*
F. Building Design and Material Requirements, see *Article* ~~XII~~*XIII*
G. Signs, see *Article* ~~XIII~~*XII*
H. Development Plan Review, see *Article XIV*
I. Stormwater Management and Sedimentation Control, see *Article XV*
J. Subdivision Regulations, see *Part V*

DRAFT 3

Industrial Zoning District

Article V

DRAFT 3

Fort Mill Unified Development Ordinance

Section 5.1 Purpose

LI, Light Industrial District. The LI, Light Industrial District is established for industries such as light manufacturing or processing of previously refined materials and other uses that support the permitted industries or are of an intense nature due to truck traffic, building size, hours of operation and similar characteristics that make them incompatible within traditional business or residential districts. The district also allows certain commercial uses that are complementary to the industrial nature of the district by way of serving the industries and/or the workers employed there. It is intended that the district provide jobs for citizens of the community and surrounding areas, contribute to a sustainable tax base and create value for property owners and the Town of Fort Mill.

Section 5.2 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of *Table 5-2* may be used for the purposes denoted by the following abbreviations:

A. **Permitted Use (P)**. Land and/or buildings with this designation may be used for these purposes by right.
B. **Conditional Use (C)**. Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the planning commission, or the planning director where applicable, upon a finding that all applicable requirements in *Article VIII* are satisfied.
C. **Specific Conditions**. Indicates that conditions related to the specific use must be satisfied in addition to the general criteria of *Article VIII, Section* ~~***.~~*8.3.*

Table 5-2, Schedule of Use, Industrial District

Use	LI District	Specific Conditions
Agricultural, Food and Animal-Related Uses		
Breweries, distilleries and bottling plants	P	
Food processing plants	C	~~See Section ***~~
Greenhouses/plant nurseries (not including retail sales)	P	
Kennels	C	*See Section* ~~***~~*8.10 A*
Produce and other food product terminals	C	
Commercial Establishments		
Auction houses	P	
Glass sales and service	P	
HVAC sales and service	P	
Machinery and equipment sales and service	P	
Mail order business and fulfillment centers	P	
Sexually oriented businesses	C	*See Section* ~~***~~*8.8 C*
Construction		
Building materials and supply (not including outdoor storage)	P	
Concrete and gravel crushing	P	
Contractor offices and shops (not including outdoor storage)	P	
Landscaping services	P	
Educational		
Schools, commercial or trade	P	
Schools, driving	P	
Training centers	P	
Financial and Business Services		
Banks, credit unions and savings & loans, not including check cashing establishments, payday lenders, title loan lenders, deferred presentment lenders, pawnshops and similar lending businesses	P	
Office equipment sales and service	P	

DRAFT 3

Table 5-2, Schedule of Use, Industrial District		
Use	**LI District**	**Specific Conditions**
Printing and photocopying establishments	P	
Food, Drink, Entertainment and Hospitality		
Restaurants (freestanding or within multi-tenant building, but not including drive-in)	P	
Taverns and bars	C	
Lodges, clubs and union halls	P	
Manufacturing		
Manufacturing, compounding, processing, packaging, treating or assembly of previously prepared materials	P	
Building material manufacturing, including milling, planning, and joining	C	
Machine, sheet metal and welding shops	P	
Metal stamping, pressing and buffing	C	
Paint, rust-proofing and rust-coating	C	
Sawmills	C	
Structural and steel fabrication	C	
Tool and die shops	P	
Motor Vehicle Services		
Auto parts and tire stores	P	
Tire retreading	C	
Truck sales (new and used)	C	*See Section ~~***~~8.13 A*
Vehicle auctions	C	~~See Section ***~~
Vehicle rental (including truck and trailer)	C	
Vehicle repair, major	C	*See Section ~~***~~8.13 C*
Vehicle repair, minor	P	
Vehicle salvage yards	C	~~See Section ***~~
Vehicle service stations (including truck stops)	C	*See Section ~~***~~8.13 E*
Vehicle wash facilities (including truck washes)	C	*See Section ~~***~~8.13 F*
Offices, Research and Technology		
Administrative offices	P	
Offices and workshops for engineering, architectural, research and design professionals	P	
Radio and television broadcasting studios	P	
Research, development and testing laboratories	P	
Public/Quasi-Public		
Armories for meetings and training government military services	P	
Correctional facilities	C	
Power generating plants	C	
Public facilities and services including offices, maintenance facilities, storage yards and utilities	P	
Solar farms	C	~~See Section ***~~
Wind energy conversion systems (single accessory or commercial)	C	*See Section ~~***~~8.12 E*
Wireless communication facilities and towers	C	*See Section ~~***~~8.12 F*
Services		
Cleaning services	P	
Dry cleaning plants and commercial laundries	C	
Locksmith shops	P	
Pest control services	P	
Tool and equipment rental	P	
Repair shops (non-automotive)	P	
Transportation and Warehousing		
Airports, heliports and helipads	C	*See Section ~~***~~8.11 A*

DRAFT 2

Table 5-2, Schedule of Use, Industrial District		
Use	**LI District**	**Specific Conditions**
Bus, transit and passenger rail terminals	C	
Cartage, express and parcel delivery facilities	C	*See Section 8.11 B*
Freight and intermodal terminals	C	
Mini-warehouse or personal storage units	C	*See Section ~~***~~8.11 C*
Warehouse and distribution centers	C	
Wholesale businesses	C	
Waste Processing and Disposal		
Processing, storage, transfer, disposal or incineration of solid waste, hazardous waste or medical waste	C	*See Section ~~***~~8.12 A*
Recycling, collection and/or processing facility (non-hazardous)	P	
Salvage yards	C	~~See Section ***~~
Sanitary landfill	C	*See Section ~~***~~8.12 C*
Sewage treatment facilities	C	~~See Section ***~~
Accessory Uses		
Dwelling unit for watchmen and operating personnel and their families	C	
Cafeteria facilities located within a principal use	P	
Corporate offices incidental to the principal use	P	
Child care facilities located within a principal use	P	
Outdoor storage related to a principal use	C	*See Section ~~***~~8.11 D*
Solar installations	C	*See Section 8.12 D*
Vehicle wash facilities for trucks and trailers	P	
Other Uses		
Uses of the same nature or class as uses listed in this district but not listed elsewhere in this ordinance, in accordance with the criteria specified in *Section~~***~~. 9.6 E.*	P/C	*See ~~Section ***~~Article VIII*

Section 5.3 Area, Height and Placement Requirements

All lots and buildings shall meet the minimum area and width requirements listed below in *Table 5-3* for the corresponding district requirements. New lots shall not be created, except in conformance with these requirements. In addition, all structures and their placement on a lot shall conform to the minimum dimensional requirements listed for the respective districts.

Table 5-3, Area, Height and Placement Requirements	
Requirement	**LI Industrial District**
Lot Area and Width	
Minimum lot area	2 acres
Minimum lot width	200 ft.
Setbacks (minimum feet)	
Front	50
Rear	20
Side (interior)	20
Side (street)	50
Height and Coverage (maximum)	
Building coverage (%)	70
Impervious coverage (%)	80
Building height (ft./stories)	3/45

DRAFT 3

Section 5.4 Site Development Requirements

In addition to the requirements of this article, all development in the industrial district shall meet the applicable requirements as listed elsewhere in this ordinance.

A. Overlay Zone Requirements, see *Article VII*
B. Conditional Use Requirements, see *Article VIII*
C. General Provisions, see *Article IX*
D. Parking and Loading, see *Article X*
E. Landscaping, Buffering and Tree Preservation, see *Article XI*
F. Building Design and Material Requirements, see *Article* ~~XII~~*XIII*
G. Signs, see *Article* ~~XIII~~*XII*
H. Development Plan Review, see *Article XIV*
I. Stormwater Management and Sedimentation Control, see *Article XV*
J. Subdivision Regulations, see *Part V*

DRAFT 3

FORT MILL South Carolina

Mixed Use Districts

Article VI

DRAFT 3

Fort Mill Unified Development Ordinance

Section 6.1 Purpose

The purpose of Mixed Use Districts in general is to permit and encourage a combination of multiple uses within a single compact development that enables walkability, reduces reliance on vehicular travel and promotes a more vibrant and interactive urban environment than traditional single-purpose developments. Each of the mixed use districts established within this article is intended to support the specific recommendations of the Fort Mill Comprehensive Plan with respect to development of distinct and identifiable nodes throughout the community. Therefore, three (3) distinct mixed use districts are established.

A. **NMU, Neighborhood Mixed Use District.** This district should be relatively small scale and compatible with surrounding residential neighborhoods. A variety of housing types is encouraged at moderate densities, along with some office, retail and service uses that are in scale with the predominantly residential character of the district. Size limits are imposed to ensure that nonresidential uses remain appropriate to the district intent.
B. **CMU, Community Mixed Use District.** This district allows and encourages intense, large-scale development that will support significant population segments of the community and provide meaningful employment opportunities. In addition to a blend of housing types, the district allows for large retail uses, general office buildings and a complementary range of services.
C. **TOMU, Transit Oriented Mixed Use District.** The most intense development can occur within this district where the current or prospective availability of transit service depends on highly concentrated development, significant employment and dense residential patterns. Development scale within this district is very urban and intended to support an active lifestyle. This district shall only be established in those locations identified on the Fort Mill Comprehensive Plan as future transit hubs or where a rail or bus rapid transit station has been designated by the area transit agency.

Section 6.2 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of *Table 6-2* may be used for the purposes denoted by the following abbreviations:

A. **Permitted Use (P)**. Land and/or buildings with this designation may be used for these purposes by right.
B. **Conditional Use (C)**. Land and/or buildings with this designation may be used for these purposes if conditional approval is granted by the planning commission or the planning director where applicable upon a finding that all applicable requirements in *Article VIII* are satisfied.
C. **Specific Conditions**. Indicates that conditions related to the specific use must be satisfied in addition to the general criteria of *Article VIII, Section* ~~***~~*8.3.*

Table 6-2, Schedule of Uses, Mixed Use Districts

Use	NMU	CMU	TOMU	Specific Conditions
Food, Drink, Entertainment and Hospitality				
Hotel		P	P	
Micro-brewery	C	P	P	*See Section* ~~***~~*8.5 A*
Restaurants (not including drive-thru)	P	P	P	
Taverns and bars	C	P	P	
Movie theaters		C	C	
Health Care and Social Assistance				
Hospital and medical centers		C	C	~~See Section ***~~

DRAFT 3

Table 6-2, Schedule of Uses, Mixed Use Districts				
Use	**NMU**	**CMU**	**TOMU**	**Specific Conditions**
Medical, dental or chiropractic office, clinic and/or laboratory	P	P	P	
Research, development and testing laboratories		C	C	
Financial and Business Services				
Banks, credit unions and savings & loans	P	P	P	
Office equipment sales and service		P	P	
Printing and photocopying establishments	P	P	P	
Offices, Research and Technology				
Offices for executive, administrative, professional, accounting, drafting and other similar professional activities	P	P	P	
Personal Services				
Barber shop, hair salon or spa	P	P	P	
Day care facilities and preschools	P	P	P	
Dress maker, tailor	P	P	P	
Dry cleaning and laundry pick-up	P	P	P	
Jewelry and watch repair	P	P	P	
Optician and eyeglasses	P	P	P	
Photographic studios	P	P	P	
Shoe repair	P	P	P	
Small appliance repair	P	P	P	
Public/Quasi-Public				
Colleges/universities (including student housing)			C	*See Section 8.7 A*
Government buildings and facilities	P	P	P	
Places of worship	P	P	P	
Schools (K-12)	P	P	P	
Utility substation or subinstallation, incl. water towers	C	C	C	*See Section 8.7 E*
Recreation and Leisure				
Commercial recreation (indoor) such as bowling alleys, roller rinks, arcades		C	C	
Commercial recreation (outdoor) such as mini-golf, batting cages, go-cart tracks		C		*See Section ~~***~~8.8 A*
Golf courses/country clubs		P		
Health/fitness clubs and spas	P	P	P	
Performing arts, dance or martial arts school or studio	P	P	P	
Private noncommercial recreation	P	P	P	
Public parks/playgrounds	P	P	P	
Residential				
Attached single family dwelling	P	P	P	
Detached single family dwelling	P	P	P	
Multiple family dwelling		P	P	
Two family dwelling	P	P	P	
Group dwellings	C	P	P	~~See Section ***~~

DRAFT

Table 6-2, Schedule of Uses, Mixed Use Districts				
Use	**NMU**	**CMU**	**TOMU**	**Specific Conditions**
Public or private care homes	C	P	P	~~See Section ***~~
Retirement community		C	C	~~See Section ***~~
Retail				
Art gallery or studio	P	P	P	
Building and lumber supply, fence material, rental and related construction oriented retail establishments		P		
Nurseries and greenhouses, including retail sales		P		
Shopping centers		P	P	
Retail establishments such as apparel, antique, variety, florist, gift, notions, music, book, hardware or pharmacies, not exceeding 15,000 sq. ft.	P			
Retail food establishments which supply groceries, fruit, dairy products, baked goods, confections and similar commodities for consumption off the premises, not exceeding 15,000 sq. ft.	P			
Retail establishments whose principal activity is the sale of merchandise within an enclosed building		P	P	
Vehicle Sales, Service and Related Uses				
Vehicle service station		C	C	*See Section ~~***~~8.13 E*
Vehicle wash facility		C		*See Section ~~***~~8.13 F*
Accessory Uses				
Accessory dwelling units	C	C	C	*See Section ~~***~~8.9 A*
Accessory uses and structures	P	P	P	
Drive-in and drive-through facilities for automated teller machines, banks and pharmacies, and drive-in eating establishments or coffee shops	C	C	C	*See Section ~~***~~8.13 B*
Home occupations	C	C	C	*See Section ~~***~~8.9 C*
Outdoor display areas for retail establishments		C		*See Section ~~***~~8.10 B*
Outdoor seating areas for restaurants, taverns and similar establishments	C	C	C	*See Section ~~***~~8.5 B*
Solar installations	C	C	C	*See Section 8.12 D*
Wind energy conversion systems (single accessory or commercial)	C	C	C	*See Section ~~***~~8.12 E*
Wireless communication facilities and towers	C	C	C	*See Section ~~***~~8.12 F*
Other Uses				
Parking structures		C	C	~~See Section ***~~

DRAFT 3

Table 6-2, Schedule of Uses, Mixed Use Districts				
Use	**NMU**	**CMU**	**TOMU**	**Specific Conditions**
Uses of the same nature or class as uses listed in these districts, in accordance with the criteria specified in *Section*~~***.~~ *9.6 E.*	P/C			*See* ~~Section ***~~*Article VIII*

Section 6.3 Area, Height and Placement Requirements

All lots and buildings shall meet the minimum area and width requirements listed below in *Table 6-3* for the corresponding district requirements. New lots shall not be created, except in conformance with these requirements. In addition, all structures and their placement on a lot shall conform to the minimum dimensional requirements listed for the respective districts.

Table 6-3, Area, Height and Placement Requirements				
Requirement		**NMU**	**CMU**	**TOMU**
Site Size[1]				
Minimum area (acres)		5	25	5
Maximum area (acres)		40	-	-
Minimum frontage		150	330	100
Minimum area occupied by retail, office and/or service uses (%)			10	10
Setbacks (minimum feet)[2]				
Front		-	-	-
Rear		-	-	-
Side (interior)		-	-	-
Side (street)		-	-	-
Height and Coverage				
Maximum floor area ratio (FAR)[3]		.5	1.0	2.5
Building height (ft./stories)	Minimum	-	22/1	22/2
	Maximum	35/3	72/6	72/6
Maximum floor area (sq. ft.)	Gross leasable area/individual business	15,000	-	-
	Gross floor area/multi-tenant building	30,000	-	-
Maximum density (units/acre)	Single family detached dwelling	5	7	10
	All other residential	8	~~12~~20	28
Minimum open space (%)[4]		10	20	20

[1] Refers to total project area to be developed.
[2] Minimum setbacks shall not be applied to individual lots within the development; provided, all greenbelt and buffer requirements specified in *Article XI* shall apply to property abutting the perimeter of the mixed use development and any public street.
[3] The ratio of total building floor area divided by total land area for the total project area.
[4] Required open space may include the following if generally accessible to all users of the mixed use development: parks, landscaped buffer areas, lakes, rooftop gardens, plazas, town squares, playgrounds and recreation areas, outdoor sports facilities, surface easements for drainage facilities and pedestrian walkways or paths; provided, the requirements of *Section 6.4 A* shall be met. Within the TOMU district, the open space requirement may be reduced, if the district is located within 1,320 feet of a public park, greenway or similar dedicated open space area that satisfies the intent of the open space requirement and is available to residents of the mixed use development.

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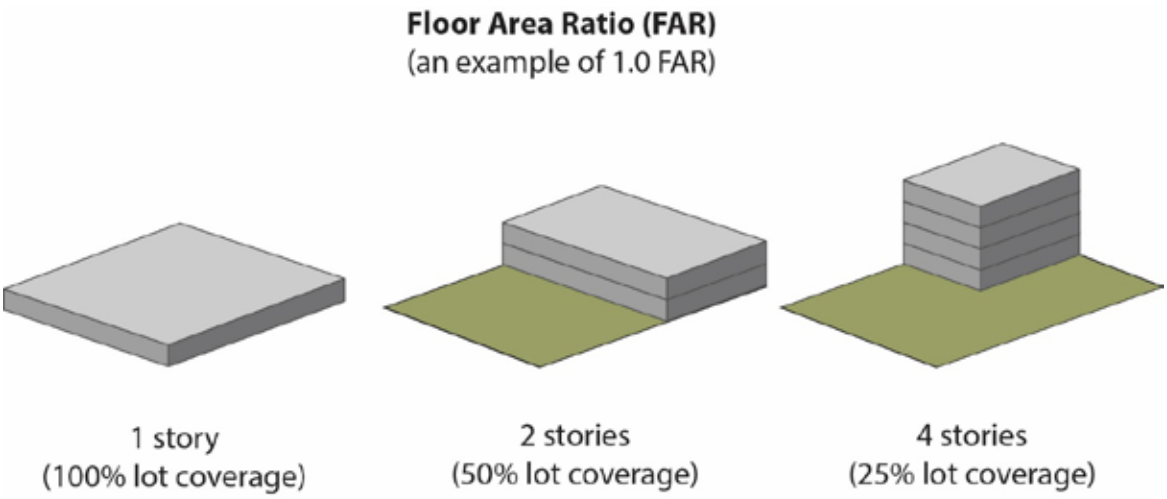

Section 6.4 Additional Requirements

A. **Open Space**. Dedicated open space shall be provided in accordance with the following standards:

1. A minimum percentage of the gross land area, as specified in *Table 6-3*, shall be dedicated open space. A residential density bonus over and above the density otherwise allowed in the mixed use district may be approved by the town council provided the applicant increases the percentage of the total project area to be dedicated for open space. This bonus may be granted only if specifically requested by the applicant. Any such bonus shall consist of a one (1) percent increase in the allowable density for every one (1) percent of land area devoted to dedicated open space.
2. Dedicated open space land shall be shown on the preliminary plat and shall be labeled to specify that the land has been dedicated for open space purposes. The plat shall specify that the open space land is permanently reserved for open space purposes. The applicant shall convey the dedicated open space as a condition of plat approval through any of the following means, as approved by the town council:

   a. Deeded in perpetuity to the Town of Fort Mill;
   b. Reserved for common use or ownership of all property owners within the development by covenants in the deeds approved by the town attorney. A copy of the proposed deed covenants shall be submitted with the application;
   c. Deeded in perpetuity to a private, non-profit, tax-exempt organization legally constituted for conservation purposes under terms and conditions that ensure the perpetual protection and management of the property for conservation purposes. A copy of the proposed deeds and relevant corporate documents of the land trust shall be submitted with the application;
   d. Deeded to a property owner's association within the development upon terms and conditions approved by the town attorney that will ensure the continued use and management of the land for the intended purposes. If this option is selected, the formation and incorporation by the applicant of one or more appropriate property owners' associations shall be required prior to plat approval. A copy of the proposed property owner's deed and the by-laws and other relevant documents of the property owner's association shall be submitted with the application. The following shall be required if open space is to be dedicated to a property owners' association:

      i. Covenants providing for mandatory membership in the association and setting forth the owner's rights, interests, and privileges in the association and the common land, must be included in the deed for each lot or unit;
      ii. The property owners' association shall have the responsibility of maintaining the open space and operating and maintaining recreational facilities;

DRAFT

iii. The association shall have the authority to levy charges against all property owners to defray the expenses connected with the maintenance of open space and recreational facilities;
iv. The applicant shall maintain control of dedicated open land and be responsible for its maintenance until development sufficient to support the association has taken place.

3. As an alternative to providing all required open space on site, if approved by the town council, the applicant may provide up to 50 percent of the required open space utilizing one of the following options:

   a. Off-site parcels within town limits may be used to meet this requirement provided the land is identified for open space or recreational purposes in an adopted town plan; or
   b. Fees-in-lieu may be paid to the town for open space acquisition purposes.

4. Open space to be dedicated to the town shall have shape, dimension, character, location and topography to ensure appropriate public access and usability, and to accomplish at least two (2) of the following open space purposes:

   a. Natural resource conservation;
   b. Wetland and water course conservation;
   c. Selective forestry;
   d. Wildlife habitat;
   e. Recreation;
   f. Civic purposes; and
   g. Scenic preservation.

5. Dedicated open space features that are not dedicated to the town may be open to the general public or restricted to the residents of the development.
6. One hundred percent of all dedicated open space may be comprised of land within the 100-year flood plain, land with a natural slope in excess of 40 percent (as determined by standard slope computation methods) and/or ~~nontidal~~non-tidal wetlands; provided, such lands are integrated into the development and serve as an amenity for the development;
7. Streets, sidewalks, parking lots and other impervious surfaces shall be excluded from the calculation of required open space. However, lands occupied by bike paths, tennis courts, or similar common recreational amenities may be counted as dedicated open space; provided, such impervious surfaces shall not constitute more than 10 percent of the total required open space;
8. Up to 50 percent of the dedicated open space requirement may be satisfied with land covered by water or by stormwater detention or retention basins if the town determines that such a water body or basin constitutes an amenity that contributes to the character of the mixed use development and offers an active or passive leisure experience.
9. At least 50 percent of the dedicated open space within a mixed use development shall be usable for active and passive recreation including by way of example, but not limited to, walking, biking, playfields, picnicking, playgrounds, relaxation, and boating.
10. The dedicated open space shall not be included in subdivision lots designated for development or in lot size calculations but may be subdivided; provided, it remains undeveloped open space.

DRAFT 3

B. **Relationship to Zoning Ordinance**. Each proposal for development within a mixed use district is anticipated to be unique. Except as provided by this subsection, all mixed use development shall be subject to the applicable standards, procedures, and regulations of the zoning ordinance. The development conditions submitted as part of the mixed use application, per *Section 6.5 C.4.*, and approved by the town council, shall supersede these regulations, unless otherwise prohibited by law, and shall be vested per the ordinance in effect at the time of approval and Section 6-29-1560 of the South Carolina Code of Laws.

C. **Parking**. In order to support the concept of mixed use, as described in *Section 6.1*, the planning commission may recommend and council may approve modification of the minimum parking requirements of *Section 10.3* to facilitate shared parking, walkability and/or use of alternate transportation modes.

D. **Platting**. Platting requirements shall be in accordance with *Part V* of this ordinance, Subdivision Regulations.

E. **Performance Guarantees**. Financial guarantees to ensure performance shall be provided in accordance with *Section* ***16.5* of this ordinance.

F. **Private Covenants and Restrictions**.

1. Covenants and restrictions for the property within any mixed use district are required and must be recorded with the office of the county clerk of court prior to the approval of a plat or issuance of a building permit. These restrictions shall run with the land to ensure that, if subdivided or developed in phases, the covenants and restrictions shall still be enforced.
2. Covenants and restrictions shall:

   a. Be based on the conditions attached to the approved mixed use district application;
   b. Subject each owner or person taking title to land located within the development to the terms and conditions of the covenants and restrictions as well as any other applicable regulations;
   c. Establish a property owners association (POA) with mandatory membership for each owner or person taking title to land located within the development, and require the collection of assessments from owners in an amount sufficient to pay for its functions; and
   d. Provide for the ownership, development, management, and maintenance of any private open space, private community parking facilities, private community meeting spaces, or other common areas, as required by *Section 6.4 A.2*.

Section 6.5 Review Procedures

All requests for approval of a mixed use zoning district shall be subject to the review and approval procedures of this section. Mixed use zoning may be established on any property at the initiation of the Town of Fort Mill or by rezoning application submitted by the property owner. If initiated by the town, development of the property shall be subject to review and approval of concept and final development plans, in accordance with the applicable provisions of this section.

A. **Approval Authority**.

1. The planning director and planning commission shall have review and recommendation authority for the concept plan.
2. The town council shall have final approval authority for the concept plan.
3. The planning director shall have approval authority for a final plan/site specific plan where no significant modifications to the approved concept plan are required.

B. **Pre-application Review**.

1. All applicants seeking mixed use zoning approval shall schedule a pre-application conference with the planning director to discuss the proposed development. At the pre-application conference, the planning director shall review the proposed sketch plan.
2. At minimum, the sketch plan shall contain the following information:

DRAFT 3

a. Location map of the proposed site;
b. General description of proposed land uses, including approximate location and acreage; and
c. Proposed gross density of the development, and net density of individual areas or parcels within the development.

3. A narrative description shall also accompany the sketch plan. The narrative shall describe how the proposed mixed use zoning and uses relate to the recommendations of the Fort Mill Comprehensive Plan and any anticipated inconsistencies between the proposed development and the provisions of this article.
4. The planning director shall review the sketch plan and narrative and advise the applicant regarding conformance or inconsistencies with the requirements of this article and any modifications that may be required to comply with the ordinance requirements. Once the pre-application conference is complete, if the applicant wishes to proceed with the zoning application a concept plan of the entire mixed use development shall be prepared and submitted with a formal application.

C. **Concept Plan**.

1. Application requirements.

a. A complete application shall be filed on a form provided by the planning director, along with the application fee, a concept plan meeting all requirements of *Section 6.5 C.2* and any development conditions proposed by the applicant. Incomplete applications or concept plans shall be returned to the applicant without further processing.
b. Unless specifically modified by development conditions accepted by the town council, a mixed use development shall comply with all regulations in effect at the time of rezoning approval.
c. The mix of uses shall be limited to those specified in *Table 6-2* for the respective mixed use district.

2. Concept plan requirements. At minimum, the concept plan shall contain the following information in schematic form, unless specifically waived by the planning director:

a. A title, giving the names of the developers and property owners, the date, scale, and the person or firm preparing the plan.
b. A vicinity map and north arrow.
c. The location and size of the area involved.
d. The current zoning of the subject property and surrounding properties.
e. The landowners and general land use of adjoining properties.
f. Location of proposed uses assigned to sub-areas.
g. A tabulation of total dwelling units and overall densities and the gross floor area to be devoted to non-residential uses and activities.
h. Location of existing steep slopes, flood zones, wetlands and other riparian areas, protected trees, and other significant environmental features.
i. General layout of transportation routes including streets and major pedestrian ways.
j. The location of existing infrastructure (examples may include: roadways, sidewalks, and proximity of nearest water and/or sewer mains).
k. Conceptual location for any proposed public uses including schools, parks, fire and medical emergency services, etc.
l. General areas to be designated for common open space.
m. Tree survey in accordance with *Section* ***.*11.7 D.2.c.*
n. A traffic impact analysis shall be required. The analysis must be prepared by a professional transportation engineer with expertise in the preparation of traffic impact analyses and shall contain all information required in *Section* ***.*10.6.*
o. A phasing plan, if applicable.

DRAFT 3

3. Review and approval.
   a. *Staff review*.
      i. Upon receipt of a complete mixed use development application, the planning director shall distribute the application materials to the appropriate departments for review of the application.
      ii. The planning director shall prepare a staff report based on the comments provided by planning department and other staff. The report and recommendations shall be forwarded to the planning commission for review and recommendation.
      iii. The planning director shall provide notice as required and schedule the mixed use application on the next available planning commission agenda. The planning director will then inform the applicant/agent when the request will appear on the planning commission agenda for action on the application. The applicant or authorized representative must be present at the meeting or the matter will not be heard.
   b. *Optional joint work session.* The applicant may request a joint work session with the town council and planning commission to provide an opportunity to present the application and respond to any initial questions that members may have regarding the proposed development.
      i. If the request is granted, the planning director shall schedule the joint work session and notify the applicant when the session will occur.
      ii. No decision or final action may be taken at a joint work session.
   c. *Planning commission hearing and recommendation*.
      i. The planning director shall present the staff report to the planning commission.
      ii. After allowing time for presentation from the applicant and public comments, the planning commission shall consider the application for conformance with the requirements of this ordinance and the review criteria in *Section 6.6*.
      iii. The planning commission shall then make a recommendation to approve or deny the application.
   d. *Town council hearing and final decision*.
      i. The staff report and planning commission recommendations shall be forwarded to the town council for review and final decision.
      ii. The planning director shall provide notice, as required, and schedule the mixed use application on the next available town council agenda. The planning director will inform the applicant/agent when they will appear on the agenda for action on the mixed use application.
      iii. The planning director shall present the staff report and planning commission recommendations.
      iv. After allowing time for presentation from the applicant and public comments, the town council shall consider the application for conformance with the requirements of this ordinance and the review criteria in *Section 6.6*.
      v. The town council shall make a decision to approve the application, deny the application, or refer the application back to the planning commission for further consideration.
4. Development conditions. The applicant may offer conditions to be attached to the rezoning. Proposed conditions shall be submitted as part of the application and concept plan.
   a. Conditions may be more restrictive than the requirements of this Article or may propose modifications of the requirements in *Table 6-3*, but shall not alter the intent of the applicable mixed use district nor permit uses not authorized by *Table 6-2*.
   b. The conditions shall be described in writing.

DRAFT 3

c. The development conditions shall be binding upon the property, unless amended ~~by~~ in conformance with the requirements of *Section 6.5 E*.
d. If phasing is proposed, the applicant may provide a general breakdown showing the various phases and the estimated schedule of construction.

D. **Final Plan or Site Specific Plan**.

1. Phasing. The mixed use development may be completed in multiple phases. If the development is to be completed in a single phase, the applicant shall prepare and submit a final development plan. If the development is to be completed in more than one phase, the applicant shall prepare and submit a site specific plan prior to construction of each phase of the project. In either case, the final plan/site specific plan shall contain the elements required in *Section 14.~~***~~.5* for final development plans and conform to the previously approved concept plan.
2. Planning director review and approval.

a. The planning director shall distribute the final plan/site specific plan application to the appropriate departments for review to ensure that all required elements are met.
b. Once the plan has been received and reviewed by the appropriate departments and the applicant has met all of the required elements of this ordinance, any other applicable regulations, and the adopted concept plan and development conditions, the planning director shall issue a final approval so the applicant may proceed to have the development plan recorded.
c. If the plan is inconsistent in any aspect with the approved concept plan, the planning director shall follow the specific procedure specified in *Section 6.5 E*.

E. **Amendments**. Any and all amendments to the concept plan and/or final/site specific plans for the mixed use shall be subject to the following review procedures:

1. The planning director shall have the authority to approve:

a. Changes which result in a decrease in assigned density or building size, either residential or non-residential.
b. Change in land use designation from multi-family to single-family or a change from any other use to open space/passive recreation.
c. Change of land use in conformance with a use conversion schedule approved with the development agreement.
d. Change in infrastructure features (i.e., roads/access, sewer, water, storm drainage) of the mixed use area which are clearly beneficial to the occupants of the mixed use area and will have no impact on adjoining or off-site properties.
e. Movement of buildings within the same general vicinity as shown on the approved plan.
f. Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.

2. All other changes shall be considered as a new application and processed in accordance with the provisions of *Section 6.5 C* and *D*.

Section 6.6 Development Review Criteria

Applications for mixed use development shall only be approved upon a finding of compliance with the following criteria:

DRAFT 3

A. **Rezoning Criteria**. The criteria of ~~Section 20.***~~*Article XXI* for rezonings shall be satisfied.
B. **Development Plan Standards**. The standards of *Section 14~~.***~~.5* for development plans shall be satisfied.
C. **Consistency with Comprehensive Plan**. All mixed use development shall be designed, constructed and maintained in conformance with the applicable guidelines and standards established by the Town of Fort Mill Comprehensive Plan.
D. **Integration with Transportation System**. Mixed use developments shall be designed to integrate into the adjacent transportation system relative to:

1. Pedestrian connections to ensure accessibility to current or future transit service, if applicable;
2. Connectivity to existing and future roadways, sidewalks and pathways;
3. Complete streets roadway design that accommodates multiple transportation modes;
4. Strategic locations of parking lots and structures;
5. Compatibility with the regional transportation system of arterials and collectors; and
6. Access management to provide internal connections between uses and prohibit individual driveway access to perimeter roads.

E. **Impact on Infrastructure**. The development is staged in a manner that allows for and facilitates the timely provision of public utilities, facilities and services.
F. **Compatibility of Uses and Structures**. The mixed use development is planned so land uses and densities create an appropriate transition to existing or planned uses and densities on adjoining properties.
G. **General site design:** The following characteristics shall be incorporated into the mixed use development:

1. Pedestrian accessibility/concentration of development (critical mass) in a compact, walkable area.

   a. Uses are concentrated to promote convenient pedestrian access. Large projects concentrate uses in multiple nodes, each preferably within a quarter-mile diameter.
   b. Pedestrian circulation is clearly defined and connects all uses.
   c. Bicycle and pedestrian access are provided to adjacent developments.
   d. Sidewalks are provided on each side of rights-of-way or private streets throughout the development.
   e. Strip commercial development characterized by single story uncoordinated, unconnected buildings with large street frontage parking lots is specifically prohibited. Strip malls with uncoordinated, unconnected out parcels are prohibited. All structures are fully integrated into the mixed use project through common design themes (including, but not limited to, lighting, benches, landscaping, other decorative features but not necessarily building design), integration with a variety of uses, nonlinear arrangement, common spaces, pedestrian walkways, vehicular access connections and other features.

2. Plazas, courtyards and other common areas are provided for public gathering and interaction. Amenities, such as benches, planters, lighting, fountains, art and landscaping that further the design theme of the project and encourage interaction shall be provided.
3. Mixed use projects require special attention to building design because of the relationship of land uses in close proximity. Functional integration of residential and commercial uses shall be considered during design of mixed use projects. The following standards are intended to guide development of mixed-use projects:

   a. The mixed use development shall be designed and developed to provide an appropriate interrelationship between the various uses and structures within the development through the use of complementary materials, unified streetscape treatment, buffering, connectivity for vehicular and pedestrian movement, building orientation, parking location and height transition.

DRAFT 3

b. Residential and commercial uses may be located within the same or adjoining structures, provided applicable health and safety regulations are followed.
c. Structures shall provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Structures shall have consistent scale and massing to create a unified project. Compatibility with the immediate context is required. However, gradual transitions in scale and massing are permitted.

   i. Blank walls shall be avoided by including ground floor windows, recesses, extensions and breaks in roof elevation.
   ii. Design shall provide differentiation between ground level spaces and upper stories. For example, bays or balconies for upper levels, and awnings, canopies or other similar treatments for lower levels can provide differentiation. Variation in building materials, trim, paint, ornamentation, windows, or other features such as public art, may also be used.
   iii. Design shall ensure privacy in residential sectors through effective window placement, soundproofing, landscape screening or orientation of outdoor living areas (e.g., balconies, porches and patios). Opposite facing windows at close distances should be offset vertically or horizontally, or employ appropriate materials (e.g., glazed or tinted) to protect privacy.

4. Housing diversity shall be required within the CMU district.

   a. At least two (2) different residential types (attached, detached, multiple family, or two family) with a range of prices and sizes shall be incorporated into the development.
   b. Single-family lot sizes shall be varied to provide a mixture of lot sizes.

5. Permitted flexibility in lot sizes, setbacks, street widths and landscaping shall result in a more livable development, preservation of natural features and creation of open space consistent with the policies of the comprehensive plan and this ordinance.
6. Mixed-use developments shall not be gated and shall be interconnected to surrounding developments. Mixed-use projects shall be designed as an integral part of the surrounding community and not as an isolated development.

Section 6.6 Site Development Requirements

A. Overlay Zone Requirements, see *Article VII*
B. Conditional Use Requirements, see *Article VIII*
C. General Provisions, see *Article IX*
D. Parking and Loading, see *Article X*
E. Landscaping, Buffering and Tree Preservation, see *Article XI*
F. Building Design and Material Requirements, see *Article* ~~XII~~*XIII*
G. Signs, see *Article* ~~XIII~~*XII*
H. Development Plan Review, see *Article XIV*
I. Stormwater Management and Sedimentation Control, see *Article XV*
J. Subdivision Regulations, see *Part V*

DRAFT 3

Overlay Districts

Article VII

DRAFT 3

Fort Mill Unified Development Ordinance

Section 7.1 General Purpose and Scope

A. **Purpose**. Overlay districts establish regulations in addition to the applicable regulations of an existing (underlying) zoning district that either supplement or replace those existing regulations. The overlay districts are applied in specific locations based on commonalities that transcend individual zoning districts such as: environmental features, historic assets, traffic conditions, or other shared characteristics of an area, regardless of the zoning designation.

B. **Scope**. Several overlay districts are established, as described in this article, to address the varied and unique needs of specific locations within the town. The boundaries of these districts shall be as described and as shown on the zoning map. The requirements of this article are in addition to and shall supplement those imposed on the same lands by any underlying zoning provisions of this ordinance or other ordinances of the Town of Fort Mill. These regulations supersede all conflicting regulations of the underlying zoning districts to the extent of such conflict, unless otherwise specified.

Section 7.2 COD and COD-N, Corridor Overlay Districts

A. **Purpose**. This corridor overlay district is established for the purpose of maintaining a safe, efficient, functional and attractive roadway corridor for the Fort Mill Southern Bypass (the "Bypass") and surrounding areas. It is recognized that, in areas of high visibility, the protection of features that contribute to the character of the area and enhancements to development quality promote economic development and stability in the entire community.

B. **Applicability**.

1. All land within 500 feet of the outer edge of the right-of-way of the bypass corridor (the "Corridor") shall be subject to the standards and regulations of the COD/COD-N corridor overlay district, unless specifically excluded. Where part of a parcel is within 500 feet of the right-of-way, only that portion of the parcel shall be subject to these regulations.
2. COD-N refers to land within the corridor overlay district that lies within the areas identified as activity nodes in the adopted Fort Mill Comprehensive Plan and are envisioned to be more urban in nature. Consistent with the characteristics of urbanized areas, these areas are more likely to accommodate a variety of uses in a walkable environment. Therefore, development will be designed to bring buildings closer to the road edge to better define the public space of the streets enhanced by landscaping and pathways and create a scale that is more appropriate for pedestrian traffic. These subareas are subject to standards that are in addition to or serve as alternatives to the standards of the broader corridor overlay district.
3. A corridor overlay district map is adopted as part of the official Town of Fort Mill zoning map and is incorporated into this section by reference. The boundaries of the COD and COD-N shall be as illustrated in the overlay district map, a copy of which shall be maintained on file with the planning director and town clerk.
4. The requirements of the COD and COD-N shall apply only to parcels located within the corporate limits of the Town of Fort Mill. Any unincorporated parcels within the boundaries of the COD and COD-N at the effective date of this ordinance [***] shall become subject to the requirements of this section only upon the annexation into the Town of Fort Mill.
5. The standards established in this section shall be applied to all new residential and non-residential development within the boundaries of the overlay district, with the following exceptions:

    a. Single-family residential development shall be subject only to the following standards:

DRAFT 3

i. The minimum setback requirements under dimensional requirements,
ii. The orientation requirements under building design,
iii. The applicable requirements under screening, and
iv. The applicable requirements under driveways on corridor.

b. In new single-family residential subdivisions, the standards pertaining to streetscape and pedestrian pathways shall also apply.
c. Any development that is covered by a development agreement between the town and the developer, provided such development agreement was adopted prior to the effective date of this section [***], prepared consistent with the provisions of Chapter 31 of the South Carolina Code of Laws and is still in force.
d. Existing development shall not be subject to these standards; provided, expansions of existing nonresidential development resulting in an increase of 10 percent or more in building or lot area shall be subject to certain standards, as indicated in this section.

6. Where more than 50 percent of the footprint of a proposed building lies with the corridor overlay district, all portions of that building shall be subject to the building design standards of *Subsection F*.
7. Excluding building height regulations, if the requirements of the underlying zoning district are more restrictive, those requirements shall apply. Refer to *Table 7-2a*.

C. **Permitted Uses.** All permitted, special and conditional uses of the underlying zoning district are allowed, subject to the specific requirements and procedures for each use classification, except as follows.

D. **Prohibited Uses**. Notwithstanding the provisions of the underlying zoning district, the following uses shall not be permitted within the COD/COD-N overlay:

1. Automobile rental and sales.
2. Automotive wrecker service.
3. Bingo halls.
4. Casino or gambling establishment.
5. Check cashing establishments, title loan lenders, deferred presentment lenders, pawnshops, loan brokers, and small loan companies.
6. Communications towers. Where such towers must be permitted per the Telecommunications Act of 1996 and it has been demonstrated that no existing towers or structures (such as rooftops, water towers, etc.) can accommodate such equipment, the towers shall not exceed 100 feet in height. To the extent practicable, they shall be roof-mounted, not freestanding, structures.
7. Industrial or heavy manufacturing uses (prohibited in COD-N only).
8. Junk or salvage yards.
9. Mini warehouses/self storage.
10. Mobile homes.
11. Sexually-oriented businesses.
12. Sweepstakes cafes.
13. Tattoo facilities.

E. **Dimensional Requirements.** The dimensional requirements shall be the same as those of the underlying zoning district, except as follows:

1. <u>Building setbacks</u>.

a. Along the corridor, the setbacks specified in *Table 7-2* shall apply. Building setbacks, measured from the right-of-way of the corridor, shall be as follows:

DRAFT 3

Table 7-2, Dimensional Requirements in COD and COD-N	
Overlay	**Minimum Building Front Setback (ft.)**
COD-N	35 feet
COD	50 or 100 feet (landscaped buffer requirements vary)[1][1]

~~[1] The minimum setback in COD shall be reduced in cases where the setback area exceeds 40 percent of the acreage of a parcel already in existence on the effective date of this section. The width of the setback area shall be reduced to the extent necessary (up to a 15-foot reduction) in order that the buffer shall not exceed 40 percent of the parcel. No setback shall be less than 35 feet.~~

b. No development shall be allowed in the front setback, except the following:

i. Drainage features designed to mimic the natural environment;
ii. Driveways;
iii. Landscaping;
iv. Lighting;
v. Parks and park-like amenities (not including athletic fields or facilities);
vi. Public utilities (limited to lines and other equipment);
vii. Retaining wall(s) up to ~~ten~~10 feet in height (refer to *Subsection Q.2*);
viii. Pathways, pedestrian ways, or bikeways;
ix. Signs, subject to *Subsection N*; and
x. Streetscape elements.

2. Building height.

a. Subject to *Table* ~~6~~7*-2a*, the minimum and maximum building heights shall be as follows:

Table 7-2a, Building Height Requirements		
Area	**Minimum Building Height (ft.)**	**Maximum Building Height (ft.)**
COD-N	20	45 or underlying district, whichever is higher
COD	~~NA~~N/A	Same as underlying district

b. Maximum and minimum building heights shall be measured as set forth in the definitions for "height of building, maximum," and "height of building, minimum."
c. Buildings less than 2,500 square feet shall not be subject to the minimum height requirements; provided, some portion of the structure's roofline shall be articulated in a manner that achieves the minimum height.
d. Height may be above the maximum specified; provided, all portions of the structure exceeding the maximum height limit shall be stepped back an additional one (1) foot from the adjoining property line for each additional foot in excess of the maximum height. In no case, however, shall the maximum height exceed 60 feet in the COD-N overlay or 45 feet in the COD overlay.

F. **Building Design**. All buildings in the corridor overlay district shall comply with the requirements below.

1. Orientation.

[1] The minimum setback in COD shall be reduced in cases where the setback area exceeds 40 percent of the acreage of a parcel already in existence on the effective date of this section. The width of the setback area shall be reduced to the extent necessary (up to a 15-foot reduction) in order that the buffer shall not exceed 40 percent of the parcel. No setback shall be less than 35 feet.

DRAFT 3

a. Except as provided below in *Subsection F.1.b.*, the rear facades of buildings shall not be visible from the corridor. Rear facades shall be oriented away from view from the corridor or screened by landscaped buffers that meet or exceed the requirements for landscaped buffers in Subsection H.

b. In COD-N, buildings shall be oriented toward the public street(s).

i. Pedestrian access from the street is encouraged for all multi-family residential and nonresidential uses. Therefore, primary entrances shall be visible and accessible from the public street, where feasible. Where parking is provided at the rear of the building, the primary entrance may be located to provide access from such parking. Two primary entrances, one from the street and one from the rear parking area, are permitted.

ii. Loading areas of buildings shall not be visible from the corridor. Loading areas shall be oriented away from view from the corridor or shall be screened per the requirements in *Subsection I.2*.

2. Architectural features/façade treatments. The following materials shall be permitted:

~~a. Materials.~~

~~b.~~a. Buildings shall be designed to use building materials such as rock, stone, brick, stucco, concrete, wood or ~~Hardiplank.~~fiber cement lap siding.

~~c.~~b. No mirrored glass shall be permitted on any facades in COD-N, and mirrored glass with a reflectance no greater than 20 percent shall be permitted in COD.

~~d.~~c. Corrugated metal shall not be used on any facade.

~~e.~~d. In COD-N, variations in the rooflines and facades of adjacent buildings shall be encouraged to avoid monotony.

~~f.~~e. In COD-N, any nonresidential façade facing the corridor or any other street shall be articulated with architectural features and treatments, such as windows, awnings, scoring, trim, and changes in materials (i.e., stone "water table" base with stucco above), to enhance the quality of the pedestrian environment of the public street, particularly in the absence of a primary entrance.

G. **Streetscape**. All trees planted in accordance with the requirements of this section shall be trees approved by the town, per the approved tree species list provided in *Section 38-71* of the Code of Ordinances. Existing protected trees, as provided in *Section 11.7* of this ordinance, may count toward the requirements of this subsection.

1. COD-N.

a. Street trees shall consist of canopy trees planted within the streetscape zone (the first 15 feet of the setback closest to the corridor) at a rate of one (1) tree per 50 linear feet along all corridor frontages. Tree spacing shall be not more than 60 feet and not less than 40 feet on center. At planting, street trees shall be a minimum of three (3) inch *caliper* or eight (8) feet in height. Tree placement shall comply with SCDOT safety requirements. All other planting requirements of *Section 11.6 A* shall be met, as applicable.

b. All new development or expansions of existing development resulting in a minimum 10 percent increase in building area or lot size shall provide landscaping within the required front setback in accordance with the following requirements. For purposes of this subsection, the planting area shall be determined by multiplying the lot frontage, less driveways, times the minimum required setback width to determine required planting area.

i. Trees:

(a) For every 2,500 square feet of planting area, a minimum of two (2) trees shall be planted.

DRAFT 3

(b) At least 50 percent of the trees planted to meet this requirement shall be canopy trees. At planting, required trees shall be a minimum of three (3) inch caliper, and shall have a mature height of at least 35 feet.
(c) Street trees planted in this area shall be counted toward the minimum tree planting requirements.

ii. Shrubs:

(a) For every 2,500 square feet of planting area, a minimum of 10 shrubs shall be planted.
(b) At least 50 percent of the shrubs planted shall be evergreen.

2. COD.

a. Existing protected trees within 50 feet of the right-of-way of the corridor shall be retained, in accordance with *Section 11.7*.
b. If the 50 foot minimum setback is utilized, a landscaped buffer shall be provided within the setback in accordance with the landscaped buffer requirements in *Subsection H* for 50-foot buffers. Tree placement shall comply with SCDOT safety requirements.
c. If the 100 foot minimum setback is utilized, a landscaped buffer shall be provided within the setback in accordance with the landscaped buffer requirements in *Subsection H* for 20-foot buffers. Tree placement shall comply with SCDOT safety requirements.
d. Street trees shall not be required along corridor frontages outside of COD-N. However, if such trees are provided, street trees shall be located only in areas where there is no existing vegetation to be preserved. Canopy trees may be combined with understory trees and may be uniformly spaced or clustered. However, canopy trees shall not be less than 40 feet on center. All tree placement shall comply with SCDOT safety requirements.

H. **Buffers**. Any required landscaped buffers shall meet the following requirements:

1. A landscaped buffer shall be a natural, undisturbed wooded area where possible, provided it meets the intent of this buffer requirement. Where existing natural, undisturbed vegetation does not exist or is not sufficient to achieve intended separation and screening of uses, a planted buffer shall be provided.
2. A planted landscaped buffer shall meet or exceed the following standards:

Table 7-2 b, Buffer Requirements

Lot size	Min. buffer width, measured from the property boundary (or right-of-way)	Min. landscaping to be provided within required buffer per 100 linear feet	Min. buffer width if min. 6′ opaque fence or wall is installed	Min. landscaping if min. 6′ opaque fence or wall is installed
Lots < 5 acres	20′	three (3) canopy trees, six (6) understory trees, nine (9) shrubs	15′	two (2) canopy trees, four (4) understory trees, six (6) shrubs
Lots 5 - 10 acres	35′	five (5) canopy trees, ten (10) understory trees, fifteen (15) shrubs	25′	four (4) canopy trees, eight (8) understory trees, twelve (12) shrubs
Lots > 10 acres	50′	five (5) canopy trees, ten (10) understory	35′	four (4) canopy trees, eight (8) understory

DRAFT 3

		trees, twenty (20) shrubs		trees, sixteen (16) shrubs

3. Existing *protected trees*, as provided in *Section 11.7* of this ordinance, may count toward the requirements of this subsection.
4. Trees planted to satisfy a landscaped buffer requirement shall be a minimum of two (2) inch caliper or eight (8) feet in height.

I. **Buffers and Screening**.

1. Buffers shall be provided, as applicable, in accordance with the requirements of *Section 11.2* of this ordinance.
2. All loading areas and service areas shall be screened from view from the corridor in accordance with *Section 11.3*.
3. All rear facades of single family dwellings visible from the corridor shall be screened from view from the corridor with a landscaped buffer, meeting the level C requirements specified in *Table 11-2a*.
4. All off-street parking areas shall be screened from view from the corridor with a minimum of one row of evergreen shrubs. Such shrubs shall be planted not more than five (5) feet on center and shall be at least three (3) feet in height at time of planting. This requirement applies to new development as well as expansions of existing development resulting in a minimum 10 percent increase in building area or lot area. Such shrubs may be counted toward any setback landscaping requirements for parcels in COD-N.

J. **Lighting standards**. Lighting shall be installed within the streetscape zone (the first 15 feet of the front setback along the corridor) in COD-N in accordance with the fixture spacing, height, color and type requirements specified in the lighting plan (or streetscape plan that includes a lighting plan) adopted by the town for that COD-N segment of the corridor, if such plan exists. Fixtures shall be installed to provide adequate lighting of pedestrian pathways. All other lighting standards of *Section ****13.7* shall apply.

K. **Pedestrian pathways**.

1. Pedestrian pathways shall be provided in the COD district in accordance with the following requirements:

   a. Pedestrian pathways at least eight (8) feet in width shall be provided along all sides of lots that abut public roads. Pedestrian pathways may be parallel to such roads or meandering to allow for street trees between the pathways and the road, to avoid existing vegetation and to address topographic relief.
   b. Continuous pedestrian pathways, not less than eight (8) feet in width, shall be provided from the pedestrian pathways along public roads to the principal entrance of nonresidential uses and the primary entrance of multi-family buildings. At a minimum, pedestrian pathways shall connect areas of pedestrian activity such as, but not limited to, road crossings, parking areas, and building entry points.
   c. No pedestrian pathway shall be closer than eight (8) feet to the back of curb or edge of pavement of a public road, except at designated crosswalk locations. All pedestrian pathways constructed in accordance with the above provisions shall be constructed by the developer. Maintenance shall be the responsibility of the property owner unless the town or SCDOT has accepted maintenance responsibilities in conjunction with the dedication by the developer or property owner of a right-of-way or an easement encompassing the pathway. All pedestrian pathways shall be constructed of concrete, concrete pavers, brick or a combination of such materials in accordance with the sidewalk standards of SCDOT's Standard Specifications for Highway Construction (and applicable town standards), and shall meet ADA requirements.

DRAFT 3

d. With town approval, the developer may pay fees in lieu of constructing a required pedestrian pathway. This alternative means of providing a pathway shall be considered when the timing of development warrants a delay in pathway construction (i.e., planned off-site construction would result in the demolition of a newly constructed sidewalk, a pedestrian connection between two adjoining parcels requires a pedestrian bridge, or the construction of a pedestrian pathway requires coordination with a county or SCDOT construction project).

2. Pedestrian pathways in the COD-N shall be subject to the following requirements in addition to those of ~~*Subsection1*~~*Subsection 1*:

a. Pedestrian pathways at least eight (8) feet in width shall be provided along the corridor within 15 feet of the right-of-way and all sides of lots that abut public roads. Pedestrian pathways may be parallel to such roads or meandering to allow for street trees between the pathways and the road, to allow existing vegetation to be preserved, or to address topographic issues.
b. No pedestrian pathway shall be closer than eight (8) feet to the back of curb or edge of pavement of a public road, except at designated crosswalk locations. However, pavement between the pedestrian pathway and the back of curb shall be permitted as an alternative to a planting strip, provided street trees in this area are installed using tree grates.
c. All pedestrian pathways constructed along the corridor shall extend to the side property lines so that such pathways can be continued on the adjoining parcels in physically feasible locations as development occurs.
d. If a pedestrian pathway has been constructed along the corridor on an adjoining property, and such pathway has been terminated at the common property line, the developing parcel shall construct a pedestrian pathway along the corridor in a manner that connects it to the existing pathway, thereby creating a continuous pedestrian pathway along the corridor.
e. To facilitate internal pedestrian circulation in multi-family and nonresidential developments, pathways no less than eight (8) feet in width shall be provided along any nonresidential facade featuring a customer entrance, and along any facade abutting public parking areas. Additional pathway width shall be provided, as needed, in non-residential development to accommodate outdoor seating areas adjacent to restaurants to maintain an eight (8) foot wide clear pedestrian circulation area.
f. Internal pedestrian pathways constructed in multi-family and nonresidential developments shall extend to the property lines in a manner that:

i. Connects to the existing pedestrian pathways on an adjoining developed parcel where such existing pathways have been stubbed out at the common property line; or
ii. Facilitates the future continuation of such internal pathways into adjoining parcels in physically feasible locations as development on adjoining parcels occurs.

g. Pedestrian pathways and crosswalks in parking areas shall be distinguished from asphalt driving surfaces through the use of durable, low-maintenance, surface materials such as pavers, bricks, or scored, stamped or colored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the pathways.

L. **Driveways on Corridor**.

1. All driveways and public road intersections shall be subject to the standards and permitting processes of SCDOT.
2. Any parcel of land with frontage on a corridor shall have no more than one vehicular access point (driveway) connecting to the corridor, unless a traffic analysis demonstrates to the town council the need for an additional driveway due to potentially hazardous traffic conditions, and SCDOT Department of Highways and Public Transportation agrees that an additional driveway is needed.
3. No driveway shall be allowed within 400 feet of an intersection of any other public road on the corridor.

DRAFT 3

4. Driveways shall be a minimum of 400 feet apart (measured from nearest edge to nearest edge) on the corridor, and shall align with opposing driveways, where possible. If direct alignment is not feasible, opposing driveways shall be off-set a minimum of 250 feet.
5. Shared driveways, or parallel access roads (in COD only), shall be used when possible as a means of minimizing driveway openings along the corridor and providing connectivity between uses. When such alternate access methods are used, appropriate legal documents shall be required by the town prior to driveway permit issuance to ensure that necessary easements and maintenance agreements are in place. The location and dimensions of easements shall be determined by the property owners in coordination with town staff.
6. If access to a lot or legally created parcel of land is physically unattainable under these provisions, an access point may be approved which is located the greatest distance possible from an existing access point and in the safest possible location to be approved by SCDOT.
7. For the purpose of this section, adjacent parcels in common ownership fronting on the corridor shall be considered as one parcel when determining permitted driveways.
8. Access to adjacent nonresidential development:
    a. Where feasible, driveway connections between adjacent nonresidential developments shall be provided and clearly identified. All driveway connections shall be constructed and stubbed, and future development of adjacent property shall complete a connection to any existing stub.
    b. Access easements shall be required to ensure outparcels or adjacent developments have adequate access if ownership patterns change.
    c. The decision making body with review authority (staff or planning commission) may waive the requirement for a driveway connection in those cases where unusual topography or site conditions would render such an easement of no benefit to adjoining properties.
    d. The decision making body with review authority (staff or planning commission) may approve the closure of driveway access in those cases where adjoining parcels are subsequently developed with a residential use.

M. **Parking**.

1. Off-street parking.
    a. All off-street parking shall be provided in accordance with the off-street parking requirements set forth in *Article X*.
    b. Off-street parking in the district shall be located to the side or rear of the structure(s) located nearest to the public road(s), to the extent practicable. Where parking is located between a structure and the corridor, it shall be limited to one (1) bay of parking (i.e., two rows of parking spaces with one shared drive aisle between the rows of spaces).
    c. All off-street parking areas shall be screened in accordance with the screening requirements of *Subsection I.4.*
    d. Landscaping in off-street parking lots shall meet the requirements of the landscaping standards of *Article XI.*
2. Shared parking. Shared parking, up to 50 percent of the requirement, is allowed and encouraged in circumstances where the parking would be within 1,200 feet of each respective use.
    a. Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the planning director that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by or acceptable to the. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
    b. A shared parking plan shall be enforced through written agreement among all owners of record and included in the development agreements filed with the town. The owner of the

DRAFT 3

shared parking area shall enter into a written agreement with the Town of Fort Mill with enforcement running to the town. The agreement shall state that:

i. the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and
ii. the owner agrees to bear the expense of recording the agreement which shall bind his or her heirs, successors, and assigns.

3. Bicycle parking. In addition to off-street vehicular parking requirements, the following bicycle parking requirements shall be met for nonresidential and multi-family residential uses:

a. Bicycle parking shall be provided in an amount equal to five (5) percent of the minimum required off-street parking spaces for vehicles; but no fewer than two (2) spaces shall be provided.
b. Such parking shall be located in close proximity to the primary entrances used by customers, visitors, or residents.
c. Bicycle parking areas shall be designed to utilize bike racks installed on paved surfaces.
d. Bicycle parking areas and pathways connecting them to the buildings they serve shall be lighted for the safety of the cyclists and to discourage theft.
e. Bicycle parking shall be encouraged, though not required, if the entire development has a gross floor area of 5,000 square feet or less.
f. Shared bicycle parking for two (2) or more uses is permitted provided an attested copy of the agreement between the owners of record is submitted to the planning director in a recordable form acceptable to the town attorney.

4. On-street parking.

a. No on-street parking shall be located on the corridor.
b. In COD-N, where on-street parking is available or provided as part of the development, on-street parking spaces may account for up to 50 percent of the required spaces, provided:

i. A key map is provided that delineates the location of allocated on-street spaces for a designated parcel or use.
ii. The on-street parking must be located within 600 feet of the primary entrance of the use it is serving.
iii. On-street parallel parking spaces shall be 7′ × 22′ measured from the face of curb (or edge of pavement, if curb does not exist).
iv. On-street diagonal parking with a 60-degree angle or less shall have a minimum travel lane width of 11 feet.

N. **Signs.**

1. Freestanding signs.

a. Freestanding identification signs for nonresidential and multi-family uses are permitted along the corridor in accordance with the following standards, which shall supersede the standards of the underlying zoning district for freestanding signs:

i. No parcel with less than 50 feet of frontage on the corridor shall be permitted to have a freestanding sign. Wall-mounted signs shall be permitted in such instances.
ii. Parcels with 50 to 200 feet of frontage on the corridor may be permitted to have one (1) freestanding sign.

(a) Maximum height: four (4) feet.
(b) Maximum sign face area: 0.5 square feet per two (2) linear feet of frontage, up to a maximum sign area of 30 square feet.
(c) Minimum setback from right-of-way: 10 feet.

DRAFT 3

iii. Parcels with more than 200 feet of frontage on the corridor may be permitted to have one (1) free standing sign meeting the following standards.

(a) Maximum height: six (6) feet.
(b) Maximum sign face area: 50 square feet.
(c) Minimum setback from ROW: 10 feet.

iv. Special provisions for unified developments:

(a) Unified developments consisting of multiple, nonresidential buildings and tenants may have one (1) freestanding sign on the corridor meeting the following standards:

(i) Maximum height: 10 feet in height above the grade of the frontage street. The sign shall be a monument type sign mounted on a solid foundation base. Pole signs shall not be permitted, except as specifically provided in S*ubsection c*. below.

(ii) Maximum sign face area: 75 square feet per side.

(iii) Minimum setback from ROW: 10 feet.

(b) Separate freestanding signs identifying individual tenants or establishments shall not be permitted in conjunction with the unified development sign.

b. Internally lit signs, neon, LED, and flashing or moving signs shall not be permitted along the corridor; provided, up to 20 percent of the total sign face may be utilized for LED display of public service messages such as time, temperature, or gas prices. The display for such LED sign shall not contain any movement, scrolling, flashing, exploding or similar special effects; message transition shall be instantaneous and each message shall be displayed for no less than 10 seconds.
c. Building floodlighting shall not be permitted, except in COD-N.
d. Only parcels that lie wholly or in part within 150 feet of the Interstate-77 right-of-way shall be permitted to utilize pole signs, per *Section 12.~~***.~~4 M.* Pole signs shall be prohibited on all other parcels along the corridor not meeting this requirement.
e. All other applicable sign standards pertaining to freestanding signs per *Article XII* shall apply along non-corridor street frontages.

2. Wall mounted signs. Wall mounted signs shall be permitted per *Section 12.~~***.~~6.*
3. Temporary signs. Temporary signs permitted shall not be permitted within the overlay district.

O. **Traffic signals**. In locations where town and SCDOT signal warrants are met and to the extent practicable, new traffic signals shall only be installed using steel poles with mast arm. Such poles shall meet the standards set forth in 690.1 of the SCDOT Traffic Signals Supplemental Specifications, and style and finish shall be consistent with the black, decorative mast arms approved by the town and installed elsewhere within the municipal limits.

P. **Utilities**. To the extent practicable, all new utility lines shall be placed underground in accordance with the standards established by the utility. Where burying lines is deemed infeasible by good engineering practices, at a minimum, all tap lines from the main feeder shall be underground, and above-ground lines and supporting structures shall be located in a manner that screens them from public view. Such above-ground lines and supporting structures may be in easements outside of the road rights-of-way, for example, such that lines and structures are visually screened by street trees, vegetated buffers or buildings. Any visible, above-ground lines permitted by the town as a temporary measure shall be permitted in conjunction with an agreement that specifies a timeframe for permanently placing such lines underground or moving such lines to a location where they can be screened from public view. At its sole discretion, the town engineer may require a performance guarantee, in accordance with *Section ~~***,~~16.5,* to ensure the prompt completion of the underground installation.

Q. **Walls and fences.**

DRAFT 3

1. Site enclosures.
   a. Fences and walls shall be limited to a maximum height of six (6) feet for rear and side yards and cannot extend beyond the principal structure into the front yard.
   b. Front yard fences and walls shall not exceed four (4) feet in height and must be approved by the planning director .
   c. Fences and walls shall not be located in any right-of-way.
   d. On corner lots, fences shall not be higher than four (4) feet in the street side yard and the provisions of *Section ***9.4 A* regarding clear vision corners shall be met. The interior side and rear fence shall conform to the above standards.
2. Retaining walls. Retaining walls located within the front setback area shall not exceed four (4) feet in height, measured from the finished elevation at the base of the wall to the top of the wall cap, unless each two (2) feet of wall above four (4) feet is recessed at least two (2) feet to minimize the massing of the wall and provide visual relief along the corridor. In no case, however, shall a retaining wall exceed 12 feet in height.
3. Construction, finishes and maintenance.
   a. Fences and walls shall be constructed with quality material and workmanship and be maintained in good repair.
   b. The material(s), color(s) and texture(s) of the sides of the walls and fences visible from the corridor or any other public or private street shall complement the finishes of the structures of the associated development. Materials must be approved by the decision making body with review authority (staff or planning commission). Barbed wire, concertina wire, razor wire, chain link or poultry wire are strictly prohibited.
   c. The finished side of fences and walls shall face adjoining property and shall blend with the landscape.

R. **Alternative means of compliance**.

1. Strict interpretation and application of the standards of this section may create particular hardships in certain locations and situations. Examples may include, but are not limited to, the presence of any one or more of the following:
   a. Unusual or extreme topographic conditions or separations in grade;
   b. Water bodies, such as rivers, lakes, streams, marshes and wetlands, as well as floodplains, floodways, riparian buffers and conservation areas;
   c. Presence of protected trees;
   d. Irregular property configuration and/or dimensions, including lots that are extremely narrow or shallow in nature;
   e. Existing easements and rights-of-way (public or private) that limit or restrict ordinary development of the property;
   f. Public safety hazards, particularly, though not exclusively, related to ingress/egress locations;
   g. Wildlife habitats and/or endangered species;
   h. Sites and/or structures of archaeological and/or historical significance; and
   i. Existing development which is proposed for retrofitting or expansion.
2. The decision making body with review authority (staff or planning commission) may approve a proposed development plan which does not meet a specific standard or standards of this section as an alternate means of compliance, subject to making the following findings:
   a. The proposed modification of the development standard will provide an alternate, but acceptable, means of achieving the purpose of the overlay district;
   b. There are physical conditions, not economic considerations, which prevent the proposed development from meeting the specific standards of this section;

DRAFT 3

c. The proposed development will be designed to meet the standards of this section to the fullest extent possible; and
d. The proposed development plan maintains or enhances public safety and aesthetic values along the corridor.

3. In approving an alternate means of compliance, the reviewing authority may attach reasonable conditions regarding the location, character, or other features of the proposed building, structure, or use as the reviewing authority may consider advisable to protect established property values in the surrounding area, maintain the character of the corridor, or promote the public health, safety, or general welfare.
4. Should the reviewing authority (staff or planning commission) fail to approve an applicant's proposed alternate means of compliance, the applicant may appeal that decision to the board of zoning appeals. Appeals shall be subject to review and approval by the board of zoning appeals, pursuant to *Article XVIII* of this ordinance, and Section 6-29-800 of the SC Code of Laws.
5. In no instance may staff, the planning commission or board of zoning appeals approve an alternative means of compliance, the effect of which would be to allow the establishment of a use not otherwise permitted in either the underlying zoning district or the corridor overlay district; to extend physically a nonconforming use of land; or to change the zoning district boundaries shown on the official zoning map.

S. **Waivers**.

1. The planning director shall be authorized to grant a waiver from the any requirements of the COD/COD-N overlay district for any parcel that meets all of the following criteria:

   a. At least 25 percent of the parcel must be located outside of the corridor overlay district, as established in ~~subsection~~ *Section 7.2*~~.A~~).
   b. The property shall have frontage along another public right-of-way other than or in addition to the corridor.
   c. All portions of the property within 250 feet of the corridor right-of-way must be undevelopable due to one or more of the following:

      i. Presence of floodplain, floodway and/or wetland designation; or
      ii. Documentation of a recorded conservation easement.

2. Any applicant who meets the conditions established by this subsection may apply for a waiver from the requirements of the COD/COD-N overlay district. The waiver request shall be made on an application form provided by the. The planning director shall be authorized to charge an administrative review fee of $100.00 for each application. The application shall not be considered complete until the applicant provides all information required on the application form and pays the required application fee. A separate waiver application form shall be required for each parcel.
3. The planning director shall have 30 days from the date upon which a completed application is received to render a decision on the waiver request. Any parcel which meets the eligibility requirements of this subsection shall be granted a waiver. If a decision is not made within 30 days, the waiver application shall be deemed approved.
4. All waivers granted by the planning director shall be subject to the following conditions:

   a. All proposed development and land disturbing activities shall be at least 250 feet from the corridor right-of-way.
   b. The parcel shall have no ingress or egress to or from the corridor right-of-way.
   c. All portions of the property within 250 feet of the corridor right-of-way shall be left in a natural, undisturbed state, except to accommodate a pedestrian facility connection, where feasible, between the two parcels on either side where such connection is not located within the corridor right-of-way.
   d. The parcel shall not be enlarged due to recombination or subdivided into two or more parcels during the waiver period.

DRAFT

5. Waivers granted by the planning director shall expire upon the earlier of the following; provided, nothing in this paragraph is intended to limit a property owner's ability to apply for a new waiver upon expiration of an existing waiver, regardless of cause. A new or existing parcel may qualify for a new waiver if the parcel meets the requirements of ~~paragraph a~~*Subsection 1*. Subsequent waiver requests for new or existing parcels shall follow the same procedures outlined in ~~paragraphs b and c~~*Subsection 1* and, if granted, shall be subject to the same conditions contained within ~~paragraph d.:~~*Subsection 4*:
   a. If the property owner or his designee fails to obtain a building permit within one (1) year from the date the waiver is granted.
   b. If the parcel is enlarged due to recombination with all or part of one (1) or more adjacent parcels.
   c. If the parcel is subdivided into two (2) or more parcels.
6. All waivers granted by the planning director shall apply to the subject parcel and not the applicant. If an applicant shall sell or otherwise transfer the subject parcel to one or more subsequent owners after a waiver has been granted, the subsequent owner(s) need not apply for a new waiver, unless the waiver has expired per the provisions of ~~paragraph E~~*Subsection 5*). Subsequent owners shall be subject to the same conditions as the original applicant, as outlined in ~~paragraph D).~~*Section S.*
7. Any aggrieved party may appeal the decision of the planning director within 60 days following the date of approval or denial of a waiver request. The board of zoning appeals shall have the authority to hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by the planning director in the enforcement of this subsection. All appeals shall be reviewed by the board of zoning appeals, pursuant to *Article XVIII* of this ordinance and Section 6-29-800 of the SC Code of Laws.

Section 7.3 HPOD, Historic Preservation Overlay District

A. **Purpose**. This overlay district is established to protect the rich historic resources that contribute to the character of Fort Mill and comprise the early chapters of its past. By encouraging a general harmony of style, form, color, proportion, texture, and material between buildings of historic design and those of contemporary design, it will be possible for the town's historic landmarks and traditional districts to remain distinctive and to serve as visible reminders of the significant historical and cultural heritage of the Town of Fort Mill and the State of South Carolina. Specifically, the following purposes are embodied by these regulations:

1. To protect, preserve, and enhance Fort Mill's distinctive architectural heritage;
2. To promote the educational, cultural, economic, and general welfare of the community;
3. To foster civic pride;
4. To ensure harmonious, orderly, and efficient growth and development of the Town of Fort Mill;
5. To strengthen the local economy; and
6. To stabilize and improve property values.

B. **Applicability**.

1. A historic preservation overlay district map is adopted as part of the official Town of Fort Mill zoning map and is incorporated into this section by reference. The boundaries of the HPOD shall be as illustrated in the overlay district map, a copy of which shall be maintained on file with the planning director and town clerk.
2. The requirements of the HPOD shall apply only to parcels located within the corporate limits of the Town of Fort Mill.
3. The standards established in this section shall be applied to all existing and new residential and non-residential buildings within the boundaries of the overlay district, including building additions and exterior alterations.

DRAFT 3

4. Where more than 25 percent of the footprint of an existing or proposed building lies with the historic preservation overlay district, all portions of that building shall be subject to the requirements of the district.
5. The requirements of this district shall be in addition to the applicable requirements of the underlying zoning district.

C. **Permitted Uses.** All uses permitted in the underlying zoning district shall be permitted within the overlay district.

D. **Dimensional Requirements**. The requirements of the underlying district related to lot size, width, setbacks, height or other dimensional provisions regulating the area and bulk of structures shall apply within the overlay district to the extent that they are not inconsistent with the review criteria established in *Section 7.3H. 3.* and *4*.

E. **Maintenance and Repair**. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior feature of structures within this overlay district; provided, the maintenance or repair does not involve a change in design, material, color or outer appearance. This section shall not prevent the construction, reconstruction, alteration or demolition of any feature which the building inspector or comparable official certifies is necessary to protect the public safety because of an unsafe or dangerous condition.

F. **Project Reviews**. Exterior alterations to existing buildings, construction of new buildings, additions to existing buildings or demolition of all or a portion of an existing building located within the Historic Preservation Overlay District shall be subject to review and approval, in accordance with the requirements of this section.

G. **Certificate of Appropriateness.**

1. General.

   a. Prior to any demolition, new construction, alteration, modification, or addition to a building included within the Historic Preservation Overlay District, except as otherwise provided in this section, a certificate of appropriateness from the historic resources board (HRB) shall be required. A certificate of appropriateness shall be obtained prior to the issuance of a building permit for any property affected by this section. Any building permit or other permit not issued in conformity with this section shall be considered void. Application for a certificate of appropriateness must be made by the property owner or by authorized representative or agent.
   b. The following improvements shall not be required to receive a certificate of appropriateness:

      i. Painting, where the surface has been previously painted and there is no change in paint color;
      ii. General maintenance and repairs such as tuck-pointing, caulking and glazing;
      iii. Removal of diseased or dead trees;
      iv. Landscaping, not involving construction, paving, brick work, walls, etc.; and
      v. Installation of air conditioner and/or generator in the rear yard where neighbor approval is not required.

2. Exemptions.

   ~~c.~~a. *Interior alterations to structures*. Any remodeling or alteration to the interior of a structure within the Historic Preservation Overlay District shall be exempt from review by the HRB and shall not be subject to the requirements of this section; provided, all changes are confined to the interior of the structure and do not result in any exterior modification.

   ~~d.~~b. *Special tax assessment exemption*. This section shall not apply to any building which is seeking a Special Tax Assessment for Rehabilitated Historic Properties, pursuant to *Chapter 2, Article IV, Division 3*, of the Code of Ordinances, for which interior improvements shall comprise all or a portion of the minimum investment required to qualify for the special assessment.

DRAFT 3

~~2.~~3. Requirements of municipality and public utilities. The Town of Fort Mill and all public utility companies shall be required to obtain approval from the HRB, in accordance with this section, prior to initiating any changes in the character of street paving, sidewalks, trees, utility installations, lighting, walls, fences, structures, and buildings on property within the Historic Preservation Overlay District.

~~3.~~4. Contents of application. The HRB shall establish, in its rules of procedure, the data and information reasonably necessary to be provided in the application. The applicant shall also submit an application fee, the amount of which shall be as established by the town council. An application for a certificate of appropriateness shall not be considered complete until all required data and the application fee have been submitted. Nothing shall keep the applicant from filing other relevant information bearing on the request with the application.

~~4.~~5. Notification of affected property owners. Prior to issuance or denial of a certificate of appropriateness, the HRB shall cause notice to be provided as provided in *Article ~~**~~XX.*

~~5.~~6. HRB action. The HRB shall take action to approve, approve with modifications or disapprove the application and in doing so shall apply the review criteria in *Section ~~6~~7.3 H* of this ordinance. In making its decision, the HRB shall make findings of fact based on conformance with the review criteria.

~~6.~~7. HRB findings in minutes. The HRB shall place in the minutes of its meetings the findings of fact supporting its actions to approve, approve with modifications, or deny.

~~7.~~8. Time limits. Except as otherwise stated in this section, if the HRB fails to take final action upon any application within 60 days after the complete application is submitted, the application shall be deemed approved.

~~8.~~9. Submission of a new application. If the HRB determines that a certificate of appropriateness shall not be issued, a new application affecting the same property may not be submitted within 12 months of the date of denial, unless substantial change is made to the plans for the proposed construction, reconstruction, alteration, or restoration.

~~9.~~10. Minor projects. Minor repairs and alterations may be issued a certificate of appropriateness by the planning director. Minor repairs and alterations shall include:

a. Gutter and downspout (and related accessories) replacement with the same materials, and of the same size and style;
b. Open metal fencing, such as wrought iron, that complies with *Section ~~***~~;11.3 B;*
c. Driveway and walkway replacement, provided the location and materials are not changing;
d. Replacement of uncovered porches with the same materials and of the same size and style;
e. Painting where the brick or masonry is not being painted for the first time;
f. Re-roofing where the material is being replaced with the same or like material and same shingle style or original style (if substantiated);
g. Shutters when matching existing in size, design, configuration and materials;
h. Window and storm window replacement when done with the same material and pattern size and scale;
i. Hot tubs or pools where not visible from the street, provided no trees are disturbed;
j. Ornamental iron replacement with the same pattern, size, material and scale;
k. Replacement of light fixtures, provided they are not character defining fixtures of the resource;
l. Excavation for water, sewer or other essential utility lines;
m. Decks and patios in the rear yard;
n. Repainting where the new paint color is identical or substantially similar to the existing paint color.
o. Basement egress windows in the rear of the building; and
p. Air conditioners or generators in the side yard.

~~10.~~11. Substantial hardship, In the event an application for a certificate of appropriateness is denied, the property owner may apply to the Board of Zoning Appeals for an exception based on

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the substantial hardship of maintaining the property according to the HRB's guidelines. Substantial hardship is to be considered where there are unusual and compelling circumstances including:

a. The property has little or no historic value;
b. The property cannot be reasonably maintained in the manner dictated by the ordinance;
c. There is no other reasonable means of saving the property from deterioration, or collapse; or
d. The property is owned by a nonprofit organization and it is not financially or physically feasible to achieve the charitable purposes of the organization.

H. **Review Criteria**.

1. Architectural or historical significance. It is the intent of this ordinance to insure, insofar as possible, buildings or structures within this overlay district shall be in harmony with the architectural and historical character of the Town of Fort Mill. In granting a certificate of appropriateness, the HRB shall take into account the architectural or 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. Demolition. No building or structure within the Historic Preservation Overlay District shall be demolished or otherwise removed until the owner has received a certificate of appropriateness from the HRB. The HRB shall act upon the certificate of appropriateness within 180 days from the date the application is accepted; provided, the HRB may extend this period for another 180 days upon finding that the structure is of extreme historical importance to the people and Town of Fort Mill and additional time is required to identify and evaluate preservation options. Within such an extension period, the HRB shall take steps to ascertain what can be done to preserve the subject building such as, but not be limited to, consultation with civic groups, interested citizens, and public boards and agencies. If, at the conclusion of the extension period, the HRB has been unable to determine an adequate alternative to demolition, the certificate of appropriateness shall be granted. If the HRB finds that a building proposed for demolition is of no particular historical significance or value towards maintaining the historical character of the community or the district, it may issue the certificate of appropriateness in the normal manner.
3. Alteration, repair, or restoration. When considering an application for a certificate of appropriateness for alteration, repair, or restoration, the HRB shall use the following Secretary of the Interior's Standards for Rehabilitation and the Town of Fort Mill Historic District Design Guidelines (in instances where direction differs, the Town of Fort Mill Historic District Design Guidelines shall take precedence) in making its decision to approve, approve with modifications or deny:

   a. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its original intended purpose.
   b. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
   c. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
   d. Changes which have taken place in the course of time are evidence of the history development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
   e. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

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f. Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visible qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by history, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings.
g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall not be undertaken.
h. Every reasonable effort should be made to protect and preserve archaeological resources affected by, or adjacent to the property.
i. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural materials, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
j. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

4. New construction. In considering a certificate of appropriateness application for new construction within a historic district, the HRB shall take into account the Town of Fort Mill Historic District Design Guidelines, set forth below, as applicable. The HRB will make a finding of fact indicating the extent to which the proposed structure is congruous with the historic aspects of the historic district.

a. The height of the building in relation to the average height of the nearest adjacent and opposite buildings.
b. The setback and placement on a lot of the building in relation to the average setback and placement of the nearest adjacent and opposite buildings.
c. Exterior construction materials, including texture and pattern.
d. Architectural detailing, such as lintels, cornices, brick bond, and foundation materials.
e. Roof shapes, forms, and materials.
f. Proportion, shape, positioning and location, pattern, and size of any elements of fenestration.
g. General form and proportions of buildings and structures.
h. Appurtenant fixtures and other features such as lighting.
i. Structural conditions and soundness.
j. Architectural scale.

I. **Appeal of a decision of the HRB**. Any persons or any officer, department, or board aggrieved by a final decision of the HRB must follow procedures for appeal as outlined in South Carolina Code of Laws, Section 6-29-900. Pursuant to the South Carolina Code of Laws, Section 6-29-900, no suit shall be brought against the HRB or the Town of Fort Mill, and if against any individual member, shall be dismissed as to such board member.

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Conditional Use Requirements

Article VIII

Draft 3

Fort Mill Unified Development Ordinance

Section 8.1 Scope

Conditional uses are identified within each of the zoning districts established by this ordinance. These uses may have operational characteristics such as traffic, noise, hours of operation or other factors that warrant the imposition of other requirements, in addition to the base requirements applicable to all uses allowed in the respective zoning district, to mitigate potential impacts and safeguard surrounding properties. This article specifies those added requirements for several uses identified in the district schedule of uses as a conditional use. In addition to these specific requirements, other conditions may be attached to an approval to ensure that the proposed use satisfies one or more of the general review standards of *Section 8.3*.

Section 8.2 Application and Review

A. Requests for approval of a conditional use shall be submitted to the planning director on a form for that purpose, along with an application fee and an administrative or planning commission level development plan as specified in *Section 14.*~~***~~*4.* The planning director shall review the application and development plan relative to conformance with the general standards of *Section 8.3*, as well as the requirements for the conditional use specified in this article.
B. The planning director, unless otherwise provided for specific uses, shall approve or deny the application.
C. If denied, the applicant may appeal the planning director's decision to the planning commission.

Section 8.3 General Standards for Review

The following general standards shall be satisfied for all conditional uses:

A. The proposed use does not adversely affect the general plans for the physical development of the town as embodied in these regulations or in any plan or portion thereof adopted by the planning commission or by the town council.
B. The proposed use will not adversely affect the health and safety of residents and workers in the town.
C. The proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses. The board may impose additional screening and buffering requirements to insure the proposed use is compatible with the surrounding area.
D. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, of the vehicular movement, of noise or fumes or of the type of physical activity.
E. The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site.
F. The proposed use will be compatible with existing uses that are adjacent to or neighboring the proposed location, as measured in terms of its physical size, intensity of use, visual impact, and proximity to other structures.
G. The proposed use shall comply with all applicable requirements of this ordinance such as, but not limited to, district requirements, parking, signs, landscaping and development plan review, unless modified by this article for a specific use.
H. Where minimum separation distances are required between certain conditional uses and other uses; the separation distance shall not apply retroactively if the specified condition does not exist at the time the conditional use is approved.

Section 8.4 Specific Use Requirements-Financial, Office and Business Services

A. **Check Cashing Establishments, Pay-Day Lenders, Pawnshops and Similar**.

Draft 3

1. The use shall be:
   a. located at least 5,000 feet, measured lot line to lot line, from the nearest check cashing establishment, pay-day lender, deferred presentment lender, pawnshop or title loan company, and
   b. located within a commercial shopping center with the combined floor area of all businesses being 30,000 square feet or more; or
2. The use shall be wholly contained within a single grocery store or general merchandise retail building having at least 30,000 square feet of floor area, with no separate public access to its portion of the premises, and is at least 5,000 feet, measured lot line to lot line, from the nearest check cashing establishment, pay-day lender, deferred presentment lender, pawnshop or title loan company.

Section 8.5 Specific Use Requirements-Food, Drink, Entertainment and Hospitality

A. **Micro-Breweries**.

1. The micro-brewery shall produce no more than 15,000 barrels (465,000 US gallons / 17,602.16 hectoliters) of beer per year.
2. Pedestrian connections shall be provided between the public sidewalks and the primary entrance(s).
3. All mechanical equipment visible from the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure.
4. Access and loading bays are discouraged from facing toward any street, excluding alleys.
5. Access and loading bays facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building.
6. Loading and unloading materials and equipment shall be permitted only between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.
7. Outdoor storage shall not be allowed, including the use of portable storage units, cargo containers and tractor trailers.

B. **Outdoor Seating Areas for Restaurants, Taverns and Similar Establishments**.

1. The outdoor seating area shall not obstruct pedestrian movement along adjacent sidewalks. A minimum sidewalk width of five (5) feet shall remain unobstructed between the limits of the outdoor seating area and the outer edge of the walkway.
2. The outdoor seating area shall be surrounded by a decorative fence or similar enclosure at least four (4) feet high with access only from within the building. A self-closing gate that can only be opened from within the enclosure shall be provided for emergency egress. This requirement shall not apply to outdoor seating areas in the DC District.
3. Outdoor seating capacity shall be included in the computation of required parking.
4. Limitations may be imposed upon hours of operation, outdoor sound amplification and/or lighting where the proposed use may create nuisance effects upon adjacent or nearby residential uses.

C. **Restaurants, Drive-in or Drive-through.**

1. Sufficient vehicular stacking capacity for the drive-in or drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of eight (8) stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation, fire lanes, parking spaces and egress from the property by vehicles not using the drive-in or drive-through portion of the facility.

Draft 3

2. A minimum of two (2) parking spaces shall be provided in close proximity to the exit of the pick-up window, to allow for customers waiting for delivery of orders.
3. Public access to the site shall comply with the driveway spacing standards of *Section* ***10.5* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway.
4. Internal circulation and access to/egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.
5. Menu boards with speakers for the transmission or broadcasting of voices or music shall be oriented and/or muffled to prevent sound from being audible beyond the boundaries of the site.

Section 8.6 Specific Use Requirements-Health Care and Social Assistance

A. **Veterinary Office, Clinic or Animal Hospital**.

1. If the facility is to include outdoor runs or exercise areas, a minimum lot size of two (2) acres shall be required.
2. No dog runs or animal exercise areas shall be located in a front yard or in any required rear or side yard.
3. Outdoor runs/exercise areas shall be set back a minimum of 50 feet from all property lines or the required setback for the zoning district, whichever is greater; provided, a 100 foot setback shall be maintained from any residential or mixed use district boundary.

Section 8.7 Specific Use Requirements-Public/Quasi-Public Facilities

A. **Colleges/Universities**.

1. Primary vehicular access shall be from/to an existing arterial street.
2. Buildings shall be located at least 100 feet from all lot lines and parking lots shall be no closer than 50 feet to a lot line.
3. On-site student housing shall have 1, 000 square feet of lot area per unit.
4. Landscaping and screening shall meet the requirements of *Article XI*.

B. **Day Care Facilities or Pre-school Nurseries**.

1. Outdoor play areas shall be enclosed by a secure fence at least four (4) feet high.
2. Off-street parking for all employees of the facility and off-street pickup and drop off areas shall be provided. The drop-off/pick-up area shall be of sufficient length and design to ensure that all vehicle stacking and maneuvering occurs within the facility property and does not extend into the adjacent public street.
3. Evidence shall be provided that all applicable requirements of the State of South Carolina governing the licensing of the facility are met and the use shall be operated at all times in accordance with state requirements.

C. **Places of Worship**. The purpose of these requirements is to integrate places of worship into the fabric of Fort Mill's neighborhoods, but not at the expense of the residential character of those areas. Therefore, the scale of the facility, parking lots and related uses shall be compatible with abutting homes and in character with the surrounding neighborhood.

1. Minimum lot area shall be two (2) acres.
2. Minimum lot width shall be 200 feet.
3. At least one (1) property line, meeting the minimum width requirement, shall abut and have direct access to an arterial or collector street.
4. To the extent practical, shared parking arrangements should be employed with other uses in the vicinity, in accordance with the provisions of *Section 10.2 C*.

Draft 3

D. **Schools (K-12)**. The purpose of these requirements is to integrate schools into the fabric of Fort Mill's neighborhoods, but not at the expense of the residential character of those areas. Therefore, the scale of the school, parking lots and related uses shall be compatible with abutting homes and in character with the surrounding neighborhood.

1. Minimum lot area shall be two (2) acres.
2. Minimum lot width shall be 200 feet.
3. Maximum building height may be up to 55 feet.
4. At least one (1) property line, meeting the minimum width requirement, shall abut and have direct access to an arterial or collector street.
5. To the extent practical, shared parking arrangements should be employed with other uses in the vicinity, in accordance with the provisions of *Section 10.2 C*.
6. All buildings, parking areas and outdoor activity areas (ball fields, tennis courts, playgrounds, bleachers, etc.) shall be set back a minimum of 50 feet from any side or rear property line.
7. Lighting for night-time activity areas shall be directed and shielded so the light source is not visible from any surrounding residential use. All lighting, including building and security lighting shall be located to prevent glare on adjacent properties and streets.

E. **Utility Substation or Subinstallation**.

1. The use shall be enclosed by a fence (not including chain link) or wall at least six (6) feet in height above finish grade,
2. Other uses, such as, but not limited to, office, commercial operations and storage of vehicles or equipment shall not be permitted on the premises, and
3. A landscaped strip or other screening, as required in *Section 11.3*, shall be provided.

Section 8.8 Specific Use Requirements-Recreation and Leisure

A. **Commercial Recreation (outdoor)**.

1. The front, side and rear yard minimum setbacks shall be 50 feet for all buildings and outdoor components of the recreational facility; provided, setbacks for any go-cart, vehicle track or similar motorized activity shall be a minimum of 300 feet from any residential district.
2. The parking setback shall be 20 feet in the front, side and rear yards from lot lines in non-residential zoning districts and 50 feet from lot lines in residential districts.
3. Lighting for night-time activity areas shall be directed and shielded so the light source is not visible from any surrounding residential use. All lighting, including building and security lighting shall be located to prevent glare on adjacent properties and streets.
4. An operations plan describing the nature of the use, hours of operation, etc. shall be provided.
5. The use or activity shall not have substantial adverse effects or noise impacts on nearby residential neighborhoods, unless the use or activity is exempt from such regulations pursuant to *Section 24-34* of the Code of Ordinances.
6. The planning director may also establish other conditions to minimize negative impacts on nearby uses and traffic operations along public streets, such as, but not limited to hours of operation, buffering and location of waste receptacles.

B. **Private Noncommercial Recreation**.

1. Any outdoor activity areas shall be set back a minimum of 50 feet from any residential lot line.
2. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential use or district.
3. Access shall be from an interior public or private street. Access drives shall be a minimum of 100 feet from any street intersection or other driveway.

C. **Sexually-Oriented Businesses**.

Draft 3

1. Purpose. In the development and execution of these zoning regulations, it is recognized that some uses, because of their very nature, may have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. The proximity of sexually oriented businesses to certain uses considered particularly susceptible to the negative impacts of the concentration of sexually oriented uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime, and contribute to a blighting effect on the surrounding area. There is convincing documented evidence of the deleterious effect that sexually oriented businesses have on both existing businesses around them and the surrounding residential areas to which they may be adjacent. Therefore, the following purposes are served by these regulations:

   a. This section describes the uses regulated and the specific standards necessary to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses, and to require sufficient spacing from uses considered most susceptible to negative impacts.
   b. These provisions are not intended, nor shall they have the effect of, imposing a limitation or restriction on the content of any communicative materials including, but not limited to, sexually oriented materials that are protected by the First Amendment to the United States Constitution.
   c. Additionally, it is not the intent of the provisions of this section, nor shall it have the effect of, restricting or denying access by adults to sexually oriented materials that are protected by said federal and state constitutions.
   d. Further, it is not the intent of these provisions, nor shall they have the effect of, denying access by the distributors and exhibitors of sexually oriented entertainment to their target market.
   e. These regulations shall not be interpreted as intending to legitimize any activities that are prohibited by federal or state law, or by any other ordinance of the Town of Fort Mill.
   f. The provisions of this section shall apply to all uses defined in this ordinance as sexually oriented businesses.

2. Permit and/or License Required.

   a. A person commits a misdemeanor if operating a sexually oriented business without a valid permit and/or license issued by the Town of Fort Mill in accordance with this section.
   b. The planning director is responsible for granting, denying, revoking, renewing, suspending, or canceling sexually oriented business permits for proposed or existing sexually oriented businesses. The planning director is also responsible for ascertaining whether a proposed sexually oriented business for which a permit is being applied complies with all locational requirements of this section, all other applicable zoning laws and/or regulations now in effect, as amended, or as enacted subsequent to the effective date of this section.
   c. The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so it may be easily read at any time.
   d. The fact that a person possesses other types of state or county permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business permit and/or license.

3. Procedures for Application and Review of Permits and/or Licenses.

   a. An application for a permit and/or license must be made on a form for that purpose obtained from the planning director. The application must be accompanied by a sketch or

Draft 3

diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

b. The applicant must be qualified according to the provisions of this section and the premises must be inspected and found to be in compliance with all applicable health, fire, and building codes. The responsible agencies shall complete all required inspections and shall certify their completion within 21 days of receipt of the application.

c. If an individual person wishes to operate a sexually oriented business, he/she must sign the permit and/or license application as applicant. If more than one (1) person or a corporation or other business entity wishes to operate a sexually oriented business, each individual who has 10 percent or greater interest in the business must sign the application for a permit and/or license as applicant.

d. Upon receipt of an application properly filed with the planning director and upon payment of the nonrefundable application fee, the application shall be stamped as received and shall immediately be distributed to the police department and all other town agencies responsible for enforcement of health, fire and building codes and laws. Each department or agency shall promptly conduct an investigation of the applicant, application, and proposed sexually oriented business in accordance with its responsibilities under law and as set forth in this section. All investigations shall be completed within 21 days of receipt of the application. At the conclusion of its investigation, each department or agency shall approve or disapprove the application, date it, sign it, return it to the planning director and, in the event of disapproval, state the reasons therefor. The planning director shall then forward all documents and department/agency comments to the city manager for final disposition of the application.

e. The police department shall only be required to certify the NCIC records request check referenced in this section and shall not be required to approve or disapprove applications. The police department shall also provide information regarding whether an applicant has been convicted of a specified criminal act during the time period set forth.

f. The town's code enforcement officer shall inspect a proposed, permitted, or non-permitted sexually oriented business in order to ascertain whether it is in compliance with applicable statutes and ordinances.

g. A department or agency shall disapprove an application if it finds that the proposed sexually oriented business will be in violation of any provision of any statute, code, ordinance, regulation or other law in effect in the town. After its indication of approval or disapproval, each department or agency shall immediately return the photocopy of the application to the planning director.

4. Issuance of Permit and/or License. The planning director shall approve the issuance of a permit and/or license to an applicant within 30 days of the date the application was filed, unless one or more of the following is found to be true:

a. An applicant is under 18 years of age.

b. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.

c. An applicant or applicant's spouse is overdue in payment to the town of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to a sexually oriented business.

d. An applicant has failed to provide information reasonably necessary for issuance of the permit and/or license or has falsely answered a question or request for information on the applicant form.

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e. An applicant is residing with a person who has been denied a permit and/or license by the town to operate a sexually oriented business within the preceding 12 months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months.
f. The granting of the application would violate a statute, ordinance, or court order.
g. The applicant has a permit under this article which has been suspended or revoked.
h. An applicant has been convicted of a "specified criminal" act for which:

    i. Less than two (2) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a misdemeanor offense for the "specified criminal" acts which are sexual crimes against children, sexual abuse, rape, or crimes connected with another sexually oriented business including, but not limited to, distribution of obscenity or material harmful to minors, prostitution, pandering or tax violation;
    ii. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense; for the "specified criminal" acts which are sexual crimes against children, sexual abuse, rape or crimes connected with another sexually oriented business including, but not limited to, distribution of obscenity or material harmful to minors, prostitution, pandering, or tax violations;
    iii. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses for "specified criminal" acts which are sexual acts against children, sexual abuse, rape or crimes connected with another sexually oriented business including, but not limited to, distribution of obscenity or materials harmful to minors, prostitution, pandering or tax violations; offenses occurring within any 24-month period;
    iv. The fact that a conviction is being appealed shall have no effect on disqualification of the applicant;
    v. An applicant who has been convicted of the above described "specified criminal acts" may qualify for sexually oriented business permit only when the applicable time period required above in *Subsection h. i-iii.* has elapsed.
    vi. An applicant knowingly had in his or her employ, an employee who does not have a valid license as required in this section.

i. The permit and/or license fee required by this article has not been paid.
j. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this article.

    i. If the planning director, denies the application, he/she shall notify the applicant of the denial and state the reason(s) for the denial.
    ii. If a person applies for a permit for a particular location within a period of 12 months from the date of denial of a previous application for a permit at that location, and there has not been an intervening change in the circumstances which could reasonably be expected to lead to a different decision regarding the former reasons for denial, the application shall be denied.

5. Fees. The annual fee for a sexually oriented business permit and/or license shall be as established from time to time by resolution of the town council
6. Inspection.

    a. An applicant or permittee and/or licensee shall permit representatives of the police department, health department, fire department, codes enforcement department, or other town

Draft 3

departments or agencies to inspect the premises of a sexually oriented business at any time it is occupied or open for business for the purpose of ensuring compliance with the law,

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

7. Expiration of Permit and/or License.

a. Each permit and/or license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in *Subsection C.2*. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the permit and/or license will not be affected.

b. When the building official denies renewal of a license, the applicant shall not be issued a permit and/or license for one (1) year from the date of denial. If, subsequent to denial, the building official finds that the basis for denial of the renewal permit and/or license has been correct or abated, the applicant may be granted a permit and/or license if at least 90 days have elapsed since the date denial became final.

8. Suspension.

a. The planning director shall suspend a permit and/or licensee for a period not to exceed 30 days if he/she determines that a permittee and/or license or an employee of a permittee and/or licensee has:

i. Violated or is not in compliance with any section of this article; or

ii. Been under the influence of alcoholic beverages while working in the sexually oriented business premises; or

iii. Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter; or

iv. Knowingly permitted gambling by any person on the sexually oriented business premises; or

v. Operated the sexually oriented business in violation of a building, fire, health, or zoning statute, code, ordinance, or regulation, whether federal, state, or local, said determination being based on investigation by the division, department, or agency charged with enforcing said rules or laws. In the event of such statute, code, ordinance, or regulation violation, the town or its designee, shall promptly notify the permittee of the violation and shall allow the permittee a seven-day period in which to correct the violation. If the permittee fails to correct the violation before the expiration of the seven-day period, the town or its designee, shall forthwith suspend the permit and shall notify the permittee of the suspension; or

vi. ~~Engaged in permit transfer contrary to *Subsection C.11* of this article.~~ In the event that a permit is suspended on the ground that a permit was transferred contrary to *Subsection C.11*, the planning director shall notify the permittee of the suspension and the corrective actions that are required.

vii. Operated the sexually-oriented business in violation of the hours of operation.

viii. Knowingly employs a person who does not have a valid license, as required.

b. The suspension shall remain in effect until the violation of the statue, code, ordinance, or regulation in question has been corrected.

9. Revocation.

a. The planning director shall revoke a permit and/or license if a cause of suspension occurs and the permit and/or license has been suspended within the preceding 12 months.

Draft 3

b. The planning director shall revoke a permit and/or license if he determines that any of the following conditions exists:

i. A permittee and/or licensee gave false or misleading information in the material submitted to the codes enforcement department during the application process;
ii. A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
iii. A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises;
iv. A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended;
v. A permittee has been convicted of a "specified criminal act" for which the time period required in this section has not elapsed;
vi. On two (2) or more occasions within a 12-month period, a person or persons committed an offense, occurring in or on the permitted premises, constituting a specified criminal act for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed. The fact a conviction is being appealed shall have no effect on the revocation of the permit;
vii. A permittee has been operating more than one (1) sexually oriented business under a single roof;
viii. A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises;
ix. A permittee and/or licensee is delinquent in payment to the town, county or state for any taxes or fees past due.

c. When the planning director revokes a permit and/or license, the revocation shall continue for one (1) year, and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one (1) year from the date revocation became effective. If, subsequent to revocation, the planning director determines that the basis for the revocation has been corrected or abated, the applicant may be granted a permit and/or license if at least 90 days have elapsed since the date the revocation became effective.

10. Judicial Review. After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or permittee may seek prompt review of such administrative action through the zoning board of appeals. The request for such review shall be filed within 30 days of the date of the ruling from which the appeal is taken. If the denial, suspension, or revocation is affirmed upon review, the administrative action shall be promptly reviewed by the court.
11. Transfer of Permit and/or License.

a. A permittee and/or licensee shall not transfer his permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license, at any place other than the address designated in the application.
b. A permittee shall not transfer a permit to another person unless and until such other person satisfies the following requirements:

i. Obtains an amendment to the permit from the planning director, which provides that he/she is not the permittee, which amendment may be obtained only, if he/she has

Draft

completed and properly filed an application with the planning director, setting forth the information called for under *Subsection C.4* of this article in the application; and

ii. Pays a transfer fee of 20 percent of the annual permit fee set by this section.

c. No permit may be transferred when the planning director has notified the permittee that suspension or revocation proceedings have been or will be brought against the permittee.
d. A permittee shall not transfer his/her permit to another location.
e. A permit transferred, either directly or indirectly, in violation of this section is hereby declared void and the permit shall be deemed revoked.

12. Sexually Oriented Business Employee License.

a. Each individual to be employed in a sexually oriented business, who engages in the services rendered by a nude model studio, escort or escort agency, sexual encounter establishment, massage parlor, or a live performer or entertainer shall be required to obtain a sexually oriented business employee license. Each applicant shall pay a permit fee in an amount established by the town council to cover reasonable administrative costs of the licensing application process.
b. Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form for that purpose the following information:

i. The applicant's name or any other names (including "stage" names) or aliases used by the individual;
ii. Age, date, and place of birth;
iii. Height, weight, hair, and eye color;
iv. Present residence address and telephone number;
v. Present business address and telephone number;
vi. State driver's license or identification number;
vii. Social Security number;
viii. Acceptable written proof that the individual is at least 18 years of age;
ix. A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the police department. Any fees for the photographs and fingerprints shall be paid by the applicant;
x. A statement detailing the license or permit history of the applicant for the five (5) years immediately preceding the date of the application, including whether the applicant previously operated or sought to operate, in this or any other town, county, state, or country; has ever had a license, permit, or authorization to do business denied, revoked, or suspended; or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, a copy of the order of denial, revocation, or suspension shall be attached to the application.
xi. Whether the applicant has been convicted of a "specified criminal act". This information shall include date, place and nature of each conviction or plea of nolo contendere and the convicting jurisdiction.

c. The planning director shall refer sexually oriented business employee license application to the police department for an investigation of such information as is contained on the application. The application process shall be completed within 10 days from the date the completed application is filed. After the investigation, the planning director shall issue a license, unless the report from the police department finds that one (1) or more of the following findings is true:

Draft 3

i. The applicant has knowingly made any false, misleading, or fraudulent statement of a material fact in the application or in any report or record required to be filed with the police department or other department of the town;
ii. The applicant is under 18 years of age;
iii. The applicant has been convicted of a "specified criminal act";
iv. The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by particular provisions of this section;
v. The applicant has had a sexually oriented business employee license revoked by the town within two (2) years of the date of the current application.

d. A license granted pursuant to this section shall be subject to annual renewal upon the written application and a finding by the planning director that the applicant has not been convicted of any "specified criminal act" or committed any act during the existence of the previous license period which would be grounds to deny the initial license request. The renewal application shall be subject to payment of a fee as set by resolution of the town council.

13. Location of Sexually Oriented Businesses.

a. A person commits a misdemeanor, if he operates or causes to be operated as sexually oriented business except as provided for in this section.
b. A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business outside of a zoning district in which the use is specifically allowed.
c. A person commits a misdemeanor if he operates or causes a sexually oriented business to be operated within 500 feet of:

i. Any place of religious worship;
ii. Any school;
iii. The boundary of any residential zoning district;
iv. A public park or recreation area;
v. Any public library;
vi. A day care facility;
vii. A youth activity center; or
viii. The property line of a lot devoted to residential use.

d. A person commits a misdemeanor if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 500 feet of another sexually oriented business.
e. For the purpose of this article, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use or location specified in *Subsection 13.c*.
f. A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within 500 feet of another sexually oriented business, except as otherwise provided in this subsection.
g. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of any use specified in *Subsection 13.c*. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license has expired or has been revoked.

14. Additional Regulations for Adult Motels.

Draft 3

a. Evidence that a sleeping room in a hotel, motel, boarding house or a similar commercial establishment has been rented and vacated two (2) or more times within less than 10 hours creates a reasonable presumption that the establishment is an adult motel as that term is defined in this ordinance.
b. A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, boarding house or similar commercial establishment that does not have a sexually oriented permit and/or license, he rents or subrents a sleeping room to a person and, within 10 hours from the time the room is rented, he rents or subrents the same sleeping room again.
c. For purposes of this subsection, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

15. Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos.

a. If a sexually oriented business, other than an adult motel, contains a viewing room of less than 150 square feet for showing a film, video cassette, or other video reproduction depicting specified sexual activities or specified anatomical areas, the following requirements shall apply:

i. Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and identifying any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram must be oriented to the north or to some designated street or object and be drawn to a designated scale or with marked dimensions sufficient to show the interior dimensions of all areas of the premises to an accuracy of plus or minus six inches. The required diagram for renewal applications may be waived if the applicant includes a previously submitted diagram and certifies that the configuration of the premises has not been altered since it was prepared.
ii. The application shall be sworn to be true and correct by the applicant.
iii. No alteration in the configuration or location of a manager's station may be made without approval.
iv. It is the duty of the owners and operator of the premises to ensure that a least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
v. The interior of the premises shall be configured in such a manner that there is an unobstructed view from at least one (1) manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction equipment. The required view must be by direct line of sight from the manager's station.
vi. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the required view area remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and that no patron is permitted access to any area which has been designated in the application as an area in which patrons will not be permitted.
vii. No viewing room may be occupied by more than one (1) person at any time. No holes, commonly known as "glory holes" shall be allowed in the walls or partitions which separate each viewing room from an adjoining room or restroom.
viii. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) footcandle as measured at the floor level.

Draft 3

ix. It shall be the duty of the owners and operator and of any agents and employees in the premises to ensure that the illumination described above, is maintained at all times that any patron is in the premises.

b. A person having a duty under this subsection shall be guilty of a misdemeanor if he/she knowingly fails to fulfill that duty.

16. Prohibitions Regarding Minors. A person shall be guilty of a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued for the business, and knowingly or with reasonable cause to know, permit, suffer, or allow:

a. Admittance of a person under 18 years of age to the premises, unless accompanied by a parent or guardian;
b. A person under 18 years of age to remain at the premises, unless accompanied by a parent or guardian.
c. A person under 18 years of age to purchase goods or services at the premises without the specific consent of a parent or guardian; or
d. A person who is under 18 years of age to work at the premises as an employee.

17. Advertising and Lighting Regulations.

a. It shall be unlawful and a person shall be guilty of a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued, and advertises the presentation of specified sexual activities contrary to any applicable state statute or local ordinance.
b. It shall be unlawful and a person shall be guilty of a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued, and displays or otherwise exhibits the materials and/or performances available at such sexually oriented business in any advertising which is visible outside the premises. This prohibition shall not extend to advertising the existence or location of the sexually oriented business.
c. The permittee shall not allow any portion of the interior premises to be visible from outside the premises.
d. All off-street parking areas shall be located in front of the building for safety reasons. All off-street parking and premise entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1) footcandle of light on the parking surface and walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.
e. Nothing contained in this section shall relieve the operator(s) of a sexually oriented business from complying with all other applicable requirements of this ordinance, as it may be amended from time to time, or any subsequently enacted town ordinances or regulations.

18. Hours of Operation. It shall be unlawful and a person shall be guilty of a misdemeanor if:

a. he/she operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued, and allows the business to remain open, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 1:00 a.m. and 9:00a.m. on any particular day and between 12:01 a.m. Sunday and 9:00 a.m. Monday.

Draft 3

b. an employee of a sexually oriented business, regardless of whether or not a permit has been issued for the business, engages in a performance, solicits a performance, makes a sale, solicits a sale, provides a service or solicits a service between the hours of 1:00 a.m. and 9:00a.m. on any particular day and between 12:01 a.m. Sunday and 9:00 a.m. Monday.

19. Nudity at Sexually Oriented Businesses.

a. The United States Supreme Court decision in *Barnes v. Glen Theater, Inc*., 501 U.S. 560, 111 (1991) which upheld the rights of communities to prohibit live public exposure of a person's private parts, specifically applies to sexually oriented businesses (regardless of whether or not a permit has been issued to the business under this section) where no alcoholic beverages are sold, served, or consumed at the premises.

b. Public nudity is prohibited within the town, including any sexually oriented business. Any sexually oriented business which is found in violation of this section shall have its permit suspended pursuant to the provisions of this section.

20. Regulations Pertaining to Live Entertainment.

a. No person shall perform live entertainment for patron(s) of a sexually oriented business, except upon a stage of a least 18 inches above the level of the floor which is separated by a distance of at least 10 feet from the nearest area occupied by a patron.

b. The sexually oriented business shall provide access for female and male performers between the stage and dressing room facilities which shall not be occupied or used in any way by anyone other than performers. If such separate access is not physically feasible, a minimum four (4) foot wide walk aisle shall be provided for performers between the dressing room area and the stage and shall separate patrons and performers with a railing, fence or other barrier at least 30 inches high which prevents any physical contact between patrons and performers.

c. No entertainer, either before, during or after a performance, shall have physical contact with any patron and no patron shall have physical contact with any entertainer either before, during, or after a performance. This subsection shall only apply to physical contact while in or on the premises of the establishment.

d. No patron shall directly pay or give any gratuity to any entertainer. A patron who wishes to pay or give a gratuity to a performer shall place the gratuity in a container that is at all times located separately from the performers for the purpose of preventing any physical contact between a patron and a performer. No performer shall solicit a gratuity from any patron.

e. No operator of a sexually oriented business shall cause or allow a performer to contract or engage in any entertainment such as a "couch" or a "straddle" dance with a patron while in or on the premises. No performer shall contract to or engage in a "couch" or "straddle" dance with patron while in or on the premises. For purposes of this subsection, "couch" or "straddle" dance is defined as an employee intentionally touching or coming within 10 feet of any patron while engaged in any "specified sexual activity" or expose any "specified anatomical area".

f. This section shall not apply to an employee of an establishment who, while acting as a waiter, waitress, host, hostess, or bar tender, comes within 10 feet of a patron. No employee shall engage in any "specified sexual activity" or expose any "specified anatomical area" while acting as a waiter, waitress, host, hostess or bartender.

g. Compliance with this section:

i. No sexually oriented business providing live entertainment shall be in compliance with this subsection until the town's designated agent(s) have inspected and approved the establishment's compliance. The town shall have 10 days from the date it received written notice from the operator that the establishment is ready for inspection to

Draft 3

approve to disapprove of compliance required by this subsection. Failure to approve or disapprove within 10 days shall constitute a finding of compliance.

ii. The operator of a sexually oriented business that has been providing live entertainment under a valid permit, shall have the time periods listed below in which to bring the establishment into compliance with this subsection. Failure to do so while continuing to provide live entertainment shall cause the establishment's permit to be suspended. The permit shall remain suspended until the establishment is approved by the planning director as being in full compliance with this subsection.

iii. An operator, that has been operating under a valid permit for another classification of sexually oriented business and who wishes to provide live entertainment at that establishment, shall apply for and receive a sexually oriented business permit to provide live entertainment prior to commencing such live entertainment. No live entertainment permit shall be issued until the establishment is determined to be in full compliance with this subsection and all other applicable requirements of this ordinance.

iv. The applicant for a permit to operate a new sexually oriented business providing live entertainment shall apply for and receive a sexually oriented business permit to provide live entertainment prior to commencing such live entertainment. No live entertainment permit shall be issued until the establishment is determined to be in full compliance with this subsection and all other applicable requirements of this ordinance.

21. Additional Criminal Prohibitions for Operation Without a Valid Permit.

a. In addition to the criminal provisions found at other sections of this section, the following additional criminal provisions shall also apply to sexually oriented business.

b. It shall be unlawful and a person is guilty of a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued for the business under this section, and that person knows or should know that:

i. The business does not have a sexually oriented business permit for any applicable classification; or

ii. The business has a permit which is under suspension; or

iii. The business has a permit which has been revoked; or

iv. The business has a permit which has expired.

22. Exemptions.

a. It is defense to prosecution if a person appearing in a state of nudity did so in a modeling or dance class or dance troupe operated or wholly sponsored:

i. by a proprietary school, licensed by the State of South Carolina, a college, junior college, or university supported entirely or partly by taxation;

ii. by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

iii. In a structure:

(a) which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

(b) where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

(c) where no more than one (1) nude model is on the premises at any one time.

b. It is a defense to prosecution for a violation of this section that an employee of a sexually oriented business, regardless of whether or not it is permitted under this section, exposed

Drafts

any specified anatomical area during the employee's bona fide use of a restroom or during the employee's bona fide use of a dressing room which is accessible only to employees.

23. Criminal Penalties and Additional Legal, Equitable and Injunctive Relief.

    a. A person who operates or causes to be operated a sexually oriented business without a valid permit and/or license or in violation of any provision of this section is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of $500.00 or 30 days imprisonment.
    b. In addition to whatever penalties are applicable under the South Carolina Penal Code, if any person fails or refuses to obey or comply with or violates any of the criminal provisions of this section, that person, upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed $500.00 or by imprisonment not to exceed 30 days in jail, or both, in the discretion of the court. Each violation or noncompliance shall be considered a separate and distinct offense. Further, each day of continued violation or noncompliance shall be considered a separate offense.
    c. Nothing contained is this section shall prevent or restrict the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or noncompliance. Such other lawful actions shall include, but not be limited to, an equitable action for injunctive relief or an action at law for damages.
    d. Further, nothing in this section shall be construed to prohibit the town from prosecuting any violation of this section by means of the town's code enforcement division.
    e. All remedies and penalties provided for in this section shall be cumulative and independently available to the Town of Fort Mill and the town shall be authorized to pursue any and all remedies set forth in this section to the full extent allowed by law.

Section 8.09 Specific Use Requirements-Residential

A. **Accessory Dwelling Units**.

1. An accessory dwelling unit may be located within or attached to a single-family detached dwelling or within a detached accessory building.
2. The accessory dwelling unit shall share the same sewage disposal and water supply systems as the principal dwelling unit.
3. A minimum of two (2) off-street parking spaces shall be provided for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.
4. The accessory dwelling unit shall be limited in size to a maximum of 25 percent of the total living area of the principal dwelling.
5. The accessory dwelling may contain no more than a living area, one bedroom, one bath and a kitchenette (including a small refrigerator, microwave oven, stove and sink).
6. The property owner shall live in the principal or accessory dwelling.
7. No new access points or driveways shall be created or installed for access to the accessory dwelling unit.

B. **Bed and Breakfast**.

1. A bed and breakfast shall be operated at all times in accordance with State of South Carolina requirements.
2. A bed and breakfast shall not provide more than five (5) guest rooms, plus a common area for use by all guests.
3. A bed and breakfast establishment shall be located only in a detached single-family dwelling, designed and constructed for single family use, which shall contain at least 1,500 square feet of useable floor area. For each guest room in excess of two (2), an additional 100 square feet of floor area shall be required.

Draft 3

4. The bed and breakfast shall be the principal residence of the owner, who shall reside there when the bed and breakfast is in operation. If the owner is not in residence in the dwelling unit for 14 consecutive days or more, the bed and breakfast shall be closed until the owner returns.
5. Meals shall be limited to breakfast and evening snack, and shall be served only to guests of the facility and members of the owner's family.
6. There shall be at least one (1) parking space provided for each guest room, in addition to the parking spaces required to serve the principal residence.
7. One sign, not exceeding 12 square feet, shall be allowed for identification purposes. Sign lighting shall be down-lit and shielded from view off site. Internally lighted signs are not permitted.
8. Cooking facilities in bed and breakfast guest rooms are prohibited.
9. Exterior refuse storage facilities shall be screened from view on all sides by a six (6) foot solid decorative fence or wall, or by other screening approved by the planning director.
10. In addition to the development plan required by this ordinance, a floor plan of the dwelling units and the use of each room shall also be submitted with the conditional use application.

C. **Home Occupations.** A home occupation shall be permitted in any residential district or within dwelling units in any mixed use district; provided, the occupation:

1. is conducted by no other person than members of the family residing on the premises,
2. is conducted entirely within the principal building,
3. utilizes not more than 25 percent of the total floor area of the principal building,
4. produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling,
5. involves no sale or offering for sale of any article not produced or assembled by members of the family, or any service not entirely performed by members of the family, residing on the premises,
6. creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition,
7. is not visibly evident from outside the dwelling, except for one non-illuminated sign no larger than two (2) square feet in area, mounted against a wall of the principal building, and
8. provides adequate off-street parking for the maximum number of vehicles anticipated in the conduct of the occupation in a manner and location that does not detract from the appearance of the premises or inconvenience the neighboring residences.

D. **Manufactured Home Community**.

1. Purpose. The purpose of this section is to provide for development of properly located and planned facilities for manufactured home communities. Such areas must be carefully located and designed to meet the needs of the residents and to achieve a satisfactory relationship to adjoining and nearby uses. Emphasis is given, therefore, to the location of a proposed manufactured home community, the relationship of the site and the site development plan to adjoining property, and the development plan itself when evaluating the manufactured home community.
2. Conformance with Regulations.

   a. It shall be unlawful for any person to locate or cause to be located or to allow one (1) or more manufactured homes to be located on any parcel or lot, unless one (1) of the following requirements or conditions is satisfied:

      i. The manufactured home is nonconforming as defined in *Article XIX* of this ordinance; or
      ii. The manufactured home is within an approved manufactured home community; or,
      iii. The manufactured home is used in connection with an allowable temporary use; or
      iv. The manufactured home is on an individual lot in a district in which it is a permitted use.

   b. The owner or operator of a manufactured home community may permit a recreational vehicle to locate on an individual lot for periods no greater than one (1) week; provided, the recreational vehicle is being used or intended to be used as a temporary dwelling for guests.

Draft 3

The long-term storage of recreational vehicles shall only be permitted within a designated outdoor storage area located within the manufactured home community: provided, such units are not used for purposes of living, sleeping, or cooking while in storage.

c. These regulations shall not be construed to prohibit parking and/or storing any manufactured home for the purpose of sale by the owner or licensed dealer upon any lot or tract on which the sale of such vehicle is permitted under these regulations.

d. Except as allowed under *Subsection 2.a*, it shall be unlawful to store or park any unoccupied manufactured home for longer than 48 hours, except in an emergency, and then only after first obtaining a special permit from the planning director. No emergency storing permits shall be issued for a period longer than seven (7) days in duration.

3. Permitted Uses Within a Manufactured Home Community. Manufactured homes communities and buildings when constructed, altered, extended, or used shall be arranged, intended, and designed to be used exclusively for one or more of the following uses according to the conditions specified in this ordinance:

   a. The placement of manufactured homes for use as a dwelling.
   b. Caretaker's or manager's home or offices.
   c. Service building to house services for occupants of manufactured home community only, including management office, mail pick-up, restrooms, vending machines, washing and drying machines for domestic laundry, recreation facilities accessory to the manufactured home community, and similar uses.

4. Site Planning.

   a. Site planning should adapt to individual site conditions. An informal park type of site planning which conforms to terrain and retains existing trees and shrubs is preferred. The manufactured home spaces should be fitted to the terrain with a minimum disturbance of the land. Existing trees and other natural site features shall be preserved to the extent practical. Variations in the street pattern, block shapes, and location of manufactured home strands should be employed. Excessive repetition of the principal elements of the plan is not acceptable.
   b. Adequate protection shall be provided against any undesirable offsite views or any adverse influence from adjoining streets and areas, and protection for offsite residential areas from undesirable views and adverse influence from areas within the park. Consideration shall be given to the location and arrangement of manufactured homes and of buildings, recreation and parking areas, the nature and extent of screening, setbacks, street design, and open space in the evaluation of the site plan and its relation to the surrounding areas.
   c. All manufactured home site plans must be approved by the South Carolina Department of Health and Environmental Control.

5. Contents and Review of Preliminary Plans. Manufactured home communities shall comply with the preliminary plot standards as established in *Section* ***.*32-40* of the Fort Mill Code of Ordinances. A preliminary plan shall contain the following:

   a. A preliminary map prepared and certified by a professional engineer, landscape architect, architect, or land surveyor duly registered by the state, showing:

      i. Minimum setback lines shown with approximate dimension of manufactured home lots, manufactured home stands, manufactured home patios, and walkways from patios to parking areas.
      ii. Boundaries of the tract with course and distances, north point, graphic scale of 1:200 feet or larger.
      iii. Accessory building dimensions and locations.
      iv. Existing and finished contours at intervals of two (2) feet.

Draft 3

v. The location of the following existing and proposed facilities:

(a) Water lines and size,
(b) Sanitary sewer lines and size,
(c) Storm sewer line size,
(d) Dedicated streets showing rights-of-way, dimensions, names, driveways, entrance and exits, sight distance at intersections, private drives with dimensions,
(e) Bridges, culverts, railroads, water courses, including ditches, easements, alleys, walkways,
(f) Refuse container locations, if required,
(g) Location, arrangement, and dimensions of automobile parking spaces, width of aisles, width of bays, angle of parking and number of spaces,
(h) The locations of transformer pads, electrical poles, telephone poles, and plans for electrical distribution and connections,
(i) Street lighting for private drives and parking areas,
(j) The location and size of gas lines,
(k) Location of recreational facilities, and
(l) Site location of fire hydrants.

b. Proposed name of the manufactured home community; names and addresses of owners and designers of the development; street names and addresses.
c. The preliminary plan shall include US Mail delivery and pick-up locations.

6. Contents and Review of Final Plan. Manufactured home communities shall comply with the final plot standards as established in *Section* ~~22.2~~*32-42* of the Fort Mill Code of Ordinances when the development includes right-of-way dedications, easements, and/or manufactured home community subdivision. The final plan shall contain the following:

a. Same requirements as listed on the preliminary plan.
b. Satisfactory evidence of review, comment and approval by each of the following departments or agencies:

i. Public works: refuse collection;
ii. Fire department: fire hydrant lines and fire hydrant locations;
iii. Fort Mill Utilities: street utilities, electrical distribution and connection, gas distribution and connection (as required), water distribution, sanitary sewer;
iv. Engineering/inspections: storm sewer, traffic circulation and parking, streets and park drives;
v. Recreation: parks, trails, athletic facilities; and
vi. Health department: as required.

c. Proposed public streets, park drives, and dedicated streets showing natural and finished grades drawn to scale of not less than one (1) inch equals four (4) feet vertical.
d. Vicinity sketch drawn to scale of one (1) inch equals 1,000 feet.
e. Site data: total acres, total recreational acreage, total lots, parking ratio, and density ratio.
f. Type of buffering to be provided.
g. A numbering plan for all manufactured home lots in the proposed park.
h. Detail of a typical manufactured home lot showing water, sewer, and electrical connections.
i. Location and extent of surface areas, lawns and planted areas.

7. Development Requirements. Manufactured home communities shall meet the following development requirements:

a. The minimum area of any development site shall be three (3) acres, including right-of-way, utility easements, and recreation areas.

Draft 3

b. The maximum gross density of a manufactured home community or sections thereof shall be six (6) dwelling units per gross acre.
c. There shall be no less than 10 manufactured home lots available at first occupancy.
d. When a manufactured home community is developed by sections, a final plan for each section shall be approved by the planning director before any permits can be issued for that section.
e. It shall be unlawful for any person to sell manufactured homes within a manufactured home community on a commercial basis, except that an individual manufactured home owner shall be allowed to sell the manufactured home in which the person maintains occupancy.

8. Manufactured home Lot Requirements. Each individual lot within a manufactured home community shall meet the following requirements:

a. A manufactured home community shall be divided into manufactured home lots, the limits of which shall be clearly marked on the ground by permanent flush stakes. Each lot shall be of sufficient size to meet minimum dimensional area and separation requirements based upon the anticipated size and character of the manufactured home and its additions to be placed on the lot. At a minimum, each lot shall have an area of 5,000 square feet and a minimum width of 50 feet. No more than one manufactured home may be erected per lot.
b. Location of lots on the ground shall be approximately the same as shown on the approved plans. Precise engineering of space limits is not required either on the plans or on the ground, except when a manufactured home subdivision is proposed.
c. Each manufactured home shall be erected or located on a permanently constructed stand meeting the following requirements:

i. The manufactured home stand and the manufactured home lot shall be graded to provide adequate storm drainage away from the manufactured home.
ii. The location of each manufactured home stand shall be at such elevation, distance, and angle in relation to the parking lot and the adjacent private or public street that placement and removal of the manufactured home is practical by means of customary moving equipment.
iii. A manufactured home stand shall consist of a rectangular plot 28 feet by 70 feet with concrete patio and a concrete walk to a private drive.
iv. Manufactured home stands may be located with direct access to public or private interior streets which exclusively serve the manufactured home community.
v. For each manufactured home there shall be constructed a permanent patio located adjacent to or attached to the manufactured home stand, and each patio shall have:

(a) an area of at least 64 square feet in area;
(b) sufficient gradient to facilitate adequate drainage away from the manufactured home stand; and
(c) a well-graded, well-drained and compacted base of concrete, or masonry construction.

vi. Each manufactured home shall be tied down to the stand and have a curtain covering its base.

d. A walkway shall be constructed for each manufactured home lot connecting the parking lot or parking space and the patio.

i. the width of the walkway shall be three (3) feet.
ii. the walkway shall consist of a compacted base, and shall be constructed of concrete or masonry, in accordance with the Town of Fort Mill specifications.

Draft 2

9. General Requirements. Manufactured home community installations and construction requirements shall be as specified below:
    a. A permanent street address shall be assigned to all manufactured homes located within a manufactured home community in accordance with the Town of Fort Mill Code.
    b. All manufactured home community sewer inlets for individual manufactured homes must be provided with a removable, gas tight seal plug or cap to be put in use immediately when the inlet is not in service. The plug or cap shall be of the type that cannot be removed easily by children, and shall be approved by the town's plumbing inspector.
    c. Each manufactured home stand shall be located at least 20 feet from any other stand and 25 feet from the right-of-way of a public dedicated street or easement of a private street.
    d. Attached structures such as awnings, cabanas, storage cabinets, carports, windbreaks, and porches for purposes of the separation requirements are to be considered part of the manufactured home stand.
    e. Ingress and egress to/from the manufactured home community shall be through an approved entrance. Individual lots shall not be accessed directly from any perimeter street adjacent to the manufactured home park.
10. Buffering. Shall be required in accordance with *Article XI* of this ordinance.
11. Recreation.
    a. Recreation areas serving adult and school age residents shall be provided at a ratio of 350 square feet per dwelling unit; provided, this requirement shall not apply if the manufactured home community is within one-half (½) mile of a public park or school recreation facility available to the public, or if the project is three (3) acres or less.
    b. Swimming pools, clubhouses, accessory buildings for recreational uses, and structures for recreational activities shall not be located within 35 feet of any adjacent property line. Swimming and wading pools shall be fenced.
12. Parking.
    a. Parking shall be provided in accordance with the off-street parking requirements of *Article X*.
    b. Two off-street parking spaces shall be provided per lot within the manufactured home community. At least one (1) of the required parking space shall be provided on each lot, but no closer than five (5) feet to the dwelling unit. The other required space, if not on the lot, shall be within a designated parking area no further than 150 feet from the lot it is to serve.
    c. On-street parking shall not be used to satisfy the parking requirements.
    d. Parking spaces and lots shall be surfaced with concrete or bituminous asphalt as per the specifications of the Town of Fort Mill.
13. Compliance and Permit Validity.
    a. Operating requirements*:* Each manufactured home community shall be operated in accordance with the rules and regulations of the South Carolina Department of Health and Environmental Control governing the sanitation and operation of manufactured home communities in South Carolina.
    b. Utility requirements*:* Each manufactured home shall be connected to the water mains and sanitary sewer systems of the Town of Fort Mill in an approved manner. Should either or both of these facilities be unavailable, private systems of an approved type may be used.
    c. Revocation of permit*:* The building official may revoke any permit to maintain and operate a manufactured home community when the operator, owner or manager has been found guilty by a court of competent jurisdiction of violating any provision of this ordinance. After such conviction, if the circumstances leading to conviction have been remedied and the community is being maintained and operated in full compliance with the law, the permit may be reissued.

Draft 3

d. Posting of certificate of occupancy*:* The certificate of occupancy shall be conspicuously posted in the office or on the premises of the manufactured home community at all times.

Section 8.10 Specific Use Requirements-Retail Trade and Service

A. **Kennels and Pet Day Care**.

1. Kennels and pet day care facilities that include outdoor runs/exercise areas shall not be located adjacent to a residential or mixed use district boundary.
2. Minimum lot size shall be two (2) acres.
3. No dog runs or animal exercise areas shall be located in a front yard or in any required rear or side yard.
4. Outdoor runs/exercise areas shall be set back a minimum of 75 feet from all property lines or the required setback for the zoning district, whichever is greater; provided, a 100 foot setback shall be maintained from any residential dwelling.

B. **Outdoor Display Areas for Retail Establishments**. These regulations shall apply to all retail establishments, except those within the DC, Downtown Core District.

1. The outdoor storage and display area shall be arranged to provide safe pedestrian and vehicular circulation and safe emergency access. Maneuvering aisles shall be kept free of all obstruction.
2. A drive shall be provided, graded, paved, and maintained from the street to the rear of the property, to permit free access of emergency service vehicles and firefighting equipment at any time.
3. The sale or outdoor display of merchandise shall not be permitted within the required setback areas.
4. Outdoor storage and display areas located on parking lots shall not reduce the available parking spaces to fewer than those required by *Article X* for the principal use.
5. No outdoor display area or parking serving an outdoor display area shall be located within 50 feet of any residential district boundary line.
6. The storage of soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing into adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials, unless packaged in approved containers, is prohibited.
7. The planning director may require an obscuring screen around any storage or display area that meets maximum fence height requirements for the zoning district. Stored materials and stockpiles shall not be piled or stacked higher than the height of the obscuring screen.
8. All outdoor display and sales areas shall be paved with a permanent, durable, and dustless surface and shall be graded and drained to dispose of all surface water.
9. All loading and truck maneuvering shall be accommodated on-site or on a dedicated easement. Maneuvering in the public right-of-way is prohibited.
10. Lighting for security purposes may be required, as determined by the planning director. All lighting shall be shielded from adjacent residential districts and uses.
11. Permanent outdoor storage areas shall be attached to and be considered part of the principal building relative to all setback requirements. The storage area shall be fenced with a decorative fence or wall at least six (6), but no more than eight (8), feet in height. Chain-link, or similar style fences, are prohibited.

Section 8.11 Specific Use Requirements-Transportation and Warehousing

A. **Heliports and Helipads**.

1. Conditional use requests for heliports and helipads shall be first considered by the planning commission which shall make a recommendation to the town council for final action. At the

Draft 3

discretion of either body, a public hearing, duly noticed in accordance with the provisions of ~~*Section* ***~~,the Fort Mill Code of Ordinances may be conducted.

2. The proposed heliport and all appurtenant facilities and equipment shall be constructed, operated and maintained in accordance with the published rules, regulations and guidelines of the Federal Aviation Administration and the South Carolina Aeronautics Commission.
3. The use shall be located on a parcel having a minimum area of 10 acres.
4. The touchdown and lift-off area (TLOF), as defined in Federal Aviation Administration Advisory Circular 150/5390-2B, or any successor advisory circular, shall comply with the following minimum separation distances:

    a. from the boundary of any property zoned Light Industrial (LI): 150 feet;
    b. from a building on property, other than property owned by the applicant, zoned Light Industrial (LI): 200 feet;
    c. from the boundary of property in any other zoning district: 300 feet;
    d. from a building on property in any other zoning district: 500 feet.

5. A helicopter shall not remain in operation on the ground for a period of time greater than that necessary for startup/shutdown, loading and otherwise essential ground operations (generally no longer than 10 minutes).
6. As a condition of approval, limits may be imposed on:

    a. size and type of rotorcraft permitted to use the facility;
    b. allowable hours of use of the facility;
    c. frequency of helicopter operations permitted at the facility; and
    d. location, design, type, size, and use of any exterior lighting, buildings, fuel storage or other equipment or facilities associated with the heliport.

7. The provisions of this section shall not apply to emergency operations conducted by law enforcement, public safety agencies, military or emergency medical service providers.

B. **Cartage, Express, Parcel Delivery Facilities and Freight and Intermodal Terminals**.

1. The site shall have a minimum area of five (5) acres.
2. All access to the site shall be from an arterial street built to a standard to accommodate heavy trucks; provided, access may be from an interior street within an industrial park or similar planned development that intersects with such an arterial street.
3. The site shall be designed so all vehicles enter, leave and maneuver within the site without backing in or out from the street. Driveways shall be curbed for their full length in the front yard.
4. The planning director shall determine that traffic will be no more hazardous nor the volume of traffic any greater than is normal for the road involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and adequacy of interchanges.

C. **Mini-Warehouse or Personal Storage Units**.

1. The minimum size of the site shall be not less than five (5) acres.
2. All ingress and egress from the site shall be directly onto an arterial or collector street.
3. Storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the fire prevention code, or toxic materials, shall not be permitted within the self-storage buildings or upon the premises. However, storage of recreational vehicles containing fuel and other automotive fluids is permitted.
4. The use of the premises shall be limited to storage of personal and business items, except as otherwise provided, and shall not be used for operating any other business, maintaining or repairing vehicles or for any recreational activity or hobby.

Draft 3

5. Limited retail sales of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers, locks and chains shall be permitted within a central office.
6. The entire site shall be screened from view in accordance with the requirements of *Section 11.3*.
7. A security manager may be permitted to reside on the premises. A minimum of two parking spaces shall be provided for the dwelling unit and the requirements of *Article X* shall be met.
8. Minimum separation between self-storage buildings shall be 24 feet.
9. Internal drive aisles shall be at least 24 feet wide and must be clearly marked to distinguish traffic flow.
10. Building design and materials shall be compatible with the existing and intended character of the area. If located adjacent to residential zoned property, the front office building, or office portion of the building, shall reflect a residential character in architectural design.
11. To the maximum extent practical, storage unit doors shall not face public right-of-way.
12. Fences within front yards and any side yards adjacent residential zoned property shall be wrought iron or a similar decorative type. Chain-link, or similar style fences, are prohibited in these areas.

D. **Outdoor Storage Related to Principal Industrial Uses**.

1. Outdoor storage shall not be permitted in any front yard.
2. Outdoor storage shall only be permitted as an accessory use to principal uses in the LI district.
3. The outdoor storage area shall be fenced on all sides in accordance with the requirements of *Section ~~9.12~~11.3*.
4. Any side that is visible to adjoining properties in a residential district, neighboring parking lots or abutting streets shall be screened in accordance with the requirements of *Section 11.3*.
5. The planning director may permit the required screening to be comprised of plant material, upon a determination that the alternate materials will provide the same degree or better of opacity, screening and compatibility with adjoining properties as a fence or wall.

Section 8.12 Specific Use Requirements-Utility and Waste Processing and Disposal

A. **Processing, Storage, Transfer, Disposal or Incineration of Solid, Hazardous or Medical Waste**.

1. Conditional use requests for hazardous waste facilities shall be first considered by the planning commission which shall make a recommendation to the town council for final action. At the discretion of either body, a public hearing, duly noticed in accordance with the provisions of ~~*Section* ****~~,the Fort Mill Code of Ordinances may be conducted.
2. The use shall be located on a site of not less than 20 acres.
3. All truck access to and from the site shall be from an arterial street or an interior street serving an industrial park or planned industrial development that intersects with an arterial street.
4. To ensure that the reasonable use of neighboring properties is not adversely affected and to reduce the potential for adverse health, odor or other environmental impacts, the proposed site shall abut the LI district on all sides and shall comply with the following separation distances:

   a. Two thousand six hundred forty (2,640) feet from any property occupied by a hospital, nursing home, senior housing project, or any facility designed for use by the physically infirm, or where large numbers of people congregate, such as recreation centers, parks or playgrounds, public meeting halls, places of religious worship, schools or libraries.
   b. Two thousand six hundred forty (2,640) feet from any existing residential structure or any residential or mixed use district boundary.
   c. Additionally, the planning director shall determine that the proposed use shall not adversely affect nonconforming residential uses and that adequate separation is provided from existing

Draft 3

industrial uses that may be particularly sensitive, such as food, beverage or drug processing facilities.

d. The separation distances specified above may be reduced by not more than 50 percent upon a finding by the planning commission that the distance is sufficient to prevent any occurrence of health or obnoxious odor problems or pollution of land, water courses or drainage systems.

5. The minimum width and plant material requirements for greenbelts and landscape buffer zones shall be increased by 50 percent above the minimum greenbelt and buffer requirements of *Article XI*.
6. Environmental Controls.

   a. All processing, treatment, recycling, transfer, unloading and storage shall be within a completely enclosed building or in approved storage tanks. The facility shall be constructed to enclose all equipment which generate significant levels of noise.
   b. All aggregate and bulk materials shall be stored in the building or in concrete bunkers or silos. The bunkers or silos shall be equipped to control fugitive dust and particles.
   c. The required site plan shall indicate that all motor vehicles, which have contained or been in contact with hazardous waste, recycled materials or sludge, shall be washed clean prior to leaving the site. The method and area for washing shall be specified on the development plan.
   d. The facility shall be equipped with an approved waste water recycling system to avoid contaminated water or liquids from being discharged to ground water, surface water or storm sewers. This shall include a wash-out, wash- down, and secondary containment system to recover and recycle impurities and other by-products processed from trucks, machinery products, supplies or waste.
   e. All surface areas involved in the loading, unloading, transfer or storage shall be constructed to prevent the runoff of any hazardous material to unpaved areas or non-designated drainage facilities. Potential waste shall be collected with a secondary containment system and processed or disposed of according to state or federal regulations. Any drainage of fluids shall be on a non-pervious platform so that all liquids will be contained and not discharge to the ground.

7. All driveways, surface roads and storage areas on the premises shall be paved with concrete or deep strength asphalt. Deceleration lanes shall be provided in accordance with the Town of Fort Mill design standards. Acceleration or passing lanes may be required by the town engineer. The planning director shall take into consideration vehicular turning movements in relation to traffic flow, proximity of curb cuts and intersections.
8. All areas of the site which are not paved for parking, driveways, loading or operation shall be landscaped and maintained in accordance with *Article XI*.
9. The facility and all of its operations shall strictly comply with all applicable town, county, state and federal statutes, regulations, rules, orders and ordinances. Systems shall be employed to contain and process all discharged materials from the facility in an environmentally sound manner.
10. Plans and/or reports shall be filed with the Fort Mill fire department, indicating the types of materials and where they are located on the site.
11. All approvals by the town shall be conditioned and subject to the applicant securing all required approvals and permits, as defined by local, county, state and federal statutes and regulations.
12. The town council shall establish fees to pay its costs of administration and inspections of the site and facility to ensure that the development is being operated in compliance with the conditions of approval.

B. **Salvage Yards**.

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1. Conditional use requests for salvage yards shall be first considered by the planning commission which shall make a recommendation to the town council for final action. At the discretion of either body, a public hearing, duly noticed in accordance with the provisions of ~~*Section* ***~~,the Fort Mill Code of Ordinances may be conducted.
2. All vehicles, parts, material and equipment shall be stored within enclosed buildings or within an area completely enclosed by a screening fence or wall at least eight (8) feet in height.
3. The screening fence shall be of such design as to completely obstruct vision. No chain link fence, with or without covering, shall be permitted.
4. The screening fence or wall shall be set back from all property lines in accordance with the minimum yard requirements of the zoning district.
5. No materials shall be stacked higher than the screen fence or wall.
6. All materials shall be stockpiled in neat and orderly rows with adequate aisle space provided between rows to accommodate emergency vehicles and equipment.
7. No storage area shall be located within 500 feet of a residential or mixed use district.

C. **Construction and Demolition Debris (C&D) and Municipal Solid Waste (MSW) Landfills**.

1. Conditional use requests for landfills shall be first considered by the planning commission which shall make a recommendation to the town council for final action. At the discretion of either body, a public hearing, duly noticed in accordance with the provisions of ~~*Section* ***~~,Fort Mill Code of Ordinances may be conducted.
2. The landfill shall be located on a parcel of land of not less than 100 acres.
3. All buildings, structures and equipment shall be removed upon completion of the landfill operation.
4. The parcel shall be enclosed by a fence six (6) feet high that provides a visual screen and contains windblown debris.
5. No burning of waste material will be allowed without a permit from applicable local, county, state or federal agencies.
6. The minimum width and plant material requirements for greenbelts and landscape buffer zones shall be increased by 50 percent above the minimum greenbelt and buffer requirements of *Article XI*.
7. A remediation and redevelopment plan for the site shall be submitted as part of the conditional use application. Once the landfill operation is completed, the land is to be graded to smooth contours suitable for other uses.
8. An Environmental Impact Assessment shall be submitted as part of the application.
9. The planning commission may recommend and the town council may impose any other regulations which it deems necessary to protect the safety, health, and general welfare of the people of the community and will have the authority to make any change or alterations in such plans and modify any requirements and regulations herein prescribed, provided they are in the best public interest and such that the property may be developed in a reasonable manner, but, in so doing, complying with other applicable provisions of this ordinance.
10. The town council may require a performance guarantee in an amount necessary to ensure that requirements are fulfilled, subject to *Section* ~~***~~*.16.5.*
11. All applicable permitting requirements of the South Carolina Department of Health and Environmental Control shall be met and the use shall be operated at all times in accordance with state requirements.

D. **Solar Installations.**

1. Roof-Mounted Solar Installations. All solar installations shall be located on the rear elevations or otherwise configured to the degree practical to have a minimal visual impact as seen from the street. Solar installations that are visible from the street must be either composed of building-integrated components (such as solar shingles) that are not readily evident, or be designed and

Draft 3

mounted to match the shape, proportions, and slope of the roof.

2. Ground-Mounted Solar Installations. In instances where roof-mounting of solar panels or solar thermal collectors is not practicable due to efficiency or aesthetic considerations, ground-mounting may be necessary and allowed as follows:

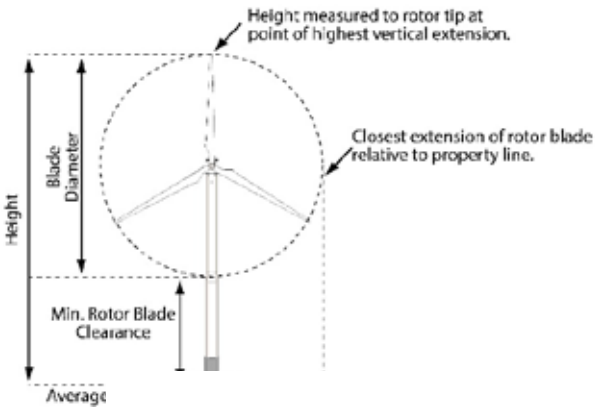
   a. Must be located to the rear of the principal structure and screened from view from public streets.
   b. Must be as close to the ground as practicable and in no case higher than the principal structure.
   c. The mounting framework must be neutral in color or screened from view from surrounding residential properties.
   d. Installations that are six (6) feet or less in height shall not project more than two (2) feet into a required yard, based on the required yards for accessory structures. Installations taller than six (6) feet may not encroach into required yards unless approved as a variance by the Zoning Board of Appeals. Height shall be measured from the ground to the top edge of the panel.
   e. All utility service lines serving a ground-mounted solar system shall be located underground.

~~D.~~E. **Wind Energy Conversion Systems (WECS)**.

1. General requirements.

   a. The minimum lot area for installation of a commercial wind energy conversion system (WECS) shall be 12,000 square feet.
   b. The power rating of a single accessory WECS turbine shall not be greater than 25 kW.
   c. A single accessory WECS shall provide energy only to the structures and uses on the same property upon which the tower is located and must be owned or leased by the owner of the same property. However, this does not prevent power generated beyond the needs of the structures or uses on the property to be distributed to a utility company through net metering. Except for the utility company, power generated by the WECS may not be provided to any other property or entity.
   d. Sound attributed to a single accessory WECS in excess of 55 dB(A) shall not be discernible at the property line.
   e. A sign, not exceeding three square feet in area naming the manufacturer may be affixed to the base of the tower or to the nacelle; no other signs are permitted on the WECS.
   f. Lights on or directed toward a WECS are not permitted, unless required by FAA or other government regulation.
   g. A single accessory WECS shall be painted in a neutral matte color, such as gray or light blue, to blend with the sky. A building mounted WECS may be painted in colors complementary to those of the building.
   h. A single accessory WECS shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding. Emergency shut-off information shall be posted on the tower in a location that can be easily seen.
   i. A single accessory WECS shall employ an anti-climbing device or be designed to prevent climbing and other unauthorized access.
   j. The installation of a single accessory WECS shall not interfere with signal transmission or reception of an existing fixed broadcast, re-transmission or reception antenna for radio, television or wireless phone or personal communication systems.
   k. The applicant shall provide written evidence that the WECS complies with all applicable federal, state and county requirements, in addition to town ordinances.

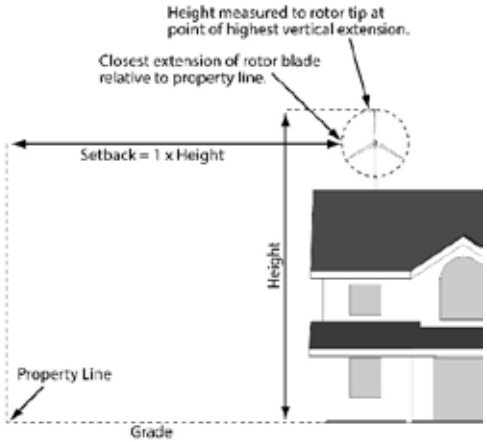
Draft 3



l. All single accessory WECS installations shall comply with applicable ANSI (American National Standards Institute), National Electric Code and National Building Code standards, as adopted by the State of South Carolina, York County and the Town of Fort Mill.

m. A WECS shall be removed when the device or equipment is no longer operating or when it has been abandoned. A WECS shall be deemed abandoned when it has not produced electrical energy for 12 consecutive months.

n. An existing and approved single accessory WECS may be repaired and maintained; however, a WECS may only be replaced with a new WECS upon approval of the planning director; provided, the new WECS is of the same height, rotor diameter, setback, etc. as the WECS it replaces. A new or replacement WECS shall mean all of the WECS, excluding the tower or support structure.



2. Ground-mounted single accessory WECS.

a. A ground mounted single accessory WECS shall not be located within any front yard and shall be located at a distance at least equal to its height from all property lines. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line. No part of a single accessory WECS (including guy wire anchors) shall be located within or above a required setback.

b. WECS height shall be limited based on the setback requirements in paragraph 2.a; provided, on a property less than one (1) acre in area, the height shall not exceed 50 feet; and on property one (1) acre or greater the height shall not exceed 75 feet.

c. The minimum rotor blade tip clearance from grade and from any structure shall be 20 feet.

d. The diameter of the rotor depends on maximum single accessory WECS height and rotor blade tip clearance, but in no case shall it exceed 50 feet.

e. The tower used to support a WECS shall be adequately anchored and meet applicable standards, as certified by a structural engineer registered in the State of South Carolina.

3. Building Mounted Single Accessory WECS.

a. The diameter of the rotor shall not exceed 20 feet.

b. WECS height shall not exceed the maximum permitted height for principal buildings in the district, plus 15 feet.

c. A single accessory WECS shall be separated from adjoining property lines a distance equal to the height of the building (ground to peak) measured at the point where the WECS is mounted plus the height of the WECS. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line.

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d. A building mounted single accessory WECS shall not be mounted to the vertical face of a gable end or dormer that is visible from the street. To the greatest degree possible, the WECS shall be mounted to the building in the least visible location.
e. The mount and the structure used to support a building mounted WECS shall meet applicable standards, as certified by a structural engineer registered in the State of South Carolina.

4. Discretionary conditions. The planning director may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of a WECS, including, but not limited to, the following:

a. The preservation of existing trees and other vegetation not required to be removed for installation of a WECS.
b. The reasonable replacement of trees or other vegetation removed or destroyed during the construction or installation of a WECS.
c. Altering the location of the WECS to prevent impacts on neighboring properties; provided, all other requirements of this section are met.
d. Requiring a performance guarantee, in accordance with the requirements of *Section* ****16.5* and conditioned upon the timely and faithful performance of all required conditions, including but not limited to the timely and complete removal of a WECS, regulated under the terms of the section, when required. The performance guarantee shall remain in effect during and after the operation of a WECS until its operations have ceased and it has been removed.

~~E.~~F. **Wireless Communication Facilities and Towers**.

1. Required Approvals. The placement of wireless communications facilities and towers shall meet the following approval requirements:

a. *Installation of New Towers*. The construction and installation of any new tower shall only be in accordance with the review and approval procedures of this article, as specified in *Section 8.2*.; provided, if an existing tower is replaced with a new tower to be located no further than 200 feet from the location of the tower being replaced, the setback requirements of this section may be modified by the planning commission. In no case, however, shall the setbacks for the new tower be less than those of the tower being replaced.
b. *Installation of New Antenna*. The installation of new antenna(s) on existing towers, including legal non-conforming towers, and existing alternative structures (such as water towers, buildings, or church steeples) may be approved by the planning director subject to all requirements of this section. Any new antenna that will add either 10 percent or 20 feet, whichever is less, above the highest point of any existing tower or alternative structure shall be subject to the provisions of this section for the installation of new towers, as described below.
c. *Installation of New Accessory Structures*. The installation of new accessory structure(s), such as equipment buildings, to support the installation of additional antennas on existing towers or alternative structures may be approved by the planning director.

2. Removal. Any tower unused or left abandoned for 12 consecutive months shall be removed by the property owner at his/her expense. Regardless of the tower ownership, the property owner shall be responsible for removal. Upon the request of the planning director, the operator of any facility to which this provision applies shall provide documentation of the use of that facility for the purpose of verifying any abandonment.
3. Interference with Public Safety Facilities. No new wireless communications facilities or tower shall result in any interference with public safety telecommunications.
4. Required Documentation for all Facilities. In addition to the requirements provided in this section for conditional approval, applications for new towers, new antenna, and new related facilities, including equipment mounted on an existing building, shall include the following:

Draft 3

a. *Engineer's Report*. A report from a professional engineer licensed in the State of South Carolina that:

   i. Describes the height and design of any new tower and/or antenna including a cross-section, latitude, longitude, and elevation; Describes or updates (in the case of new antenna) the tower's capacity, including the type and number of antennae it can accommodate;
   ii. Certifies compliance of the construction specifications with all applicable building codes (including but not limited to the foundation for the tower, anchors for the guy wires if used, co-location, and strength requirements for natural forces: ice, wind, earth movements, etc.);
   iii. Certifies that the facility will not interfere with established public safety telecommunication facilities; and
   iv. Includes the engineer's seal and registration number.

b. *Letter of Intent*. A letter of intent committing the tower owner, property owner, antenna owners, and their successors to allow the shared use of the tower.
c. *Proof of Compliance*. Copies of any required approvals from the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and all other appropriate state and federal agencies.
d. *Removal Affidavit*. A letter committing all parties, including the property owner and his/her successors, to remove the tower and all related accessory structures, fences, landscaping, and equipment if the tower is abandoned (unused for a period of 12 consecutive months). The removal affidavit shall be recorded in York County, with a copy of the recorded affidavit provided to the Fort Mill planning director.

5. Determination of New Tower Need. Any proposal for a new telecommunications tower shall only be approved if the applicant submits verification from a professional engineer licensed in the State of South Carolina that the antenna(s) planned for the proposed tower cannot be accommodated on any existing or approved towers or other structures within a two (2) mile radius of the proposed tower location due to one or more of the following reasons:

   a. *Existing Public Site*. There are no existing publicly owned towers or sites suitable to accommodate the proposed tower or antennas.
   b. *Inadequate Structural Capacity*. The antenna(s) would exceed the structural capacity of an existing or approved tower or other structure.
   c. *Interference*. The antennas would cause interference impacting the usability of other existing or planned equipment at the tower site.
   d. *Inadequate Height*. The existing or approved towers or structures within the search radius cannot accommodate the planned equipment at the height necessary.
   e. *Land Availability*. Additional land area is not available (when necessary).

6. Design Requirements for new Towers and Related Facilities. All telecommunications facilities shall meet the following design requirements:

   a. *Lighting*. Tower lighting shall only be as required for safety or security reasons or as required by the FAA or other federal or state authority. All ground level security lighting shall be oriented inward so as not to project onto surrounding properties, and shall have 90 degree cut-off luminaries (shielded down lighting).
   b. *Co-Location*. All telecommunication towers shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicant's equipment and at least one (1) additional user for every 50 feet in total tower height in excess of 75 feet.

      i. Each additional user shall be assumed to have an antenna loading equal to that of the initial user.

Draft 3

ii. Towers must be designed to allow for rearrangement of antennas and to accept antennas mounted at varying heights.

c. *Height*. All towers and antenna shall conform to FAA tall structure requirements. The maximum height of accessory structures shall be 15 feet.

d. *Signs*. Signs for all telecommunications facilities shall be permitted up to a total of four (4) square feet per user and mounted on the fence.

7. Site Requirements for new Towers and Related Facilities. All telecommunications facilities shall meet the following site requirements:

a. *Vehicular Access*. Vehicle access drives may be gravel or paved and shall be located within an access easement that is a minimum of 20 feet in width. Any portion of the entrance located in a public right-of-way shall meet the applicable public street design, construction, and pavement requirements for the Town of Fort Mill.

b. *Site Area*. The lot (or lease area) where the tower is located shall be large enough to accommodate all future anticipated accessory structures needed by future antenna users. The size of the site shall also be of sufficient area to allow the location of one additional tower and associated support facilities.

i. The arrangement of the initial tower and the topography of the site shall be considered in determining the sufficiency of the site area.

ii. At a minimum, the width and depth of the tower site shall be a distance equal to the tower height. The tower shall be placed within the property so it is no closer to any lot line than one-half (½) the tower height.

iii. All tower supporting and stabilizing wires shall be located within the site area.

c. *Setback*. The required setbacks for the tower and related facilities shall be as follows:

i. Side and rear setback. The minimum side and rear setback for all facilities, including the security fence, shall be 25 feet.

ii. Front setback. The minimum front setback for all facilities shall be as specified by this ordinance for the zoning district in which it is located. No part of a wireless telecommunications facility, including the security fence, and any required guide wires or bracing shall be permitted in the required front setback.

iii. Additional setback from residential districts. No facility shall be placed closer than one and one-half (1½) times the total height of the tower or 200 feet, whichever is greater, to any property included in a residential district.

iv. Additional landscaping. Landscape screening, in addition to the requirements of this section, may be provided in the setback area.

d. *Encroachment*. No part of any telecommunications facility nor associated lines, cables, equipment, wires or braces shall at any time extend across or over any part of a public right-of-way, sidewalk, or property line.

e. *Fencing*. An eight (8) foot high security fence shall completely surround the tower and accessory equipment building site. Any deterrents, such as barbed wire, shall be at least eight (8) feet above grade.

i. Required landscape screening, as described in subparagraph 8, shall be located outside of the required fence.

ii. If located within a residential district, the required security fence enclosing the facility shall be 100 percent opaque and of wood, brick, or stone construction. Opaque, eight (8) foot tall gates shall be provided for access. In no instance shall the use of chain link fencing or gates with screening inserts be considered as opaque.

Draft 3

f. *Designated historic districts*. No new telecommunications tower shall be located within any designated historic district; provided, one (1) or more telecommunications antennae may be located on existing towers or public facilities.

8. Landscape Screening. Evergreen buffer plantings shall be located and maintained around the outermost perimeter of the security fence of all wireless communications facilities. The landscape plan for the site shall provide plants in a number and design to provide a screen of the fence, all equipment and the base of the tower, as determined by the Planning Commission.

   a. If evergreen shrubs are used they shall be planted a maximum of five (5) feet apart on center.
   b. If evergreen trees are used they shall be planted a maximum of 10 feet apart on center.

Section 8.13 Specific Use Requirements- Vehicle Sales, Service and Related Uses

A. **Auto, Trailer, Truck, RV, Manufactured Home, Motor Cycle Sales and Service**.

1. The minimum lot size shall be one (1) acre with a minimum lot width of 200 feet.
2. Signs shall conform to the requirements of *Article XII*. Flags, pennants, balloons, ribbons, strings of lights or other distracting devices are not permitted.
3. Temporary or portable structures are not permitted.
4. Outdoor display shall conform to the following:

   a. Vehicles, for sale or otherwise, shall be parked on approved hard surfaces.
   b. Vehicle display areas shall not be located within any required greenbelt or buffer area, as specified in *Article XI*, and outside of public rights-of-way.
   c. Vehicle display or storage shall not be allowed in areas required for visitor, employee or service parking.
   d. All other merchandise available for sale, including, but not limited to, clothing, accessories, tires, collectibles etc. shall be sold and displayed within an enclosed building.

5. All service work, including vehicle washing, repair and general maintenance, shall be entirely conducted within an enclosed building.
6. Audible paging systems or outdoor speakers are not permitted.
7. The use of spotlights is prohibited.

B. **Drive-through Facilities for Automated Teller Machines, Banks and Pharmacies.**

1. Stacking space for at least four (4) vehicles shall be provided at each window or machine.
2. Stacking spaces shall be located so as not to interfere with vehicular circulation, parking spaces and egress from the property by vehicles not using the drive-through portion of the facility.
3. Public access to the site shall comply with the driveway spacing standards of *Section* ****10.5* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway.
4. Internal circulation and access to/egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.

C. **Vehicle Repair, Major**.

1. All main and accessory structures shall be set back a minimum of 75 feet from any residential or mixed use district.
2. There shall be a minimum lot frontage of 100 feet on an arterial or collector street; and all access to the property shall be from that street.
3. Access to the site shall comply with the driveway spacing standards of *Section* ****10.5* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway.

Draft 3

4. A raised curb of six inches in height shall be constructed along the perimeter of all paved and landscaped areas.
5. Overhead doors shall not face a public street or residential or mixed use district. The planning director may modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be diminished through use of building materials, architectural features and landscaping.
6. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two vehicles.
7. All maintenance and repair work shall be conducted completely within an enclosed building.
8. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.
9. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle, except a tow truck, shall be permitted up to 30 days in a designated area. Such area shall be appropriately screened from public view in accordance with the screening requirements of *Section 11.3*.
10. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the fire department and town engineer.

D. **Vehicle Repair, Minor**.

1. A building or structure shall be located at least 75 feet from any side or rear lot line abutting a residential or mixed use district.
2. Access to the site shall comply with the driveway spacing standards of *Section* ***10.5* but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway.
3. Equipment, including hydraulic hoists, pits, and lubrication, greasing, and other automobile repairing equipment shall be located entirely within an enclosed building. Outdoor storage or display of merchandise, such as tires, lubricants and other accessory equipment is not permitted.
4. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle, except a tow truck, shall be permitted only in a designated area. Such area shall be appropriately screened from public view in accordance with the requirements of *Section 11.3*.
5. All activities shall occur inside a building. No vehicle may be stored on the property for more than 30 days.
6. Storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gas above ground shall not be permitted.
7. Floor drains shall not connect to the sanitary sewer system.
8. There shall be a minimum lot frontage of 75 feet on an arterial or collector street; and all access to the property shall be from that street.
9. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the fire department and town engineer.
10. If the use includes fuel sales, the requirements for a vehicle service station shall also be met.

E. **Vehicle Service Station**.

1. There shall be a minimum lot area of one (1) acre and minimum lot width of 150 feet on an arterial street.

Draft 3

2. Access to the site shall comply with the driveway spacing standards of *Section* ***10.5 but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway. Driveways or curb openings shall be located at least 100 feet from any adjacent residential or mixed use district boundary line.
3. Only one (1) driveway shall be permitted from any street, unless the planning director determines additional driveways will be necessary to ensure safe and efficient access to the site.
4. Pump islands shall be a minimum of 30 feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least 15 feet from any lot line.
5. The edge of overhead canopies shall be set back at least 20 feet from the right-of-way and shall be constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the development plan. All signs, logos, or identifying paint scheme shall be in accordance with *Article XII*. The canopy shall not exceed 18 feet in height. Lighting in the canopy shall be recessed, fully shielded, and directed downward to prevent off-site glare.
6. The intensity of lighting within a site shall meet the requirements of *Section* ***.*13.7.*
7. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the fire department and town engineer.
8. In the event that a gasoline station use has been abandoned or terminated for a period of more than 12 months, all underground gasoline storage tanks shall be removed from the premises, in accordance with state requirements.
9. A vehicle service station may be combined with other uses, such as convenience store, vehicle wash, and/or restaurants; provided all relevant requirements are met and the most restrictive requirements applicable to any single use shall apply. Parking requirements may be modified, as provided in *Section 10.2 D*. Signs shall comply with the standards for business centers in S*ection* ***.*12.6.*

F. **Vehicle Wash Facility**.

1. All washing activities must occur inside a building.
2. Required stacking spaces for waiting vehicles shall not be located within a public or private right-of-way and shall not conflict with maneuvering areas, parking spaces and other activities. Stacking lanes shall be designed to prevent vehicle queues from extending beyond the property.
3. Wastewater must be recycled, filtered or otherwise cleansed to minimize discharge of soap, wax and solid matter into public sewers.
4. Only one (1) driveway shall be permitted from any street, unless the planning director determines additional driveways will be necessary to ensure safe and efficient access to and egress from the site. Access to the site shall comply with the driveway spacing standards of *Section* ***10.5 but, in no case, be located closer than 125 feet to any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the driveway. Driveways or curb openings shall be located at least 100 feet from any adjacent residential or mixed use district boundary line.
5. For automated drive-through wash facilities, a by-pass lane is required that allows by-passing waiting vehicles.
6. Overhead doors shall not face a street, except as approved by the planning director in these circumstances:

   a. When the doors of a through-garage are located at the front and rear of a building; or
   b. When a garage is located on a corner or through lot; or

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c. When determined that a rear garage door would negatively affect an abutting residential use or district.

7. A vehicle wash facility building and any accessory buildings and uses, including vacuums, shall be located at least 100 feet from a street right-of-way line and any residential or mixed use district boundary.
8. The property owner or operator must comply with all local noise regulations. Air handling equipment shall be located on a roof, be equipped with intervening noise reduction baffles and be in proper working condition.

Section 8.14 Specific Use Requirements - Other

A. **Temporary Uses and Buildings.** Temporary principal or accessory buildings, structures, uses and special events may be permitted, subject to the following conditions:

1. Temporary Construction, Buildings, Structures, and Uses.

   a. Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot.
   b. No temporary building or structure shall be used for dwelling purposes.
   c. The placement of temporary buildings and structures shall be in conformance with the requirements of *Article XIV,* Development Plan Review. A building permit for such building or structure shall be issued prior to installation.
   d. Temporary buildings and structures shall be removed from the lot within 15 days after an occupancy permit is issued by the planning director for the permanent structure on such lot, or within 15 days after the expiration of a building permit issued for construction on such lot.

2. Temporary Uses, Seasonal, and Special Events**.** Temporary uses and seasonal or special events may be allowed in any district upon issuance of a permit by the planning director, when meeting the standards listed below; provided, those events sponsored by the Town of Fort Mill shall be exempt from the permitting requirement:

   a. Temporary uses, seasonal, and special events may be allowed on any lot with a permitted principal building.
   b. Temporary uses, seasonal, and specials events may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district.
   c. In no case shall the setbacks for any buildings, structures or parking be less than 10 feet except in the DC district.
   d. The temporary use, seasonal, and special event must not prevent the continued use of sidewalks, rights-of-way, fire lanes, etc.
   e. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an event prior to beginning such temporary use, seasonal, and special event.
   f. A minimum of one (1) parking space shall be provided for each 800 square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the parking requirements for retail stores.
   g. A sketch plan (to scale) shall be provided illustrating:

      i. Property lines.
      ii. Adjacent uses and zoning districts.

Draft 3

iii. Existing and proposed buildings and structures.
iv. Location of any areas for storage such as inventory not being displayed.
v. Fire hydrants.
vi. Parking layout.
vii. Boundaries of proposed sales areas.
viii. Location and size of any proposed sign (off-premise signs shall not be permitted).

h. All equipment, materials, goods, poles, wires, signs, and other items associated with the temporary use shall be removed from the premises within two (2) days of the end of the event.

i. The length of a temporary use or special event shall not exceed seven (7) days, except seasonal sales of items such as Christmas trees and pumpkins which are permitted for up to 45 days. The sale of fireworks shall not be permitted.

j. Special standards for carnivals, circuses, farmers markets, flea markets, and similar events shall be as follows:

i. Such uses shall be approved by the town council which shall consider the intensity of the proposed use in relation to adjacent land uses and sufficiency of parking. The town council may require site improvements, such as fencing, increased setbacks, and restricted hours of operation to help ensure compatibility with surrounding land uses.
ii. The applicant shall provide information establishing that a reasonable amount of liability insurance coverage is carried, as determined by the town's insurance carrier.
iii. The sketch plan for the event shall include a description of traffic flow and parking management to ensure safe and efficient traffic operations without creating unreasonable congestion on nearby roads.
iv. Farmer's markets which are to occur on a regular schedule shall be permitted only in Non-Residential Districts. The town council may extend the time period for the temporary use permit so that a separate permit is not required for each event within any one (1) calendar year, provided, the number of dates and a schedule shall be established at the time of application and all conditions and requirements of the town council shall remain in force.

3. Review Procedures**.** Except as otherwise noted above for carnivals, circuses, farmers markets, and similar events, the planning director shall review and approve all requests for a temporary use or seasonal event. Where appropriate, the planning director shall consult with the Police Chief and Fire Department official. If the request is denied, the planning director shall state the reasons for denial in writing and provide a copy to the applicant.

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Part III
Site Development Requirements

III

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DRAFT 3

General Provisions

Article IX

DRAFT 3

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.
2. The area of accessory buildings shall be included in the maximum lot coverage.
3. No accessory building shall be located in a front yard, except on waterfront lots, subject to *Section 9.3 C*.
4. No accessory building shall be constructed or occupied on a lot before the principal building or use on the lot is constructed or occupied.
5. Accessory buildings 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.
6. If a detached garage is accessed from an alley, there shall be no rear setback requirement.
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*:

Table 9-1A, Accessory Building Size Based on Lot Area

Lot Area (sq. ft.)	Maximum Combined Floor Area (sq. ft.)	Maximum Number Allowed~~*~~[1]
Less than 8,000	576	1
8,000 – 12,500	864	2
12,501 – 25,000	1,152	2
25,001 – 43,560	1,500	3
Greater than one acre	2,000	3

~~* Does not include any accessory buildings of 100 square feet or less.~~

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.
2. Off-street parking shall be provided for at least two (2) customer vehicles. If on-street parking is not available, an additional space shall be provided for each sales representative occupying the model home at any one (1) time.
3. The architecture and appearance of model homes shall be substantially similar to those of other dwellings in the immediate vicinity within the subdivision.
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.

[1] Does not include any accessory buildings of 100 square feet or less.

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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 six (6) months from the date of issuance of the last certificate of occupancy issued within the subdivision. 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 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.

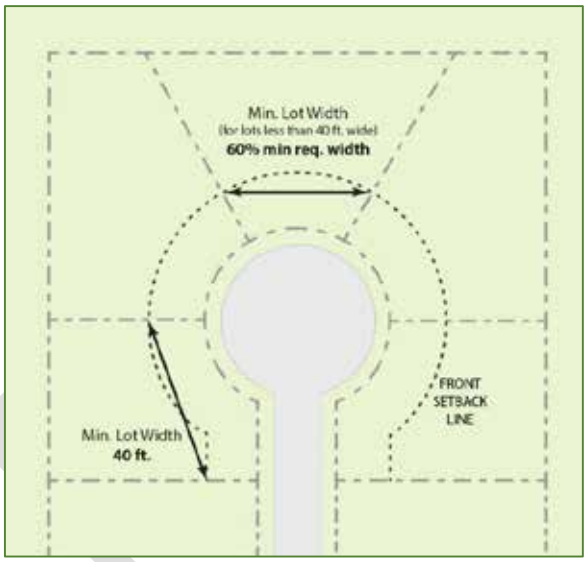
E. Withholding of Approval. The town council, planning commission, board of zoning appeals, planning director or other authorized board, commission or administrative staff may, in its sole discretion, withhold approval of any plan, use or permit request pending receipt of permits or approvals from other local, state or federal departments or agencies.

DRAFT 3

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. Each corner lot shall be comprised of two (2) front yards and two (2) side yards.

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; provided, if the minimum required lot width is less than 40 feet, the minimum width at the front lot line shall be at least 60 percent of the minimum required width.



C. Lots on Lakes, Rivers and Streams. Lots abutting or containing an inland lake, river or stream shall comply with the following regulations:

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 Setbacks

A. Clear Vision Corner. In all zoning districts, except the Downtown Core (DC) District, signs, 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 itnersection of the street right-of-way lines and a line connecting two points located on those int ersescting 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.

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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 9-4D*:

Table 9-4 D, Encroachments into Required Yard Setbacks ~~[1]~~[2]

Type of Feature	Allowed Encroachment into a Setback		
	Front Yard	**Side Yard**	**Rear Yard**
Accessory structures	See *Section 9.1A*		
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]~~equipment[2]	None	3 ft.	3 ft.
		No more than 5 ft. from the building	
Arbors, trellises and pergolas (attached to principal building)	No closer than 5 ft. to lot line	3 ft.	10 ft.
Awnings and canopies	5 ft.	3 ft.	10 ft.
Balconies	5 ft.	None	10 ft.
Bay windows	3 ft.	3 ft.	3 ft.
Chimneys	3 ft.	3 ft.	3 ft.
Driveways	N/A	Up to 1 ft. from a side lot line	N/A
Eaves and gutters	2 foot	2 foot	2 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		
Outdoor fireplaces and pits	None	None	Up to 10 ft. from a rear lot line
Paved patios and similar at-grade structures (not including driveways and sidewalks), un-roofed and unenclosed ~~[1]~~[2]	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 ~~[2]~~[3]	5 ft.	3 ft.	10 ft.
Signs	See *Article XII*		
Stairways (not including steps to main floor entry) and below-grade stairwells	5 ft.	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] Note: Building code may necessitate additional fire protection.~~

~~[2] 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

[2] Note: Building code may necessitate additional fire protection.

[3] 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.

DRAFT 3

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 9.5 Structures

A. Fences and Walls.

1. A zoning permit issued by the administrator shall be obtained prior to the erection or construction of any fence or wall.
2. 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.
3. 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.
4. Fences shall not be erected within any public right-of-way.
5. In any district, if both sides of the fence or wall are not identical, the finished side shall face the adjoining property.
6. 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, essential public services or publicly owned facilities that has been approved by the planning commission. In all such cases, the chain link fence shall be black vinyl coated.
7. Barbed wire shall not be permitted in any residential district or on any lot or parcel containing a residential use, except for security around essential public services or publicly owned facilities.
8. 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.
9. Screen walls, as required in *Section 11.3*, 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 9.6 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.

DRAFT 3

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, exotic animals, 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 board of zoning appeals 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 board of zoning appeals 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. If the board of zoning appeals 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~~XXI*.
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

DRAFT 2

a variance applying to a particular situation. Any use determined by the board of zoning appeals 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 stored for extended periods within a non-required side or rear yard; provided, the vehicle is screened from view of adjoining properties in accordance with the requirements of *Section 11.3*.
4. 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 nine (9) days.
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 exceed eight (8) feet in height, eight (8) feet in width and ~~16~~20 feet in length.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

DRAFT 3

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, mixed use buildings, 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 9.7 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. This provision, however, shall not be construed to waive the rights of the Town of Fort Mill to require that specific services be installed underground.

B. 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.

DRAFT 3

Off-Street Parking, Loading and Transportation

Article X

DRAFT 3

Fort Mill Unified Development Ordinance

Section 10.1 Purpose

The purpose of this article is to prescribe regulations for off-street parking of motor vehicles in residential and non-residential zoning districts; to ensure by the provision of these regulations that adequate parking and access are provided in a safe and convenient manner; and to afford reasonable protection to adjacent land uses from light, noise, air/water pollution and other effects of parking lot proximity.

Section 10.2 General Requirements

A. **Applicability of Parking Requirements**. For all buildings and uses established after the effective date of this ordinance, off-street parking shall be provided as required by this article. In addition, the following shall also apply:

1. Whenever use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided, as required by this article for that use.
2. If the intensity of use of any building or lot is increased, through the addition of floor area, increase in seating capacity, or other means, additional off-street parking shall be provided, as required by this article.
3. Off-street parking facilities in existence on the effective date of this ordinance shall not be reduced below the requirements of this article, nor shall nonconforming parking facilities that exist as of the effective date of this ordinance be further reduced or made more nonconforming.
4. An area designated as required off-street parking shall not be changed to another use, unless equal facilities are provided elsewhere in accordance with the provisions of this article.
5. Businesses located within the Downtown Core District shall not be required to provide off-street parking; however, if off-street parking is provided it shall meet all applicable requirements of this article

B. **Location**. Off-street parking facilities required for all uses other than single and two-family dwellings shall be located on the lot or within 1,200 feet of the building(s) or use they are intended to serve, as measured from the nearest point of the parking facility to the nearest public entry of the building(s) or use served. Off-street parking facilities required for single-and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a driveway, parking strip, parking apron, and/or garage. All residential driveways shall meet town engineering standards.

C. **Shared/Common Parking.**

1. Two or more buildings or uses may share a common parking facility, provided the number of parking spaces available equals the required number of spaces for all the uses computed separately. Cumulative parking requirements for mixed-use developments or shared facilities may be reduced by the planning commission where it can be determined that one or more of the factors listed in *Subsection D* below apply. In any case, the continued availability of required parking, either shared or by other means provided in this article, shall be made a condition of any site plan approval and/or conditional use approval, as provided by this ordinance.
2. Parking facilities for a church, place of worship or similar sporadically used facility may be used to meet up to 50 percent of the off-street parking for theaters, stadiums and other places of public assembly, stores, office buildings and industrial establishments lying within 1,200 feet of the church or place of worship, as measured from the nearest edge of the parking area to the nearest public entry point of the building or use; provided, the church or place of worship makes the spaces available and there is no conflict between peak times when the uses are in need of the parking facilities.
3. A request for shared parking that will result in fewer than the total number of spaces required for all uses separately may be approved by the planning commission as part of the development plan review. The following documentation shall be provided in conjunction with such a request:

DRAFT 3

a. A shared parking analysis shall be submitted to the planning director that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by or acceptable to the planning director. It must address, at a minimum, the size and type of the proposed development or combination of uses, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

b. A shared parking plan shall be enforced through written agreement among all owners of record and included in the development agreements filed with the town. The owner of the shared parking area shall enter into a written agreement with the Town of Fort Mill with enforcement running to the town. The agreement shall state that:

   i. the land comprising the parking area shall never be disposed of, except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and

   ii. the owner agrees to bear the expense of recording the agreement which shall bind his or her heirs, successors, and assigns.

c. An attested copy of the shared parking agreement between the owners of record shall be submitted to the planning director to be recorded in a form established by the town attorney. The agreement must be recorded before issuance of a building permit or certificate of occupancy for any use to be served by the shared parking area. A shared parking agreement may only be revoked if all required off-street parking spaces will be provided on-site. The town shall void the written agreement if other off-street facilities are provided in accord with these zoning regulations.

D. **Modification of Parking Requirements.** The planning commission may reduce the parking space requirements of this article for any use, based upon a finding that one or more of the following conditions shall be met:

1. Other forms of travel (such as transit, bicycle or pedestrian) are available and likely to be used and, in particular, the site design will incorporate both bicycle parking facilities and pedestrian connections.
2. Shared parking is available to multiple uses where there will be a high proportion of multipurpose visits or where uses have peak parking demands during differing times of the day or days of the week and meeting the following requirements:

   a. Pedestrian connections shall be maintained between the uses.

   b. Unless the multiple uses are all within a unified business center, office park or industrial park all under the same ownership, shared parking agreements shall be filed by the planning director with the town clerk after approval and recording.

3. Available municipal off-street parking or on-street spaces are located within 1,200 feet of the subject property.
4. Expectation of walk-in trade is reasonable due to sidewalk connections to adjacent residential neighborhoods or employment centers. To allow for a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation, providing safe and convenient access to the building entrance.
5. Where the applicant has provided a parking study, conducted by a qualified transportation engineer, demonstrating that another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.
6. The planning commission may require a parking study to document that any one or more of the criteria 1 through 4 above would be met.

DRAFT 3

E. **Deferred Parking**.

1. Where a reduction in the number of parking spaces is not warranted, but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the planning commission may defer a portion of the required parking. A site plan shall designate areas of the site for future construction of the required parking spaces, meeting the design and dimensional requirements of this article. Any area so designated shall be maintained in a landscaped appearance and not occupy required buffers, greenbelts or parking lot setbacks, or be used for any other purpose.
2. The deferred parking shall meet the requirements of this article, if constructed. Construction of the additional parking spaces within the deferred parking area may be initiated by the owner or required by the town, based on parking needs or observation, and shall require approval of an amended site plan which may be approved by the planning director.

F. **Temporary Parking**. It is recognized that there may be special events or situations that occur infrequently which would result in a temporary reduction in the availability of required parking spaces or create a need for temporary off-site parking. Such events may include, but are not limited to, outdoor vehicle sales, festivals, fairs, church/school car washes, sporting events or garage sales. In those instances, the planning director may authorize the use of a portion of the required parking area for other purposes on a temporary basis or permit temporary off-site parking, upon a demonstration by the applicant that:

1. the loss of the required parking spaces may be off-set by requiring employees or customers to park elsewhere or that due to the time of year or nature of the on-site business, the required spaces are not needed;
2. permission has been granted by neighboring property owners or operators to use their parking facilities;
3. the duration of the special event is so short or of such a nature as to not create any parking problems for the normal operation of the existing on-site use;
4. temporary off-site parking is located and designed to ensure safe and efficient circulation for both pedestrians and vehicles (a site plan may be required to demonstrate this); and
5. the proposed special event satisfies all other applicable town regulations.

G. **Maximum Allowed Parking**. In order to minimize excessive areas of pavement that detract from aesthetics, contribute to high rates of storm water runoff and generate reflective heat, the minimum parking space requirements of this section shall not be exceeded by more than 20 percent, unless approved by the planning commission as part of site plan review or if the parking spaces are located within a multi-level parking structure.. In approving additional parking space, the planning commission shall determine that the parking is necessary, based on documented evidence, to accommodate the use on a typical day. Further, any parking spaces provided in excess of 20 percent more than the minimum requirement, shall only be located on permeable surfaces approved by the planning director.

H. **Bicycle Parking**. In addition to off-street vehicular parking requirements, the following bicycle parking requirements shall be met for all nonresidential and multi-family residential uses:

1. Bicycle parking shall be provided in an amount equal to five (5) percent of the minimum required off-street parking spaces for vehicles; but no fewer than two (2) spaces shall be provided.
2. Such parking shall be located in close proximity to the primary entrances used by customers, visitors, or residents.
3. Bicycle parking areas shall be designed to utilize bike racks installed on paved surfaces.
4. Bicycle parking areas and pathways connecting them to the buildings they serve shall be lighted for the safety of the cyclists and to discourage theft.
5. Bicycle parking shall be encouraged, though not required, for any individual building having a gross floor area of 5,000 square feet or less.

DRAFT 3

6. Shared bicycle parking for two (2) or more uses is permitted; provided, an attested copy of the agreement between the owners of record is submitted to the planning director in a recordable form acceptable to the town attorney.

I. **On-Street Parking**. Where on-street parking is available within 1,200 feet of the boundary of a lot or parcel, a portion of the off-street parking requirement may be waived by the planning commission upon determining that one or more of the following conditions is applicable:

1. A number of the on-street spaces are currently routinely available and can reasonably be expected to be available to the use for which the waiver is requested;
2. The nature of the proposed use is such that its peak demand occurs at times when the on-street parking is not likely to be used; or
3. The on-street parking would not be the primary parking area for the use and may be considered as a temporary option in support of deferred parking, as provided in *Section 10.2 E*.

Section 10.3 Required Off-Street Parking Spaces

The minimum number of required off-street parking spaces shall be provided and maintained on the premises or as otherwise allowed by this article, on the basis of the applicable requirements of *Table 10-3*. As a condition of approval, the planning commission may require that a performance guarantee be posted, in accordance with the provisions of *Section ***.16.5.*

A. When units or measurements determining the number of required parking spaces result in a fraction over one-half (½), a full parking space shall be required.
B. In the case of a use not specifically mentioned, the requirement for off-street parking facilities for a specified use which is most similar, as determined by the planning director, shall apply.
C. Each 24 inches of bench, pew, or similar seating facilities shall be counted as one (1) seat, except if specifications and plans filed in conjunction with a building permit application specify a maximum seating capacity, that number may be used as the basis for required parking spaces.
D. Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the building code and fire ordinance.
E. Unless otherwise indicated, floor area shall be usable floor area (UFA).

Table 10-3. Parking Requirements by Use

Use	Number of Parking Spaces
Residential Uses	
Accessory dwellings	1 space per dwelling unit
Bed and breakfast	2 for the owner/operator and 1 per leasable room
Boarding or rooming house	1 space per 2 beds, plus 2 additional spaces for owner or employees
Group homes, juvenile and adult	1 per 4 occupants
Multiple-family residential dwellings	2 spaces per dwelling unit
Senior apartments and senior independent living	1.25 spaces per unit. Should units revert to general occupancy, the requirements for multiple family dwellings shall apply
Single-family (attached and detached) and two-family dwellings	2 spaces per dwelling unit
Institutional Uses	
Auditoriums, assembly halls, meeting rooms, theaters, and similar places of assembly	1 space per 3 seats, based on maximum seating capacity in the main place of assembly, as established by the town fire and building codes
Child day care centers, nursery schools, and day nurseries; adult day care centers	1 per 350 sq. ft. of UFA, plus 1 per employee. Sufficient area shall be designated for drop-off of children or adults in a safe manner that will not result in traffic disruptions

DRAFT 3

Churches and customary related uses		1 per 3 seats in the main unit of worship, plus spaces required for each accessory use such as a school
Colleges and universities; business, trade, technical, vocational, or industrial schools		1 per classroom plus 1 per 3 students based on the maximum number of students attending classes at any one time
Elementary and middle schools		1 per teacher~~,~~ and employee, ~~and planning director,~~ in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium
Government offices		1 per 300 sq. ft. of UFA plus requirements for auditoriums, meeting halls or other assembly rooms
High schools; performing and fine arts schools		1 per teacher, employee, and planning director, and 1 for every 10 students, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium
Hospitals and similar facilities for human care		1 per 2 beds, plus 1 per employee on the largest shift.
Nursing and convalescent homes		1 per 3 beds or occupants and 1 space per staff member or employee on the largest shift
Post office		1 per 200 sq. ft. of UFA for customer parking, plus 1 per employee and additional space for delivery vehicles
Public libraries and museums		1 per 800 sq. ft. of UFA, plus requirements for auditoriums, classrooms or other assembly rooms
Retail Uses		
Retail stores except as otherwise specified herein		1 for every 250 sq. ft. of UFA
Multi-tenant shopping centers	with 60,000 square feet or less of retail	1 for every 250 sq. ft. of retail UFA
	with over 60,000 square feet of retail	1 for every 220 sq. ft. of retail UFA
	with restaurants	If more than 20% of the shopping center's floor area is occupied by restaurants or entertainment uses, parking requirements for these uses shall be calculated separately. Where the amount of restaurant space is unknown, it shall be assumed to be 20%.
Agricultural sales, greenhouses and nurseries or roadside stands		1 per employee plus 1 per 100 sq. ft. of actual permanent or temporary area devoted primarily to sales
Animal grooming, training, day care, and boarding		1 for every 300 sq. ft. of UFA
Farmers' markets		1 for every 150 sq. ft. of lot area used for sales or display
Furniture and appliance, household equipment, show-room of a plumber, decorator, electrician, hardware, wholesale and repair shop, or other similar uses		1 for every 800 sq. ft. of net UFA plus 1 additional space per employee
Grocery store/supermarket		1 for every 200 sq. ft. of UFA
Home improvement centers		1 for every 300 sq. ft. of UFA
Open air businesses, except as otherwise specified herein		1 for every 500 sq. ft. of lot area for retail sales, uses, and services
Vehicle dealerships, including automobiles, RV's, motorcycles, snowmobiles, ATV's and boats		1 for every 300 sq. ft. of show room floor space, plus 1 per automobile service stall, plus 1 per employee
Service Uses		
Banks and other financial institutions		1 per 200 sq. ft. of UFA for the public. Drive-up windows/drive-up ATMs shall be provided with 3 stacking spaces per window or drive-up ATM
Beauty parlor or barber shop		2 parking spaces per chair/station

DRAFT

Dry cleaners		1 per 500 sq. ft. of UFA
Laundromats		1 per washer-dryer pair, plus 1 space per employee
Mail box clusters serving residential subdivisions or other concentrated developments		A turn-out/off-set area shall be provided adjacent to the mail box cluster of sufficient dimension (minimum 44 feet by 7 feet) to accommodate two (2) standing vehicles
Mortuary establishment, funeral home		1 per 50 sq. ft. of assembly room or parlor floor space
Motel, hotel or other commercial lodging establishment		1.25 per guest unit. In addition, spaces required for ancillary uses such as lounges, restaurants, meeting rooms or places of assembly shall be provided and determined on the basis of specific requirements for each individual use
Motor vehicle service stations (gas stations and truck stops)		1 per employee, plus additional parking required for other uses within vehicle service station, such as the retail floor area, restaurants or vehicle repair stalls. Each automobile fueling position shall count as one quarter (1/4) of a required space for the spaces required for other uses within an automobile service station.
Offices, business, professional and general		1 per 300 sq. ft. of UFA, but no less than 5 spaces
Offices, medical, dental and veterinary		1 per 200 sq. ft. of UFA
Vehicle repair establishment, major or minor		2 per service stall, plus 1 per employee
Vehicle quick oil change		2 stacking spaces per service stall, rack or pit plus 1 per employee
Vehicle wash	Self-service (coin operated)	4 spaces plus 2 stacking spaces for every washing stall
	Full-service	4 spaces, plus 1 per employee. 15 stacking spaces for every washing stall or line, plus a minimum 30 foot long drying lane to prevent water from collecting on street.
Restaurants, Bars and Clubs		
Standard sit-down restaurants with liquor license and brew pubs		1 per 50 sq. ft. of UFA
Standard sit-down restaurants without liquor license		1 per 75 sq. ft. of UFA
Carry-out restaurant (with no or limited seating for eating on premises)		6 per service or counter station, plus 1 per employee
Open front restaurant/ice cream stand		6 spaces, plus 1 per employee and 1 per 4 seats
Drive-through restaurant		1 per 30 sq. ft. UFA, plus 8 stacking spaces per food pickup window
Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic beverages)		1 per 50 sq. ft. of UFA
Private clubs, lodge halls, or banquet halls		1 for every 3 persons allowed within the maximum occupancy load as established by the town fire and building codes
Recreation		
Athletic clubs, exercise establishments, health studios, sauna baths, martial art schools and other similar uses		1 per 3 persons allowed within the maximum occupancy load as established by town fire and building codes, plus 1 per employee
Billiard parlors		1 per 3 persons allowed within the maximum occupancy load as established by town building and fire codes or 1 per 300 square feet of gross floor area, whichever is greater

DRAFT

Bowling alleys	4 per bowling lane plus additional for accessory uses such as bars or restaurants
Indoor recreation establishments including gymnasiums, tennis courts and handball, roller or ice-skating rinks, exhibition halls, dance halls, and banquet halls	1 space for every 3 persons allowed within the maximum occupancy load as established by the town fire and building codes
Golf courses open to the public, except miniature or "par-3"	6 per golf hole, plus additional for any bar, restaurant, banquet facility or similar use
Miniature or "par-3" courses	3 per 1 hole plus 1 per employee
Neighborhood amenities (swimming pools, club houses and similar facilities for the common use of residents within a development)	1 per 10 persons allowed within the maximum capacity as established by the town fire and building codes
Stadium, sports arenas, sports fields (ball diamonds, soccer fields, etc.) or similar place of outdoor assembly	1 for every 3 seats or 3 for every 6 feet of bench, plus 1 per employee. For fields without spectator seating, there shall be a minimum of 30 spaces per field.
Industrial Uses	
Industrial establishments, including manufacturing, research and testing laboratories, bottling works, printing, plumbing or electrical work-shops	1 per 1.5 employees computed on the basis of the greatest number of persons employed at any one time during the day or night; or 1 per 550 feet of GFA, whichever is greater
Warehouses and storage buildings	1 per employee computed on the basis of the greatest number of persons employed at any one time during the day or night; or 1 per 5,000 sq. ft. of GFA, whichever is greater.
Mini-warehouse/self-storage	Unobstructed parking area equal to 1 space for every 10 door openings, plus parking for uses on the site such as truck rental
Truck terminals	1 per employee, plus 2 truck spaces of 10 by 70 feet per truck berth or docking space

Section 10.4 Off-Street Parking and Facility Design

A. **Location and Setbacks**. Off street parking lots shall meet the setback requirements applicable to parking, as specified in the zoning district or requirements which may be specified for individual uses.

B. **Parking Construction and Development**. The construction of any parking lot shall require approval of a development plan, in accordance with *Article XIV*. Construction shall be completed and approved by the planning director before a certificate of occupancy is issued and the parking lot is used.

1. Pavement. All parking lots and vehicle and equipment storage areas shall be paved with asphalt or concrete, and shall be graded and drained so as to dispose of surface water which might accumulate. The planning commission may approve alternative paving materials, such as permeable/grass pavers, for all or a portion of the parking areas, based upon credible evidence of the durability and appearance of the proposed materials. For storage areas, the planning commission may approve a substitute for hard-surfaced pavement upon a determination that there are no adverse effects on adjoining properties.
2. Drainage. Surface water from parking areas shall be managed in accordance with the town engineering standards. The town engineer shall determine the appropriate detention or retention treatment.
3. Dimensions. Parking space and aisle dimensions shall meet the following requirements and as specified in *Table 10-4*.

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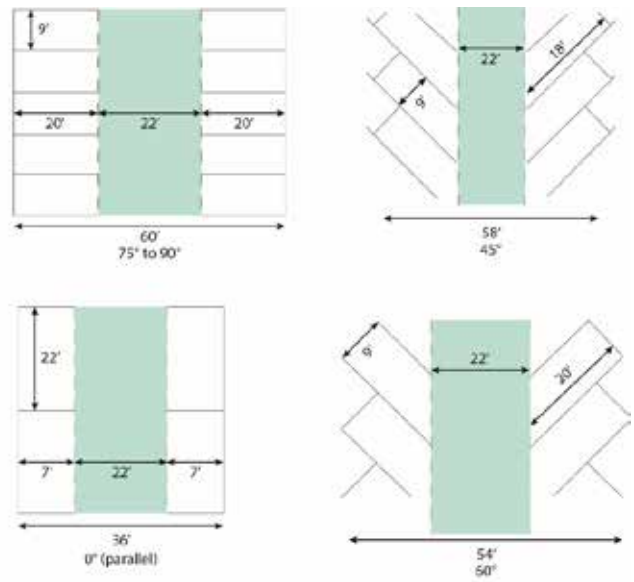


a. Angled parking between these ranges shall be to the nearest degree.
b. Space length may be reduced by up to two (2) feet if an unobstructed overhang, such as a landscaped area or sidewalk, is provided. A sidewalk shall have a minimum width of seven (7) feet where abutting a parking area. There shall be a minimum distance of seven (7) feet between the parking lot curb and building. Where curbing does not exist, bumper blocks shall be provided to protect pedestrian space adjacent to the building.
c. In parking lots having 20 or more spaces, up to 25 percent of the total required spaces may be designated as compact spaces. Compact spaces may be reduced in size in accordance with the provisions of *Table 10-4*.
d. All parking lots shall be striped and maintained showing individual parking bays, in accordance with the following dimensions:

Table 10-4. Dimensional Requirements (feet)

Parking Pattern	Parking Space[1]		Maneuvering Aisle Width		Total Width – Two Rows of Parking and Maneuvering Lane	
	Width	Length	One-way	Two-way	One-way	Two-way
0°(parallel)	7	22	11	22	25	36
compact	7	20			25	36
45°	9	18	11	22	47	58
compact	7.5	16			43	54
60°	9	20	11	22	56	62
compact	7.5	16			48	54
75° to 90°	9	20	12	22	52	62
compact	7.5	16			44	54

4. Stacking Spaces. Waiting/stacking spaces for drive-through uses (such as banks, restaurants, car washes, pharmacies, dry cleaners and oil change establishments) shall be at least 24 feet long and ten feet wide. Stacking spaces shall not block required off-street parking spaces. Where the drive-through waiting lane provides for a single lane for five (5) or more vehicles an escape/by-pass lane shall be provided to allow vehicles to exit the waiting lane.
5. Ingress and Egress. Adequate vehicular ingress and egress to the parking area shall be provided by means of clearly limited and defined drives. All parking lots shall provide interior access and circulation aisles for all parking spaces. The use of public streets for maneuvering into or out of off-street parking spaces shall be prohibited. Ingress and egress to a parking lot in a non-residential zoning district shall not be through a residential district, except in instances where access is provided by means of an alley that forms the boundary between a residential and non-residential district.
6. Curbing. A six (6) inch concrete curb or alternative, as determined by the planning commission,

[1] Minimum dimensions for golf carts shall be five (5) feet wide by 10 feet long.

shall be provided around all sides of any parking lot of 10 or more spaces to protect landscaped areas, sidewalks, buildings, or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot. Curb openings are allowed for storm water drainage, as recommended by the town engineer. Plantings shall be set back two (2) feet from curbs to allow for bumper overhang.

7. Landscaping. Off-street parking areas shall be landscaped and/or screened, in accordance with the requirements of *Article XI*. The use of rain gardens and other low impact design solutions to minimize the impact of stormwater runoff is encouraged.
8. Lighting. Light fixtures used to illuminate off-street parking areas shall be arranged to deflect the light away from adjoining properties and adjacent streets. Lighting fixtures in parking areas shall conform to the requirements of *Section ~~9.8 B~~13.7*. Light fixtures shall be designed to achieve 90 degree luminary cutoff.
9. Fire Lanes. Fire lanes shall be designated on the site and posted with signage prior to occupancy. Vehicle circulation shall meet turning radius requirements set by the fire department.
10. Crosswalks. Pedestrian pathways and crosswalks in parking areas shall be distinguished from asphalt driving surfaces through the use of durable, low-maintenance, surface materials such as pavers, bricks, or scored, stamped or colored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the parking area.

C. **Barrier Free Parking in Parking Lots**. Within each parking lot, signed and marked barrier free spaces shall be provided at a convenient location, in accordance with the applicable requirements of the Americans with Disabilities Act~~.~~ (ADA). Barrier free spaces shall be located as close as possible to building entrances. Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four (4) feet shall be provided for wheelchair access.

D. **Maintenance**. All parking areas shall be maintained free of trash and debris. Surface, curbing, light fixtures and signage shall be maintained in good condition.

E. **Limitations on Use of Parking Lots.**

1. Off-street parking areas are intended only for temporary vehicle parking. Except when land is used as storage space in connection with the business of a repair or service garage, use of parking areas or open land is not permitted for the storage or parking of wrecked or junked cars, or for creating a junk yard or nuisance.
2. Loading spaces, as required in *Section 10~~-5~~.7*, and parking spaces, required in *Section 10~~-~~.3*, shall be considered separate and distinct requirements and shall be provided as individual components on the site. In no case shall one component be construed as meeting the requirements of the other.
3. Parking lots and loading areas shall not be used for the long-term storage of trucks or trailers, except where such outdoor storage is specifically permitted in the zoning district. Overnight parking or storage of commercial vehicles shall be prohibited, except for uses and locations approved for vehicle storage. This shall not be construed to prohibit the parking overnight of commercial fleet vehicles or the short-term parking of trailers in loading bays or staging areas related to commercial or industrial uses.
4. It shall be unlawful to use a parking lot or open area to store or park any vehicle for the purpose of displaying vehicles for sale, except in an approved vehicle sales dealership.

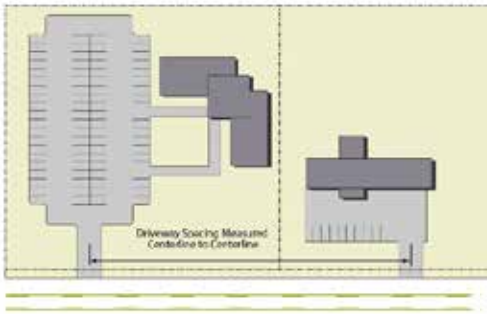
Section 10.5 Access Management

A. **Driveway Spacing Standards**. The following minimum spacing requirements shall apply to all driveways within any Commercial or Mixed Use Zoning District, except the Downtown Core District.

DRAFT 3

Table 10-5, Minimum Commercial Driveway Spacing From Another Driveway or Road Intersection

Posted Speed Limit (MPH)	Minimum Driveway Spacing (Feet)	
	Roadways with > 2000 AADT or driveways generating more than 50 peak hour trips	Roadways with < 2000 AADT
30	160	75
35	220	125
40	275	175
45	325	225
≥ 50	400	275



1. Spacing between a proposed driveway and a street intersection, either adjacent or on the opposite side of the street, may be set on a case-by-case basis, but in no instance shall the spacing be less than the distances listed in *Table 10-5*. Measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane curb edge of the intersecting street or pavement edge for uncurbed sections.
2. Minimum spacing between two (2) driveways on the same side of the street shall be determined based upon posted speed limits and daily traffic volumes along the parcel frontage or peak hour traffic generation of the proposed use. The minimum spacing indicated in *Table 10-5* shall be measured from driveway edge to driveway edge.
3. To reduce left-turn conflicts, new driveways shall be aligned with those across the street, where possible. If alignment is not possible, driveways shall be offset from those on the opposite side of the street a minimum of 250 feet along arterial streets and 150 feet along collector and local streets. These standards may be reduced by the planning commission where there is insufficient frontage and shared access with an adjacent site is not feasible. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.
4. In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that preexisting conditions prohibit adherence to the minimum commercial driveway spacing standards, the planning commission may modify the driveway spacing requirements. Modifications shall be the minimum relief necessary, but in no case shall spacing of a full-access driveway from another driveway be less than 60 feet, measured centerline to centerline.

B. **Commercial Driveways Permitted**.

1. The number of driveways serving a property in any Commercial or Mixed Use District shall be the minimum number necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public street.
2. Adjacent parcels in common ownership fronting on the same street shall be considered as one (1) parcel when determining permitted driveways.
3. Access shall be provided for each separately owned parcel. Access may be via an individual driveway, shared driveway or service drive. Additional driveways may be permitted for property only as follows:

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a. One additional driveway may be allowed for properties with a continuous frontage greater than 400 feet, if the planning commission determines there are no other reasonable access alternatives;
b. The planning commission determines additional access is justified without compromising traffic operations along the public street; and
c. The minimum spacing requirements, specified in *Table 10-5* can be met.

Section 10.6 Traffic Impact Analysis

A. **Applicability**.

1. TIA Required. Unless exempted by *Section 10.6 B*, a Traffic Impact Analysis (TIA) shall be required for any development anticipated to generate more than 100 peak hour in-bound or out-bound trips, based on the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers.
2. Redevelopment. In the case of redevelopment, trip generation will be defined as the number of net new trips generated by the proposed use beyond the trips generated by the previous use, unless the previous use has been discontinued for more than 12 months.
3. Other Circumstances. The planning director may waive the requirement to complete a TIA, or may require a TIA to be submitted for developments not exceeding 100 peak hour directional trips, based upon localized safety, operational, or street capacity issues, including levels of service (LOS) of existing roadways.

B. **Exemptions**. Development meeting the following standards shall be exempt from the TIA requirement:

1. Any development located within the DC, Downtown Core District; ~~and~~
2. Previously approved developments for which a TIA was submitted in conjunction with a preliminary plat for subdivision, final development plan, or mixed use development: provided the TIA is less than two (2) years old~~.~~; or
3. Improvements to the surrounding road network are programmed for construction within three years and can reasonably be expected to accommodate the increased traffic from the proposed development.

C. **Procedure**. The TIA shall be submitted along with applications for a preliminary plat, development plan review, or mixed use concept plan. The TIA shall be prepared by a professional transportation engineer, licensed in the State of South Carolina and shall, at a minimum:

1. Estimate the traffic that will be generated as a result of the proposed development in addition to current (background) traffic volumes and proposed developments in the immediate vicinity. Traffic counts shall be taken during peak times, days and/or seasons when existing uses such as schools, churches or theaters are in use, unless the planning director permits an estimate of such uses. The planning director and/or SCDOT may also specify annual growth factors to be used in the TIA;
2. Evaluate site access and internal circulation;
3. Evaluate the ability of the surrounding road network to support the proposed development and the cumulative traffic of current and other projected uses; and
4. Identify specific improvements to the surrounding road network that are necessary in order to support the traffic anticipated to be generated.

D. **TIA Submission for Projects with Cumulative Impacts**. A TIA shall be required for development projects that do not otherwise meet the thresholds of a TIA if the application is for a project that:

1. Shares features such as site access, common ownership, or other infrastructure with nearby undeveloped property for which future development can be reasonably anticipated; and
2. The cumulative impact of the overall development can be expected to exceed the threshold for

DRAFT 3

preparation of a TIA.

Section 10.7 Off-Street Loading Requirements

A. **Uses Requiring Loading Area**. On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, retails sales, consumer services or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys and parking spaces. This provision shall not apply to uses in the Downtown Core District or to retail sales and consumer service uses of less than 10,000 square feet.

B. **Loading Area Requirements**. Loading and unloading spaces shall be paved and, unless otherwise adequately provided for, shall be 10 feet by 50 feet, with 15 foot height clearance, according to the following schedule:

Table 10-5 Minimum Off-Street Loading Requirements

Building Net GFA	Minimum Truck Loading Spaces
1 – 25,000 sq. ft.	1 space
25,001 – 40,000 sq. ft.	2 spaces
40,001--100,000 sq. ft.	3 spaces
100,001—160,000 sq. ft.	4 spaces
Over 160,000 sq. ft.	5 spaces, plus 1 space for each 80,000 sq. ft. in excess of 240,000 square feet (or fraction greater than ½)

C. **Orientation of Overhead Doors**. Overhead doors for truck loading areas shall not face a public right-of-way and shall be screened to not be visible from a public street or an adjacent residential district.

D. **Residential Setback**. Loading and unloading spaces shall not be located closer than 50 feet to any Residential District boundary, unless the spaces are wholly within a completely enclosed building or completely screened from the Residential District by a solid, sight-obscuring wall or fence at least six (6) feet in height and approved by the planning commission.

Section 10.8 Sidewalks and Non-motorized Pathways

Sidewalks shall be constructed within the right-of-way or within the required setback area of all public and private streets to ensure current and future connectivity. Where sidewalks are not located within the right-of-way, a public access easement shall be provided. Sidewalks shall be constructed in accordance with town specifications and standards. The planning commission may waive or defer the requirement for sidewalks, based on the following criteria:

A. Pedestrian connectivity is already provided or part of a previously approved plan in close proximity via sidewalks or pathways;

B. The applicant has agreed to a payment-in-lieu arrangement with the town for construction of sidewalks or pathways.

DRAFT 3

Landscaping, Buffering and Tree Preservation

Article XI

DRAFT 3

Fort Mill Unified Development Ordinance

Section 11.1 Intent

It is the intent of this article to require landscaping and screening to buffer the negative impacts between incompatible land uses; to minimize the adverse effects of certain outdoor activities upon their surroundings; and to improve the appearance of parking areas and street frontages within the community. It is further intended to preserve and enhance the aesthetic qualities, character, privacy, and land values of property within the Town of Fort Mill. The requirements of this article shall be applied in addition to other requirements of this Unified Development Ordinance and the Fort Mill Code of Ordinances. Where a conflict exists, the more restrictive provision shall apply.

Section 11.2 Buffer Zones

Buffer zones shall be required to separate dissimilar zoning districts and/or incompatible uses from one another in order to minimize the potential negative effects of more intensive uses upon less intensive uses. The buffer also provides for a more gradual transition from one use to another. The extent of the buffer zone shall be proportionate to the nature of the zoning districts adjacent to one another and the potential uses that may be juxtaposed.

A. **Requirements**. Buffer zones shall be required along the property line between adjoining lands in different zoning districts, as specified in *Table 11-2* and in accordance with the following:

1. Buffer zone requirements shall not apply where adjacent zoning districts are separated by a street. In such case, the streetscape requirements of this article shall apply.
2. A buffer zone shall be required, even where the adjacent property is undeveloped.
3. Prior to changing the use of a property to a more intense land use, or when a property is rezoned to a more intense district, a buffer zone meeting the applicable requirements of this section shall be installed.
4. If existing natural conditions are such that a parcel cannot reasonably accommodate the required buffer zone, the planning director shall determine the character of the buffer based on the following criteria:
   a. Physical characteristics of the site and surrounding area such as topography, vegetation, water features, etc.;
   b. Views and noise levels;
   c. Proximity or potential proximity to residential uses;
   d. Building and parking lot placement; and
   e. Location of outdoor storage, display or sales areas.

Table 11-2, Buffer Zones

Zoning District	Required Buffer						
	R-25, R-10, R-5	RT-8, RT-12	NMU	CMU, TOMU	LC, DC	GC	LI
R-25, R-10, R-5							
RT-8, RT-12	C						
NMU	C	C					
CMU, TOMU	B	C	C				
LC, DC	C	C	C				
GC	B	B	B	C	C		
LI	A	A	A	A	A	B	

DRAFT 3

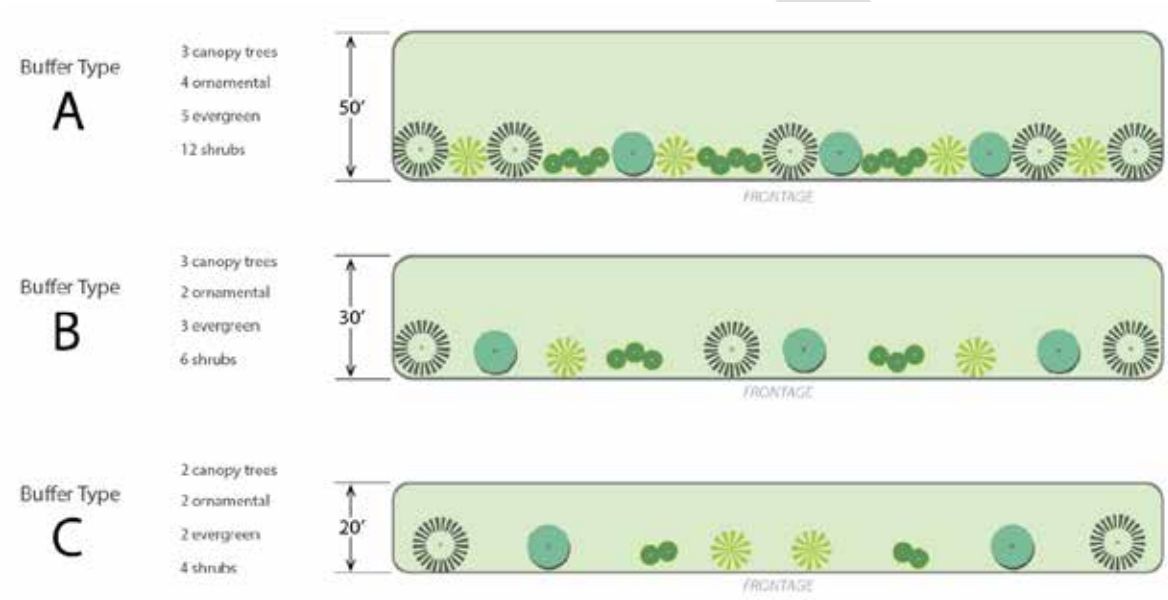
B. **Buffer Zone Standards**. Required buffer zones shall meet the following standards:

Table 11-2a, Buffer Zone Specifications

Requirements	Buffer Zones		
	A	B	C
Minimum depth (ft.)	50	~~30[1]~~30[1]	20[1]
Canopy ~~trees[2]~~trees[2]	3	3	2
Ornamental trees[2]	4	2	2
Evergreen trees[2]	5	3	2
Shrubs[2]	10	6	4

~~[1] If located adjacent to any Waters of the State, the minimum buffer shall be 45 feet.~~

~~[2] Number required per 100 linear feet of buffer zone, as measured along the property line.~~



1. If a berm or screen wall, meeting the standards of this article, is used for all or significant part of the buffer zone, the planning commission shall reduce the required quantities of plant material by 25 percent and may further reduce them by up to 50 percent where it is determined that the purpose of the buffer will still be achieved.
2. All areas of the buffer zone outside of planting beds shall be planted with grass or other living ground cover or preserved in a natural wooded state.
3. Landscape materials shall conform to all applicable standards of *Section 11.6*.
4. Stormwater detention/retention areas may be located within a required buffer zone; provided, they do not reduce the screening effect.

Section 11.3 Screening

A. **Requirements**.

1. Screening shall be required as follows, except as may be provided elsewhere in this section.
   a. Around all trash dumpsters in all districts.
   b. Around designated outdoor storage areas in all commercial, mixed use and industrial districts.
   c. Around any loading/unloading area or hospital emergency area visible from an adjoining street or parking area.

[1] If located adjacent to any Waters of the State, the minimum buffer shall be 45 feet.

[2] Number required per 100 linear feet of buffer zone, as measured along the property line.

d. Around heating and cooling units for all non-residential uses.
e. Around detention ponds and other related storm water management facilities that are not integrated into the landscape design as site amenities.
f. Around essential public services and related accessory structures.

2. Screening shall be required even if the surrounding area or adjacent parcels are unimproved.
3. When any developed parcel is altered to the extent that any of the facilities or features in *Section 11.3 A.1*, are added or expanded, screening shall be required.
4. If existing conditions on the subject parcel are such that a parcel cannot comply with the screening requirements, the planning director shall determine the character of the screen based on the following criteria:

   a. proximity or potential proximity of residential uses;
   b. sight lines from parking areas, adjacent properties or roadways;
   c. noise levels generated by the facility to be screened; and
   d. physical characteristics of the site and surrounding area such as topography and vegetation that may mitigate the need for screening.

B. **Screening Standards**.

1. Unless otherwise permitted by this section, a required screen shall be comprised of a solid, sight-obscuring fence or wall meeting the following minimum specifications:

   a. Six (6) feet high;
   b. Enclosed on all sides and not containing any openings other than a gate for access which shall be closed at all times when not in use. This full enclosure requirement, however, shall not apply to screening of loading/unloading areas; and
   c. Constructed of masonry, treated wood or other approved material determined to be durable, weather resistant, rust proof and easily maintained. Chain link and barbed wire shall not be permitted, except as allowed under *Section 9.5 A*.

2. If approved, the required screen may be comprised of berms or plant material, in combination with or as a substitute for a fence or wall when it is determined that the alternate solution will provide the same degree, or better, of opacity and screening required by this section.

Section 11.4 Streetscape

A. **Requirements**. Streetscapes shall be required in the following situations, except as may be provided elsewhere in this article:

1. Within any required yard abutting a public right-of-way, except for single and two-family dwellings on individual lots and any use within the Downtown Core District.
2. Around the perimeter of any nonresidential parking lot within 100 feet of a residential district; provided if the parking lot abuts a required buffer zone, a streetscape shall not be required.

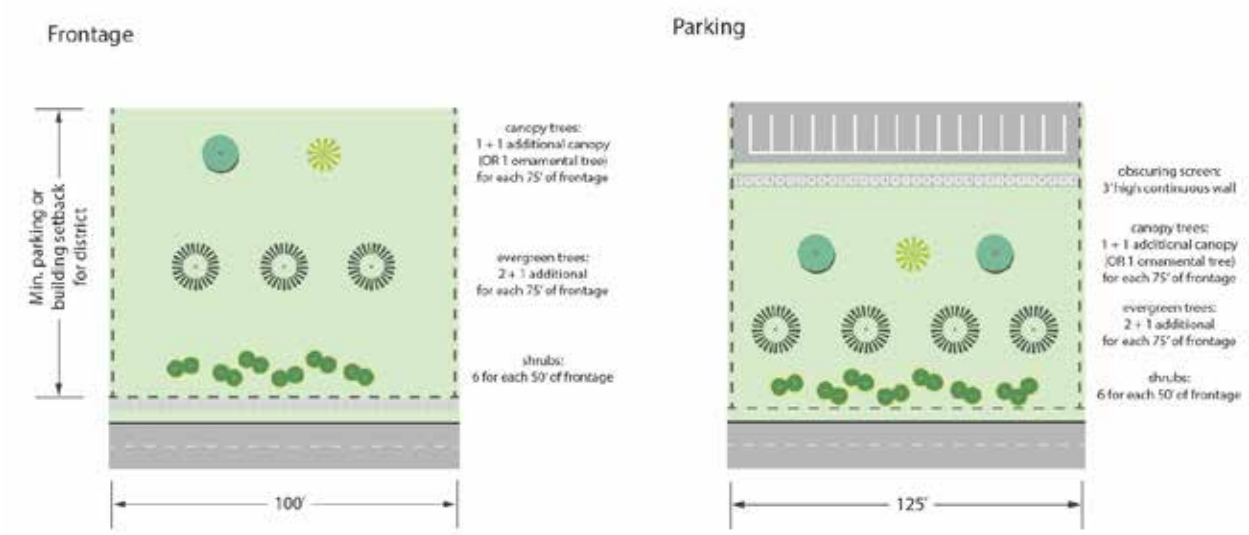
B. **Streetscape Standards**.

1. Except for necessary driveways, frontage roads, service drives or walkways, a required streetscape within a yard abutting a public road shall extend the full length of the lot line.
2. At a minimum, a required streetscape along a road shall be landscaped in accordance with the following:

   a. One (1) canopy tree and two (2) evergreen trees per streetscape, plus one (1) additional canopy or ornamental tree and one (1) evergreen tree for each 75 feet, or fraction thereof, of road frontage; and
   b. Six (6) shrubs per each 50 feet, or fraction thereof, of road frontage.

DRAFT 3

3. A required streetscape along the edge of a parking lot shall be landscaped in accordance with the following:
   a. On any side not facing a public road, one (1) canopy tree, two (2) ornamental trees and one (1) evergreen tree per 50 feet, or fraction thereof, of parking lot length for which the streetscape is required.
   b. On any side that faces a public road, a three (3) foot high continuous, sight-obscuring screen, comprised of plant material, berms, masonry wall or any combination of these elements shall be provided, in addition to the streetscape required by *Section 11.4 B.2*.
4. The minimum depth of the streetscape shall correspond to the minimum building or parking setback requirement for the district, whichever is less, but shall not be less than 10 feet. If located adjacent to any Waters of the State, the minimum streetscape shall be 45 feet.
5. Landscaping shall be located so it does not obstruct the vision of drivers entering or exiting a site and shall also meet the provisions of *Section 9.4 A* pertaining to clear vision triangles.
6. The required streetscape landscaping, except for the sight-obscuring parking lot screen, need not be evenly spaced. Clustering of trees and planting beds is encouraged to provide a more aesthetic and natural appearance; provided, the purposes of this article are achieved.
7. Existing protected trees located within the required streetscape shall be counted toward meeting the minimum requirements of this section; provided, they are in a healthy condition. Other existing trees within the required streetscape may be counted toward the minimum requirements of this section, if approved by the planning commission.
8. If berms are incorporated into the streetscape, the planning commission may reduce the required quantities of plant material by up to one-third (1/3) where it is determined that the purpose of the streetscape will still be achieved.
9. Stormwater detention/retention areas may be located within a required streetscape; provided, they do not reduce the screening effect or jeopardize the survival of plant material. However, a detention/retention area shall not be located within any front yard, unless the planning commission determines that it is designed as a prominent aesthetic feature that will enhance the appearance of the site and will be properly maintained as such.



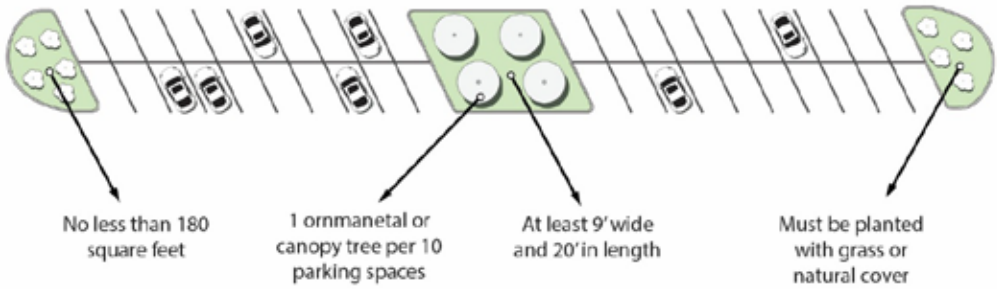
Section 11.5 Parking Lot Landscaping

A. **Requirements**. In addition to the streetscape requirements of this article, the interior of all parking areas containing more than 10 parking spaces shall, at a minimum, contain interior landscaped islands as follows:

1. A landscaped island shall be located at both ends of each row of parking spaces.
2. Landscaped islands shall be located within the interior of the parking lot to separate every 10 contiguous parking spaces.

B. **Standards**.

1. The number of trees required within the interior of the parking lot shall be no less than the equivalent of one (1) ornamental or canopy tree for every 10 parking spaces.
2. Islands within rows of parking spaces shall be at least equal to the dimensions of the adjoining parking spaces. Islands at the end of parking rows shall be no less than 180 square feet.
3. Trees shall be planted at least three (3) feet from the edge of the island.
4. All landscaped islands shall be raised or bordered by suitable curb of stone or concrete to protect the landscaping; provided, this requirement shall not apply to approved rain gardens. Fire hydrants, if located within a parking area, shall be located within the landscaped islands.
5. Each island shall be planted with grass or natural ground cover. Stones, lava rock, wood chips or other such accent material shall not be used.



Section 11.6 General Requirements

All required buffers, screens and streetscapes shall comply with the following requirements, in addition to all other applicable requirements of this article:

A. **Minimum Plant Material Standards**.

1. All plant materials shall be hardy to York County and free of disease and insects. Acceptable trees may be selected from the list of acceptable species in *Appendix D*.
2. Landscaped areas shall be maintained in a neat, healthy and orderly condition following accepted horticultural practices. Withered, dying and/or dead plants and trees shall be replaced within a reasonable period of time, but not longer than one (1) growing season.
3. Artificial plant material shall not be used within any required landscaped area. This shall not preclude the use of stone, shredded bark, wood chips, pine needles or similar accent materials within planting beds, except within parking lot islands.
4. All plant material shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
5. All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.

6. Existing plant material which complies with the standards and intent of this ordinance and the provisions of this article may be credited toward meeting the landscape requirements. Scrub, dying, diseased or prohibited (per *Appendix E*) trees and shrubs shall be removed and shall not be counted toward any requirement of this article.
7. The overall landscape plan shall not contain more than 33 percent of any one plant species.
8. Plant material shall not be placed closer than four (4) feet to any fence or property line.
9. Where trees are placed in two (2) or more rows, planting shall be staggered in rows.
10. Landscaping shall be installed prior to issuance of a certificate of occupancy, unless the owner demonstrates that unforeseen circumstances beyond his/her control prevented the installation. In such case, the planning director may issue a certificate of occupancy; provided, a financial guarantee is posted in accordance with *Section* ****16.5* and a specific time limit, not to exceed 120 days, is established for completing the landscaping.
11. Minimum plant sizes at time of planting shall conform to the standards in *Table 11-6*, unless a greater requirement is specified elsewhere in this ordinance
12. Healthy and viable existing trees within a proposed streetscape shall be preserved unless their removal is shown, to the satisfaction of the planning commission, to be infeasible due to existing site characteristics, necessary grading, location of future site improvements, the species of tree (see list of prohibited species in *Appendix E*) or other similar conditions that make their preservation unreasonable or undesirable. Financial hardship or development expediency shall not be considered valid rationale for such tree removal.

Landscaping shall be provided adjacent to all buildings in order to provide shade, minimize energy demand, screen mechanical equipment and enhance the general appearance of the building and property.

Table 11-6, Minimum Size Requirements

Tree Type	Minimum ~~Size[1,2]~~ Size[3,4]
Deciduous canopy tree	3 inch caliper
Deciduous ornamental tree	3 inch caliper
Evergreen tree	6 feet in height
Deciduous shrub	24 inches in height
Upright evergreen shrub	24 inches in height
Spreading evergreen shrub	24 inch spread

~~[1] Larger sizes may be required by the planning commission, if determined to be necessary to maintain a natural appearance and achieve the intended purpose of the buffer, streetscape or screen based on the size of the development, its location and/or the character of the surrounding area,.~~

[3] Larger sizes may be required by the planning commission, if determined to be necessary to maintain a natural appearance and achieve the intended purpose of the buffer, streetscape or screen based on the size of the development, its location and/or the character of the surrounding area,.
[4] Minimum size is the height of the tree or shrub exposed above grade.

DRAFT 3

[2] ~~Minimum size is the height of the tree or shrub exposed above grade.~~

B. **Minimum Standards for Berms.**

1. Where a berm is used to meet the requirements of this article, it shall have a minimum height of three (3) feet and maximum height of six (6) feet above grade. The crest shall gently curve with a level crown at least two (2) feet wide.
2. Berms shall be designed to vary in height and shape to create a more natural appearance. An unbroken earth mound of uniform height shall not be permitted.
3. Berms shall be designed and planted to have a natural and informal appearance; provided, the planning commission may approve a more formal design where conditions warrant it.
4. If berms are used as part of a required buffer zone, required plant material shall be placed on the top and side slope facing the adjoining property.
5. Where possible, berms shall be constructed so as to maintain a side slope not to exceed a one (1) foot rise to a three (3) foot run ratio. When topography or other site conditions prevent construction of berms at this ratio, the planning commission may permit retaining walls or terracing. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
6. Berm areas not containing planting beds shall be covered with grass or other living ground cover maintained in a healthy condition.
7. Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.

C. **Minimum Standards for Screen Walls and Fences.**

1. All walls and fences required for screening shall be constructed with new, durable, weather resistant, and easily maintainable materials. Chain link and barbed wire fences are not permitted to serve as screen fencing.
2. Unless otherwise prohibited, the wall or fence may be constructed with openings that do not exceed 20 percent of the wall or fence surface. These openings shall not reduce the intended obscuring effect of the wall or fence.
3. Screen walls or fences shall not be constructed in a way that alters drainage on site or adjacent properties, or obstructs vision for safety or ingress/egress.
4. Required plant material shall be installed on the exterior side of the wall or fence.
5. When a screen wall or fence has both a finished side and an unfinished side, the finished side shall face the adjoining property or, if on the interior of the site, shall face outward toward the perimeter of the site.

Section 11.7 Tree Preservation

A. **Requirements.** These regulations shall apply to all trees and land in Fort Mill, except as noted below; provided, that even for those exempted, tree preservation and best practices are strongly encouraged to uphold the intent of this ordinance.

1. **Exemptions**. The parties listed below are exempt from this section to the extent specified.

   a. *Timber harvesters and foresters:* Timber harvesting and forestry shall be exempt from this section; provided, the requirements of South Carolina Code Subsection 48-23-205(B) are met. However, harvesting trees less than one (1) year prior to installation of artificial improvements or other development activities shall be a violation of this ordinance, unless approved by the planning commission.

   b. *Commercial tree farms and nurseries:* Growers raising trees for sale and transplant shall not be held to the provisions of this article; provided, such trees are not planted in protected wetlands or required buffer zones after the adoption of this ordinance.

DRAFT 3

c. *Public utilities*: Utility providers shall be exempt from these regulations within easements and rights-of-way in which clearing is necessary for the public safety and welfare. These regulations, however, shall apply within any required buffer zone.

d. *Occupied single-family dwelling:* A developed single-family residential lot shall be exempt from the heritage tree protection requirements, but not those pertaining to historic trees: provided, the lot is occupied by one (1) single-family dwelling or one (1) manufactured home with a Certificate of Occupancy for at least two (2) years. This provision shall not exempt individual lots or parcels being prepared for development.

2. **Applicability**. All trees not specifically exempted shall be regulated by the provisions of this ordinance. Protected tree classifications are defined in *Section 11.7.B*. Conditions under which protected trees may be removed by permit are specified below.

3. **Maintenance or Removal**. Nothing in this section shall be construed to prevent the ordinary pruning, trimming, and maintenance of a tree, nor to prevent the cutting or removal of any tree that is diseased, dying or required to be removed by governmental agency for public safety. However, such maintenance or removal shall only be performed by a certified arborist.

B. **Protected Tree Classifications**. These regulations shall apply to two (2) categories of trees: Heritage Trees and Historic Trees. Heritage Trees and Historic Trees shall be collectively known as Protected Trees.

1. Heritage Tree. All trees meeting a minimum of 16 inches diameter at breast height (dbh) up to ~~24~~28 inches dbh.
2. Historic Tree. A historic tree, due to its age and stature, is considered to have irreplaceable value and is defined as any tree 28 inches in dbh or greater.

C. **Tree Preservation Standards**. All protected trees must be identified on the required tree survey/tree location map according to the provisions of these regulations. Protected trees, unless otherwise permitted by these regulations, shall not be removed or be caused to be removed during development of the site. Approval to remove such trees shall be obtained from the planning director. If approval to remove protected trees is given, the removed trees shall be replaced according to the *Section 11.7(G)*. Individuals failing to obtain a tree removal permit shall be cited as provided in this section.

D. **Tree Removal Permit**. Except as otherwise exempt, it shall be unlawful to fell, improperly prune, or otherwise destroy a protected tree without first obtaining a tree removal permit from the planning director.

1. Exception. A tree removal permit shall not be necessary to remove a tree creating imminent danger to other trees, permanent structures, public utilities, rights-of-way or persons. A tree posing imminent danger shall be defined as one damaged by a storm, fire, or vehicular accident such that its structural integrity is seriously compromised and that the tree can be reasonably expected to fall and injure persons or structures within three (3) days.
2. Application Procedure.

a. Application for permits must be made at least three (3) business days in advance of the proposed tree removal. The planning director shall issue the permit, valid for six (6) months, if the request meets the criteria for tree removal, as specified in *Section* ~~***~~*.11.7 D.3.*

b. The applicant may apply for a tree removal permit concurrently with a land disturbance permit, subdivision plan submittal, or zoning permit.

c. A tree survey, meeting the requirements of this section, shall be submitted in conjunction with a development plan, as provided in ~~*Section ****~~*,Article XIV* or a plat, as provided in ~~*Section ****~~*.Article XXIII.* The tree survey shall be prepared by a certified arborist approved by the planning commission and shall depict the location, species, and size in dbh of all protected trees in the development area and differentiate them as to whether they are heritage or historic trees. The development area shall be defined as all areas within 50 feet of any proposed grading, temporary and permanent structures, and other improvements; and as

DRAFT 3

wetlands proposed to be disturbed. The survey shall specify which trees are proposed for removal.

i. For developments disturbing more than 25 acres, this tree survey requirement may be satisfied by a "sample area" survey. Each sample shall cover at least one (1) acre. Sample areas shall be evenly distributed throughout the site and proportional to the acreage of types of forest found on the site. Sample areas shall represent at least five (5) percent of the site or five (5) acres, whichever is greater. The surveyor shall estimate the relative densities and total number of heritage trees across the site based on the distribution of these trees in the samples. Historic trees shall nevertheless be individually surveyed and documented by location, species, and size in dbh. Upon reviewing the sample survey, the planning commission may require that inventories be taken of additional sample sites of their choosing.

ii. For development plans disturbing 25 or fewer acres, both heritage and historic trees shall be individually surveyed.

d. Trees to be preserved will be physically marked with brightly colored engineer's tape. The property may first be inspected by the planning director before approval is granted. The tape on those trees approved for preservation shall be left in place throughout ~~consturction~~construction. Following inspection by the planning director, the tree removal permit will be approved, partially approved, or disapproved. In the case of protected trees within the HPOD, Historic Preservation Overlay District, removal of any such tree, unless diseased or dying, shall only be with the approval of the historic ~~resource~~review board.

e. If the permit is approved or partially approved, the applicant shall post a financial guarantee, as provided in *Section* ~~***~~*16.5*, prior to commencing any tree removal activities to ensure preservation of those trees not authorized for removal.

f. It shall be the responsibility of the applicant to post the tree removal permit on the property in a place that is visible from the public right-of-way throughout any tree removal activity.

3. General Criteria. The following criteria, when attested to by a registered forester or certified, qualified arborist who holds a business license, shall constitute grounds for issuance of a tree removal permit regardless of use or zone:

a. Trees potentially hazardous to surrounding trees, permanent structures, public utilities, rights-of-way, or persons due to a loss of stability caused by high wind, unstable soil, age, or other natural forces.

b. Diseased and/or infectious trees and trees in decline.

c. Trees or their root systems causing visible damage to permanent structures that cannot be prevented through proper pruning.

d. Trees or their root systems causing damage to utility lines that cannot be prevented through proper pruning.

e. Trees inhibiting access through a public right-of-way such that proper pruning cannot mitigate the condition.

f. Trees creating hazardous conditions on pedestrian walkways underneath such trees due to excessive debris of a size and shape known to cause injuries from tripping and falling, as determined by the planning director.

4. Criteria for Property Development. The following criteria shall be followed with respect to the applicable property development:

a. *Subdivision of parcel*: The subdivider shall make conscious efforts to avoid historic trees and groupings of heritage trees in proposing placement of rights-of-way and easements. Additionally, lots shall be platted in a way that avoids removal of historic trees or groupings of heritage trees such as locating them in the middle of proposed lots. Lot lines should be

DRAFT 3

platted adjacent to protected trees to retain them as design features and vegetative buffers and to mitigate storm water run-off and erosion problems.

b. *Building envelopes*: Historic trees within proposed building envelopes shall be mitigated, in accordance with *Section 11.7 (G)*. Heritage trees within proposed building envelopes, as well as those within 20 feet of the envelope, may be removed when necessary without mitigation.

c. *Yards and buffers*: Protected trees shall not be removed from required yards or buffer zones. A protected tree may be limbed up if located outside a required buffer, or if located within a required visual buffer or clearance zone. Heritage trees may be limbed up to eight (8) feet, while historic trees may be limbed up to 16 feet to provide view sheds.

d. *Means of access and parking*: Historic trees shall not be removed to make way for parking lots, parking space, drive aisles, or driveways, unless the applicant demonstrates to the satisfaction of the planning commission that no reasonable alternative exists. Heritage trees may be removed in these locations, but mitigation shall be required per *Section 11.7 (G)*.

e. *Outdoor uses and active recreation areas*. Protected trees may be removed on land where the principal use is proposed outside; provided, mitigation shall be required per *Section 11.7 (G)*. The planning director shall determine whether the proposed outdoor use qualifies under this provision and that the protected tree removal is the minimum necessary to accommodate the proposed use. Qualifying uses shall include, but are not limited to: outdoor sales areas with minimal ancillary indoor space, transportation and construction businesses that store fleet vehicles on site, outdoor storage of oversized bulk items that cannot practically be stored under roof, industrial activities and processes that do not occur under roof, as well as recreation areas, such as golf courses, athletic fields, courts, and pools managed by schools, public recreation departments, country clubs, home owners associations and other legally established organizations.

f. *Streets*: Protected trees may be removed without mitigation from rights-of-way to allow for arterial and collector street construction, including widening, intersection improvements, parallel bicycle/pedestrian improvements, and drainage improvements. Historic trees removed for construction of local street projects shall be mitigated per *Section 11.7 (G)*, while heritage trees may be removed from local street rights-of-way without mitigation.

g. *Water, sewer, and drainage improvements*: Protected trees may be removed, but must be mitigated per *Section 11.7 (G)*, for installation of water, sewer, and drainage infrastructure and implementation of associated easements.

h. *Waters of the State*: Protected trees within 45 feet of any water of the state shall be preserved and no disturbance shall occur within the critical root zone, even if more than 45 feet distant from such water.

E. **Tree Protection Procedures**. The base and root system of most trees are very sensitive to changes and must be protected to ensure the tree's health and survival. The following measures shall also be taken to protect trees located off-site, but whose limbs and drip lines encroach across property boundaries.

1. Protected trees shall have their critical root zone guarded before, during, and after construction against the following:

   a. Unnecessary cutting, breaking, or skinning of roots
   b. Skinning and bruising of bark
   c. Storing or stockpiling construction, excavation, or other machinery, tools, materials, and debris within drip lines
   d. Burning within drip lines
   e. Absorption of wastewater run-off within drip lines
   f. Excessive foot or vehicular traffic within drip lines
   g. Parking vehicles within drip lines

DRAFT

2. Wounds to protected trees shall be cleaned to sound wood by removing loose bark and wood, leaving a smooth edge around the wound, and be properly dressed.
3. If any protected tree roots are to be removed, they shall be severed clean and treated with a two (2) inch layer of mulch applied on the surface above the roots, to be retained and replenished throughout harvesting and construction activities.
4. Soil removal or fill within the drip line of a protected tree shall be limited to six (6) inches in depth. Any soil added under the drip line shall be a loamy soil mix to ensure minimal compaction.
5. The following additional measures shall be taken to protect trees scheduled to be retained in preparation for and during property development.

    a. *Setbacks* – Site improvements, other than landscaping and hardscaping, shall not occur within the critical root zone.
    b. *Protective barricading* – Barricades shall be erected around all protected trees according to required setbacks, as provided in *Subsection 5.a*. above. Barricades shall be erected prior to the start of site grading and shall remain in place until all construction activities are complete. The following standards apply:

        i. Barricading trees in groups shall be encouraged.
        ii. Barricades a minimum of three (3) feet high shall be erected and readily apparent, including in the rear view or side mirror of vehicles and construction equipment moving in reverse.
        iii. Barricading shall consist of orange safety fencing supported by wood/metal members or other comparable material approved by the planning director. In any case, barricading shall be capable of repelling a man moving at walking speed. Flagged string or tape, alone, shall not be sufficient to meet the barricading material requirements.
        iv. All tree protection areas shall be designated with signs or tape posted visibly on or within the required barricade. Tree protection area signs shall denote the area as off limits for the sake of tree protection.

6. Installation of utilities – Utilities shall not be installed in tree protection areas without the use of special tunneling techniques to preserve root systems.

F. **Violation and Penalty**

1. The removal, damage or destruction of a protected tree without a required tree removal permit shall constitute a violation of this ordinance. Each protected tree that is removed, damaged or destroyed shall constitute a separate offense. Each day during which the loss of the tree goes unmitigated, as provided below, shall be judged a separate offense.
2. In lieu of any fines and penalties incurred by a violator of this Section, the planning director may require tree replacement as a condition of granting Certificates of Occupancy. Replacement trees shall be required such that the total caliper-inches of new trees shall be equivalent to a 50% increase in the mitigation requirements as set forth in *Section 11.7* ~~(*G*)~~. In no case, however, shall any replacement tree measure less than four (4) inch dbh for heritage trees and six (6) inch dbh for historic trees.
3. In the event that violations of this article result in the issuance of a stop work order, the violator shall be responsible for tree replacement, payment of fines or posting a financial guarantee, as determined by the planning director, before construction is allowed to resume.
4. In the event that the violator of tree protection standards cannot be identified and located, the developer shall be held responsible for fines and mitigation.

G. **Mitigation for Tree Removal; Fee in Lieu**

1. Trees planted for mitigation shall meet performance standards per this article ~~and as specified in the Tree Replacement Chart below.~~. Mitigation for protected trees shall be ~~scheduled as~~

DRAFT 3

~~follows~~as specified in *Table 11-7*, based on the species of the tree that was removed. In addition, the following requirements shall apply:

a. Mitigation for heritage trees shall occur at a rate of 50 percent, where every two (2) inches of heritage trees removed, measured in dbh, shall be replaced by one (1) inch of mitigation trees, measured in caliper-inches.
b. Mitigation for historic trees shall occur at a rate of 100 percent, where every inch of historic trees removed, measured in dbh, shall be replaced by one (1) inch of mitigation trees, measured in caliper-inches.
c. Any tree planted for mitigation shall measure at least four (4) inches dbh for heritage trees and six (6) inch dbh for historic trees, at the time of planting.

2. Any tree at least six (6) inches dbh but less than 12 inches dbh retained within the area of disturbance may be retained to contribute, inch for inch, to a tree mitigation requirement; provided, the tree does not stand in a wetland, any required buffer, or other area in which the tree would otherwise be required to be conserved. Such trees shall be protected as heritage trees.
3. In lieu of planting trees required for mitigation, the developer may, if approved by the planning commission, pay a fee per caliper-inch in an amount set by the Fort Mill town council. The fee shall be based on the current cost, at wholesale value, of installing a required tree to standards of the American Nursery and Landscape Association and its maintenance for one (1) year.
4. Fees in lieu shall be put into an account reserved solely for the beautification of public lands and rights-of-way in Fort Mill.
5. Trees planted for mitigation shall be in addition to those required for streetscapes, buffering and parking lots.

TREE REPLACEMENT CHART

	Class/	Species Included	Percent Replacement					
Species Quality Rating	**I** 80-100	Live Oak, Bald Cypress, American Beech, Gingko, American Holly, Southern Magnolia, Sweetbay Magnolia, Tupelo, Chinese Pistache, White Oak, Willow Oak[1], Overcup Oak, Chestnut Oak, Eastern Red Cedar[1]	50	50	25	100	75	50
	II 60-79	Persimmon, Ash species, Hickory species, Tulip Poplar, Sycamore, Swamp White Oak, Scarlet Oak, Southern Red Oak, Shumard Oak, Post Oak, Laurel Oak[1]	50	50	25	75	50	25
	III <60	Sugarberry[1], Hackberry[1], Willow species, Water Oak[1], Black Cherry, American Elm, Red Maple[1]	50	25	0	50	25	0
	IV[2]	Pine species, Sweet Gum, Callary Pear varieties, River Birch, Mimosa, Chinaberry, Chinese Tallow, Camphor tree, White Poplar	0	0	0	0	0	0
		Health Rating	**Good**	Fair	Poor	Good	Fair	Poor
		Land Use	**Residential**[3]			**Commercial/Other**[3]		

[1]Species with adjusted quality ratings that differ from the guide based on local experience and expertise.
[2]Species in this category shall be exempt from the requirements of this section, except that Pine species and Sweet Gum shall be maintained in buffer areas requiring protection of all vegetation or vegetation of a certain size, and may be approved for plantings in such buffers.
[3]Approval of a historic tree removal request (>24" DBH) may require review by the Board of Zoning Appeals or Design Review Board, and have other replacement requirements as further provided within the provisions of this section.

Table 11-7, Tree Replacement by Species Category

Species Category		Percent Replacement Required
1	Live Oak, Bald Cypress, American Beech, Gingko, American Holly, Southern Magnolia, Sweetbay	100

	Magnolia, Tupelo, Chinese Pistache, White Oak, Willow Oak, Overcup Oak, Chestnut oak, Eastern Red Cedar	
2	Persimmon, Ash species, Hickory species, Tulip Poplar, Sycamore, swamp White Oak, Scarlet Oak, Southern Red Oak, Shumard Oak, Post Oak, Laurel Oak	75
3	Sugarberry, Hackberry, Willow species, Water Oak, Black Cherry, American Elm, Red Maple	50
4[5]	Pine species, Sweet Gum, Callary Pear varieties, River Birch, Mimosa, Chinaberry, Chinese Tallow, Camphor tree, White Poplar	0

DRAFT 3

[5] Species in this category shall be exempt from the requirements of *Section 11.7*, except that Pine species and Sweet Gum shall be maintained in buffer areas requiring protection of all vegetation or vegetation of a certain size, and may be approved for plantings in such buffers.

Signs

Article XII

DRAFT 3

Fort Mill Unified Development Ordinance

Section 12.1 Purpose

A. The regulations of this article are intended to protect and promote the public health, safety, convenience, comfort, prosperity and general welfare of the residents of the Town of Fort Mill; to maintain and improve the appearance of the community; to conserve community character; to prevent traffic hazards; to provide safe conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location and number of signs. It is further determined that to allow signs of excessive number and size in the town would unduly distract pedestrians and motorists, create potentially dangerous traffic conditions and reduce the effectiveness of signs needed to direct the public. The regulations of this article are intended to provide reasonable identification for businesses and other uses within the community; but are not intended to serve as a means of advertising.

B. It is the intent of this article that signs are as much subject to control as noise, odors, debris and like characteristics of a use. In establishing the purpose and objectives of this article, the town has determined that without adequate regulation and design standards, signs could become a nuisance to the town and its citizens. If the appearance of the town is marred by the excessive number, oversized and poorly designed signs, both residential and business property values will be adversely affected.

C. The general objectives of this article include:

1. Requiring signs to be reviewed for approval prior to installation;
2. Requiring signs to be properly constructed, installed and maintained;
3. Controlling the size, location and design of signs so the appearance of such signs will be aesthetically harmonious with the surroundings, encouraging signs that are appropriate to the zoning districts in which they are located;
4. Encouraging readable signs;
5. Reducing visual clutter;
6. Eliminating any conflict that would be hazardous between private signs and public signs including traffic control signs and devices;
7. Ensuring that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment; and
8. Controlling signs located along the interstate system.

Section 12.2 General Provisions

The following regulations are applicable to all signs in all zoning districts.

A. **Definitions**. All terms used in this article shall have the definitions provided in *Appendix A*.

B. **Applicability**. No sign shall be permitted in any district except as provided in this article. The provisions of this article shall apply to all signs of every nature, whether portable, freestanding or attached, except as otherwise provided, either specifically or by necessary implications.

C. **Basic Standards**.

1. All permanent signs must be of a professional character, must be erected by a qualified sign erector, and must comply with the provisions of this article. Homemade lettered signs shall not be permitted, whether or not a permit is required, except for wire frame temporary signs.
2. Signs may be externally or internally illuminated, except as otherwise specified.
3. Signs shall not detract from the appearance of the general neighborhood in which located or adversely affect property values in the neighborhood.
4. Signs shall not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for motorists.

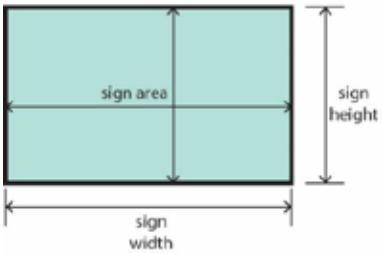
D. **Clear Vision Triangle**. Signs shall not be placed within a clear vision triangle, required by *Section 9.4 A*.

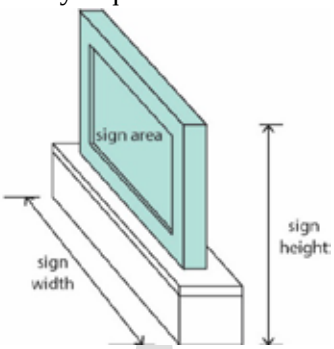
DRAFT 3

E. **Signs in Public Right of Way**. Signs shall not be placed in any public easement, right-of-way, utility easement, clear vision triangle, or no-build zone, except publicly owned signs, such as traffic control signs and town authorized directional signs.

F. **Official Public Signs Exempt**. Public notices by governmental bodies, and other official signs and notices are exempt from the provisions of this section. The planning director may authorize the erection of other signs reasonably necessary for the regulation of traffic and of parking areas on private property in nonresidential districts. Such signs shall relate only to traffic flow and safety. No such sign shall include advertising material nor shall it be larger than reasonably required for its purpose.

G. **Measurement**. Signs shall not exceed the maximum sign area allowed for the district in which located. The sign area is to be expressed in square feet, computed to the nearest tenth of a square foot, and shall be calculated as follows:





1. Area. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
2. Double-Faced sign. The area of a ground or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) faces are placed back-to-back and are no more than two (2) feet apart at any point, the area of one face shall be counted toward the maximum size requirement. If the back-to-back faces are of unequal size, the larger of the sign faces shall be counted as the one (1) face.
3. Wall sign. For a sign consisting of individual letters and/or a graphic affixed directly onto a building without a border, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and graphic.
4. Height. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground or the average grade of the ground immediately beneath the sign, excluding any artificially constructed earthen berms.
5. Multi-Tenant Buildings. For buildings with multiple tenants, the sign area for wall, projecting, canopy or awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing the sign requirements for that portion of the total wall.

H. **Illumination and Movement**. All illuminated signs shall meet the following requirements:

1. Except as otherwise specifically permitted in this article, signs shall not contain any intermittent, moving, blinking, flashing, oscillating, scrolling, or fluttering lights or animated parts; nor shall any device be utilized which has a changing light intensity, brightness of

DRAFT

color or give such illusion, except as specifically required for electronic changeable message signs.

2. The light source for any externally illuminated sign shall not be directly visible from adjacent streets or property. Exposed neon-type tubing as part of any sign and/or on the building shall not be permitted except in the DC, Downtown Core District. Backlight silhouetted halo letters shall be permitted, provided the light source is fully concealed.
3. For all signs, the level of illumination emitted or reflected from a sign shall not be of intensity sufficient to constitute a demonstrable hazard to vehicular traffic or pedestrians on any right-of-way or parking lot from which the sign may be viewed. All illumination must be of reasonable intensity and shall not spill onto adjacent properties or rights-of-way. Signs adjacent to residential buildings and streets shall not be of such brightness to cause reasonable objection from adjacent residential districts or uses nor to spill light and glare onto adjacent residential properties and structures.
4. Ground signs abutting a residential district or use shall be at least 25 feet from the property line abutting the residential district or use.
5. Mounted signs must face toward the major traffic arterial access.
6. Signs illuminated by electricity or equipped in any way with electric devices or appliances shall conform, with respect to wiring and appliances, to provisions of the building code relating to electrical installations. All wiring, fittings and materials used in construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electrical Code.

I. **Safety**.

1. Signs shall not closely resemble or approximate the shape, form and color of official traffic signs, signals and devices.
2. No sign shall be so placed as to obstruct or interfere with a required doorway, other required means of ingress or egress, or traffic visibility.
3. Signs shall be constructed to withstand a wind pressure of at least 30 pounds per square foot of surface, and shall be otherwise fastened, suspended, or supported so not to be a menace to persons or property.
4. No sign shall be attached to the standard of a ground sign, other than the display surface originally constructed as part of the sign. No sign shall be attached to or painted or otherwise displayed on a light standard, gasoline pump, fence, wall, post or other structure, or to any supporting device, except as specifically authorized in this article.

Section 12.3 Signs Exempt from Permits

The following regulations are applicable to all signs exempt from permitting in all zoning districts.

A. **Exempt Actions**. The following actions shall not be considered to be creating a sign and shall not be required to have a sign permit, unless otherwise specified.

1. Re-lettering and Rewording Changeable Copy. The changing of advertising copy or message, either electronically or manually, on an approved or existing nonconforming sign, such as a theater marquee, manual or electronic changeable message signs and similar signs which are specifically designed for use of changeable copy.
2. Maintenance. Painting, repainting, cleaning, or other normal maintenance and repair of a sign or sign structure unless a structural change is involved The changing of sign wording or a sign face is permitted; provided the sign frame and structure do not change.

B. **Exempt Signs**. Those signs listed in *Table 12-3* are allowed in addition to those permanent signs specified in *Table 12-6*. A sign permit shall not be required for the signs listed in *Table 12-3*; provided, all other applicable requirements of this article are met.

DRAFT 3

Table 12-3, Signs Exempt from Permitting	
Type of Sign	**Requirements**
Address Sign	Numeral height no greater than six (6) inches for residences and 18 inches for businesses and other nonresidential uses.
Barber Pole	The bottom of the barber pole shall be attached to the building wall and must be at least eight (8) feet from the ground or sidewalk, but the top must be lower than the height of the building. The barber pole must not extend more than 12" from the exterior face of the wall to which it is attached.
Business Identification Sign	An identification sign on or near (above or beside) a public entrance or service entrance to a business in a commercial, or industrial zone is permitted; provided, the sign states only the street address number and name of the business or building. It shall be mounted flush against the wall and shall not exceed three (3) sq. ft. in area.
Commercial Construction Sign	A sign which identifies the architects, engineers, contractors or other individuals and firms involved with the commercial construction project on the premises and/or identifying the project under construction. One (1) sign, not exceeding 48 square feet shall be permitted. The sign shall be set back a minimum of 10 feet from any right-of-way line. The sign may be erected when a building permit is issued for construction and shall be removed within 30 days following issuance of a certificate of occupancy for the building or project to which the sign relates.
Damaged Signs (replacement)	A sign, erected under a legally obtained permit, which is subsequently damaged or destroyed by wind, weather, or other accidental event beyond the control of the applicant may be replaced or restored to its original size, shape, and location (as prior to the accident) without obtaining an additional permit; provided, the cost of repair or restoration is less than 30 percent of the cost of replacing the sign. Replacement of a damaged or destroyed sign with a new sign or different size or location from the original sign shall require a permit.
Device Sign	Permanent signs on gas pumps, vending machines or ice containers indicating the contents of such devices; provided, that the sign area of each device shall not exceed three (3) square feet in area and only one (1) sign is permitted per vending machine, gas pump or ice container.
Directional Sign	In order to facilitate traffic movement and minimize confusion, one (1) directional sign, not exceeding two (2) square feet in area and three (3) feet in height, is permitted at each driveway. The sign shall be set back from the right-of-way line and edge of the driveway at least five (5) feet. Only words such as "enter," "exit," "one way," "do not enter," and similar traffic directions may be displayed, along with a logo or trademark up to one-third of the sign area, but not including a name or commercial message.
Flag	Flags or insignia of any nation, state, local government, community organization or educational institution or representing a public issue or political statement.
Historic Marker	Historical markers, including plaques or signs describing a property's designation as a historical site or structure, not exceeding two (2) square feet in area; provided, an officially designated state or federal historical marker shall not be subject to a size limitation.
Incidental Sign	Incidental signs, indicating acceptance of credit cards, location of restrooms, restrictions on smoking and restrictions on building entrances or describing business affiliations, not exceeding a total of two (2) square feet each. Up to two signs (2) per business may be displayed attached to a permitted sign, exterior wall, building entrance, or window.
Integral Signs	Names of building, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.
Interior Sign	Any sign which is located completely within an enclosed building, and is not visible from outside the building or which is primarily directed at persons within the premises where the sign is located.

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Table 12-3, Signs Exempt from Permitting	
Type of Sign	**Requirements**
Murals	Murals not containing any words, logos, products or service representations, except for the artist's name may be permitted in the DC, Downtown Core District with approval of the historic review board; provided, any mural that does contain words, logos, product or service representations shall be considered a wall sign and regulated as such.
Nameplate	A nameplate which shall not exceed two (2) square feet in area is permitted for each dwelling unit of a single-family, two-family or multi-family dwelling; identifying only the name and/or address of the occupant and/or approved home occupation.
Parking Signs	Signs for public access to parking shall be set back three (3) feet from the right-of-way and shall solely identify the availability of and access to a designated parking area. Signs shall be a maximum six (6) feet high and six (6) square feet in area. Such signs shall not obstruct the view of traffic entering or leaving the premises.
Private Traffic Direction Signs	Signs directing interior traffic circulation within a premise shall be a maximum of three (3) feet high and six (6) square feet in area. Illumination shall be permitted in accordance with *Section 12.2 H.*
Public Signs	Signs of a noncommercial nature and in the public interest erected by or on the order of the Town of Fort Mill or other county, state or federal authority.
Religious Symbols	Religious symbols incorporated into the architecture on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied by text.
Residential Contractor	One (1) temporary sign identifying the contractor performing major home repairs or remodeling such as roofing, siding, landscaping and similar work of limited duration. The sign shall be a maximum of four (4) square feet in area and three (3) feet in height. It shall be located on the premises where the work is being performed and shall be removed within two (2) weeks of completing the work.
Scoreboards	Used in conjunction with a sports field owned by a governmental unit, school or bona fide sports organization, such as a little league or youth soccer. The scoreboard shall be single sided and have a maximum height of 20 feet to the top of the scoreboard and a maximum area of 100 square feet. Any scoreboard exceeding these height or area dimensions shall require a permit and approval in accordance with the requirements of *Sections 12.7 and 12.8.*
Sign on Vehicle	Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of business or activity, provided that the primary use of the vehicle shall not be for the purpose of advertising a business.
Temporary Window Sign	The total area of all signs within one (1) foot of the window shall not obscure more than 25 percent of the window area.
Traffic Control Sign	Traffic or other municipal signs, legal notices, danger signs and such temporary emergency or non-advertising signs, or private traffic control signs which conform to the requirements of the Manual of Uniform Traffic Control Devices and as may be approved by the planning director.
Warning Sign	Publicly authorized warning signs, such as no trespassing, warning of electrical currents or animals, provided the sign does not exceed two (2) square feet in area.
Yard Sign, Rigid Frame Temporary	The signs shall not exceed a size of six (6) square feet in residential districts, nor 24 square feet in commercial and industrial districts or on nonresidential properties in a mixed use district. The sign shall be setback a minimum of 10 feet from the street right-of-way line.
Yard Sign, Wire Frame Temporary	The signs shall not exceed a size of four (4) square feet and shall not be placed in the right of way.

DRAFT 2

Section 12.4 Prohibited Signs

The following signs are prohibited in the Town of Fort Mill:

A. Any sign not specifically permitted.
B. Abandoned signs that identify an activity, business, use, product or service no longer conducted or available.
C. Bench signs.
D. Billboards.
E. Off-premise signs.
F. The use of trucks, cars, trailers, aircraft, boats or similar vehicles as signs is prohibited when the vehicle is parked on public or private property within 50 feet of any property line abutting a public street, except for those:

   1. Lawfully parked overnight or during non-business hours in a place not visible from a public street or designated truck parking or loading area;
   2. Making deliveries, sales calls or other customary practices relating to doing business;
   3. Making trips to transport persons or property;
   4. Used in conjunction with active construction operations on the site; or
   5. Passenger vehicles, pick-up trucks and vans containing signs that do not exceed 16 square feet in area painted on or permanently affixed to the doors or integral body panels and such vehicles are of a size that can fully fit within a standard parking space.

G. Roof signs.
H. Search lights, "twirling signs", balloons, other gas or air-filled figures, pennants or streamers: provided, this shall not be construed to prohibit decorations related to the observance of traditional national, state or local holidays or special events of national, state or local significance.
I. Signs that are held by or supported by a person.
J. Blade or feather signs.
K. LED signs.
L. Portable signs, except as allowed under *Section 12-5*.
M. Miscellaneous signs and posters visible from a roadway that are tacked, pasted or otherwise affixed to the walls of buildings or structures or on trees, poles, posts, fences or other structures except that only parcels that lie wholly or in part within 150 feet of the Interstate-77 right-of-way shall be permitted to utilize pole signs.
N. Signs or any portion of a sign or sign structure which moves or assumes any motion or gives the illusion of movement, unless specifically permitted by this article.
O. Signs bearing or containing statements, words or pictures of an obscene, pornographic, or immoral character.
P. Signs painted on or attached to any fence or wall which is not structurally a part of a building.
Q. Signs that emit audible sound, odor or visible matter.

Section 12.5 Temporary Signs

The following signs shall be allowed at any location within the Town of Fort Mill upon application for and issuance of a sign permit, unless otherwise specified.

Table 12-5 Temporary Signs

Type of Sign	Requirements
Promotional signs, banners and displays	Within any commercial or mixed use district, in accordance with the following requirements: a. A temporary sign permit shall be obtained from the planning director; b. The sign may be displayed for a maximum of 30 days; c. No more than two (2) temporary signs shall be permitted for any business, organization

DRAFT 3

Table 12-5 Temporary Signs	
Type of Sign	**Requirements**
	or property within a calendar year and at least 30 consecutive days shall elapse between the end of one (1) permit period and the start of the second. d. Materials of community interest may be erected within a street right-of-way or across a public street, causeway or walkway; provided, the town manager approves the display and all materials are erected by a licensed, bonded and insured installer approved by the manager. e. Materials shall be of a quality, size and installation as to not cause litter, hazard or obstruction. f. All such signs, banners, displays and material shall remain the responsibility of the permit holder who shall be responsible for any damage, injury, or expense incurred by the town. g. If damaged or deteriorated, the material shall be removed immediately.
Sandwich Board	a. Within the DC, Downtown Core District, or any of the Mixed Use Districts, each premises, including those containing multiple businesses, may place only one (1) sandwich board sign per street frontage. b. The sign shall not exceed eight (8) square feet per side in area. In addition, the width of the sign may not exceed two (2) linear feet, with a maximum height of four (4) feet. Within these specified maximum dimensions, creative shapes that reflect the theme of the business being advertised are encouraged (i.e. ice cream shop may display a sign in the shape of an ice cream cone). c. Sandwich board signs shall be displayed only during operational hours of the business being advertised and shall not be lighted. These signs must be removed each day at the close of business. d. The sign shall be placed on a sidewalk directly in front of the associated establishment and the nearest part of the sign structure shall not be separated by more than two (2) feet from the wall of the building. The sign must be placed so as not to interfere with or obstruct pedestrian or vehicular traffic; provided, a minimum of five (5) feet of passage must be maintained on the sidewalk between the street and the sign. Signs may not be anchored to the sidewalk, or attached or chained to poles, newspaper vending boxes, or other structures or appurtenances. e. The sign must be constructed of materials that present a finished appearance. Rough cut plywood is not acceptable. The sign lettering should be professionally painted or applied; a "yard sale" or "graffiti" look with hand painted or paint-stenciled letters is not acceptable, however, chalkboard signs shall be permitted.
Subdivision or Multi-Family Development Sign	Within any zoning district, one (1) temporary subdivision or multiple-family development sign may be permitted per street frontage, in accordance with the following requirements: a. A temporary sign permit shall be obtained from the planning director; b. Maximum sign area shall not exceed 32 square feet of area; c. Minimum setback distance from any right-of-way and adjoining property line shall be 10 feet; and d. The temporary sign permit shall expire 12 months from the date it is issued or until the project is 85 percent occupied, whichever is greater.

Section 12.6 Permitted Signs by District

A. **Permitted Signs**. The following signs are permitted in combination, unless noted otherwise, in each district, subject to the requirements described in *Table 12-6*, issuance of a sign permit and all other applicable regulations.

DRAFT

B. **Number**. For non-residential uses in any commercial, mixed use and industrial district, a maximum of two (2) types of signs listed in *Table 12-6* and three (3) total signs shall be permitted on any lot, regardless of the number of tenants, unless otherwise specified in *Table 12-6*.

Table 12-6 Signs By District	
R-25, R-15, R-~~5~~7, RT-8 and RT-12 Residential Districts	
Permitted Home Occupation Sign	
Number	One (1) per dwelling.
Size	Two (2) sq. ft. maximum.
Location	Façade of dwelling.
Development Gateway and Entry Sign	
Number	Two (2) per development entry, one on opposite sides of the entry drive.
Size	~~32~~24 sq. ft. maximum.
Location	15 ft. setback from all lot lines; development entries shall be at least 300 feet apart, otherwise only one (1) entry per street frontage shall have entry signs.
Height	Six (6) ft. maximum.
Ground Sign for Non-Residential Principal Use	
Number	One (1) per street frontage, two (2) maximum.
Size	~~32~~24 sq. ft. maximum.
Location	10 ft. setback from front lot line, 50 ft. setback from all other lots lines.
Height	Six (6) ft. maximum.
Wall Sign for Non-Residential Principal Use	
Number	One (1) per street frontage, two (2) maximum.
Size	10 percent of wall area to which it is attached, not to exceed ~~100~~75 sq. ft.
Location	Mounted flat against the wall.
Other	A wall sign shall not extend past the edge of the wall to which it is affixed nor extend above the roof line of a building.
Manual or Electronic Changeable Message Sign for Non-Residential Principal Use	
Number	One (1) per lot or parcel, integrated within a permitted wall or ground sign.
Size	Maximum size no greater than 25 percent of the area of the sign within which it is integrated and shall be counted as part of the total permitted sign area of that sign.
Location	Shall be integrated into a permitted ground or wall sign; provided, no electronic changeable copy sign shall be located within 50 feet of a side or rear lot line or within 150 feet of a dwelling unit. Electronic changeable message signs shall not be located within any designated historic district or on any designated historic property.
Other for electronic changeable message signs	a. Each message appearing on a digital sign shall remain fixed for a minimum of 10 seconds, and message changes shall be instantaneous. Roll, splice, unveil, venetian, zoom, fade, dissolve, exploding, scroll and other methods of transition between messages shall not be permitted. b. Scrolling or traveling displays or the vertical movement of a static message or display on an electronic changeable message sign shall not be permitted. c. Display brightness shall be adjusted as ambient light levels change and shall be subject to review and regulation, as determined by the planning director. d. Illumination shall be no greater than 7,500 nits during daylight hours and 500 nits during evening hours. e. The electronic changeable message display shall be turned off between the hours of 12:00 AM and 6:00 AM. f. LED and digital signs shall contain a malfunction display lock default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down. g. The electronic display background color tones, lettering, logos, pictures, illustrations,

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Table 12-6 Signs By District	
	symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the message or display is changed to another message or display. In no case shall white be used as the background color on any part of the electronic display portion of the sign. h. To reduce the potential negative effects of light and glare on nearby residential properties, the background of the electronic display portion of any sign located within 200 feet of a dwelling unit shall be a dark color and all lettering, graphics and symbols shall be a muted color approved as part of the sign permit. White shall not be permitted.
DC, Downtown Core District	
Wall Sign	
Number	One (1) per street frontage, two (2) maximum.
Size	For a single business located on a separately described lot, 10 percent of wall area to which it is attached, not to exceed ~~32~~24 sq. ft.
	For each business located within a single structure occupied by more than one (1) business, the cumulative total for all signs shall not exceed 15 percent of building wall area and no more than ~~25~~20 sq. ft. for each business.
Location	Mounted flat against the wall.
Other	A wall sign shall not extend past the edge of the wall to which it is affixed or extend above the roof line of a building.
Canopy, Projecting, Marquee or Awning Sign	
Number	One (1) per business.
Size	~~32~~24 sq. ft. maximum for marquee signs, ~~eight (8~~six (6) sq. ft. maximum for all others.
Location	Four (4) ft. maximum projection for projecting signs.
Height	Eight (8) ft. minimum between sidewalk or grade and the bottom of the sign.
Window Sign	
Number	One (1) per street frontage.
Size	25 percent of the window surface to which it is attached.
Location	On the inside surface of the window.
Other	May be internally illuminated. Neon lighting shall be permitted.
LC and GC Commercial Districts	
Ground Sign	
Number	One (1) per street frontage, two (2) maximum.
Size	~~32~~24 sq. ft. maximum.
Location	15 ft. setback from all lot lines.
Height	Six (6) ft. maximum.
Wall Sign	
Number	One (1) per street frontage, two (2) maximum.
Size	For a single business located on a lot, 10 percent of wall area to which it is attached, but not to exceed ~~150~~115 sq. ft.
	For each business located within a single structure occupied by more than one (1) business, the cumulative total for all signs shall not exceed 15 percent of building wall area and no more than ~~32~~24 sq. ft. for each business.
Location	Mounted flat against the wall.
Other	A wall sign shall not extend past the edge of the wall to which it is affixed nor extend above the roof line of a building.
Canopy, Projecting, Marquee or Awning Sign	
Number	One (1) per business.
Size	~~48~~36 sq. ft. maximum for marquee signs, ~~eight (8~~six (6) sq. ft. maximum for all others.

Draft 3

Table 12-6 Signs By District	
Location	Three (3) ft. maximum projection for projecting signs.
Height	Eight (8) ft. minimum between sidewalk or grade and the bottom of the sign.
Business Center Ground Sign	
Number	One (1) per street frontage, two (2) maximum, no other freestanding signs allowed for individual businesses.
Size	~~64~~48 sq. ft. maximum.
Location	10 ft. from all lot lines and outside of clear vision triangle.
Height	8 ft. maximum.
Development Gateway and Entry Sign	
Number	One (1) per development entry.
Size	~~48~~36 sq. ft. maximum.
Location	15 ft. setback from all lot lines.
Height	Six (6) ft. maximum.
Window Sign	
Number	One (1) per street frontage.
Size	25 percent of the window surface to which it is attached.
Location	On the inside surface of the window.
Other	May be internally illuminated. Neon lighting shall not be permitted.
Menu Board	
Number	One (1) per drive-thru lane.
Size	24 sq. ft. maximum.
Location	In the rear yard and adjacent to the drive-in or drive-thru lane, but no closer than 100 feet to any residential district or residential use in a mixed use district if a speaker is located in conjunction with the menu board.
Height	Eight (8) ft. maximum.
NMU, CMU, TOMU Mixed Use Districts	
Residential Uses and Institutional Uses Allowed in a Residential District	
Permitted signs	Same as listed in this table for the Residential Districts.
Business Uses	
Permitted signs	Same as listed in this table for LC and GC Commercial Districts.
LI Industrial District	
Ground Sign	
Number	One (1) per street frontage, two (2) maximum.
Size	~~32~~24 sq. ft. maximum.
Location	10 ft. setback from all lot lines.
Height	Six (6) ft. maximum.
Wall Sign	
Number	One (1) per street frontage, two (2) maximum.
Size	Ten (10) percent of wall area to which it is attached, not to exceed ~~100~~75 sq. ft.
Location	Mounted flat against the wall.
Other	A wall sign shall not extend past the edge of the wall to which it is affixed nor extend above the roof line of a building.
Business Center Ground Sign	
Number	One (1) per property, no other freestanding signs allowed for individual businesses.
Size	~~64~~48 sq. ft. maximum.
Location	10 ft. from all lot lots and outside of clear vision triangle.
Height	Eight (8) ft. maximum.

DRAFT 3

Section 12.7 Sign Permits

No sign described in this article whether permanent or temporary, shall be erected, constructed, altered, relocated, repaired or replaced within the limits of the town by any person, firm or corporation until a permit has been issued by the planning director, except as otherwise provided in this article. All sign permits shall be valid for a period of one (1) year from the date of issuance, and shall thereafter be void if the approved sign is not erected within that time period. All sign applications shall be submitted by the property owner.

Section 12.8 Application Procedure

A. **Application Requirements**. An application shall be submitted to the planning director on a form for that purpose, along with a required application fee as established by the town council. All sign applications shall include the following information:

1. Location of building, structure or lot on which the sign is to be erected or attached.
2. Detailed colored drawing to illustrate the dimensions, design, materials and structure of each sign.
3. Site drawing to scale, showing the property boundaries, street right-of-way line, curb line, building location, access drives and location of all ground, directional, menu or other sign proposed to be located on the ground. The setback dimension from the right-of-way line and the curb line to the nearest edge of the sign shall be shown on the site plan.
4. Photographs of the property or building upon which the sign is to be erected or attached.
5. Building elevations, illustrating the position of wall, awning, projecting or other signs to be mounted on the building.
6. Plans, specifications and method of construction for attachment to the building or in the ground.
7. Name and address of the sign erector.
8. Any electrical permit required and issued for such sign.
9. Specifications for electronic changeable message signs, including brightness levels (day and night), automatic dimming mechanism, display colors and other relevant information.
10. Other information that the planning director may require to ensure full compliance with this and all other applicable laws of the town and State.

B. **Approval**. The planning director shall make a decision on an application within seven (7) days of submission. The planning director shall approve the application and issue a sign permit if it is determined that the application fully complies with the requirements of this article.

Section 12.9 Inspection and Maintenance

A. **Inspection**. Signs for which a permit is required may be inspected periodically by the planning director for compliance with this ordinance and other codes of the Town of Fort Mill.

B. **Removal of Signs**. The planning director may order the removal of any sign erected or maintained in violation of this article. Thirty (30) days' written notice to remove the sign or to bring it into compliance shall be given to the owner of a permanent sign or a notice of such violation placed on the building, structure, premises, or sign in violation. In the case of any ~~wire frame or rigid frame~~ temporary sign in violation, the planning director may remove the sign immediately. The sign owner shall be notified in writing as to disposition of the sign. Any sign removed by the planning director, pursuant to the provisions of this section, shall be held for redemption by the owner. To redeem, the owner shall pay all costs incurred by the town for removal. Should the sign not be redeemed within 30 days of its removal, it may be disposed of in any manner deemed appropriate by the planning director and the costs incurred for its removal shall be assessed to the owner on the property tax roll. The cost of removal shall include any and all incidental expenses incurred by the town in connection with the sign's removal.

DRAFT 3

C. **Maintenance**. Signs which are no longer functional or are in disrepair for more than 60 days, shall be removed, at the expense of the property owner, within 30 days following notice of non-compliance. The property owner shall be notified by certified mail. Failure to comply will automatically revoke the permit after noncompliance has been determined by the planning director and notice has been given to the property owner as reflected by the records of the planning director. If the sign is not removed within 30 days, the planning director shall cause the sign to be removed and assess the cost of removal against the property.

D. **Obsolete Signs**. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business or use which it identifies is no longer conducted on the premises. If the owner or lessee fails to remove it, the planning director shall give the owner 30 days' written notice to remove it. If the owner fails to comply with this notice, the planning director shall cause the sign to be removed at cost to the owner. Where a successor to a defunct business agrees to maintain the sign(s) as provided in this article, this removal requirement shall not apply. The new sign user shall notify the planning director's office, in writing, of this change. No new sign permit shall be required unless the sign is altered or relocated contrary to the provisions of this article. The planning director shall be notified in any matters relating to sign relocations.

E. **Unsafe Signs**. Should any sign be or become insecure or in danger of falling or become otherwise unsafe, the owner or persons maintaining the sign shall, upon receipt of written notice from the planning director, proceed immediately to put it in a safe and secure condition or remove it.

F. **Regular Maintenance**. Every sign and all the supports, braces, guys and anchors thereof, shall be kept in repair and, unless made of non-corroding material, shall be thoroughly and properly painted regularly. The planning director may order removal or compliance of any such signs that are not, in the judgement of the planning director, maintained in accordance with the conditions of this section.

G. **Alterations**. The following regulations shall apply to alterations:

1. No sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this article, and then not until a permit has been issued by the planning director.
2. The repainting of signs shall not be deemed to be an alteration within the meaning of this section.

Section 12.10 Enforcement

The planning director shall monitor signs permitted under this article. Enforcement action may be taken where the requirements of this article are not met.

A. If the owner, permit holder, or person maintaining the sign or premises fails to comply with such notice by the date of reinspection, or cannot be found or his whereabouts cannot be ascertained with reasonable diligence, in addition to the penalties provided in *Section* ***,*24.6,* the planning director may cause the sign to be removed or altered to comply with the order at the expense of the permit holder, owner or person maintaining the premises. If the permit holder, owner or person maintaining the premises fails to pay the town for the expenses of removal or alteration, the full amount of costs shall be added to the property tax bill of the owner of the premises where the sign is located as a lien on the property.

B. If a violation of a provision of this article is repeated within 60 days of a previous violation of the same provision, the subject sign may be seized immediately and a charge assessed for removal without additional notification.

C. Fees for removal shall be immediately due and payable to the Town of Fort Mill. Notice of such assessment shall be given to the property owner mailing the notice to the address utilized for tax billing purposes and by posting a notice of assessment at the subject premises where the sign owner and property owner are the same. All assessments not paid within 10 days after such mailing and posting shall be placed on the property tax bill and collected as other taxes are collected or as a lien on the property.

DRAFT

D. The town may also collect such costs together with interest through a civil action in the appropriate court of law having jurisdiction and seek such additional orders from a court of competent jurisdiction as may be necessary from time to time in order to enforce the provisions of this article.

Section12.11 Nonconforming Signs

A. Any lawfully existing sign that does not conform to the provisions of this article, either in existence prior to the date of adoption of this article or located in areas annexed thereafter, shall be deemed a nonconforming sign.
B. A nonconforming sign shall not be relocated or replaced unless it is brought into compliance with the provisions of this article.
C. A nonconforming sign shall only be maintained or repaired in the following manner:

1. The size and structural shape shall not be changed or altered, except to remove entire elements thereby reducing the overall size.
2. The copy may be changed (including changeable message signs and change of sign face); provided, the change applies to the original use associated with the sign. Any subsequent owner or user shall bring the sign into compliance, except if the subsequent owner or user was also the lessee.
3. In the case where damage occurs to the sign, the owner or the owner's authorized representative shall, within 14 days of the damage, schedule a meeting with the planning director for the purpose of establishing whether the sign was damaged to the extent of 30 percent or more of replacement value. Based on that determination, an application for a permit must be submitted by the owner or the owner's authorized representative within 30 business days from the date of the pre-application meeting. Where the damage to the sign is less than 30 percent of its replacement value, the sign shall be repaired to its original configuration within 45 days from the date the sign permit is issued. If the damage is greater than 30 percent of its replacement value, the sign shall be removed in its entirety within 30 days from the date of damage and any subsequently erected sign must comply with the requirements of this article.

DRAFT 3

Building Design and Materials

Article XIII

DRAFT 3

Fort Mill Unified Development Ordinance

Section 13.1 Purpose

The purpose of this section is to provide exterior building wall material standards and related provisions to enhance the visual environment of the town, thereby improving property values, stimulating investment in various business districts, encouraging quality industrial and research and development projects, and enhancing the quality of life for the residents of Fort Mill. The provisions of this section are intended to promote quality architecture to ensure that buildings retain their value, investments by adjacent landowners are protected, development blends harmoniously with the streetscape, and a positive image is created and retained within business and employment districts.

Section 13.2 Applicability

This section shall apply to all new construction, and shall consist of those materials and combinations of materials specified in this article. The requirements of this article shall apply to all zoning districts, except for those requirements specific to the DC, Downtown Core District. Architecture shall be reviewed by the planning director or planning commission, as applicable, as a part of development plan review under the requirements of *Article XIV*.

Section 13.3 Building Materials

A. **Building Materials**. Minimum requirements for building materials are as follows. Calculations for material wall percentages do not include areas of the façade used for doors and windows.

1. Residential**.** All multiple-family, attached single family, continuing care, retirement, nursing care and other residential buildings, including single family detached and two-family, located in any district shall meet the following elevation material requirements:

Table 13-3, Residential Building Materials

Elevation	Permitted elevation materials	
Front façade and other elevations facing a street	50% minimum brick, face brick or natural or manufactured stone	~~Up to 50% may~~That portion of the façade not covered by brick, face brick or stone shall be wood, or fiber cement (Hardie board) siding, stucco, or other similar quality material approved by the reviewing authority
Side and rear facades that do not face a street	Brick, face brick, natural stone, wood, or fiber cement (Hardie board) siding, stucco or other similar quality material approved by the reviewing authority	
Basements and foundations	Concrete block, including split face and scored block, precast concrete, brick and stone (natural and cultured), concrete formed in place	

2. Commercial, Office, and Institutional**.** All non-residential buildings located in a residential zoning district and all buildings located in the commercial or mixed use zoning districts shall meet the following elevation material requirements.

Table 13-3a, Commercial, Office, Institutional Building Materials

Elevation	Permitted elevation materials	
Front façade and other elevations facing a street, a parking lot or	75% minimum brick, face brick or natural stone,	Up to 25% may be split face block, scored block, EIFS, wood, vinyl or fiber cement (hardie board) siding, stucco, or other similar quality material approved by the reviewing authority. However,

DRAFT 3

Table 13-3a, Commercial, Office, Institutional Building Materials		
Elevation	**Permitted elevation materials**	
an adjacent residential zoning district	architectural pre-cast, brick	metal siding and plain concrete block shall not be permitted
Side and rear facades that do not face a street, a parking lot or an adjacent residential zoning district	Any masonry material or other similar quality material approved by the reviewing authority	

3. Industrial**.** All buildings located in the LI zoning district shall meet the following elevation material requirements:

13-3b, Industrial Building Materials		
Elevation	**Permitted elevation materials (a)(b)**	
Front façade and other elevations facing a street or an adjacent residential zoning district (c)	50% minimum brick, face brick, natural stone, cast stone	Up to 50% may be any other suitable fire-resistant material, excluding metal, that meets the building and fire codes
Side and rear facades that do not face a street, or an adjacent residential zoning district	Any suitable fire-resistant material that meets the building and fire codes and is a color that is compatible with the front façade. However, metal siding and plain concrete block shall not be permitted	

   a. For buildings over 40,000 square feet that are set back more than 100 feet from the front lot line, split face block or tilt-up panels may be substituted for the 50 percent brick required on the building's front façade; provided the amount of required landscape material within the frontage greenbelt is increased by 50 percent.
   b. The building material requirements of this section shall not apply to the façade of a building of any size that is set back more than 300 feet from the front lot line; provided the amount of required landscape material within the frontage greenbelt is increased by 50 percent.
   c. Overhead doors for truck loading areas shall meet the requirements of *Section 10.7 C.*

4. Downtown Core District. Requirements of the Historic District design guidelines will govern.

Section 13.4 Allowance for Other Materials

The planning commission may waive or modify the material requirements of this section if it finds that a proposed building design and the materials or combinations of materials are in keeping with the purpose of this section. The reviewing authority shall also consider the established or desired character of the area, visibility of the site, proposed landscaping, building scale and design recommendations of the comprehensive plan. Acceptable substitute materials may include tilt-up panels, split-face block and similar high quality, durable and aesthetically compatible materials. However, metal siding, vinyl siding, and plain concrete block shall not be permitted.

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Section 13.5 Design Standards

A. **New Non-residential and Multiple Family Buildings (including attached single-family)**. Buildings shall have architectural variety, but enhance the overall cohesive community character. At a minimum, the following standards shall be met:

1. Buildings shall provide architectural features, details, and ornaments such as, but not limited to, archways, colonnades, cornices, peaked roof lines, hip returns, operable window shutters, cupolas, transoms, gas lights or towers to accent and add interest.
2. Building walls over 100 feet long shall be articulated with recesses, varying building lines, vertical architectural features, windows and architectural accents.
3. Building entrances shall utilize windows, canopies, and awnings; provide unity of scale, texture, and color; and clearly identify the entry.
4. Building-mounted mechanical equipment shall be screened from view in accordance with *Section 13.6*.

B. **Existing Buildings.** The following shall apply to additions or remodeling of existing buildings or to accessory buildings on existing sites:

1. Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to this section. However, in considering the proposed alteration, the reviewing authority may modify the material requirements of this section to ensure consistency with the architecture of the remaining building.
2. Where an addition is proposed to an existing building, the reviewing authority may allow the use of existing or compatible wall materials for the addition; provided that the design of the alteration is consistent with the existing building wall design~~, provided vinyl~~. However, aluminum and metal may not be used as elevation materials.
3. The expansion of existing single-family and two-family residential structures by not more than 50 percent of the current floor area is exempt from the requirements of *Section 13.5.B*; provided, any expansion to the front of the dwelling shall meet the requirements of *Section 13.5.B*, unless waived by the reviewing authority in accordance with *Section 13.5 B.2*.

C. **Downtown Core District**. RESERVED

D. **Site Elements.** Signs and other site features shall be designed and located so they are aesthetically consistent and harmonious with the overall development. Sign bases shall be constructed of material which is compatible with the principal building. Mechanical equipment shall be screened in accordance with *Section 13.6*.

Section 13.6 Mechanical Equipment

Ground-, building-, and roof-mounted mechanical equipment and utility structures including, but not limited to, heating units, cooling units, air handling units, refrigeration units, blowers, ventilating fans, water and gas meters, elevator housing, tanks, generators, and utility transformers are subject to the following regulations:

A. **Ground- and Building-Mounted Equipment**.

1. Mechanical equipment and utilities visible to the public and located on or around any non-residential building shall be screened by landscaping or by decorative walls compatible with the material used on the building in accordance with *Section 11.3*.
2. Ground-mounted mechanical equipment in a non-residential district shall not be located within 20 feet of a residential district boundary.

B. **Roof-Mounted Equipment**. All roof-mounted equipment shall be screened by parapet walls or a pitched roof integrated into the architectural design of the building of sufficient height to screen the

DRAFT 3

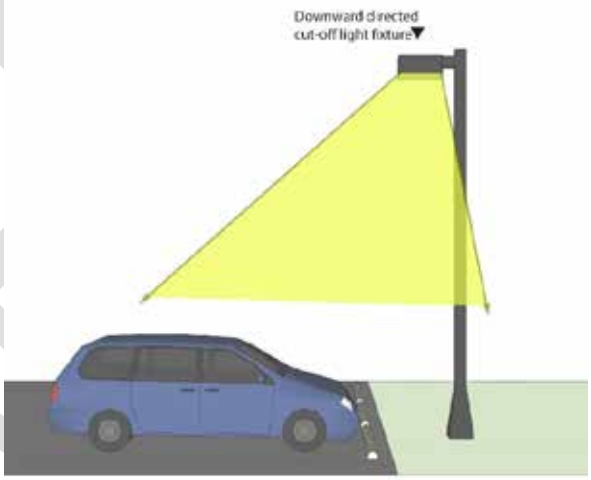
rooftop equipment and provide sound attenuation. The location, height, and screening methods shall be shown on the required development plan.

Section 13.7 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.

A. **Purpose.** The purpose of this section is to permit reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment, and commerce while minimizing the effects of excessive or uncontrolled light in order to:

1. Maintain consistent and uniform light levels for traffic and pedestrian safety along roadways, sidewalks, and in parking lots;
2. Ensure uniform lighting for security and law enforcement;
3. Minimize glare, obtrusive light, and artificial sky glow by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
4. Curtail and reverse the degradation of the nighttime environment and the night sky;
5. Minimize light pollution and light trespass from light sources onto adjacent properties; and
6. Conserve energy and resources to the greatest extent possible.



B. **General Standards**. Unless otherwise specified, the following standards shall apply to lighting fixtures in all zoning districts and applications.

1. Light Fixtures**.** Outdoor lighting on all sites shall be directed downward and confined to the ground areas of lawns or parking lots. In addition, the following standards shall apply to all light fixtures, except as may otherwise be provided:
   a. Lighting shall utilize full cutoff fixtures that are recessed sufficiently so the light source is not visible from off site.
   b. Bollard lights are permitted to light driveways except for single family residential and pedestrian areas.
   c. All lighting fixtures shall have internal visors/panels or external visors that control offsite light spill and glare.
   d. To control light spill and glare, lighting fixtures shall be properly aimed when installed, and proper aiming shall be maintained at all times.
   e. Municipal-owned lighting fixtures located within the public right-of-way are exempt from the provisions in *Section 13.7.B.*
2. Ornamental lighting**.** The requirement for downward directed lighting may be waived for street lighting and ornamental lighting which is part of an overall architectural theme.
3. Accent lighting. Accent lighting for sculptures, statues, trees, landscape 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.

DRAFT 2

4. Floodlighting restricted**.** Floodlight type fixtures shall be used only for building accent, landscaping, and sign lighting.
5. Sign lighting**.** Illumination of signs shall comply with the requirements of *Article XII*. Internally illuminated signs are permitted and light fixtures directed at a sign may be permitted where the fixtures are shielded so not to cause visible glare to persons on adjacent streets or adjacent property.

C. **Prohibited Lighting**. 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.

D. **Nonresidential Lighting**

1. Except as otherwise provided, lighting fixtures in nonresidential districts and for nonresidential uses in residential districts shall not exceed the following height, as measured from ground level to the top of the fixture:
   a. Eighteen (18) feet in the Downtown Core (DC), Local Commercial (LC) and for non-residential uses in the Neighborhood Mixed Use (NMU) districts and residential districts.
   b. Twenty-eight (28) 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.
2. The planning director may approve lighting fixtures up to 35 feet in height if all of the following conditions are met:
   a. The area of development is at least five (5) acres in size;
   b. 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;
   c. The total square footage of any building or buildings to be constructed on the property is at least 50,000 square feet; and
   d. 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.
3. Light levels shall meet the following minimum and maximum requirements for the developed portion of the site containing buildings, drives, and parking lots.

Table 18-4 Required Site Illumination

Lighting Location	Min. Illumination (footcandles)[1]	Max. Illumination (footcandles)
Parking lots, loading areas, sidewalks and building entrances	3 fc [2]	10 fc [3]
Under canopies such as gas stations, drive-thru banks, porte-cochere	3 fc	20 fc
Along front lot line adjacent to the street frontage	0.5 fc	3 fc [4]

[1] Lighting levels may be reduced to half (0.5) footcandle with a uniformity ratio of not more than ten to one (10:1) after 12:00 PM, or after established hours of operation.
[2] The minimum illumination levels shall not apply to portions of the site that are fenced to restrict public access, such as storage yards.
[3] For automobile dealerships and other types of outdoor sales areas the maximum illumination may be increased to fifteen (15) footcandles, provided the limits at the property line are not exceeded.
[4] These regulations shall not apply to ornamental street lighting, public street lights, or driveway/intersection lighting necessary for pedestrian and traffic safety.

DRAFT 3

Along a property line adjoining a non-residential use or district	0.5 fc	3 fc [5]
Along a property line adjoining a residential use or district	0 fc	0.1 fc

E. **Residential Lighting**.

1. 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, except light fixtures within any multiple-family development in any zoning district may be up to 16 feet in height.
2. 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 or two-family residence.

F. **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:

1. The fixtures shall not exceed the maximum height specified in this section;
2. The fixtures shall offer a design element that is complementary to the architectural style of the adjacent building(s); and
3. The fixtures shall not negatively impact neighboring residential properties or any public right-of-way.

G. **Lighting exempt from these standards**. The following types of lighting shall be exempt from the standards set forth in this section:

1. Lighting within swimming pools or other water features that are governed by South Carolina Department of Health and Environmental Control regulations;
2. Athletic field lighting[6];
3. Exit signs, stairs, ramps, and other illumination required by building codes;
4. Emergency room entrances;
5. Airport lighting;
6. Lighting of the American and government flags; and
7. Any lighting fixture that is exempt from the provisions of this section by state and/or federal law.

H. **Photometric Plan.** A photometric plan, prepared by a licensed lighting engineer, is required as part of any development plan reviewed by the planning commission. The photometric plan shall be overlaid on the development plan illustrating the planned layout of lighting fixtures and footcandles of site lighting. The following are required for review:

1. Lighting plan showing light pole and fixture locations and type designations;
2. Photometric plan showing horizontal luminance levels in a point by point format with contour lines. Canopy lighting will also be included in luminance levels;
3. Lighting manufacturers' equipment specifications and data sheets on the photometric plan; and
4. Any other presentations required to convey the intent of the design.

Section 13.8 Trash Receptacle Enclosures

A. **Minimum Requirements**. Outdoor storage of trash shall be within trash receptacle enclosures for all residential and non-residential uses, except single family detached and two family dwellings, and

[5] The light level along a non-residential property line may be increased to up to five (5) footcandles where there is shared access/vehicular connection with the adjacent use or the adjacent use is a similar use (e.g. commercial adjacent to commercial).
[6] Athletic field lighting shall not be on past 10:00 PM and the light must be cast downward to not shine toward any dwelling.

DRAFT 3

shall meet the requirements of this section. Trash receptacle enclosure locations and construction details shall be shown on development plans.

1. Location**.** Trash receptacle enclosures shall be located in the rear yard or non-required side yard, unless otherwise approved by the development plan reviewing authority. Trash receptacle enclosures for commercial and industrial sites shall be as far as practical from an adjoining residential district boundary.
2. Access**.** Access to the trash receptacles by refuse vehicles shall be designed to prevent damage to automobiles in designated parking spaces; provided, the enclosure doors shall not be highly visible from traffic entering the site from a public road.
3. Base**.** The trash receptacle base shall be at least nine (9) feet by nine (9) feet, constructed of six (6) inches of reinforced concrete pavement. The base shall extend 12 feet beyond the dumpster pad or gate to support the front axle of a refuse vehicle. Where grease disposal receptacles are used, curbing shall be provided around the enclosure base to contain any spillage. A storm drain shall be located at the low point of the enclosure.
4. Screening**.** Trash receptacles shall have a lid or cover and be enclosed by a wall on three (3) sides with a wood gate or metal screen on the fourth side. The enclosure shall be constructed of brick or split face block that matches the building color with a height of six (6) feet or at least one (1) foot higher than the dumpster, whichever is greater. Other decorative masonry material may be approved if it matches the material used on the principal building. Poured concrete with false brick design or plain concrete slag blocks are not permitted.

B. **Exceptions.** The development plan reviewing authority may waive the requirement for a trash receptacle enclosure for businesses, such as banks, that store all waste material indoors or other uses that provide alternate means of handling waste disposal.

Section 13.9 Mail Box Clusters

A. The location of mailbox clusters shall not conflict with pedestrian or vehicular circulation. A dedicated pull-off or parking area may be provided that is out of the main travel lanes. Clusters may be separated to minimize congestion. The location of mailbox clusters shall be shown on the development plan.
B. The design of the mailbox cluster shall be integrated into the design of the overall development by utilizing decorative structures that are compatible with the site design and building architecture.
C. A temporary mailbox cluster may be installed for use during the development of a subdivision.

DRAFT 3

Development Plan Review

Article XIV

DRAFT 3

Fort Mill Unified Development Ordinance

Section 14.1 Purpose

The purpose of this article is to establish a uniform set of requirements for the planning and design of developments within the community in order to achieve the following objectives: to determine compliance with the provisions of this ordinance; to promote the orderly development of the town; to prevent depreciation of land values; to ensure a consistent level of quality throughout the community; to ensure a harmonious relationship between new development and the existing natural and manmade surroundings; to achieve the purposes of the Town of Fort Mill Comprehensive Plan; to promote consultation and cooperation between applicants and the town in order that applicants may accomplish their objectives in the utilization of land, consistent with the public purposes of this ordinance and the comprehensive plan.

Section 14.2 Applicability

Development plan review shall be required, as applicable, under the following conditions:

A. **Administrative Review**. The planning director shall review development plans in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:

1. Any new "permitted" use within any zoning district, except as otherwise provided, with a gross floor area of up to 3,000 sq. ft.
2. Additions in any zoning district up to 10 percent of the existing building gross floor area, but not exceeding 3,000 sq. ft.
3. Changes in the use of any existing building in any zoning district, provided the use is a "permitted" use in that zoning district.
4. Expansion of existing off-street parking areas; provided, no change is proposed to the number or location of existing driveways and such parking expansion does not encroach into any required buffer yard.
5. When, in the opinion of the planning director, a project which otherwise qualifies for administrative development plan review may have an impact on surrounding properties, he may, in his sole discretion, submit the development plan to the planning commission for review. In such cases, the planning commission shall follow the review procedure specified in *Section 14.2 B* and may require any additional information needed to make an informed decision.

B. **Commission Review**. The planning commission shall act upon all development plans, other than those provided for administrative review, in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:

1. Any "conditional" use in any district.
2. Any use within a mixed use district.
3. Any new "permitted" use with a gross floor area in excess of 3,000 sq. ft.
4. Any addition of more than 10% of the existing building's gross floor area and/or 3,000 sq. ft. to an existing building's gross floor area.
5. Any expansion or alteration of an existing parking area not subject to administrative review.
6. As otherwise required by this ordinance.

Section 14.3 Exemptions

Development plan review shall not be required for a "permitted" single or two-family dwelling on a lot on which there exists no other building or use or for any home occupation or accessory building in a residential or mixed use district.

DRAFT 3

Section 14.4 Application and Review

The process of reviewing a development plan shall be as follows:

A. **Administrative**. Reviews shall be performed by the planning director as follows:

1. Five (5) copies of a complete development plan and an electronic version, in a format specified by the town, shall be submitted to the planning director along with an application for that purpose and a fee, as established by the town council.
2. The planning director shall review the development plan for completeness, and shall distribute the plans to and obtain comments from, as he considers necessary, other town departments or consultants.
3. The planning director shall consider the development plan, comments received, and the applicable standards of this ordinance and shall either approve the development plan, as submitted, if all applicable requirements and standards have been met; approve the development plan with conditions; or deny approval of the development plan, if applicable requirements and standards have not been met. The planning director's review shall be based on the requirements of this article and, specifically, the review standards of *Section 14.6*.
4. The reasons for the planning director's action, along with any conditions that may be attached, shall be stated in writing and provided to the applicant.
5. If approved, two (2) copies of the development plan shall be signed and dated by the planning director and the applicant. One (1) copy shall be kept on file with the town and one (1) copy shall be returned to the applicant or his designated representative. If the plan is approved with conditions, a revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and planning director prior to issuance of any permits.

B. **Commission**. Reviews shall be performed by the planning commission as follows:

1. Ten (10) copies of a complete development plan and an electronic version, in a format specified by the town, shall be submitted to the planning director along with an application for that purpose and a fee, as established by the town council.
2. The planning director shall review the development plan for completeness and, if complete, shall distribute the plans to and obtain comments from, as he considers necessary, other town departments or consultants
3. Upon receiving all comments from other departments or consultants, the planning director shall transmit the development plan, along with such comments, to the planning commission for its consideration.
4. The planning commission shall consider the development plan and shall either approve the development plan, as submitted, if all applicable requirements and standards have been met; approve the development plan with conditions; or deny approval of the development plan if applicable requirements and standards have not been met. The planning commission review shall be based on the requirements of this article and, specifically, the review standards of *Section 14.6*.
5. If approved, two (2) copies of the development plan shall be signed and dated by the planning commission chairman and the applicant. One (1) copy shall be kept on file with the town and one (1) copy shall be returned to the applicant or his designated representative. If the plan is approved with conditions, a revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and the planning commission chairman, prior to issuance of any permits.

Section 14.5 Development Plan Requirements

A. **Required Content.** Each development plan submitted shall contain the following information, as applicable:

DRAFT

Table 14-5. Required Development Plan Content		
Required Information	**Administrative**	**Commission**
General Information		
Date, north point, and scale	X	X
Name and firm address of the professional individual responsible for preparing development plan	X	X
Name and address of the property owner or applicant	X	X
Location sketch	X	X
Legal description of the subject property	X	X
Size of subject property in acres (square feet if less than two (2) acres)	X	X
Boundary survey	X	X
Preparer's professional seal	X	X
Existing Conditions		
Existing zoning classification of subject property	X	X
Property lines and required setbacks (dimensioned)	X	X
Location, width and purpose of all existing easements	X	X
Location and dimension of all existing structures on the subject property	X	X
Location of all existing driveways, parking areas and total number of existing parking spaces on subject property	X	X
Abutting street right-of-way width		X
Location of all existing structures, driveways, and parking areas within 100 feet of the subject property's boundary	X	
Location of all existing structures, driveways, and parking areas within 300 feet of the subject property's boundary		X
Existing water bodies (lakes, rivers, creeks, wetlands, etc.)	X	X
Existing landscaping and vegetation on the subject property, including a tree survey, if required per ~~Section ***.~~*Article XI.*		X
Size and location of existing utilities	X	X
Location of all existing surface water drainage facilities	X	X
Proposed Development		
Location and dimensions of all proposed buildings	X	X
Location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, walls, fences, signs, exterior lighting, curbing, parking areas (including dimensions of a typical parking space and the total number of spaces to be provided), and unloading areas	X	X
Recreation areas, common use areas, dedicated open space and areas to be conveyed for public use		X
Flood plain areas and basement and finished floor elevations of all Buildings	X	X
Landscape plan (showing location of proposed materials, size and type)[1]	X	X
Layout and typical dimensions of proposed parcels and lots		X
Number of proposed dwelling units (by type)		X
Number and location (by code, if necessary) of efficiency and one or more bedroom units		X
All deed restrictions or covenants	X	X
Brief narrative description of the project including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces	X	X
Lighting plan, per *Section 13.7.* [1]		X
Engineering		

DRAFT

Table 14-5. Required Development Plan Content		
Required Information	**Administrative**	**Commission**
Location and size of proposed utilities, including connections to public sewer and water supply systems	X	X
Location and spacing of fire hydrants	X	X
Location and type of all proposed surface water drainage facilities	X	X
Grading plan at no more than two foot contour ~~intervals[1]~~intervals[1]	X	X
Proposed streets (including pavement width, materials, and easement or right-of-way dimensions)		X
Building Details		
Typical elevation views of all sides of each building type		X
Gross and net floor area	X	X
Elevation views of building additions	X	X
Building height	X	X
Additional Information		
Any other information required by the planning director or planning commission to demonstrate compliance with other applicable provisions of this ordinance including, but not limited to, traffic impact analysis, environmental impact assessment and market feasibility studies.	X	X

~~[1] May be submitted prior to building permit application.~~

B. **Information Waiver**. Specific requirements of either administrative or commission development plans may be waived by the respective reviewer, planning director or planning commission, where it is determined that such information is not applicable to the subject request.

Section 14.6 Review Standards

A development plan shall be approved only upon a finding of compliance with the following standards:

A. The development plan must comply with all standards of this article and all applicable requirements of this ordinance and all other applicable laws and regulations.
B. The site must be designed in a manner that is harmonious, to the greatest extent reasonably possible, with the character of the surrounding area.
C. The site must be designed so as to reasonably minimize hazards to adjacent property, and to reasonably reduce the negative effects of traffic, noise, smoke, fumes and glare to the maximum extent possible.
D. Unless a more specific design standard is required by the town through a different ordinance, all uses and structures subject to development plan review shall comply with the following design standards:

1. Traffic Circulation. The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties, in accordance with *Section 10.4*.
2. Stormwater. Stormwater detention and drainage systems shall be designed so the removal of surface waters will not have material adverse effects on neighboring properties or public stormwater drainage systems. Unless impractical, stormwater shall be removed from all roofs, canopies and paved areas by underground surface drainage system. The provisions of *Article XV* shall apply.
3. Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the

[1] May be submitted prior to building permit application.

DRAFT 3

general appearance of neighboring developed areas. Provision or preservation of landscaping, buffers or greenbelts may be required to ensure that the proposed uses will be adequately buffered from one another and from surrounding property.

4. Buffers. Where non-residential uses abut residential uses, appropriate buffering and screening shall be provided, in accordance with *Article 11*, so as to shield residential properties from noise, headlights and glare.
5. Lighting. Lighting shall be designed to minimize glare on adjacent properties and public streets. As a condition of development plan approval, reduction of lighting during non-business hours may be required.
6. Utility Service. All interior utility service shall be underground, unless impractical.
7. Exterior Uses. Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located to have a minimum negative effect on adjacent properties, and shall be screened, if reasonably necessary or as required by *Section 11.3*, to ensure compatibility with surrounding properties.
8. Emergency Access. All buildings and structures shall be readily accessible to emergency vehicles.
9. Water and Sewer. Water and sewer installations shall comply with all town specifications and requirements.
10. Signs. Permitted signs shall be located to avoid creating distractions and visual clutter and shall comply with the provisions of *Article XII*.
11. Building Design. New or substantially remodeled buildings shall be reasonably compatible in appearance with, or shall enhance, the established general character of other buildings in the immediate vicinity. In all cases, the applicable requirements of *Article XIII* shall be met.

Section 14.7 Conditions

Conditions which are designed to ensure compliance with the intent of this ordinance and to satisfy the applicable review standards may be imposed on development plan approval.

Section 14.8 Changes to Approved Development Plan

Changes to an approved development plan shall be permitted only under the following circumstances:

A. The holder of an approved development plan shall notify the planning director of any proposed change to an approved development plan.
B. Changes to an administratively approved development plan may be approved by the planning director.
C. Minor changes to a development plan originally approved by the planning commission may be approved by the planning director upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

    1. Reduction in building size or increase in building size up to 10 percent of total approved floor area, not exceeding 5,000 sq. ft.
    2. Movement of buildings or other structures by no more than 10 feet.
    3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
    4. Changes in building materials to a comparable or higher quality material.
    5. Changes in floor plans which do not alter the character of the use.
    6. Changes required or requested by the town or county, state, or federal regulatory agency in order to conform to other laws or regulations.

DRAFT 3

D. A proposed change to a commission-approved development plan, not determined by the planning director to be a minor change, shall be submitted to the planning commission as a development plan amendment and shall be reviewed in the same manner as the original application.

Section 14.9 Expiration

Site plan approval shall expire 12 months after the date of approval, unless substantial construction has been commenced and is progressing. The planning director, in the case of an administrative development plan, or the planning commission, in the case of commission development plan, may grant one extension of up to 12 additional months; provided the applicant requests an extension, in writing, prior to the date of expiration of the original development plan approval. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expires prior to construction, the development plan approval shall become null and void.

Section 14.10 Appeal

Any person having a special interest in a decision of the planning commission relating to the approval or denial of a development plan or the conditions imposed shall have the right to appeal the decision to the board of zoning appeals. Administrative review decisions may be appealed to the planning commission. All appeals shall be filed within 20 days after receipt of the official's written notice, order or decision, by filing with the planning director an application of appeal specifying the grounds of the appeal and payment of a fee as established by the town council.

DRAFT 3

Stormwater Management and Sedimentation Control

Article XV

DRAFT 3

Fort Mill Unified Development Ordinance

Section 15.1 General Provisions

A. **Title**. This article shall be known as the "Stormwater Management and Sediment Control Ordinance of the Town of Fort Mill, South Carolina."

B. **Regulations**. This ordinance is adopted pursuant to the authority conferred upon the Town of Fort Mill (the town) by the South Carolina Constitution, the South Carolina General Assembly and in compliance with the requirements imposed upon the town by the National Pollutant Discharge Elimination System (NPDES) regulations 40 CFR 122.26 and SC Regulation 61-9.122.26, NPDES General Permit (GP) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s), Permit No. SCR030000, NPDES Construction General Permit (CGP) 100000 and SC Regulation 72-300 issued in accordance with the Federal Clean Water Act (CWA), the South Carolina Pollution Control Act (PCA) and regulations promulgated thereunder. The town council hereby confers upon the town manager or his designee all powers, including issuance of summons, necessary to enforce this article.

C. **Findings**. The town council makes the following findings:

1. Uncontrolled stormwater runoff may have significant, adverse impact on the health, safety and general welfare of the town and the quality of life of its citizens by transporting pollutants into receiving waters and by causing erosion or flooding.
2. The town is required by Federal law [33 U.S.C 1342(p) and 40 CFR 122.26] to obtain a NPDES permit from the South Carolina Department of Health and Environmental Control (DHEC) for stormwater discharges from the town stormwater system. The NPDES permit requires the town to impose controls to reduce the discharge of pollutants in stormwater to the maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions which are determined to be appropriate for the control of such pollutants.
3. Additionally, certain facilities that discharge stormwater associated with an industrial activity, including land-disturbing activities, are required to obtain NPDES permits. Also, The South Carolina Stormwater Management and Sediment Reduction Act [S.C. Code 48-14-10 et seq.] requires a state permit for certain land disturbing activities.

D. **Purposes**.

1. It is the purpose of this ordinance to protect, maintain, and enhance the environment of the town and the short-term and long-term public health, safety, and general welfare of the town by establishing requirements and procedures to control the potential adverse effects of increased stormwater runoff associated with both future development and existing developed land. Proper management of stormwater runoff will minimize damage to public and private property, ensure a functional drainage system, reduce the effects of development on land and stream channel erosion, attain and maintain water quality standards, enhance the local environment, reduce local flooding, reduce pollutant loading to the maximum extent practicable and maintain to the extent practicable the pre-developed runoff characteristics of the area, and facilitate economic development while mitigating associated pollutant, flooding and drainage impacts.
2. It is further the purpose of this article to comply with the Federal and corresponding State stormwater discharge (NPDES) regulations (40 CFR 122.26 and SC Regulation 61-9.122.26) developed pursuant to the CWA and to assure the town of the authority to take any action required by it to obtain and comply with its NPDES permit for stormwater discharges. Among other things, these regulations require the town to establish legal authority, which authorizes or enables the town at a minimum to:

   a. Control the contribution of pollutants to the town MS4 and receiving waters by stormwater discharges associated with residential, commercial, industrial, and related facilities activities

DRAFT 3

and the quality of stormwater discharged from sites of residential, commercial, industrial, and related facilities activities;

b. Prohibit illicit discharges to the town MS4 and receiving waters;
c. Control the discharge to the town MS4 and receiving waters of spills, dumping, or disposal of materials other than stormwater;
d. Control, through intergovernmental agreements, contribution of pollutants from one municipal stormwater system to another;
e. Require compliance with conditions in ordinances, permits, contracts or orders; and
f. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the town MS4 and receiving waters.

3. The application of this article and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide adequate designs or protection for local property or residents, it is the owner and operator's responsibility to exceed management practices, control techniques and system, design and engineering methods and such other programs and controls as are required by the town's NPDES permit.
4. This ordinance is to be construed to further its purpose of controlling and reducing pollutant discharges to the town MS4 and to the Waters of the State to assure the obligations under its NPDES permit issued by DHEC as required by 33 USC 1342 and 40 CFR 122.26.

E. **Scope**.

1. The provisions of this article shall apply throughout the incorporated areas of the town.
2. The town manager or his designee shall be primarily responsible for the coordination and enforcement of the provisions of this article, the town's Stormwater Management Program (SWMP), the town's NPDES Permit and the Best Management Practices (BMPs) identified for inclusion in this program.
3. Specific construction and design of stormwater management facilities shall be in accordance with the standards of the Town of Fort Mill Stormwater Design Manual.

F. **Interpretation**.

1. Meaning and Intent. All provisions, terms, phrases, and expressions contained in this article shall be construed according to the general and specific purposes set forth in *Section 15.1 D*, Purposes. If a different or more specific meaning is given for a term defined elsewhere in any of the town's other ordinances, the meaning and application of the term in this article shall control for purposes of application of this article.
2. Text Controls in Event of Conflict. In the event of a conflict or inconsistency between the text of this article and any heading, caption, figure, illustration, table, or map, the text shall control.
3. Authority for Interpretation. The town manager has authority to interpret this article. Any person may request an interpretation by submitting a written request to the town manager's designee who shall respond in writing within 30 days. The town manager's designee shall keep on file a record of all written interpretations of this article.
4. References to Statutes, Regulations, and Documents. Whenever reference is made to a resolution, ordinance, statute, regulation, manuals, or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.
5. Computation of Time. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the town, the deadline or required date of action shall be the next

DRAFT 3

day that is not a Saturday, Sunday or holiday observed by town. References to days are business days unless otherwise stated.

6. Delegation of Authority. Any act authorized by this article to be carried out by the town manager's designee of the town may be carried out by his or her designee.

G. **Effective Date and Transitional Provisions**.

1. Effective Date. This ordinance shall take effect on the date referred to below.
2. Transitional Provisions. Any violation of the provisions of this article existing as of June 23, 2014 shall continue to be a violation under this article and be subject to penalties and enforcement unless the use, development, construction, or other activity complies with the provisions of ~~this~~ *Article. 15.2*

Section 15.2 Organization and Administration

A. **Town of Fort Mill Storm Water Management Program (SWMP)**. The SWMP developed by the town (as described in *Section 15.3 B*) to comply with the NPDES Stormwater Permit serves as the basis for the town's program implementation and administration. The SWMP, as amended from time to time by the town, is hereby adopted for the life of the town's Stormwater System NPDES permit as the official operational program.

B. **Coordination with Other Agencies**. The town manager's designee shall coordinate the town's activities with other Federal, State, and local agencies, which manage and perform functions relating to the protection of receiving waters. Authority not expressly reserved for other agencies or restricted by statue is placed with the town manager's designee for the protection and preservation of receiving waters. The town manager's designee shall coordinate with State and Federal Agencies having jurisdiction. The town manager's designee will consult with the South Carolina Department of Transportation regarding litter control, the management of pesticide and herbicide use, control of runoff, and the use of the BMPs along state roads within the incorporated areas of the town and shall advise South Carolina Department of Transportation of its recommendations for the construction, operation, and maintenance of state roads within the town.

C. **Cooperation with Other Governments**. The town may enter into agreements with other governmental and private entities to carry out the purposes of this article. These agreements may include, but are not limited to educational programs, enforcement, resolution of disputes, cooperative monitoring, and cooperative management of stormwater systems and cooperative implementation of the SWMP. Nothing in this article or in this section shall be construed as limitation or repeal of any ordinances of these local governments or of the powers granted to these local governments by the South Carolina Constitution or South Carolina statues, including, without limitation, the power to require additional or more stringent stormwater management requirements within their jurisdictional boundaries.

Section 15.3 Water Quality/Quantity Control

A. **Authority**.

1. The town council, may, at its discretion, amend or change this article or adopt additional regulations or resolutions to implement this article to comply with the NPDES permit, to implement the town's SWMP, or to otherwise further the goal of protecting the quality of the waters into the town MS4.
2. The town manager's designee shall be responsible for day-to-day coordination, implementation and enforcement of this article and the SWMP. This includes but is not limited to, the SWMP's programs for commercial and residential activities, construction site runoff, industrial and related

DRAFT 3

facilities, and illicit discharges and improper disposal. Without limitation of the foregoing, the town manager's designee shall have the following specific powers and duties:

a. To issue any permit, certification or license that may be required to comply with this article.
b. To deny a facility connection to the town MS4 or discharge to waters of the state if State, Federal, or stormwater ordinances and regulations are not met.
c. To approve Stormwater Pollution Prevent Plans (SWPPPs), and to require as a condition of such approvals structural or non-structural controls, practices, devices, or operating procedures, required under the SWMP.
d. To require performance bonds as necessary of any person to secure that person's compliance with any SWPPP, permit, certificate, license or authorization issued or approved by the town manager's designee pursuant to this article, the SWMP and Federal and State laws.
e. To comply with all Federal and State regulatory requirements, promulgated or imposed pursuant to the Clean Water Act and the SC Stormwater Management Act, applicable to the management of stormwater discharges to or from the town MS4.
f. To conduct all activities necessary to carry out the SWPPP and other requirements included in the town's NPDES permit, this article, and to pursue the necessary means and resources required to properly fulfill this responsibility.
g. To enter into agreements with other governmental entities or private persons or entities to provide or procure services to conduct and carry out stormwater management activities.
h. To maintain the stormwater system consistent with the provisions of the town's NPDES permit, the SWMP and this article.
i. To direct, review and recommend for approval by the town council the Stormwater Management operating budget.
j. To direct, review and recommend for approval by the town council necessary changes to the existing SWMP.
k. To determine appropriate fees, to impose penalties, and to take necessary and appropriate actions to collect any fee or enforce any penalty assessed pursuant to this article.

B. **Stormwater Management Program**. The town manager's designee shall implement and conduct the town's operations according to the town's Stormwater Management Program (SWMP) (See Appendix A). The SWMP serves as the basis for compliance with the NPDES Stormwater Permit granted to the town under the provisions of the Water Quality Act of 1987 and 40 CFR122.26. This SWMP is more fully described in "Small Municipal Separate Storm Sewer System (MS4) Phase II Stormwater Management Program (2014)" as mandated by the NPDES Stormwater Permit which defines the terms and conditions of the town's authority to operate its stormwater system. By way of summary only, the SWMP includes the following mandated BMP elements:

1. Public Education and Outreach on Stormwater Impacts. A program to educate and involve the general public of the stormwater system and details regarding the SWMP that can relate to them;
2. Public Involvement/Participation. A program to allow the general public to be involved and participate in stormwater prevention and clean-up activities;
3. Illicit Discharges/Detection and Elimination. A program, including an investigative schedule, to detect and remove illicit discharges and improper disposal into the stormwater system or to require the discharger to the stormwater system to obtain a separate NPDES permit;
4. Construction Site Stormwater Runoff Control. A program to implement and maintain structural and non-structural BMPs to reduce pollutants in stormwater runoff from construction sites to the stormwater system;
5. Post-Construction Stormwater Management in New Development and Redevelopment. A program to minimize water quality impacts and attempt to maintain pre- development conditions and to provide the town with the necessary authority to implement and enforce program elements which address post-contraction runoff from new development or redevelopment projects.

DRAFT

6. Pollution Prevention/Good Housekeeping for Municipal Operations. A program to control pollutants in stormwater discharges to the stormwater system from town municipal operations and town disposal and recovery facilities. This program will also focus on updating and placing more emphasis on municipal maintenance practices, such as increasing street-sweeping frequency to problem- prone areas and provide inspection and installation of adequate controls at the town's municipal facilities

C. **Land Disturbance Activities**.

1. To obtain a land disturbance permit, the following general requirements must be met:

   a. To ensure the protection of the town's stormwater drainage system, public health and water quality, a Land Disturbance Permit must be issued prior to any land disturbing activities of over 5,000 square feet for all new single family residential construction, new development, and redevelopment projects, except those development activities that are exempt from the provisions of this article under *Section 15.3 C.2*.
   b. It will be the responsibility of the project site operators to complete a Land Disturbance Permit application and to ensure that a sufficient construction plan, including a SWPPP is completed and submitted to the town in accordance with this article.
   c. It will be the responsibility of the project site operators to ensure compliance with this article, to implement the SWPPP during the construction activity, and to notify the town of project initiation and termination. However, all parties engaging in construction and land disturbing activities on a permitted project site must comply with the requirements of this article.
   d. In developing plans for residential subdivisions, individual lots in a residential subdivision development that are part of a Larger Common Plan (LCP) are regulated regardless of lot size or ownership. If the Primary Permittee obtains coverage under this permit for the development and then sells lots within the development, then coverage under this permit shall continue with the Primary Permittee. The residential subdivision development, as a whole, shall be considered to be a single land disturbing activity requiring a permit. Hydrologic parameters that reflect the ultimate subdivision development shall be used in all engineering calculations.
   e. Land disturbance plans will consider both pre- and post-construction use and are required for both new development and redevelopment activities. Special emphasis will be placed on Redevelopment activities with the intention of slowing runoff velocities within the system to non-erosive velocities for the 10-year, 24-hour storm event. The town promotes mixed use development districts. The purposes of these districts include directing growth to identified areas, protecting sensitive areas such as wetlands and riparian areas, maintaining and/or increasing open space (including a dedicated funding source for open space acquisition}, providing buffers along sensitive water bodies, minimizing impervious surfaces, and minimizing disturbance of soils and vegetation. The town is actively engaged in efforts with developers to encourage creative and site sensitive developments by allowing increased overall density in exchange for planned neighborhood development.
   f. The town has adopted BMPs for good housekeeping, preventative maintenance, and spill prevention at its currently permitted wastewater treatment facilities. Through the adoption of these BMPs the town will promote the extension of these good housekeeping practices to its other Municipal Operations.

2. The following development activities are exempt from the provisions of this article:

   a. Construction or improvement of single family residences or their accessory buildings which are separately built and not part of multiple construction of a subdivision development and which are anticipated to disturb an area of less than 5,000 square feet.
   b. Land disturbing activities on agricultural land for production of plants and animals useful to man, including but not limited to: forages and sod crops, grains and feed crops, tobacco,

DRAFT 3

cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses ponies, mules, or goats, including the breeding and grazing of these animals; bees; fur animals and aquaculture, except that the construction of an agricultural structure of one or more acres, such as broiler houses, machine sheds, repair shops and other major buildings and which require the issuance of a building permit shall require the submittal and approval of a SWPPP prior to the start of the land disturbing activity.

c. Land disturbing activities undertaken on forestland for the production and harvesting of timber and timber products.
d. Activities undertaken by persons who are otherwise regulated by the provisions of Chapter 20 of Title 48, the South Carolina Mining Act.
e. Certain land disturbing activities undertaken by persons who are exempt from the provisions of the Stormwater Management and Sediment Reduction Act as set forth in *Section 48-14-40* of the Code of Laws of South Carolina (1976) as amended.
f. Development of new phases of existing subdivisions that were not previously approved shall comply with the provisions of this article.

3. The exemptions listed above shall not be construed as exempting these developments and redevelopments from onsite drainage improvements that may be required in accordance with building and construction codes, nor from providing adequate erosion prevention and sediment control measures to protect adjoining property owners and the public right-of-way. Specific requirements regarding the SWPPP will be described in *Section 15.3 E*.

D. **Permit Application and Approval Process**.

1. Permit Classification. The Land Disturbance Permit has been developed such that the level of permitting required matches the scope of work:

a. Less than one (1) Acre of Land Disturbance and are not part of a Larger Common Plan (LCP). For construction activities that disturb less than one (1) acre and are not part of a LCP, the following need to be submitted:

i. Notification Form for Sites Disturbing Less than 1-Acre (DHEC Form 2628)
ii. Construction Plans
iii. Narrative SWPPPP

b. One (1) to two (2) Acres of Land Disturbance and are not part of a LCP. For construction activities that disturb one (1) to two (2) acres and are not part of a LCP, the following need to be submitted:

i. Notice of Intent (NOI) Application (DHEC Form 2617)
ii. Construction Plans
iii. Simplified SWPPPP

c. Greater than Two (2) Acres of Land Disturbance. For construction activities that disturb more than two (2) acres, including smaller sites in a LCP of development or sale, for which combined total disturbed area is more than two (2) acres, to submit an NOI for permit coverage approval prior to beginning any land disturbing activities.

i. NOI Application (DHEC Form 2617)
ii. Construction Plans
iii. C-SWPPPP

2. Exceptions. When the land disturbing activity consists of the construction of a pond, lake or reservoir which is singly built and not part of a permitted land disturbing activity, the following procedures will apply:

DRAFT 3

a. A SWPPP will not be required if the pond, lake or reservoir is permitted under the S.C. Dams and Reservoirs Safety Act or has received a Certificate of Exemption from the S.C. Dams and Reservoirs Safety Act. BMPs should be used to minimize the impact of erosion and sediment.
b. A SWPPP will be required for the construction of all ponds, lakes or reservoirs not meeting the conditions in R.72-305(8)(5)(a) (previous number above) that otherwise meet the size requirements for stormwater management and sediment control plan approval.

3. Categories and Responsibilities of Construction Site Operators. Applications required under this article may be initiated by the operators as defined below and shall be submitted in a format and in such numbers as required by the town manager's designee. Applications that meet the requirements of this article, the SWMP, and State and Federal regulations are considered complete. The categories of operators, who have day-to-day operational control over construction activities at a specific construction site, include Primary Permittees, Secondary Permittees, Contractors and Landing or Other Institutions (*Section 2.2 of CGP*). Each category is specified by the operator's ownership, responsibilities and/or development of a construction site. Construction site operators must complete and submit, if required, the appropriate NOI form as specified below.

a. *Primary Permittees*. This type of operator would be the initial owner, operator or developer of the site who is responsible for preparation of the C-SWPPP as described previously in this article and who has the ability to request modifications to those documents. These operators obtain the initial permit coverage for any construction site and are held liable for compliance with the CGP. They many rely on, or require, Secondary Permittees and/or contractors to assist with project activities necessary to ensure compliance with this permit and implementation of the OS-SWPPP. The NOI will be required to be submitted by the direction of the Primary Permittee.
b. *Secondary Permittees*. This type of operator includes individual lot owners or residential builders that conduct land-disturbing activity at a construction site and is limited to an individual lot or a group of lots that are part of a previously approved Large Common Plan (LCP). For Secondary Permittees seeking coverage of individual lots at a residential subdivision, the Individual lot NOI will need to be submitted. This application is a simplified version of the NOI and may require additional documents.
c. *Contractors*. This type of operator replaces the term "Co-Permittee" in the 2006 CGP, and is employed by either the Primary or Secondary Permittee and will be implementing the approved SWPPP and plans. All Contractors must complete a Contractor Certification Form and attend a Pre-Construction Conference prior to performing any work at each site.
d. *Lending or Other Institutions*. If a lending institution, government entity, etc. takes operational control of a construction site due to foreclosure, permittee filing for bankruptcy, abandonment, etc., then that entity is responsible for the construction site's stormwater discharges. Coverage is required under this permit prior to the entity initiating construction .activity at the site. The entity shall contact DHEC within 14 business days of taking title to the property. If stabilization of the inherited construction site is required, DHEC or town may issue a compliance agreement.

4. Approval Process.

a. Upon submittal of a completed Land Disturbance Permit application and the accompanying documents, the application packet will be placed in queue for review. If, after review, the plan conforms to the requirements of this article, the town manager's designee shall approve the plan. The town manager's designee will review these submissions within 20 business days from the date of the receipt of the complete application. Upon approval by the town's

DRAFT 3

town manager's designee, the application will be forwarded to DHEC for NPDES permit approval.

b. A Land Disturbance Permit will not be issued or modified without the following:

   i. Right-of-entry for emergency maintenance, if necessary.
   ii. Right-of-entry for inspections.
   iii. Recorded easements for stormwater management facilities.
   iv. Certification by the persons responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the plan.
   v. Any off-site easements needed.
   vi. Evidence of a receipt of all other required permits.

c. The Land Disturbance Plan shall not be considered approved without the inclusion of an approval stamp with a signature and date on the plans by the town manager's designee. The stamp of approval on the plans is solely an acknowledgement of satisfactory compliance with the requirements of these regulations. The approval stamp does not constitute a representation or warranty to the applicant or any other person concerning the safety, appropriateness or effectiveness of any provision, or omission from the Land Disturbance plan.

d. Approved Land Disturbance Plans and accompanying permits remain valid for five (5) years from the date of an approval under the provisions of this article.If no work on the site in furtherance of the plan has commenced within the five-year period, the permit and plan approval will become null and void and a new application will be required to develop the site. If work on the site in furtherance of the plan has commenced that involves any utility installations or street improvements except grading, the permit and plan shall remain valid and in force and the project may be completed in accordance with the approved plan. Extensions or renewals of the plan approvals will be granted by the town manager’s designee upon written request by the person responsible for the land disturbing activity.

e. A copy of the approved Land Disturbance Plan should be reasonably available to the job site and issued Land Disturbance Permit shall be posted at the job site in a conspicuous place.

f. Approvals of plans approved prior to the effective date of this article shall remain in effect for the original terms of the approval. If the term of the permit expires before the land disturbing activities are initiated, the applicant shall resubmit the Land Disturbance Plan for review in accordance with the requirements of this section.

g. In addition to the plans and permits required from the town, applicants shall obtain all state and Federal permits required for the proposed development.

5. Fee Schedule. The application for a Land Disturbance Permit to disturb in the town shall be accompanied by a non-refundable fee according to the following:

   a. For each acre of disturbance, a fee of $200.00 per acre, will be accessed, with no limitations on assessment.

   b. For projects disturbing over 1 acre, in addition to the fees outlined above, a non-refundable fee of $125.00 made payable to DHEC shall also be submitted along with the Land Disturbance Permit. The town manager's designee will forward this fee along with the permit application to DHEC. An additional review fee of $100.00 per disturbed acre, up to a maximum of $2,000.00 may be accessed if DHEC elects to review the entire application package.

6. Termination of Coverage. A Notice of Termination (NOT) shall be submitted on all active coverage approvals under this Ordnance and the NPDES permitting program when one or more of the conditions outlined in the *Section of 5.1* of the CGP have been met.

E. **Stormwater Pollution Prevention Plan (SWPPP)**.

1. Overview.

DRAFT

a. A SWPPP is a sediment and erosion control plan that describes all of the construction site operator's activities to prevent stormwater contamination, control sedimentation and erosion, and comply with the requirement of the Clean Water Act. The SWPPP shall be prepared in accordance with, at a minimum, the standards listed in SC R. 72-307 and requirements outlined in the Section 3 of the NPDES General Permit, unless specifically exempted by SC R. 72-302.A. While under review, the SWPPP will be labeled as Comprehensive SWPPP (C-SWPPP), which after approval, this document will be labeled as On-Site SWPPP (OS - SWPPP) as described below.

b. Comprehensive SWPPP (C-SWPPP). The C-SWPPP must be prepared prior to submission of each NOI requesting coverage under the NPDES General Permit. It shall include the following contents pursuant to the *Section 3.2 of the CGP*:

   i. Narrative
   ii. Stormwater Management and Sediment Control
   iii. Sequence of Construction
   iv. Site Features and Sensitive Areas (Buffer Zones)
   v. Sources of Pollution
   vi. Best Management Practices (BMPs)
   vii. Maps
   viii. Engineering Reports
   ix. Construction Site Plans
   x. Non-Numeric Effluent Limitations
   xi. Management of Non-Stormwater Discharges
   xii. Documentation of Permit Eligibility Related to TMDLs

c. On-Site SWPPP (OS-SWPPP)

   i. Upon approval, the C-SWPPP will be condensed and labeled as the OS-SWPPP before undergoing implementation. The OS-SWPPP will act as the construction site's living documentation and will be followed as the stormwater pollution prevention plan is implemented, undated as modifications are made, and used as a record log as stages of the approved OS-SWPPP are completed until the construction site has be permanently stabilized and covered and coverage under the NPDES General Permit has been terminated.
   ii. The OS-SWPPP shall include all items required for the C-SWPPPP except the Engineering Reports. The purpose of OS-SWPPP is to track the progress, compliance, modifications and those associated with the construction site. Therefore, logs including, but not limited to, pre-construction conference log, inspection log, stabilization log, rain log and contractor log and/or any additional record keeping as deemed necessary by the Permittee, Contractor, DHEC, town or an entity delegated under R. 72-300 are required and must be maintained on site at all times.

2. <u>Design and Engineering Standards</u>.

a. Land Disturbance Plans shall include appropriate measures and practices for Stormwater Management and Sediment Control, installed in a timely sequence during the land disturbing activity process, and maintained to ensure their proper function. Measures shall be designed, installed and maintained in accordance with requirements set forth in the South Carolina DHEC Stormwater Management BMP Handbook, latest edition. This BMP Handbook shall serve as guidance for the design, construction and maintenance of facilities which discharge stormwater. Erosion and sediment control measures and practices shall be selected, to allow for the achievement of the stormwater management and water quality objectives identified as the following:

DRAFT 3

i. Identify areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation;
ii. Identify and evaluate potential erosion, sediment and stormwater problems, and select appropriate control measures;
iii. Expose the smallest practical area of land for the least possible time during land disturbing activity;
iv. Retain and protect natural vegetation when feasible;
v. Place emphasis on conservation of existing on-site soil;
vi. Save topsoil, where practical for replacing on graded areas;
vii. Use temporary vegetation cover, geotextiles, mulching, grassed or surfaced waterways and outlets, straw and silt traps, to control runoff, protect areas subject to erosion and remove heavy sediment loads from runoff; and
viii. Provide for the management of increased runoff caused by changed soil conditions and surface conditions (including the use of diversion ditches, detention and retention basins, enlarged and protected drainage channels, grade control structures, and effective use of street gutters and storm sewers).

b. *Minimum Standards*. Although the intention of the Handbook is to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use of information not presented. In addition, reference to the DHEC requirements shall not limit the town from the opportunity to develop additional design and engineering standards for the achievement of stormwater management and water quality objectives. These standards shall be the minimum stormwater management requirements and may be supplemented by standards and requirements developed by the town at a later date.
c. *Relationship of BMP Handbook to Other Laws and Regulations*. If the specifications or guidelines of the BMP Handbook are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the BMP Handbook.
d. Changes to Standards and Specifications. Standards, specifications, guidelines, policies, criteria, or other information in the BMP Handbook in effect at the time of acceptance of a complete application shall control and shall be utilized in reviewing the application and in implementing this article with regard to the application.
e. *Responsibility to Comply*. It shall be the responsibility of the owner, developer, builders, lot owners, contractors, lending institutions, or other person responsible for land disturbing activities to provide adequate controls to meet the design and engineering standards.

3. <u>Contents of Land Disturbance Plans</u>.

a. Land Disturbance Plans shall be prepared in accordance with the applicable requirements of R.72-307, the town Land Disturbance Permit Application, as amended to date, and include details pertaining to the location of the site drainage features, the erosion control measures proposed, site drainage features, permanent water quality, vegetative stabilization, construction waste removal and additional information necessary for a complete review as deemed appropriate by the town.
b. Land Disturbance Plans shall include designation of all easements needed for inspection and maintenance of the drainage system and stormwater management facilities. As a minimum, easements shall have the following characteristics.

DRAFT 2

i. Provide adequate access to all portions of the drainage system and structures.
ii. Provide sufficient land area for maintenance equipment and personnel to adequately and efficiently maintain the system with a minimum of 10 feet along both sides of all drainage ways, streams, channels, ditches, and around the perimeter of all detention and retention facilities, or sufficient land area for equipment access for maintenance of all storm water management facilities. This distance shall be measured from the top of the bank or toe of the dam whichever is applicable.
iii. Restriction on easements shall include prohibiting all fences and structures which would interfere with access to the easement areas and/or the maintenance function of the drainage system.

c. To prevent water quality degradation and to improve the water quality aspects of the drainage system, the Disturbance Plan shall include best management practices to control the water quality of the runoff during the land disturbing activities and during the life of the development. The Disturbance Plan shall include all engineering calculations needed to design the system and associated structures including pre- and post-development velocities. Peak rates of discharge, and inflow and outflow hydro- graphs of stormwater runoff at all existing and proposed points of discharge from the site. These results of the analysis shall be included in a hydrologic-hydraulic study included with the application package and shall include but not be limited to the following:

i. All stormwater management facilities and all major portions of the conveyance system through the proposed development (i.e., channels, culverts) shall be analyzed, using the design and 100-year storms, for design conditions and operating conditions which can reasonably be expected during the life of the facility.
ii. For all stormwater management facilities, a hydrologic-hydraulic study shall be done showing how the drainage system will function with and without the proposed facilities. For such studies the following land use conditions shall be used. Existing land use data shall be taken from the most recent aerial photograph and field checked and updated.
   (a) For the design of the facility outlet structure, use developed land use conditions for the area within the proposed development and existing land use conditions for upstream areas draining to the facility.
   (b) For any analysis of flood flows downstream from the proposed facility, use existing land use conditions for all downstream areas.
   (c) All stormwater management facilities emergency spillways shall be checked using the 100-year storm and routing flows through the facility and emergency spillways. For this analysis, developed land use conditions shall be used for all areas within the analysis.
   (d) The effects of existing upstream detention facilities can be considered in the hydrologic-hydraulic study
iii. The expected timing of flood peaks through the downstream drainage system shall be assessed when planning the use of detention facilities.
iv. In determining downstream effects from stormwater management structures and the development, hydrologic-hydraulic engineering studies shall extend downstream to a point as determined by the town manager's designee.

DRAFT

v. If the Land Disturbance Plan and/or design report indicates that there may be a drainage or flooding problem at the exit to the proposed development or at any point downstream as determined by the town manager's designee, the town manager's designee may require:

(a) Water surface profiles plotted for the conditions of pre- and post-development for the two-year through 100-year design storm; and
(b) Elevations of all structures potentially damaged by the two-year through 100-year flows.

d. All Land Disturbance Plans must outline requirements for construction site operators to implement appropriate erosion and sediment control BMPs and to control waste at construction sites that may cause adverse impacts to water quality. Such waste includes material delivery sites, discarded building materials, concrete truck washouts, chemicals, litter and sanitary waste. All materials are to be disposed of in accordance with OHSAIDHEC guidelines for storage of hazardous materials and disposal of waste.
e. All Land Disturbance Plans submitted for approval shall contain certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the approved plan and that responsible personnel will be assigned to the project. Any and all site Land Disturbance Permits may be revoked at any time if the construction of stormwater management facilities is not in strict accordance with approved plans.
f. All Land Disturbance Plans shall contain certification by the person responsible for the land disturbing activity of the right of the town manager's designee to conduct on-site inspections.

F. **Minimum Design Requirements**. Provisions for stormwater runoff control during the land disturbing activity and during the life of the facility shall meet the minimum requirements:

1. Post development peak discharge rates shall not exceed pre-development discharge rates for the two (2) and 10 year frequency 24-hour duration storm events. Design, construct, and maintain stormwater management practices that manage rainfall on-site, and prevent the off-site discharge of the precipitation from the first one inch of rainfall from a 24-hour storm preceded by 48 hours of no measurable precipitation. Discharge volume reduction can be achieved by canopy interception, soil amendments, evaporation, rainfall harvesting, engineered infiltration, extended filtration and/or evapotranspiration and any combination of the aforementioned practices. This first one inch of rainfall must be 100% managed with no discharge to surface waters.
2. The requirements, or portions thereof, of item (1) may be waived by the town manager's designee if it can be shown by detailed engineering calculations and analysis which are acceptable to the town manager's designee that one of the following exists:

a. the installation of stormwater management facilities would have insignificant effects on reducing downstream flood peaks; or
b. stormwater management facilities are not needed to protect downstream developments and the downstream drainage system has sufficient capacity to receive any increase in runoff for the design storm; or
c. it is not necessary to install stormwater management facilities to control developed peak discharge rates at the exit to a proposed development and installing such facilities would increase flood peaks at some downstream locations; or
d. the town manager's designee determines that stormwater management facilities are not needed to control developed peak discharge rates and installing such facilities would not be in the best interest of water quality.

DRAFT 3

3. The requirements, or portions thereof, of *Subparagraph F.2.a* may not be waived if the town manager's designee determines that not controlling downstream flood peaks would negatively impact the drainage system.
4. A waiver shall only be granted after a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed land disturbing activity. A separate written waiver request shall be required if there are subsequent additions, extensions, or modifications that would alter the approved stormwater runoff characteristics to a land disturbing activity receiving a waiver. The town manager's designee will conduct a review of the request for a waiver within 20 business days from receipt of the waiver. Failure of the town manager's designee to act by the end of the twentieth business day will result in the automatic approval of the waiver.
5. Off-site discharges of closed storm sewers or improve open channels will be permitted only at natural streams or man-made drainage channels. Discharge velocities shall be reduced to provide a non-erosive velocity flow from a structure, channel, or other control measure or the velocity of the ten (10) year twenty-four (24)-hour storm runoff in the receiving waterway prior to the land disturbing activity, whichever is greater.
6. Design criteria for channel modification will be as follows:

    a. Open Channels. Open channels shall be provided with an improved cross section that will carry the runoff from the appropriate design rainfall and preclude the creation of backwater inundation of any area outside dedicated drainage easements.
    b. Closed Storm Sewer and Culverts. Closed storm sewers and culverts shall be constructed of prefabricated pipe or box design, in conformance with standards adopted by the town. They shall be sized to carry the runoff from the appropriate design rainfall and to preclude the creation of backwater inundation of any area outside dedicated drainage easements.

7. When work in a live waterway is performed, precautions shall be taken to minimize encroachment, to control sediment transport, and to stabilize the work area to the greatest extent possible during construction.
8. Vehicle tracking of sediments from land disturbing activities onto paved roads shall be minimized and cleaned up daily.
9. The Stormwater Management and Sediment Control plan shall not be implemented until all Federal and State permits regarding wetlands management have been obtained.
10. Ease of maintenance must be considered as a site design component. Access to the stormwater management structure must be provided.
11. Sediment basins and traps shall be designed to achieve an eighty percent (80%) efficiency in removing suspended solids from the discharge effluent from a site or 0.5 MUL peak settable solids concentration, whichever is less. The efficiency shall be calculated for disturbed conditions for the 10 year and twenty-four (24) hour design storm.
12. Stormwater runoff and drainage to a single outlet from land disturbing activities which disturb 10 acres or more shall be controlled during the land disturbing activity by a sediment basin where sufficient space and other factors allow these controls to be used until the final inspection. The outfall device or system design shall take into account the total drainage area flowing through the disturbed area to be served by the basin.
13. A regional approach to stormwater management is an acceptable alternative to site specific requirements and is encouraged.
14. All stormwater management and sediment control practices shall be designed, constructed and maintained with consideration for the proper control for mosquitoes and other vectors. These requirements shall be part of the required inspection and maintenance agreement, and include, but are not limited to:

DRAFT 3

a. The bottom of retention and detention ponds should be graded and have a slope not less than 0.5 percent. There should be no depressions in a normally dry detention facility where water might pocket when the water level is receding.
b. Normally dry swales and detention pond bottoms should be utilized in permanently wet structures to prevent an overgrowth of vegetation in the pond. Manual harvesting is preferred.
c. Fish may be stocked in permanently wet retention and detention ponds.
d. Normally dry swales and detention pond· bottoms should be constructed with a gravel blanket or other measures to minimize the creation of tire ruts during maintenance activities.

15. Use of Ponds.

a. The use of measures other than ponds to achieve water quality improvement is recommended on sites containing Jess than ten acres.
b. Where ponds are the proposed method of control, the person responsible for the land disturbing activity shall submit to the approving agency, when required, an analysis of the impacts of stormwater flows downstream in the watershed for the 10 and 100-year frequency storm events. The analysis shall include hydrologic and hydraulic timing modifications of the proposed land disturbing activity, with and without the pond. The results of the analysis will determine the need to modify the pond design or to eliminate the pond requirement. If a clearly defined downstream point of constriction is not available, the downstream impacts shall be established with the concurrence of the town manager's designee.
c. When ponds are used for water quality protection, the ponds shall be designed as both quantity and quality control structures. Sediment storage volume shall be calculated considering the clean out and maintenance schedules specified by the designer during the land disturbing activity. Sediment storage volumes may be predicted by the Universal Soil Loss equation.

16. Infiltration practices have certain limitations on their use on certain sites. These limitations include the following items:

a. Permanent infiltration practices, when used, shall be designed to accept, at a minimum, the first inch of runoff from all impervious surfaces.
b. Areas draining to these practices must be stabilized and vegetative filters established prior to runoff entering system. Infiltration practices shall not be used if a suspended solids filter system does not accompany the practice. If vegetation is the intended filter, there shall be, at least a 20 foot length of vegetative filter prior to stormwater runoff entering the infiltration practice;
c. The bottom of the infiltration practice shall be at least 0.5 feet above the seasonal high water table, whether perched or regional, determined by direct piezometer measurements which can be demonstrated to be representative of the maximum height of the water table on an annual basis during years of normal precipitation, or by the depth in the soil at which mottling first occurs;
d. The infiltration practice shall be designed to completely drain water within 72 hours;
e. Soils must have adequate permeability to allow water to infiltrate. Infiltration practices are limited to soils having an infiltration rate of at least 0.3 inches per hour. Initial consideration will be based on a review of the appropriate soil survey, and the survey may serve as a basis for rejection. On-site soil borings and textural classifications must be accomplished to verify the actual site and seasonal high water table conditions when infiltration is to be utilized;
f. Infiltration practices greater than three (3) feet deep shall be located at least 10 feet from basement walls;
g. Infiltration practices designed to handle runoff from impervious parking areas shall be a minimum of 150 feet from any public or private water supply well;

DRAFT

h. The design of an infiltration practice shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall;
i. The slope of the bottom of the infiltration practice shall not exceed 5%. Also, the practice shall not be installed in fill material as piping along the fill/natural ground interface may cause slope failure;
j. An infiltration practice shall not be installed on or atop a slope whose natural angle of incline exceeds 20%.
k. Provide clean outs at minimum of every 100 feet along the infiltration practice to allow for access and maintenance.

17. Where detention and retention structures are used, designs which consolidate these facilities into a limited number of large structures will be preferred over designs which utilize a large number of small structures.
18. Stormwater management facilities may include both structural and non-structural elements. Natural swales and other natural runoff conduits shall be retained where practicable.
19. Land Disturbance Plans may be rejected by the town manager's designee if they incorporate structures and facilities that will demand considerable maintenance, will be difficult to maintain, or utilize numerous small structures if other alternatives are physically possible.
20. Discharge velocities shall be reduced to provide a non-erosive velocity flow from a structure, channel, or other control measure or the velocity of the two-year 24-hour design storm runoff in the receiving waterway prior to the land disturbing activity, whichever is greater.

G. **Ownership and Town Participation**.

1. All stormwater management facilities shall be privately owned and maintained unless the town accepts the facility for town ownership and maintenance. The owner of all private facilities shall grant to the town, a perpetual, non-exclusive easement which allows for public inspection and emergency repair.
2. All stormwater management measures relying on designated vegetated areas or special site features shall be privately owned and maintained as defined on the Land Disturbance Plan.
3. When the town manager's designee determines that additional storage capacity beyond that required by the applicant for on-site stormwater management is necessary in order to enhance or provide for the public health, safety and general welfare, to correct unacceptable or undesirable existing conditions or to provide protection in a more desirable fashion for future development, the town may:

   a. Require that the applicant grant any necessary easements over, through or under the applicant's property to provide access to or drainage for such a facility;
   b. Require that the applicant attempt to obtain from the owners of property over, through or under where the stormwater management facility is to be located, any easements necessary for the construction and maintenance of same (and failing the obtaining of such easement the town may, at its option, assist in such matter by purchase, condemnation, dedication or otherwise, and subject to *(d)* below, with any cost incurred thereby to be paid by the town); and/or
   c. Participate financially in the construction of such facility to the extent that such facility exceeds the required on-site stormwater management as determined by the town manager's designee.
   d. To implement this provision both the town and developer must be in agreement with the proposed facility that includes the additional storage capacity and jointly develop a cost sharing plan which is agreeable to all parties.

DRAFT 3

H. **Implementation, Inspection and Maintenance**.

1. Pre-Construction Conference. A pre-construction conference must be held for each construction project or site with an approved OS-SWPPP, pursuant to the *Section 4.1 of the CGP*.
2. Inspection.
   a. Prior to the approval of the Disturbance Plan, the applicant shall submit a proposed staged construction and inspection control schedule. This plan shall indicate a phase line for approval otherwise the construction and inspection control schedule will be for the entire drainage system.
   b. No stage work, related to the construction of stormwater management facilities, shall proceed until the next preceding stage of work, according to the sequence specified in the approved staged construction and inspection control schedule, is inspected and approved.
   c. The permittee shall notify the town manager's designee before commencing any work to implement the Disturbance Plan and upon completion of the work.
   d. After construction activities begin, inspections shall be conducted by permittees at a minimum of at least once every calendar week and must be conducted until final stabilization is establish for the entire site as required in the NPDES General Permit for Stormwater Discharges from Construction Activities (SCR100000).
   e. For sites over 2 acres the inspection shall be conducted by a third party inspector. The third party inspector shall be an individual who has been certified through a Construction Site Inspector Certification Course that has been approved by DHEC.
   f. The permittee shall provide record drawings certified by a registered professional engineer to be submitted upon the completion of the stormwater management facilities included in the Disturbance Plan. The Registered Professional Engineer/Landscape Architect/Tier 8 Land Surveyor shall certify that:
      i. The facilities have been constructed as shown on the approved plan, and
      ii. The facilities meet the approved Disturbance Plan and specifications or achieves the function for which they were designed.
   g. Acceptable record plans shall be submitted prior to:
      i. The use or occupancy of any commercial or industrial site.
      ii. Final acceptance of any road for maintenance by the town.
      iii. Release of any bond held by the town.
      iv. Approval and/or acceptance for recording of map, plat or drawing, the intent of which is to cause a division of a single parcel of land into two (2) or more parcels.
      v. A final inspection shall be conducted by the town manager's designee upon completion of the work included in the approved Disturbance Plan to determine if the completed work is constructed in accordance with the plan.
   h. Inspection reports (developed and maintained by town) shall be maintained in a permanent file located in the town manager's designee's office.
   i. Inspections by the town may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of BMPs.
3. Right-of-Entry.
   a. The town manager's designee, or his or her designee, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic

DRAFT

investigations, monitoring, observation measurement, enforcement, sampling and testing, to effectuate the provisions of this article and to help ensure the requirements of the SWPPP are implemented. The town manager's designee shall duly notify the owner of said property or the representative on site and the inspection shall be conducted at reasonable times.

b. Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas which no objection is raised. The inspector shall immediately report the refusal and the grounds to the town manager's designee. The town manager's designee may proceed to obtain an administrative search warrant pursuant to South Carolina Law or its successor. No person shall obstruct, hamper or interfere with the town manager's designee (or his or her designee) while carrying out his or her official duties.

c. In the event that the Storm Water Manager or the designee reasonably believes that discharges from the property into the town's MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative.

4. Maintenance.

   a. A permanent maintenance plan for each stormwater management facility shall be included in the Disturbance Plan. As part of the maintenance plan, the owner of such facility shall specifically agree to be responsible for permanent maintenance. In order to transfer maintenance responsibility, a letter of acceptance by the entity accepting permanent maintenance responsibility shall be filed with the town manager's designee

   b. Post development maintenance inspections should also be performed on stormwater management systems and facilities throughout their useful life. For each system or facility installed or retrofitted during an approved construction project, the applicant must have submitted a maintenance schedule or plan. The town inspectors will be checking for adherence to this plan and any necessary changes that may arise after installation.

5. Performance Bonds. A person is required to obtain a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the town manager's designee, made payable to the town, prior to the issuance of any building and/or Land Disturbance Permit for construction of a development requiring a permanent stormwater management facility. The amount of the security shall not be less than $3,000 per acre of disturbed area or amended in the town manager's designee's fee schedule as published and approved by the town council. The bond so required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved Land Disturbance Plan, compliance with all the provisions of this Article and other applicable laws and regulations, and any time limitations. The bond shall not be fully released without a final inspection of completed work by the town manager's designee, submission of record plans, and certification of completion by the owner/developer of the stormwater management facility as being in compliance with the approved plan and the provisions of this Article. A provision may be made for partial release of the amount of the bond pro-rata upon completion and acceptance of the various stages of development as specifically delineated, described, and scheduled on the required plans and specifications. The developer shall notify the town manager's designee upon completion of each stage that is ready for inspection.

Section 15.4 Illicit Connections, Illicit Discharges and Improper Disposal

A. **Illicit Connections, Illicit Discharges and Improper Disposal**.

1. It is unlawful for any person to connect any pipe, open channel, or any other conveyance system that discharges anything except stormwater or unpolluted water into receiving waters.

DRAFT 3

2. It is unlawful for any person to continue the operation of any such illicit connection regardless of whether the connection was permissible when constructed. Improper connections in violation of this article must be disconnected and redirected, if necessary, to the satisfaction of the town manager's designee and any other Federal, State, or local agencies or departments regulating the discharge.
3. It is unlawful for any person to throw, drain, run or otherwise discharge to any component of the town MS4 or to the Waters of the State or to cause, permit or allow to suffer to be thrown, drained, run, or allow to seep or otherwise discharge into such system or receiving water all matter of any nature excepting only such storm or surface water as herein authorized.

B. **Allowable Discharges**.

1. The town manager's designee may require controls for or exempt (such exemption does not relieve requirements of other State and Federal regulations) from the prohibition provision in *Subsections (a), (b)* and *(c)* above the following, provided he/she determines they are not a significant source of pollution:

   a. Unpolluted industrial cooling water, but only under the authorization and direction of the town manager's designee and appropriate NPDES permit.
   b. Water line flushing performed or required by a government agency, diverted stream flows, rising ground waters, and unpolluted pumped ground waters, and unpolluted ground water infiltration.
   c. Unpolluted pumped ground water.
   d. Discharges from portable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual car washing, residential pool back-washing, flows from riparian habitats and wetlands, and street wash water.
   e. Discharges or flows from firefighting.
   f. Other unpolluted water.

2. All non-stormwater discharges authorized by this article shall not cause erosion of soil or the stream bank and shall not cause or contribute to violations of water quality standards.
3. In the event of an accidental discharge or an unavoidable loss to the town MS4 of any pollutant, the person concerned shall inform the town's town manager's designee as soon as possible, but not to exceed 24 hours, of the nature, quantity and time of occurrence of the discharge. The person concerned shall take immediate steps to contain the waste, treat the waste or other actions to minimize effects of the discharge on the MS4 and receiving waters. The person shall also take immediate steps to ensure no recurrence of the discharge.

C. **Detection and Elimination of Illicit Connections and Improper Disposal**.

1. The town manager's designee shall take appropriate steps to detect and eliminate illicit connections to the town's Stormwater System, including the adoption of a program to screen illicit discharges and identify their source or sources.
2. The town manager's designee shall take appropriate steps to detect and eliminate improper discharges, including programs to screen for disposal and programs to provide for public education, public information, and other appropriate activities to facilitate the proper management and disposal of used oil, toxic materials and household hazardous waste.

DRAFT 3

Section 15.5 Enforcement, Penalties and Abatement

A. **Violations**. Upon determination that a violation of any of the provisions of this article or the town's SWMP has occurred, the town manager's designee may give timely actual notice at the property where the violation has occurred or at the address of the permit holder and shall give written notice to the violator within 15 calendar days. This notice shall specify the nature of the violation, the proposed penalty, and the amount of time in which to correct deficiencies, if appropriate. It shall be sufficient notification to deliver the notice to the person to whom it is addressed, or to deposit a copy of such in the United States Mail, properly stamped, certified and addressed to the address used for tax purposes.

B. **Corrective Action**. In the event a violation of this article has not been corrected within the applicable time period for correction, the town, or its contractor, may enter upon the lot or parcel of land and correct the violation, and the costs incurred as a result of such action (including inspection, administration, labor and equipment costs) shall be collected from the bond, if in place, and sufficient to cover such costs, or shall become a lien upon the property and shall be collected in the same manner as town taxes are collected.

C. **Stop Work**. Any person who shall proceed with any work which requires a SWPPP hereunder without first submitting a plan and obtaining a permit, where applicable, shall have automatically placed on the subject property a stop work order, shall pay to the town a fee of $200.00 per acre, up to a maximum of $5,000.00, double the normal amount of applicable bond and fees, and payment of any other applicable penalties, prior to lifting of the stop work order. The stop work order may allow or require correction of violations, but no other project related activities. Any person in violation of a stop work order is subject to impoundment of any and all equipment on the property, and payment of all fees, bonds, penalties and payment of impoundment charges prior to retrieving such equipment.

D. **Civil Penalties**.

1. If violations remain uncorrected or if a stop-work order is not obeyed, the violator is subject to criminal penalties of not more than $25,000.00 and civil penalties of not more than $10,000.00, not to exceed the maximum allowed under South Carolina State Law. No penalty may be assessed until the person alleged to be in violation has been notified in writing of the violation. Each day any such violation shall continue to exist shall constitute a separate offense. The town council may authorize the town manager's designee to obtain injunctive relief to enjoin violations or continuing violations of this article.
2. The town shall determine the amount of the civil penalty to be assessed under this section for violations under its jurisdiction. It shall make written demand for payment upon the person responsible for the violation and set forth in detail the violation for which the penalty has been invoked. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, a civil action may be filed in the Court of competent jurisdiction to recover the amount of the penalty. Local governments shall refer the matters under their jurisdiction to their respective attorneys for the institution of a civil action in the name of the local government in the circuit court in the county in which the violation is alleged to have occurred for recovery of the penalty.
3. This ordinance anticipates that a notice of violation will be issued when violations are found. If the violations remain uncorrected, then a fine may be levied. Notices of violation may be issued for the following violations if appropriate actions are not taken to correct said violations:

Table 15-1. Fines by Violation

Violation	Fine per Day
Failure to submit "as-built" drawings	$500
Failure to follow the required notes on the plan	$500
Failure to record deed of easements	$500
Failure to implement corrective measures	$500

DRAFT

Failure to comply with the plan	$500
Failure to comply with notice of violation	$500
Failure to comply with stop-work order	$500

E. **Additional Legal Measures**.

1. Where the town is fined and/or placed under a compliance schedule by the State or Federal government for a violation(s) of its NPDES permit, and the town can identify the person(s) who caused such violation(s) to occur, the town may pass through the penalty and cost of compliance to that person(s).
2. The town attorney may institute injunctive, mandamus or other appropriate action or proceedings at law or equity, including criminal conviction, for the enforcement of this article or to correct violations of this article, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

F. **Permit Suspension and Revocation**. A Land Disturbance Permit may be suspended or revoked if one or more of the following violations have been committed:

1. Violations of the conditions of the SWPPP approval;
2. Construction not in accordance with the letter or intent of the approved plans;
3. Non-compliance with correction notice(s) or stop work order(s); or
4. The existence of an immediate danger in a downstream area in the judgment of the town manager's designee.

Section 15.6 Appeals and Variances

A. **Powers and Duties of the Stormwater Advisory Committee**. The Stormwater Advisory Committee, hereinafter referred to as SWAC, shall have the following powers and duties:

1. Administrative Review. To hear and decide appeals according to the procedures set forth in this section, where it is alleged there is an error in any order, decision, determination, or interpretation made by the town manager's designee in the enforcement of this article, including assessments of remedies and/or penalties.
2. Variances. To grant variances in specific cases from the terms of this article according to the standards and procedures herein.

B. **Petition to SWAC for Appeal or Variance**. An appeal may be initiated by any aggrieved person affected by any decision, order, requirement, or determination relating to the interpretation or application of this article. A petition for variance from the requirements of this article may be initiated by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having written contractual interest in the affected property.

1. Filing of Notice of Appeal.

   a. A notice of appeal shall be filed with the town managers designee contesting any order, decision, determination or interpretation within 30 calendar days of the day of the order, decision, determination or interpretation made or rendered by the town manager's designee in the enforcement of this article, including assessments of remedies and penalties. SWAC may waive or extend the 30 day deadline only upon determining that the person filing the notice of appeal received no actual or constructive form of notice of the order, decision, determination or interpretation being appealed. The notice filed with the town manager's designee shall be accompanied by a nonrefundable filing fee as established by SWAC as well as a list of adjoining properties including tax parcel .numbers and the name and address of

DRAFT 3

each owner. Failure to timely file such notice and fee shall constitute a waiver of any rights to appeal under this article.

b. Upon receipt of a notice of appeal, the town manager's designee shall transmit to ~~SWAG~~SWAC copies of all administrative papers, records, and other information regarding the subject matter of the appeal.

c. The filing of such notice shall stay any proceedings in furtherance of the contested action, except the town manager's designee may certify in writing to SWAC that because of facts stated in the certificate, a stay imposes an imminent peril to life or property or would seriously interfere with the enforcement of this ordinance. SWAC shall then review such certificate and may override the stay of further proceedings. ·

2. Filing a Variance Petition. A petition for variance, in the form prescribed by SWAC, shall be filed with the town manager's designee accompanied by a nonrefundable filing fee as established by SWAC as well as a list of adjoining properties including tax parcel numbers and the name and address of each owner. Upon receipt of a variance petition, the town manager's designee shall transmit to SWAC copies of all information regarding the variance.
3. Notice and Hearing. SWAC shall, in accordance with the rules adopted by it for such purposes, hold public hearings on any appeal or variance petition which comes before it. ~~SWAG~~SWAC shall, prior to the hearing, mail written notice of the time, place and subject of the hearing to the person or persons filing the notice of appeal or variance petition, to the owners of the subject property and to the owners of property adjacent to the subject property. The hearing shall be conducted in the nature of a quasi-judicial proceeding with all findings of fact supported by competent, material evidence.
4. Standards for Granting an Appeal.

   a. ~~SWAG~~SWAC shall reverse or modify the order, decision, determination or interpretation under appeal only upon finding an error in the application of this article on the part of the town manager's designee. In modifying the order, decision, determination or interpretation, SWAC shall have all the powers of the town manager's designee from whom the appeal is taken.

   b. If SWAC finds that a violation of this article has occurred, but that in setting the amount of the penalty the town manager's designee has not considered or given appropriate weight to either mitigating or aggravating factors, ~~SWAG~~SWAC shall either decrease or increase the per day civil penalty within the range allowed by this article. Any decision of SWAC that modifies the amount of a civil penalty shall include, as part of the findings of fact and conclusions of law, findings as to which mitigating or aggravating factors exist and the appropriate weight that should have been given to such factors by the town manager's designee in setting the amount of the civil penalty levied against the Petitioner.

5. Standards for Granting a Variance. Before granting a variance, SWAC shall have made all the following findings:

   a. Unnecessary hardships would result from the strict application of this article.
   b. The hardships result from conditions that are peculiar to the property, such as the location, size or topography of the property.
   c. The hardships did not result from actions taken by the petitioner.
   d. The requested variance is consistent with the spirit, purpose, and intent of this article; will secure public safety and welfare; and will preserve substantial justice.

6. Variance Conditions. SWAC may impose reasonable and appropriate conditions and safeguards upon any variance it grants.
7. Technical Assistance. The SWAC may secure outside technical assistance regarding issue relating to an appeal or petition that are technical in nature. The town will procure these services at the request of the SWAC.

DRAFT

8. Action by SWAC. SWAC bylaws will determine the number of concurring votes needed to grant an appeal or request for variance. SWAC shall grant or deny the variance or shall reverse, affirm or modify the order, decision, determination or interpretation under appeal by recording in the minutes of the meeting the reasons that SWAC used and the findings of fact and conclusions of law made by SWAC to reach its decision.
9. Rehearing. SWAC shall refuse to hear an appeal or variance petition which has been previously denied unless it finds there have been substantial changes in the conditions or circumstances relating to the matter.

C. **Review by Circuit Court.** Every decision of SWAC shall be subject to Circuit Court review by proceedings in the nature of certiorari. Petition for review by the Circuit Court shall be filed with the Clerk of Circuit Court within 30 days after the later occurring of the following:

1. The decision of SWAC is filed; or
2. A written copy thereof delivered to every aggrieved party who has filed a written request for such copy with ~~SWAG~~SWAC at the time of its hearing of the case.

Section 15.7 Charges and Fees

A. **Funding**. In addition to all other charges, fees, and penalties, the town shall have the right to develop and impose a Stormwater Service Fee to fund implementation of this Stormwater Management and Sediment Control Ordinance and its associated programs and plans.
B. **Connection to Conveyances**. The town manager's designee shall have the right to establish a schedule of appropriate fees for any person or property owner establishing a new discharge to Waters of the State within the town or to a wet weather conveyance. Such fee shall be payable as part of any permit on the basis of facility classes relating to the quantity and quality of permitted discharge~~.~~
C. **Field Inspection**. For landowners and developers, costs associated with field inspection of land development or construction activities other than those routinely performed by the town manager's designee as part of compliance monitoring shall be assessed, a fee representing the cost in labor, equipment, and materials expended in the conduct of the inspection may be assessed.

Section 15.8 Stormwater Utility Fee Structure and Policy

A. **Overview**. The Stormwater Utility will provide the funds necessary to provide for the administration, maintenance, and improvement of the town's stormwater systems. Fees collected through the Stormwater Utility will fund the following activities:

1. State and Federal regulatory compliance
2. Watershed planning
3. Water quality monitoring of local waterways
4. Capital improvement
5. Public education and outreach
6. Illicit Discharge Detection and Elimination
7. Construction inspection
8. System routine inspection and maintenance within the town owned right-of-way.

B. **Exemptions**. Undeveloped properties and public roadways are exempted from the Stormwater Utility fees.
C. **Classifications of Property and Determination of the Utility Fee**. For purposes of determining the fee, all properties in the town are classified as follows:

1. Single family residential properties (includes detached and attached single family residential); and

DRAFT 3

2. All other properties (including commercials, schools, churches, apartments, state and town-owned properties, etc.).

D. **Determination of the Utility Fee**.

1. Equivalent Residential Unit (ERU). One commonly accepted rate unit for stormwater utilities is the Equivalent Residential Unit (ERU). The town measures the amount of impervious surface (roofs, sidewalks, driveway, parking lot, etc.) using the number of ERU per property. 1 ERU is equal to the median amount of impervious area found on a typical single-family residential property.
2. Billing Schedule. The billing unit shall be $6.00 per month, or $72 per year, for each ERU, initially and thereafter determined by the town council each year. The utility fee for the current calendar year will be placed on the County's annual tax notice send out in October for that year.
3. Monthly Fees. Monthly fees for all property, whether occupied or vacant, shall be as follows:
   a. Single Family Residential Property- All single-family residential properties are charged one ERU.
   b. Non- Single Family Residential/Commercial Property- All other properties are charged in proportion to the billing unit based on the calculated number of ERUs for the existing impervious area multiplied by the ERU rate.
4. Computation of Stormwater Utility Fee. Computation of Stormwater Utility Fee follows procedures below:
   a. Measure the total amount of impervious area on a property.
   b. Calculate the number of ERUs for the property in question.
   c. Calculate the monthly fee by multiplying the billing unit by the number of ERUs
5. Example Calculation. The impervious surface area of a property may be measured based on the aerial photos available from the York County GIS Department. Where the area photo for the subject property is ambiguous, unavailable or dated, a physical measurement of the lot shall be conducted. Determine monthly fee for a commercial property with 13,892 square feet of impervious area:
   a. Total amount of impervious area = 13,892 square feet
   b. Number of ERUs = 13,892 square feet/3,473 square feet per ERU = 4
   c. Monthly Utility fee= 4 x $6.00 = $24.00/month

E. **Adjustment of Utility Fee**.

1. In cases where the a property owner believes the fee to be inappropriate based on the actual impervious area of the property in which he has interest, a request for reconsideration may be filed with the town manager's designee.
2. The town manager's designee and the property owner shall mutually agree on the general area of improvement. In cases where a mutual agreement cannot be reached, the property owner may file an appeal with the town council.

F. **Duration of Fees**. The fees established by this article shall apply only until such time as town council adopts a new rate structure and schedule of fees for the Stormwater Utility.

G. **Credit System**.

1. A credit is an ongoing reduction in the amount of stormwater fees assessed to a parcel in recognition of on-site systems, facilities, or other activities taken to reduce the impact of stormwater runoff, in compliance with the Stormwater Utility Fee Credit Manual (See *Appendix 8*).

DRAFT 3

2. Property owners may qualify for credit when they can demonstrate that their existing or new stormwater facility provides cost savings the town would otherwise incur as part of town stormwater management efforts.
3. Any property that is subject to the stormwater utility fee may be eligible for a reduction in the fee through stormwater tee credits. In order for a property to be eligible to receive a stormwater fee credit, the credit must apply to developed land containing a town-approved Stormwater Control Measure (SCM) eligible for the credit.
4. SCM is an activity, measure or facility that prevents or reduces the transport of pollutants and reduces stormwater runoff (peak flow rate and/or total volume discharged} to the stormwater drainage system or surrounding bodies of water. These measures can include onsite practices such as bioretention and ponds that manage stormwater at its source or offsite activities such as participating in the town's Adopt-A-Stream program.
5. Accounts with past-due balances shall not be eligible to apply for stormwater fee credits. Credited accounts not paying stormwater charges will be deemed ineligible, result in revocation of credits.

Section 15.9 Legal Status

A. **Relationship with Other Laws, Regulations, and Ordinances**. Whenever the provisions of this article impose more restrictive standards than are required in or under any other law, regulations or ordinance, the requirements herein contained shall prevail. Whenever the provisions of any other law, regulation, or ordinance require more restrictive standards than are required herein, the requirements of such law, regulation, or ordinance shall prevail.
B. **Repeal of Conflicting Regulations**. All conflicting sections of ordinances and Resolutions regulating Stormwater Management and Sediment Control adopted prior to these regulations are hereby repealed.
C. **Separability**. If any section, clause, or portion of this article shall be held by a; court of competent jurisdiction to be invalid or unconstitutional, such finding shall not affect any other section, clause, or portion of this article.
D. **Amendments**. This ordinance may be amended in the same manner as prescribed by law for its original adoption.

Section 15.10 References

All calculations, formulas and data used in the preparation of Stormwater Management and Sediment Control Plans shall be subject to approval by the town manager's designee which may require other calculations made, formula used or data supplied. Acceptable standards for the development of Stormwater Management and Sediment Control Plans as required by this article may be found in the following publications. Whenever the mandatory standards and plan requirements of this article impose higher standards, the provisions of this article shall govern.

DRAFT 3

A. Soil Survey of York County~~.~~, South Carolina - issued by the U.S. Department of Agriculture, Soil Conservation Service, 13 S. Congress Street, Room 5, York, South Carolina, 29745- dated April1965.
B. Erosion and Sediment Control in Developing Areas: Planning Guidelines and Design Aids - issued by the U.S. Department of Agriculture, Soil Conservation Service, Strom Thurmond Building, 1835 Assembly Street, Columbia, South Carolina 29201 - dated July 1971.
C. Urban Hydrology for Small Watershed: Technical Release No. 55 (Second Edition) - issued by the U.S. Department of Agriculture, Soil Conservation Service, available from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22151 - dated June 1986.
D. Erosion and Sediment Control Practices for Developing Areas - issued by S.C. Land Resources Commission, 2221 Devine Street, Columbia, South Carolina, 29205 -latest edition.
E. Erosion and Sediment Control Planning and Design Manual - issued by the North Carolina Department of Natural Resources and Community Development, Raleigh, North Carolina, 27687 - latest edition.
F. A Guide to Site Development and Best Management Practices for Stormwater Management and Sediment Control - issued by the South Carolina Department of Land Resources Conservation Commission, Columbia, South Carolina, 29205-latest edition.
G. South Carolina Department of Health and Environmental Control: Standards for Stormwater Management and Sediment Reduction Regulation 72-300 thru 72-316 - issued by the South Carolina Department of Health and Environmental Control Bureau of Water- dated June 28, 2002.

DRAFT 3

Part IV
Administration

IV

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DRAFT 3

Administration and Enforcement

Article XVI

DRAFT 3

Fort Mill Unified Development Ordinance

Section 16.1 Minimum Requirements

In the interpretation and application of this ordinance, all provisions shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance, or with any rules, regulation or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings, structures or lots. Whenever the regulations of this ordinance impose more restrictive standards than are required in or under any other statutes, the requirements of this ordinance shall govern. Whenever the provisions of any other statute requires more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

Section 16.2 Permits and Procedures

A. **Building Permits.** The building official shall issue building permits in accordance with the requirements of the Building Code of the Town of Fort Mill and this ordinance.

1. The building official shall ensure that the proposed work conforms to this ordinance, the building code, and other applicable regulations prior to the issuance of a building permit.
2. The building official may require such information from the applicant as is necessary to determine the conformity of the proposal with this ordinance. In addition to the information specifically required in the building code, approved development plans shall be submitted with any application for a building permit. If no development plan was required, a plan shall be submitted with the application that includes, at a minimum, the following:

   a. number of dwelling units each building is designed to accommodate, if any;
   b. the setback lines of buildings on the lot and on adjoining lots;
   c. the number, layout, and dimensions of proposed parking spaces, if any; and
   d. the locations and dimensions of points of ingress and egress from abutting public streets or alleys.

B. **Certificate of Occupancy**. The building official shall issue certificates of occupancy in accordance with the requirements of the Building Code of the Town of Fort Mill and upon a determination that the building, sign or other structure as constructed or the change in occupancy, as proposed, conforms to this ordinance, the building code and other applicable regulations.

C. **Sign Permits**. The zoning planning director shall issue sign permits in accordance with the provisions of *Section 12.7*.

D. **Conditional Uses**.

1. Conditional uses, as listed in the various subsections of *Article 8* of this ordinance, are declared to possess characteristics which require certain controls in order to ensure compatibility with other uses in the district within which they are proposed for location.
2. Conditional uses shall be permitted subject to *Section 8.2*, with particular reference to those specific requirements and conditions noted in *Article 8* for the respective use.
3. Any conditional use approved by the planning commission in accordance with Article 8, shall then be subject to the building permit and certificate of occupancy requirements of this section; provided, the certificate of occupancy issued for such use shall bear a stamp noting "conditional use."
4. Permits authorizing conditional uses shall be valid only for that particular use and shall expire if the conditional use, or operations pertaining thereto, shall cease for more than six (6) months for any reason.

E. **Temporary Uses and Special Events**. Temporary activities may be permitted, as specified in *Section 8.14 A*.

DRAFT 3

Section 16.3 Permits and Licenses Void if Used in Conflict

Any permit or license issued in conflict with the provisions of this ordinance shall be considered null and void from the date of issue.

Section 16.4 Fees

A schedule of fees for applications, permits and other purposes required by this ordinance shall be established from time to time by the town council. The fee schedule shall be available to the public and shall be kept in the office of the zoning planning director.

Section 16.5 Performance Guarantees

A. As a condition of approval of a development plan, conditional use, subdivision or mixed use development, the planning commission may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction that are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Those features or components, referred to as "improvements," may include, but shall not be limited to, streets, curbing, landscaping, fencing, walls, screening, buffers, greenbelts, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.

B. Performance guarantees shall be processed in the following manner:

1. Prior to the issuance of a building permit, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the planning director. The amount of the performance guarantee shall be 100 percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies, but not-to-exceed a total of 125 percent of the estimated cost of construction and materials.
2. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the town.
3. Upon receipt of the required performance guarantee, a building permit shall be issued for the subject development or activity, provided it is in compliance with all other applicable provisions of this ordinance and other applicable ordinances of the town.
4. The town, upon the written request of the owner, shall rebate portions of the performance guarantee after determining that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
5. When all of the required improvements have been completed, the owner shall send written notice of completion to the town. Upon receiving the notice, the town shall cause an inspection to be made of all the improvements and approve, partially approve, or reject the improvements, stating in writing the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth and the owner will be directed to complete the missing items. Where partial approval is granted, the owner shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved. The town may withhold issuance of the certificate of occupancy until all improvements are completed.
6. A record of authorized performance guarantees shall be maintained by the planning director.

Section 16.6 Enforcement

A. Enforcement officers of the town are hereby authorized to enter upon private property for the purpose of enforcing the provisions of this ordinance or removing or abating any violation that may be present. It shall be unlawful for any person to interfere with, hinder or refuse to allow any properly

DRAFT 3

identified enforcement official to enter upon private property for the purpose of enforcing the provisions of this ordinance or removing, investigating or abating violations.

1. Notice of Violation. Whenever the enforcement official shall find that there is a violation of the provisions of this ordinance, he shall serve notice to the owner and occupant of the premises to comply with the relevant provisions. It shall be sufficient notification if the notice is delivered to the person to whom it is addressed or deposited in the United States mail, properly stamped, certified and addressed to the address listed on the property tax rolls.
2. Failure to Comply with Notice. If the person to whom the violation notice is directed fails or neglects to comply with the provisions of this section within 15 days after the notice has been received, or within 20 days after a copy of the notice has been deposited in the United States mail, , that person shall be considered in violation of this section and subject to the penalties set forth in this ordinance.
3. Property subject to abatement of conditions. It shall be unlawful for any owner, agent or occupant of any lot, parcel or tract of land which is subject to the provisions of this ordinance to permit the conditions set forth in this section to exist or continue after receiving notice. It shall be the duty of the owner, agent or occupant of any such lot, parcel or tract in violation of the provisions of this ~~ordiannce~~ordinance to abate the unlawful condition.

B. If any person, owner, agent or occupant of property shall fail to comply with a written notice of violations(s) or shall fail to correct a violation thereof within the time period specified, the planning director may:

1. Enter an administrative order directing compliance with the provisions of this section and any and all other applicable statutes, laws and ordinances;
2. Board up the premises in order to make it inaccessible for habitation;
3. Commence an action in a court of competent jurisdiction for injunction, mandamus or abatement or discontinuance of violations of the provisions of this ordinance or other provisions of the Code of the Town of Fort Mill;

C. If a violation of this ordinance is not corrected within the time period provided, enforcement officials are authorized to enter upon such property and correct or abate such violations or take such other action as may be reasonably necessary to remove the threat to the public health, safety and welfare. All costs incurred in such action, including, but not limited to, inspection, administration, labor and equipment costs, court costs and attorney's fees, shall become a lien on the subject property and shall be collected in the same manner as county taxes are collected.

D. The remedies provided in this section are not mutually exclusive and shall be cumulative to other remedies provided in this ordinance and to any other remedy provided at law or in equity.

E. In case any building is erected, constructed, reconstructed, altered, converted, or maintained or any building, structure, or land is or is proposed to be used in violation of the ordinance, the building official, or other appropriate authority of the Town of Fort Mill, or any neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action of proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, structure or land.

F. Any subdivision of property conducted for the purpose of fraudulently circumventing this ordinance shall be considered void and the provisions of this ordinance shall apply.

Section 16.7 Violations

Any person affected by an order issued by any enforcement officer may petition the circuit court for an injunction restraining the public officer from carrying out the provisions of the order within 60 days after the posting and service of the order. The court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause. Hearings shall be had by the court

DRAFT 3

on such petitions within 20 days or as soon thereafter as possible and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings the findings of the public officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer or because of compliance, by such persons with any order of the enforcement officer.

Section 16.8 Penalties

A. Any person, firm, or corporation, or any owner of any building, structure, or lot, violating any provision of this ordinance shall be guilty of a municipal civil infraction and assessed a fine in the amount of $100.00 for each day the violation continues after notification by the building official.
B. Each day the violation occurs or continues shall be deemed a separate offence.
C. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 16.9 Public Nuisance, per se

Any building or structure which is erected, repaired, altered, or converted; or any use of premises or land which is begun or changed subsequent to the time of passage of this ordinance and in violation of any of the provisions of this ordinance is hereby declared to be a public nuisance, per se, and may be abated by order of any court of competent jurisdiction.

Section 16.10 General Responsibility

A. The planning director is designated by the town manager as the individual responsible for administering and enforcing the provisions of this ordinance.
B. In addition to the authority and duties that may be conferred by general law and the Code of Ordinances for the Town of Fort Mill, the planning director shall have the following powers and duties under this ordinance:

    1. To review and decide applications for zoning compliance permits.
    2. To review and decide applications for conditional use permits.
    3. To review and decide applications for subdivisions and site specific development plans, including changes to approved plans, where allowed by this ordinance, or by development conditions approved by the town council.
    4. To review and decide applications for temporary use permits.
    5. To review and decide applications for sign permits.
    6. To render interpretations of this ordinance.
    7. To establish application content requirements and a submission schedule for review of applications and appeals.
    8. To compile and maintain administrative manuals and procedures.
    9. To review and make recommendations through staff reports to the town council, planning commission, board of zoning appeals, and historic review board on applications for permits and other approvals, where appropriate, and take any other action necessary to administer the provisions of this ordinance.
    10. To maintain the official zoning district map and other such records and official materials that relate to the adoption, amendment, enforcement, or administration of this ordinance.
    11. To enforce this ordinance in accordance with *Article XVI*.
    12. To provide expertise and technical assistance to the town council, planning commission, board of zoning appeals, historic review board, and other town departments, upon request.

DRAFT 3

C. The planning director shall meet or exceed the minimum educational requirements for local planning and zoning officials, as established by S.C. Code § 6-29-1340 et seq.

Section 16.11 Appeals

Appeals from the decision of the planning director with regard to enforcement of this ordinance shall be made to the board of zoning appeals as detailed in *Article XVIII*.

DRAFT 3

FORT MILL South Carolina

Planning Commission

Article XVII

DRAFT 3

Fort Mill Unified Development Ordinance

Section 17.1 Membership

A. **Number**. The planning commission shall consist of seven (7) members.
B. **Qualifications**. The qualifications for appointment shall be as follows:

1. Members shall be appointed based on their professional expertise, knowledge of the community, and concern for the future welfare of the town and its citizens.
2. Members shall represent a broad cross section of interests and concerns.
3. Each member shall be a resident of the town.
4. Each member shall be at least 18 years of age.
5. No member may hold any elected public office in the Town of Fort Mill or York County.
6. No member may be an employee of the town.

C. **Appointment**. Each member shall be appointed by a majority vote of the town council.
D. **Length of term**. Members shall serve for a term of three (3) years. Terms shall be staggered. Upon expiration of a member's term, the member shall continue to serve until reappointed or replaced by a qualified successor.
E. **Term limits**. No member shall serve more than three (3) consecutive terms; provided, however, that upon completion of three (3) consecutive terms, a member may be eligible for appointment to a new term after one (1) year of non-service. The following shall apply to members appointed to unexpired terms:

1. Any member who is appointed to fill an unexpired term with less than one (1) year remaining shall be eligible to serve the remainder of the unexpired term, plus three (3) additional consecutive terms.
2. Any member who is appointed to fill an unexpired term with more than one (1) year remaining shall be eligible to serve the remainder of the unexpired term, plus two (2) additional consecutive terms.

F. **Resignation**. Any member who resigns prior to the expiration of his or her term must do so in writing to the town clerk and the chair of the planning commission.
G. **Removal**. Any member may be removed for cause by a majority vote of the town council. Members shall be notified in writing by the town clerk prior to a vote on the question of removal, and the member shall be provided an opportunity to respond in public at the next town council meeting. For the purpose of this section, the following items shall constitute cause for removal:

1. Failure to meet or maintain the qualifications for membership.
2. Three (3) or more unexcused absences over the course of one (1) calendar year.
3. Failure to comply with the rules of conduct for public officials as outlined in S.C. Code § 8-13-700 et seq.
4. Failure to meet or maintain the educational requirements for local planning and zoning officials, as established by S.C. Code § 6-29-1340 et seq.
5. Failure to carry out the duties of the position to which the member has been appointed.
6. Malfeasance.
7. Any other reason deemed appropriate by the town council, consistent with state law.

H. **Filling of vacancies**. A vacancy in membership for reasons other than term expiration shall be filled by the town council for the unexpired term in the same manner as the original appointment.
I. **Compensation**. Members of the planning commission shall serve without compensation.

Section 17.2 Rules and Procedures

A. **Chair and Vice-Chair**

1. General. The planning commission shall elect a chair and vice-chair from among its appointed members.

DRAFT 3

2. Term of Office. The chair and vice-chair shall be elected annually during the first meeting of each calendar year. The chair and vice-chair shall serve for a term of one (1) year or until a new chair and vice-chair is elected by the membership.
3. Powers and Duties. The chair and vice-chair shall have the following powers and duties:
   a. The chair shall preside at all meetings of the planning commission, decide all points of order on procedure, administer oaths, compel the attendance of witnesses, and take such action as shall be necessary to preserve the order and integrity of all proceedings before the planning commission.
   b. The chair shall have the authority to call a special meeting of the planning commission.
   c. From time to time, the chair may be called upon by the town council to provide an update of the planning commission's activities.
   d. In the absence of the chair, the vice-chair shall act as chair and shall have all the same powers and responsibilities of the chair.
   e. In the absence of both the chair and vice-chair, the senior ranking member of the planning commission shall act as chair and shall have all the same powers and responsibilities of the chair.

B. **Meetings**

1. Regular meetings. The planning commission shall hold at least one (1) regular meeting each month. Regular meetings shall be held on a regularly scheduled date and time each month, unless rescheduled due to a town holiday, or when canceled by the chair due to a lack of agenda items for consideration. All meetings shall be held at Town Hall, unless otherwise advertised.
2. Special called meetings. When warranted, a special called meeting of the planning commission may be called by the chair, or by a majority of the membership.
3. Quorum. At least four (4) members of the planning commission must be present to constitute a quorum. No official business of the planning commission may be conducted without a quorum present.
4. Rules of order. Except as otherwise required by state law or town ordinance, all proceedings of the planning commission shall be governed by Robert's Rules of Order. The commission may, by a majority vote of the entire membership, draft and approve such additional by-laws governing its procedure as it deems necessary or advisable, copies of which shall be made available for public inspection in the town clerk's office.
5. Voting. Official decisions or actions by the planning commission shall require a majority vote of those members present and voting. Proxy votes shall not be permitted.
6. Conflicts of interest. Any member of the planning commission who has a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of the commission shall be disqualified from participating in the decision of the commission in connection therewith.
7. Open to the public. All meetings of the planning commission shall be open to the public. All or any part of a meeting of the planning commission may be recorded by any person in attendance by means of a tape recorder or any other means of sonic or video reproduction, except when a meeting is closed pursuant to S.C. Code § 30-4-70, provided that in so recording there is no active interference with the conduct of the meeting.

C. **Public notice and public records**

1. Agenda. Public notice shall be given for each meeting pursuant to S.C. Code § 30-4-80. The planning director shall prepare an agenda containing the date, time and location of each meeting, as well as a list of items for action and/or discussion. An electronic copy of the agenda shall be posted on the town website, and a paper copy shall be posted on the message board at Town Hall at least 24 hours prior to the meeting.

DRAFT 3

2. Minutes. The town clerk shall act as secretary to the planning commission. The town clerk shall prepare and keep written minutes of all planning commission meetings. Such minutes shall include, at a minimum:

   a. The date, time and place of the meeting.
   b. The members of the planning commission recorded as either present or absent.
   c. The substance of all matters proposed, discussed or decided, including any votes taken.
   d. Any other information that any member of the planning commission requests be included or reflected in the minutes.
   e. The minutes and decisions of the planning commission shall be public records and shall be available within a reasonable time after the meeting, except where such disclosures would be inconsistent with S.C. Code § 30-4-70.

3. Records. Unless exempt by state law, all records of the planning commission are deemed public records and shall be made available for inspection upon request. Paper copies of any public record may be obtained for a nominal fee.

D. **Assistance to the commission**.

1. Staff. The planning director shall serve as the professional staff to the planning commission and provide it with administrative support.
2. Public officials. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work.

Section 17.3 Powers and Duties

A. **Powers and duties**. The Fort Mill Planning Commission is hereby established in accordance with the S.C. Code of Laws, and shall have the following powers and duties under this ordinance:

1. Comprehensive plan. To oversee the preparation and periodic updating of the town's comprehensive plan, and, by resolution, to recommend adoption of the plan or any element, amendment, extension or addition, including maps and other descriptive matter, to the town council. The local planning commission shall review the comprehensive plan or elements of it as often as necessary, but not less than once every five (5) years, to determine whether changes in the amount, kind, or direction of development of the area or other reasons make it desirable to make additions or amendments to the plan. The comprehensive plan, including all elements of it, must be updated at least every 10 years. The planning commission shall also be responsible for reviewing the location, character and extent of any new street, structure, utility, square, park, or other public way, grounds, or open space or public buildings for any use, whether publicly or privately owned, for compatibility of the proposal with the comprehensive plan.
2. Text amendments. To initiate, review, and make recommendations to the town council to approve or deny any requested amendments to the text of this ordinance.
3. Amendments to official zoning map (rezoning). To initiate, review, and make recommendations to the town council to approve or deny applications to amend the official zoning map.
4. Mixed use district classifications. To review applications for mixed use district (NMU, CMU, TOMU) master plans and to make recommendations to the town council for approval or denial of such requests.
5. Historic preservation district classification. To review and make recommendations to the town council regarding the establishment, expansion, reduction or elimination of historic preservation district boundaries on the official zoning map, as recommended by the historic review board.
6. Designation of historic properties. To review and make recommendations to the town council regarding the establishment and designation of historic properties, as recommended by the historic review board.

DRAFT 3

7. Design guidelines for historic properties and historic overlay districts. To review and make recommendations to the town council regarding design guidelines for historic properties and historic preservation districts, as recommended by the historic review board.
8. Development agreements. To review and make recommendations to the town council on requests to enter into development agreements.
9. Subdivisions. To review and decide applications for the subdivision and development of land, including, but not limited to, the review and approval of sketch plans, preliminary subdivision plats, final subdivision plats, and commercial site plans.
10. Development plan review. To review and decide applications for development plan approval, as authorized by this ordinance.
11. Appeals. To hear and decide appeals on decisions of the zoning planning director, where allowed by this ordinance.
12. Street names. The planning commission may, after reasonable notice through a newspaper having general circulation in the town, change the name of a street or road within the boundary of its territorial jurisdiction:

    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. When it is found that a change may simplify marking or giving of directions to persons seeking to locate addresses; or
    c. Upon any other good and just reason that may appear to the commission.
    d. 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 deeds or clerk of court, and the name changed and certified is the legal name of the street or road.

13. Right of entry. The planning commission and its members, officers and staff, in the performance of their functions, may enter upon any land and make examinations and surveys.
14. Other powers and duties. To carry out any other powers and duties delegated to it by town council, consistent with state law.

DRAFT 3

Board of Zoning Appeals

Article XVIII

DRAFT 3

Fort Mill Unified Development Ordinance

Section 18.1 Membership

A. **Number**. The Board of Zoning Appeals (BZA) shall consist of seven (7) members.
B. **Qualifications**. The qualifications for appointment shall be as follows:

1. Members shall be appointed based on their professional expertise, knowledge of the community, and concern for the future welfare of the town and its citizens.
2. Members shall represent a broad cross section of interests and concerns.
3. Each member shall be a resident of the town.
4. Each member shall be at least 18 years of age.
5. No member may hold any public office or position in the Town of Fort Mill or York County.

C. **Appointment**. Each member shall be appointed by a majority vote of the town council.
D. **Length of term**. Members shall serve for a term of three (3) years. Terms shall be staggered. Upon expiration of a member's term, the member shall continue to serve until reappointed or replaced by a qualified successor.
E. **Term limits**. No member shall serve more than three (3) consecutive terms; provided, however, that upon completion of three (3) consecutive terms, a member may be eligible for appointment to a new term after one (1) year of non-service. The following shall apply to members appointed to unexpired terms:

1. Any member who is appointed to fill an unexpired term with less than one (1) year remaining shall be eligible to serve the remainder of the unexpired term, plus three (3) additional consecutive terms.
2. Any member who is appointed to fill an unexpired term with more than one (1) year remaining shall be eligible to serve the remainder of the unexpired term, plus two (2) additional consecutive terms.

F. **Resignation**. Any member who resigns prior to the expiration of his or her term must do so in writing to the town clerk and the chair of the BZA.
G. **Removal**. Any member may be removed for cause by a majority vote of the town council. Members shall be notified in writing by the town clerk prior to a vote on the question of removal, and the member shall be provided an opportunity to respond in public at the next town council meeting. For the purpose of this section, the following items shall constitute cause for removal:

1. Failure to meet or maintain the qualifications for membership.
2. Three (3) or more unexcused absences over the course of one (1) calendar year.
3. Failure to comply with the rules of conduct for public officials as outlined in S.C. Code § 8-13-700 et seq.
4. Failure to meet or maintain the educational requirements for local planning and zoning officials, as established by S.C. Code § 6-29-1340 et seq.
5. Failure to carry out the duties of the position to which the member has been appointed.
6. Failure to discharge public obligations, known as malfeasance.
7. Any other reason deemed appropriate by the town council, consistent with state law.

H. **Filling of vacancies**. A vacancy in membership for reasons other than term expiration shall be filled by the town council for the unexpired term in the same manner as the original appointment.
I. **Compensation**. Members of the BZA shall serve without compensation.

Section 18.2 Rules and Procedures

A. **Meetings**.

1. Regular meetings. The BZA shall hold at least one (1) regular meeting each month. Regular meetings shall be held on a regularly scheduled date and time each month, unless rescheduled due

DRAFT 3

to a town holiday, or when canceled by the chair due to a lack of agenda items for consideration. All meetings shall be held at Town Hall, unless otherwise advertised.

2. Special called meetings. A special called meeting of the BZA may be called by the chair whenever warranted.
3. Quorum. At least four (4) members of the BZA must be present to constitute a quorum. No official business of the BZA may be conducted without a quorum present.
4. Rules of order. Except as otherwise required by state law or town ordinance, all proceedings of the BZA shall be governed by Robert's Rules of Order. The BZA may, by a majority vote of the entire membership, draft and approve additional by-laws governing its procedure as it deems necessary or advisable, copies of which shall be made available for public inspection in the town clerk's office.
5. Voting. Official decisions or actions by the BZA shall require a majority vote of those members present and voting. Proxy votes shall not be permitted.
6. Conflict of interest. Any member of the BZA who has a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of the BZA shall be disqualified from participating in the decision of the subject matter.
7. Witnesses and oaths. The BZA shall have the power and is authorized to subpoena witnesses, administer oaths and may require the production of documents, under such regulations or procedures as it may establish or agree upon.
8. Open to the public. All meetings of the BZA shall be open to the public. All or any part of a meeting of the BZA may be recorded by any person in attendance by means of a tape recorder or any other means of sonic or video reproduction, except when a meeting is closed pursuant to S.C. Code § 30-4-70, provided that in so recording there is no active interference with the conduct of the meeting.

B. **Records**.

1. Agenda. Public notice shall be given for each meeting pursuant to S.C. Code § 30-4-80 and § 6-29-790. The planning director shall prepare an agenda containing the date, time and location of each meeting, as well as a list of items for action and/or discussion. An electronic copy of the agenda shall be posted on the town website, and a paper copy shall be posted on the message board at Town Hall at least 24 hours prior to the meeting.
2. Minutes. The town clerk shall prepare and keep written minutes of all BZA meetings. The minutes shall include, at a minimum:

   a. The date, time and place of the meeting.
   b. The members of the BZA recorded as either present or absent.
   c. The vote of each member upon each question, or if failing to vote, indicating that fact.
   d. Records of examinations and other official actions.
   e. A transcript of evidence heard before the BZA.
   f. Any other information that any member of the BZA requests be included or reflected in the minutes.

C. **Written reasons**. On all appeals, variances and other matters brought before the BZA, the applicant shall be informed, in writing, of its decisions and the reasons therefore.

D. **Public records**. Unless exempt by state law, all records of the BZA are public records and shall be made available for inspection upon request. Paper copies of any public record may be obtained for a nominal fee.

Section 18.3 Powers and Duties

A. **Powers and duties**. The Fort Mill Board of Zoning Appeals is hereby established in accordance with the S.C. Code of Laws, and shall have the following powers and duties under this ordinance:

DRAFT 3

1. Appeals of administrative actions. To hear and decide appeals where it is alleged there is error in an order, requirement, interpretation, decision, or determination made by an administrative official in the enforcement of this ordinance.
2. Variances. To hear and decide appeals for variance, in specific cases, from the requirements of this ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship.
3. Special exception permits. To review and decide applications for special exception permits, subject to the terms and conditions set forth for such uses in this ordinance.
4. Remand matters. To remand a matter to an administrative official, upon motion by a party or the BZA's own motion, if the BZA determines the record is insufficient for review.
5. Other powers and duties. To carry out any other powers and duties delegated to it by town council, consistent with state law.

Section 18.4 Administrative Appeals

A. Appeals to the BZA may be taken by any aggrieved person, any officer, department, or bureau of the Town of Fort Mill affected by a decision of the planning director or other town official based on this ordinance. The appeal shall be made within 20 days after receipt of the official's written notice, order or decision, by filing with the planning director an application of appeal specifying the grounds of the appeal and payment of a fee as established by the town council. The planning director shall transmit to the BZA all the papers constituting the record upon which the action appealed from was taken.
B. The consideration of an appeal shall be based on the record and materials included in the application. No new evidence may be introduced at the meeting.
C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the planning director or building official shall certify to the BZA after the notice of appeal has been filed with it, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the BZA or by a court of record on the application, after notice to the officer from whom the appeal is taken and on due cause shown.
D. The BZA may, in conformity with the provisions of this ordinance, reverse or affirm, in whole or in part, or it may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination based on record as in its opinion ought to be made in the premises, and to that end, shall have all powers of the official from whom the appeal is taken.

Section 18.5 Variances

A. The BZA can hear and decide variances to the terms of this ordinance. Variances may only be granted pursuant to the requirements of S.C. Code § 6-29-800(2); provided, however:
   1. The BZA may not grant a variance that would have any of the following effects:
      a. to allow the establishment of a use not otherwise permitted in a zoning district.
      b. to physically extend a nonconforming use of land.
      c. to change the zoning district boundaries shown on the official zoning map.
   2. In granting a variance, the BZA may attach to it conditions regarding the location, character, or other features of the proposed building, structure, or use as the BZA may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.
   3. After consideration, the BZA shall take actions or establish reasonable conditions of approval as will accomplish the intents and purposes of this ordinance.
   4. Applications for special exceptions or variances may be referred to the planning commission for comment and recommendations and returned to the BZA within a specified period of time.

DRAFT 3

B. Application for a variance shall be submitted to the planning director on a form for that purpose, along with a fee as established by the town council. The planning director shall review the application and may request additional information, if needed, and forward the application and all supporting documentation to the BZA for consideration at its next meeting.
C. Variances from the terms of the ordinance as shall not be contrary to the public interest. A literal enforcement of the provisions of this ordinance will result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship upon a finding by the BZA that:

    1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
    2. The application of this ordinance to the particular piece of property would create an unnecessary hardship; and
    3. The 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 purpose and intent of this ordinance.

Section 18.6 Decisions of the Board

A. After a vote on an application, a record of action containing the decision of the BZA shall be transmitted by the town clerk to the applicant. The decision shall be binding upon the town's officials and observed by him/her, and he/she shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant, whenever a permit is authorized by the BZA.
B. A decision of the BZA on an administrative appeal shall not be in effect and acted upon by the town until the expiration of five (5) days from the date the of the hearing unless the BZA finds the immediate validity of a decision is necessary for the preservation of property or personal rights and shall so certify on the record. Decisions by the BZA on all other matters (not on appeal) are effective upon conclusion of the hearing.
C. Any party adversely affected by a decision of the Board may appeal the decision in the manner and within the time frame provided in *Section 18.8* of this ordinance.

Section 18.7 Time Limits

The BZA shall fix a reasonable time for the hearing of appeals or other matters referred to it and give public notice in a newspaper of general circulation throughout the Town of Fort Mill. The notice shall consist of two (2) insertions in the chosen newspaper. The first notice shall be at least 10 days prior to the date of the hearing. Due notice shall also be given to other parties of interest and the appeal shall be decided within a reasonable time. Any party may appear in person at a hearing or be represented by an agent or by an attorney. The BZA shall act upon the request within at least 30 days after the public hearing. If no decision has been made within that time, the request shall automatically be considered approved by the BZA, and the secretary of the BZA shall direct that the necessary permits be issued.

Section 18.8 Appeal of Board Decision

Any person or persons severally or jointly aggrieved by any decision of the BZA may take an appeal to circuit court, as provided by Section 6-29-820 of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.

DRAFT 3

Nonconforming Uses, Buildings and Lots

Article XIX

DRAFT 3

Fort Mill Unified Development Ordinance

Section 19.1 Intent

A. It is recognized that there exist within zoning districts certain land uses, buildings, structures and lots which were lawful before this ordinance was passed or amended, but are now prohibited, regulated or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit legal nonconformities to continue until they are removed, but not to encourage their survival.
B. Nonconforming land uses, buildings, structures and lots are declared by this ordinance to be incompatible with the provisions of the districts in which they are located. It is the intent of this ordinance that these nonconformities shall not be enlarged upon, expanded, or extended, except as otherwise permitted in this ordinance, nor be used as grounds for adding other land uses, buildings, or structures prohibited elsewhere in the district.
C. Nothing in this ordinance shall require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently conducted.
D. Nothing in this ordinance shall be interpreted as authorization for, or approval of, the continuance of the use of a building, structure or lot in violation of zoning regulation in effect at the time of the adoption of this ordinance.
E. The existence of such nonconformities shall not be accepted as a basis for adding new land uses, buildings, or structures otherwise prohibited elsewhere in the same zoning district.

Section 19.2 Non-Reversion

A. Whenever the use of a building, structure or lot becomes nonconforming through an amendment to this ordinance or in the district boundaries, the nonconforming use may be continued only as provided within this ordinance. Any nonconforming use that is changed to a conforming use shall continue to be used for a conforming use. The conforming use shall not revert to a nonconforming status at any time in the future.
B. Any nonconforming structure that is changed, in whole or in part, to a conforming structure, or to a structure that is closer to conformity than it was prior to the change, shall continue to be used or arranged as a conforming or more conforming structure. The structure shall not revert to its prior nonconforming status, or to a less conforming structure, at any time in the future.

Section 19.3 Nonconforming Uses

Uses that were lawfully established but that no longer comply with the use applicable to the zoning district in which the property is located are subject to the following extension and change limitations:

A. A nonconforming use or structure may not be changed to or exchanged for another nonconforming use or structure, except to be brought into conformity with this ordinance.
B. A nonconforming use or structure may not be enlarged or extended, except to be brought into conformity with this ordinance.
C. No part of any nonconforming use shall be moved unless that movement eliminates or reduces the nonconformity.
D. A nonconforming use may not be reestablished after discontinuance for a period of twelve (12) consecutive months if a non-residential use and twenty-four (24) consecutive months if a residential use. When a discontinuance is caused by a nonconforming use having been changed to or exchanged for another conforming use, the previous nonconforming use may not be reestablished. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exists, any of which shall constitute an intent on the part of the property owner to abandon the nonconforming use:

    1. Utilities, such as water, gas and electricity, to the property have been disconnected, or;

DRAFT 3

2. The property, buildings, and grounds have fallen into disrepair, or;
3. Signs or other indications of the existence of the nonconforming use have been removed, or;
4. Equipment or fixtures necessary for the operation of the nonconforming use have been removed, or;
5. Other actions which, in the opinion of the planning director, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

E. **Damage of a Nonconforming Structure**: A nonconforming structure may not be rebuilt, altered or repaired after damage exceeding seventy-five (75%) percent of its assessed valuation before such damage occurred, as determined by the building official, unless it is brought into conformity with this ordinance. A nonconforming structure which has sustained damage less than or equal to seventy-five (75%) percent of its valuation may be rebuilt, altered or repaired, provided the reconstruction, alterations or repairs do not increase the degree of nonconformity in any respect, and provided a zoning compliance permit is issued within six (6) months from the date the damage occurs. The planning director shall be authorized to grant a single six (6) month extension if the property owner can provide documentation that he or she is in the process of moving forward with rebuilding, altering or repairing the structure, but has been delayed due to circumstances outside his or her control.

F. Notwithstanding the previous paragraph, any nonconforming residential structure, or portion thereof, may be replaced if razed by fire, natural causes, or other natural disasters, provided, the replacement does not increase the degree of nonconformity in any respect and a zoning compliance permit is issued within six (6) months from the date the damage occurs. The planning director shall be authorized to grant a single six (6) month extension if the property owner can provide documentation that he or she is in the process of moving forward with reconstruction, but has been delayed due to circumstances outside his or her control. Any residential structure reconstructed under the provisions of this paragraph shall be subject to current building codes pursuant to the Code of Ordinances for the Town of Fort Mill; *Chapter 6*, Buildings and Building Regulations; *Article II*, Technical Codes. Where appropriate, any residential structure reconstructed under the provisions of this paragraph shall also be subject to current flood prevention codes, pursuant to the Code of Ordinances for the Town of Fort Mill; *Chapter 20*, Floods; *Article II*, Flood Damage Prevention

Section 19.4 Nonconforming Buildings and Structures

A. The provisions of this ordinance apply to both lots and parcels of land and to individual structures or uses. Where more than one nonconforming structure or use is allowed to continue on a lot or parcel of land after another nonconforming structure or use has been discontinued, the provisions of this ordinance shall not be waived in the case of the discontinued structure or use.

B. Where a lawful building or structure exists at the effective date of this ordinance, or any future amendment, that does not comply with the requirements of this ordinance because of restrictions such as lot area, lot coverage, width, height, or setbacks, that building or structure may continue to be occupied and used so long as it remains otherwise lawful, subject to the following provisions:

1. No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is nonconforming by 50 percent or less of the distance required by this ordinance. Only in these cases may the nonconforming setback be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.
2. In the event that a nonconforming building or structure is destroyed to an extent of more than 50 percent of its assessed valuation, as determined by the county assessor immediately before such damage, it shall be reconstructed only in conformity with the provisions of this ordinance.
3. If a nonconforming building or structure is moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this ordinance.

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C. None of the provisions of this ordinance are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would prevent strengthening or correcting any unsafe condition of the building or structure.

Section 19.5 Nonconforming Lots of Record

A. Where a lot of record in existence at the time of adoption or amendment of this ordinance does not meet the minimum requirements for lot width or lot area, the lot of record may be used for any permitted use in the district in which the lot is located, provided that any building or structure constructed on the lot complies with all other requirements for the zoning district. The nonconforming lot may also be used for conditional uses, if it meets all applicable requirements of *Article VIII*.
B. If two (2) or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this ordinance, or any future amendment, with continuous frontage and under single ownership do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of that parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this ordinance.

Section 19.6 Unlawful Nonconformities

Any land use, building, structure or lot established in violation of the provisions of this ordinance or any prior zoning ordinance or amendment shall not be considered a legal nonconformity and shall not be entitled to the provisions, remedies and safeguards of this ordinance.

DRAFT 3

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DRAFT 3

Historic Review Board

Article XX

Fort Mill Unified Development Ordinance

Section 20.1 Membership

A. **Number**. The historic review board shall consist of seven (7) members.
B. **Qualifications**. The qualifications for appointment shall be as follows:

1. Members shall have a demonstrated interest, competence, or knowledge in historic preservation. To the extent that such professionals are available in the community, board members shall include one or more professionals in preservation related disciplines such as architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture. Preference may also be given to individuals trained in real estate, engineering and law.
2. Town residency shall be preferred, though not required.
3. Each member shall be at least 18 years of age.
4. No member may hold any public office or position in the Town of Fort Mill or York County.

C. **Appointment**. Each member shall be appointed by a majority vote of the town council.
D. **Length of term**. Members shall serve for a term of three (3) years. Terms shall be staggered. Upon expiration of a member's term, the member shall continue to serve until reappointed or replaced by a qualified successor.
E. **Term limits**. No member shall serve more than three consecutive terms; provided, however, that upon completion of three consecutive terms, a member may be eligible for appointment to a new term after one year of non-service.

1. Special provisions for members appointed to unexpired terms:

   a. Any member who is appointed to fill an unexpired term with less than one year remaining shall be eligible to serve the remainder of the unexpired term, plus three additional consecutive terms.
   b. Any member who is appointed to fill an unexpired term with more than one year remaining shall be eligible to serve the remainder of the unexpired term, plus two additional consecutive terms.

F. **Resignation**. Any member who resigns prior to the expiration of his or her term must do so in writing to the town clerk and the chair of the HRB.
G. **Removal**. Any member may be removed for cause by a majority vote of the town council. Members shall be notified in writing by the town clerk prior to a vote on the question of removal, and the member shall be provided an opportunity to respond in public at the next town council meeting. For the purpose of this section, the following items shall constitute cause for removal:

1. Failure to meet or maintain the qualifications for membership.
2. Three (3) or more unexcused absences over the course of one (1) calendar year.
3. Failure to comply with the rules of conduct for public officials as outlined in S.C. Code § 8-13-700 et seq.
4. Failure to meet or maintain the educational requirements for local planning and zoning officials, as established by S.C. Code § 6-29-1340 et seq.
5. Failure to carry out the duties of the position to which the member has been appointed.
6. Malfeasance.
7. Any other reason deemed appropriate by the town council, consistent with state law.

H. **Filling of vacancies**. A vacancy in membership for reasons other than term expiration shall be filled by the town council for the unexpired term in the same manner as the original appointment.
I. **Compensation**. Members of the HRB shall serve without compensation.

DRAFT 3

Section 20.2 Rules and Procedures

A. **Chair and Vice-Chair**

1. General. The HRB shall elect a chair and vice-chair from among its appointed members.
2. Term of Office. The chair and vice-chair shall be elected annually during the first meeting of each calendar year. The chair and vice-chair shall serve for a term of one (1) year or until a new chair and vice-chair is elected by the membership.
3. Powers and Duties. The chair and vice-chair shall have the following powers and duties:
   a. The chair shall preside at all meetings of the HRB, decide all points of order on procedure, administer oaths, compel the attendance of witnesses, and take such action as shall be necessary to preserve the order and integrity of all proceedings before the HRB.
   b. The chair shall have the authority to call a special meeting of the HRB.
   c. From time to time, the chair may be called upon by the town council to provide an update of the HRB's activities.
   d. In the absence of the chair, the vice-chair shall act as chair and shall have all the same powers and responsibilities of the chair.
   e. In the absence of both the chair and vice-chair, the senior ranking member of the HRB shall act as chair and shall have all the same powers and responsibilities of the chair.

B. **Meetings**

1. Regular meetings. The HRB shall hold at least one (1) regular meeting each month. Regular meetings shall be held on a regularly scheduled date and time each month, unless rescheduled due to a town holiday, or when canceled by the chair due to a lack of agenda items for consideration. All meetings shall be held at Town Hall, unless otherwise advertised.
2. Special called meetings. When warranted, a special called meeting of the HRB may be called by the chair, or by a majority of the membership.
3. Quorum. At least four (4) members of the HRB must be present to constitute a quorum. No official business of the HRB may be conducted without a quorum present.
4. Rules of order. Except as otherwise required by state law or town ordinance, all proceedings of the HRB shall be governed by Robert's Rules of Order. The commission may, by a majority vote of the entire membership, draft and approve such additional by-laws governing its procedure as it deems necessary or advisable, copies of which shall be made available for public inspection in the town clerk's office.
5. Voting. Official decisions or actions by the HRB shall require a majority vote of those members present and voting. Proxy votes shall not be permitted.
6. Conflicts of interest. Any member of the HRB who has a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of the commission shall be disqualified from participating in the decision of the commission in connection therewith.
7. Open to the public. All meetings of the HRB shall be open to the public. All or any part of a meeting of the HRB may be recorded by any person in attendance by means of a tape recorder or any other means of sonic or video reproduction, except when a meeting is closed pursuant to S.C. Code § 30-4-70, provided that in so recording there is no active interference with the conduct of the meeting.

C. **Public notice and public records**

1. Agenda. Public notice shall be given for each meeting pursuant to S.C. Code § 30-4-80. The planning director shall prepare an agenda containing the date, time and location of each meeting, as well as a list of items for action and/or discussion. An electronic copy of the agenda shall be posted on the town website, and a paper copy shall be posted on the message board at Town Hall at least 24 hours prior to the meeting.

DRAFT 3

2. Minutes. The town clerk shall act as secretary to the HRB. The town clerk shall prepare and keep written minutes of all HRB meetings. Such minutes shall include, at a minimum:
   a. The date, time and place of the meeting.
   b. The members of the HRB recorded as either present or absent.
   c. The substance of all matters proposed, discussed or decided, including any votes taken.
   d. Any other information that any member of the HRB requests be included or reflected in the minutes.
   e. The minutes and decisions of the HRB shall be public records and shall be available within a reasonable time after the meeting, except where such disclosures would be inconsistent with S.C. Code § 30-4-70.
3. Records. Unless exempt by state law, all records of the HRB are deemed public records and shall be made available for inspection upon request. Paper copies of any public record may be obtained for a nominal fee.
4. Annual report: The HRB shall make an annual report to the town council at the end of the town's fiscal year citing applications brought before the HRB and the approvals, denials, or other resolutions issued by the HRB. This report will be a public record and will be kept along with minutes of the meetings at town hall.
5. Survey and inventory of historic properties*:* The HRB may authorize an ongoing survey and inventory of historic properties, provided such survey is conducted in accordance with professional standards and under the qualified supervision of the State Historic Preservation Office. Such survey shall follow procedures described in The South Carolina Historic Preservation Program: Survey Manual.

D. **Assistance to the commission**.

1. Staff. The planning director shall serve as the professional staff to the HRB and provide it with administrative support as follows.
2. Public officials. All public officials shall, upon request, furnish to the HRB, within a reasonable time, such available information as it may require for its work.

Section 20.3 Powers and Duties

A. **Powers and duties**. The Fort Mill HRB is hereby established in accordance with the S.C. Code of Laws, and shall have the following powers and duties under this ordinance:

1. Certificates of appropriateness. To review and decide applications for certificates of appropriateness for historic properties and lands within the historic preservation district.
   a. *Jurisdiction*: The jurisdiction of the HRB to review proposed alterations to exteriors and buildings, new construction, and demolition shall be the following:
      i. Buildings or areas within the zoning authority of the Town of Fort Mill which have been accepted to the National Register of Historic Places kept by the United States Department of the Interior.
      ii. Buildings or groups of buildings within the zoning authority of the Town of Fort Mill which have been designated a local historical landmark by the town council upon the recommendation of the HRB.
      iii. Areas within the zoning authority of the Town of Fort Mill which have been designated a historic district by the Town of Fort Mill upon the recommendation of the HRB.
2. Certificate of hardship. To review and decide applications for certificates of hardship.
3. Historic preservation district classification. To review and make recommendations to the planning commission and town council regarding the establishment, expansion, reduction or elimination of historic preservation district boundaries on the official zoning map.

DRAFT

4. Designation of historic properties. To review and make recommendations to the planning commission and town council regarding the establishment and designation of historic properties.
5. Design guidelines for historic properties and historic preservation districts. To establish and amend design guidelines for historic properties and the historic preservation district, subject to review by the planning commission and approval by the town council.
6. Inventory of town's historic resources. To maintain an inventory of buildings, structures, objects, sites and districts that comprise the historic resources of the town.
7. National Register nomination. To conduct the first review and evaluation of all proposed National Register nominations within the town in accordance with procedures established by the South Carolina Department of Archives and History, and nominate buildings, structures, sites, objects, or districts to the National Register of Historic Places in accordance with the standards set forth by the United States Department of the Interior and the South Carolina Department of Archives and History.
8. Advice and assistance to land owners. To provide advice and assistance to land owners and their agents concerning:
    a. The physical and financial aspects of preservation, renovation, rehabilitation and re-use of historic properties or buildings and structures located in the historic preservation district.
    b. The procedures for inclusion of lands on the National Register of Historic Places.
    c. The treatment of the historic and visual characteristics of lands listed on the National Register of Historic Places.
    d. The treatment of the historical and visual characteristics of lands designated as historic properties or located within historic preservation district.
    e. *Advise town council*. To provide advice to the town council concerning:
        i. The funding necessary to administer the historic properties and historic preservation district regulations.
        ii. The retention of experts to assist in the administration and implementation of the historic properties and historic preservation district regulations.
        iii. Amendments to the historic properties and historic preservation district regulations, and additional ordinances and regulations needed to preserve and protect the town's historic resources.
    f. *Propose to town council specific relief from unsafe building abatement code*. To propose to the town council the adoption of ordinances and regulations that grant relief to historic properties and lands in the historic preservation district from the unsafe building abatement code.
    g. *Offer expertise*. To offer and provide expertise to any person or entity on any matter affecting historically or architecturally significant properties in the town.
    h. *Confer recognition*. To confer recognition on persons who further the goals of the historic properties and historic preservation district regulations.
    i. *Education*. To engage in educational activities and publish information to further the understanding of historic preservation issues in the town.
    j. *Historic tax incentives*. To serve as the reviewing authority for qualifying rehabilitation work under the town's special tax assessment for rehabilitated historic properties.

DRAFT 3

Article XXI

Amendments

DRAFT 3

Fort Mill Unified Development Ordinance

Section ~~20~~21.1 Initiation of Amendments

A proposed amendment to this ordinance may be initiated by the Fort Mill town council, the planning commission, planning director, or by application filed with the planning director by the owner or owners of the property proposed to be changed; provided, that action shall not be initiated for a zoning map amendment affecting the same parcel or parcels of property, or any part thereof, by a property owner or owners more than once every 12 months.

Section ~~20~~21.2 Review Guidelines

A. Only areas of two (2) acres or greater shall be considered in requests for changes in zoning classifications or for creation of new zoning districts; areas less than two (2) acres may be considered in such requests, but only where the resulting zoning districts would be extensions of existing districts.

B. All proposed map amendments shall be evaluated with special emphasis on the relationship of the proposal to the town's comprehensive plan and related development policies. The following factors shall be considered by the planning commission and the town council when reviewing a request for rezoning:

   1. Whether or not the proposed zoning is consistent with the vision, goals, policies and future land use designation contained in the town's comprehensive plan.
   2. Whether the proposed district and all of the uses permitted within that district are compatible with the physical characteristics of the subject site and will be compatible with the existing and intended surrounding uses in terms of density, traffic, noise and scale of development.
   3. Whether the town is capable of serving the uses allowed, based on the capacity of available infrastructure such as water, sanitary sewer, storm sewer, street network, police and fire protection.
   4. Whether the property can be reasonably used as currently zoned.
   5. Whether property values in the immediate vicinity might be expected to be diminished as a result of development of the subject property under the proposed zoning classification.

Section ~~20~~21.3 Amendment Process

Requests to amend this ordinance shall be processed in accordance with the following requirements:

A. **Application**. Application forms for amendment requests shall be obtained from the planning director. Completed forms, together with an application fee, plus any additional information the applicant considers pertinent, shall be filed with the planning director. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the form required. Applications shall be accompanied by an application fee as established by the town council. The planning director shall review the application for completeness and, if complete, shall cause notice to be given, in accordance with *Section ~~20~~21.4*, for a public hearing at the next available planning commission meeting.

B. **Recommendation by the planning commission**. All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the planning commission. The planning commission, at its meeting, shall review the application materials, solicit public feedback, and prepare a report, including its recommendation, for transmittal to the town council. The report shall state the reasons for the recommendation that is being submitted to the town council. Any party may appear in person, or be represented by agent or attorney. No member of the planning commission shall participate in a matter in which he/she has any pecuniary or special interest. Following action by the planning commission, all papers and data pertinent to the application shall be transmitted to the town council for final action.

DRAFT 3

C. **Town Council action**. Upon receipt of the planning commission's recommendation, the town council shall hold a public meeting to review the application and shall approve or deny the proposed amendment.
D. **Modification of request**. No change in or departure from the text or maps, as recommended by the planning commission, may be made pursuant to the hearing. Council may, in its discretion, remand such changes to the planning commission for review and recommendation.
E. **Changes to zoning map**. Unless otherwise specified within the enacting ordinance, changes in the official zoning map shall be effective from and after the date upon which the town council gives final approval. Following final action by the town council, the planning director will make, or cause to be made, any necessary changes to the official zoning map. Such changes shall be made as soon as practicable. A written record of the type and date of such change shall be maintained by the town clerk.

Section ~~20~~21.4 Public Hearing

A. At least 15 days' notice of the time and place of the public hearing shall be given in a newspaper of general circulation in the Town of Fort Mill.
B. In cases involving rezoning of specific lots or parcels of property, conspicuous notice shall be posted on or adjacent to the property affected at least 15 days in advance of the public hearing, with at least one (1) such notice being visible from each public thoroughfare that abuts the property.
C. If any individual or group has expressed an interest in being informed of zoning proceedings, notice of such meetings shall be mailed to these individuals and groups.
D. If a landowner whose land is the subject of a proposed amendment is allowed to present oral or written comments to the planning commission, at least 10 days' notice and an opportunity to comment in the same manner must be given to other interested members of the public, including owners of adjoining property.
E. An owner of adjoining land or his representative has standing to bring an action contesting the ordinance or amendment; however, this subsection does not create any new substantive right in any party.
F. No challenge to the adequacy of notice or to the validity of a regulation or map, or amendment to it, whether enacted before or after the effective date of this section, may be made more than 60 days after the decision of the town council if there has been substantial compliance with the notice requirements of this section or with established procedures of the town council or planning commission.

DRAFT 3

Enactment Provisions

Article XXII

DRAFT 3

Fort Mill Unified Development Ordinance

Section ~~21~~22.1 Repeal of Ordinances

A. The repeal of any language within the ordinance, or any expiration by virtue of any provision contained within the ordinance, shall not affect any right accrued, any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the regulation expired.
B. When any language which repealed another shall itself be repealed, the previous language shall not be revived without being approved as a text amendment to this ordinance, as detailed in *Article ~~20~~21*.

Section ~~21~~22.2 Severability

It is hereby declared to be the intention of the council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections, since the same would have been enacted by the town council without the incorporation in this code of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section ~~21~~22.3 Enactment and Effective Date

A public hearing having been held as required by the S.C. Code of Laws, Sections 6-29-710, et. seq., as amended, and all other relevant laws of the state of South Carolina, the provisions of this ordinance are hereby adopted, and shall take effect on the _____ day of _____, 2016.

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Part V
Subdivision Regulations

V

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DRAFT 3

Subdivision Purpose and Procedures

Article XXIII

DRAFT 3

Fort Mill Unified Development Ordinance

Section ~~22~~23.1 Scope and Purpose

A. **Authority.** These land development regulations are adopted pursuant to authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code 1976 §§ 6-29-1110 et seq. (1994 Supp.), as amended.

B. **Jurisdiction.** These regulations shall apply to all subdivisions of land, as defined in *Appendix A*, located within the incorporated areas of the Town of Fort Mill.

C. **Purpose.** The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within the municipalities of the state. In furtherance of this general intent, the regulation of land development by municipalities is authorized for the following purposes, among others, as stated in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code 1976 § 6-29-1120, as amended:

1. To encourage the development of economically sound and stable municipalities;
2. To assure the timely provision of required roads, utilities, and other facilities and services to new land developments;
3. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
4. To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and
5. To assure, in general, the wise and timely development of new areas, or redevelopment of areas in harmony with the town's comprehensive plan.

D. **Official Filing of Regulations.** Upon the effective date of this ordinance, no subdivision plat for any land within the established subdivision jurisdiction unless exempted below shall be filed with or recorded by the county clerk of court until such plat has been submitted to and approved according to the procedures set forth in this ordinance.

E. **Application of Regulations.** No street or other public way or land shall be accepted or maintained; nor shall any municipal water lines, sewerage, electricity, gas, street lighting or similar improvements be extended or connected; nor shall any permits be issued by any department of the Town of Fort Mill for construction of a building or other improvement in any subdivision established hereafter which does not meet the requirements set forth in this ordinance.

F. **Effect of Plat Approval by Planning Commission on Dedications.** The approval of a plat by the planning commission shall not be deemed to constitute or effect an acceptance by the governing body of the dedication of any street or other ground shown upon the plat.

Section ~~22~~23.2 Subdivision Types and Approval Authorities

A. **Exempt Subdivisions.** The following types of subdivisions are exempt from the planning commission review process outlined in this article. Exempt subdivisions are those that meet any one (1) of the following conditions:

1. The combination or recombination or portions of previously platted lots where the total number of lots is not increased and the resultant lots comply with the requirements of this ordinance.
2. The division of land into parcels of five (5) acres or more where no new street is involved.
3. Minor amendments to mixed use developments, provided such authority is delegated to the planning director under the development conditions approved by the town council.

B. **Minor Subdivisions.** Minor subdivisions are land developments that consist of subdividing a parcel of land into five (5) lots or less, provided:

1. All resulting lots meet the minimum frontage requirement on a public or private street;

DRAFT 3

2. The subdivisions does not involve the platting, construction or opening of new streets, or improvements to existing streets;
3. Such subdivisions shall comply with all requirements of these regulations; and
4. The subject land has not been previously subdivided within two (2) years.

C. **Major Subdivisions.** Major subdivisions are land developments that consist of subdividing a tract or parcel of land into six (6) or more lots and do not meet the criteria for exempt or minor subdivision review.

D. **Authorities.** Subdivision review and approval authorities are outlined in *Table ~~22~~23-2*.

~~**Table 22-2 Authority Matrix**~~

Table 23-2, Authority Matrix

Type	Planning Director	Engineer	Attorney	Planning Commission	Town Council
Exempt	Approve				
Minor Subdivision Sketch Plan	Approve				
Minor Subdivision Final Plat	Approve				
Major Subdivision Sketch Plan	Review	Review		Approve	
Major Subdivision Preliminary Plat	Review	Review		Approve	
Major Subdivision Construction Plans	Approve	Review			
Major Subdivision Surety	Approve	Review	Review		
Major Subdivision Final Plat	Review	Review	Review	Approve	
Major Subdivision Dedication	Review	Review	Review		Approve

DRAFT 3

Section ~~22~~23.3 Exempt Subdivisions

A. **Approval Process.** Exempt subdivisions shall be reviewed and approved by the planning director.

B. **Final Plat.** Final plat submittal requirements, contents and certificates are included in *Section ~~22~~23.6 D.*

Section ~~22~~23.4 Minor Subdivisions

A. **Approval Process.** The procedure for review and approval of minor subdivision plats shall consist of the following steps:

1. Administrative review of a sketch plan.

2. Planning commission review and approval of a final plat.

B. **Sketch Plans.**

1. Prior to filing an application for final plat approval, the subdivider or his representative shall submit a sketch plan of the proposed subdivision and schedule a meeting with the Planning director.
2. At a meeting, the subdivider or his representative shall present the plan for the new subdivision, seek the advice and assistance of the planning director, and become familiar with the regulations governing the subdivision of land.
3. Sketch plan submittal requirements and contents are included in *Section ~~22~~23.6 A.*

C. **Final Plat.**

1. The planning director shall ensure the application complies with the applicable requirements of the subdivision regulations and shall review the final plat in accordance with the content required by *Section ~~22~~23.6 D.*
2. The subdivider shall submit one (1) final plat on vellum, film, or linen, and one (1) digital version in PDF format, and three (3) or more dark line prints to the secretary of the planning commission at least 14 days prior to the regularly scheduled meeting of the commission at which the plat is to be considered for final approval.
3. Final plat submittal requirements and contents are included in *Section ~~22~~23.6 D.*
4. Planning Director Action.

   a. *Review*. During review of the final plat, the planning director shall check the final plat against the requirements and standards of this ordinance.
   b. *Timeframe*. The planning director shall approve or disapprove the final plat within 60 days after it has been submitted for final approval unless stipulation for additional time is agreed to by the subdivider and the planning commission. Approval and the date thereof shall be shown on the plat over the signature of the planning director. If no action is taken by the planning director at the end of 60 days after submission or within the agreed time, the plat shall be deemed to have been approved.
   c. *Disapproval*. If the final plat is disapproved by the planning director, the grounds for such action shall be stated in writing. The reasons for disapproval shall refer specifically to those parts of the general plan or ordinance or regulation with which the plat does not conform. One copy of the reasons for disapproval shall be retained in the records of the planning department, and another shall be given to the subdivider for resubmission.

Section ~~22~~23.5 Major Subdivisions

A. **Approval Process.**

1. The procedure for review and approval of major subdivision plats shall consist of the following steps:

   a. Review of sketch plan.
   b. Review and approval of preliminary plat.
   c. Review and approval of construction plans.
   d. Construction or review of surety:

      i. Inspection and approval of site improvements and review and approval of maintenance guarantee; or
      ii. Review and approval of and approval of a surety.

   e. Review and approval of final plat.
   f. If the final plat is approved before installation of site improvements, inspection and approval of site improvements and review and approval of maintenance guarantee;

DRAFT 3

2. Steps a, b, and c shall be completed prior to making any street improvements or installing any utilities. Steps a, b, c, d.i or d.ii, and e shall be completed prior to the sale of any lots within the proposed subdivision.

B. **Sketch Plans.**

1. Prior to filing an application for preliminary plat approval, the subdivider or his/her representative shall submit a sketch plan of the proposed subdivision to the planning director. This plan shall be presented at a regular meeting of the planning commission.
2. Sketch plans shall be submitted in complete form and shall include the required information and contents outlined in *Section ~~22~~23.6 A.*

C. **Preliminary Plats.**

1. The subdivider shall prepare a preliminary plat for submission to the planning commission. Four or more copies of the preliminary plat and of any supplemental material required shall be submitted to the secretary of the planning commission not less than 14 days prior to the planning commission meeting at which the plat is to be considered. The town council may establish a fee for preliminary plat reviews to cover administrative costs associated with review and approval. The amount of such fee shall be established by the town council during adoption of the annual budget ordinance.
2. Preliminary plats shall be submitted in complete form and shall include the required information and contents outlined in *Section ~~22~~23.6 B.*
3. Planning Commission Action.
   a. *Review*. The planning commission shall review the preliminary plat against the requirements and standards of the UDO. The planning director shall prepare a review checklist to assist the planning commission during its review.
   b. *Timeframe*. The planning commission shall review and shall tentatively approve, approve conditionally, or disapprove the preliminary plat within 60 days of the date of its presentation by the applicant. If no action is taken by the planning commission at the end of 60 days after presentation, the preliminary plat shall be automatically approved.
   c. *Notice of hearing*. Notice of the time and place of the planning commission review shall be provided to the subdivider.
   d. *Consultation of public officials*. Before taking final action on the preliminary plat, the planning commission shall refer copies of the plat and attachments to those public officials and agencies which are concerned with new development, including the directors of departments responsible for streets, water, storm drainage, and sanitary sewerage, the building official, the county health department, and the district engineer of the state department of highways and public transportation, for their review and recommendations.
   e. *Preliminary approval*. If the preliminary plat is found to conform to all of the requirements of the subdivision regulations and this unified development ordinance, preliminary approval shall be given by the planning commission. Approval shall be noted in the minutes and copies signed by the planning director. One copy shall be retained by the planning commission; another shall be given to the subdivider.
   f. *Disapproval or conditional approval*. If the preliminary plat is disapproved or approved conditionally, the reasons for disapproval or any conditions required shall be stated in writing and signed by the chairperson of the planning commission. The reasons for disapproval shall refer specifically to those parts of the general plan or ordinance or regulation with which the plat does not conform. One copy of the reasons shall be retained in the records of the commission; another shall be given to the subdivider. On conditional approval the commission may require the subdivider to resubmit the preliminary plat with all recommended changes before approving the plat.

DRAFT 3

g. *Approval or disapproval public record*. A record of all actions on all land development plans and subdivision plats with the grounds for approval or disapproval and any conditions attached to the action taken must be maintained as a public record. In addition, the developer must be notified in writing of the actions taken.

D. **Development Plans.**

1. Upon approval of a preliminary plat, development plans shall be reviewed administratively in accordance with *Section 14.2 A*.
2. Development plans shall be submitted in complete form and shall include the required information and contents outlined in *Section ~~22~~23.6 C*.
3. Upon approval of the development plans, the subdivider may proceed with the installation of or arrangements for required improvements in accordance with the provisions of *Section ~~23~~24.2 C*, prior to proceeding with preparation of a final plat.

E. **Final Plat.**

1. The final plat of the proposed subdivision shall be submitted to the planning commission for final approval within 24 months of the date on which the preliminary plat was approved. If not submitted for final approval within such time, the preliminary plat shall be considered as having been disapproved, unless the commission agrees to an extension of time.
2. Before submitting the final plat for review, the subdivider shall have installed all required improvements or shall have filed a bond in accordance with the provisions of *Section ~~23~~24.2 D*.
3. The subdivider shall submit one final plat on vellum, film, or linen and three or more dark line prints to the secretary of the planning commission at least 14 days prior to the regularly scheduled meeting of the commission at which the plat is to be considered for final approval. At the same time there shall be submitted one set of the proposed plans and specifications for all improvements and the proposed protective covenants.
4. Final plats shall be submitted in complete form and include the required information and contents outlined in *Section ~~22~~23.6 D*.
5. Planning Commission Action.

   a. *Review*. During review of the final plat, the planning commission shall check the final plat against the preliminary plat, subdivision regulations and all other applicable provisions of this ordinance. The planning director shall prepare a written final review checklist for use by the planning commission in its review of the final plat. The town may appoint an engineer or surveyor to check the accuracy of the subdivision layout and the final plat. If substantial errors are found, the cost of checking the plat shall be charged to the subdivider. If no substantial errors are found, the town will pay the engineer/surveyor.
   b. *Timeframe*. The planning commission shall approve or disapprove the final plat within 60 days after it has been submitted for final approval unless stipulation for additional time is agreed to by the subdivider and the planning commission. Approval and the date thereof shall be shown on the plat over the signature of the planning commission chairperson and two other members of the commission. If no action is taken by the commission at the end of 60 days after submission or within the agreed time, the plat shall be deemed to have been approved.
   c. *Disapproval*. If the final plat is disapproved by the planning commission, the grounds for such action shall be stated in writing. The reasons for disapproval shall refer specifically to those parts of the general plan or ordinance or regulation with which the plat does not conform. One copy of the reasons for disapproval shall be retained in the records of the planning commission, and another shall be given to the subdivider for resubmission.

Section ~~22~~23.6 Submittal Requirements

A. **Sketch Plan.** The sketch plan shall include the following information:

DRAFT 3

1. Total acreage in the tract to be divided;
2. Tentative street and lot arrangement;
3. Approximate rights-of-way, easements, and lot lines;
4. Average lot areas and approximate number of lots;
5. Existing and proposed uses of land throughout the subdivision;
6. Zoning classification, if any; and
7. A vicinity map which shows the relationship between the proposed subdivision and the surrounding area at a scale of at least one inch equals 1,000 feet.

B. **Preliminary Plat.** The preliminary plat shall be prepared by a registered surveyor. The plat shall be drawn to a scale of one inch equals 100 feet or one inch equals 50 feet, and shall contain or be accompanied by the following information:

1. General Information.

   a. Names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property;
   b. Boundaries of the tract to be subdivided with all bearings and distances indicated; and
   c. Existing zoning classification of the tract, if any.

2. Existing Site Data.

   a. Town limits lines, property lines, rights-of-way, easements, streets, railroads, bridges, and buildings;
   b. Utilities transmission lines, storm sewers, ditches and culverts, sanitary sewers and water mains, including information on both size, equipment, and location;
   c. Wooded areas, marshes, ponds, and watercourses including a tree survey, as required in ~~*Section ***;*~~*Article XI;*
   d. Contours, showing the topography of the site at a vertical interval of five feet by the planning commission; and
   e. Areas subject to flooding, accompanied by 100-year high water elevation, if available.

3. Proposed Site Data.

   a. Street rights-of-way, cul-de-sacs, pavement widths, grades, and street names (street profiles and cross sections) shall be provided when required by the planning commission;
   b. Preliminary plans prepared by an engineer for sanitary sewers, storm sewers, water, showing connections to existing systems or proposals for developing new water supply, storm drainage, fire hydrants, and sewage disposal systems (storm and sanitary sewer profiles, cross sections and sizes shall be provided when required by the planning commission);
   c. Other easements and rights-of-way including location, dimensions, and purposes;
   d. Contour changes to be made by grading;
   e. A plan to control erosion and storm runoff during construction so as to prevent damage to adjacent properties and minimize the sedimentation of stream beds and the destruction of natural drainage areas;
   f. Lot lines, lot dimensions, lot and block numbers, and minimum building setback lines along street rights-of-way and rear and side property lines;
   g. Parks, school sites, and other public areas on the site, if any; and
   h. Areas to be used for purposes other than residential and public, if any, with the purpose, location, and dimensions of each indicated.

4. Other Information.

   a. Name of subdivision and surveyor or engineer;
   b. Name and address of owners and developers;
   c. Date of survey and plat preparation, north point, graphic scale;
   d. Surveyor's certificate of accuracy;

DRAFT 3

e. Site data: total acreage in tract, total acreage covered by plat, acreage in the street right-of-way, area covered by lots and common area, acreage in public or other land usage, average lot size, total number of lots, linear feet in streets; acreage of undevelopable land; relevant water bodies; any other acreage information that comprises the total amount of land in the plat;
f. Tax parcel number(s) of land to be developed;
g. Developer shall address future drainage demands and areas of potential concern which may arise when the subdivision is completely developed; and
h. Other supplemental materials, any protective covenants proposed for the subdivision and any other information considered by either the subdivider or the planning commission to be pertinent to the review of the preliminary plat.

C. **Construction Plans.** Construction plans shall be prepared by a register engineer. The plans shall contain the following details and information:

1. Existing Site Data.

a. Town limits lines, property lines, rights-of-way, easements, streets, railroads, bridges, and buildings;
b. Utilities transmission lines, storm sewers, ditches and culverts, sanitary sewers and water mains, including information on both size, equipment, and location;
c. Wooded areas, marshes, ponds, and watercourses;
d. Contours, showing the topography of the site at a vertical interval of two (2) feet; and
e. Areas subject to flooding, accompanied by high water elevation, if available.

2. Proposed Site Data.

a. Final street rights-of-way, profiles, cross-sections, pavement widths, grades, and street names;
b. Final plans and calculations prepared by an engineer for sanitary sewers, storm sewers, water, electricity, and gas lines, showing connections to existing systems or proposals for developing new water supply, storm drainage, and sewage disposal systems (storm and sanitary sewer profiles, cross sections and sizes);
c. Other easements and rights-of-way including location, dimensions, and purposes;
d. Contour changes to be made by grading at two (2) foot intervals;
e. A stormwater and sediment control plan;
f. Lot lines, lot dimensions, lot and block numbers, and minimum building setback lines along street rights-of-way and rear and side property lines;
g. Parks, school sites, and other public areas, if any; and
h. Areas to be used for purposes other than residential and public within the site, if any, with the purpose, location, and dimensions of each indicated.

3. Other Information.

a. Name of subdivision;
b. Name and seal engineer of record;
c. Name and address of owners and developers;
d. Date of plan, north point, graphic scale; and
e. Tract parcel numbers for parent tract;
f. The names and contact information of the relevant home owners association or property owners association;
g. Site data: total acreage in tract, acreage in public or other land usage, average lot size, total number of lots, linear feet in streets.

D. **Final Plat.** The preliminary plat shall be prepared by a registered surveyor. The plat shall be prepared in accordance with the following requirements:

DRAFT 3

1. Survey Data.
   a. Exact boundaries of the tract to be subdivided, the error of closure shall be at least 1:10,000;
   b. Names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property;
   c. Accurate location and description of all monuments, markers, and control points;
   d. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way, easement line and setback line, including linear dimensions, bearings of deflection angles, tangents, radii, arcs, chords, and central angles. All dimensions shall be measured to the nearest 1/100 of a foot and all angles to the nearest minute; and
   e. The error of linear closure for lots shall be at least 1:5,000.
2. Site Data.
   a. All rights-of-way, easements, and areas to be dedicated to public use with the purpose of each stated;
   b. Areas to be used for purposes other than residential and public, if any, with the purpose, location, and dimensions of each indicated;
   c. Lot and block numbers, street names;
   d. Such cross sections and profiles of streets as may be required by the planning commission; and
   e. Such plans for water mains, sanitary sewers and storm sewers, showing sizes, cross sections and profiles, as required by the planning commission.
3. Other Information.
   a. Name of subdivision, owner and surveyor;
   b. Date of survey and plat preparation, north arrow, graphic scale;
   c. Tract parcel number(s) for parent tract;
   d. Deed restrictions proposed for the subdivision, if any;
   e. Homeowner's Association/Property Owner's Association, if applicable; and
   f. Any other information considered by either the subdivider or the planning commission to be pertinent to the review of the final plat.

E. **Information Waiver.** Specific requirements of submittals for administrative or planning commission review may be waived by the respective authority where it is determined that such information is not applicable to the subject request.

Section ~~22~~23.7 Filing and Recording

A. **Filing**. After final approval the subdivider shall file the original approved final plat with certificates with the county clerk of court. The subdivider shall provide the planning director with at least one dark line copy and one digital copy in a PDF format thereof.
B. **Timeframe**. The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time. The final plat shall be filed in the office of the county clerk of court within 90 days unless an extension is requested.

Section ~~22~~23.8 Amendments to Subdivision Approvals

A. **Minor Amendments.** Minor amendments to an approval final plat shall be reviewed by the planning director for approval. Minor amendments include modifications that are not considered major amendments.
B. **Major Amendments.** Major amendments to an approved final plat following approval shall require the Applicant to resubmit the subdivision plan. The following shall be considered major amendments:

DRAFT 3

1. An increase in the number of lots;
2. Significant modification to the basic layout of the street system or non-motorized transportation system, such as removal of a connection, realignment of the street network, or change in the type or widths of streets or public rights-of-way;
3. A reduction of more than 10 percent of total open space or five (5) percent of usable open space on the site; or
4. Substantive removal or dilution of features or amenities that were essential elements of the approved subdivision plan.
5. A modification to any condition of approval.

DRAFT 3

Requirements and Specifications

Article XXIV

DRAFT 3

Fort Mill Unified Development Ordinance

Section ~~23~~24.1 Design Requirements

A. **Minimum Requirements.**

1. Requirements. The following design standards shall be considered minimum requirements; however, higher standards are to be encouraged in subdivision design.
2. Purpose. Subdivision design should carry out the purpose of the comprehensive plan and this article may exceed the minimum requirements.

B. **Streets.** The following design standards are for streets:

1. Thoroughfare Plans.
   a. Arterial and collector streets shall be in conformance with the South Carolina Department of Transportation specifications or the Town of Fort Mill specifications, whichever is more restrictive.
   b. Where any portion of a subdivision lies within the proposed right-of-way of any major arterial or collector street as shown on the comprehensive plan or in the Corridor Overlay areas, as depicted on the zoning map, the street shall respect the location and width required.
2. Public Streets. All streets shall be public streets and shall be opened to the exterior property lines of the subdivision, unless permanently terminated by a vehicular turnaround or an intersection with another street.
3. Connectivity and Continuation of Adjoining Streets.
   a. Roadways proposed within a new development shall be interconnected and shall connect with adjacent, external streets, to provide multiple routes for pedestrian and vehicle trips from, to, and within the development unless environmental constraints make it infeasible.
   b. Where a street connection is not practical, a non-motorized connection should be provided, if practical, or planned at regular intervals.
   c. Proposed streets shall be coordinated with the street system in the surrounding area and, where possible, provide for the continuation of principal streets.
   d. Proposed private streets must be designed to meet the applicable standards for public streets, as established by the Town of Fort Mill or SCDOT.
4. Reserve Strips. Reserve strips controlling access to streets shall be prohibited except where their control is placed with the town under conditions approved by the planning commission or if maintained as dedicated common area within the development.
5. Minor Streets. Minor streets shall be laid out so that their use by through traffic will be discouraged. Where possible, T intersections should be used to discourage traffic and ensure safety.
6. Frontage Roads. Where a subdivision abuts or contains an existing or proposed arterial street, the planning commission may require frontage roads, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
7. Intersections. Alley intersections and sharp changes in alignment should be avoided, but where necessary, the curve radius shall permit safe vehicular movement and provide safe access for emergency vehicles.
8. Dead Ends and Cul-De-Sacs. Dead-end streets and cul-de-sacs shall not be included in plans unless the planning commission approves a modification to accommodate a site-specific environmental or existing physical feature and/or no other alternative block structure is practicable. Cul-de-sacs shall only be permitted where all other street design alternatives, such as loop street or close street designs, are not feasible.
   a. Cul-de-sacs shall include pedestrian connections to abutting streets wherever practicable.

DRAFT 3

b. The length of a dead-end roadway shall not exceed 150 feet as measured from the face of curb or edge of pavement when no curb is present without the provision of a turnaround unless otherwise warranted for emergency access.
c. The length of a roadway ending in a cul-de-sac shall not exceed 1,200 feet, as measured from the center of the closest intersection to the center of the cul-de-sac bulb or other approved turnaround.

9. Private Street Acceptance.

a. *Purpose*. The town council may consider requests from property owners to accept one or more privately owned streets into the Town of Fort Mill Street Maintenance System for public ownership and maintenance. Only streets which have been accepted by Town Council may added to the town's Street Maintenance System. For the purpose of this policy, a "street" shall include all public infrastructure located within a public right-of-way, including, but not limited to: travel lanes, curb and gutter, drainage and sidewalks, as well as planting strips, planted medians and street trees, which may be subject to a maintenance agreement between the Town and the applicant.
b. *Street Acceptance Policy*. All streets which are offered for acceptance shall be subject to the Street Maintenance Policy. The Street Maintenance Policy shall be adopted by a resolution of Town Council, and may be updated from time to time by a subsequent Council resolution. The Street Acceptance Policy shall include, at a minimum, the eligibility requirements, application procedures, and the review, inspection and approval process for all streets offered to the town for public ownership and maintenance.
c. *Maintenance Liability Period*. All streets accepted by town council shall be subject to a Maintenance Liability Period, the length of which shall be established in the Street Acceptance Policy. The Maintenance Liability Period shall commence immediately following a positive vote by town council to accept the street(s) into the Town of Fort Mill Street Maintenance System. During the Maintenance Liability Period, the applicant shall bear all costs related to maintaining and repairing all street(s) contained within the application, and shall correct any defects or discrepancies that arise during the warranty period. A surety bond or letter of credit equal to 25 percent of the engineer's cost estimate or total construction value (including labor) shall be provided by the applicant and held by the town for the duration of the Maintenance Liability Period, plus 90 days. In the event the applicant fails to make the required repairs during the Maintenance Liability Period, the bond or letter of credit will be drawn down by the town in order to complete the repairs, and any additional costs in excess of the bond or letter of credit amount, if required, shall be the responsibility of the applicant.
d. *Street Inspection Fee*. All applications for street acceptance shall be subject to a one-time street inspection fee. The street inspection fee shall be $2.00 per linear foot. In subsequent budget years, the street inspection fee shall be established by town council during adoption of the annual budget ordinance.

C. **Easements.** The follow standards apply to easements:

1. Utility. Where alleys are not provided, easements not less than ten-feet wide, shall be dedicated along and parallel to the front lot line for both public and private underground and aboveground utilities. A five- (5)-foot easement alongside lot lines of individual lots may be required where necessary, for use by public and private utilities. Easements shall be provided on developers' property and not adjacent property owned by persons or groups other than the developer.
2. Walkways. Pedestrian easements or walkways shall be provided through the interior of blocks in blocks greater than 1,200 feet in length, where such easements are needed. Pedestrian easements shall be at least ten10-feet wide and shall be laid out alongside of rear property lines.
3. Drainage. Where a subdivision is traversed by a watercourse, drainage channel or stream, there shall be provided a right-of-way for drainage and public utility purposes, conforming

DRAFT 3

substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate to carry stormwater through and from the area for the purpose of protecting the area from flooding or overflow. Parallel streets may be required in connection with drainage easements.

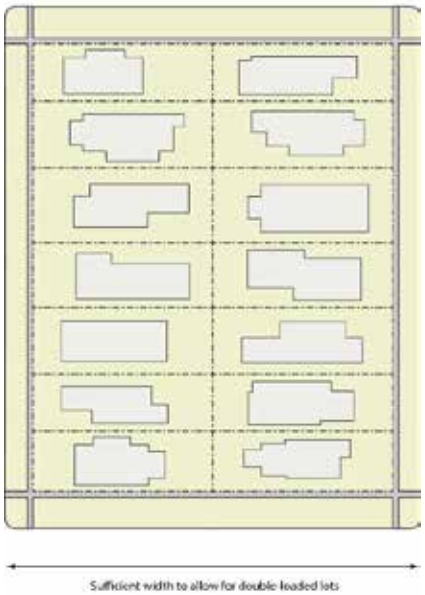
4. Maintenance. The town will maintain only those easements, rights-of-way and public sites which it accepts for maintenance.

D. **Blocks.**

1. General Design. The lengths, widths and shapes of blocks shall be determined with due regard for the following:

   a. *Building Sites*. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
   b. *Zoning*. Zoning requirements as to sizes and dimensions.
   c. *Topography*. Limitations and opportunities of topography.

2. Length. Blocks for residential use shall not be longer than 1,200 feet, and shall not be less than 500 feet in length, measured along the centerline of the block, unless due to unusual circumstances, longer blocks are approved by the planning commission.
3. Mid-Block Crossing. The planning commission require pedestrian crosswalks in conjunction with traffic calming measures near the center of blocks longer than 1,200 feet, or in any case to facilitate pedestrian circulation to a school, park, recreation area, shopping center or other significant site.
4. Width. Blocks used for residential purposes should be of sufficient width to allow for double-loaded lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.



E. **Lots.**

1. General Design. Lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. All lots shall conform to zoning requirements and the following requirements.
2. Buildable Lots. Each proposed lot shall be determined by the review authority to be "buildable" if it contains at least one building site that can accommodate a structure in compliance with all applicable provisions of this ordinance.
3. Access. Every lot shall have access to a public or private roadway. Subdivision design shall provide for safe and ready access for fire and other emergency equipment and for routes of escape to safely and efficiently handle evacuations.
4. Lot Configuration. The layout of proposed lots and roadways shall be designed to use land efficiently and minimize site disturbance.
5. Width. Residential lots shall be not less than the district minimums in width at the front setback, except that a corner lot shall have additional width to accommodate the side yard setback requirements.
6. Side Lot Lines. Side lot lines should be approximately at right angles to street lines or radial on curved streets, except where, due to topographic conditions, the planning commission approves some other arrangements.

DRAFT 3

7. Lot Area. No lot shall be created which has an area less than that specified for the zoning district in which the lot is located.
8. Commercial and Industrial Lots. Commercial and industrial sites and lots shall be of appropriate size and arrangement to provide for adequate building area, open space, and off-street parking and loading facilities necessary for the intended use and according to the minimum requirements of this ordinance.
9. Double Frontage. Double frontage and reverse frontage lots should be generally avoided except where they are needed to provide for the separation of development from traffic arteries or to overcome specific disadvantages of topography and orientation. Any alley opposite of a street fronting lot line does not constitute a parallel street and through lot.

F. **Setbacks.** In residential subdivisions the minimum setback from the street right-of-way line or property line, whichever is applicable, shall be 35 feet or as designated in the zoning ordinance.
G. **Public Site and Open Spaces.** Where a proposed municipal park, playground, school or other public use shown in the comprehensive plan is located in whole or in part in a subdivision, the planning commission may require the reservation of such area for a period not exceeding 90 days from the date of approval of the preliminary plat, to give the public body concerned opportunity to acquire such site.
H. **Area Subject to Flooding.** A plat of a proposed subdivision submitted to the planning commission for approval which contains lands subject to flooding shall have such areas delineated as being subject to flooding. A lot within the 100-year floodplain shall not be approved.

Section ~~23~~24.2 Required Improvements

A. **Plat Approval Conditional on Installation.** Final plat approval shall be according to the Town of Fort Mill dedication policy and will not be given until the subdivider has installed the required improvements or has guaranteed by posting cash, letter of credit or surety bond in accordance with *Section ~~23~~24.2 C* to the satisfaction of the town that such improvements will be installed. One set of as-built plans and specifications for water, sewer, and drainage facilities, certified by a registered engineer shall be filed with the town prior to acceptance by the governing body of any improvements installed by the subdivider. The following improvements are required: survey reference markers, grading and street improvements, water system, sanitary sewer system, storm sewers and drainage.
B. **Survey Reference Markers.**

1. Monuments. At least one corner of each subdivision shall be designated by course and distance (tie) from a readily discernible reference marker. Monuments shall be placed at all control corners and at all other locations where needed; no point within any subdivision shall be more than 500 feet from a monument. Such monuments shall be made of concrete or stone, shall be at least 36 inches long, shall be at least four inches in diameter or square, shall be sunk vertically in the ground until the top is approximately four inches above the finished grade, and shall have a metal plate in the top to indicate the purpose of the monument and the survey point.
2. Markers. Iron markers shall be set at all lot and property corners and at all other survey points not marked by monuments. Such markers shall be set at points of curve, points of tangency, reference points, points of intersection, etc. Survey markers shall be at least 20 inches long, shall be at least three-fourths inches in diameter, and shall be sunk vertically into the ground until the top is approximately four inches above the finished grade, except in sidewalks, streets, and other similar surfaces where the markers shall be flush with such surface.

C. **Performance Guarantee**.

1. In lieu of completion of the improvements required in this article, streets, sidewalks (when required), water system, sanitary sewerage system, storm sewers and drainage and street signs, the planning commission shall require the subdivider to file a surety bond, certified check, irrevocable letter of credit, cash, or other instrument readily convertible to cash to ensure the

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actual construction of such improvements according to the plans and specifications filed with the commission.

2. The surety must be in an amount equal to at least 125 percent of the cost of the improvement. The surety must be in favor of the local government to ensure that, in the event of default by the developer, funds will be used to install the required improvements at the expense of the developer.

D. **Oversized Improvements Cost Sharing.** Whenever a subdivision contains streets, water mains, or sewer mains that are larger than those required to serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of the improvement required to serve the subdivision, as determined by the town council in accordance with its adopted policy. The balance of the cost will be borne by the unit of government which is responsible for constructing the facility, unless other arrangements are agreed to.

E. **Grading.**

1. All subdivision grading shall be done in such a manner as to preserve natural vegetation and topographic features. Wholesale permanent removal of topsoil from subdivision areas, other than those to be paved, shall not be permitted. Where extensive grading is required, the topsoil shall be removed and piled near the site until rough grading is completed, after which the topsoil shall be spread over the portions of the site which are not to be paved. When grading is completed, the topography will generally agree with the contour changes shown and approved on the preliminary plat. Seeding, strawing, staking, and/or other means necessary to prevent erosion shall be completed.
2. All contractors, homeowners or agents desiring to clear at least 15 percent or more of any lot will be required to obtain a grading permit and to maintain necessary erosion controls to prevent additional water from flowing into the streets or adjacent property. Erosion control measures will include, but not be limited to, the installation of sediment basins, traps and fences, installation of construction entrances as specified by the town; installation of driveway culverts; and the construction of perimeter erosion controls in all areas of land disturbing activities.

F. **Streets.** The subdivider of any subdivision designed to be used for residential, commercial, industrial, or other purposes shall lay out, grade, install necessary drainage facilities, pave, and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision, in accordance with the specifications of the town, county or state highway department specifications, according to the current manual.

G. **Sidewalks.** The planning commission shall require the subdivider to construct sidewalks within the right-of-way of public streets to connect with existing or proposed sidewalks and in other areas where sidewalks are needed for pedestrian circulation. Sidewalks shall be constructed in accordance with town specifications and standards. Adequate easement shall be set aside to allow for sidewalks on all collector streets and any other streets the planning and zoning commission determines will have a future need for such.

H. **Water System.** Every lot in every subdivision shall be served by the municipal water unless service by another water supplier is required by superseding federal law or agreed to by the town pursuant to state law. Whenever a water main is reasonably accessible, as determined by the planning commission, the subdivider shall install water lines that are sufficient to take care of the demand of the subdivision when it is completely developed. Water lines shall be installed in accordance with town and state department of and environmental control specifications and standards, and shall be of sufficient size to supply water for fire protection. The subdivider shall install fire hydrants so that when fully developed no house will be more than 500 feet from a hydrant.

I. **Sanitary Sewerage System.** Every lot in every subdivision shall be served by the municipal sewer system. The sanitary sewers installed shall be large enough to provide adequate service to every house in the subdivision when it is completely developed. Sanitary sewers shall be installed in

DRAFT 2

accordance with town and state department of health and environmental control specifications and standards.

J. **Storm Sewers and Drainage.**

1. A storm drainage system designed to protect proposed development from flooding based on a 10-year event shall be provided in every subdivision. The system shall be adequate to carry through and from the area all stormwater in its drainage area and shall be installed to town specifications.
2. Where a public storm sewer is reasonably accessible as determined by the planning commission, the subdivider shall connect with such drainage system. The developer shall do all grading and provide all necessary drainage structures to carry the water and to conform with the town standards and specifications.

K. **Street Lighting.** Before the planning commission shall give final approval to a subdivision plat, the subdivider shall submit a street lighting plan developed in conjunction with the electrical utility serving the area. The plan shall be reviewed by planning staff to determine whether the plan meets or exceeds the town standards.

L. **Street Signs.** The subdivider shall place street name signs which meet town specifications at all street intersections.

M. **Electrical and Telephone Service.** Electrical and telephone wires shall be placed underground on the interior of the development site.

~~M.~~N. **Fire Hydrants**. In accordance with the Fort Mill adopted fire code, fire hydrants shall be installed along all subdivision streets. Fire hydrants shall also be installed along those perimeter streets abutting the subdivision and with which any subdivision street intersects. Spacing between hydrants along the perimeter street(s) shall be no less than 500 feet.

DRAFT 3

Administrative Provisions

Article XXV

DRAFT 3

Fort Mill Unified Development Ordinance

Section ~~24~~25.1 Modification

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in the subdivision regulations that would result in substantial hardship or inequity, the planning commission may vary or modify, except as otherwise indicated, requirements of design, but not of procedure or improvements, so that the subdivider may develop his property in a reasonable manner, but so, at the same time, the public welfare is protected and the general intent and spirit of this ordinance is preserved. A "substantial hardship" shall not include financial hardships. Such modification may be granted upon written request of the subdivider stating the reasons for each modification and may be waived by an affirmative vote of two-thirds of the membership of the planning commission. The planning commission does not have the authority to modify or waive any other spatial, dimensional or zoning requirement in the ordinance.

Section ~~24~~25.2 Conditions of Modification

In granting variations and modifications, the planning commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Section ~~24~~25.3 Interpretation of Boundaries

Where uncertainty exists with respect to the boundary of the subdivision jurisdiction of the town, the location of such boundary shall be determined by scaling the distance on the official copy of the map.

Section ~~24~~25.4 Amendment

This ordinance may be amended by the town council. Amendments shall be processed in accordance with the procedures of *Article ~~XX~~XXI*.

Section ~~24~~25.5 Appeal

Staff action, to approve or disapprove an exempt subdivision or construction plan may be appealed to the planning commission by any party in interest. The planning commission shall act on the appeal within 60 days and the action of the planning commission is final. An appeal from the decision of the planning commission may be taken to circuit court within 30 days after actual notice of the opinion.

Section ~~24~~25.6 Violations and Penalties

The provisions of *Article 16* shall apply to enforcement, violations and penalties.

DRAFT 3

Part VI
Appendix

VI

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DRAFT 3

Appendix A

Definitions

DRAFT 3

Fort Mill Unified Development Ordinance

Section ~~25~~26.1 Construction of Language

A. The words, terms and phrases used in this ordinance shall have the meaning assigned to them in this article, except where the context clearly indicates a different meaning.
B. The following rules shall apply for construing or interpreting the terms and provisions of this ordinance:

1. Meanings and Intent. All provisions, terms, phrases, and expressions contained in this ordinance shall be construed according to the purpose statements set forth throughout this ordinance. When a specific section of this ordinance gives a different meaning than the general definition provided in this article, the specific section's meaning and application of the term shall control.
2. Headings, Illustrations, and Text. In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.
3. Lists and Examples. Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.
4. Computation of Time. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the town. References to days are calendar days unless otherwise stated.
5. References to Other Regulations/Publications. Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.
6. Delegation of Authority. Any act authorized by this ordinance to be carried out by the administrator may be carried out by a designee of the administrator.
7. Technical and Non-Technical Terms. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
8. Public Officials and Agencies. All public officials, bodies, and agencies to which references are made are those of the Town of Fort Mill, unless otherwise indicated.
9. Mandatory and Discretionary Terms. The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.
10. Conjunctions. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
    a. "And" indicates that all connected items, conditions, provisions or events apply; and
    b. "Or" indicates that one (1) or more of the connected items, conditions, provisions or events apply.
11. Tenses, Plurals, and Gender. Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

Section ~~25~~26.2 Definitions A-B

ACCELERATED EROSION means potentially destructive erosion caused to a large extent by non-naturally occurring (man-made) activities. All references to erosion contained within this document refer to accelerated erosion.

DRAFT 3

ACCESSORY BUILDING means a detached subordinate structure or building, the use of which is incidental to, and customarily associated with, the principal structure and located on the same lot as the principal structure.

ACCESSORY USE: a use of land or building, or a portion thereof, that is subordinate to, and customarily associated with, the principal use.

ACCIDENTAL DISCHARGE means a discharge prohibited by this article into the Town of Fort Mill Stormwater System or receiving waters, which occurs by chance and without planning or consideration prior to occurrence.

ADDITION means a new structure on a site with an existing structure, or a new component to an existing structure, which causes an extension or increase in floor area or height of a building or structure.

ADVERSE IMPACT means a significant negative impact to land, water or associated resources resulting from a land disturbing activity. The negative impact includes increased risk of flooding; degradation of water quality; increased sedimentation; reduced groundwater recharge; negative impacts on aquatic organisms; negative impacts on wildlife and other resources, and threatened public health.

ALLEY means any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION means a horizontal or vertical enlargement of a building or structure or a change to the exterior architectural features of a structure.

ANNUAL EXCEEDENCE PROBABILITY (AEP) means the statistical probability that an event will occur during a 365-day period expressed as a percentage.

APPEAL means a request for review of an administrative official's or decision-making body's interpretation or decision made under this ordinance.

APPLICANT means a person, firm, or governmental agency who executes the necessary forms to obtain approval or a permit for a land disturbing activity.

APPROPRIATE PLAN APPROVAL AGENCY means the stormwater manager, local government, or conservation district that is responsible for review and approval of stormwater management and sediment control plans.

ART, DANCE, OR PHOTOGRAPHY STUDIO OR GALLERY means a work space for artists or artisans including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, dance, vocal or instrumental music, painting, sculpture and writing.

AS-BUILT PLAN means the construction or engineering plans prepared after completion of construction, in such a manner as to accurately identify and depict the location of all on-site improvements including, but is not limited to, all structures, parking facilities, detention/retention area, curbs, gutters, sidewalks, and permitted stormwater management facilities.

BAR means an establishment having as its principal use the serving of beer, wine, or liquor for consumption on the premises. Sandwiches, light meals, snacks, and/or full service meals are available for consumption on the premises but are not the principal use of the establishment.

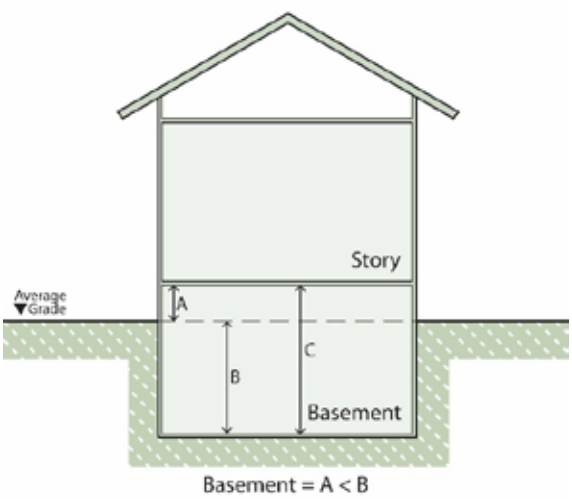
BASEMENT means a portion of a building having more than one-half (½) its height below grade.

DRAFT 3

BED AND BREAKFAST INN means an owner-occupied dwelling in which overnight accommodations and a morning meal are provided to transients for compensation.

BERM means an earthen mound formed to shield undesirable views, decrease noise, or add topographical interest.

BEST MANAGEMENT PRACTICE means a practice, or combination of practices, that is determined to be an effective and practicable, including technological, economic, and institutional considerations, means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.



BLOCK means a parcel or a group of parcels of land entirely surrounded by public or private streets or highways, railroad rights-of-way, alleys, waterways, or by a combination thereof.

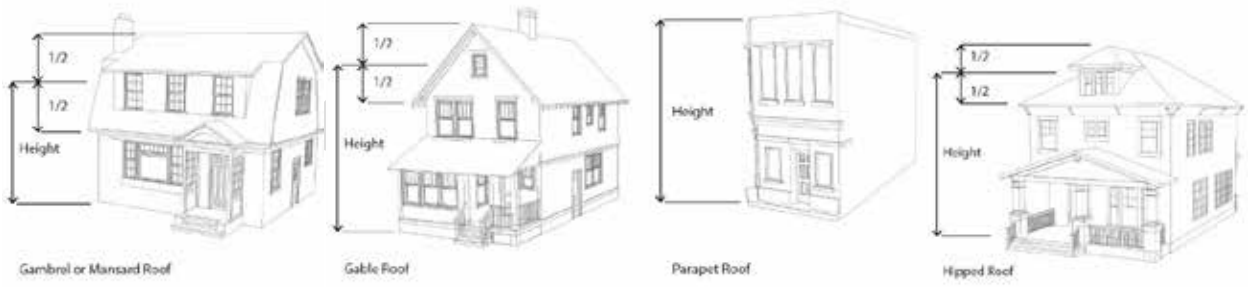
BOARDING HOUSE means a building other than a use classified as "visitor accommodations" where, for compensation and by prearrangement for definite periods, lodging with or without meals are provided for three (3) or more persons.

BUFFER means open spaces, landscaped areas, fences, walls, berms, or any combination used to physically separate or screen one (1) use or property from another or to separate a lake or water course from development.

BUFFER YARD means the designated area used to soften the impact of dissimilar land uses or development on water bodies and provide screening to satisfy the requirements of this ordinance.

BUILDING means any structure having a roof supported by columns or walls and which is designed for shelter, storage, or enclosure of persons, animals, or property of any kind.

BUILDING HEIGHT: the vertical distance of a building measured from the average elevation of the finished grade at the front of the building to the highest point of a flat roof; to the average height between the eaves and ridge line for a gable, hip or gambrel roof; or to the deck line of mansard roofs.



BUSINESS SCHOOL means a specialized instructional establishment that provides on-site training of business, commercial, or trade skills, such as accounting, data processing, and computer repair.

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Section ~~25~~26.4 Definitions C-D

CARETAKER'S RESIDENCE means an accessory use which, due to the nature and operating characteristics of the principal use, may be authorized for residential occupancy to provide security and safekeeping of the principal use.

CASINO OR GAMBLING ESTABLISHMENT means any business, regardless of primary use, having within a single structure the operation for gambling purposes of more than five (5) player stations for machines that are subject to licensing under S.C. Code 1976, § 12-21-2720(A)(3). The term shall also mean any two (2) or more establishments having such machines, regardless of number, and located within 100 feet of each other when the licenses for such establishments are issued to the same person or to a business entity having the same principals.

CERTIFICATE OF APPROPRIATENESS means a document issued by the administrator, following a prescribed review procedure, certifying that the proposed actions by the applicant are found to be acceptable in terms of design criteria relating to the individual property and the preservation district.

CERTIFIED PLAN REVIEWER means a person with the responsibility for reviewing stormwater management and sediment control plans for an appropriate plan approval agency as certified by the Town Manager's designee.

CERTIFIED CONSTRUCTION INSPECTOR means a person with the responsibility for conducting inspections during construction. This person is also responsible for maintenance inspections after the land disturbing activity is completed as certified by the Town Manager's designee.

CHECK CASHING ESTABLISHMENT means a use other than a bank or financial institution that cashes checks, drafts, and money orders for a fee, service charge, or other consideration regulated pursuant to the provisions of Chapter 41 of Title 34 of the SC Code of Laws.

CIVIC CLUB means a membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. Also called a "lodge."

CLEAN WATER ACT means the Federal Water Pollution Control Act, as amended, codified at 33 U.S.C. § 1251 et. seq.

CLUSTER SUBDIVISION means a form of residential subdivision that permits housing units to be grouped on sites or lots with dimensions, frontages, and setbacks reduced from conventional sizes, provided the density of the tract as a whole shall not exceed the density allowed by the district under existing regulations and the remaining land area is devoted to common open space.

COMPREHENSIVE PLAN means the Town of Fort Mill's Comprehensive Plan.

COMMERCIAL VEHICLE means any propelled or non-propelled vehicle, trailer, or semi-trailer designed or used to carry freight, passengers for a fee, or merchandise in the furtherance of any commercial enterprise.

COMMISION means the South Carolina Land Resources Conservation Commission. Critical design-storm period- refers to the time frame in which detention volume must be controlled with the pre-development flow volume as a maximum limit. It assumes a design period for an NRCS (formerly SCS) type II design storm.

COMMON OPEN SPACE means any portion of a development that is not part of a lot or tract and is designed for the common usage of residents, visitors, guests or the general public. May include complementary structures and improvements.

DRAFT 3

COMMUNICATION TOWER, FREESTANDING means a structure erected on the ground and used primarily for the support of broadcast and/or receiving equipment and utilized by commercial, governmental, or other public or quasi-public users. A communication tower does not include private home use of satellite dishes and television antennas or amateur radio operators as licensed by the Federal Communications Commission.

COMMUNICATION TOWER, ROOF-MOUNTED means a structure placed on a building used primarily for the support of broadcast and/or receiving equipment and utilized by commercial, governmental, or other public or quasi-public users. A communication tower does not include private home use of satellite dishes and television antennas or amateur radio operators as licensed by the Federal Communications Commission.

COMMUNITY CENTER means a building to be used as a place of meeting, recreation, or social activity and not operated for profit and in that neither alcoholic beverages nor meals are normally dispensed or consumed.

COMMUNITY GARDEN means a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one (1) person or family.

CONDOMIMIUM means a type of development in which the dwellings, offices, floor area, etc. are owned individually and the structure, common area, and joint facilities are owned by all of the individual owners on a proportional and undivided basis.

CONSERVATION DISTRICT means a government subdivision of the State of South Carolina created pursuant to S.C. Code 1976 tit. 48, Ch. 9, as amended; and soil and water conservation district board means the governing body of the soil and water conservation district.

CONSTRUCTION means any preparation, building, or erection of a structure.

COUNTY means the County of York, South Carolina.

CRAFT BREWERIES, also known as "Micro Breweries", means a facility operated by a manufacturing brewery or brewpub duly licensed by the South Carolina Department of Health and Environmental Control to brew ales, beers, meads, and/or similar beverages within the limits established by the State of South Carolina in section 61-4 of the South Carolina Code of Laws.

CUL-DE-SAC means a street having one (1) end open to traffic and being terminated by a permanent vehicular turnaround.

DAY CARE CENTER (13+ PEOPLE) means a facility, other than a private home, providing care for 13 or more children or adults who do not reside in the facility, are present primarily during daytime hours, do not regularly stay overnight, and that may include some instruction.

> **DAY CARE HOME (SEVEN TO TWELVE PEOPLE)** means a dwelling in which a permanent occupant of the dwelling provides for the care of a minimum of seven (7) and a maximum of 12 children or adults. Those receiving care do not reside on the premises, are not related to the occupant or to each other by blood or marriage, and are not the legal wards or foster children of the attendant adults.
>
> **DAY CARE HOME (SIX OR FEWER PEOPLE)** means a home occupation in which a permanent occupant of the dwelling provides for the care of up to six (6) children or adults. Those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults. Those receiving care and who are not dependents of the occupant do not reside on the site.

DRAFT 3

DIAMETER AT BREAST HEIGHT (DBH) means the diameter of a tree measured at 4.5 feet above the base of the tree. Multi-stem trees are considered one individual tree and each stem must be measured 4.5 feet above the base of the stem and added together to determine the diameter of the multi-stem tree.

DELEGATIONS means the acceptance of responsibility by a Local Government or Conservation District for the implementation of one or more elements of the statewide stormwater management and sediment control program.

DEMOLITION means the razing of any structure, in whole or in part, including its ruin by neglect of maintenance or repairs.

DENSITY means the number of lots or dwelling units per gross acre, including interior street rights-of-way and easements.

DESIGN STORM means a soil conservation service type II, 24-hour duration storm with a specified return interval or as otherwise specified by the stormwater manager.

DESIGNATED WATERSHED means a watershed designated by a local government and approved by the stormwater manager, department of health and environmental control and the South Carolina Water Resources Commission and identified as having an existing or potential stormwater, sediment control, or nonpoint source pollution problem.

DETENTION STRUCTURE means a permanent stormwater management structure whose primary purpose is to store temporarily stormwater runoff and release the stored runoff at controlled rates.

DEVELOPER means any person acting in his own behalf, or as an owner, or as an agent for an owner of property, and (1) who makes application for plan approval and a Disturbance permit under the provisions of this Ordinance or (2) a person undertaking or for whose benefit, activities covered by these regulations are commenced and/or carried out.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to: subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; mining, dredging, grading, paving, excavation or drilling operations; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover.

DIRECT GLARE means the effect causing visual discomfort resulting from insufficiently shielded light sources in the field of view.

DIRECT ILLUMINATION means the center of a beam or main beam angle of a lighting fixture.

DISBURBED AREAS means any area other than that exempted by *Section 15.8* ~~*(c) (2)*~~*B* of exceptions, which is designated for land disturbances. Disturbed area relates only to the amount of land actually disturbed on the parcel and not parcel size and is to be measured cumulatively on the parcel.

DISTRICT means one (1) of any number of continuous and contiguous geographic areas within which the provisions and regulations of this ordinance apply uniformly to each class or kind of structure or land.

DRAINAGE means a general term applied to the removal of surface or subsurface water from a given area either by gravity, natural means, or by systems constructed to remove water and is commonly applied to surface water.

DRAINAGE AREA means that area contributing runoff to a single point.

DWELLING UNIT means a building or portion of a building designed for use and occupancy by one family having permanent provisions for living, sleeping, eating, cooking, and sanitation. A recreational vehicle, vehicle chassis, tent or other transient residential use is not considered a dwelling.

DRAFT 3

DWELLING, GROUP means a dwelling, under the ownership and supervision of a public institution, occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families.

DWELLING, MULTIPLE-FAMILY: a building or portion of a building designed for residential use and containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY ATTACHED: a dwelling designed for occupancy by one (1) family in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

DWELLING, SINGLE-FAMILY DETACHED: a freestanding dwelling unit designed for and occupied exclusively by one (1) family. This term shall not include manufactured homes.

DWELLING, TWO-FAMILY: a detached building designed for and occupied exclusively by two (2) families living independently of each other. May also be referred to as a duplex.

Section~~25~~ 26.5 Definitions E-F

EASEMENT means a grant or reservation made by the owner of a strip or parcel of land for specific purpose to the general public, specific people, or a corporation. The property owner retains ownership and grants perpetual use of a defined portion for a specific purpose.

EMBANKMENT means a raised bank or wall of soil, rock, or other material to support a roadway or hold back water.

ENFORCEMENT AUTHORITY means the stormwater manager or his designee. The stormwater manager may also be referred to as the program manager.

EROSION means the wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.

EROSION, ACCELERATED means potentially destructive erosion caused to a large extent by man-made occurring activities.

EROSION AND SEDIMENT CONTROL means the control of solid material, both mineral and organic, during a land disturbing activity to prevent its transport out of the disturbed area by air, water, gravity, or ice.

EXEMPTION means those land-disturbing activities that are not subject to the sediment and stormwater requirements contained in this ordinance.

EXOTIC ANIMALS means any animal that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad and is as defined by 9 CFR 1.1.

FAMILY means one (1) or more persons, including domestic employees, living together as a single non-transient unit and occupying a single dwelling unit, provided no such family shall contain over five (5) persons, unless all members are related by blood or marriage, but further provided that domestic employees may be housed on the premises.

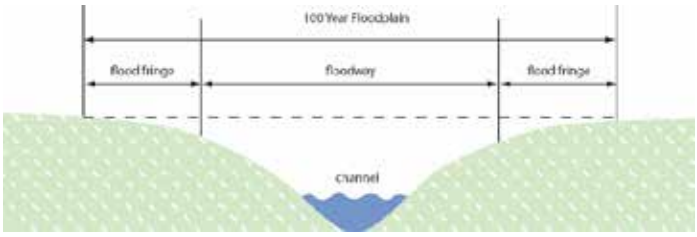
FILL means a deposit of soil, rock or other material placed by humans.

FLOOD means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff or surface waters from any source.

DRAFT 3

FLOOD ELEVATION, BASE (BFE): the highest predicted flood elevation of a stream during the 100-year flood or the one (1%) percent AEP event.

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community on which the Federal Emergency Management Agency has delineated the boundaries of the special flood hazard areas.



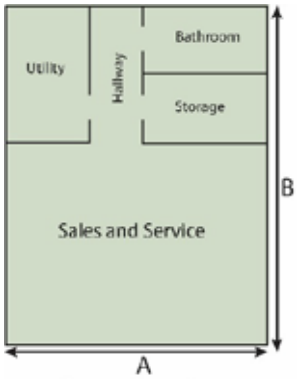
FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood hazard boundary-floodway map and the water surface elevation of the base flood.

FLOODPLAIN: the area adjoining a river, stream, water course, or lake subject to 100-year recurrence interval flood as delineated by the Federal Emergency Management Agency (FEMA). The floodplain includes the stream channel, overbank area or the floodway and the fringe areas of the floodway.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas, the capacity of which shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than the peak flow elevation associated with a pre-development 100-year flood.

FLOODWAY FRINGE means the area between the floodway and the boundary of the 100-year flood.

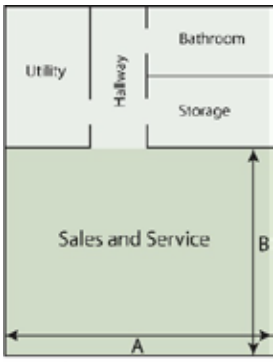


Gross Floor Area
(A x B)

FLOOD LIGHT means any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

FLOOR AREA, GROSS means the total horizontal area of all floors of a building, including interior balconies and mezzanines, measured from the interior faces of the exterior walls of a building.

FLOOR AREA, LIVEABLE: the total area of all floors within a dwelling unit whose height is more than half above the finished grade, having a minimum floor-to-ceiling height of seven and one-half (7½) feet, located on a permanent foundation, wired for electrical service and fully enclosed for year-round use. This term shall not include garages.



Usable Floor Area
(A x B)

FLOOR AREA, USEABLE means the actual occupied area not including unoccupied accessory areas such as corridors, stairways, bathrooms, storage rooms, mechanical/utility rooms and closets.

FOOTPRINT means the area of land surface on the site that will be covered by the planned building. It shall equal the outside dimensions of the structures depicted on the plans used by the builder or contractor.

FRONTAGE means the distance between the side lot lines measured at the street right-of-way.

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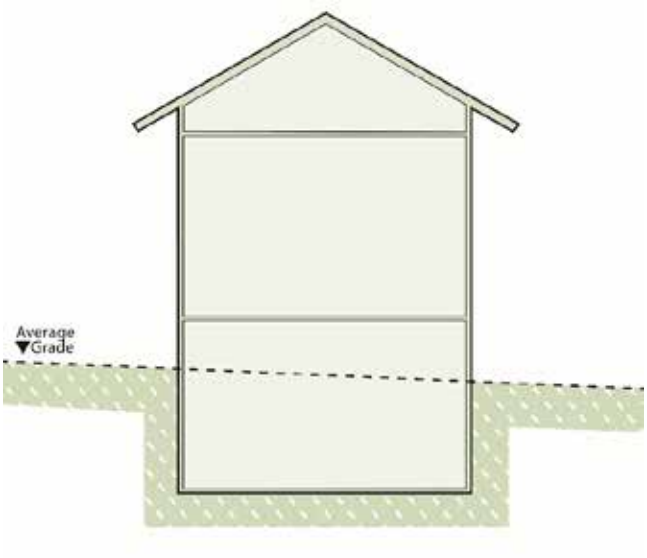
FULL CUTOFF FIXTURE means an outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

Section ~~25~~26.6 Definitions G-H



GRADE: the ground elevation of a site that exists or existed prior to manmade alterations, such as grading, filling or excavating.

GRADE, AVERAGE the mean point between the highest and lowest ground elevation abutting the existing or proposed location of each face of the exterior walls of a building.

GRADE, FINISHED: the final ground elevation of a site after filling, grading or excavating.

GRADING means altering surfaces to specified elevations, dimensions, and/or slopes; including excavating, stripping, cutting, filling, stockpiling, and shaping or any combination.

GROUND COVER means any vegetative growth including trees, stone, gravel or other materials which render the soil surface stable against erosion.

GROUP HOME means an establishment where four (4) or more persons, not regularly employed due to age or disability and not related by blood or marriage to the owner or operator of such an establishment, are lodged, kept or temporarily confined, whether such persons be supported by charity or fees charged therefore, as opposed to a rooming house or boardinghouse.

HEALTH AUTHORITY South Carolina Department of Health and Environmental Control.

HEALTH CLUB OR SPA means a building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities.

HELIPAD/HELIPORT means an area used or intended to be used for the landing and takeoff of helicopters, including operations facilities such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

HERITAGE TREE means any tree located on either public or private property and having a trunk of six (6) to 24 inches in diameter measured at breast height.

HIGHWAY means a street or traffic way serving and designated as a South Carolina or United States route.

HISTORIC TREE means a tree, which, due to its age and stature, is considered to have irreplaceable value, as well as any tree 24 inches in diameter as measured at breast height.

HOME OCCUPATION means an occupation, profession, or trade customarily and commonly carried out by an occupant in a dwelling unit as an accessory use which is clearly incidental and subordinate to the principal residential use.

HOMEOWNERS ASSOCIATION means a private non-profit association organized by the developer or land owners of a residential development in which individual owners share common interests in open

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space and/or facilities and are responsible for preserving, managing, and maintaining the common property and enforcing certain covenants and restrictions.

HOSPITAL means an establishment providing physical or mental health services with overnight accommodations for the sick and injured including as an integral part of the establishment related facilities such as laboratories, outpatient facilities, training facilities, and medical offices.

HOTEL means a building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. A hotel contains a central, internal lobby and provides daily room cleaning and linen changes. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lunges, swimming pools, recreational and fitness facilities and similar amenities intended principally to serve registered guests.

HOUSEHOLD means one (1) or more people living together in a single dwelling unit with common access to and common use of all living and eating areas and facilities for the preparation and serving of food within the dwelling unit.

Section ~~25~~26.7 Definitions I-J

IESNA means the Illuminating Engineering Society of North America.

ILLICIT CONNECTION means a connection to the Town of Fort Mill Stormwater System which results in a discharge that is not composed entirely of stormwater runoff except discharges pursuant to an NPDES permit other than the NPDES permit for the Town of Fort Mill Stormwater System.

ILLICIT DISCHARGE means any activity which results in a discharge to the Town of Fort Mill Stormwater System or receiving waters that is not composed entirely of stormwater except (a) discharge pursuant to an NPDES permit other than the NPDES for the Town of Fort Mill and (b) discharges resulting from the firefighting activities.

IMPLEMENTING AGENCY means the Town of Fort Mill with the responsibility for receiving stormwater management and sediment control plans for review and approval, reviewing plans, issuing permits for land disturbing activities, or conducting inspections and enforcement actions in a specified jurisdiction.

IMPROPER DISPOSAL means any disposal other than through an illicit connection that results in an illicit discharge, including, but not limited to, the disposal of used oil and toxic materials.

INFILTRATION means the passage or movement of water through the soil profile.

JUNK AND SALVAGE YARD means any use involving storage and/or sale of disused, dismantled, or wrecked vehicles, equipment or machinery or the storage or processing of scrap metal, wastepaper, rags, wastes, construction wastes, industrial wastes or other scrap, salvage, waste or junk materials.

Section ~~25~~26.8 Definitions K-L

KENNEL means a facility where four (4) or more dogs, cats, or other animals over three (3) months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed.

LAND means any ground, soil or earth, including marshes, swamps, drainage ways and areas not permanently covered by water within the town.

DRAFT 3

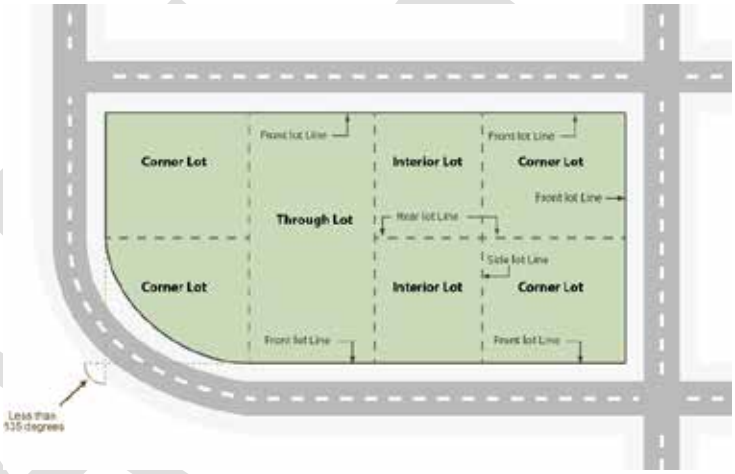
LAND DISTURBANCE PERMIT means a Fort Mill permit issued pursuant to an approved stormwater management and sediment control plan prepared under the provisions of this ordinance. A land disturbance permit is required prior to initiating a land disturbing activity.

LAND DISTURBING ACTIVITY means any use or activity of the land by any person, involving the removal of trees, clearing, grading, excavation, transporting, filling or any other activities which result in a change in the natural cover or to the topography and will cause land to be exposed or cause erosion, contribute to sediment and alter the quality and quantity of stormwater runoff.

LANDSCAPE NURSERY means the growing, storage, and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales.

LANDSCAPE PLAN means a site plan depicting planned locations of trees, shrubs, lawns, and other landscaping that will be established on the site.

LIGHT TRESPASS means the encroachment of light that strays from the intended purpose and becomes an annoyance, a nuisance, loss of privacy, a determent to visual performance to adjacent properties, or other nuisance.



LOCAL GOVERNMENT means any county, municipality, or any combination of counties or municipalities, acting through a joint program pursuant to the provisions of this chapter.

LOT means a parcel of land defined by a legally approved and recorded subdivision plat or by metes and bounds description that has been legally recorded in the office of the county register of means conveyance. "Lot" includes the term "plot."

LOT, CORNER means a lot with at least two (2) contiguous sides abutting the intersection of two streets, forming an interior angle of less than 135 degrees. Also a lot abutting a curved street shall be considered a corner lot if the tangents of the curve, at the points of beginning with the lot or the points of intersection of the side lot lines with the street line, meet at an interior angle of less than 135 degrees.

LOT, FLAG means an interior lot located behind another lot that has a narrow strip of land that runs along one (1) side of the front lot to provide access to the public street. A panhandle or pipe stem lot is considered a flag lot.

LOT OF RECORD means a lot that exists as shown or described on a plat or deed in the records of York County.

LOT, REMNANT means lots below minimum area and width left over after subdividing tracts of land.

LOT, THROUGH means a lot having frontage on two (2) more or less parallel streets. A corner lot shall be considered having double frontage if it has access on three (3) or more sides. Also referred to as a Double Frontage Lot.

LOT WIDTH means the horizontal distance between side lot lines measured at the two (2) points where the required front setback line intersects the side lot lines.

LOWEST FINISHED FLOOR means the lowest finished floor of the lowest enclosed area. An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access, or storage located in an area other than a basement is not considered a building's lowest finished floor; provided, such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

LUMINAIRE means a complete lighting system including a lamp or lamps and a fixture.

Section ~~25~~26.9 Definitions M-N

MAINTENANCE means any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this Ordinance and to prevent structural failure of such facilities.

MANUFACTURED HOME means a structure that is transportable in one (1) or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Mobile Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

MARQUEE means a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building.

MEAN SEA LEVEL means the average height of the sea for all stages of the tide.

MEDICAL FACILITY means a facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, and visitors.

MICRO-BREWERY see “Craft Brewery”

MIXED USE DEVELOPMENT means a development of multiple buildings that blends a combination of residential, commercial, cultural, institutional, and/or industrial uses, where those functions are physically and functionally integrated, and that provides interior connectivity for vehicles and pedestrians.

NATIONAL GEOGETIC VERTICAL DATUM (NGVD) means the reference points established by the National Geodetic Survey based on mean sea level, as correct in 1929.

NATURAL WATERWAYS means waterways, whether seasonal or continuous, that are part of the natural topography, and are characterized as being irregular in cross-section with a meandering course.

NONCONFORMING means a term applied to lots, structures, and uses of land which were lawful before the adoption of this ordinance, or subsequent amendment, but which are prohibited by, or which are not in compliance with, the requirements of this ordinance.

NORTH AMERICAN VERTICAL DATUM (NAVD) means the datum points established at the Pointe-au-Pere on the Saint Lawrence River, Quebec Provence, Canada, based upon the mass or density of the earth. The datum listed as a reference on the community FIRMs and required to be used for elevation certificates and flood-proofing certificates.

NRCS means the National Resources Conservation Service.

NON-EORDIBLE means a material that will not experience surface wear due to natural forces of wind, water, ice, gravity, or a combination of those forces, such as natural rock, rip-rap, concrete, or plastic.

DRAFT 3

NPDES means the National Pollutant Discharge Elimination System.

NPDES PERMIT means the NPDES permit for stormwater discharges issued to the Town of Fort Mill pursuant to the Clean Water Act and the Federal Stormwater Discharge Regulations (40 CFR 122.26).

NON-POINT SOURCE POLLUTION means pollution contained in stormwater runoff from ill-defined, diffuse sources.

Section ~~25~~26.10 Definitions O-P

OPERATOR means the individual who has day-to-day supervision and control of activities occurring at a construction site owner, such as a permit holder, custodian, developer, general contractor, manager, or operator. It is anticipated that at different phases of a construction project, different parties will satisfy the definition of "operator".

ONE HUNDRED YEAR FREQUENCY STORM means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It also may be expressed as the exceedance probability with a 1 percent chance of being equaled or exceeded in any given year.

ORDINARY REPAIR AND MAINTENANCE means any work to correct or prevent any deterioration, damage, or decay of a structure in part of in whole, and to restore the structure, as nearly as may be practicable, to its prior condition using materials which are of a design, color and outer appearance as close as practicable to the original.

OUTDOOR LIGHTING means the night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

OUTDOOR STORAGE LOT means any portion of a site where material or items are stored for a period greater than 24 hours, such as pipes, building materials, lumber, plumbing supplies, damaged vehicles, or salvaged construction equipment.

OUTFALL means the point where the Town of Fort Mill's Stormwater System discharges to waters of the United States.

OWNER means the individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision, any interstate body, or any legal entity, who owns a legal interest in the property or the person in control of the property.

OVERSIZED VEHICLE means any propelled or non-propelled vehicle that exceeds two (2) tons rated capacity, exceeds 85 inches in height, or exceeds 250 inches in length, excluding a recreational vehicle.

PARK means a public area or facility, under the control, operation or management of the town park and recreation authorities or the equivalent state, county or recreation district authorities, which has been designated for active or passive recreational activities and allow the enjoyment of natural features or natural beauty and to be used for recreation, exercise, and/or sports.

PARKING LOT means any area, paved or unpaved, used for egress or ingress or to store or park vehicles. The areas designated for the display of new and used vehicles for sale are not included in this definition.

PARKING STRUCTURE means a structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building, such as parking garages, deck parking, and underground or underbuilding parking areas.

PARKING SPACE, OFF-STREET: a defined space used to park a motor vehicle.

DRAFT 3

PAWN SHOP means a business or use that regularly loans money on the security of pledged tangible personal goods or that purchases such goods on the condition that they may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

PEDESTRIAN PATHWAY means a sidewalk, trail or other facility designated for use by pedestrians. Such facility may also accommodate bicycles, skates, skateboards, other non-motorized vehicles or battery powered golf carts and self-balancing personal transport vehicles.

PERMIT means the authorization necessary to begin a land use activity under the provisions of this ordinance.

PERSON means any individual, partnership, corporation, company, association, syndicate, or any legal entity, whether he, she, or it is acting for himself, herself, or itself or as the servant, employee, agent, or representative of another.

PERSON RESPONSIBLE FOR THE LAND DISTURBING ACTIVITY means:

A. The person who has or represents having financial or operational control over the construction or land disturbing activity; and/or
B. The landowner or person in possession or control of the land who directly or indirectly allowed the land disturbing activity or has benefited from it or who has failed to comply with any provision of the act, these regulations, or any order or local ordinance adopted pursuant to this act as imposes a duty upon him.

PERSONAL SERVICES means an establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include, without limitation: beauty and barbershops, shoe repair shops, watch repair and tailor shops.

PLANNING COMMISSION means the Town of Fort Mill Planning Commission.

PLANNING DIRECTOR means the director of the Town of Fort Mill's Planning Department. The term may also include his/her designee.

PLAT means a map or drawing upon which the subdivider's drawing of the subdivision is presented for approval.

POLLUTANT means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

POLLUTION means the presence in the environment of any substance, such as sewage, sediment, industrial waste, or air contaminant, in any combination, quantity, characteristics and duration as may cause the environment to be contaminated, unclean, noxious, odorous, impure or degraded, or which tends to be injurious to human health or welfare; or which damages property, plant, animal or use of property.

POST-DEVELOPMENT means the conditions which exist following the completion of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of stormwater runoff.

PRE-DEVELOPMENT means the conditions which exist prior to the initiation of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of stormwater runoff.

PREDEVELOPED CONDITIONS means those land use conditions that existed before any development had taken place on the site, when the site was in its natural undisturbed condition.

DRAFT 3

PRELIMINARY PLAT means the preliminary plat of a subdivision submitted pursuant to the subdivision regulations.

PRESCHOOL means a school for children primarily between birth and five (5) years of age.

PRINCIPAL STRUCTURE means the building that contains the main use for which the premises is allowed according to the applicable zoning district.

PRINCIPAL USE means the significant or primary activity carried out within a structure or upon land.

PRIVACY WALL means a continuous visual screen not less than six (6) feet in height. The screen shall be a windowless wall, fence or other type of impenetrable and opaque material that is aesthetically compatible with existing development.

PROPERTY OWNER OF RECORD means the person identified as owner by county tax records.

Section ~~25~~26.11 Definitions Q-R

RAIN GARDEN means a shallow depression that is planted with deep-rooted native plants and grasses. The garden should be positioned near a runoff source like a downspout, driveway or sump pump to capture rainwater runoff and stop the water from reaching the sewer system.

RECEIVING WATERS means the waters into which the Town of Fort Mill's Stormwater System outfalls flow and which are located within the jurisdictional boundaries of the Town of Fort Mill and include, without limitation, the lakes, rivers, streams, ponds, wetlands, and groundwater of the Town of Fort Mill.

RECREATIONAL TRAILS means a way designed for and used by equestrians, pedestrians, and cyclists using non-motorized modes of transportation.

RECREATIONAL VEHICLE: any type of vehicle used temporarily or periodically for recreational or leisure pursuits including, but not limited to, travel trailers, motor homes, boats, special purpose automobiles, floats, rafts, trailers, detachable travel equipment of the type adaptable to light trucks, personal watercraft and other vehicles or equipment of a similar nature, as well as any trailer used to transport them.

RECYCLING DROP-OFF CENTER means a parcel of land on which wastes or used and secondhand materials are bought, sold, exchanged, stored, processed, or handled in preparation for shipment to others who will use these materials to manufacture new products.

REDEVELOPMENT means a land disturbance activity that alters the use of land but does not necessarily alter the pre-development runoff characteristics.

REGISTERED LANDSCAPE ARCHITECT means a person who is registered by the State of South Carolina pursuant to Chapter 28, Title 10, Code of Laws of South Carolina, 1976, as amended.

REGISTERED PROFESSIONAL ENGINEER (P.E.) means a person who is registered by the State of South Carolina pursuant to Chapter 22, Title 40, Code of Laws of South Carolina, 1976, as amended.

REGISTERED TIER 8 LAND SURVEYOR means a person who is registered by the State of South Carolina pursuant to Chapter 22, Title 40, Code of Laws of South Carolina, 1976, as amended.

REGULATION means any regulation, rule or requirement prepared by the town, and adopted by the Fort Mill Town Council pursuant to this chapter.

RELIGIOUS INSTITUTION means a structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are conducted, together with its accessory buildings

DRAFT 3

and uses, and which are operated, maintained, and controlled under the direction of a religious group. Accessory uses may include school facilities, daycares, cemeteries, columbaria, mausoleums, caretaker's housing, pastor's housing, recreational activities, and group living facilities such as convents.

REPETITIVE LOSS means flood-related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the assessed value of the structure before the damage occurred.

RESEARCH LABORATORY means a facility for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESPONSIBLE PERSONNEL means any foreman, superintendent, or similar individual who is the on-site person in charge of land disturbing activities.

RESTAURANT: an establishment whose method of operation involves either the delivery of prepared food by servers to customers seated at tables within a building or prepared food is acquired by customers at a counter or cafeteria line and consumed at tables within a completely enclosed building.

> **RESTAURANT, DRIVE-IN:** an establishment designed to accommodate the ordering and consumption of prepared food and/or beverage in motor vehicles parked on the premises of such establishment.
>
> **RESTAURANT, DRIVE-THROUGH**: an establishment whose method of operation includes both indoor seating to accommodate customers who order at a counter, as well as delivery of prepared food to the customer in a motor vehicle through a drive-through window after orders are placed at a remote menu board.

RETAINING WALL means a wall designed to prevent the lateral displacement of soil or any other material.

RETENTION STRUCTURE means a permanent structure whose primary purpose is to store permanently a given volume stormwater runoff. Release of the given volume is by infiltration and/or evaporation.

RIGHT-OF-WAY means a strip or parcel of land dedicated to public or private use to accommodate a transportation system and necessary public utility infrastructure, such as sewer lines, power lines water lines, and gas lines, and to allow the future maintenance of those systems.

ROADWAY means that portion of a street intended for the use by vehicular traffic.

ROADWAY DRAINAGE SYSTEM means measures, structures, facilities, or practices designed to manage and convey stormwater from streets and roads to roadside ditches, drainage easements and other segments of the stormwater management system.

RUNOFF means that portion of precipitation falling within a watershed basin that results in its flowing over the surface of the ground or collecting in channels or storm sewers. That portion of the precipitation which enters the stormwater management system.

Section ~~25~~26.12 Definitions S-T

SCDOT means the South Carolina Department of Transportation.

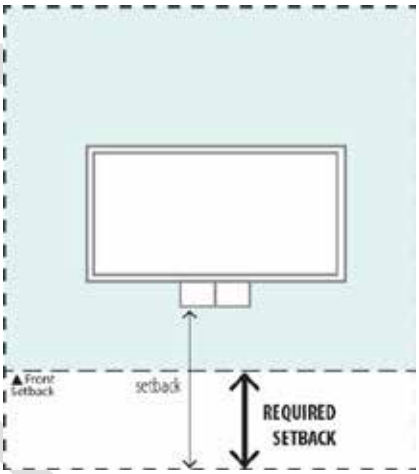
DRAFT 3

SCHOOL, PUBLIC OR PRIVATE means an institution at the elementary, middle, or high school level that provides educational instruction to students. This definition does not include business schools or colleges.

SCREENING means any constructed wall, fence, building or living plant material used for the purpose of visually or functionally separating adjacent land uses as required by this ordinance.

SEDIMENT means solid particulate material, both mineral and organic, that has been or is being transported by water, air, ice or gravity from its site of origin.

SEDIMENT CONTROL OFFICER means the individual designated to inspect sites regulated by the Stormwater Management and Sediment Control Ordinance, who is also a certified construction inspector, and who is responsible in part, for the enforcement of the regulations imposed by said ordinance.



SEDIMENT CONTROL PLAN means a plans for the control of soil erosion and sedimentation resulting from land disturbing activity.

SEDIMENTATION means the process or action which operates at or near the surface of the ground that deposits sediment, soils, debris, and other materials either on other ground surfaces or in water channels.

SELF-SERVICE STORAGE FACILITY means a building or group of buildings divided into sections for storage of personal items, either temporarily or long-term, also called "mini-warehouse."

SEMI-CUTOFF FIXTURE means an outdoor light fixture shielded or constructed in such a manner that it emits no more than five (5) percent of its light above the horizontal plane of the fixture and no more than 20 percent of its light 10 degrees below the horizontal plane of the fixture.

SETBACK means the distance between front, side, or rear lot lines and the building or buildings located on that lot.

SETBACK, REQUIRED means the minimum distance by which any building or structure shall be separated from a street right-of-way or side or rear lot line in order to meet the minimum requirements of this ordinance.

SEXUALLY ORENTED BUSINESS means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult bath house, adult motel, adult motion picture theater, adult theater, escort service, massage parlor, sexual encounter center, or nude model studio.

> **ADULT ARCADE** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
>
> **ADULT BATH HOUSE** means a commercial establishment which provides adult patrons with such facilities as spas, saunas, swimming pools, spa rooms, spa services, showers, lockers, themed rooms, and other opportunities to engage in sexual activities with other patrons. Admittance is typically, but not always by membership only.

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ADULT BOOKSTORE, NOVELTY STORE, AND VIDEO STORE means a commercial establishment which has as a significant or substantial portion of its stock in trade or derives the majority of its revenues from or devotes a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, of any one (1) or more of the following:

A. Books, magazines, periodicals or other printed matter, or photographs, film, videos, slides or other visual description of specified sexual activities or specified anatomical areas.
B. Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
C. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as an adult bookstore, adult novelty store or adult video store. These other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store as long as one (1) of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.

ADULT CABARET means a nightclub, bar, restaurant, bottle club or similar commercial establishment, without regard to whether or not alcoholic beverages are served, which regularly features:

A. Persons who appear nude or nearly nude; or
B. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
C. Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTEL means a motel, hotel, or similar commercial establishment that:

A. Offers public accommodations, for any form of consideration, and which provides patrons with closed circuit television transmissions, films, videos, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television;
B. Offers a sleeping room for rent for a period of time less than 10 hours; or
C. Allows a tenant or occupant to subrent the sleeping room for a time period of less than 10 hours.

ADULT MOTION PICTURE THEATER means a commercial establishment where films, videos, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

ADULT THEATER means a theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or near nudity or regularly features live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.

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EMPLOYEE means, as used in the context of a sexually oriented business, a person who works for or performs in and/or for a sexually oriented business, regardless of whether or not the person is paid a salary, wage, or other compensation by the operator of the business.

ESCORT SERVICE means a person or business that furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its principal business purposes.

ESTABLISHMENT means, as used in the context of a sexually oriented business, any of the following:

A. The opening or commencement of any such business as a new business;
B. The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this article;
C. The addition of any of the sexually oriented businesses to any other existing sexually oriented business; or
D. The relocation of any such sexually oriented business.

LIVE ENTERTAIMENT a person who appears nude, seminude, or a performance which is characterized by the exposure of "specified sexual activities".

MASSAGE PARLOR means any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with "Specified Sexual Activities" or where any person providing such treatment, manipulation or service related thereto exposes "Specified Anatomical Areas"; provided, this provision shall not apply to a medical doctor, osteopathic physician, chiropractor, or similar medical professional licensed by the State of South Carolina to perform medical procedures on the human body.

NEARLY NUDE means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting belts, strips of cloth, straps or like devices, or a state of dress which leaves exposed a substantial portion of the buttocks so that the effect of achieved by such appearance is approximately the same as viewing nudity.

NUDE MODEL STUDIO means any place where a person who appears nude or nearly nude or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDE, NUDITY, AND STATE OF NUDITY means the appearance of the human bare buttock, anus, male genitals, female genitals or the areola or nipple of the female breast or a state of dress which fails to opaquely and fully cover the human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

PERMITTED OR LICENSED PREMISES means any premises that requires a license and/or permit and that is classified as a sexually oriented business.

PERMITTEE AND LICENSEE means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one (1) of its primary business purposes, offers, for any form of consideration:

A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

DRAFT 3

B. Other activities between persons of the opposite sex or persons of the same sex, or both, when one (1) or more of the persons are likely to be touching, fondling or caressing other persons on the genitals, pubic area, buttocks or female breast in a manner that would stimulate sexual arousal.

SPECIFIED ANATOMICAL AREAS means any of the following:

A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES means any of the following:

A. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts, regardless of whether such areas of the body are covered or not;
B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
C. Masturbation, actual or simulated;
D. Human genitals in a state of sexual stimulation, arousal or tumescence; or
E. Excretory functions as part of or in connection with any of the activities set forth in paragraphs A through D of this definition.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS means the increase in floor areas occupied by the business by more than 25 percent, as the floor areas exist on the effective date of the ordinance from which this division is derived.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS means any of the following:

A. The sale, lease, or sublease of the business.
B. The transfer of securities that constitute a controlling interest in the business, whether by sale, exchange, or similar means.
C. The establishment of a trust, gift or other similar legal devise which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

SHADE TREE means any evergreen or deciduous tree whose mature height can be expected to exceed 35 feet and whose crown spread can be expected to exceed 30 feet according to standards set forth by the American Association of Nurserymen.

SHIELDING means a design feature or a device that is applied to a luminaire to prevent its luminous output from being visible from selected locations or horizontal and/or vertical angles.

SHOPPING CENTER means a group of stores planned, designed and functioning as a unit on the site on which it is built, and which may have one (1) or more common features, such as off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the center.

SHORT-TERM LENDING ESTABLISHMENT means a business or use that regularly assists consumers in finding a lending establishment, other than the broker itself, in consideration of a fee. This definition pertains only to those businesses capped by state law as to the loan amount. This definition is specific to those businesses that perform payday lending or title loan broking.

SHRUBS means self-supporting woody plants, either deciduous or evergreen, with several stems and a normal mature height of three (3) to 20 feet.

SINGLE FAMILY RESIDENCE – SEPARATELY BUILT means a noncommercial dwelling that is occupied exclusively by one family and not part of a residential subdivision development.

DRAFT 3

SIGN means a device designed to inform or attract the attention of or to advertise, promote the interest of, or attract attention to, any business, industry, individual, group, enterprise, public performance, product or cause. The definition of sign includes all the components necessary for its display, including supporting structure, footings, and lighting.

SIGN, ABANDONED means a sign structure that does not have a permanent sign face or pending sign permit application; or, a sign identifying a business activity or firm that is no longer in operation at the location identified by the sign.

SIGN, AWNING means a sign on a structure made of canvas, vinyl, metal, etc., that extends over a door, window or patio and is attached to and does not extend above the wall.

SIGN, BANNER means a sign having copy applied to paper, cloth, vinyl or other similar material with only such non-rigid material for backing.

SIGN, BENCH means a sign located on, and designed as an integral part of, town-approved public transportation shelters and is generally used to rent or lease advertising space.

SIGN, BILLBOARD means a permanent freestanding off-premises sign that is generally rented or leased to advertise, promote or identify products, services, establishments, persons or activities not available on the property on which the billboard is located.

SIGN, BLADE, FEATHER means a freestanding sign typically constructed of a shaft, driven in the ground or standing with supports, with an attached pennant that is vertically elongated and attached to the shaft. Also known as a feather flag.

SIGN, BUSINESS CENTER means a freestanding sign identifying the name of a business center and/or one or more individual businesses, offices and other permitted business uses.

SIGN, CAMPAIGN means a sign expressing support for a candidate for public office or another position regarding a public figure or a public issue relating to an upcoming election or referendum.

SIGN, DILAPIDATED means a sign that the ~~administrator~~planning director has determined is structurally unsound, has defective parts, or is in need of painting or maintenance.

SIGN, EXTENDED ADVERTISING SPACE means the area on outdoor advertising signs that extends beyond the normal rectangular shape of the sign face.

SIGN, FLAG: a piece of fabric or similar material of distinctive color and design, typically rectangular, attachable by one edge to a pole or rope and used as the symbol or emblem of a government entity, institution or organization.

SIGN, FREESTANDING means a sign that is permanently affixed to the ground and is not a part of a building or other structure having another functional purpose.

SIGN, INFLATABLE means a sign that requires air, whether contained or blown, to keep and maintain its shape including tethered balloons and blimps.

SIGN, MONUMENT means a freestanding sign attached to or integrated into a contiguous structural base which horizontal dimensions are equal to, or greater than, the horizontal dimensions of the sign face. Also referred to as a ground sign.

SIGN, MOVABLE means a sign, such as an A-frame, that is moveable by a person without aid of a motor vehicle or other mechanical equipment.

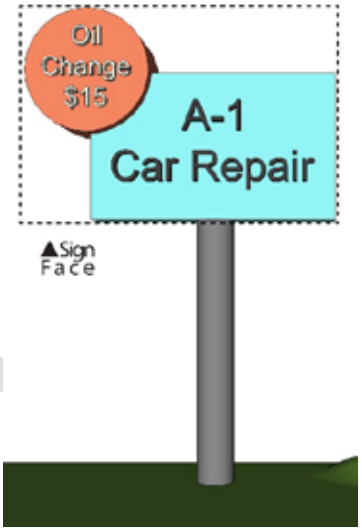
DRAFT 3

SIGN, NONCONFORMING means a sign that does not comply with the provisions of this article, but that was lawful at the time of its installation.

SIGN, OFF-PREMISE means a sign identifying an establishment, goods, product, service, or merchandise or entertainment not located, sold, offered, available or produced on the property upon which the sign is located.

SIGN, PENNANT means any lightweight plastic, fabric, or other material, whether or not containing copy, suspended from a rope, wire or string usually in a series and designed to move in the wind. Strings of lights shall be considered a pennant.

SIGN, PORTABLE means a sign that may be moved from one (1) location to another, is not permanently affixed to the ground, and is differentiated from a movable sign in that it may be equipped for transportation by motor vehicle or other mechanical means. A trailer sign is an example of a portable sign.



SIGN, PROJECTING means a sign that perpendicularly projects 12 inches or more from, and is supported by, a building wall.

SIGN, ROOF means a sign that is erected, constructed or maintained above the roof of any building.

SIGN, SEASONAL USE means a sign for a use that operates only during certain seasons or holidays of the year and is not part of a year-round business. Such uses include, but are not limited to, produce stands, Christmas tree sales, and sales of seasonal sundries.

SIGN, SNIPE means a sign painted on, or fastened to, trees or utility poles located within a public right-of-way or other public property.

SIGN, SUSPENDED means a sign that is suspended from, and supported by, the underside of a horizontal plane surface.

SIGN, TEMPORARY means a sign that is usually made of a relatively lightweight and inexpensive material, is easily moved, and is displayed for a specified period of time.

SIGN, VEHICLE means a sign placed on a stationary or abandoned vehicle parked on any property for the purpose of advertising. This does not include signs placed on vehicles for sale, rent, or lease.

SIGN, V-TYPE means a sign with two (2) sign faces in the shape of a "V" when viewed from above; their faces oriented in different directions; and, the interior angle created by the intersection of the sign faces not exceeding 60 degrees.

SIGN, WALL means a sign painted on, or attached flat and parallel to, the exterior wall or surface of a building or other structure and which projects not more than 12 inches from that wall or surface. A sign located flat on a mansard roof is considered a wall sign.

SIGN, WINDOW means a sign located near, or attached to, the interior of a window and is observable from the exterior of the building.

SIGN, YARD

DRAFT

RIGID FRAME means a temporary sign that is commonly, but not always, supported by wood or metal posts and is designed to be stuck in the ground with the use of equipment. Such signs are typically associated with real estate sales, construction and the like.

WIRE FRAME means a temporary sign that is commonly, but not always, supported by a flexible wire frame and corrugated plastic face, designed to be stuck in the ground without equipment. Such signs are typically associated with home improvement projects, political expression, yard sales, open house events and the like.

SIGN COPY means all words, letters, numbers, figures, characters, artwork, symbols, or insignia that are displayed on a sign face.

SIGN FACE means the area within a regular geometric shape enclosing all copy and blank spaces within the exterior sign frame. Structural supports not bearing information shall not be considered part of the sign face.

SIGN STRUCTURE means that portion of the sign designed to support the loads, forces and combinations thereof encountered without exceeding in any of its structural elements the stresses described in the South Carolina State Building Code.

SKY GLOW means the brightening of the night sky that results from the reflection of radiation scattered in the atmosphere. Sky glow may be natural or man-made, which is attributable to outdoor electric lighting.

SLOPE means the degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

SOIL AND WATER CONSERVATION DISTRICT means a government subdivision of the State of South Carolina created pursuant to S.C. Code 1976 tit. 48, Ch. 9, as amended; and soil and water conservation district board means the governing body of the soil and water conservation district.

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (CDHEC) means a government subdivision of the State of South Carolina which, among other functions, enforces federal and state environmental laws and regulations; issues permits, licenses and certifications for activities that might affect the environment; responds to complaints on environmental activities; inspects permitted entities; responds to environmental emergencies; and conducts environmental education and outreach activities.

SOUTH CAROLINA DHEC STORMWATER MANAGEMENT BMP HANDBOOK means the most recent DHEC manual of design, performance, and review criteria for stormwater management practices.

STABILIZATION means the installation of vegetative or structural measures to establish a soil cover to reduce soil erosion by stormwater runoff, wind, ice, and gravity.

START OF CONSTRUCTION means the first placement of permanent construction of a structure (other than a manufactured home) on a site such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. Permanent construction does not include: installation of streets and/or sidewalks.

STATE means the State of South Carolina.

STOP WORK ORDER means An order directing the person responsible for the land disturbing activity to cease and desist all of any portion of the work which violates the provisions of this act.

STORM

DRAFT 3

STORM, ONE HUNDRED YEAR FREQUENCY means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It also may be expressed as the exceedence probability with a one (1) percent chance of being equaled or exceeded in any given year.

STORM, TEN-YEAR FREQUENCY means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an exceedence probability with a 10 percent chance of being equaled or exceeded in any given year.

STORM, TWENTY-FIVE YEAR FREQUENCY means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 25 years. It also may be expressed as an exceedence probability with a four (4) percent chance of being equaled or exceeded in any given year.

STORM, TWO-YEAR FREQUENCY means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two (2) years. It may also be expressed as an exceedence probability with a 50 percent chance of being equaled or exceeded in any given year.

STORMWATER means the direct runoff response of a watershed to rainfall including the surface and subsurface runoff and any associated material that enters a ditch, stream, or storm sewer during a rainfall event.

STORMWATER ADVISORY COMMITTEE (SWAC) means the SWAG for the Town which was created to review policies, hear appeals and decide on violations, fee credits, service charges and adjustments, evaluate capital and operational programs and budgets, and make recommendations or comments to elected officials regarding the stormwater programs of the Town. SWAC Membership is by nomination and subsequent appointment by the Town Council.

STORMWATER MANAGER means the Town of Fort Mill's Stormwater Supervisor/Engineer or any of that person's duly authorized representatives.

STORMWATER MANAGEMENT, QUANTITATIVE CONTROL means a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater runoff caused by manmade changes to the land.

STORMWATER MANAGEMENT, QUALITATIVE CONTROL means a system of vegetative structural, or other measures that reduce or eliminate pollutants that might otherwise be carried by stormwater runoff.

STORMWATER MANAGEMENT AND SEDIMENT CONTROL PLAN means a set of drawings, other documents, and supporting calculations submitted by a person as a prerequisite to obtaining a permit to undertake a land disturbing activity, which contains all of the information and specifications required by Stormwater Management and Sediment Control of the Town of Fort Mill.

STORMWATER MANAGEMENT SYSTEM means the surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature, and the manmade element, which includes culverts, retention facilities and the stormwater sewer system.

STORMWATER PLAN means stormwater management and sediment control plan required by this ordinance as a requirement for obtaining a land disturbance permit.

DRAFT 3

STORMWATER RUNOFF means the direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm sewer or other concentrated flow during and following precipitation.

STORMWATER SYSTEM, TOWN OF FORT MILL means the conveyance or system of conveyances, including roads with drainage systems, highways, right-of-way, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, storm drains, detention ponds, and other stormwater facilities, which are owned or operated by the Town of Fort Mill, designed or used for collecting or conveying stormwater, not a combined sewer system, and not part of a publicly owned treatment works.

STORMWATER UTILITY means an administrative organization that has been created for the purposes of planning, designing, constructing, and maintaining stormwater management, sediment control and flood control programs and projects.

STORY means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF means a space under a sloping roof that has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished for occupancy. A half story containing independent living quarters shall be counted as a full story.

STREET means a dedicated public thoroughfare designed to provide the principal means of access to abutting property or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.

STREET, ARTERIAL means a major street designed to carry high volumes of through-traffic long distances at relatively high speeds.

STREET, COLLECTOR means a street designed to carry traffic from local streets to arterial streets, as well as to serve as a means of access to traffic generators.

STREET, LOCAL means streets that are designed to provide access to primarily residential areas and relatively short distances of travel.

STREET WIDTH means the shortest distance between the lines delineating the rights-of-way of a street.

STREETSCAPE means a strip of grass-covered ground between sidewalk and curb, often planted with shade trees

STRUCTURAL ALTERATIONS means any change to the supporting members of a building, such as foundation, bearing walls, columns, beams, girders, rafters, etc.

STRUCTURE means anything constructed or erected that requires permanent location on the surface of the land the use of which requires a location on the ground, or attached to something having a location on the ground, including, but not limited to, tennis courts, swimming pools, and buildings.

SUBDIVIDER means any person who proposes to divide land so as to constitute a subdivision.

SUBDIVISION means the division of land into two (2) or more building lots or building sites.

SUBSTANTIAL DAMAGE means damage of any origin including fire, flood, lateral earth movement, war, or wind sustained by a structure where the cost of restoring the structure to its "before-damaged" condition would equal or exceed 50 percent of its before-damage assessed value. For purposes of this

DRAFT 3

ordinance, any structure flooded four (4) or more feet above its lowest finished floor shall be considered "substantially damaged".

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or improvement, the cost of which equals or exceeds 50 percent of the assessed value of the structure before the start of construction of the improvement. This term includes structures that have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not include any project for improvement of a structure to comply with state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

SUGGESTED PLANT LIST means the list of trees, shrubs, and ground covers approved for use in the town for compliance with this ordinance.

SUSPENSION OF OTHER WORK OR STOP WORK ORDER means an unappealable order to immediately cease all construction work and land disturbance other than that necessary to bring the project site into compliance with the Stormwater Management and Sediment Control Plan specifications and until conformance is achieved.

SWALE means a structural measure with a lining of grass, riprap or other materials, which can function as a detention structure and conveys stormwater runoff without causing erosion.

TEMPORARY means a specified period of time for which an activity or use is authorized.

TEN-YEAR FREQUENCY STORM means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an exceedance probability with a 10 percent chance of being equaled or exceeded in any given year.

TOWN means the Town of Fort Mill, South Carolina.

TOWN COUNCIL means the elected officials of the Town of Fort Mill, South Carolina.

TOWN OF FORT MILL STORMWATER SYSTEM means the conveyance or system of conveyances (including roads with drainage systems, highways, right-of-way, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, and other stormwater facilities) which is (a) owned or operated by the Town; (b) designed or used for collecting or conveying stormwater; (c) not a combined sewer system; and (d) not part of a Publicly Owned Treatment Works (POTW).

TOWN MANAGER'S DESIGNEE means the Town's Stormwater Manager or any of that person's duly authorized representatives.

TRACT means an area, parcel, site, piece of land, or property that is the subject of a development proposal and application.

TRADE SCHOOL means a school conducted as a commercial enterprise for teaching professional skills such as instrumental music, dancing, barbering, hairdressing, or industrial skills. Incidental instructional services in conjunction with another primary use shall not be considered a business school.

TRUCK OR FREIGHT TERMINAL means an area and building where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.

DRAFT 3

TWENTY-FIVE YEAR FREQUENCY STORM means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 25 years. It also may be expressed as an exceedance probability with a 4 percent chance of being equaled or exceeded in any given year.

TWO-FIVE YEAR FREQUENCY STORM means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two years. It may also be expressed as an exceedance probability with a 50 percent chance of being equaled or exceeded in any given year.

Section ~~25~~26.13 Definitions U-V

VARIANCE means a grant of relief from the dimensional requirements of this ordinance, based on conditions of the property that pose an unnecessary hardship in complying with the requirements. As it applies to *Article XV*, variance also means the modification of the minimum sediment and stormwater management requirements for specific circumstances where strict adherence to the requirements would result in unnecessary hardship and not fulfill the intent of these regulations.

VEGETATION means all plant growth including trees, shrubs, mosses, and grasses.

VEHICLE REPAIR, MAJOR: general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body and fender work, framework, welding, and painting service.

VEHICLE REPAIR, MINOR: general routine maintenance of vehicles including oil changes and lubrication; servicing and repair of sparkplugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; wheel alignment and balancing; but excluding tire recapping or other repairs defined as “major” in this ordinance.

VETERINARY CLINIC means a facility for the care and treatment of small animals, including household pets. Such facilities may be entirely indoors or may have both indoor and outdoor components.

Section ~~25~~26.14 Definitions W-Z

WAIVER means a grant of relief to an applicant for a specific land disturbing activity from part or all of specific stormwater provisions on a case-by-case basis.

WATERS OF THE STATE (WoS) as defined in the South Carolina Pollution Control Act, Section 48-1 means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction.

WATER QUALITY means the physical, chemical, radiological and biological attributes that affect the suitability of water for agriculture, industry, drinking, recreation, and other uses.

WATER QUANTITY means those characteristics of stormwater runoff that relate to the rate and volume of stormwater runoff to downstream areas resulting from land disturbing activities.

WATERSHED means the drainage area contributing stormwater runoff to a single point.

WATERSHED MASTER PLAN means a plan for a designated watershed that analyzes the impact of existing and future land uses and land disturbing activities in the entire watershed; includes strategies to reduce non-point source pollution, management of stormwater runoff and flood control.

WETLANDS means as defined by the appropriate Federal or State permitting agency.

DRAFT 3

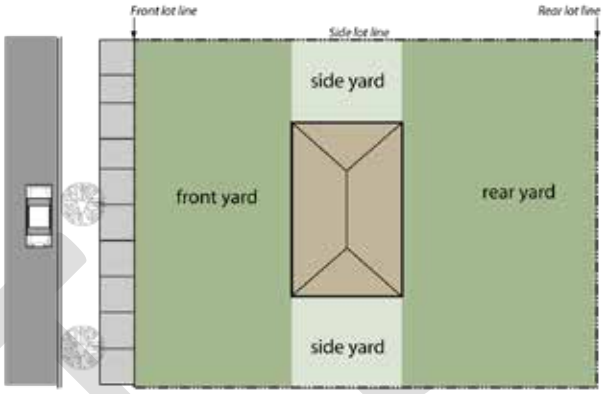
WHOLESALE ESTABLISHMENT means an establishment primarily engaged in selling and distributing merchandise to retailers, industrial, commercial, institutional, or professional business users, or to other wholesalers; and, acting as agents or brokers by buying merchandise for, or selling merchandise to, such individuals or companies.

YARD means an open space at grade between a building and the adjoining lot lines.

YARD, FRONT means an open space between the front of a building and the front lot line, generally adjacent to a street, and extending the full width of the lot.

YARD, REAR means an open space between the rear of a building and the rear lot line and extending the full width of the lot.

YARD, SIDE means an open space between the side of a building and the side lot line extending from the front yard to the rear yard.



ZONING DISTRICT MAP means a map (or maps) that graphically delineate(s) the boundaries of all mapped districts within the corporate boundary of the town.

ZONING ORDINANCE means this ordinance and any other adopted regulations of the Town of Fort Mill pertaining to the development and use of land.

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FORT MILL South Carolina

Appendix B

Table of Uses

DRAFT 3

Fort Mill Unified Development Ordinance

Appendix B Schedule of Uses: All Districts												
	Residential Districts					Commercial Districts			Ind.	Mixed Use Districts		
Use	**R-25**	**R-15**	**R-~~5~~7**	**RT-8**	**RM-~~12~~15**	**LC**	**DC**	**GC**	**LI**	**NMU**	**CMU**	**TOMU**
Agricultural, Food and Animal-Related Uses												
Breweries, distilleries and bottling plants									P			
Food processing plants									C			
Greenhouses/plant nurseries (not including retail sales)									P			
Kennels									C			
Produce and other food product terminals									C			
Commercial Establishments												
Auction houses									P			
Glass sales and service									P			
HVAC sales and service									P			
Machinery and equipment sales and service									P			
Mail order business and fulfillment centers									P			
Sexually oriented businesses									C			
Construction												
Building materials and supply (not including outdoor storage)									P			
Concrete and gravel crushing									P			
Contractor offices and shops (not including outdoor storage)									P			
Landscaping services									P			
Educational												
Schools, commercial or trade									P			
Schools, driving									P			
Training centers									P			
Food, Drink, Entertainment and Hospitality												
Banquet facilities						P	P	P				
Food catering						P	P	P				
Hotel							P	P			P	P
Lodges, clubs and union halls									P			
Micro-brewery						P	P	P		C	P	P
Movie theaters							P	P			C	C
Performance theaters, concert halls							P	P				

Appendix B Schedule of Uses: All Districts												
	Residential Districts					Commercial Districts			Ind.	Mixed Use Districts		
Use	**R-25**	**R-15**	**R-~~5~~7**	**RT-8**	**RM-~~12~~15**	**LC**	**DC**	**GC**	**LI**	**NMU**	**CMU**	**TOMU**
Radio or television broadcast studio						P	P	P				
Restaurants, drive-in						C	C	C				
Restaurants, not including drive-in						P	P	P		P	P	P
Restaurants (freestanding or within multi-tenant building, but not including drive-in)									P			
Taverns and bars						P	P	P	C	C	P	P
Health Care and Social Assistance												
Ambulance service								P				
Hospital and medical centers								P			C	C
Medical, dental or chiropractic office or clinic						C	P	P		P	P	P
Research, development and testing laboratories								P			C	C
Veterinary office, clinic or hospital								C				
Manufacturing												
Manufacturing, compounding, processing, packaging, treating or assembly of previously prepared materials									P			
Building material manufacturing, including milling, planing, and joining									C			
Machine, sheet metal and welding shops									P			
Metal stamping, pressing and buffing									C			
Paint, rust-proofing and rust-coating									C			
Sawmills									C			
Structural and steel fabrication									C			
Tool and die shops									P			
Motor Vehicle Services												
Auto parts and tire stores									P			
Tire retreading									C			
Truck sales (new and used)									C			
Vehicle auctions									C			
Vehicle rental (including truck and trailer)									C			
Vehicle repair, major									C			

Appendix B Schedule of Uses: All Districts												
	Residential Districts					Commercial Districts			Ind.	Mixed Use Districts		
Use	**R-25**	**R-15**	**R-~~5~~7**	**RT-8**	**RM-~~12~~15**	**LC**	**DC**	**GC**	**LI**	**NMU**	**CMU**	**TOMU**
Vehicle repair, minor									P			
Vehicle salvage yards									C			
Vehicle service stations (including truck stops)									C			
Vehicle wash facilities (including truck washes)									C			
Offices, Research and Technology												
Administrative offices									P			
Offices and workshops for engineering, architectural, research and design professionals									P			
Offices for executive, administrative, professional, accounting and other similar professional activities						P	P	P		P	P	P
Radio and television broadcasting studios									P			
Research, development and testing laboratories									P			
Financial and Business Services												
Banks, credit unions and savings & loans, not including check cashing establishments, payday lenders, title loan lenders, deferred presentment lenders, pawnshops and similar lending businesses						P	P	P	P	P	P	P
Check cashing establishments, payday lenders, title loan lenders, deferred presentment lenders, pawnshops and similar lending businesses								C				
Insurance and real estate offices						P	P	P				
Office equipment sales and service							P	P	P		P	P
Printing and photocopying establishments						P	P	P	P	P	P	P
Personal Services												
Barber shop, hair salon or spa						P	P	P		P	P	P
Day care facilities and preschools						P	P	P		P	P	P
Dress maker, tailor						P	P	P		P	P	P

Appendix B Schedule of Uses: All Districts												
	Residential Districts					Commercial Districts			Ind.	Mixed Use Districts		
Use	**R-25**	**R-15**	**R-~~5~~7**	**RT-8**	**RM-~~12~~15**	**LC**	**DC**	**GC**	**LI**	**NMU**	**CMU**	**TOMU**
Dry cleaning, laundry pick-up and laundromat						P	P	P		P	P	P
Jewelry and watch repair						P	P	P		P	P	P
Kennels and pet day care						C		C				
Optician and eyeglasses						P	P	P		P	P	P
Photographic studios						P	P	P		P	P	P
Shoe repair						P	P	P		P	P	P
Small appliance repair						P	P	P		P	P	P
Recreation and Leisure												
Commercial recreation (indoor) such as bowling alleys, roller rinks, arcades								P			C	C
Commercial recreation (outdoor) such as mini-golf, batting cages, go-cart tracks								C			C	
Golf courses/country clubs	C	C	C	C	C			C			P	
Health/fitness clubs and spas						P	P	P		P	P	P
Performing arts, dance or martial arts school or studio						P	P	P		P	P	P
Private noncommercial recreation	C	C	C	C	C	P	P	P		P	P	P
Public parks/playgrounds	P	P	P	P	P	P	P	P		P	P	P
Residential												
Attached single family dwelling				P	P		C			P	P	P
Bed and breakfast	C			C	C	C	C					
Boarding house					C		C					
Detached single family dwelling	P	P	P	P	P					P	P	P
Dwellings on upper floors above businesses							C					
Manufactured home community/subdivision				C	C							
Multiple family dwelling					P		C				P	P
Two family dwelling				P	P		C			P	P	P
Group dwellings					P		C			C	P	P
Public or private care homes					C		C			C	P	P
Retirement community					C						C	C
Public/Quasi-Public												
Armories for meetings and training government military services									P			
Cemeteries	C	C	C	C	C							
Colleges/universities (including student housing)					C		C	C				C

Appendix B Schedule of Uses: All Districts												
	Residential Districts					Commercial Districts			Ind.	Mixed Use Districts		
Use	**R-25**	**R-15**	**R-~~5~~7**	**RT-8**	**RM-~~12~~15**	**LC**	**DC**	**GC**	**LI**	**NMU**	**CMU**	**TOMU**
Correctional facilities									C			
Day care facilities	C	C	C	C	C							
Government buildings and facilities	C	C	C	C	C	C	C	C		P	P	P
Places of worship	C	C	C	C	C	C	C	C		P	P	P
Pre-school nursery			C	C	C							
Power generating plants									C			
Public facilities and services including offices, maintenance facilities, storage yards and utilities									P			
Schools (K-12)	C	C	C	C	C	C	C	C		P	P	P
Solar farms									C			
Solar Installations	C	C	C	C	C	C	C	C	C	C	C	C
Utility substation or subinstallation, incl. water towers	C	C	C	C	C	C	C	C		C	C	C
Wind energy conversion systems (commercial only)									C			
Wireless communication facilities and towers									C			
Retail												
Appliance sales and repair							P	P				
Art gallery or studio						P	P	P		P	P	P
Building and lumber supply, fence material, rental and related construction oriented retail establishments								P			P	
Convenience store						P		P				
Nurseries and greenhouses, including retail sales								P			P	
Shopping centers								P			P	P
Retail establishments such as apparel, antique, variety, florist, gift, notions, music, book, hardware or pharmacies, not exceeding 15,000 sq. ft.						P	P			P		
Retail food establishments which supply groceries, fruit, dairy products, baked goods, confections and similar commodities for consumption off the premises, not exceeding 15,000 sq. ft.						P	P			P		
Retail food establishments which supply groceries,						P	P					

Appendix B Schedule of Uses: All Districts												
	Residential Districts					Commercial Districts			Ind.	Mixed Use Districts		
Use	**R-25**	**R-15**	**R-~~5~~7**	**RT-8**	**RM-~~12~~15**	**LC**	**DC**	**GC**	**LI**	**NMU**	**CMU**	**TOMU**
fruit, dairy products, baked goods, confections and similar commodities for consumption off the premises, not exceeding 50,000 sq. ft. as their principal activity												
Retail establishments whose principal activity is the sale of merchandise within an enclosed building								P			P	P
Services												
Cleaning services									P			
Dry cleaning plants and commercial laundries									C			
Locksmith shops									P			
Pest control services									P			
Tool and equipment rental									P			
Repair shops (non-automotive)									P			
Transportation and Warehousing												
Airports, heliports and helipads									C			
Bus, transit and passenger rail terminals									C			
Cartage, express and parcel delivery facilities									C			
Freight and intermodal terminals									C			
Mini-warehouse or personal storage units									C			
Warehouse and distribution centers									C			
Wholesale businesses									C			
Vehicle Sales, and Service Storage, Contractor's Offices and Related Uses												
Auto parts and tire store								P				
Automobile, trailer, truck, recreational vehicle, boat, manufactured home or motorcycle sales and service								C				
Contractor's offices not exceeding 15,000 sq. ft. of gross floor area and not including outdoor storage								P				
Mini storage facilities								C				

Appendix B Schedule of Uses: All Districts												
	Residential Districts					Commercial Districts			Ind.	Mixed Use Districts		
Use	**R-25**	**R-15**	**R-~~5~~7**	**RT-8**	**RM-~~12~~15**	**LC**	**DC**	**GC**	**LI**	**NMU**	**CMU**	**TOMU**
Vehicle repair, major								C				
Vehicle repair, minor								C				
Vehicle service station								C			C	C
Vehicle wash facility								C			C	
Wholesale and distribution businesses not exceeding 15,000 sq. ft. of gross floor area and not including outdoor storage								P				
Waste Processing and Disposal												
Processing, storage, transfer, disposal or incineration of solid waste, hazardous waste or medical waste									C			
Recycling, collection and/or processing facility (non-hazardous)									P			
Salvage yards									C			
Sanitary landfill									C			
Sewage treatment facilities									C			
Accessory Uses												
Accessory dwelling units	C	C								C	C	C
Accessory uses and structures	P	P	P	P	P	P	P	P		P	P	P
Cafeteria facilities located within a principal use									P			
Child care facilities located within a principal use									P			
Community or neighborhood activity uses such as sales/rental office, fitness center, swimming pool, club house, and off-street parking	P	P	P	P	P							
Corporate offices incidental to the principal use									P			
Drive-in and drive-through facilities for automated teller machines, banks and pharmacies, not including drive-in restaurants						C	C	C		C	C	C
Dwelling unit for watchmen and operating personnel and their families									C			
Home occupations	P	P	P	P	P					C	C	C

Appendix B Schedule of Uses: All Districts												
	Residential Districts					Commercial Districts			Ind.	Mixed Use Districts		
Use	**R-25**	**R-15**	**R-~~5~~7**	**RT-8**	**RM-~~12~~15**	**LC**	**DC**	**GC**	**LI**	**NMU**	**CMU**	**TOMU**
Indoor storage of goods, equipment or materials needed for the conduct of the principal permitted use.						P	P	P				
Outdoor display areas for retail establishments								C			C	
Outdoor seating areas for restaurants, taverns and similar establishments						C	C	P		C	C	C
Outdoor storage related to a principal use									C			
Vehicle wash facilities for trucks and trailers									P			
Wind energy conversion systems (single accessory or commercial)						C	C	C		C	C	C
Wireless communication facilities and towers								C		C	C	C
Other Uses												
Parking structures or surface lots as principal use							C				C	C
Uses of the same nature or class as uses listed in this district but not listed elsewhere in this ordinance, in accordance with the criteria specified in Section***.	P/C											

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Appendix C

Table of Dimensional Requirements

Fort Mill Unified Development Ordinance

DRAFT 2

Appendix C Schedule of Area, Height and Placement Requirements

Requirements		Residential Districts					Commercial Districts			Ind Dist.	Mixed Use Districts		
		R-25	R-15	R-~~5~~7	RT-8	RM-~~12~~15	LC	DC	GC	LI	NMU	CMU	TOMU
Lot Area, Width and Density													
Lot area	Min. SF	20,000	10,000	~~4~~5,000	-	-	10,000	-	20,000	2 acres	5 acres[1]	~~20~~25 acres[1]	~~40~~5 acres[1]
	Ave. SF	25,000	15,000	~~5~~7,000							10 acres	-	-
	Max Area										40 acres		
Lot width	Min. ft.	100	80	40	-	-	50	-	100	200	-	-	-
	Ave. ft.	125	100	50							-	-	-
Density (max. units/ gross acre)	Single-fam det.	1.7	2.9	~~8~~5	8	15	-	28	-	-	5	7	10
	All other residential										8	12	20
Setbacks (minimum ft.)													
Front		50[2]	35[2]	10[2]	-	-	20	[3]	35	50	[4]	[4]	[4]
Rear		50	35	15	-	-	15	-	35	20	[4]	[4]	[4]
Side (interior)		20	10	5	[5]	[5]	10	-	10	20	[4]	[4]	[4]
Side (street)		50	35	~~15~~10	-	-	20	-	35	50	[4]	[4]	[4]
Height and Coverage (maximum)													
Building coverage (%)		30	35	40	45	60	-	-	-	70	-	-	-
Impervious surface		35	40	45	55	70	-	-	-	80	-	-	-

Merged Cells

Merged Cells

[1] Refers to total project area to be developed.

[2] In the R-25, R-15 and R-~~5~~7 Districts, if 40 percent or more of all lots on one side of a street between two intersecting streets contain a principal building, the minimum required front yard setback shall be the average of the front yards established by the principal building located on lots on the same side of the street within the same block that are within 200 feet in each direction from the subject property (not including corner lots where the front setback is on the intersecting street). However, if this average results in a setback that is greater than the established front yard setbacks on both lots adjacent to the subject property, the required setback shall be the average of the established setback of the two adjacent lots.

[3] There shall be a build-to zone within which the front wall of the building shall be erected. The build-to zone will be an area extending the width of the lot from the front property line and no further than 10 feet from the front property line.

[4] Minimum setbacks shall not be applied to individual lots within the development; provided, all greenbelt and buffer requirements specified in *Article XI* shall apply to property abutting the perimeter of the mixed use development and any public street.

[5] Minimum 25 ft. between ends of contiguous buildings within a development.

Appendix C Schedule of Area, Height and Placement Requirements												
Requirements	**Residential Districts**					**Commercial Districts**			**Ind Dist.**	**Mixed Use Districts**		
	R-25	**R-15**	**R-~~5~~7**	**RT-8**	**RM-~~12~~15**	**LC**	**DC**	**GC**	**LI**	**NMU**	**CMU**	**TOMU**
coverage (%)												
Height (ft./stories)	35/2½	35/2½	35/2½	35/2½	35/2½	35/2½	48/4[6]	35/2½[7]	3/45	(min) 35/3 (max)	22/1 (min) ~~48/4~~7 2/6 (max)	22/2 (min) ~~84/7~~7 2/6 (max)
Floor Area Ratio (max)	-	-	-	-	-	-	-	-	-	.5[8]	1.0[8]	2.5[8]
Minimum Open Space	-	-	-	-	-	-	-	-	-	10[9]	20[9]	~~28~~[9]20[9]
Floor Area (minimum sq. ft.)												
Total	-	-	-	-	-	-	[10]	-	-	15,000 (max gross leasable area/individual business) 30,000 (max gross floor area/multi-tenant building)	-	-
Ground level	-	-	-	-	-	-	-	-	-	-	-	-
One-bedroom	-	-	-	750[11]	750[11]	-	-	-	-	-	-	-

[6] Within the DC district, a minimum height shall be required equal to the average height of the existing structures adjacent to and on each side of the proposed structure. If an existing structure is not found on each side of the proposed structure, the minimum height shall be the average of all structures on the same side of the street and within 200 feet on each side of the proposed structure.

[7] The maximum height for buildings located within 1,500 feet of the Interstate 77 right-of-way may exceed the maximum height limitation for the district: provided, all portions of the structure exceeding the maximum height limit shall be stepped back an additional one (1) foot from the adjoining property line for each one (1) foot in excess of the maximum height limit.

[8] The ratio of total building floor area divided by total land area~~.~~ for the total project area.

[9] Required open space may include the following if generally accessible to all users of the mixed use development: parks, landscaped buffer areas, lakes, rooftop gardens, plazas, town squares, playgrounds and recreation areas, outdoor sports facilities, surface easements for drainage facilities and pedestrian walkways or paths; provided, the requirements of *Section 6.4 A* shall be met. Within the TOMU District, the open space requirement may be reduced, if the district is located within 1,320 feet of a public park, greenway or similar dedicated open space area that satisfies the intent of the open space requirement and is available to residents of the mixed use development.

[10] Minimum requirements for the RM-~~12~~15 zoning district, as specified in *Table 3-3*, shall apply.

[11] Applies to two-family, attached single family and multiple family dwellings.

Appendix C Schedule of Area, Height and Placement Requirements												
Requirements	**Residential Districts**					**Commercial Districts**			**Ind Dist.**	**Mixed Use Districts**		
	R-25	**R-15**	**R-~~5~~7**	**RT-8**	**RM-~~12~~15**	**LC**	**DC**	**GC**	**LI**	**NMU**	**CMU**	**TOMU**
Two-bedroom	-	-	-	900[11]	900[11]	-	-	-	-	-	-	-
Three-bedroom	-	-	-	1,050[11]	1,050[11]	-	-	-	-	-	-	-
Additional bedrooms > 3	-	-	-	150/addl. bedroom[11]	150/addl. bedroom[11]	-	-	-	-	-	-	-
Non-residential (maximum)[12]	-	-	-	-	-	15,000 per individ. bus. & 30,000 per bldg. containing mult. bus.	-	-	-	-	-	-

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[12] Any existing retail building or collection of buildings lawfully in existence prior to the adoption of this ordinance may be rebuilt, altered or repaired, provided that the total footprint of any new building or buildings may not exceed the total combined square footage of the building or buildings being replaced. In instances where the planning commission determines that a proposed building or collection of buildings constructed, altered or repaired under the provisions of this paragraph contain enhanced and/or exemplary architectural design elements as outlined in *Article XIII*, the commission shall be authorized to grant an additional square footage allowance of up to 10 percent.