

ZONING ORDINANCE

FOOTNOTE(S):

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Editor's note— Printed herein is the Zoning Ordinance of Fort Mill, South Carolina as adopted by Ord. No. 69-50, §§ I—XVI, adopted July 3, 1967, and since revised in October 1983 and March 1991. The zoning ordinance is set out herein as enacted. Amendments to the Zoning Ordinance are indicated by a parenthetical history note following amended provisions. Obvious misspellings have been corrected without notation for stylistic purposes, a uniform system of headings and catchlines have been used. Additions made for clarity are indicated by brackets.

ARTICLE I. - IN GENERAL

Sec. 1. - Definitions.

Rules of interpretation  The following rules shall apply for construing or interpreting the terms and provisions of this ordinance.

Meanings and intent. All provisions, terms, phrases, and expressions contained in this ordinance shall be construed according to the general purposes set forth in section 19-1.3 and the specific 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 19-11, the specific section's meaning and application of the term shall control.**

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.

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.

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.

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.

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.

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.

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.

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.

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 or more of the connected items, conditions, provisions or events apply.

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.

Accessory use. A use of land or building (or a portion thereof) that is subordinate to, and customarily associated with, the principal use.

Accessory structure. A detached subordinate structure the use of which is incidental to, and customarily associated with, the principal structure and located on the same lot as the principal structure.

Addition. 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.

Administrator. The person or persons designated by the town manager to interpret, implement, and enforce all or portions of this ordinance.

Alley. A street designed to accommodate a maximum ADT of 200 vehicles with access limited to the rear or side of properties otherwise abutting a street.

Alteration. Any horizontal or vertical enlargement of a building or structure or a change to the exterior architectural features of a structure.

Annual exceedence probability (AEP). The statistical probability that an event will occur during a 365-day period expressed as a percentage.

Appeal. A request for review of an administrative official's or decision-making body's interpretation or decision made under this ordinance.

Applicant. The land owner of record or a person, business or organization having rights in contract in a subject property or their designated representative.

Art, dance, or photography studio or gallery. 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. This definition includes galleries for the display of visual arts but does not include theaters.

Artisan production establishment. The use of land, confined within an enclosed building, engaged in the design and production by carving, painting, casting, or assembling of component parts of finished products which are: (1) customarily used in residences, offices, restaurants, or retail establishments; (2) intended to have an aesthetic and artistic appeal in addition to a functional use; and, (3) produced either one-at-a-time or in small lots. The use may include a show room and retail sales of the products. The use does not emit vibrations, noises, odors, or dangerous gases.

As-built plan. The construction plans with any field changes identified and shown on the plan.

Automobile parts store. The use of any land area for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

Automobile rental and sales. Premises on which new or used passenger automobiles, trailers, or trucks in operating condition are displayed for sale, lease, or rental.

Automobile repair. General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body and fender work, framework, welding, and painting service.

Automobile servicing. The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission, or differential; and oil change and lubrication.

Automobile tire store. The use of any land area for the display, sale, and installation of new or used tires for automobiles, trailers, or trucks.

Automobile wash and detailing. The use of a site for washing, cleaning, and detailing of passenger vehicles, recreational vehicles, or other light duty equipment.

Bank or financial institution. An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. This classification includes automated teller machines (ATM's) but does not include check-cashing facilities and bail bond brokers.

Banner. A sign having copy applied to paper, cloth, vinyl or other similar material with only such non-rigid material for backing.

Bar. 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.

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as either the "100-year flood" or the "1% AEP."

Base flood elevation (BFE). The highest predicted flood elevation of a stream during the 100-year flood or the 1% AEP event.

Basement. A story having not less than one-half its height below grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for business or dwelling purposes.

Bed and breakfast inn. An owner-occupied dwelling having ten or fewer guest rooms where overnight accommodations and a morning meal are provided to transients for compensation.

Berm. An earthen mound formed to shield undesirable views, decrease noise, or add topographical interest.

Bingo halls. A facility wholly enclosed in a building that offers bingo (or other similar games of skill) to the general public for a fee for entertainment.

Blank masking. The portion of a sign face without copy.

Block. A parcel or group of parcels of land entirely surrounded by public or private streets or alleys.

Boardinghouse. A building other than a use classified as "visitor accommodations" where, for compensation and by prearrangement for definite periods, lodging or lodging and meals are provided for three or more persons.

Bodily fluid collection establishment. A business or other use that pays compensation for the collection of blood or other bodily fluids. Blood donation establishments and sites, such as the American Red Cross, are not included in this definition.

Body piercing. The creation of an opening in the body of a human being so as to create a permanent hole for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear, lip, tongue, nose, or eyebrow, but does not include piercing an ear lobe with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear lobe.

Buffer. Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another.

Buffer yard. The designated area used to soften the impact of dissimilar land uses and provide screening to satisfy the requirements of this ordinance.

Building. 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 setback line. A line establishing the minimum allowable distance between the nearest portion of any building and the property line when measured parallel thereto.

Business school. A specialized instructional establishment that provides on-site training of business, commercial, or trade skills, such as accounting, data processing, and computer repair.

Caretaker's residence. 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. Any business, regardless of primary use, having within a single structure the operation for gambling purposes of more than five 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 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.

Cemetery, columbarium, mausoleum. A place used for the internment of human or animal remains or cremated remains, including a cemetery for earth internments, a columbarium for cinerary internments, a mausoleum for vault internments, or a combination thereof.

Certificate of appropriateness. 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.

Check cashing establishment. 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. 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. There are no sleeping facilities. Also called "lodge." This definition shall not include fraternities or sororities.

Cluster subdivision. 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.

College or university. An institution other than a business/vocational school that provides full-time or part-time education beyond high school.

Columbarium. See "cemetery, columbarium, mausoleum."

Comprehensive plan. The Town of Fort Mill's Comprehensive Plan, developed by the planning commission and adopted by the town council intended to guide the physical development of the town, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Commercial message. Any wording, logo, or other representation that directly or indirectly names, advertises, or directs attention to business operations (profit or nonprofit), or to a product, service, sale or sales event, or to any other commercial interest or activity.

Commercial vehicle. Any propelled or non-propelled vehicle designed **or used for commercial purposes**.

Common open space. Land and/or water within or related to a **cluster residential development**, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development or the public which may contain such accessory structures and improvements as are necessary and appropriate for recreational purposes and utilities. **A condition of the cluster residential development approval shall be that common open space may not be further subdivided.**

Communication tower, freestanding. 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. 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. 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. A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

Community park. See "park, community."

Condominium. 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.

Construction. Any preparation, building, or erection of a structure.

Contractor's materials. Wholesaling, retailing, or rental of building supplies or equipment. This use type includes lumberyards, tool and equipment sales or rental establishments, and building contractor's yards.

Contractor's office with on-site storage. A room or group of rooms used for conducting the affairs of business for a builder, contractor, subcontractor, or similar that includes storage facilities on the premises.

Convenience store. A general retail store that sells goods and services and that may include the sale of ready-to-eat food products (not intended for on-premises consumption), gasoline, groceries, and sundries.

Copy. All words, letters, numbers, figures, characters, artwork, symbols, or insignia that are displayed on a sign face.

County. The County of York, South Carolina.

Cul-de-sac. A street having one end open to traffic and being permanently terminated by a permanent vehicular turnaround. Culs-de-sac are designed to accommodate a maximum of **400 ADT** and to have a minimum length of 150 feet.

Day care center (13+ people). A facility 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 (six or fewer people). A home occupation (accessory use) in which a permanent occupant of the dwelling provides for the care of up to six 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.

Day labor service agency. A use that recruits, dispatches, or otherwise facilitates the temporary employment of individuals for no longer than the period of time required to complete the assignment and which makes direct or indirect payment to the individuals for the work undertaken by the individuals. Day labor does not include professional or clerical employment.

Deferred presentment lenders. A transaction pursuant to a written agreement involving the following combination of activities in exchange for a fee: accepting a check dated on the date it was written, and holding the check for a period of time before presentment for payment or deposit.

Demolition. The razing of any structure, in whole or in part, including its ruin by neglect of maintenance or repairs.

Department or discount store. A business that is conducted under a single owner's name in which a variety of unrelated merchandise and services are housed, enclosed, exhibited, and sold directly to the consumer.

Design and specification manual. The manual approved by the planning commission outlining the procedures and criteria by which designers and the administrator design and evaluate utilities, streets, storm drainage and other improvements required by this ordinance.

Designer. A person permitted to prepare plans and studies required by this ordinance.

Detention center. A facility for the judicially-required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by sworn officers, except when on an approved leave. Provided that the use otherwise complies with this definition, a detention center may include by way of illustration a prison, jail, probation center, or juvenile detention home. Detention centers do not qualify as group living facilities.

Developable acreage (as it pertains to cluster developments). Land that is located outside of designated floodplains and has a slope of less than 30 percent.

Developed land use conditions. The land use conditions reflected on the current town zoning map or a proposed development plan.

Development. 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.

Developer. Any person who acts in his own behalf, or as an owner or as an agent for an owner of property, and who makes application for the permit necessary to disturb land or vegetation.

Direct glare. The effect causing visual discomfort resulting from insufficiently shielded light sources in the field of view.

Direct illumination. Center of a beam or main beam angle of a lighting fixture.

District. One 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.

Dormitory. A building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions.

Drainage. 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.

Drive-in restaurant. An establishment designed, in whole or in part, to accommodate the ordering and consumption of food and/or beverage in automobiles parked on the premises of such establishment in contradistinction to a restaurant with a drive-through window.

Dwelling, multiple-family. A residential building containing **two or more** dwelling units located on a single lot.

Dwelling, multiple-family (high rise). A **building containing two or more dwelling units** and that exceeds five stories.

Dwelling, single-family. A building used exclusively as a place of residence for one family.

Dwelling, single-family attached. Two or more single-family dwelling units located on separate lots each with its own outside entrance which are joined together by a common party wall or connecting permanent structures such as breezeways, carports or garages.

Dwelling, single-family detached. A residential building containing not more than one dwelling unit and not physically attached to any other principal structure, **specifically excluding manufactured homes.**

Dwelling unit. A building or portion of a building designed and used as independent living facilities for a single household and that includes permanent provisions for living, sleeping, cooking, eating, and sanitation.

Dwelling, upper story. A dwelling unit located on the second floor or higher of a building and usually located above a ground floor commercial use.

Easement. A grant or reservation of one or more property rights by the owner of land for the use of such land by others.

Elevated building. A building without a basement built to have its lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts or piers), shear walls, or breakaway walls.

Emergency response facility. A building or portion of a building used for police, fire, and/or medical equipment and personnel.

Extended advertising space. The area on outdoor advertising signs that extends beyond the normal rectangular shape of the sign face.

Exterior architectural feature. The general architectural arrangement of such portion of the exterior of any structure or the site improvements related thereto, or both including but not limited to:

- (a) The kind, color, and texture of the building material of such portion so open to view.
- (b) The type and design of all windows, doors, lights, signs, walls, fences and other fixtures appurtenant to such portion.
- (c) The location, adequacy and treatment of any vehicular access to such structure and so open to view.

Family. A person living alone, or a group of people, including domestic employees, living together as a single **nonprofit** housekeeping unit and sharing common living, sleeping, cooking, eating and sanitary facilities as distinguished from a group occupying a boardinghouse or other group living facility or visitor accommodations.

Fee. Generally, the monetary amount charged by the town for processing and review of an application for development under this ordinance.

Financial institution. See "bank or financial institution."

Flag, advertising. A flag displaying the name, insignia, emblem, or logo of a profit-making entity.

Flag, governmental. A flag displaying the name, insignia, emblem, or logo of any nation, state, municipality or noncommercial organization.

Flood. 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.

Flood hazard boundary map (FHBM). 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). 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. 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.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot during the 100-year flood.

Floodway fringe. The area between the floodway and the boundary of the 100-year flood.

Flood light. 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. As used in this ordinance, **any floor usable for living purposes**, which includes working, sleeping, eating, cooking or recreation, or a combination thereof.

Footcandle (FC). A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

Footprint. 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. The distance between the side lot lines measured at the street right-of-way.

Full cutoff fixture. An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

Golf course. A large unobstructed acreage with at least nine holes for playing a game of golf which may be available for public use and may be improved with tees, greens, fairways, and hazards.

Grade. A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot lines or between the building and a point six feet from the building, whichever is closer to the building.

Grading. Altering surfaces to specified elevations, dimensions, and/or slopes; includes stripping, cutting, filling, stockpiling, and shaping or any combination thereof.

Grocery store. A retail establishment that primarily sells food, but may also sell other convenience and household goods.

Gross floor area. 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.

Group day care home (*seven to 12 people*). A dwelling in which a permanent occupant of the dwelling provides for the care of a minimum of seven 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.

Group home. An establishment where four 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 club or spa. 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. It may be operated for profit or not-for-profit and may be open only to bona fide members and guests of the organization or open to the public for a fee.

Heavy equipment sales or rental. The display, sales, or rental of products and services outside of a building or structure including, but not limited to, farm and construction equipment.

Heavy manufacturing. See "manufacturing, heavy."

Height of building, maximum. The vertical distance between the average grade at the base of a structure and the highest part of the structure, but not including the following: belfries; spires; cupolas; domes; chimneys; smokestacks; water towers; conveyors; flag poles; television and radio masts, aerials, towers; firewalls; sky lights; roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building; any device (no more than five feet in height) used to screen only the immediate area around a roof top structure or equipment; any other exceptions per article I, section 7 L. Carports, garages, decks, raised planters and other uninhabited additions to structures that may increase the building footprint are not included in calculation of average grade.

Height of building, minimum. The vertical distance between the average grade at the base of a structure and the **lowest part of the top of the structure**, including parapets, but not including the following: porches, porte-cocheres, other unheated appurtenances that enhance the building architecture or features that are deemed appropriate by the planning commission as determined in the commercial appearance review process.

Heliport. 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. Any tree located on either public or private property and either within a tree protective zone or not having a trunk of 20 inches or more in diameter measured six inches above the normal ground level or, if of an ornamental variety, any tree having a trunk of ten inches or more in diameter measured four feet six inches above the normal grade.

Highway. A street or traffic way serving and designated as a South Carolina or United States route.

Historic tree. Any tree with a trunk of 30 inches or more measured at four feet six inches above the normal ground level, wherever located.

Home occupation. 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. A private non-profit association which is organized by the developer or land owners of a residential development in which individual owners share common interests in open space and/or facilities and are responsible for preserving, managing, and maintaining the common property and enforcing certain covenants and restrictions.

Hospital. 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 or motel. A building or group of buildings in which sleeping accommodations in six or more rooms, with or without meals, but without separate cooking facilities, are provided and offered to the public for compensation, and which is open to transient or permanent guests.

Household. A family 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.

IESNA. The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

Indoor entertainment facility. An establishment having as its principal or predominant use the offering of participatory or spectator entertainment and which may sell alcohol 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 or predominant use of the establishment. Examples include, without limitation: cinemas, theaters, arcades, coliseums, and bowling alleys.

Internal refractive lens. A glass or plastic lens installed between the lamp and the sections of the outer fixture globe or enclosure. Refractive refers to the redirection (bending) of the light as it goes through the lens, softening and spreading the light being distributed from the light source thereby reducing direct glare.

Junk and salvage yard. 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.

Kennel. A facility where four or more dogs, cats, or other animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed. Such facilities may be entirely indoors or may have both indoor and outdoor components.

Lamp. The component of a luminaire that produces the light.

Land. Any ground, soil or earth, including marshes, swamps, drainageways and areas not permanently covered by water within the Town.

Land disturbing activity. Any activity involving the clearing, cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover.

Landscape nursery. The growing, storage, and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales conducted from within a building not exceeding 20 percent of the combined wholesale and retail sales volume during any year.

Landscape plan. A site plan depicting planned locations of trees, shrubs, lawns, and other landscaping that will be established on the site.

Landscaping. That aspect of property which is used to support the growth and maintenance of vegetation, whether of woody or herbaceous species, and which can include any variety of natural or artificially propagated species of plants. Such aspect shall not be unkempt or abandoned property that is predominantly covered with noxious weeds, but may contain fences, walls, or berms.

Level of service (LOS). Qualitative measures that characterize operational conditions within a traffic stream and their perception by motorists and passengers. The descriptions of individual levels of service characterize these conditions in terms of such factors as speed and travel time; freedom to maneuver; traffic interruptions; and, comfort and convenience. Six levels of service are defined by the Highway Capacity Manual for signalized intersections based upon available procedures. They are assigned letter designations from A to F, with LOS "A" representing the best operating conditions and LOS "F" as the worst.

Library. A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

Light manufacturing. See "manufacturing, light."

Light source. The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

Light trespass. Effects of light that strays from the intended purpose and becomes an annoyance, a nuisance, or a deterrent to visual performance. As such, light trespass should always be considered negative, unlike spill light, which can have positive or negative attributes. Light trespass is the encroachment of light causing annoyance, loss of privacy, or other nuisance.

Liquor store. A place of business licensed by the state alcoholic beverage commission exclusively for the retail sale of alcoholic beverages, excluding beer and wine, in original packages for consumption off the premises where sold.

Loan broker. 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.

Lot. A parcel of land defined by 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. A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost points of the lot (or an extension of the lot where it has been rounded by a street radius) meet an interior angle of less than 135 degrees.

Lot, double frontage. A lot that extends through a block having frontage on two streets that do not intersect at the boundary of the lot. A corner lot shall be considered having double frontage if it has access on three or more sides.

Lot, flag. An interior lot located behind another lot that has a narrow strip of land that runs along one 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. A lot that exists as shown or described on a plat or deed in the records of the county register of mesne conveyance.

Lot remnant. Lots below minimum area and width left over after subdividing tracts of land.

Lot width. The distance between the side lot lines at the front setback line as measured along a line parallel to the front lot line or parallel to the chord thereof.

Lowest finished floor. The lowest finished floor of the lowest enclosed area, including basement. 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 floor provided that such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of this section.

Lumen. A unit of luminous flux.

Luminaire. A complete lighting system including a lamp or lamps and a fixture.

Manufactured home. A structure that is transportable in one 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. A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale. Sales or storage lots for unoccupied manufactured homes are not considered to be manufactured home parks.

Manufacturing, heavy. A use engaged in the mechanical or chemical transformation of materials or substances into new products, including the assemblage of component parts, the creation of products, and the blending of materials. Heavy manufacturing includes those uses that produce noise, odor, vibration, dust, or hazard discernable beyond the property. Examples include, but are not limited to: refining or initial processing of raw materials, rolling, drawing, or extruding of metals; and log decking, storage, and ponding.

Manufacturing, light. Manufacturing uses that do not produce odor, vibration, dust, or hazard discernable beyond the property. Examples include, but are not limited to: assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

Maintenance, storage, and distribution facility. A use conducted by the town or another governmental entity to provide for the operation and maintenance of public facilities and infrastructure.

Marquee. A permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building.

Mausoleum. See "cemetery, columbarium, mausoleum."

Mean sea level. The average height of the sea for all stages of the tide.

Medical facility. 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.

Modular building unit. Any building or building component of closed construction, regardless of the type of construction or occupancy classification and other than a manufactured home, constructed off-site in accordance with the South Carolina Modular Building Construction Act and Rules and Regulations and transported to the point of use for installation or erection.

Monument sign. A freestanding sign attached to or integrated into a contiguous structural base or planter box which horizontal dimensions shall be equal to, or greater than, the horizontal dimensions of the sign face.

Mortuary. An establishment engaged in undertaking services such as preparing the dead for burial or cremation and arranging and managing funerals.

Motel. See "hotel or motel."

Mulch. A protective covering, such as pine straw, shredded bark, or other materials, spread evenly around trees, shrubs and ground covers to reduce evaporation, maintain even root temperatures, prevent erosion, and control weeds.

Multiple-family dwelling. See "dwelling, multiple-family."

Multiple-family dwelling (high-rise). See "dwelling, multiple-family (high rise)."

Museum. A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, cultural, or literary curiosities or objects of interest or works of art and designed to be used by members of the public for loaning or viewing, with or without an admission charge.

National Geodetic Vertical Datum (NGVD). The reference points established by the National Geodetic Survey based on mean sea level, as correct in 1929.

Neighborhood park. See "park, neighborhood."

Nightclub. An establishment, whether public or a private club, including cocktail lounges, etc., serving to a predominantly adult clientele and whose primary business is the sale of alcoholic beverages, including beer and wine, for consumption on the premises in conjunction with dancing or live performances. The purchase of food is at the option of the customers and not required by the operator.

Nonconforming. A term applied to lots, structures, and uses of land which were lawful before the adoption of this ordinance, or before the passage of an amendment to this ordinance, but which are prohibited by, or which are not in compliance with, the requirements of this ordinance.

North American Vertical Datum (NAVD). The datum points established at the Pointe-au-Pere on the Saint Lawrence River, Quebec Province, 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 floodproofing certificates.

Office. A room or group of rooms used for conducting the affairs of a business, profession, or service industry. Examples include professional services such as lawyers, accountants, engineers, architects, or real estate agents; data processing; and, sales offices.

Operator. The owner, permit holder, custodian, manager, operator, or person in charge of any permitted or licensed premises.

Ordinary repair and maintenance. Any work, the purpose and effect of which is to correct or prevent any deterioration or decay of, or damage to, a structure or any part thereof and to restore the structure, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage using materials which are of a design, color and outer appearance as close as practicable to the original.

Outdoor lighting. 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. Any portion of a site where items are regularly stored including but not limited to items such as: pipe, building materials, lumber, plumbing supplies, damaged vehicles, or salvaged construction equipment. Not included in this definition is the short-term storage for sale of seasonal items such as grass seed, fertilizer, and plants.

Owner. 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. Any propelled or non-propelled vehicle that exceeds two tons rated capacity, exceeds 85 inches in height, or exceeds 250 inches in length, excluding a recreational vehicle.

Parapet. That portion of a building wall that rises above the roofline.

Park, community. Public parkland intended to serve the recreation needs of people living or working within a two-mile radius of the park.

Park, neighborhood. Public parkland land intended to serve the recreation needs of people living or working within one-half mile radius of the park.

Park or playground. An area or facility to be used for recreation, exercise, sports, education, rehabilitation, or similar activities, or an area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.

Park, regional. A park typically 150 to 500 acres in size focusing on activities and natural features not typically included in neighborhood or community parks and often based on specific scenic or recreational opportunities.

Parking lot. 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. A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking, and underground or underbuilding parking areas.

Parking space, off-street. An area not located within a street right-of-way adequate for parking a motor vehicle with room for opening doors on both sides, together with properly-related access to a public street arranged so that no maneuvering incidental to parking shall occur on any public street and so that a vehicle may be parked or un-parked without moving any other automobile.

Passenger terminal (surface transportation). A facility or location that receives and discharges passengers and at which facilities and equipment required for their operation are provided. Examples include terminals for bus, trolley, taxi, light rail, railroad, shuttle van, or other similar vehicular services.

Pawn shop. A business or use that regularly loans money on the security of pledged tangible goods such as jewelry, cameras, or like personalty 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. A sidewalk, trail or other facility designated for use by pedestrians. Constructed alongside streets, roads, parking areas or through public or private spaces, a pedestrian pathway has a paved surface and is designed to meet ADA requirements. Such facility may also accommodate bicycles, roller and inline skates, skateboards, and other non-motorized vehicles provided, however, that the restriction on motorized vehicles shall not apply to motorized wheelchairs. Where permitted by the town council or this ordinance, battery powered golf carts and self-balancing personal transport vehicles may also be allowed on pedestrian pathways. Typically separate from motor vehicle traffic, it may serve both transportation and recreation purposes.

Pennant. 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.

Permit. The authorization necessary to begin a land use activity under the provisions of this ordinance.

Person. Any 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 of this state, any interstate body, or any legal entity.

Personal services, general. 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, and tailor shops.

Planned development. A use of land that is planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate commercial, industrial, residential uses, or a combination of such uses, and appurtenant common areas.

Planning commission. The Town of Fort Mill Planning Commission.

Post office. A use which provides service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Predeveloped conditions. Those land use conditions that existed before any development had taken place on the site, when the site was in its natural undisturbed condition.

Prefabricated building display and sales. A retail sales and service use in which prefabricated buildings (fabricated off-site and transported to the use location) are displayed and sold.

Preliminary plat. The preliminary plat of a subdivision submitted pursuant to the subdivision regulations.

Preschool. A school for children primarily between birth and five years of age.

Principal structure. A structure or building having significant or primary use and justifying its own utilization, such as a dwelling or office building, as contrasted to accessory structures which are incidental or subordinate to primary structures and do not alone justify their utilization, such as a tool shed or auto garage used in conjunction with a dwelling. Certain structures may be either principal or accessory depending upon utilization, such as a parking garage as an accessory structure to a high-rise apartment or as a principal structure when operated commercially in a business area.

Principal use. The significant or primary activity carried out within a structure or upon land.

Privacy wall. A continuous visual screen not less than six 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. The person identified as owner by county tax records.

Public building. Any building owned, leased or held by the United States, the state, the county, the town, any special purpose district, any school district, or any other agency or political subdivision of the state or the United States, which building is used for governmental or other public purposes.

Public park or recreation area. Public premises which have been designated for park or recreational activities, including but not limited to a park, playground, nature trails, swimming pool, gymnasium, recreational center, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas or similar public premises within the town which are under the control, operation or management of the town park and recreation authorities or the equivalent state, county or recreation district authorities.

Public property. Includes that property of the town or a town agency, including that owned entirely by such public body, or over which it holds a right-of-way or easement on any streets, roads, parks, malls, or other public land. Private property that is subject to ad valorem property taxes and all easements and rights-of-way across such property are excluded from this definition.

Radio or TV broadcasting studio. A facility for the staging, recording, and broadcasting of audio or television productions.

Recreational trails. A way designed for and used by equestrians, pedestrians, and cyclists using nonmotorized bicycles.

Recreational vehicle. Any vehicle designed and or used for temporary living and sleeping or recreational purposes, including pick-up coaches (cab-over camper), motorized homes, boats, travel trailers, camping trailers, jet skis, and snowmobiles, and which does not meet the specifications required for a manufactured home.

Recreational vehicle rental and sales. The display and sales or rental of recreational vehicles.

Recycling drop-off center. A parcel of land on which wastes or used and secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials include but are not limited to: scrap iron, paper, rags, rubber tires, bottles, discarded goods, machinery, or two or more inoperable motor vehicles.

Regional park. See "park, regional."

Registered civil engineer. A civil engineer properly registered and licensed in South Carolina by the state board of engineering examiners.

Registered land surveyor. A land surveyor properly registered and licensed in South Carolina by the state board of land surveyors.

Registered landscape architect. A landscape architect properly registered and licensed in South Carolina by the state board of licensing examiners.

Religious institution. 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 and uses (including buildings used for educational and recreational activities), and which are operated, maintained, and controlled under the direction of a religious group. Accessory uses may include school facilities, parking, daycare, cemeteries, columbaria, mausoleums, caretaker's housing, pastor's housing, and group living facilities such as convents.

Repetitive loss. Flood-related damages sustained by a structure on two 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 **market value** of the structure before the damage occurred.

Research laboratory. 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. Examples include plastics, genetics, biotechnology, pharmaceuticals, and polymers.

Restaurant. An establishment having as its predominant use the on-premises consumption of food and beverages. Restaurants have a designated full-service kitchen, dining room equipment, and persons to prepare and serve meals and food to guests in consideration of payment. Restaurants may have a combination of seating options, including indoor, outdoor, both indoor/outdoor, or no seating.

Retail sales and services, general. A commercial enterprise that provides goods and/or services directly to the consumer where such goods are available for immediate purchase and removal from the premises by the purchaser. Examples include, without limitation: stores selling, leasing, or renting consumer, home, and business goods such as art, art supplies, bicycles, cameras, clothing, dry goods, electronic equipment, fabric, furniture, gifts, hardware, home improvements, household products, jewelry, pet food, pharmaceuticals, indoor plants, printed material, stationary and videos; wineries; and, auction services.

Right-of-way. An interest in land to the town or SCDOT which provides for the perpetual right and privilege of the town or SCDOT, its agents, franchise holders, successors, and assigns to construct, install, improve, reconstruct, remove, replace, inspect, repair, maintain, and use a public street, including related and customary uses of street rights-of-way such as sidewalks, bike paths, landscaping, mass transit facilities, traffic control, traffic control devices and signage, sanitary sewer, storm water drainage, water supply, cable television, electric power, gas, and telephone transmission and related purposes in, upon, over, below, and across the rights-of-way.

Roadway. That portion of a street intended for the use by vehicular traffic.

Runoff. That portion of precipitation falling within a watershed basin that is not: evaporated into the atmosphere; captured by vegetation; collected in depressions; or, infiltrated into the soil that results in its flowing over the surface of the ground or collecting in channels or storm sewers.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SCDOT. South Carolina Department of Transportation.

School, public or private. 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. 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. Solid material, both mineral and organic, that:

- (a) Is in suspension;
- (b) Is being transported; or,
- (c) Has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

Sediment control plan. A plan(s) for the control of soil erosion and sedimentation resulting from land disturbing activity.

Sedimentation. The processes which operate at or near the surface of the ground that deposit soils, debris, and other materials either on other ground surfaces or in stream channels.

Self-service storage facility. A building or group of buildings divided into sections for use for storage of items, either temporary or long-term, and not to be used for any other purpose (such as small offices, garages, etc.). Also called "mini-warehouse."

Semi-cutoff fixture. An outdoor light fixture shielded or constructed in such a manner that it emits no more than five percent of its light above the horizontal plane of the fixture and no more than 20 percent of its light ten degrees below the horizontal plane of the fixture.

Service and repair establishment. Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair types. Typical uses include appliance repair shops, shoe repair, watch, or jewelry repair shops or repair of musical instruments.

Setback. The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

Sexually oriented business. An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter center, or nude model studio.

Adult arcade. 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 or fewer persons per machine at any one 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 bookstore, adult novelty store, and adult video store. A commercial establishment which has as a **significant or substantial portion** of its stock in trade or derives a significant or substantial portion 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 or more of the following:

- (a) Books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, videocassettes, 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. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one 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. 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;
- (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. 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, motion pictures, videocassettes, 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 ten hours; or
- (c) Allows a tenant or occupant to subrent the sleeping room for a time period of less than ten hours.

Adult motion picture theater. A commercial establishment where films, motion pictures, videocassettes, 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. This use is regulated as a "sexually oriented business" in this ordinance.

Adult theater. 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. This use is regulated as a "sexually oriented business" in this ordinance.

Employee. 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.

Establishment. 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.

Nearly nude. 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. 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. This use is regulated as a "sexually oriented business" in this ordinance.

Nude, nudity, and state of nudity.

- (a) The appearance of the human bare buttock, anus, male genitals, female genitals or the areola or nipple of the female breast; or
- (b) 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. Any premises that requires a license and/or permit and that is classified as a sexually oriented business.

Permittee and licensee. 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. A business or commercial enterprise that, as one 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
- (b) Other activities between persons of the opposite sex or persons of the same sex, or both, when one 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. 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. 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. 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.

- (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. 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. Planted shade trees shall be at least eight feet in height and six ¼ inches in circumference, or two inches in diameter, measured six inches above grade. Existing trees shall be at least eight feet in height and six and ¼ inches in circumference, or two inches in diameter, measured four ½ feet above grade.

Shielding. 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. A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the unit.

Shrubs. Self-supporting woody plants, either deciduous or evergreen, with several stems and a normal mature height of three to 20 feet.

- (a) Low-growing shrub means any shrub easily maintained at 30 to 40 inches in height.
- (b) Intermediate shrub means any shrub easily maintained at four to six feet in height.
- (c) Major screening shrub means any shrub easily maintained at six to 20 feet in height.

Sight triangle. Measured from the curb or edge of the pavement, the sight triangle is the triangular area created by a line connecting points on the front and side for lines at a distance as indicated in the Design and Specifications Manual.

Sign. A device designed to inform or attract the attention of persons not on the premises on which the device is located, or to advertise, promote the interest of, or attract attention to, any business, industry, individual, group, enterprise, public performance, or cause. The definition of sign includes all the components necessary for its display, including supporting structure, footings, and lighting.

Sign, abandoned. A sign structure that does not have a permanent sign face or pending sign permit application; or, a sign advertising a business activity or firm that is no longer in operation at the location identified by the sign. An abandoned sign includes all elements of the sign, including its structure, sign face and sign copy.

Sign, awning. 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, back-to-back. A single sign structure with two parallel and directly opposite sign faces.

Sign, campaign. 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. **Outdoor advertising signs shall not be considered campaign signs.**

Sign, dilapidated. A sign that the administrator has determined is structurally unsound, has defective parts, or is in need of painting or maintenance.

Sign face. The area within a regular geometric shape enclosing all copy and blank masking. Structural supports not bearing information shall not be included in the computation of sign face. **All decorative embellishments or appurtenances, such as directional arrows, which are not part of the sign face shall not constitute more than 20 percent of the sign face.**

Sign, freestanding. A sign that is permanently affixed to the ground and that is not a part of a building or other structure having another functional purpose.

Sign, inflatable. A sign that requires air, whether contained or blown, to keep and maintain its shape including tethered balloons and blimps.

Sign, mansard roof. See "sign, wall."

Sign, movable. A sign, such as an A-frame, that is moveable by a person without aid of a motor vehicle or other mechanical equipment.

Sign, nonconforming. A sign that does not comply with the provisions of this article, but that was lawful at the time of its installation.

Sign, off-premises. **A sign advertising goods, products, services, or facilities that are located on premises other than those upon which the sign is located.**

Sign, outdoor advertising.

- (a) **Type I. A permanent freestanding off-premises sign, commonly referred to as a billboard, and that is generally used to rent or lease advertising space.**

- (b) *Type II.* A sign located on, and designed as an integral part of, city-approved public transportation shelters and is generally used to rent or lease advertising space.

Sign owner. A person who either owns the real property upon which a sign is located; or a person who owns the sign itself; or, a person whose products, services or cause is promoted by the sign; or, a combination of those persons.

Sign, portable. A sign that may be moved from one 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. Trailer signs are considered to be portable signs.

Sign, projecting. A sign that projects 12 inches or more from, and is supported by, a building wall.

Sign, roof. A sign that is erected, constructed or maintained above the roof of any building.

Sign, seasonal use. 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. A sign painted on, or fastened to, trees or utility poles located within a public right-of-way or other public property.

Sign structure. 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. Structural supports shall be designed to provide the minimum cross-sectional area necessary to support the applied loads. With the exception of monument signs, if the structural support exceeds the minimal cross-sectional area necessary to support the loads, the structural supports shall be considered as blank masking and computed in the allowable sign face area.

Sign, suspended. A sign that is suspended from, and supported by, the underside of a horizontal plane surface.

Sign, temporary. A sign that is usually made of a relatively lightweight and inexpensive material, is easily moved, and is displayed only until the event advertised by the sign is completed. Examples of such signs include, but are not limited to: real estate signs, "sale" signs, and campaign signs.

Sign, vehicle. 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. A sign with two sign faces in the shape of the letter "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. 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 shall be considered a wall sign.

Sign, window. A sign located near, or attached to, the interior of a window that is observable from the exterior of the building.

Single-family dwelling. See "dwelling, single-family."

Single-family attached dwelling. See "dwelling, single-family attached."

Single-family detached dwelling. See "dwelling, single-family detached."

Sky glow. The brightening of the night sky that results from the reflection of radiation (visible and non-visible) scattered from the constituents of the atmosphere (gaseous molecules, aerosols, and particulate matter), in the direction of the observer. It is comprised of two separate components: natural sky glow - that part of the sky glow attributable to radiation from celestial sources and luminescent processes in the earth's upper atmosphere; and, artificial sky glow - that part of the sky glow attributable to man-made sources of radiation (e.g., outdoor electric lighting), including radiation emitted directly upwards and radiation reflected from the earth's surface.

Slope. An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (Example: Slope = 3:1 means three feet horizontal to one foot vertical.)

Spa. See "health club or spa."

Special emphasis neighborhood. A land area whose boundaries are defined in accordance with the U.S. Department of Housing and Urban Development for eligibility under "area benefit activities" where at least 51 percent of the residents earn no more than 80 percent of the area median income for York County.

Start of construction. 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 walkways.

State. The State of South Carolina.

Story. 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. A space under a sloping roof that has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two-thirds of the floor area is finished for occupancy. A half story containing independent living quarters shall be counted as a full story.

Street. A 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. The following descriptions define the categories of streets:

- (a) "Arterial" streets are of **exceptional continuity**; they are designed to carry the greater portion of through-traffic from one area of the town to another.
- (b) "Collector" streets are neither "arterial" nor "local" streets; their location and design provide **exceptional continuity** and serve as a means of access to traffic generators or serve as routes connecting arterial streets.
- (c) "Local" streets are designed to provide access to primarily residential areas and relatively short distances of travel. The following descriptions define the sub-categories of local streets:
 - (1) **"Culs-de-sac" are streets having one end open to traffic and the other end being terminated with a vehicular turnaround. They are designed to accommodate a maximum of 400 ADT, a minimum length of 150 feet.**
 - (2) **"Low volume local streets" are streets designed to accommodate a maximum of 400 ADT, limited to loop streets or similar, and designed in such a way so as to prohibit access to future streets. These streets do not serve vehicles passing through the area with neither an origin nor destination within the area.**
 - (3) **"Medium volume local streets" are designed to accommodate an ADT of 400—1500. They are designed to provide access to adjacent residential property and to serve as connectors between local streets.**
 - (4) **"High volume local streets" are designed to accommodate an ADT greater than 1500. They are designed to serve as "collectors" through large residential developments where the ADT cannot be accommodated by "medium volume local streets".**

Street line. Dividing line between a lot, tract or parcel of land **and a contiguous street.**

Street width. The shortest distance between the lines **delineating the rights-of-way of a street.**

Structural alterations. Any change to the supporting members of a building, such as foundation, bearing walls, columns, beams, girders, rafters, etc.

Structure. Anything constructed or erected that requires permanent location on the surface of the land. The term "structure" does not include features such as ornamental pools, planting boxes, sculpture or bird

baths, open terraces, walkways, driveways, walls or fences, recreational equipment, flagpoles, light standards, underground fallout shelters, mailboxes, gatehouses, burial vaults or bus shelters.

Subdivider. Any person, individual, firm, partnership, association, corporation, estate or trust or any other group, agent, or combination thereof acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined in this section.

Subdivision. The division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all divisions of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record.

Substantial damage. 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: market value. For purposes of this ordinance, any structure flooded four or more feet above its lowest finished floor shall be considered "substantially damaged".

Substantial improvement. For a structure built prior to the enactment of the ordinance from which this section is derived, any reconstruction, rehabilitation, addition, or other improvement of a structure the cost of which equals or exceeds 50 percent of the market 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. For the purpose of this definition, "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, however, include either: 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. The list of trees, shrubs, and ground covers approved for use in the town for compliance with this ordinance as reflected in the design and specification manual.

Sweepstakes cafes. A use where computers, devices, or software are provided by the business or patrons to access games or similar sites, whether free or by purchase, and where cash, merchandise or other items of value are redeemed or otherwise distributed whether or not the distribution is determined by games played or are predetermined.

Tattoo/tattooing. To indelibly mark or color the skin by subcutaneous introduction of nontoxic dyes or pigments. The practice of tattooing does not include the removal of tattoos, nor the practice of micropigmentation, branding, cutting, scarification, skin braiding, or the mutilation of any part of the body.

Tattoo facility. Any room, space, location, area, structure, or business, or any part of any of these places, where tattooing is practiced or where the business of tattooing is conducted.

Taxicab service. A service that offers transportation to persons via automobiles and vans.

Temporary. A specified period of time for which an activity or use is authorized.

Temporary vehicular turnaround. A designated surface area as specified by the administrator located within a right-of-way or easement that provides sufficient turning capacity for emergency vehicles.

Towing service. A business that specializes in the removal of a motor vehicle by towing, carrying, hauling, or pushing from public or private property. This shall not include an "automobile servicing" use that has a tow truck and repair vehicles on site.

Tract. An area, parcel, site, piece of land, or property that is the subject of a development proposal and application.

Trade school. A school conducted as a commercial enterprise for teaching skills such as: instrumental music, dancing, barbering, hairdressing, industrial skills in which machinery is employed as a means of instruction, etc. Incidental instructional services in conjunction with another primary use shall not be considered a business school.

Tree. Self-supporting woody plants of species that normally grow to an overall height of at least 15 feet.

- (a) **Small tree means any tree normally maturing at a height of less than 30 feet.**
- (b) **Intermediate deciduous tree means any deciduous tree normally maturing at a height between 30 and 50 feet.**
- (c) **Major deciduous tree means any deciduous tree normally maturing at a height of at least 50 feet.**
- (d) **Small evergreen tree means any evergreen tree with a mature height of at least 15 feet.**
- (e) **Major evergreen tree means any evergreen tree with a mature height of at least 30 feet.**

***Tree density standard.* A minimum number of tree density units per acre that must be achieved on a property after development.**

***Tree density unit.* A credit assigned to a tree, based on the diameter of the tree, in accordance with tables contained in this article.**

***Tree form shrub.* A large deciduous or evergreen shrub that has been pruned of its lower limbs and other foliage, to a minimum height of four feet, to reveal the main vertical supporting branches.**

***Tree protective zone.* That portion of any parcel of land coinciding with the front, side and rear yard setback requirements, as established by this ordinance, and may also include specific areas within parking areas which the administrator requires to be included in site plans.**

Truck or freight terminal. 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.

Truck or trailer rental. The rental of truck or trailer equipment primarily intended for individual use and minor residential gardening and construction projects. This use does not include the rental, storage, or maintenance of large construction equipment.

***Unacceptable species.* Plant species which will not be counted toward the total tree requirements of this ordinance.**

***Undeveloped multi-residential and non-residential property.* Undeveloped property located within a district in which multifamily, industrial, service or commercial uses are included as permitted uses.**

***Undeveloped residential property.* Undeveloped property in a district zoned primarily for detached single-family dwelling units and duplexes, but not including as permitted uses industrial, service, and commercial uses.**

Upper story dwelling. See "dwelling, upper story."

***Usable wall area.* The surface area of a building's exterior wall, including doors and windows, upon which a sign is proposed.**

***Utility, major.* Services of a regional nature that normally entail the construction of new buildings or structures such as: generating plants and sources; electrical switching facilities, stations and substations; water and waste water treatment plants; and, similar facilities.**

***Utility, minor.* Services that are necessary to support development within the immediate vicinity and that involve only minor structures. Included in this use type are small facilities such as: transformers, relay and booster devices; and, well, water and sewer pump stations.**

Utility service area. That portion of a site occupied by items such as: garbage dumpsters and compactors; large air conditioning units; aboveground storage or fuel tanks; major electrical transformers; and, similar equipment.

Variance. A grant of relief to a person from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

Veterinary clinic. 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.

Wall, bearing. A wall supporting imposed weight (live load) in addition to its own weight (dead load).

Wall pack. A type of light fixture typically surface-mounted on a vertical wall surface.

Wall, retaining. A wall designed to prevent the lateral displacement of soil or any other material.

Warehouse. A use engaged in storage and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

Waste disposal or treatment operation. A facility or group of units used for the disposal or treatment of industrial or domestic wastes and for the reduction and handling of solids and gases removed from such wastes.

Wholesale establishment. 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. Examples include, without limitation: feed mills, granaries, and elevators; household moving and general freight storage; cold storage plants, including frozen food lockers; major wholesale distribution centers; truck, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

Yard. An open space at grade between a building and the adjoining lot lines.

Yard, front. 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. An open space between the rear of a building and the rear lot line and extending the full width of the lot.

Yard, side. An open space between the side of a building and the side lot line extending from the front yard to the rear yard or from the front lot line to the rear lot line when a front and rear setback is not required.

Youth activity center. A boys' club, a girls' club or any other facility that is not a school but which provides entertainment, recreation, crafts, tutorials or other quality of life enhancements for minors, whether a nonprofit facility or otherwise.

Zoning district map. A map (or maps) that graphically delineate(s) the boundaries of all mapped districts within the corporate boundary of the town.

Zoning ordinance. This ordinance and any other adopted regulations of the Town of Fort Mill pertaining to the development and use of land.

(Ord. No. 03-05, § 1, 2-10-03; Amd. of 11-12-07; Ord. No. 2011-12, § I, 8-8-11; Ord. No. 2014-06, § I, 2-24-14)

Sec. 2. - **Jurisdiction.**

The regulations and provisions found in this ordinance shall apply to all properties located within the corporate limits of the Town of Fort Mill and any other areas under the zoning jurisdiction of the Fort Mill Planning and Zoning Commission at the adoption of this ordinance. The boundaries of the areas zoned are shown on the official zoning map.

Sec. 3. - Official zoning map.

The boundaries of the various zoning districts have been indicated on the official zoning map. Such map shall be known as the "Official Zoning Map of the Town of Fort Mill, South Carolina," and shall be certified by the signatures of the town clerk and mayor. The zoning map is hereby made a part of this ordinance. All changes to the district boundaries shown on the official zoning map shall be certified by the signature of the town manager or his designee.

Sec. 4. - Intent of districts.

- A. Each district is established as an exclusive zoning district, and only those uses which are listed as permitted are allowed. If a particular use of the land is not mentioned for a certain district, that use shall be prohibited for that district unless added by amendment.
- B. When uncertainty exists with respect to the boundaries of districts as shown on the official zoning map, the following shall apply:
 - 1. *Delineation.* District boundary lines are generally intended to be along or parallel to property lines, lot lines, the centerline of streets, alleys, railroads, easements, other rights-of-way and creeks, streams, or other water channels. In the absence of specified distances on the map, dimensions or districts shall be determined by scaling the distance on the official zoning map.
 - 2. *Zoning board of appeals.* When the street or property layout existing on the ground is at variance with that shown on the official zoning map, the zoning board of appeals shall interpret the district boundaries of this ordinance.
 - 3. *Increase or reduction of boundaries.* The entire land area within the corporate limits of the Town of Fort Mill at the time of adoption of this ordinance shall be zoned under the provisions of this ordinance. When the total land area under the jurisdiction of the Fort Mill Planning and Zoning Commission is increased or reduced by virtue of annexation by the Town of Fort Mill or some other means, the zoning district boundaries shall be adjusted in the following fashion:
 - A) **Then** the change results in an increase in land area within the corporate limits of the Town of Fort Mill and the land area involved was previously under the jurisdiction of the Fort Mill Planning and Zoning Commission, the zoning district classification which applied to said area when it was unincorporated shall continue to apply.
 - B) When the change results in an increase in land area under the jurisdiction of the Fort Mill Planning and Zoning Commission and the land area involved was not previously under the jurisdiction of the Fort Mill Planning and Zoning Commission, each land area shall be zoned for **its most logical and reasonable use** by the Fort Mill Planning and Zoning Commission subject to approval by the Fort Mill Town Council.
 - C) When reductions are made in the total land area under the jurisdiction of the Fort Mill Planning and Zoning Commission, provisions of this ordinance shall no longer apply to that land area.
 - D) In all cases, where **additions or reductions** in total land area require adjustments in the zoning district boundaries, such adjustments shall be made on the zoning map.

Sec. 5. - Establishment of districts.

For the purpose of this ordinance, the areas under the jurisdiction of the Fort Mill Planning Commission, Board of Zoning Appeals, Historic Review Board, and the town council are hereby divided into **23 districts**:

R-25 One-family residential

R-15 One-family residential

R-12 One-family residential

R-10 One-family residential
GR General residential
GR-A General residential-A
MHP Mobile home park
LC Local commercial
HC Highway commercial
GI General industrial
PCD Planned cluster development
SHPD Scenic highway planned development
HP Historic preservation
PND Planned neighborhood development
RC Resource conservation
TC Transitional commercial
LI Limited industrial
MXU Mixed use development
MID Municipal improvement
THCD Tom Hall Street corridor
UD Urban development
R-5 Residential
COD/COD-N Corridor Overlay District

(Ord. No. 2012-06, § I, 8-23-12; Ord. No. 2013-17, § I, 6-24-13; Ord. No. 2014-06, § II, 2-24-14)

Sec. 6. - **Applicability of regulations.**

The various zoning district regulations established and set forth in this ordinance are declared to be the minimum requirements necessary to carry out the purposes of this ordinance. Therefore, except as hereinafter provided:

- A) No lot shall be reduced in size so that the total area, lot width, necessary yards or other open spaces, lot area per dwelling unit, or other requirements of this ordinance are not maintained.
- B) No new building shall hereafter be erected, altered, or moved to create narrower or smaller front yards, side yards, rear yards, or other open spaces than required by this ordinance for the zoning district in which such building will be located.
- C) No permit for the use of any lot which is smaller in total area than the minimum size permitted for the district within which it is located shall be issued unless such lot was legally and properly recorded prior to the passage of this ordinance; provided, that such a lot may be used as the location of a single-family dwelling with the related accessory buildings providing such lot is in separate ownership and is not of continuous frontage with another lot or lots of the same

ownership. However, in all cases, construction on any such lots, after the passage of the ordinance, shall be required to meet all other requirements of the district within which it is located, including front yard setbacks, side yards, rear yards, and others.

Sec. 7. - General provisions.

- A. *Street access:* Except **as herein provided, no building shall hereafter be erected**, constructed, moved, or relocated on a **lot not located on a** publicly dedicated, publicly accepted or publicly maintained street, or a private street approved by the Town of Fort Mill with a right-of-way of not less than 40 feet.
- B. **Location of principal buildings on zoning lots and residential limitations:** Every building or use **hereafter** erected or established, except as **herein** provided, shall be located on a zoning lot, and every one-or two-family residential structure, except as **herein** provided, shall be located on an individual zoning lot. In all cases, every building on the lot shall be located within the buildable area formed by the building lines, as defined in article I, section 1 as outer boundaries. In no case shall such buildings infringe beyond the building lines into the respective front, side, rear yards or other setbacks required for the district in which the lot is located.
- C. *Corner lots:* **On lots having frontage on more than one street at an intersection**, the minimum front yard requirement shall be provided for each street in accordance with the provisions of this ordinance.
- D. *Double frontage lots:* **On lots having frontage on more than one street, but not located on a corner**, the minimum front yard shall be provided for each street in accordance with the provisions of this ordinance.
- E. **Front yard requirements:** **Where lots comprising forty percent or more of the frontage on one side of a street between two street intersections in any district are improved with buildings that have observed an average front yard line with a variation in depth of not more than six feet, then the average front yard so established may be observed; provided, that this regulation shall not be interpreted as requiring a front yard of more than that which would be normally required by the terms of this ordinance for the district in which the lot is situated. In such cases, the setback on such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots.**
- F. **Home occupations:** A home occupation, as defined in article I, section 1, shall be permitted in any residential district; provided that such 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 nonilluminated sign two square feet or smaller in area, mounted against a wall of the principal building,
 - 8) Provides adequate off-street parking for the maximum number of vehicles encountered in the conduct of the occupation in a manner and at such a location so as not to detract from the appearance of the premises or to inconvenience the neighboring residences.
- G. **Accessory uses:** In addition to the principal uses which are designated herein as being permitted within the several zoning districts established by the ordinance, it is intended that certain uses customarily incidental or accessory to such principal uses shall also be permitted. Accessory uses shall not be converted to living space unless they meet the setback requirements of the principle structure for the zoning district in which they are located. For the purposes of this ordinance, therefore, each of the

following uses is considered to be a customary accessory use, and, as such, may be situated on the same lot with the principal use or uses to which it serves as an accessory:

- 1) *Uses customarily accessory to dwellings:*
 - A) Private, unattached garages and carports,
 - B) Open storage space or parking area for non-commercial motor vehicles. Not more than one commercial vehicle may be housed or regularly parked on any lot,
 - C) Satellite dishes, provided they are restricted to the rear yard.
- 2) *The following customary accessory uses must **not be in front of the principal structure** on a lot:*
 - A) Unattached private garages or carports,
 - B) Shed or tool room for the storage of equipment used in grounds or building maintenance,
 - C) Children's playhouse and play equipment,
 - D) Private kennel for family pets, provided they are of the type authorized by town Ordinance,
 - E) Private swimming pool and bath house or cabana,
 - F) Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes,
 - G) Noncommercial flower, ornamental shrub, or vegetable garden greenhouse or slat house not over eight feet in height.
- 3) *Uses customarily accessory to church buildings:*
 - A) Religious education buildings,
 - B) Parsonage, pastorium or parish house, together with any use accessory to a dwelling, as listed under paragraph 1) of this subsection G.,
 - C) Off-street parking area for the use, without charge, to members and visitors to the church.
- 4) *Uses customarily accessory to retail business, offices and commercial recreation facilities:*
 - A) Off-street parking or storage area for customer, client, or employee-owned vehicles,
 - B) Completely enclosed building for the storage of supplies, stock, or merchandise,
 - C) Light manufacturing and/or repair facility incidental to the principal use;

provided that dust, odor, smoke, noise, vibration, heat, or glare produced as a result of such manufacturing or repair operation shall not be perceptible from any boundary line of the lot on which such principal and accessory uses are located; and provided that such operation is not otherwise specifically prohibited in the district in which the principal use is located.

H. *Setback and other yard requirements for accessory uses:* In any district, all accessory **uses** operated in **structures above ground level** shall **observe all setbacks**, yards and other requirements set forth for the district within which they are located. In any district, an accessory drive to an accessory garage, parking area or truck loading space may be **located within a required side yard**.

I. ***Off-street parking and off-street loading requirements:***

- 1) *Parking:* Off-street parking must be provided on every lot on which **any of the following uses are hereafter established**. The number of parking spaces provided will be at least as great as the number specified in this section of the zoning ordinance for the particular use(s). When application of the provision results in a fractional space requirement, the next larger requirements will prevail. The **zoning administrator may vary this requirement resulting in a ten percent decrease** in the minimum number required. Up to 50 percent of the required parking spaces may be provided by on-street parking in conformance with subsection 11 of this section.

- A) All **uses and establishments** commenced hereafter shall provide the minimum number of off-street parking spaces required in this section. Establishments shall provide parking spaces according to the following schedule:

Residential Uses	Spaces Required
Single-family	No requirement
Multi-family	1.5 per unit
Elderly housing (independent or assisted living)	.5 per dwelling unit
Accessory dwelling unit (on residential lot)	No requirement
Retail/service	
General retail (not in shopping center)	3.5 per 1,000 sq. ft. of GLA
Grocery (freestanding)	5 per 1,000 sq. ft. of GLA
Shopping centers	4 per 1,000 sq. ft. of GLA
Vehicle sales and service	5.5 per 1,000 sq. ft. of interior sales
Funeral home	4.5 per 1,000 sq. ft. of GLA
Convenience store	.25 per 1,000 sq. ft. of GLA (Pump Bays included)
Hotel/motel	1 per room
Child day care (7 children or more)	1 per 4 persons of maximum fire rated capacity
Restaurant	1 per 3 persons of maximum fire rated capacity
Office and business	
General business office	3.25 per 1,000 sq. ft. of GLA
Bank (with drive through)	4.5 per 1,000 sq. ft. of GLA

Medical office	4.5 per 1,000 sq. ft. of GLA
Industrial/wholesale/utility	.5 per 1,000 sq. ft. add space as required for office, sales or similar use when more than 10 percent GFA
Manufacturing/light industrial	
Industrial park	1 per 1,000 sq. ft.
Warehouse	.5 per 1,000 sq. ft.
Mini-warehouse	.20 per 1,000 sq. ft.
Government	As determined by zoning administrator
Educational	
Elementary/middle	1.10 per employee
High	.35 per student
Cultural/recreation/entertainment	
Public assembly	.25 per persons of maximum fire rated capacity
Museum	1.25 per 1,000 annual visitors
Library	4 per 1,000 sq. ft. GFA
Religious centers	.6 per seat in main assembly center
Cinemas	.33 per seat
Theaters (live performance)	.33 per seat
Health clubs/rec. facilities	1 per 3.5 persons of maximum fire rated capacity
Golf course	3 per hole

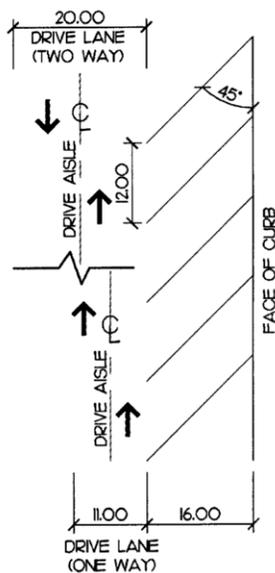
- B) The parking space requirements for a use not specifically listed will be the same as for a listed use of similar characteristics of parking demand.
- C) For uses having different parking requirements and occupying the same building or parcel, the minimum number of required spaces shall be the sum total of all the individual uses. For developments of portions of developments within the same mixed use development district designed as a single, coordinate project having at least 50,000 square feet of gross floor area, the minimum number of required spaces shall be one space for every 250 square feet of gross floor area designed for nonresidential use and occupancy.
- D) Shared parking is allowed and is encouraged in circumstances where the parking would be within 1,200 feet of each respective use.
- E) Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the zoning administrator that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the zoning administrator. 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.
- F) 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 with enforcement running to the town providing that 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 that the owner agrees to bear the expense of recording the agreement and such agreement shall bind his or her heirs, successors, and assigns. An attested copy of the agreement between the owners of record shall be submitted to the zoning administrator for recordation in a form established by the town attorney. Recordation of the agreement must take place 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 be revoked only 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.

2) *Handicap accessible parking:* Handicap accessible parking spaces shall be provided in accordance with the table below:

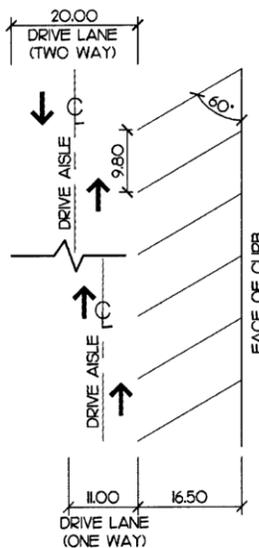
Number of Required Accessible Parking Spaces*	
Total Spaces Required	Required Number to be reserved for Handicapped
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4

101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20; plus 1 for each 100 over 1,000
*Note: The number of accessible spaces shall be calculated based on the total number of required parking spaces.	

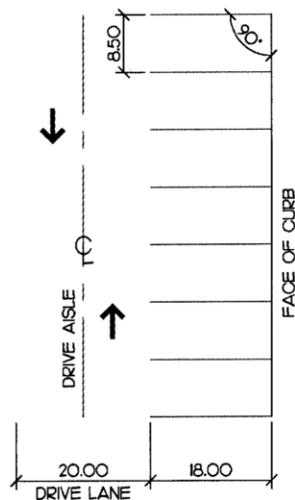
3) **Minimum parking dimensions:**



MINIMUM 45 DEGREE PARKING

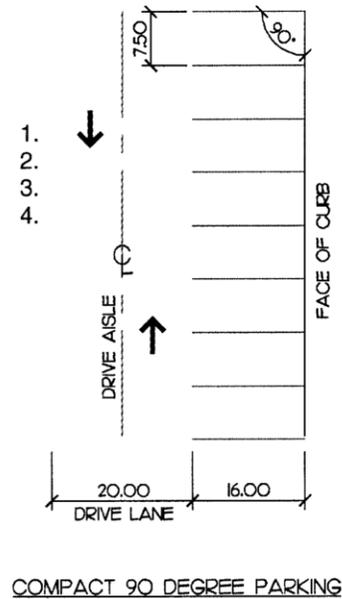
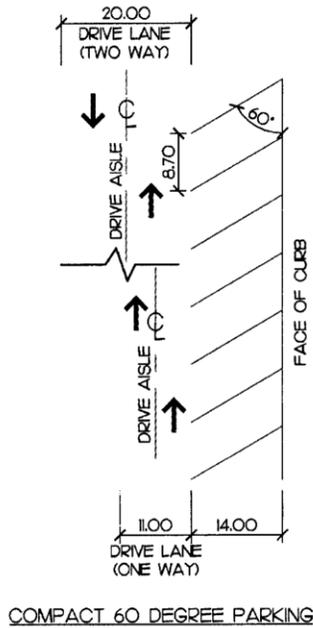
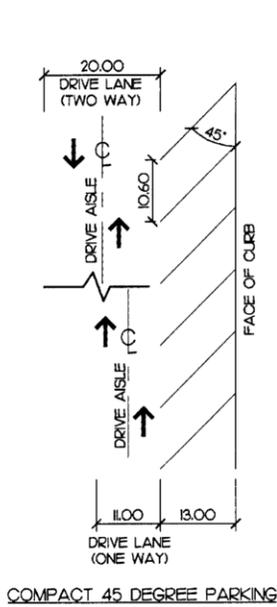


MINIMUM 60 DEGREE PARKING



MINIMUM 90 DEGREE PARKING

- A) **Compact spaces:** In parking lots having 20 or more spaces, up to 25 percent of the total required spaces may be provided as compact spaces. Such spaces shall have minimum dimensions as follows:



- 4) *Parking lot landscaping:* Landscaping islands within parking areas shall be no less than the minimum dimensions of a full-size parking space (measured from edge of pavement or back of curb, if such islands are defined by curb). Islands shall be installed every 25 spaces to include a 2.5" caliper tree (minimum). No parking space shall be further than 110 feet from a landscape island. All trees planted in landscape islands shall adhere to the standards set forth in chapter 38, division 3, tree control.
- 5) *On-street parking:* A minimum of 50 percent of the required off-street parking must be provided on site. 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:
 - a. A key map is provided that delineates the location of allocated on-street spaces for a designated parcel or use.
 - b. The on-street parking must be located within 1,200 feet of the primary entrance of a use.
 - c. On-street parallel parking spaces shall be 7' x 20' measured from the face of curb (or edge of pavement, if curb does not exist).
 - d. On-street diagonal parking with a 60-degree angle or less shall have a minimum travel lane width of 11 feet.
- 6) *Historic or downtown district parking:* Business located in the historic or downtown district, regardless of type, shall not be required to meet the standards provided herein.
- 7) *Off-street loading requirement:* All establishments commenced hereafter which acquire or dispense goods shall provide the minimum number of off-street loading spaces required in this ordinance. Minimum dimensional requirements for such a space shall be 15 feet by 30 feet, and there shall be adequate access to such loading space from a public street. The following schedule shall apply to all uses within the various district which are required to provide off-street loading facilities:

Gross Floor Area	Required Number of Berths
1—25,000	1

25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
320,000—400,000	7
Each 90,000 above 400,000	1 additional berth

- J. **Curb cuts:** No driveway shall be located closer than fifteen feet to the intersection of any public street, as measured along the right-of-way. Driveways shall be a maximum of 30 feet in width and shall be at least 21 feet apart, except in residential districts.
- K. **Corner visibility:** In all zoning districts established by this ordinance, except the local commercial (LC) district, there shall be no obstruction to visibility on any corner lot within 25 feet of the intersection of any two right-of-way lines.
- L. **Height limitation exceptions:** The following **uses** are not controlled by height limitations of this ordinance: belfries, spires, cupolas, domes, chimneys, smokestacks, water towers, conveyors, flag poles, television and radio masts, aerials, towers, and **similar structures**.
- M. **Fences:**
- A) **Permit requirements:** Any person wishing to erect, alter, or relocate a fence must first obtain a fence permit from the code enforcement officer. Fences not meeting the standards outlined in this section **may be permitted by a special use permit**. The code enforcement officer may exercise the power to impose reasonable conditions in granting a **special use permit** under the requirements and guidelines of this ordinance.
- B) **Fencing requirements:**
- 1) Fences shall be limited to a maximum height of six feet for rear and side yards and cannot extend beyond the principal structure into the front yard. For the property owners' protection, a six-inch setback from property lines shall be required.
 - 2) Front yard fences shall not exceed four feet in height and must be approved by the Code Enforcement Officer. Front yard fences cannot be located in any right-of-way.
 - 3) Fences shall be constructed with quality material and workmanship and be maintained in good repair. Materials must be approved by the code enforcement officer. Barbed wire, **constantine** wire, razor wire, or poultry wire are strictly **prohibited**.
 - 4) The finished side of fences shall face adjoining property and shall blend with the landscape.
 - 5) On corner lots, fences may not be permitted beyond the principal structure in **side yards facing the adjoining street**.

The **sides and rear fence** shall conform to the above **guidance**; however, due to the potential visibility problem, the **construction of fences within the front yard will be restricted**. The code enforcement officer may use the authority provided in subsection M.A). to issue a special use permit for front yards on a case-by-case basis for corner lots.

(Amd. of 10-8-07)

ARTICLE II. - REQUIREMENTS BY DISTRICTS

Sec. 1. - **R-25 and R-15** One-family residential districts.

1. **Purpose of districts:** It is the intent of this section that the R-25 and R-15 one-family zoning districts be developed and reserved for low-to-medium density residential purposes. The regulations which apply within these districts are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on zoning lots having an area of fifteen thousand square feet or more, and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.
2. **Permitted uses:** The following uses shall be permitted in any R-25 or R-15 zoning district:
 - A) One-family dwelling (other than a mobile home);
 - B) **Publicly owned building, facility, or land;**
 - C) **Noncommercial horticulture or agriculture,** but not including the keeping of poultry or livestock;
 - D) Accessory use in compliance with the provisions of article I, section 7, subsection G.;
 - E) Customary home occupations established under the regulations in article I, section 7, subsection F.;
 - F) **A property owner or tenant shall not permit a recreational vehicle, travel trailer, or boat to be located on his property for more than two weeks if the vehicle is being used as a dwelling;**
 - G) **The storage of travel trailers, recreational vehicles, and boats shall be permitted, provided no more than two such units are stored on a lot of record and such units are not used for purposes of living, sleeping, or cooking while in storage.**
3. **Conditional uses:** The following uses shall be permitted in any R-25 or R-15 zoning district on a **conditional basis:**
 - A) Public utility substation or subinstallation, including water towers; provided that:
 - (1) Such use is enclosed by a painted or chain-link fence or wall at least six feet in height above finish grade,
 - (2) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises, and
 - (3) A landscaped strip not less than ten feet in width is planted and suitably maintained around the facility;
 - B) Temporary use in compliance with the provisions of article VI, section 4;
 - C) **Religious institutions;**
 - D) **Daycare facilities.**
4. **More restrictive use requirements:** A subdivision, zoning lot or other parcel of land of five acres or more, lying within an R-25 or R-15 residential district, may be more strictly limited as to permitted and/or conditional uses for the district in which the property is located, provided the owner submits

such proposed plans, limitations, conditions, restrictions, easements, rights, and/or privileges for review and approval by the planning and zoning commission.

5. **Other requirements:** Unless otherwise specified elsewhere in this ordinance, uses permitted in an R-25 and R-15 zoning district shall be required to conform to the following standards:
 - A) Minimum lot area: R-25—25,000 square feet and R-15—15,000 square feet;
 - B) **Minimum land area per dwelling unit: R-25—25,000 square feet and R-15—15,000 square feet;**
 - C) Minimum lot width measured at the building line: R-25—125 feet and R-15—100 feet;
 - D) Minimum front yard depth **measured from the nearest street right-of-way line:** R-25—50 feet and R-15—35 feet;
 - E) Minimum side yard: R-25—Principal structure-20 feet with accessory uses being five feet. R-15—Principal structure-ten feet with accessory uses being five feet. For side yard requirements pertaining to corner lots, see article I, section 7, subsection C.;
 - F) Minimum rear yard: R-25-Principal structure-50 feet with accessory uses being five feet. R-15-Principal structure-35 feet with accessory uses being five feet. For rear yard requirements pertaining to double frontage lots, see article I, section 7, subsection D.;
 - G) **Maximum building height:** R-25—35 feet and R-15—35 feet. For exceptions to height regulations, see article I, section 7, subsection L.;
 - H) Additional requirements: Uses permitted in R-25 and R-15 zoning districts shall meet all standards set forth in article I, section 7, subsection I., pertaining to off-street parking, loading, and other requirements.
 - I) Signs: Signs permitted in R-25 and R-15 zoning districts, including the conditions under which they may be located, are set forth in article III.

Sec. 2. - **R-10 One-family residential district.**

1. *Purpose of district:* It is the intent of the section that the R-10 one-family zoning district be developed and reserved for low-to-medium density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on zoning lots having an area of ten thousand square feet or more, and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.
2. *Permitted uses:* The following uses shall be permitted in any R-10 zoning district: All permitted uses as shown in article II, section 1, subsection 2.
3. *Conditional uses:* The following uses shall be permitted in any R-10 zoning district on a conditional basis:
 - A) All conditional uses as shown in article II, section 1, subsection 3
 - B) **Daycare facilities or** pre-school nursery, provided that plans for such facilities receive the written approval of the South Carolina Department of Social Services and the Fort Mill Planning and Zoning Commission.
4. *More restrictive use requirements:* The requirements of article II, section 1, subsection 4. shall apply.
5. *Other requirements:* Unless otherwise specified elsewhere in this ordinance, uses permitted in R-10 zoning districts shall be required to conform to the following standards:
 - A) Minimum lot area: R-10—10,000 square feet;
 - B) Minimum land area per dwelling unit: R-10—10,000 square feet
 - C) Minimum lot width measured at the building line: R-10—75 feet

- D) Minimum front yard depth measured from the nearest street right-of-way line: R-10—35 feet. For exceptions to this requirement, see article I, section 7, subsection E.
- E) Minimum side yard: R-10-Principal structure is ten feet with accessory uses being five feet. For side yard requirements pertaining to corner lots, see article I, section 7, subsection C.
- F) Minimum rear yard: R-10-Principal structure is 35 feet with accessory uses being five feet. For rear yard requirements pertaining to double frontage lots, see article I, section 7, subsection D.
- G) Maximum building height: R-10—35 feet. For exceptions to height regulations, see article I, section 7, subsection L.
- H) Additional requirements: Uses permitted in R-10 zoning districts shall meet all standards set forth in article I, section 7, subsection I., pertaining to off-street parking, loading, and other requirements.
- I) Signs: Signs permitted in R-10 zoning districts, including the conditions under which they may be located, are set forth in article III.

Sec. 3. - **GR Residential district.**

1. *Purpose of district:* It is the intent of this section that the GR zoning district be developed and reserved for medium-to-high density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for several different types of dwellings and certain other compatible uses on zoning lots of ten thousand or more square feet, and to discourage **unwarranted encroachment of commercial**, industrial, or other uses capable of adversely affecting the residential character of the district.
2. *Permitted uses:* The following uses shall be permitted in any GR zoning district:
 - A) All permitted uses as shown in article 2, section 1, subsection 2;
 - B) **Two-family dwellings;**
 - C) Multi-family dwellings;
 - D) Group dwellings.
3. *Conditional uses:* The following uses shall be permitted in any GR zoning district on a conditional basis:
 - A) All conditional uses, as shown in article II, section 2, subsection 3;
 - B) **Boarding facilities;**
 - C) Planned cluster development;
 - D) Hotel or motel; provided, that:
 - (1) No parking be placed within ten feet of the boundary line of any adjoining residential district, and
 - (2) The regulations governing the use and location of signs, as stipulated in article III, shall apply;
 - E) Other commercial services directly oriented to the operations of a specific hotel or motel activity; provided that the provisions governing hotels and motels in article II, section 4 are maintained;
 - F) Bed and breakfasts provided, that such use shall not be expanded in such a way as to become a hotel or motel without conforming to the provisions of article II, section 4;
 - G) Private and semiprivate club, lodge, or recreation facility; **provided that the provisions governing hotels and motels in article II, section 4 are maintained;**
 - H) Public or private care homes; provided that such facilities shall conform with the requirements of the South Carolina Department of Health and Environmental Control;

- l) Clinics, doctors' offices, dentists' offices; provided, that they shall meet the requirements of any and all medical regulations that may apply.
- 4. *More restrictive use requirements:* The requirements of article II, section 2, subsection 4. shall apply.
- 5. *Permitted density:* The maximum permitted density allowed for multi-family development in a GR district is ten units per acre.
- 6. *Other requirements:* Unless otherwise specified elsewhere in this ordinance, uses permitted in GR zoning districts shall be required to conform to the standards set forth for such uses under the provisions of article II, section 2, subsection 5.

Sec. 4. - **GR-A General residential-A district.**

- 1. *Purpose of district:* It is the intent that the GR-A zoning district be developed and reserved for medium-to-high density residential purposes. The regulations which apply within the district are designed to encourage the formation and continuance of a stable, healthy environment for several different types of dwellings and certain other compatible uses on zoning lots of ten thousand or more square feet, and to discourage unwarranted encroachment of commercial, industrial, or other uses capable of adversely affecting the residential character of the district.
- 2. *Permitted uses:* The following uses shall be permitted in any GR-A zoning district:
 - A) All permitted uses as shown in article II, section 2, subsection 2;
 - B) Two-family dwellings;
 - C) Multi-family dwellings.
- 3. *Conditional uses:* The following uses shall be permitted in any GR-A zoning district on a conditional basis: All conditional uses as shown in article II, section 2, subsection 3.
- 4. *More restrictive use requirements:* The requirements of article II, section 2, subsection 4. shall apply.
- 5. *Permitted density:* The maximum density allowed for multi-family development in a GR-A zoning district is eight units per acre.
- 6. *Other requirements:* Unless otherwise specified elsewhere in this ordinance, uses permitted in GR-A zoning districts shall be required to conform to the standards set forth for such uses under the provisions of article II, section 2, subsection 5.

Sec. 5. - **Planned cluster development district.**

- 1. **Legislative purpose and intent:** The legislative purpose and intent of planned cluster development is as follows:
 - A) Encourage a variety and flexibility in land development and land use for residential areas;
 - B) Provide for an alternative means of housing development within the regulatory guidelines stipulated herein as to density and dwelling configuration;
 - C) Encourage the efficient use of those public facilities required in connection with new residential development;
 - D) Encourage innovative design techniques to utilize the environment as a guide to development such as, but not limited to, zero lot lines, party walls, site location with regard to energy consumption, and other concepts where such is appropriate within the regulatory guidelines of this section
- 2. *Location and minimum size:* Planned cluster developments shall be permitted in the following zone districts as conditional uses: GR, GR-A, **LC, HC.**
- 3. **Permitted activities and building types:** Planned cluster developments shall provide for individual lots of no minimum size upon which is permitted one dwelling unit in a single structure. Up to four units

may be attached (party wall, see diagram). Mobile homes are excluded except in MH districts. **The diagram illustrative of the attached and detached concepts for planned cluster developments.**

4. *Density and recreation area:*

- A) The maximum overall density for a planned cluster development shall be in terms of the number of dwelling units per gross acre of land within the development, as provided in the table below.
- B) The minimum total recreation area (**that part of the living space** which is any large **continuous** area for recreation purposes) shall be provided at no less than a minimum ratio of recreation space area per total floor area, as provided in the table below. **Recreation areas** shall be of common ownership.
- C) If a planned cluster development embraces one or more zone districts requiring different maximum permitted overall densities and recreation area ratios, these values shall be calculated separately for each distinct district and a weighted average (weighing the area in each zone district in proportion to its share of the total area of said development in such district) of each of these values shall be applied to said development.

ZONE DISTRICTS	MAX. DENSITY (UNITS PER GROSS ACRE)	MINIMUM RECREATION AREA (ACRES PER ACRE)
GR, GR-A	6	0.14
HC, LC	8	0.14

- 5. *Yards:* Except as required in the following, there shall be no minimum yard size within planned cluster developments; however, the planning commission shall have **review authority for all yard designations and may require larger or smaller yard sizes** based upon the particular site plans submitted for a specific development.
 - A) A perimeter boundary setback of 30 feet measured from the structures to the property line shall be maintained uniformly for the total area within the planned cluster development.
 - B) **Less than ten units shall abide by the setback requirements** of the zoning district in which the development is planned.
- 6. *Minimum lot size:* There shall be no required minimum lot size within planned cluster developments; however, the planning commission shall have review authority for all lot designations and may require larger, smaller, or replatted lot sizes and/or shapes based upon the particular site plans submitted for a specific development.
- 7. *Required accessory off-street parking:* A minimum of **two off-street parking spaces per dwelling unit** shall be required in all planned cluster developments. All streets and parking areas shall be bordered with concrete curb and gutter. Curbs shall be six inches high.
- 8. *Area maintenance:* Provisions shall be made for the perpetual maintenance of areas designated for use by the residents of a planned cluster development. This may be accomplished through a Homeowners Association established in accordance with and chartered by the state under the applicable regulations, or by any other means acceptable to the planning commission. Such association charter or declaration of incorporation shall be submitted with the preliminary plat for approval by the planning commission.
- 9. *Procedure for approval of a planned cluster development:* A planned cluster development shall follow the same **rules and procedures for subdivision approval** as outlined in the Town of Fort Mill Subdivision

Regulations. However, the submission for preliminary plat approval must include the following **additional information**:

- A) Transportation routes, including streets, driveways, sidewalks, pedestrian ways and bikeways, and off-street parking and loading areas;
- B) Location and dimensions of structures, including height and bulk, and the utilization of structures, including activities and the number of dwelling units;
- C) Density of the development;
- D) A tabulation of the area to be devoted to various uses and activities as needed to calculate requirements of subsection 4.;
- E) The substance of covenants, grants of easements, or other restrictions to be imposed upon the use of the land, buildings, or other structures, including proposed documents as required by subsection 8. for area maintenance;
- F) When it is proposed that the development be constructed in stages, a development schedule for the project is required.

Sec. 6. - Planned neighborhood development district.

1. *Purposes of district:* The Town of Fort Mill established the planned neighborhood development (PND) zoning ordinance to allow planned neighborhood development as an option within the town's R-10, R-15, and R-25 zoning district(s). The purpose of the ordinance is to provide an alternative form of development that:

- A) Eliminates standard dimensional requirements while reserving sufficient natural open space for common use;
- B) Enhances the physical appearance of the town by preserving the town's natural assets and distinctive character;
- C) Promotes more efficient use of land and provision of public facilities, utilities, streets, and services;
- D) Provides the opportunity for innovative combinations of housing and neighborhood-oriented commercial and professional uses within a single development;
- E) Conserves natural and environmental resources and the integrity of natural systems;
- F) Encourages innovative residential development so that housing demands are met by a greater variety of types, designs, and layouts of residential character;
- G) Provides a mechanism to relate the type, design, and layout of proposed development to the specific characteristics of a particular parcel;
- H) Encourages creative and site-sensitive developments by allowing increased overall density in exchange for planned neighborhood development pursuant to this chapter.

2. **Permitted uses:**

- A) All planned neighborhood developments shall permit the following residential and accessory uses:
 - 1) Detached single-family dwellings;
 - 2) Two-family dwellings;
 - 3) Multi-family dwellings;
 - 4) Accessory buildings or uses;
 - 5) Recreation or park facilities;
 - 6) **Retirement facilities;**

- 7) Municipal buildings or uses;
 - 8) Schools;
 - 9) Churches.
- B) Planned neighborhood developments shall permit the following community and institutional uses under the terms set forth in subsection 7.D):
- 1) Daycare centers;
 - 2) Community halls;
 - 3) Municipal service lots.
- C) Planned neighborhood developments comprising 50 acres or more may contain the uses permitted in subsection 2.A) as well as the following commercial uses:
- 1) **Neighborhood retail stores;**
 - 2) Personal services;
 - 3) Business or professional offices;
 - 4) **Neighborhood restaurants.**
3. **Standards:**
- A) Planned neighborhood developments shall contain not less than 20 acres;
 - B) Planned neighborhood developments shall be served by municipal water and sewer service;
 - C) Allowable base residential density: Overall residential density shall not exceed eight dwelling units per acre **dedicated to uses other than the commercial uses set forth in article II, section 7, subsection 2.C).** This base residential density may be increased by the town council pursuant to the density bonus options contained in **article I, section 4.**
 - D) Conservation lands: Lands with the following characteristics shall not be developed and shall not be platted as part of a residential, community, institutional, or commercial lot within a planned neighborhood development: 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 nontidal wetlands. These lands shall be designated on the plat for conservation purposes. Conservation lands may be used in computing the allowable base residential density.
4. *Open space standards:*
- A) Planned neighborhood developments shall reserve a minimum of 35 percent of the acreage of the parcel as dedicated natural open space;
 - B) Up to 25 percent of this requirement may be satisfied with land covered by water or by stormwater detention or retention basins if the town council determines that such a water body or basin is suitable for the purposes set forth in article I, section 1. The dedicated open space shall not be included in subdivision lots or in lot size calculations. Dedicated open space shall include the land necessary to provide access to the open space;
 - C) Land characterized as conservation lands in **article II, section 7,** subsection 3.D) of this ordinance may be used to fulfill the minimum dedicated natural open space requirement at the following ratio: one acre of conservation land may be applied to the natural open space requirement as one-half of an acre. A maximum of 50 percent of the total dedicated natural open space within a planned neighborhood development may be fulfilled with conservation lands;
 - D) Dedicated open space shall have shape, dimension, character, location and topography to accomplish the open space purposes specified in article I and to ensure appropriate public access;

- E) Dedicated open space land shall be shown on the preliminary planned neighborhood development plat and shall be labeled to specify that the land has been dedicated to open space purposes. The plat shall specify that the open space land shall not be further subdivided or developed and is permanently reserved for natural open space purposes;
 - F) The open space shall be conveyed by the applicant as a condition of plat approval and may be conveyed by any of the following means as determined by the town council:
 - 1) Deeded in perpetuity to the Town of Fort Mill;
 - 2) 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;
 - 3) 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;
 - 4) 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. 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:
 - a) 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;
 - b) The property owners' association shall have the responsibility of maintaining the open space and operating and maintaining recreational facilities;
 - c) 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;
 - d) 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.
 - G) The applicant shall convey or restrict the open space land by a deed instrument reviewed and approved by the Fort Mill Town attorney to ensure that the land will be held and managed in perpetuity for open space purposes and shall not be further developed;
 - H) If the planned neighborhood development is developed in phases, the provision of dedicated natural open space shall be phased with the construction of dwelling units and other improvements to insure that a proportionate share of the total dedicated open space is preserved with each phase;
 - I) Streets and other impervious surfaces shall be excluded from the calculation of the minimum dedicated open space requirement; however, lands occupied by bike paths, landscaped grounds, or similar common recreational development (excluding tennis courts, golf courses, and buildings) may be counted as dedicated natural open space provided that impervious surfaces constitute no more than five percent of the total required open space;
 - J) Open space shall be permanently dedicated for one or more of the following uses: natural resource conservation, wetland and water course conservation, selective forestry, wildlife habitat, undeveloped parkland, or scenic preservation.
5. *Off-street parking:*

- A) The number, design, location and construction of parking lots, bays, spaces, and drives shall conform to the applicable requirements of the Fort Mill Zoning Code;
 - B) Parking areas shall be planted with trees a minimum of three inches in caliper measured six inches above ground level, so that there is at least one tree per ten parking spaces within the parking lot. Such trees must be staked with two three-inch diameter stakes and protected by curbing against damage by vehicles. A minimum planting area, equivalent to 162 square feet per tree shall be provided;
 - C) Parking areas shall have a landscaped island at each end of each row of vehicle spaces and an intermediate island for every 15 or fewer vehicle spaces. Such planting islands shall be not less than nine feet wide in the direction parallel to the row and not less than 18 feet long in the direction perpendicular to the row. Each such island shall have a suitable curb of stone or poured-in-place concrete, and shall be planted with grass or ground cover. All hydrants shall be located in such islands.
6. *Landscaping and screening:*
- A) *Screening of non-residential uses:* Non-residential uses shall be screened from residential uses within and abutting the planned neighborhood development by a **bufferyard 20 feet in width containing at least three canopy trees, six understory trees, and nine shrubs per 100 feet** of length along the perimeter of the lot line abutting a residential use;
 - B) *Screening along public roadways:* Uses within a planned neighborhood development which abut an **arterial or collector street** shall be screened by a **bufferyard of 20 feet in width containing at least five canopy trees, ten understory trees, and 15 shrubs per 100 feet of frontage**. Canopy trees shall be deciduous shade trees planted at three inches in caliper with a mature height of at least 35 feet. Understory trees shall be deciduous shade or fruit trees planted at two inches in caliper with a mature height of at least 12 feet;
 - C) *Existing vegetation:* Notwithstanding any other provisions of this ordinance existing vegetation shall be retained and maintained to the extent feasible in order to permit existing vegetation to fulfill or contribute to buffer and screening requirements. In lieu of strict compliance with the above bufferyard requirements, a **developer may submit a detailed landscaping plan which will afford a degree of buffering and screening comparable** to that provided by these regulations, making use of existing and new vegetation;
 - D) ***Screening of refuse collection facilities:*** Uses within a planned neighborhood development shall provide secure, safe, and sanitary facilities for the storage and pickup of refuse. Such facilities shall be convenient to collection and shall be appropriate to the type and size of use being served. All refuse storage facilities shall be screened on three sides by a solid wooden fence or masonry wall and a tight evergreen hedge. The fourth side shall be angled to minimize the view of the refuse collection facility or shall be screened by an opaque gate made of durable materials. The screening shall be of sufficient height and design to effectively screen the facility from the view of nearby residential uses, streets, adjacent properties, and recreational facilities.
7. *Density bonuses:* A residential density bonus of up to **20 percent** of the allowable base residential density may be approved in accordance with the following standards. Density bonuses may be granted at the discretion of the town council if it finds that a proposed density bonus promotes the purposes of the planned neighborhood development.
- A) *Dedicated open space:* Increasing the dedicated natural **open space within the parcel by a minimum of ten percent of the gross acreage may qualify for a** bonus of up to five percent above the allowable base density. Priority shall be given to protecting existing stands of mature trees.
 - B) *Bikeways/greenways:* A system of bike paths and pedestrian greenways may qualify for a density bonus of up to five percent above the allowable base density. In order to qualify, the bike paths or greenways shall form an integrated system of access within the development and to principal off-site destinations.

- C) *Walk-up housing:* A dwelling unit located above the ground floor of a structure that contains a non-residential use on the ground floor may be applied toward the allowable base density as one-half of a dwelling unit. A maximum of 5 percent of the total dwelling units within a planned neighborhood development located within a structure that also contains a non-residential use on the ground floor may be applied at this one-half credit.
 - D) *Community and institutional uses:* In a PND with 75 or more residential units, a parcel may be designated, dedicated, and developed for use as a daycare center. This lot shall have a minimum of 100 square feet per residential unit within the PND. Provision of such a facility shall qualify for a density bonus of two percent. In a PND with 100 or more residential lots or units, a community hall may be constructed with an enclosed area of no less than 25 square feet for each residential unit or lot. Provision of such a building shall qualify for a density bonus of two percent. In a PND with 50 or more residential units or lots, a municipal service lot may be designated or dedicated. The lot shall be the greater of one-half acre or one percent of the total acreage of the PND. Provision of such a lot shall qualify for a density bonus of one percent of allowable base density.
8. *Traffic improvements:* Where a proposed planned neighborhood development borders on an existing street whose right-of-way, traffic carrying capacity, or sight lines are inadequate to safely and efficiently accommodate the traffic generated by the proposed development, the town council may require the applicant to dedicate land for needed realignments or widening and to undertake or fund the needed street improvements.
9. *Dimensional standards:*
- A) *Street setbacks:* No structure shall be closer than 25 feet to a local street and no closer than 10 feet to any other street.
 - B) *Building separation:* No structure under 30 feet in height shall be located within 15 feet of any other structure. Buildings higher than 30 feet shall be separated by a distance equivalent to 50 percent of the height of the tallest building.
 - C) *Height limits:* The height limits within a planned neighborhood development shall be the same as the height limits set forth in the zoning code for structures in the R-10 residential district.
10. *Perimeter boundary:*
- A) No portion of a building, structure, or parking area shall be located within 55 feet of abutting property that is not part of the proposed planned neighborhood.
 - B) No portion of a non-residential use, multi-family residential use, community use, institutional use, or active recreational use shall be located within 110 feet of abutting property that is not part of the proposed planned neighborhood.
 - C) The minimum front yard requirement of the R-10 zoning district shall apply for a minimum of 200 feet from the border of a planned neighborhood development and adjoining property that share frontage on the same side of a street.
11. *Multi-family residential development standards:*
- A) Multi-family housing shall be either townhouses or multiplexes.
 - B) Townhouses: The maximum number of dwelling units permitted within a townhouse structure shall be eight. Townhouse structures shall be developed in compliance with the following requirements:
 - 1) There shall be no less than two parking spaces for each townhouse unit.
 - 2) Walkways of four feet in width, constructed of concrete or brick or similar material, shall be installed from parking areas to townhouse units served by such parking areas.
 - 3) Accessory buildings shall be limited to one enclosed storage shed not exceeding seven feet in height nor exceeding ten feet in length by ten feet in width.

- 4) The facades of townhouse units shall have variation in materials and design so that abutting units will not have the same or essentially the same architectural treatment of facades and rooflines. **Garages or carports shall not be allowed in front of townhouse units.**
- C) Multiplexes: The maximum number of dwelling units permitted within a multiplex structure shall be **four**. Multiplex structures shall be developed in compliance with the following requirements:
 - 1) There shall be no less than two parking spaces for each unit.
 - 2) Walkways of four feet in width, constructed of concrete or brick or similar material, shall be installed from parking areas to multiplex units served by such parking areas.
 - 3) **Accessory buildings shall be prohibited.**
12. **Utilities:** Utilities such as electric transmission, cable television lines, and telephone lines, serving the **open space subdivision** shall be installed underground unless the town council grants a waiver of this provision. The town council may grant a waiver if it finds that underground installation would be exceptionally difficult due to unusual subsurface conditions or topographic conditions that are not generally found on other property in the area and granting the waiver will not have a significant adverse effect on adjacent property.
13. **Accessory structures:** **Accessory structures shall not be located within any front yard or within five feet of any other structure.**
14. **Neighborhood recreational uses:** A minimum of 335 square feet for each residential unit shall be dedicated and developed for neighborhood recreational use to serve the recreational demands generated by the planned neighborhood development.
15. **Commercial uses development standards:**
 - A) The land dedicated to commercial uses shall **not exceed ten percent of the total acreage** of the parcel.
 - B) The total gross floor area of commercial uses shall **not exceed 25 square feet** for each residential unit.
 - C) Commercial uses shall be designed and located with the intention of serving the immediate needs and convenience of residents within and within the vicinity of the planned neighborhood development.
 - D) **Commercial uses shall not have frontage on any street designated as a major or minor arterial.**
 - E) **Commercial uses shall not be located within 200 feet of the peripheral boundary of the planned neighborhood development.**
 - F) Commercial uses shall not receive a certificate of occupancy until building permits have been issued for 50 percent of the residential units within the planned neighborhood development.
16. **Appearance review:** Appearance review in conformity with the provisions of article V of the Fort Mill Zoning Code shall be required for all proposed commercial, community, institutional, or multi-family residential development within a planned neighborhood development to ensure conformity with the appearance standards. Compliance with the requirements for appearance review shall be required in addition to all other requirements. NOTE: APPEARANCE REVIEW WILL OCCUR AFTER REZONING, NOT AS AN ELEMENT OF REZONING.
17. **Definitions:**
 - A) **Community hall:** A community hall is a structure designed and constructed for civic uses and shall include a community meeting room, a library annex, space dedicated to historical or cultural displays or uses, athletic or exercise facilities, or uses deemed by the commission to be similar in intent and function with this section.
 - B) **Neighborhood recreation use:** This term shall include basketball courts, tennis courts, playgrounds, tot lots, picnic areas, and the like.

- C) *Neighborhood restaurants*: A restaurant of not more than 20 seats, nor five employees, open for business not more than 14 hours per day and not later than 10:00 p.m.
- D) *Neighborhood retail store*: This term shall include neighborhood-oriented retail businesses with not more than 4,000 square feet of gross floor area. The term shall include convenience stores, bookstores, dry cleaners, ice cream stores, barber and beauty shops, wearing apparel stores, bakeries, drugstores, banks, gift shops, and hardware stores. Any commercial use which allows patrons to **remain in their automobile while receiving goods or services will not be allowed.**
- E) *Nontidal wetlands*: Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Clean Water Act as amended.
- F) *Planned neighborhood development*: Planned neighborhood development (PND) is used in two contexts. Depending upon the context, **planned neighborhood development refers to the development authorized by this ordinance or a project which is proposed for consideration under this ordinance.**

Sec. 7. - **Mobile home park district.**

- 1. *Permitted use*: A mobile home park shall be permitted as a **conditional use in a zoning district** subject to the provisions of these regulations.
- 2. *Purpose*: The purpose of this article is to provide for the development of properly located and planned facilities for mobile home parks. 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 property. Emphasis is given, therefore, to the location of a proposed mobile home park, the relationship of the site and the site development plan to adjoining property, and the development plan itself when evaluating the mobile home park.
- 3. *Reserved*.
- 4. *Conformance with regulations*:
 - A) It shall be unlawful for any person to locate or cause to be located or to allow one or more mobile homes to be located on a tract owned, possessed, or otherwise controlled by him unless such act conforms to one of the following requirements or conditions:
 - 1) The mobile home is nonconforming as defined in article IX, section 3 of the Zoning Ordinance; or
 - 2) The mobile home is within an approved mobile home park; or,
 - 3) The mobile home is used in connection with an allowable temporary use; or
 - 4) The mobile home is **on an individual lot in a district in which it is a permitted use.**
 - B) The owner or operator of a mobile home park shall not permit a recreational vehicle or travel trailer to locate within the boundaries of such park for periods greater than one week if the travel trailer is being used or intended to be used as a dwelling. The storage of travel trailers and recreational vehicles shall be permitted, provided that **only one such unit is stored on a lot of record** and that 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 mobile home or trailer 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 1. above, it shall be unlawful to store or park any unoccupied mobile home for longer than 48 hours except in an emergency, and then only after first obtaining

a special permit from the building inspector. No emergency storing permits shall be issued for a period longer than seven days in duration.

5. *Permitted uses within a mobile home park:*

- A) Mobile home parks 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:
 - 1) The placement of mobile homes for use as a dwelling.
 - 2) Caretaker's or manager's mobile home or offices.
 - 3) Service building to house services for occupants of mobile home park only, including management office, mail pick-up, restrooms, vending machines, washing and drying machines for domestic laundry, recreation facilities accessory to the mobile home park, and similar uses.

6. *Site planning shall provide the following:*

- A) Site planning should adapt to individual site conditions. An **informal park type of site planning** which conforms to terrain, existing trees and shrubs is preferred. The mobile 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 mobile 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 mobile 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 mobile home site plans must be **approved by the South Carolina Department of Health and Environmental Control.**

7. *Contents and review of the preliminary plan:* Mobile home parks shall comply with the preliminary plot standards as established in the Town of Fort Mill Subdivision Regulations. 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:
 - 1) Minimum setback lines shown with approximate dimension of mobile home lots, mobile home stands, mobile home patios, and walkways from patios to parking areas.
 - 2) Boundaries of the tract with course and distances, north point, graphic scale of one inch = 200 feet or larger.
 - 3) Accessory building dimensions and locations.
 - 4) Existing and finished contours at intervals of two feet.
 - 5) 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,
 - l) Site location of fire hydrants.
- B) Proposed name of the mobile home park; names and addresses of owners and designers of the park; street addresses.
- C) The preliminary plan shall include US Mail delivery and pick-up locations.
8. *Contents and review of the final plan:* Mobile home parks shall comply with the final plot standards as established in the Town of Fort Mill Subdivision Regulations when the development includes right-of-way dedications, easements, and/or mobile home park 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:
 - 1) Public works-refuse collection,
 - 2) Fire department-fire hydrant lines and fire hydrant locations,
 - 3) Fort Mill Utilities—Street utilities, electrical distribution and connection, gas distribution and connection (as required), water distribution, sanitary sewer,
 - 4) Engineering/inspections-storm sewer, traffic circulation and parking, streets and park drives,
 - 5) Recreation,
 - 6) 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 inch equals four feet vertical.
 - D) Vicinity sketch drawn to scale of one 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 mobile home lots in the proposed park.
 - H) Detail of a typical mobile home lot showing water, sewer, and electrical connections.
 - I) Location and extent of surface areas, lawns and planted areas.
9. *Mobile home development requirements:* Development requirements for mobile home parks within the MH district shall be as specified below:
- A) The minimum area of any site to be developed for any mobile home park shall be three acres, including right-of-way, utility easements, and recreation areas.

- B) The maximum gross density of a mobile home park of sections thereof shall be six mobile homes per gross acre of the tract.
 - C) There shall be no less than ten mobile home lots available at first occupancy.
 - D) When a mobile home park is developed by sections, a final plan for each section shall be approved by the **zoning board of appeals** before any permits can be issued for that section.
 - E) It shall be unlawful for any person to sell mobile homes or trailers within a mobile home park on a commercial basis, except that an individual mobile home owner shall be allowed to sell the mobile home in which the person maintains **occupancy**.
10. *Mobile home lot requirements:* Mobile home lot requirements shall be as specified below:
- A) A mobile home park shall be divided into mobile 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 mobile home and its additions to be placed on the lot. In no case however, shall a lot be less than 4,000 square feet and a minimum width of 40 feet; a lot shall have 5,000 square feet and a minimum width of 50 feet for use by a double wide mobile home. No more than one mobile 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 mobile home subdivision is proposed.
 - C) Each mobile home shall be erected or located on a permanently constructed stand meeting the following requirements:
 - 1) The mobile home stand and the mobile home lot shall be graded to provide adequate storm drainage away from the mobile home.
 - 2) The location of each mobile home stand shall be at such elevation, distance, and angle in relation to the parking lot and the adjacent access private street or public street that placement and removal of the mobile home is practical by means of customary moving equipment.
 - 3) A mobile home stand shall consist of a rectangular plot of ground 14 feet by 70 feet or 28 feet by 70 feet with concrete patio and a concrete walk to a private drive.
 - 4) Mobile home stands may be located with direct access to public streets which exclusively serve the mobile home park or on private streets located within the mobile home park.
 - 5) For each mobile home there shall be constructed a permanent patio located adjacent to or attached to the mobile home stand, and such patio shall be of the following characteristics:
 - a) Each patio shall be at least 64 square feet in area.
 - b) Each patio shall have sufficient gradient to facilitate adequate drainage away from the mobile home stand.
 - c) Each patio shall have a well-graded, well-drained and compacted base, and shall be concrete, or masonry construction.
 - 6) Each mobile home will be tied down to the stand and will have a curtain covering its base.
 - D) The walkway shall be constructed for each mobile home lot and shall connect the parking lot or space and the patio where parking is provided for the mobile home lot.
 - 1) The width of the walkway shall be three feet.
 - 2) The walkway shall consist of a compacted base, and shall be constructed with concrete or masonry, in accordance with the Town of Fort Mill specifications.

11. *Mobile home general requirements:* Mobile home park installations and construction requirements shall be as specified below:
 - A) A permanent street address shall be assigned to all mobile homes located within a mobile home park in accordance with the Town of Fort Mill Code.
 - B) All mobile home park sewer inlets for individual mobile homes or trailers 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 mobile 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.
 - D) Attached structures such as awnings, cabanas, storage cabinets, carports, windbreaks, and porches for all purposes of the separation requirements are to be considered part of the mobile home stand.
 - E) Each mobile home park shall furnish access only through an approved entrance, and access to individual lots directly from a public street is prohibited.
12. *Reserved.*
13. *Buffering:* Shall be required in accordance with article IV of this Code.
14. *Recreation:*
 - A) Recreation areas serving adult and school age residents shall be provided at a ratio of **100 square feet per dwelling unit** except as noted in subsection 14.B) below.
 - B) The recreation requirement for a mobile home park development shall not apply if the project is within one-half mile radius of a public recreation facility, or if the project is three acres or less.
 - C) Swimming pools, clubhouses, accessory buildings for recreational uses, and structures for recreational activities shall not be located within 20 feet of any adjacent property line. Swimming and wader pools shall be fenced where intended to serve resident children.
15. *Parking:*
 - A) Parking shall be provided in accordance with the off-street parking requirements of article I, section 7.
 - B) Off-street parking space for each mobile home shall be within 150 feet of the stand it is to serve, and no parking shall be closer than five feet to any mobile home living unit.
 - C) All required parking spaces shall be **provided in parking lots**. On street parking shall not be used toward satisfying 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.
16. *Several requirements:*
 - A) *Operating requirements:* Each mobile home court or park 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 mobile home parks in South Carolina.
 - B) *Utility requirements:* Each mobile home shall be connected to the water mains of the Town of Fort Mill in an approved manner, and to the 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 mobile home park when the park operator 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 park is being maintained and operated in full compliance with the law, the permit may be reissued.

- D) *Posting of certificate of occupancy:* The certificate of occupancy shall be conspicuously posted in the office or on the premises of the mobile home park at all times.

Sec. 8. - LC Local commercial district.

1. **Purpose of district:** It is the intent of this section that the LC zoning district be developed and reserved for local or "main street" oriented business purposes. The regulations which apply within this district are designed to:
 - (a) Encourage the formation and continuance of a stable, healthy, and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping service facilities,
 - (b) Reduce traffic and parking congestion,
 - (c) Avoid the development of "strip" business districts, and
 - (d) Discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district.
2. *Permitted uses:* The following uses shall be permitted in any LC zoning district:
 - A) **Retail business** involving the sale of merchandise on the premises, specifically including:
 - 1) Antique store,
 - 2) Appliance, radio, television store,
 - 3) Art supply store,
 - 4) Book, magazine, newspaper shop,
 - 5) Candy store,
 - 6) Clothing store,
 - 7) Drug store or pharmacy,
 - 8) Florist shop,
 - 9) Fruit, nut and/or vegetable store,
 - 10) Gift or curio shop,
 - 11) Grocery store,
 - 12) Hardware store,
 - 13) Hobby and/or toy shop,
 - 14) Household furnishing store,
 - 15) Millinery or hat store,
 - 16) Music store and/or record shop,
 - 17) Notion, 5-and-10-cent, general or variety store,
 - 18) Office supply and equipment store,
 - 19) Package liquor store,
 - 20) Paint store,
 - 21) Photographic and camera supply and service store and studio,
 - 22) Printing shop,

- 23) Shoe store,
 - 24) Sporting goods store,
 - 25) **Video store.**
- B) Business involving the rendering of a personal service or the repair and servicing of small equipment, specifically including:
- 1) Appliance, radio, television repair shop,
 - 2) **Banks, savings and loan association**, specifically excluding check cashing establishments, title loan lenders, deferred presentment lenders, pawnshops, loan brokers, and small loan companies,
 - 3) Barber shop, beauty shop or combination thereof,
 - 4) Bicycle repair and sales shop,
 - 5) Dressmaker, seamstress, tailor,
 - 6) Dry cleaning, self-service and/or laundry self-service facility,
 - 7) Furniture repair, upholstering,
 - 8) **Insurance agency,**
 - 9) Jewelry and watch repair shop,
 - 10) Locksmith or gunsmith,
 - 11) **Medical, dental, or chiropractic office, clinic, and/or laboratory,**
 - 12) **Office for governmental, business, professional, or general purposes,**
 - 13) Photographic studio,
 - 14) **Public utility business office,**
 - 15) **Real estate agency,**
 - 16) School offering instruction in art, music, dancing, drama, or similar cultural activity,
 - 17) **Secretarial and/or telephone answering service,**
 - 18) Shoe repair shop,
 - 19) **Telegraph office,**
 - 20) Telephone exchange,
 - 21) **Veterinary clinic.**
- C) Radio and/or television station.
- D) Private or semiprivate club, lodge, union hall or social center.
- E) Church.
- F) **Residential uses** permitted in any GR residential district,
- G) Off-street commercial parking lot,
- H) Publicly owned and operated building, facility or land,
- I) Accessory use in compliance with the provisions of article I, section 7, subsection G.
3. *Conditional uses*: The following uses shall be permitted in any LC zoning district on a conditional basis:
- A) Auto accessory store; provided, that there shall be no storage of wrecked automobiles or scrapped or salvaged auto parts on the premises;

- B) Bakery; provided, that goods baked on the premises shall be sold only at retail on the premises;
 - C) **Contractor's office**; provided, there shall be no storage of vehicles, equipment or materials on the premises;
 - D) Delicatessen, restaurant, soda fountain, or other eating and/or drinking establishments (other than drive-in establishments) provided, that
 - (1) No outside speaker system shall be utilized,
 - (2) All lights or lighting arrangements used for purposes of advertising or night operations shall be directed away from adjoining or nearby residential properties, and
 - (3) Parking and/or service areas shall be separated from adjoining residential properties by a suitable planting screen, fence, or wall at least six feet in height above finish grade.
 - E) Dry cleaning or laundry pick-up agency; provided, that:
 - (1) Any laundering, cleaning or pressing done on the premises shall involve only articles delivered to the premises by individual customers; and
 - (2) No applicable fire zone regulation shall be violated.
 - F) Pet shop; provided, that all animals shall be housed within the principal building so that no sound is perceptible beyond the premises.
 - G) Public utility substation or subinstallation including water towers, provided, that:
 - (1) Such use shall be enclosed by a painted or chain-link fence or wall at least six feet in height above finish grade,
 - (2) There shall be no storage of vehicles or equipment on the premises, and
 - (3) A landscaped strip not less than five feet in width shall be planted and suitably maintained.
 - H) Commercial recreation facility, specifically including: **Theaters**, but not including drive-in type of facility.
 - I) **Newspaper publishing plant**; provided, that the requirements for parking, loading, and unloading shall conform to the provisions of this ordinance.
4. *Other requirements*: Unless otherwise specified elsewhere in this ordinance, uses permitted in LC local commercial zoning districts shall be required to conform to the following standards:
- A) Minimum lot area—**1500 square feet**,
 - B) Minimum lot width, **measured at the building line**—20 feet,
 - C) Minimum side yard—No side yard required,
 - D) Minimum rear yard—No rear yard required,
 - E) Additional requirements: Uses permitted in LC zoning districts shall meet all standards set forth in article I, section 7, subsection I., pertaining to off-street parking, loading, and other requirements. Public alleys and/or parking lots may be used to satisfy this requirement,
 - F) Signs: Signs permitted in LC zoning districts, including the conditions under which they must be located, are set forth in article III.

(Ord. No. 2007-23, § 1, 11-12-07; Amd. of 11-12-07)

Sec. 9. - HC **Highway commercial district**.

- 1. **Purpose of district**: It is the intent of this section that the HC zoning district be developed and reserved primarily as a retail service and commercial area, serving surrounding neighborhoods and larger community or citywide clientele with a wide range of commercial services, including retail, offices and business support services located in areas which are well served by collector and arterial street

facilities as well as pedestrian access facilities where appropriate. The regulations which apply within this district are designed to:

- A) Encourage the formation and continuance of a compatible environment for highway oriented uses;
- B) Ensure adequate and properly designed means of ingress and egress;
- C) **Encourage pedestrian access where appropriate;** and
- D) Discourage any encroachment by industrial or other uses capable of adversely affecting the specialized commercial character of the district.

2. **Permitted uses:** The following uses shall be permitted in any HC zoning district:

Administrative offices.



Research, development and testing laboratories.

United States Postal Service.

Hardware stores.

Horticultural nursery.

Antique stores.

Food stores.

Convenience stores.

Apparel and accessory stores.

Home furniture, furnishing and equipment stores.

Restaurants.

Taverns.

Drug stores.

General merchandise stores such as bicycle and sporting goods, books, stationery, jewelry, toy, photography, gift, luggage, sewing, catalog, consignment shops (but not flea markets), etc.

Personal service stores such as florists, optical goods, art supplies, telephone stores, pet stores, travel agents, etc.

Pet shops.

Animal hospital specifically excluding boarding facilities.

Banking, lending institutions, security and broker services, insurance companies specifically excluding check cashing establishments, title loan lenders, deferred presentment lenders, pawnshops, title loan brokers, and small loan companies.

Real estate agencies.

Dry cleaners and laundry services.

Photographic studios, beauty shops, barber shops, shoe repair.

Funeral service and crematories.

General retail trade such as department stores, food stores, etc.

Gas stations.

Car washes.

Repair garage.

Warehouse (excluding mini-warehouses or personal storage units).

Hospitals.

Offices for health care services, such as doctors, dentists, and nursing, and personal care facilities.

Legal services offices.

Professional offices and workshops for engineering, accounting, research, artists, etc.

Daycare centers.

Recreational activity centers such as bowling alleys, skating rinks, miniature golf courses, playhouses, and arcades.

Schools.

Hotels.

Theaters.

Seasonal or temporary uses, consistent with the character of the district and in conformance with all pertinent requirements of the municipal code.

Accessory uses in compliance with the provisions of article I, section 7, subsection G.

3. *Conditional uses:* The following uses shall be permitted in any HC zoning district on a conditional basis in accordance with the provisions of article X of this ordinance:

A) **Dealerships,** new and used automobiles, recreation vehicles, boats, boat trailers, and utility trailers; provided, that:

- 1) Stock shall be parked no less than five feet from adjoining property lines and 15 feet from edge of streets,
- 2) There shall be no storage of wrecked or dilapidated automobiles or scrapped or salvaged auto parts on the premises.

B) Automotive wrecker service; provided, that:

- 1) No wrecked automobile shall be stored on the premises outside a fenced area.
- 2) The fenced area shall be screened from public view. A six-foot-high fence or wall shall enclose the area, and the area shall be paved or graveled with no grass allowed to grow in the storage area.
- 3) Maximum time limit of storage shall be ten days. The date the wrecked vehicle is received shall be marked on each unit with at least four-inch-high numbers.
- 4) No other parts or items may be stored in the area.

- C) Mini-warehouses or personal storage units; provided, that:
- 1) Any outdoor storage shall be conducted entirely within storage yards separate from buildings. Such storage yards shall be screened from public view. A six-foot high fence or wall shall enclose the area, and the area shall be paved or graveled with no grass allowed to grow in the storage area.
 - 2) Storage of any items, including vehicles, in interior traffic aisles, off-street parking areas, loading areas or driveway areas is prohibited.
 - 3) Lighting used to illuminate any interior traffic aisle, off-street parking area, loading or unloading area, or storage area, shall be shielded or so arranged as to reflect light away from adjoining premises.
 - 4) Mini-warehouses shall be designed, landscaped, screened, or otherwise treated in a manner that will be aesthetically pleasing and compatible with surrounding uses.
 - 5) Traffic aisles shall be of sufficient width so as to allow for loading and unloading, maneuvering and circulation of vehicles, and shall in no case be less than 20 feet in width.
 - 6) Use of mini-warehouse compartments or yards for any purpose other than the storage of goods is prohibited.
- D) **Uses permitted as conditional use:** The zoning administrator shall allow the following uses, subject to compliance with conditions set forth for the use in this section:
- 1) Check cashing establishments, deferred presentment lenders, and title loan companies when:
 - a. The use is (i) located no closer than **3,000 feet**, measured lot line to lot line from the nearest check cashing establishment, deferred presentment lender, or title loan company, and (ii) located within a group nonresidential development or like commercial shopping center with all structures contained in it having a total floor space of 30,000 square feet or more; or
 - b. The use is wholly contained within the confines of a grocery store or general merchandise retail establishment having 30,000 square feet or more of floor space, and the use has no separate access for public use to its share of the premises, and (ii) is located no closer than 3,000 feet, measured lot line to lot line from the nearest check cashing establishment, deferred presentment lender, or title loan company.
 - 2) Tattoo facilities, provided that:
 - a. The facility shall be properly licensed by the South Carolina Department of Health and Environmental control pursuant to Section 44-34-10 et seq. of the 1976 Code of Laws of South Carolina, as amended;
 - b. The facility may only provide tattooing services and may not engage in any other retail or service operations, including, but not limited to, the sale of goods or the performing of body piercing or any other form of body modification other than tattooing;
 - c. Such facilities shall not be permitted within one thousand feet of a church, school, or playground. This distance shall be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, school, or playground.
 - d. Any new tattoo facility shall be located a minimum of 3,000 feet, measured lot line to lot line, from the nearest tattoo facility.
4. *Other requirements:* Unless otherwise specified elsewhere in this ordinance, uses permitted in HC zoning districts shall be required to conform to the following standards:
- A) Minimum lot area: **10,000** square feet.

- B) Minimum lot width measured at the building line: 75 feet.
- C) Minimum front yard depth measured from the nearest street right-of-way line: 35 feet.
 - 1. For exceptions to this requirement, see article I, section 7, subsection E.
- D) Minimum side yard:
 - 1. Principal structures: Ten feet.
 - 2. Accessory uses: Five feet.
 - 3. For side yard requirements pertaining to corner lots, see article I, section 7, subsection C.
- E) Minimum rear yard:
 - 1. Principal structures: 35 feet.
 - 2. Accessory uses: Five feet.
 - 3. For rear yard requirements pertaining to double frontage lots, see article I, section 7, subsection D.
- F) Maximum building height:
 - 1. Maximum building height: 35 feet.
 - a. Exception: The maximum height requirement shall not apply to structures erected on any parcel which lies wholly or in part within 1,500 linear feet of the outer edge of the Interstate 77 right-of-way.
 - 2. For additional exceptions to height regulations, see article I, section 7, subsection L.
- G) Off-street parking: Uses permitted in HC zoning districts shall meet all standards set forth in article I, section 7, subsection I., pertaining to off-street parking, loading, and other requirements.
- H) Signs: Signs permitted in HC zoning districts, including the conditions under which they may be located, are set forth in article III.
- I) Buffers: Where proposed commercial development abuts one or more lots zoned for residential use, a suitable buffer screen, wall or fence, six feet in height, shall be provided along each shared property line to restrict visibility of the commercial use from adjacent residential uses.

(Amd. of 12-27-05; Ord. No. 2007-24, § 1, 11-12-07; Amd. of 11-12-07; Ord. No. 2011-12, § II, 8-8-11; Ord. No. 2013-22, § I, 8-12-13; Ord. No. 2013-33, § I, 12-9-13)

Sec. 10. - **GI General industrial district.**

- 1. *Purpose of district:* It is the intent of this section that the GI zoning district be developed and reserved for general industrial purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for all types of industrial, warehouse, terminal, laboratory, and open yard storage operations of concerns, and to discourage any encroachment by residential developments or other uses capable of adversely affecting the industrial character of the district.
- 2. *Uses:* All uses in any GI zoning district shall be conditional uses. **The following uses shall be permitted on a conditional basis:**
 - A) Any industrial use which involves manufacturing, processing or assembly operation, or the storage and sale of materials, products or equipment, but not including junk or salvage yards or uses which may cause injurious or obnoxious noise, vibration, smoke, gas, fume, odor, dust, fire hazard, dangerous radiation or other conditions objectionable to adjacent or nearby areas,
 - B) Warehouse,
 - C) Research or experimental laboratory,

- D) Transportation terminal,
 - E) Public building, facility or land,
 - F) Public utility installation,
 - G) Bulk storage of petroleum or petroleum products,
 - H) **Repair garage,**
 - I) Office building and/or offices for governmental, business, professional or general purposes,
 - J) Commercial trade or vocational school,
 - K) Off-street commercial parking lot or garage, as well as off-street parking or storage area for customer, client, or employee-owned vehicles,
 - L) New and used car sales,
 - M) **Automobile** service station; provided, that:
 - (1) All pumps shall be set back at least **fifteen feet** from the right-of-way line of any street; and
 - (2) That there shall be no open storage of any type in conjunction with the operation.
 - N) **Wholesale business outlet;** provided, that there shall be no open storage of junk or salvage material of any type in conjunction with the operation,
 - O) **Retail business;** provided, that such business shall involve no open storage of any type,
 - P) Truck terminal; provided, that:
 - (1) Paved acceleration and deceleration lanes at least ten feet in width and one hundred feet in length, respectively, shall be furnished and maintained where trucks enter or leave terminal sites located adjacent to major streets or controlled access highway,
 - (2) No safety hazard or impediment to traffic movement shall be produced on any access road, and
 - (3) No open storage of any type shall be conducted in connection with the operation.
 - Q) **Watchman or caretaker's dwelling;** provided, that:
 - (1) Such dwelling shall be located on the premises of a permitted use; and
 - (2) The head of the household is employed by the industry as a watchman or caretaker; plus accessory uses for dwelling in compliance with article I, section 7, subsection G.1).
 - R) **Private recreation facility; provided, that such facility shall be:**
 - (1) **Incidental to a permitted use; and**
 - (2) **Located on the same premises.**
 - S) Automotive wrecker service; provided, that no wrecked automobile shall be stored on the premises outside of a fenced area. The fenced area shall be screened from public view. A six-foot-high fence or wall shall enclose the area, and the area shall be paved or graveled with no grass allowed to grow in the storage area. Maximum time limit of storage shall be 30 days. The date the wrecked vehicle is received shall be marked on each unit with at least four-inch-high numbers. No other parts or items may be stored in the area.
3. *Other requirements:* Unless otherwise specified elsewhere in this ordinance, uses permitted in GI zoning districts shall not be required to conform to additional requirements; except, that under no condition shall the requirements of **article II, section 2, subsection 5.** be minimized. Subsection B) under article II, section 2, subsection 5. shall not apply to this requirement.

Sec. 11. - Historic preservation district.

1. *Title:* The title of this section shall be the Fort Mill Historic Preservation Ordinance.
2. *Purpose:* The purpose of this section is:
 - A) To protect, preserve, and enhance the distinctive architectural heritage of the Town of Fort Mill;
 - B) To promote the educational, cultural, economic, and general welfare of the people of Fort Mill;
 - C) To foster civic pride;
 - D) To ensure harmonious, orderly, and efficient growth and development of the Town of Fort Mill;
 - E) To strengthen the local economy; and
 - F) To stabilize and improve property values. It is the hope of the Town of Fort Mill that 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 districts to continue to be a distinctive aspect of the town 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.
3. *Historic review board.* In order to implement the provisions of this section, there is hereby established a historic review board (HRB). The HRB shall have all the duties and responsibilities outlined within article VI, section 1(E)(1) of this ordinance. The HRB shall be comprised as outlined in article VI, section 1(E)(2) and (3).
4. *Meetings, rules, and records.*
 - A) *Meetings:* The HRB shall meet as specified in article VI, section 1(E)(4) of this ordinance.
 - B) *Records:* The HRB shall keep and maintain public records as outlined in article VI, section 1(E)(5) of this ordinance.
 - C) *Public hearings:* When required under the provisions of this ordinance, public hearings shall be held by the HRB. Public hearings shall be held at the earliest possible meeting; provided, however, all public hearings shall be advertised as required by law.
 - D) *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.
 - E) *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.
5. *Jurisdiction of the historic landmarks HRB:*
 - A) *Jurisdiction:* The jurisdiction of the HRB to review proposed alterations to exteriors and buildings, new construction, and demolition shall be the following:
 - 1) 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.
 - 2) 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.
 - 3) 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.

- B) *Designation of historic landmarks and historic districts:* The HRB may recommend to the town council the designation as historic landmark or as a historic district any individual building, group of buildings, or sites it deems to be important to the history, culture, and heritage of the people and Town of Fort Mill. When considering whether a building, structure, site, object, or district should be designated historic by the Town of Fort Mill, the following criteria should be considered: The quality of significance in American, South Carolina, York County, or Fort Mill history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:
- 1) That are associated with events that have made a significant contribution to the broad patterns of our history, or
 - 2) That are associated with the lives of persons significant in our past, or
 - 3) That embody the distinctive characteristics of type, period, or method of construction, or that represents the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - 4) That have yielded, or may be likely to yield, information important in prehistory or history; or
 - 5) That are important in preserving areas which embody physical resources of unique value in the cultural development of the community.
- C) *Action by town council:* Designation as a historic landmark or historic district or the expansion of a historic district shall not become effective until officially adopted by the town council. Owners of properties proposed to be designated historic shall be notified in writing 30 days prior to consideration by town council. Owners may appear before the town council to voice approval or opposition to such designation.
- D) *Identification on town zoning map:* Any National Register Landmark, locally designated landmark or Historic District shall be superimposed on the zoning map of the Town of Fort Mill. The boundaries of any historic district designated by the town council shall be clearly shown on the zoning map.
- E) *Appeal:* Any property owner may appeal the decision of the town council before the Courts of the State of South Carolina.
6. *Nominations to National Register of Historic Places:* The HRB may designate and recommend the nomination of buildings, structures, sites, objects, or districts to the National Register of Historic Places. When considering whether a building, structure, site, object, or district should be nominated the HRB should apply the following National Register criteria: The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:
- A) That are associated with events that have made a significant contribution to the broad patterns of our history; or
 - B) That are associated with the lives of persons significant in our past; or
 - C) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - D) That has yielded, or may be likely to yield, information important in prehistory or history. The HRB shall conduct first review and evaluation of all proposed National Register nominations within its jurisdiction, including any which may have been submitted to the state historic preservation office, and shall forward all reviewed nominations to the SHPO with recommendations for consideration by the state board of review. Property owners will be notified when their property is being nominated to the National Historic Register and that there will be public notification for all nominations to be considered by the HRB. The HRB shall not have the authority to nominate

properties directly to the National Register; only the state board of review shall have this final review authority.

7. *Permitted uses:*

- A) *Permitted uses:* All uses permitted by the Town of Fort Mill, either by right or as a **special use**, shall be permitted in areas designated historic by the town council in accordance with provisions of the zoning ordinance adopted by the town council.
- B) *Dimensional regulations:* Structures designated historic by the town council shall observe the **dimensional and other regulations provided for in the Zoning Ordinance** of the Town of Fort Mill.

8. *Maintenance and repair:* Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of structures designated as historic which does not involve a change in design, material, color or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, demolition of any such feature which the building inspector or similar official shall certify is required by the public safety because of an unsafe or dangerous condition.

9. *Certificate of appropriateness:*

- A) *General:* Prior to any demolition, new construction, alteration, modification, or addition to a designated historic landmark or within an area designated as a historic district by the town council, a certificate of appropriateness from the HRB shall be required. The Town of Fort Mill shall require a certificate of appropriateness to be issued by the HRB prior to the issuance of a building permit for the purposes of construction, alteration, moving or demolition for property affected by this section. Any building permit or other permit not issued in conformity with this section shall be considered void. Such certificate shall be a standard form signed by either the chairman or vice-chairman of the HRB, stating that the requested demolition, or change to the exterior appearance of a structure are approved by the HRB. Application for a certificate of appropriateness must be made by the owner of the property or by his authorized representative or agent.
- B) *Interior alterations to structures:* The HRB shall not consider interior arrangement or any alteration to the interior of any structure designated as historic by the town council.
- C) *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 designated historic by the town council.
- D) *Contents of application:* The HRB shall, by uniform rule in its rule of procedure, require data as are reasonably necessary to determine the nature of the application. The applicant shall also include an application fee, the amount of which shall be established by the town council during the adoption of the annual budget ordinance. 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 with the application relevant information bearing on the application.
- E) *Notification of affected property owners:* Prior to issuance or denial of a certificate of appropriateness, the HRB shall take such action as shall be reasonably required to inform the owners of any property likely to be materially affected by the application, and shall give that applicant and such owners an opportunity to be heard.
- F) *HRB action on the application:* The HRB shall take action on the application and in doing so shall apply the review criteria, contained in article **VII** of this ordinance. The HRB's action on the application shall be approved, approved with modifications, or disapproved. Prior to final action on an application, the HRB, using the guidelines in **article VII** shall make findings of fact indicating the extent to which the application is or is not congruous with aspects of property designated as historic by the town council.
- G) *Reasons for HRB's action to appear in minutes:* The HRB shall place in the minutes of its meetings the reasons for its actions, whether it be approval, approval with modifications, or denial.

- H) *Time limits:* If the HRB fails to take final action upon any application within 60 days after the complete application is submitted to the designated official, the application shall be deemed approved.
- I) *Submission of a new application:* If the HRB determines that a certificate of appropriateness should not be issued, a new application affecting the same property may be submitted only if substantial change is made in the plans for the proposed construction, reconstruction, alteration, or restoration.
- J) *Pre-application review process for minor projects:* The rules of procedure adopted by the HRB shall contain a provision by which projects involving repairs and alterations deemed minor by the HRB be issued a certificate of appropriateness at one review session based upon preliminary drawings and other data sufficiently clear and explicit. Should such data indicate alterations, remodeling, or repairs **not changing the exterior appearance of the property, the building inspector may exempt the application from the provisions of this ordinance.**
- K) *Substantial hardship:* In the event an application for a certificate of appropriateness is denied, the property owner may apply for an exception based on the substantial hardship of maintaining the property according to the HRB's guidelines. **Substantial hardship is to be considered by the HRB** where there are unusual and compelling circumstances as defined by:
- 1) The property has little or no historic value,
 - 2) The property cannot be reasonably maintained in the manner dictated by the ordinance,
 - 3) There is no other reasonable means of saving the property from deterioration, or collapse, or
 - 4) The property is owned by a **nonprofit organization** and it is not financially or physically feasible to achieve the charitable purposes of the organization.
10. *Review criteria:*
- A) *Intent:* It is the intent of this ordinance to insure, insofar as possible, that buildings or structures designated as historic 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.
- B) *Demolition:* No building or structure designated as historic shall be demolished or otherwise removed until the owner thereof has received a certificate of appropriateness from the HRB. The HRB may **delay the granting of the certificate of appropriateness for a period of up to 180 days** from the time of the filing of the application with the designated town official. The HRB may extend this postponement for certificate of appropriateness with regards to a request to demolish a structure for **another 180 days** after a finding by the HRB that the structure is of extreme historical importance to the people and Town of Fort Mill. Within the period of postponement of such demolition of any building, the HRB shall take steps to ascertain what can be done to preserve such buildings. Such steps shall include but will not be limited to, consultation with civic groups, interested citizens, and public boards and agencies. After the postponement period has elapsed and 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 Fort Mill, it may issue the certificate of appropriateness in the normal manner.
- C) *Alteration, repair, or restoration:* When considering an application for a certificate of appropriateness for alteration, repair, or restoration, the HRB shall use the Secretary of the Interior's Standards for Rehabilitation as guidelines in making its decisions. These guidelines are to serve as the basis for determining the approval, approval with modification, or denial of certificate of appropriateness. These guidelines are:

- 1) 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.
 - 2) 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.
 - 3) 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.
 - 4) 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.
 - 5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
 - 6) 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.
 - 7) 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.
 - 8) Every reasonable effort should be made to protect and preserve archaeological resources affected by, or adjacent to the property.
 - 9) 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.
 - 10) 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.
- D) *Specific guidelines-new construction:* In considering an application for a certificate of appropriateness for new construction within a historic district, the HRB shall take into account the following criteria, when relevant. 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.
- 1) The height of the building in relation to the average height of the nearest adjacent and opposite buildings.
 - 2) 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.
 - 3) Exterior construction materials, including texture and pattern.
 - 4) Architectural detailing, such as lintels, cornices, brick bond, and foundation materials.
 - 5) Roof shapes, forms, and materials.
 - 6) Proportion, shape, positioning and location, pattern, and size of any elements of fenestration.
 - 7) General form and proportions of buildings and structures.

- 8) Appurtenant fixtures and other features such as lighting.
- 9) Structural conditions and soundness.
- 10) Architectural scale.
11. *Appeal of a decision of the HRB:* Pursuant to the South Carolina Code of Laws, Section 5-23-240, no suit shall be brought against the HRB or the Town of Fort Mill, and not against any individual member, it shall be dismissed as to such board member. Any persons or any officer, department, or board aggrieved by any final decision of the HRB must follow procedures for appeal as outlined in South Carolina Code of Laws, Section 5-23-340.

(Ord. No. 2010-12, § I, 9-20-10; Ord. No. 2013-23, § III, 8-12-13)

Sec. 12. - Scenic highway planned development district.

1. *Scenic highway planned development district created:* The Fort Mill Zoning Ordinance is amended to create a scenic highway planned development district (SHPDD) in accordance with the standards and provisions of this ordinance. The SHPDD shall apply to the **following road segment**: The planning commission may recommend and the town council may adopt further amendments to the Fort Mill Zoning Ordinance establishing additional Scenic highway planned development districts in accordance with the provisions of the zoning Ordinance.
2. *Overlay zoning district:* The SHPD district shall apply as an overlay zoning district so that the standards and requirements of the SHPDD are superimposed over the standards and requirements of the existing zoning district for an area. Any use of land within any SHPD district must comply with the standards and requirements of both the underlying district and the SHPD district. The provisions of the SHPD district shall apply in addition to other requirements of the zoning ordinance. In the case of conflict, the most restrictive provisions shall govern. No land shall be used or occupied and no structure shall be erected, altered, used, or occupied within the SHPD district from the date of enactment of this ordinance except as provided in this ordinance.
3. *Location of district:* The SHPD district shall apply to all land within **1500 feet** of each side of the right-of-way of a designated scenic highway.
4. *Findings and purposes:* The town council finds that:
 - A) The protection of a scenic driving experience along selected scenic highways in the county is required in the interest of fostering economic development, civic pride, outdoor recreational opportunities, and the general welfare of the county's residents.
 - B) The preservation of natural and scenic corridors along designated scenic highways will stabilize and enhance the economic vitality of the town and will enhance property values in the town.
 - C) The preservation of natural and scenic corridors will protect and enhance the town's attraction to tourists, visitors, and new businesses.
 - D) The preservation of scenic corridors will promote good urban design and enhance the economic vitality of established commercial districts.
 - E) The control of curb cuts along highways promotes safe and efficient traffic flow along those highways. The purposes of the SHPD district therefore are:
 - A) To protect and enhance the scenic beauty of Fort Mill and especially of land adjacent to designated scenic highways by exercising such reasonable control over land uses within the district to ensure that new development will not unnecessarily detract from the natural beauty of designated scenic highways.
 - B) To provide for safe and efficient traffic flow on designated scenic highways by preventing the proliferation of curb cuts and turning traffic.
 - C) To encourage development which is compatible with and enhances the natural beauty of designated scenic highways and their corridors.

- D) To encourage economic activity that does not reduce the natural beauty of the county's open lands.
 - E) To protect scenic vistas from designated scenic highways.
 - F) To encourage orderly and sensitive development as appropriate for scenic corridors.
 - G) To ensure a safe and attractive driving experience and a pleasant view free of clutter and visual blight along designated highways.
 - H) To protect and perpetuate Fort Mill's natural and historic heritage and to make that heritage available to the motoring public.
5. *Prohibited uses:* All uses permitted within the pre-existing (underlying) zoning district are permitted with the following exceptions:
- A) Outdoor advertising displays are prohibited.
 - B) Junkyards, dumps, and landfills are prohibited.
 - C) **Other uses as may be designated by the town council.**
6. *Signs:* The following requirements shall apply to signs within the SHPD district:
- A) No more than one free-standing berm or monument sign of up to **100 square feet** in area visible from the designated scenic highway shall be permitted for each parcel. Such signs shall not exceed 15 feet in height.
 - B) Internal lighting of signs, neon, or flashing signs and **building floodlighting** shall not be permitted.
7. *Height limits:* The height of buildings within the SHPD district shall be limited based upon the distance of the building from the right-of-way. As the distance from the right-of-way increases, the height of buildings may increase. Between 125 feet and 300 feet of the right-of-way, no building shall exceed 35 feet. Between 300 and 750 feet, no building shall exceed 60 feet. (Buildings must be set back 125 feet from the right-of-way.)
8. **Special exception required:** No structure shall be erected or use commenced unless a conditional use for the structure has been approved by the Fort Mill Planning and Zoning Commission, provided that:
- 1) A public hearing on the application shall be conducted, given 15 days notice of time and place;
 - 2) The application shall be accompanied by a **site plan** presented in accordance with the requirements of Fort Mill Zoning Code; and the following additional requirements:
 - A) The location of all improvements on the site plan shall be specifically indicated and no alteration or movement of a proposed improvement **in** excess of ten feet shall be permitted without the approval of the planning commission.
 - B) The site plan shall delineate construction lines. The site plan shall indicate all building, parking, and vehicular use areas, and all areas of proposed vegetation removal. Outside of the designated construction line, the applicant shall leave undisturbed all areas of native vegetation including trees, shrubs, and understory vegetation, except as undertaken in accordance with article IV.
 - C) The site plan shall show the height of all proposed structures.
 - D) The site plan shall show the location of the boundary of the SHPD district (1,500 feet from highway right-of-way), the boundary of the SHPD district vegetative buffer (100 feet from highway right-of-way), the boundary of the building set back line (125 feet from highway right-of-way), and the building height adjustment line (300 feet from highway right-of-way).
9. *Development criteria:* In addition to the regular development criteria prescribed for a given zoning district, the following criteria shall apply for approval of a **special exception** for any proposed development within a designated scenic highway planned development district. The planning

commission shall only grant a **special exception** for a use within the SHPD district if it makes the following findings:

- A) *Utilities*: All utilities within the SHPD district shall be located underground unless required by utility-related considerations to be otherwise located.
 - B) *Materials*: Buildings shall be designed to use, to the greatest extent feasible, building materials such as rock, stone, brick, and wood which are compatible with the scenic protection of the corridor. No mirrored glass with a reflectance greater than 20 percent shall be permitted.
 - C) *Screening*: All parking areas and retention basins shall use existing vegetation or installed landscaping to screen pavement, vehicles, and retention facilities from a designated roadway and from neighboring properties. This screening shall **include dense massing of evergreen trees or shrubs**, existing native understory, or berms.
 - D) *Access*: Vehicular access from any parcel to a designated roadway shall be limited to one driveway unless the parcel is approved for development of a **spectator sports facility**; or a traffic analysis demonstrates to the planning commission the need for an additional driveway due to potentially hazardous traffic conditions, and the South Carolina Department of Highways and Public Transportation agrees that an additional driveway is required.
 - E) *Vegetated buffer*: A vegetated buffer shall be provided and maintained in accordance with the provisions of article IV.
10. *Vegetated buffer*: No clearing of vegetation shall be permitted within 100 feet of the right-of-way of a designated scenic highway except in accordance with the provisions of this section and in accordance with an approved site plan. This requirement shall be reduced in cases where the vegetative buffer would exceed 40 percent of the acreage of a parcel or lot already in existence on the effective date of this ordinance, so that the buffer requirement shall be reduced to the extent necessary in order that the buffer shall not exceed 40 percent of any parcel existing on the effective date of this ordinance. **No clearing, destruction, or removal of vegetation shall be permitted within this buffer area except in accordance with the following circumstances:**
- A) In accordance with the waiver provisions of subsection 11.;
 - B) As necessary to provide utilities or access to the site in accordance with an approved site plan.
 - C) As part of selective tree removal carried out as part of a forest management program.
11. *Waivers*: An applicant presenting a site plan for approval may request in writing a waiver from one or more of the requirements of this ordinance. Such a waiver may be granted by the **planning and zoning commission** upon finding one of the following conditions:
- A) That a requirement of this ordinance would eliminate all economically reasonable use or development of a parcel.
 - B) That a requirement of this ordinance would serve no legitimate public purpose due to the peculiar configuration, topography, location, or surrounding conditions of the parcel.
 - C) The provision of this ordinance shall exempt and shall not prohibit the construction of a single-family dwelling on a lot platted prior to the effective date of this ordinance. The planning and zoning commission may approve any waiver to the minimum extent necessary to alleviate the need for the waiver and should state the reasons for approving the waiver in writing. In addition, the zoning board of appeals may grant a variance from the terms of the ordinance in accordance with the standards set forth in article VII of the Fort Mill Zoning Ordinance.
12. **Severability: If any portion of this ordinance shall be adjudged invalid, such adjudication shall apply only to such portion so adjudged, and the remainder of this ordinance shall be deemed valid and effective.**

Sec. 13. - Resource conservation district.

1. **Intent:** The resource conservation district is intended to be applied to the areas along watercourses and important open spaces within the town's planning jurisdiction in order to:
 - A) Preserve the water quality of the town's actual or potential water supply sources,
 - B) To minimize danger to lives and properties from flooding in and near the floodways,
 - C) To preserve the water-carrying capacity of the town's watercourses and to protect them from erosion and sedimentation,
 - D) To retain open spaces and greenways to protect their environmentally sensitive character,
 - E) To preserve urban wildlife and plant life habitats from the intrusions of urbanization,
 - F) To provide air and noise buffers to ameliorate the effects of development,
 - G) To preserve and maintain the aesthetic qualities and appearance of the town. In the interpretation and application of this Article, all provisions shall be:
 - A) Considered as minimum requirements,
 - B) Strictly construed in favor of the public interest and community benefit,
 - C) Deemed neither to limit nor repeal any other powers provided by town ordinance or state statute.
2. **Definitions:**
3. *Establishment of resource conservation district:*
 - A) *Resource conservation district elevation:* A resource conservation district elevation is hereby established, and defined to be that elevation two feet above the 100-year floodplain elevation, as said 100-year elevation is delineated in the official town floodplain maps.
 - B) *Resource conservation district—Established:* The resource conservation district is hereby established as a district which overlays other zoning districts established in article I, section 5. The resource conservation district shall consist of the area bounded by the resource conservation district elevation and the areas within buffer zones established as follows:
 - 1) Resource conservation district, open space: Areas designated to be utilized as public open space can be included in the resource conservation district if the property is intended to further the scenic, aesthetic, or recreational opportunity to the public.
 - 2) **Other areas as designated by the town council.**
 - C) *Reserved.*
 - D) *Resource conservation district, interpretation:* The **board of appeals**, upon recommendation of the town manager, is authorized to adopt such guidelines and criteria for the interpretation and application of this article, and to make such reasonable adjustments to the boundary of the resource conservation district, as shall recognize the great potential for, and severity of, flooding conditions in the resource conservation district, as well as the generally lower and flatter terrain of such district.
 - E) *Resource conservation district, overlay zoning:* The use of any land or structure within the resource conservation district shall comply with the use regulations applicable to the underlying zoning district.
4. *Development in resource conservation district:* No new development shall be permitted, nor shall any land be disturbed (other than accessory land disturbing activities ordinarily associated with single-family or duplex residential uses), within the resource conservation district except as permitted by **article I, section 5** or pursuant to a variance authorized by this article and approved by the board of appeals. The status of any development existing or for which construction had substantially begun on or before the adoption of this ordinance shall be considered irrespective of the provisions of this article, except as follows:

- A) Any development existing or for which construction has substantially begun on or before the adoption of this ordinance that is damaged or destroyed to the extent of 50 percent or less of its **assessed taxable value** due to casualty loss from fire, storm, flood or vandalism, may be rebuilt or replaced, if otherwise permitted by law or ordinance, pursuant to any appropriate permit or approval;
- B) Any development existing or for which construction had substantially begun on or before the adoption of this ordinance **that is demolished, rehabilitated or renovated** to the extent of **50 percent or more** of its assessed taxable value, may be rehabilitated or renovated, if otherwise permitted by law or ordinance, pursuant to any appropriate permit or approval; provided that the owner of such development shall have the burden of demonstrating to the town manager, or such body as has jurisdiction over the issuance of any appropriate permit or approval, that the entire development, as renovate, replaced or rebuilt, will benefit the public by improving
 - a) The development's provision of open spaces or greenways,
 - b) Its effect on maintaining the water quality of the town's actual or potential water supply sources, and
 - c) Protection of persons and property from dangers caused by flooding. Notwithstanding the foregoing provisions of this section, no development or land disturbance shall be permitted within the floodway except to the minimum required by public necessity or by state or federal law.

5. *Permitted uses within resource conservation district:*

- A) *Permitted uses:* Subject to the use regulations for the underlying zoning district, the following uses shall be permitted uses within the resource conservation district:
 - 1) Pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, and other similar agricultural and related uses which do not require extensive land disturbing activities or fences,
 - 2) Ground level loading areas, parking areas, and other similar ground level area uses,
 - 3) Lawns, gardens, play areas and other similar uses,
 - 4) Golf courses, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space, and other similar public and private recreational uses that do not require extensive use of fences or walls,
 - 5) Public utility and storm drainage facilities that are public necessities,
 - 6) Streets, bridges, and other similar public, community uses where there is no practical alternative to their location within the resource conservation district. Permitted uses shall be subject to the provisions of article I, section 7 and article II, section 1.
- B) *Site plan required:* Any development or land disturbance permitted in the resource conservation district (other than accessory land disturbing activities ordinarily associated with single-family or duplex residential uses) shall be pursuant to a site plan approval or, as appropriate, pursuant to special use or planned development approval.

6. *Variance from board of appeals:*

- A) An owner of property who alleges that the provisions of subsections 4. and 5. leave no legally reasonable use of his property remaining may apply to the board of appeals for a variance. An application for a variance shall be submitted to the town manager. The town manager shall prescribe the forms on which such applications shall be made. The town manager may require any information in connection with an application that is reasonably required to make a determination regarding the application for a variance. No application shall be accepted by the town manager unless it is complete. Applications which are not complete shall be returned promptly to the applicant, with a notation of the deficiencies in the application. Upon receiving a complete application, the town manager shall make an investigation of it and forward it within a

reasonable period of time to the board of appeals, together with his recommendation thereon, and an evaluation by appropriate town departments, including planning and engineering, for the board's consideration.

- B) The review of the board of appeals shall extend to the entire zoning lot within which the resource conservation district lies. The board of appeals shall grant a variance, subject to the protections of this article, if it finds that the provisions of subsections 4. and 5. leave an owner no legally reasonable use of his property remaining, if such a variance is necessary or desirable in order to achieve fairness and substantial justice to such an owner, and if a failure to grant the variance would result in extreme hardship. **In making such determination**, the board of appeals shall consider the uses available to the owner for the entire zoning lot within which the resource conservation district lies. The board of appeals shall grant the minimum variance necessary to afford appropriate relief under this section. The board may attach such reasonable conditions to the grant of a variance as it deems necessary to achieve the purposes of this article.
- C) Variance, burden of proof: Any owner of property applying to the board of appeals for a variance from the provisions of this article shall have the burden of establishing that such variance should be granted by the board, except as such burden is altered by article II, section 13, subsection 6.E)4).
- D) Presumption of variance: If the resource conservation district overlays more than 75 percent of the area of a zoning lot, the owner of that lot shall be presumed entitled to a variance, but such presumption may be rebutted by substantial evidence before the board of appeals.
- E) Variance, **reason not to grant**: The board of appeals, before taking final action on an application for a variance, shall refer such application to the planning board, appearance commission, and other town boards or commissions as appropriate, for comment. The board shall not take final action on such an application until it has received and considered such comments. The board of appeals shall not grant any variance if it finds that such a variance would result in:
 - 1) **Significantly** increased flood heights,
 - 2) Significantly increased velocity of flow or deposit of sedimentation,
 - 3) Significantly increased erosion,
 - 4) Significant additional threats to public safety,
 - 5) Significant threats to water quality,
 - 6) The removal of significant urban wildlife habitat,
 - 7) Extraordinary public expense, public nuisance, or would conflict with the provisions of any other law or ordinance.
- F) Fraudulent subdivision: The board of appeals may refuse to grant any variance if it finds that the owner of a lot, or any predecessor in interest, has subdivided such lot in an attempt to avoid or evade the provisions of intent of this article.
- G) Reserved.
- H) Variances, reasons for: In passing on application of variances pursuant to this article, the board of appeals shall consider all technical evaluations, all relevant factors, other provisions of statute or ordinance, and:
 - 1) The danger to life and property due to flooding, sedimentation, and/or erosion damage at the site;
 - 2) The danger that structures or materials may be swept onto other lands to the injury of others;
 - 3) The danger to life and property from flood waters back up or diverted by any obstruction or by debris collected by the obstruction;

- 4) The susceptibility of the proposed development and its contents to flood damage and the effect of such damage on the individual owner;
- 5) The importance of the services provided by the proposed development to the community;
- 6) The necessity to the facility of a waterfront location, where applicable;
- 7) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- 8) The compatibility of the proposed use with existing and anticipated development;
- 9) The relationship of the proposed use to the comprehensive plan and any flood plain management program for that area;
- 10) The safety of access to the property in time of flood for ordinary and emergency vehicles;
- 11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;
- 12) The effects of the proposed development on the heights, velocity, duration, and rate of rise of the flood waters upstream and downstream of the proposed site;
- 13) The costs of maintaining or restoring public services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Sec. 14. - Transitional commercial district.

1. *Purpose of district:* It is the intent of this section that the transitional commercial (TC) zoning district be developed and reserved primarily for areas which will provide for transitional zones between residential and commercial areas. They will often be placed along major traffic arteries which are in transition from residential to commercial uses. The district will accommodate single-family residential uses, light commercial uses, and office and professional uses.
2. **Permitted uses:** The following uses shall be permitted in any TC zoning district:
 - A) Antiques store,
 - B) Bank, savings and loan association, personal loan agency, credit union, branched, and automated teller machines,
 - C) Barber shop, beauty shop, manicure salon or combination thereof,
 - D) Book, magazine, or newspaper shop,
 - E) Day care for children or adults,
 - F) Drug store or pharmacy,
 - G) **Dwelling**, single-family, not to include mobile homes,
 - H) Dwelling, group,
 - I) Florist shop,
 - J) Gift or curio shop,
 - K) Insurance agency,
 - L) Medical, dental, or chiropractic office, or clinic,
 - M) Office for governmental, business, professional, or general purpose,
 - N) Parks and greenways,
 - O) Photographic studio,
 - P) Real estate agency,

- Q) Accessory uses in compliance with the provisions of article I, section 7, subsection G.
3. *Conditional uses*: The following uses shall be permitted in any TC district on a conditional basis:
- A) Public utility substation or subinstallation including water towers; provided, that:
 - 1) Such use shall be enclosed by a painted or chainlink fence or wall at least six feet in height above finish grade,
 - 2) There shall be no storage of vehicles or equipment on the premises, and
 - 3) A landscaped strip not less than five feet in width shall be planted and suitably maintained.
 - B) Bakery, provided that goods baked on the premises shall be sold only at retail on the premises.
 - C) Dry cleaning or laundry pick-up agency, provided that:
 - 1) Any laundering, cleaning or pressing done on the premises shall involve only articles delivered to the premises by individual customers, and
 - 2) No applicable fire zone regulation shall be violated.
4. *Other requirements*: Unless otherwise specified elsewhere in this ordinance, uses permitted in the TC zoning district shall be required to conform to the following standards:
- A) Minimum lot area—10,000 square feet.
 - B) Minimum lot width, measured at the building line—75 feet.
 - C) Minimum front yard depth measured from the nearest street right-of-way—20 feet.
 - D) Minimum side yard—Principal structure—Ten feet, accessory uses—Five feet.
 - E) Minimum rear yard—Principal structure—15 feet, accessory uses—Five feet.
 - F) Maximum building height—40 feet.
 - G) Maximum building size in the TC district is 7,500 square feet of building space on a parcel.
 - H) Office or commercial uses adjacent to conforming residential uses shall provide an appropriate landscaped buffer not less than five feet in width along property lines adjacent to the residential uses.
 - I) Additional requirements: Uses permitted in the TC zoning district shall meet all standards set forth in article I, section 7, subsection I. pertaining to off-street parking, loading, and other requirements.
 - J) Signs—Signs permitted in the TC zoning district, including the conditions under which they must be located, are set forth in article III.

Sec. 15. - Reserved.

Editor's note—

Ord. No. 2012-06, § II, adopted August 23, 2012, repealed § 15, which pertained to limited industrial district. See Code Comparative Table for complete derivation.

Sec. 16. - **TC Transitional commercial district.**

1. *Purpose of district*. It is the intent of this section that the TC zoning district be developed and reserved primarily for areas which will provide for transitional zones between residential and commercial areas. They will often be placed along major traffic arteries which are in transition from residential to commercial uses. The district will accommodate single-family residential uses, light commercial uses, and office and professional uses.
2. *Permitted uses*. The following uses shall be permitted in any TC zoning district:

- a. Antique store.
 - b. Bank, savings and loan association, personal loan agency, credit union, branched, and automated teller machines.
 - c. Barber shop, beauty shop, manicure salon or combination thereof.
 - d. Book, magazine, newspaper shop.
 - e. Day care for children or adults.
 - f. Drug store or pharmacy.
 - g. Dwelling, single-family, not to include mobile homes.
 - h. Dwelling, group.
 - i. Florist shop.
 - j. Gift or curio shop.
 - k. Insurance agency.
 - l. Medical, dental, or chiropractic office, or clinic.
 - m. Office for governmental, business, professional, or general purpose.
 - n. Parks and greenways.
 - o. Photographic studio.
 - p. Real estate agency.
 - q. Accessory uses in compliance with the provisions of article I, section 7, subsection G.
3. *Conditional uses.* The following uses shall be permitted in any TC District on a conditional basis:
- a. Public utility substation or subinstallation including water towers; provided, that:
 - (1) Such use shall be enclosed by a painted or chainlink fence or wall at least six feet in height above finish grade,
 - (2) There shall be no storage of vehicles or equipment on the premises, and
 - (3) A landscaped strip not less than five feet in width shall be planted and suitably maintained.
 - b. Bakery, provided that goods baked on the premises shall be sold only at retail on the premises.
 - c. Dry cleaning or laundry pick-up agency, provided that:
 - (1) Any laundering, cleaning or pressing done on the premises shall involve only articles delivered to the premises by individual customers, and
 - (2) No applicable fire zone regulation shall be violated.
4. *Other requirements.* Unless otherwise specified elsewhere in this ordinance, uses permitted in the TC zoning district shall be required to conform to the following standards:
- a. Minimum lot area—10,000 square feet.
 - b. Minimum lot width, measured at the building line—75 feet.
 - c. Minimum front yard depth measured from the nearest street right of way—20 feet.
 - d. Minimum side yard—Principal structure—Ten feet.
Accessory uses—Five feet.
 - e. Minimum rear yard—Principal structure—15 feet.
Accessory uses—Five feet.

- f. Maximum building height—40 feet.
- g. Maximum building size in the TC district is 7,500 square feet of building space on a parcel.
- h. Office or commercial uses adjacent to conforming residential uses shall provide an appropriate landscaped buffer not less than five feet in width along property lines adjacent to the residential uses.
- i. Additional requirements: Uses permitted in the TC zoning districts shall meet all standards set forth in article I, section 7, subsection I. pertaining to off-street parking, loading and other requirements.
- j. Signs—Signs permitted in the TC zoning district, including the conditions under which they must be located, are set forth in article III.

(Ord. No. 00-02, 4-10-00)

Sec. 17. - LI Limited industrial district.

1. *Purpose of district.* It is the intent of this section that the LI zoning district be developed and reserved for limited industrial purposes. The district is designed to promote the economic development of the area by providing for location of light industrial, distribution, and commercial uses which do not create nuisance by noise or emissions beyond the premises. The district is intended to protect nearby residential areas from undesirable aspects of industrial development.
2. *Permitted uses.* The following uses shall be permitted in any LI zoning district:
 - a. Armories for meetings and training of government military organizations
 - b. Automotive repair garages
 - c. Automotive sales
 - d. Automotive service stations and convenience stores
 - e. Automotive washing establishment
 - f. Auto, truck, and utility trailer rental
 - g. Bakery, wholesale and retail
 - h. Boat and ship sales and retail
 - i. Building materials sales, wholesale and retail
 - j. Cabinet shop
 - k. Catalog and mail order house
 - l. Clinics, medical, dental, and optical
 - m. Commercial recreation use, excluding outdoor shooting ranges
 - n. Commercial trade or vocational school
 - o. Contractor office and accessory storage
 - p. Distributive business
 - q. Dry cleaning and laundry established
 - r. Fence and fence material dealer
 - s. Government building and use
 - t. Horticultural nursery and greenhouse
 - u. Laboratory for applied and basic research and testing of products
 - v. Mini warehouse

- w. Office
 - x. Parks and greenways
 - y. Printing, publishing, and engraving establishment
 - z. Public utility use, including utility substation and water tower
 - aa. Recycling center for household articles
 - bb. Sign manufacturing
 - cc. Veterinary clinics and animal boarding
 - dd. Warehouses within an enclosed building
 - ee. Wholesale sales establishment
 - ff. Accessory uses in compliance with the provisions of article I, section 7, subsection G.
3. *Conditional uses.* The following uses shall be permitted in any LI district on a conditional basis:
- a. Light manufacturing, industry, processing, assembly and storage, provided that:
 - 1) The use is compatible with light industrial character of the district
 - 2) No outside storage of junk or salvage materials is permitted
 - 3) The use does not create noise, smoke, fumes, odors, glare, or health or safety hazards outside the building or lot where the activity takes place
 - 4) Adequate parking is provided for employees and visitors
 - 5) The maximum building size for light industrial uses is 25,000 square feet of building space on a parcel
4. *Other requirements.*
- a. Unless otherwise specified elsewhere in the ordinance, uses permitted in the LI zoning district shall not be required to conform to additional requirements.
 - b. A suitable buffer screen, wall, or fence, six feet in height, to restrict visibility of land use, shall be provided along property lines adjacent to residential districts.
 - c. Illumination devices shall be so placed and so shielded that rays therefrom will not be directly cast into any residential district, sleeping room in any district, or the eyes of vehicle drivers.

(Ord. No. 00-02, 4-10-00)

Sec. 18. - R-12 One-family residential district.

- 1. *Purpose of district:* It is the intent of the section that the R-12 one-family zoning district be developed and reserved for low-to-medium density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on zoning lots having an area of ten thousand square feet or more, and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.
- 2. *Permitted uses:* The following uses shall be permitted in any R-12 zoning district: All permitted uses as shown in article II, section 1, subsection 2.
- 3. *Conditional uses:* The following uses shall be permitted in any R-12 zoning district on a conditional basis:
 - A) All conditional uses as shown in article II, section 1, subsection 3.

- B) Daycare facilities or pre-school nursery, provided that plans for such facilities receive the written approval of the South Carolina Department of Social Services and the Fort Mill Planning and Zoning Commission.
4. *More restrictive use requirements:* The requirements of article II, section 1, subsection 4. shall apply.
5. *Other requirements:* Unless otherwise specified elsewhere in this ordinance, uses permitted in R-12 districts shall be required to conform to the following standards:
- A) Minimum lot area: R-12—12,500 square feet:
 - B) Minimum land area per dwelling unit: R-12—12,500 square feet
 - C) Minimum lot width measured at the building line: R-12—100 feet
 - D) Minimum front yard depth measured from the nearest street right-of-way line: R12—35 feet. For exceptions to this requirement, See article I, section 7, subsection E.
 - E) Minimum side yard: R-12—Principal structure is ten feet with accessory uses being five feet. For side yard requirements pertaining to corner lots, see article I, section 7, subsection C.
 - F) Minimum rear yard: R-12—Principal structure is 35 feet with accessory uses being five feet. For rear yard requirements pertaining to double frontage lots, see article I, section 7, subsection D.
 - G) Maximum building height: R-12—35 feet. For exceptions to height regulations, see article I, section 7, subsection L.
 - H) Additional requirements: Uses permitted in R-12 zoning districts shall meet all standards set forth in article I, section 7, subsection I., pertaining to off-street parking, loading, and other requirements.
 - I) Signs: Signs permitted in R-12 zoning districts, including the conditions under which they may be located, are set forth in article III.

(Ord. No. 03-04, 2-10-03)

Sec. 19. - MXU Mixed use development district.

1. **Purpose of district.** The purpose of the mixed use development (MXU) district is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the provision of infrastructure; and to preserve the natural and scenic features of open areas. This district is intended for the appropriate integration of a wide range of residential and non-residential uses. The district is intended for use in connection with developments where the town has determined that the quality of a proposed new development there under will be enhanced by flexibility in the planning process.
2. *Permitted uses.* Any **use proposed by an applicant**, and considered by the town council as compatible with the surrounding area, may be permitted within the project area upon approval by the town council. Thereafter, the uses (principal and accessory) permitted within the project area will be restricted to those agreed upon by the applicant and the town council and included in the approved development conditions (see section 5.D.3).

The mixture of permitted uses and the relationship between uses shall be determined by the applicant in accordance with the development standards set forth in this section or in an applicable development agreement between the town and the applicant. Where the project area consists of multiple contiguous parcels, the applicant may assign one use to a single parcel provided:

- The overall project area accommodates two or more uses;
- The applicant can demonstrate that the combination of the surrounding uses and the proposed uses create the mixture of uses suitable for the area and market conditions; and

- The area defined as mixed-use is well connected by vehicular and pedestrian accessways reinforcing the interrelationship between existing and proposed uses.

Note: For the purposes of this district, parcels shall be considered "contiguous" if they meet one or more of the following conditions: (1) they are located adjacent to one another, (2) they are separated only by a public right-of-way across which clearly defined safe pedestrian connections such as crosswalks, signalized intersections, or any other pedestrian facilities are provided or will be provided for pedestrian traffic, and/or (3) they lie within one-fourth-mile or less of each other along the same roadway (measured property line to property line) and provide clearly defined, safe pedestrian connections such as:

1. Crosswalks,
2. Signalized intersections, or
3. Other pedestrian facilities.

Accessory structures are permitted on all lots. Any accessory structure may be used for any use permitted in the project area provided such use is compatible with and subordinate to the use of the principal structure. No accessory use or structure shall be constructed before the principal use is constructed; however, residential accessory structures may be constructed up to six months prior to commencement of construction of the principal structure. All principal and accessory structures occupying the same lot shall be in single ownership. The following are permitted:

- A. *Residential accessory uses.* The following are permitted as accessory uses and or structures for residential areas provided that such separate structures should be clearly subordinate to the principal structure in size and location on the lot. They shall have a floor area no greater than 50 percent of the principal structure, shall not be served by a driveway separate from that serving the principal structure (excluding alley access), and shall be no taller than the principal structure as measured from average finished grade of the principal structure. If this accessory structure is connected to or in addition to another accessory use or structure on the same lot (i.e. detached garage), the combined floor area shall be no greater than 75 percent of the principal structure.
 1. Garages.
 2. For-rent apartments, guest houses and employee quarters. One accessory dwelling unit per lot is permitted as an accessory apartment, which may be occupied by individuals renting the unit from the owner of the primary residence, employees of the owner and occupant of the primary residence (i.e., domestic help, security, etc.), or occasional guests of the occupant of the primary residence.
 3. Customary home occupations.
 - a. A portion of the principal structure or separate structure on the same lot may be used only by the owner and occupant of the primary residence (or a member of the family dwelling in the primary residence) for a home occupation. The home occupation must be clearly incidental to the residential use of the principal structure and must not change the essential residential character of the dwelling. Use of a portion of the principal structure for this purpose must be limited to 25 percent of the principal structure, and no outside storage may be used in connection with the home occupation.
 - b. If a separate structure on the same lot is used for a home occupation, no portion of the principal structure may be used for a home occupation.
 - c. No chemical, mechanical or electrical equipment that is not normally a part of domestic or household equipment may be used primarily for commercial purposes, with the exception of medical, dental, and office equipment used for professional purposes. Machinery that causes noises or other interference in radio or television reception is prohibited. No internal or external alterations inconsistent with the residential character of the building will be permitted. No display of products may be visible from the street and only articles made on the premises may be sold on the premises. The maximum number of vehicles that may be parked (on- or off-street parking) by clients, patrons, or

business-related visitors to any home occupation shall be limited to three at any given time.

- d. No external evidence of the conduct of the home occupation, including commercial signs, shall be visible. The home occupation shall not generate traffic volumes or parking area needs greater than would normally be expected in the residential neighborhood. No equipment or process shall be employed that will cause noise, vibration, odor, glare, or electrical or communication interference detectable to the normal senses off the lot in the case of detached dwelling units, or outside the dwelling unit in the case of attached dwelling units.
- B. *Commercial accessory uses.* Commercial uses may include as accessory uses any commercial use, activity, and structure on the same site of lot that is operated primarily for the convenience of employees, clients, or customers of the principal use; It is located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
 - C. *Model homes/sales offices.* Model homes may be constructed within residential areas at the developer's discretion. Mobile temporary sales offices shall be allowed on site at the developer's discretion. Model homes with offices or mobile temporary sales offices and mobile temporary construction offices are limited to one per every 50 units in the master plan for the development.
3. *General provisions.*
- A. *Relationship to the zoning ordinance.* Each proposal for development under the MXU district is anticipated to be unique. Except as provided by this section, an MXU district shall be subject to all of the applicable standards, procedures, and regulations in other sections of the zoning ordinance. The development conditions submitted as part of the zoning application (see section 5.D.3) shall supersede these regulations if in conflict therewith, unless otherwise prohibited by law and shall be vested per the zoning ordinance in effect at the time of approval and Section 6-29-1560 of the South Carolina Code of Laws.
 - B. *Platting requirements.* Platting requirements will be in accordance with article II, plat requirements, of chapter 32, subdivisions, of the Town of Fort Mill Municipal Ordinance.
 - C. *Bonding requirements.* Bonding requirements will be in accordance with section 32.104, surety bond, article IV, required improvements, of chapter 32, subdivisions, of the Town of Fort Mill Municipal Ordinance.
 - D. *Private covenants and restrictions required.*
 1. Covenants and restrictions for the property within an MXU 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 for a vertical building on the property. These restrictions will run with the land, so that if it is subdivided or developed in phases, then the covenants and restrictions shall still be enforced.
 2. Covenants and restrictions shall:
 - a. Be based on the conditions attached to the approved MXU 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;
 - 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;

E. *Design guidelines.* Design guidelines that are developed by the applicant specifically for the development are not required; however, should such guidelines be developed, they shall not be in conflict with the regulations set forth in the applicable codes or the conditions or development agreement attached to the approved MXU district application. If developed, they shall ensure consistent character/theme throughout the development by addressing key elements such as building form and orientation, landscape, signage and site furnishings to guide the development for the life of the project. **For properties that include a residential component, a private Design Review Board shall be established** and operated by the POA to review proposed development for compliance with the guidelines prior to a builder, contractor or property owner submitting plans to the municipality for a building permit. For initial construction, this design review board may be composed of members appointed by the project developer(s), with membership transferring to representatives of the POA in accordance with the approved rules and agreements of the POA.

4. *Development standards.*

A. *Dimensional requirements for lots.*

Development Types	Lot Area (min. ft.)	Lot Width (min. ft.)	Front Yard (min. ft.)	Side Yard (min. ft.)	Rear Yard (min. ft.)	Height (max.)	Impervious Area (max.)
<i>Residential</i>							
Cottage	2,400	30	5	5	10 ¹	45	80%
Estate	7,200	90	5	10	10 ¹	45	80%
Townhouse/Rowhouse	1,100/unit	14/unit	0/5 ²	0/5 ³	10 ¹	45 ⁴	90%
Multifamily	1,100/unit	15/unit ⁵	0/5 ²	0/5 ³	10 ¹	60 ⁴	100%
<i>Commercial/Office</i>							
Mixed Use/Single Use	0	20	0/5 ²	0/5 ³	10 ¹	60 ⁴ /NA ⁵	100%
<i>Civic/Institutional</i>							
All structures	0	30	0/5 ²	0/5 ³	10 ¹	60 ⁴ /NA ⁵	100%
<i>Industrial</i>							
All structures	20,000	100	15	20	30	60 ⁴	75%

Notes:

¹The required rear yard depth shall be reduced to five feet when abutting an alley or dedicated open space. Appurtenances shall be allowed to extend into required rear yard as provided in section B, "appurtenances in required yards", below.

²Buildings may provide a front yard of zero (building drawn up to sidewalk), otherwise, the minimum yard depth shall be five feet to provide adequate space for landscaping, a courtyard, or other amenity area. Appurtenances shall be allowed to extend into required front yard as provided in section B, "appurtenances in required yards", below.

³A side yard of five feet must be used when the adjoining property is occupied by a detached residential unit. In all other situations, a side yard of zero may be used. However, if a yard is provided, the minimum depth shall be 5 feet to provide access between buildings. Appurtenances shall be allowed to extend into required side yard as provided in section B, "appurtenances in required yards", below.

⁴Height may be above the maximum height indicated, provided all portions of the structure exceeding the height limit indicated shall be stepped back an additional one foot from the adjoining property line for each additional foot in excess.

⁵ The maximum height requirement shall not apply to commercial, office, civic or institutional structures erected on any parcel which lies wholly or in part within 1,500 linear feet of the outer edge of the Interstate 77 right-of-way.

⁶In order provide increased design flexibility for multifamily projects, the lot width requirement shall only apply to the first five units. The minimum lot width required for a multifamily project with more than five units is 75 feet.

B. *Appurtenances in required yards.*

1. Steps that provide direct access to the entrance of a principal structure may extend 100 percent into a required front yard to the property (right-of-way) line.
2. Balconies and awnings may extend up to 50 percent into a required front, side, or rear yard, provided a minimum vertical clearance of nine feet measured from the finished grade is maintained.
3. Other appurtenances, such as a stoop, open porch, or bay window may extend up to five feet into the required front yard, provided such features do not impede pedestrian circulation or extend more than 25 percent into the required yard. Such appurtenances may extend up to 25 percent into a required side or rear yard.
4. Carports erected as stand alone structures or **attached** to the principal structure shall not be considered an appurtenance. Such carports shall be located at least 15 feet behind the front thermal wall of the principal structure and shall adhere to all other setback requirements for accessory structures.

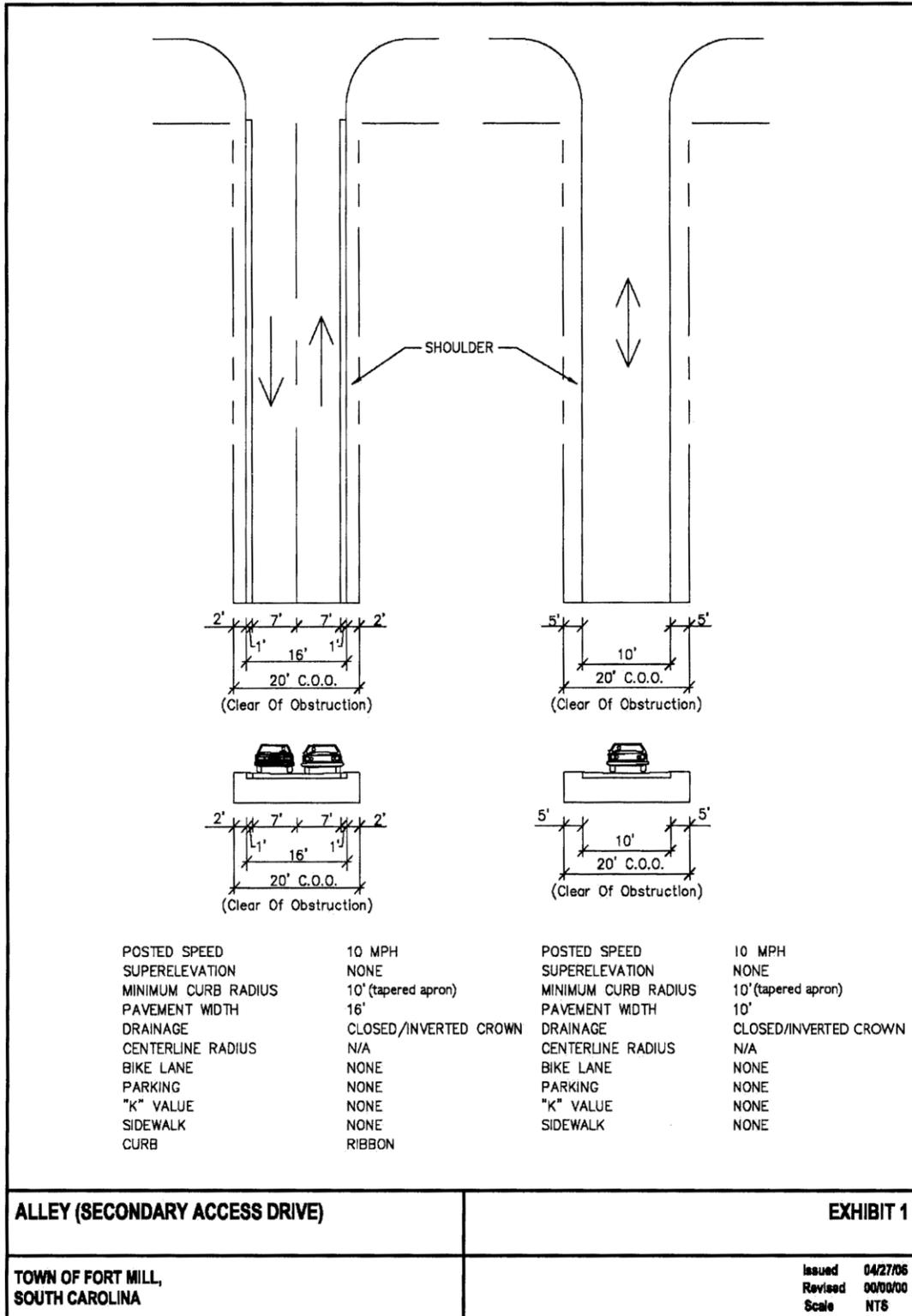
C. *General lot development standards.*

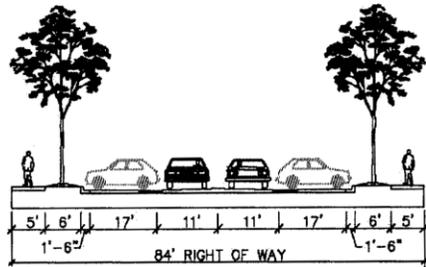
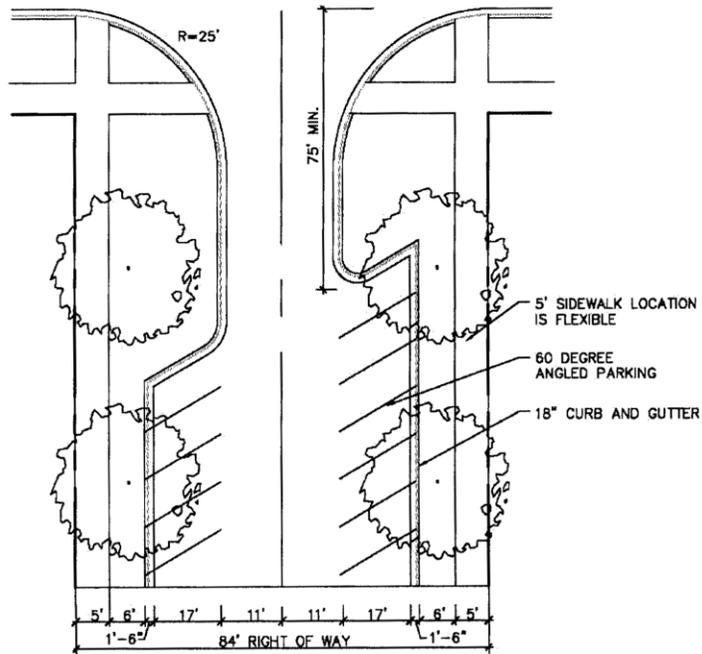
1. Lots that have frontage on more than one street shall only have one front setback. The primary street right-of-way from which the front setback is measured **shall be determined** when the building location and orientation is established.
2. Lots **do not have to front on a public street** as long as sufficient emergency access is provided, as determined by the fire marshall, and access to the lot is provided.

- D. **Building height.** Building heights shall be measured as the vertical distance measured from the point along the building foundation equal to the average finished grade (exterior, around the foundation) to the midpoint point of the roof structure, excluding the following: chimneys, steeples, flagpoles, public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment, water tanks or similar structures.

- E. *Sidewalks.* Sidewalks shall adhere to the standards set forth in section 32-108 of the ordinance, except as otherwise provided below.
1. Minimum width: Five feet. On blocks intended for predominately commercial development, additional sidewalk width may be required to accommodate street furniture, outdoor seating areas, or other obstructions to pedestrian mobility. In no case may the minimum passable area of a sidewalk be less than four feet in width (this accommodates a wheelchair and one pedestrian).
 2. At minimum sidewalks are **required on one side of the street**. The reduction or deletion of sidewalks along any roads **may be approved administratively** by the **town**.
 3. If sidewalks are to be maintained by the town, the sidewalks must be constructed within the rights-of-way of public streets or within public easements, and/or public or private utility easements with approval of the agency holding the easement.
 4. If sidewalks are not located within rights-of-way, then adequate easement of a minimum of five feet in width adjacent to the rights-of-way of new streets shall be reserved to allow for sidewalks on all public streets should the town have a future need for such sidewalks. The zoning administrator may waive this requirement if, upon review of the plan of development, the administrator makes a determination that adequate pedestrian circulation is provided.
 5. The town shall require the subdivider to construct sidewalks on-site to connect with existing or proposed sidewalks and in other areas where sidewalks are needed for pedestrian circulation. All developments adjoining vacant property shall extend sidewalks within the development to property lines as "stub-outs" in locations where logical and practical connections may be made in the future to extend such sidewalks into adjacent development. Where adjacent properties have been developed and have provided sidewalk stub-outs that adjoin the development, the developer shall connect to such stub-outs, unless the requirement is **waived administratively** by the town due to circumstances that make such connections impractical.
- F. *Streets.* Street shall adhere to the standards set forth in the chapter 32, article III, section 32-72 of the ordinance, except as otherwise provided below.
1. Intersections.
 - a. Offset distances between intersections of streets (excluding driveways and alleys) are to be avoided. Intersections which cannot be aligned should be separated by a minimum of distance of **50'** from centerline to centerline. The actual intersection separation shall be determined through detailed review of proposed street design standards, design speeds, and urban design characteristics. These actual intersection separations (including **reductions below the 50 feet separation**) shall be specified in the approved development conditions.
 - b. Angle of intersections shall be a **minimum of 45 degrees**.
 2. Maximum grade on all streets constructed within the project area shall not exceed 12 percent without administrative approval.
 3. All developments adjoining vacant property shall extend streets within the development to property lines as "stub-outs" in locations where logical and practical connections may be made in the future to extend such streets into adjacent development. Stub-out locations shall be identified on site plans and construction drawings. Where adjacent properties have been developed and have provided street stub-outs that adjoin the development, the developer shall connect to such stub-outs, unless the requirement is **waived administratively by the town** due to circumstances that make such connections impractical.
 4. New streets may, as an alternative to the town's street design standards, be designed in accordance with the standards set forth by the Institute of Transportation Engineers in Traditional Neighborhood Development Street Design Guidelines, An ITE Recommended Practice or substantiated by other technical methods and practices submitted to and

approved by the town and recorded in the development agreement for each development utilizing the MXU provisions.





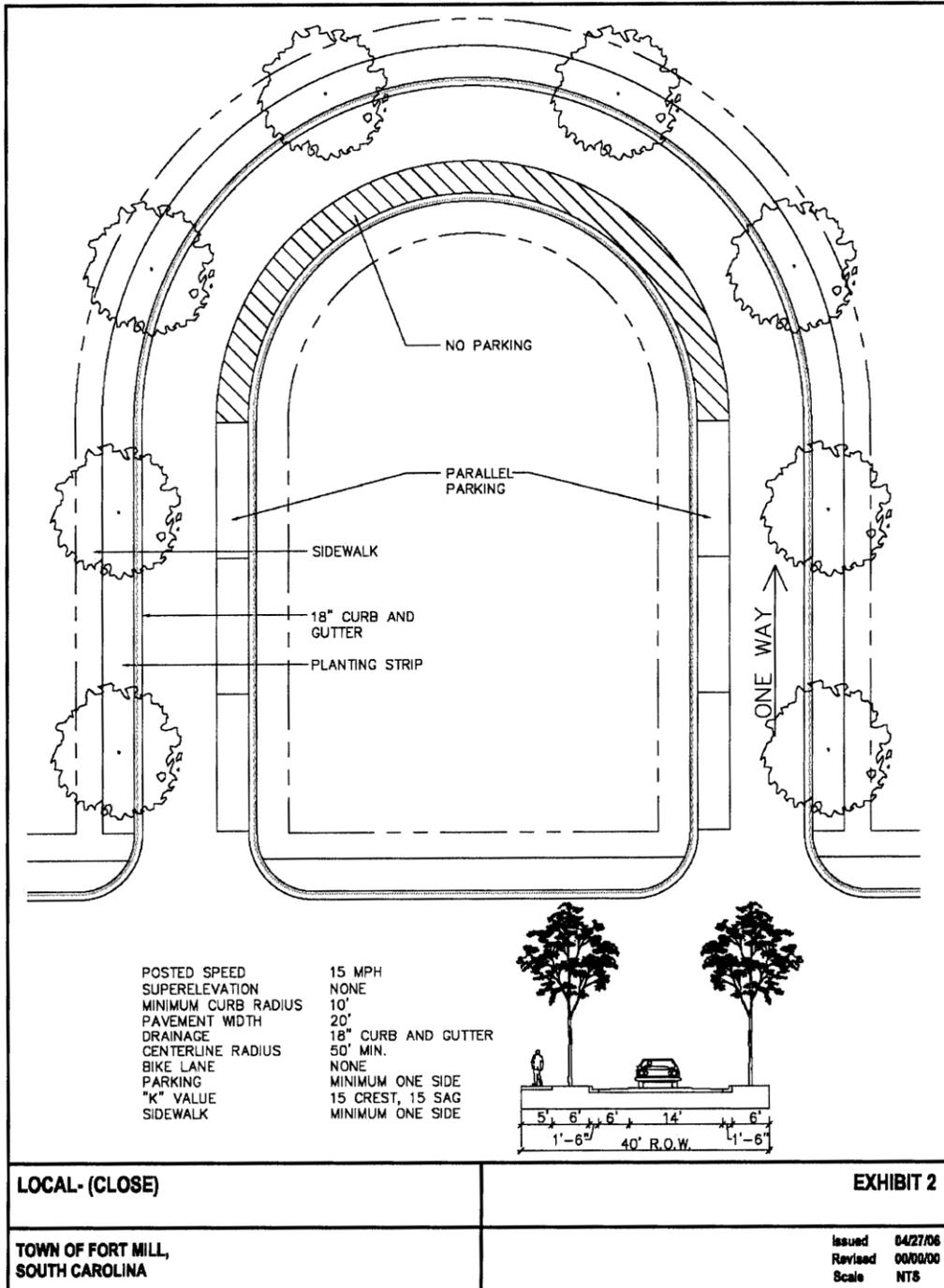
POSTED SPEED	20 MPH
SUPERELEVATION	NONE
MINIMUM CURB RADIUS	10'
PAVEMENT WIDTH	22' MINIMUM, 56' MAXIMUM
DRAINAGE	18" CURB AND GUTTER
CENTERLINE RADIUS	50' MIN.
BIKE LANE	NONE
PARKING	NONE, ONE OR BOTH SIDES
"K" VALUE	15 CREST, 15 SAG
SIDEWALK	BOTH SIDES

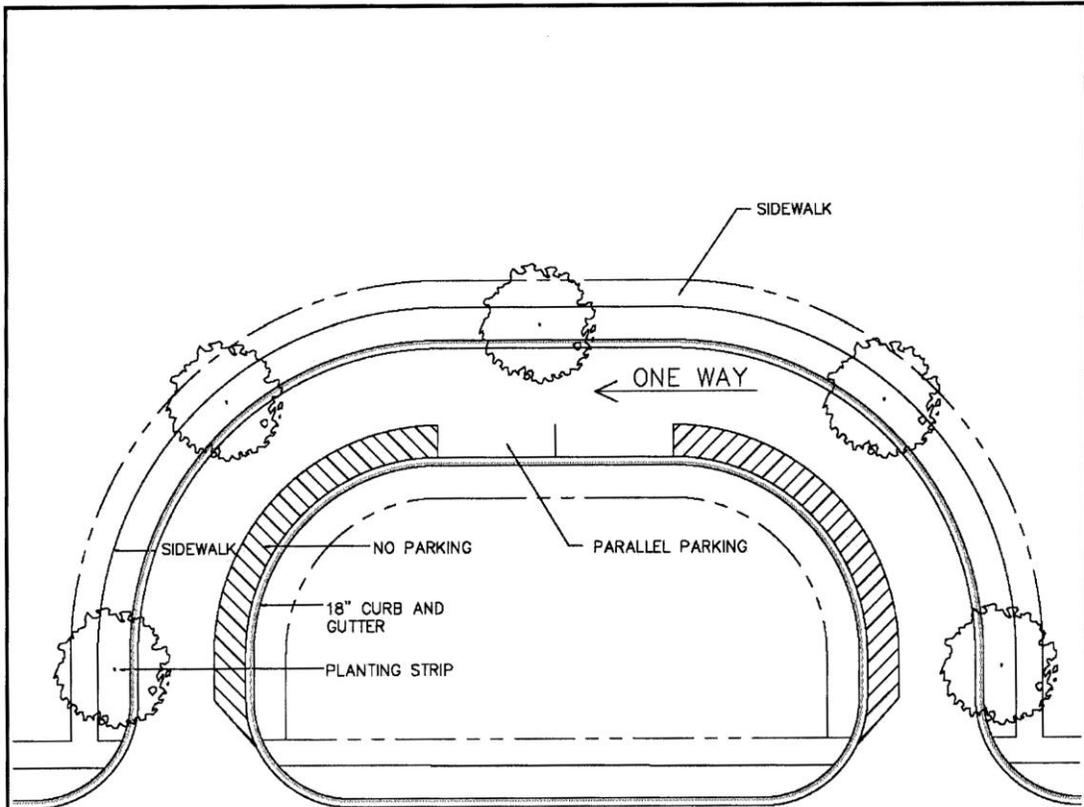
ANGLED PARKING IN RIGHT OF WAY

EXHIBIT 8

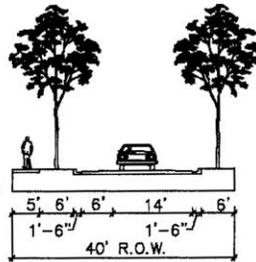
**TOWN OF FORT MILL,
SOUTH CAROLINA**

Issued 04/27/06
Revised 00/00/00
Scale NTS





POSTED SPEED 15 MPH
 SUPERELEVATION NONE
 MINIMUM CURB RADIUS 10'
 PAVEMENT WIDTH 20'
 DRAINAGE 18" CURB & GUTTER
 CENTERLINE RADIUS 50' MIN.
 BIKE LANE NONE
 PARKING MINIMUM ONE SIDE
 "K" VALUE 15 CREST, 15 SAG
 SIDEWALK MINIMUM ONE SIDE

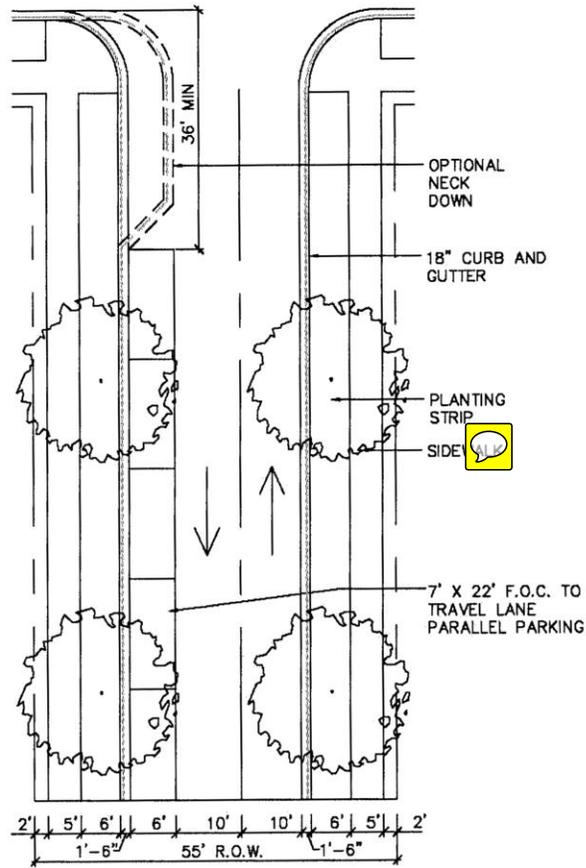


LOCAL- (FORECOURT)

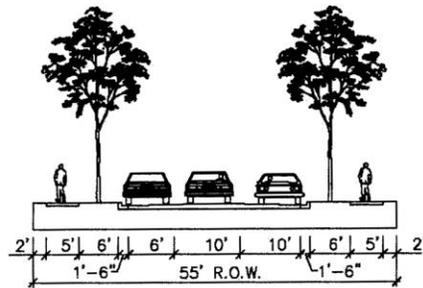
EXHIBIT 3

TOWN OF FORT MILL,
SOUTH CAROLINA

Issued 04/27/06
 Revised 00/00/00
 Scale NTS



- POSTED SPEED 15 MPH
- SUPERELEVATION NONE
- MINIMUM CURB RADIUS 10' (25' IF NO ON-STREET PARKING)
- PAVEMENT WIDTH 26' MINIMUM, 30' MAXIMUM
- DRAINAGE 18" CURB AND GUTTER
- CENTERLINE RADIUS 50' MIN.
- BIKE LANE NONE
- PARKING OPTIONAL
- "K" VALUE 15 CREST, 15 SAG
- SIDEWALK MINIMUM ONE SIDE

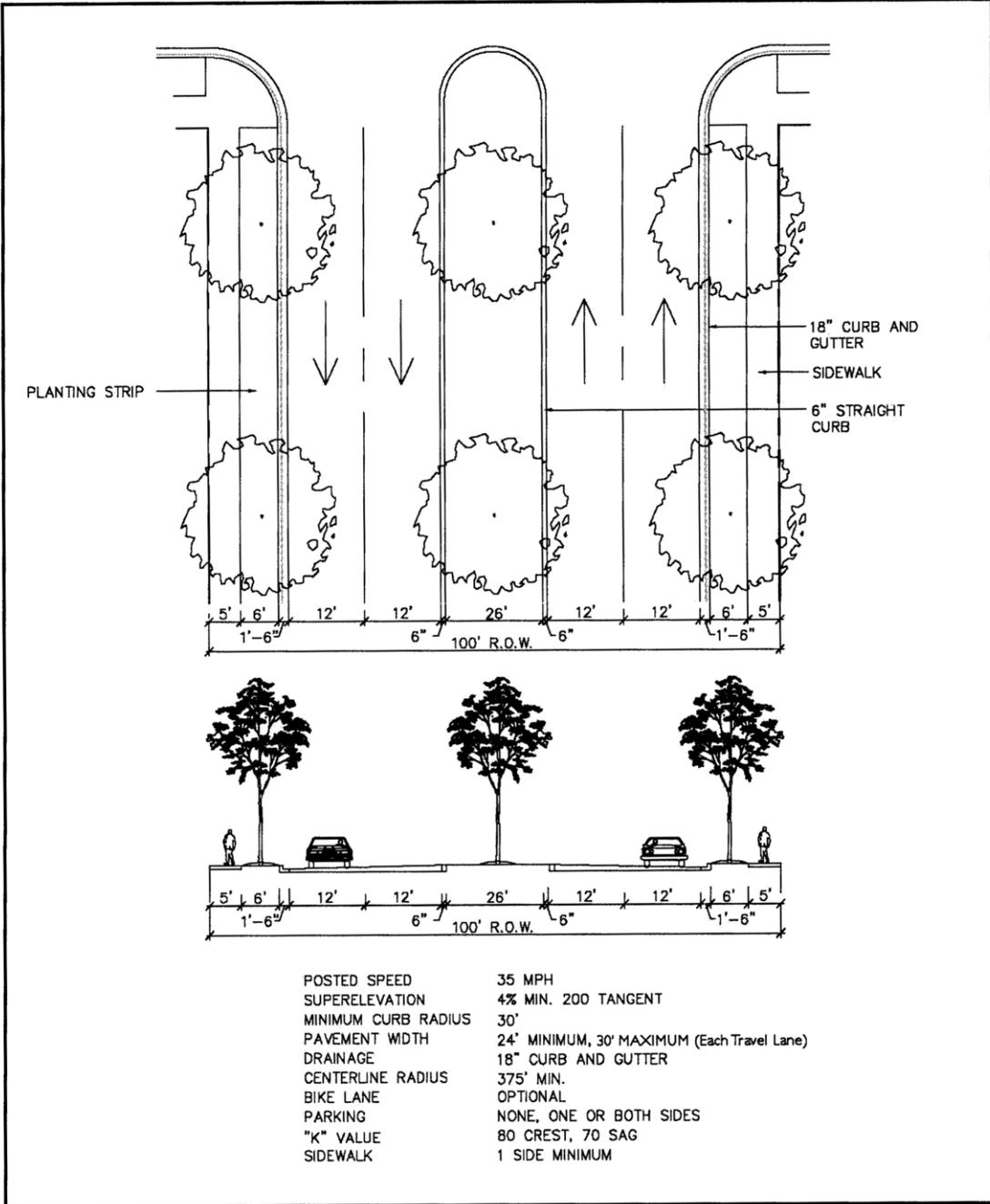


LOCAL - (PARKING ON ONE SIDE)

EXHIBIT 5

**TOWN OF FORT MILL,
SOUTH CAROLINA**

Issued 04/27/06
Revised 00/00/00
Scale NTS

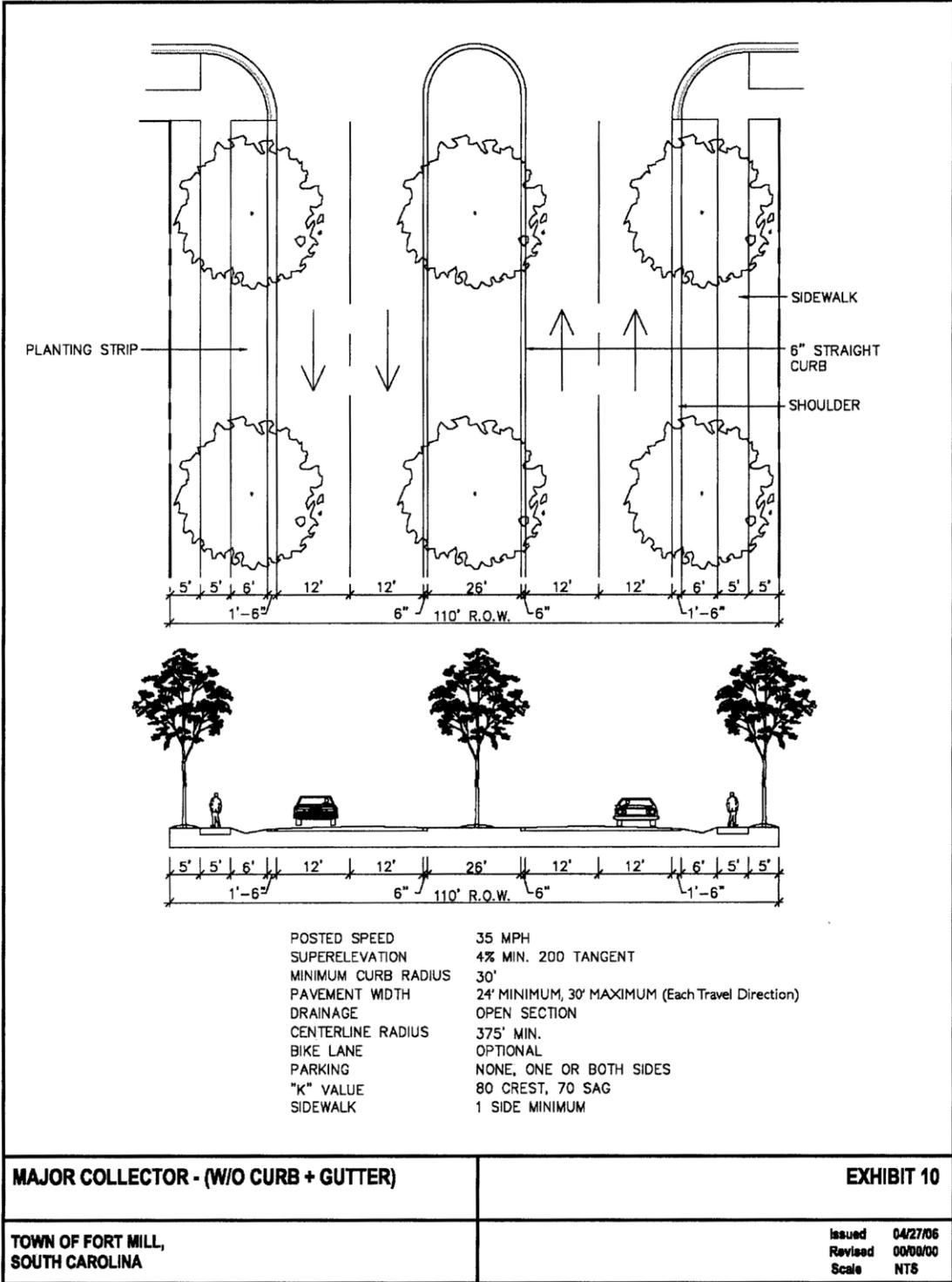


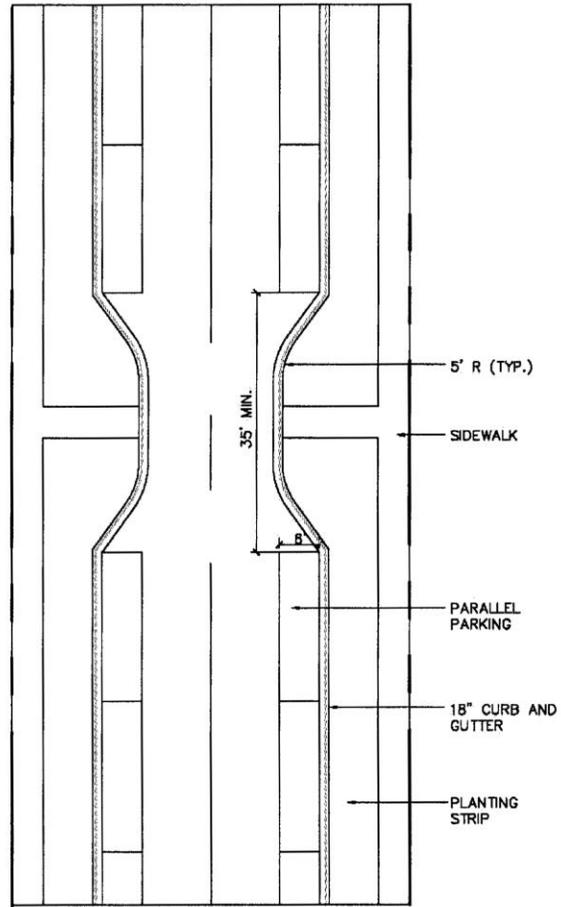
MAJOR COLLECTOR - (W/ CURB + GUTTER)

EXHIBIT 9

**TOWN OF FORT MILL,
SOUTH CAROLINA**

Issued 04/27/06
Revised 00/00/00
Scale NTS



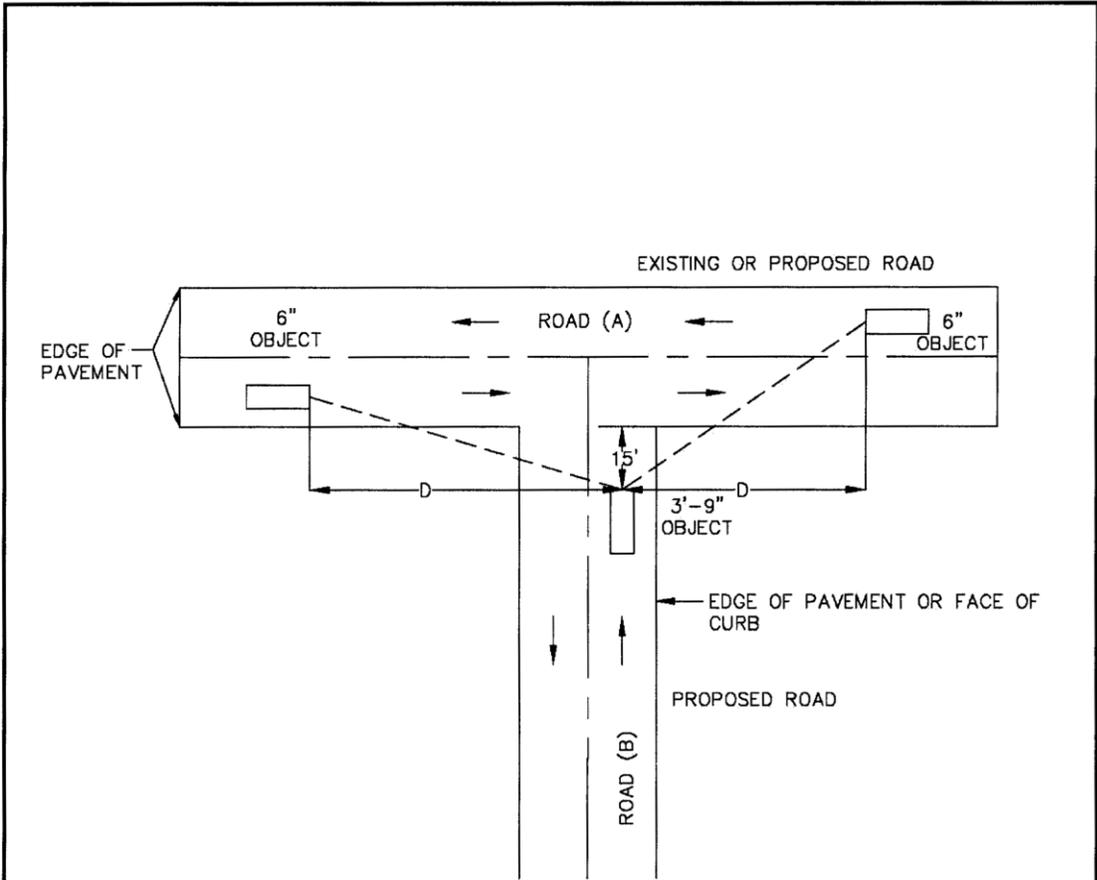


MID-BLOCK CHOKER

EXHIBIT 11

TOWN OF FORT MILL,
SOUTH CAROLINA

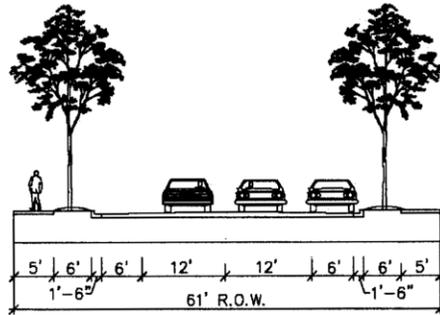
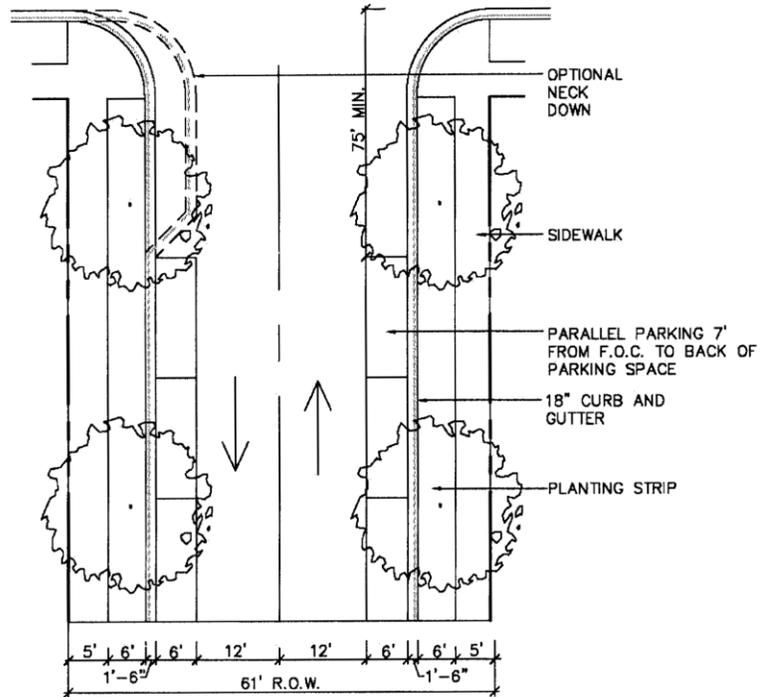
Issued 04/27/06
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Scale NTS



NOTES:

1. DISTANCE "D" IS CALCULATED AT 10 TIMES THE POSTED SPEED LIMIT (45 MPH X 10 = 450')
2. THE DISTANCE IS MEASURED 15' FROM THE EDGE OF PAVEMENT OR FACE OF CURB @ THE CENTER OF THE TRAVEL LANE TO THE CENTER OF THE ON COMING TRAVEL LANE IN BOTH DIRECTIONS.

<p>MINIMUM SIGHT TRIANGLES/DISTANCES</p>	<p>EXHIBIT - 14</p>
<p>TOWN OF FORT MILL YORK COUNTY, SOUTH CAROLINA</p>	<p>Issued 04/27/06 Revised 00/00/00 Scale NTS</p>



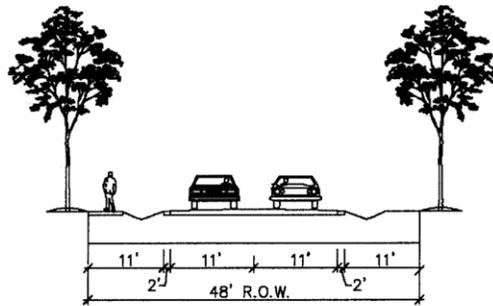
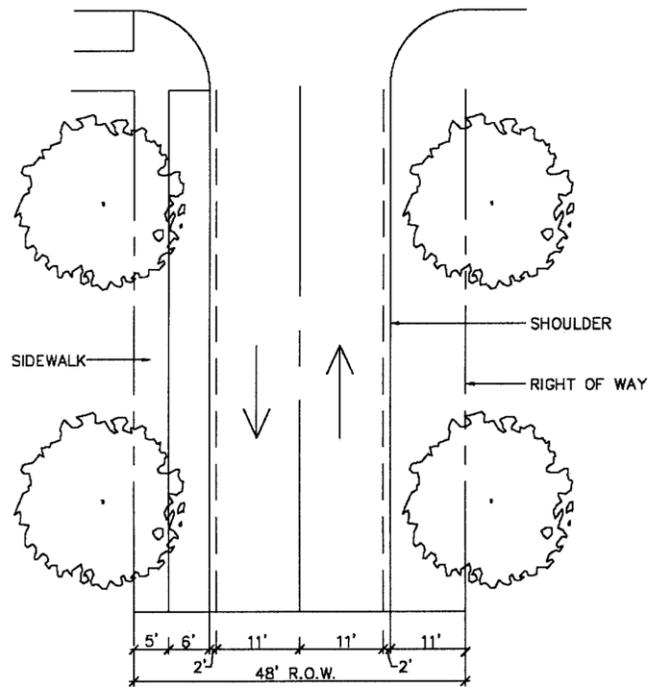
POSTED SPEED	20 MPH
SUPERELEVATION	NONE
MINIMUM CURB RADIUS	18' (28' IF NO ON STREET PARKING)
PAVEMENT WIDTH	24' MINIMUM, 36' MAXIMUM
DRAINAGE	18" CURB AND GUTTER
CENTERLINE RADIUS	150' MIN.
BIKE LANE	OPTIONAL
PARKING	NONE, ONE OR BOTH SIDES
"K" VALUE	15 CREST, 20 SAG
SIDEWALK	1 SIDE MINIMUM

MINOR COLLECTOR - (W/ CURB + GUTTER)

EXHIBIT 6

**TOWN OF FORT MILL,
SOUTH CAROLINA**

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Scale NTS



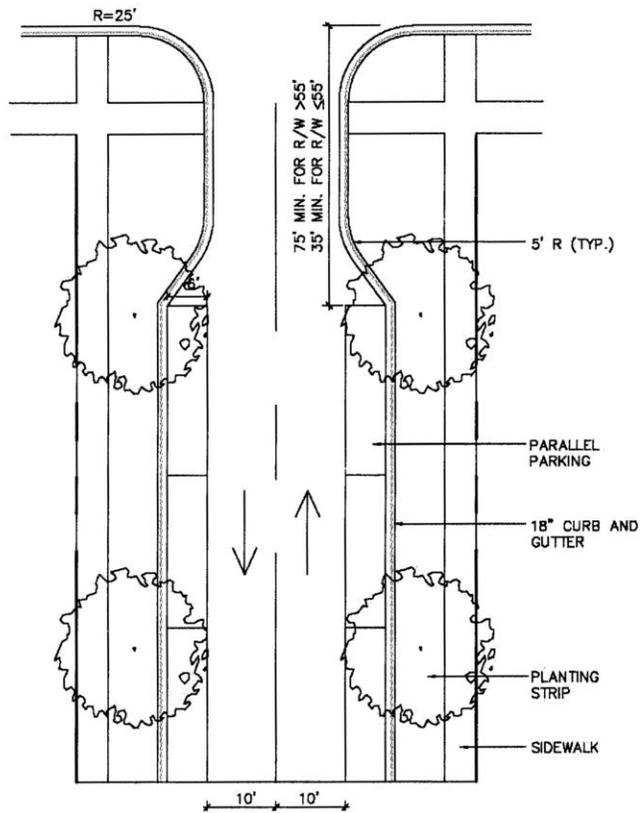
POSTED SPEED	20 MPH
SUPERELEVATION	NONE
MINIMUM CURB RADIUS	28'
PAVEMENT WIDTH	22' MINIMUM, 34' MAXIMUM
DRAINAGE	OPEN SECTION
CENTERLINE RADIUS	150' MIN.
BIKE LANE	OPTIONAL
PARKING	NONE, ONE OR BOTH SIDES
"K" VALUE	15 CREST, 20 SAG
SIDEWALK	MINIMUM ONE SIDE

MINOR COLLECTOR - (W/O CURB + GUTTER)

EXHIBIT 7

**TOWN OF FORT MILL,
SOUTH CAROLINA**

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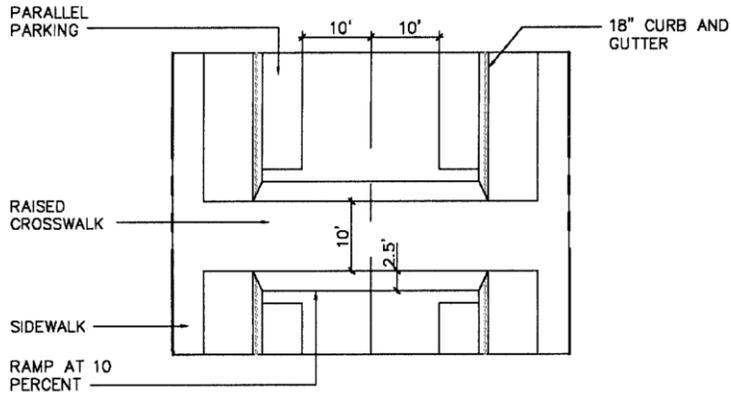


NECK DOWN

EXHIBIT 12

TOWN OF FORT MILL,
SOUTH CAROLINA

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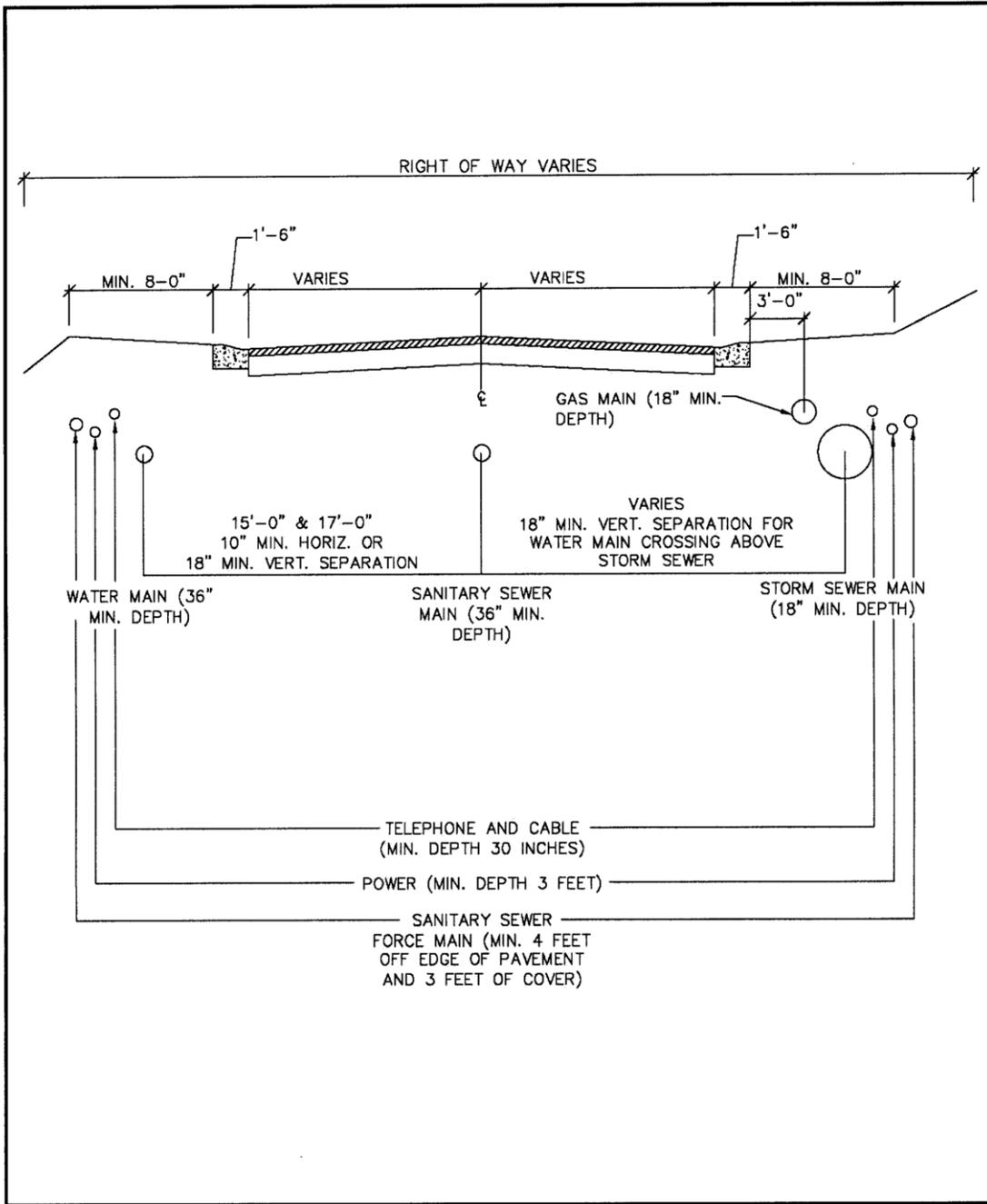


RAISED CROSSWALK

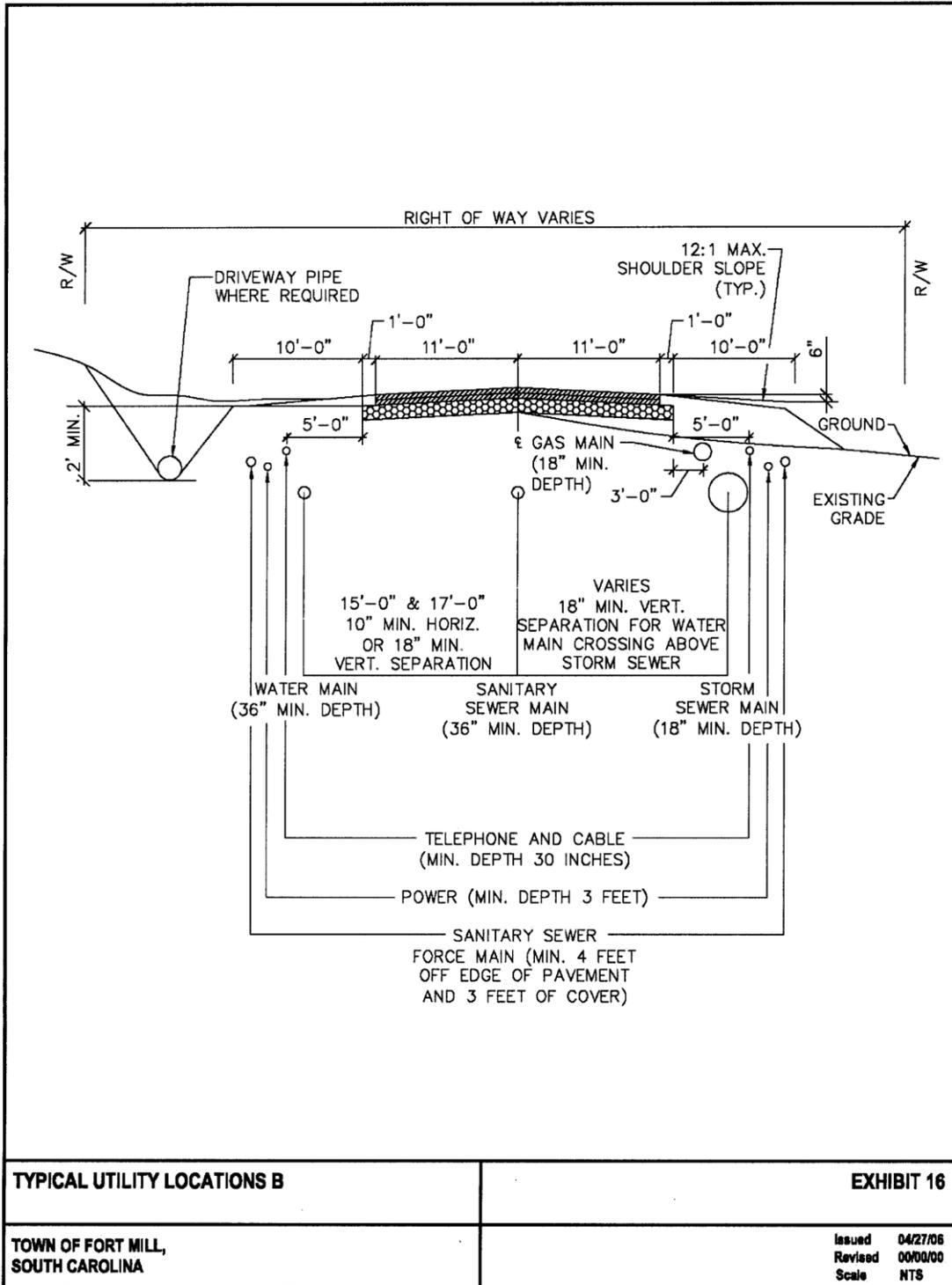
EXHIBIT 13

**TOWN OF FORT MILL,
SOUTH CAROLINA**

Issued 04/27/06
Revised 00/00/00
Scale NTS



TYPICAL UTILITY LOCATIONS A	EXHIBIT 15
TOWN OF FORT MILL, SOUTH CAROLINA	Issued 04/27/06 Revised 00/00/00 Scale NTS



5. Minimum vertical curves.
 L = Minimum length of curve in feet;
 A = Algebraic difference in grade in percent; and
 K = Rate of vertical curvature shown in table.

[Need K Values for Design speeds of 10 and 15 mph.]

	K Values Stopping Sight Distance					
	Minimum		Desirable			
<i>Design Speed (MPH)</i>	Crest	Sag	Passing Sight Distance K	Decision Sight Distance K	Crest	Sag
(1)	(2)	(3)	(4)	(5)	(6)	(7)
10						
15						
20 ¹	10	20	10	20	210	120
25 ¹	20	30	20	30	300	190
30	30	40	30	40	400	270
35	40	50	50	50	550	370
40	60	60	80	70	730	490
45	80	70	120	90	890	625
50	110	90	160	110	1,050	750
55	150	100	220	130	1,230	1,000
60	190	120	310	160	1,430	1,200
65	230	130	400	180	1,720	1,475
70	290	150	540	220	2,030	1,950
<p>Note: ¹Design speed should be equal to posted speed for speeds of 25mph or less.</p>						

Road centerline K values for vertical curves should be maximized in order to follow existing topography as closely as possible. This will enable the greatest amount of tree save possible within any development area.

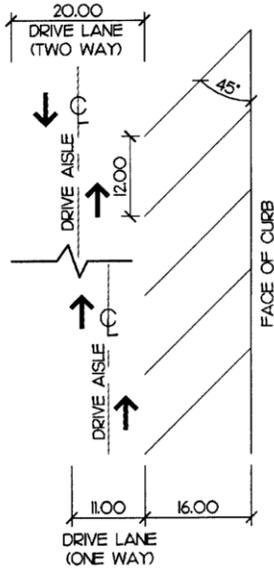
G. *Parking and loading.*

1. *Loading.* Off-street loading shall be required for any uses that dispense or acquire goods. The minimum number of spaces to be provided shall be determined by the zoning administrator. No off-street loading space shall be required for any tenant space less than 25,000 square feet of gross floor area.
2. *Off-street parking.* All off-street parking shall be provided in accordance with the off-street parking requirements set forth in article I, section 7, subsection I. of the ordinance, **except as otherwise provided below.**
 - a. Off-street parking must be provided on every lot on which any of the following uses are hereafter established. The number of parking spaces provided will be at least as great as the number specified in article I, section 7, subsection I. of the zoning ordinance for the particular use(s). When application of the provision results in a fractional space requirement, the next larger requirements will prevail. The zoning administrator may vary this requirement resulting in a 10% decrease in the minimum number required. Up to **50%** of the required parking spaces may be provided by on-street parking in conformance with section 4.G.7.
 - 1) The parking space requirements for a use not specifically listed will be the same as for a listed use of similar characteristics of parking demand.
 - 2) For uses having different parking requirements and occupying the same building or parcel, the minimum number of required spaces shall be the sum total of all the individual uses. For developments of portions of developments within the same mixed use development district designed as a single, coordinated project having at least 50,000 square feet of gross floor area, the minimum number of required spaces shall be one space for every 250 square feet of gross floor area designed for nonresidential use and occupancy.
 - 3) Shared parking is allowed and is encouraged in circumstances where the parking would be within **1,200 feet of each respective use.**
 - 4) Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the zoning administrator that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the zoning administrator. 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.
 - 5) 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 with enforcement running to the town providing that 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 that the owner agrees to bear the expense of recording the agreement and such agreement shall bind his or her heirs, successors, and assigns. An attested copy of the agreement between the owners of record shall be submitted to the zoning administrator for recordation in a form established by the town attorney. Recordation of the agreement must take place 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 be revoked only 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.

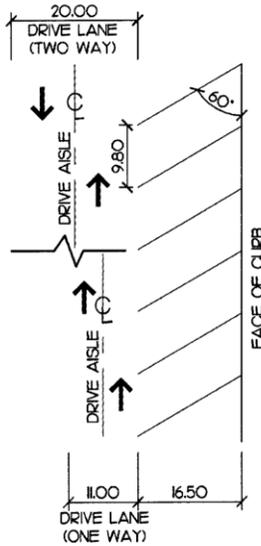
3. *Handicap accessible parking.* Handicap accessible parking spaces shall be provided in accordance with the table below:

Number of Required Accessible Parking Spaces*	
Total Spaces Required	Required Number to be Reserved for Handicapped
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of Total
Over 1,000	20; plus 1 for each 100 over 1,000
* Note: The number of Accessible Spaces shall be calculated based on the total number of required parking spaces.	

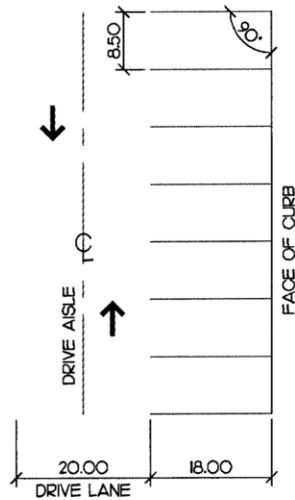
4. *Minimum parking dimensions.*



MINIMUM 45 DEGREE PARKING

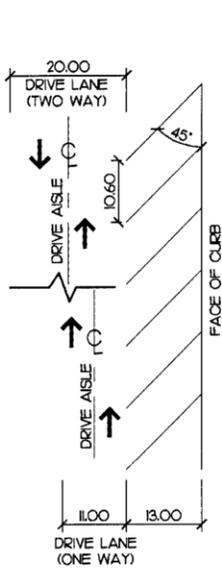


MINIMUM 60 DEGREE PARKING

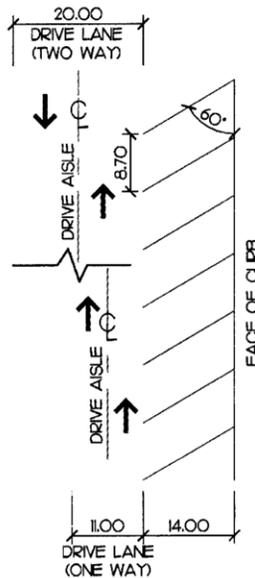


MINIMUM 90 DEGREE PARKING

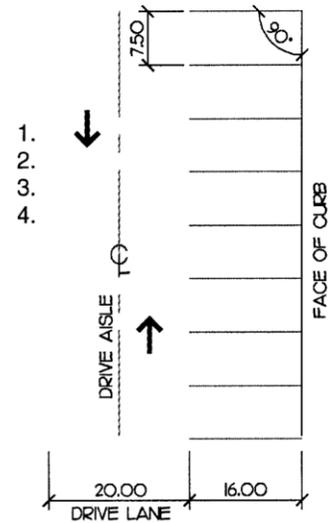
5. **Compact spaces.** In parking lots having 20 or more spaces, up to 25 percent of the total required spaces may be provided as compact spaces. Such spaces shall have a minimum dimensions as follows:



COMPACT 45 DEGREE PARKING



COMPACT 60 DEGREE PARKING



COMPACT 90 DEGREE PARKING

6. **Parking lot landscaping.** Landscape islands within parking areas shall be no less than the minimum dimensions of a full-size parking space (measured from edge of pavement or back of curb, if such islands are defined by curb). Islands shall be installed every 25 spaces to include a 2.5" caliper tree (minimum). No parking space shall be further than 110 feet from a landscape island. All trees planted in landscape islands shall adhere to the standards set forth in chapter 38, division 3, tree control of the ordinance.

7. **On-street parking.** A minimum of 50 percent of the required off-street parking must be provided on site. Where on-street parking is available or provided as part of the development, on-street parking spaces may account for up to 50% of the required spaces, provided:
 - a. A key map is provided that delineates the location of allocated on-street spaces for a designated parcel or use.
 - b. The on-street parking must be located within 1,200 feet of the primary entrance of a use.
 - c. On-street parallel parking spaces shall be 7' x 20' measured from the face of curb (or edge of pavement, if curb does not exist).
 - d. On-street diagonal parking with a 60-degree angle or less shall have a minimum travel lane width of 11 feet.
- H. **Dedicated open space.** Dedicated open space shall be provided in accordance with the following standards:
 1. A minimum of 20 percent of the gross land area of the project will be dedicated open space. A density bonus over and above the density otherwise allowed in the MXU district may be approved by the town council provided that the applicant increases the percentage of the total project area to be devoted to dedicated open space. This bonus may be granted only if specifically requested by the applicant. Any such bonus shall consist of a one percent **increase in the allowable density** for every one percent of land area devoted to dedicated open space **unless town approves an alternative.**
 2. Dedicated open space land shall be shown on the preliminary plat and shall be labeled to specify that the land has been dedicated to open space purposes. The plat shall specify that the open space land shall not be further subdivided or developed and is permanently reserved for open space purposes. The open space shall be conveyed by the applicant as a condition of plat approval and may be conveyed by any of the following means as determined 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:
 - 1) 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;
 - 2) The property owners' association shall have the responsibility of maintaining the open space and operating and maintaining recreational facilities;

- 3) 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;
 - 4) 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. The following may be counted towards required dedicated open space: conservation lands, natural areas, formal greens, plazas and courtyards, trails, buffers held in common ownership, and parks and recreation areas, including ball fields, golf courses (excluding vertical structures: clubhouse and maintenance facilities), tennis and basketball courts, playgrounds, and other areas used for active or passive recreation.
 4. Open space to be dedicated to the town shall have shape, dimension, character, location and topography to ensure appropriate public access, and to accomplish 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 characterized as conservation lands in **article II, section 7, subsection 3.D)** of the zoning ordinance, provided such lands are integrated into the development and serve as an amenity for the development;
 7. Streets and **other impervious surfaces shall be excluded** from the calculation of the minimum dedicated open space requirement; however, lands occupied by bike paths, landscaped grounds, or similar common recreational development may be counted as dedicated open space provided that impervious surfaces constitute no more than ten percent of the total required open space;

Commentary: For example, if the project is 100 acres, then at least 20 acres (or 20 percent) of the project must be set aside as dedicated open space. Of these 20 acres of dedicated open space, no more than two acres (ten percent) can be impervious surfaces.
 8. Up to 25 percent of this 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 is suitable for the purposes set forth in article I, section 1.
 9. Dedicated open space shall include the land necessary to provide access to the open space;
 10. The dedicated open space shall not be included in subdivision lots or in lot size calculations.
 11. The applicant shall convey or restrict the open space land by a deed instrument reviewed and approved by the Fort Mill Town Attorney to ensure that the land will be held and managed in perpetuity for open space purposes and shall not be further developed.
 - a. As an alternative to providing all open space on site in accordance with the requirements above and with the **town's consent**, the developer may choose to **provide up to 50 percent of the required open space utilizing one of the following options:**

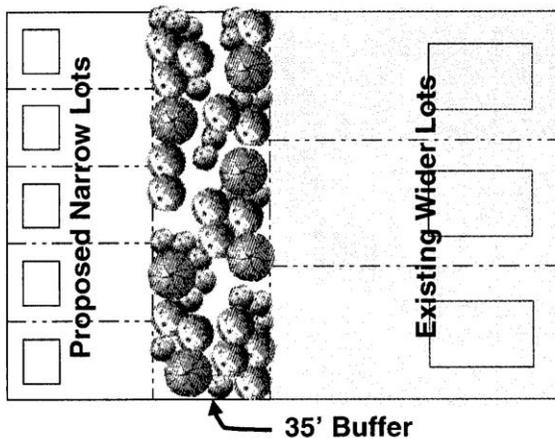
- b. Off-site parcels within town limits may be used to meet this requirement provided the land meets the open space purposes as determined by the town.
 - c. Fees-in-lieu may be paid to the town for land acquisition for open space purposes.
- I. **Signage.** A proposed project signage package shall be provided for approval by the town. All signs shall meet the requirements of article III, signs of the ordinance, with the following exceptions:
 - 1. **Project identification signs** of up to **360 square feet of text area per sign** shall be permitted at all project entrances that provide ingress/egress from a **major collector road, arterial road, public streets, adjoining streets, minor streets, marginal access streets with major thoroughfares, intersections, and dead-ends**, provided the following standards are met:
 - a. Such copy area shall be incorporated into an architectural feature **such as a wall and/or entryway monumentation** that will not exceed **18 feet in height**.
 - b. Up to two such signs per individual project entrance shall be permitted. Each project is **limited to one entrance of this type per 1,000 linear feet** of frontage along a major arterial road.
 - c. Sign structures may consist of brick, stone, metal or similar mixture of materials at the developer's discretion that match certain architectural characteristics of the development and will be integrated in accordance with the approved an overall sign package.
 - d. Final design of these features will be submitted for approval by town in conjunction with a proposed signage package for the overall project.
 - 2. Off-site/off-premises signs shall be permitted to give visibility to businesses within the development, provided the following standards are met:
 - a. Sign structures **may** consist of brick, stone, metal or similar mixture of materials at the developer's discretion that match certain architectural characteristics of the development and will be integrated in accordance with the approved overall sign package.
 - b. Final design of these features will be submitted for approval by town in conjunction with a proposed signage package for the overall project.
- J. **Landscaping.** Tree planting requirements shall be as follows:
 - 1. Internal planting requirements for lots, excluding single-family development. Planting areas. Whenever the impervious cover exceeds 10,000 square feet, a planting area equal to ten percent of the total impervious surface must be provided for landscape purposes and tree planting. Internal tree planting is required at the rate of one large maturing shade tree per 10,000 square feet of impervious cover or fraction thereof. This planting area must be located on private property and shall be in addition to any other applicable planting requirements.
 - 2. Internal planting requirements for parking areas. Trees must be planted so that each parking space is no more than 110 feet from a tree trunk. Seventy-five percent of the trees planted must be large maturing shade trees. Where constraints, such as utility lines, would interfere with the healthy growth of the tree, small maturing shade trees are used.
 - 3. Existing trees. In meeting these internal planting requirements, credit may be given for existing trees if the following are met:
 - a. Trees larger than 2.5 inches dbh may be counted towards the internal planting requirements on a 1:1 basis. Trees larger than ten inches dbh shall receive a credit of 1.5 toward tree planting requirement.
 - b. The property owner must include a tree survey which identifies all trees of 2.5" caliper or greater that will be used to meet this requirement. Survey shall indicate species.

- c. Only healthy trees and those that have been protected during the entire development period, beginning prior to the commencement of site work and continuing through to issuance of the certificate of occupancy in accordance with approved tree protection techniques, may satisfy these tree planting requirements. If the minimum protection standards are not met, or if trees are observed by the town to be injured or threatened, they may be deemed ineligible for meeting these requirements.

K. *Buffers and project edge compatibility.*

1. Areas exempt from requirement to provide buffer.
 - a. Buffers are not required between uses wholly contained within the project area or abutting nonresidential areas where buffers are not already required by the Ordinance.
 - b. Project edge compatibility is required along project edges to provide a suitable transition between the proposed development and adjacent residential development. All edges shall be developed or otherwise treated in a manner that is compatible with adjacent land uses.
2. Buffer required. A landscaped buffer shall only be required along all project edges abutting existing residential development **excluding road frontage**, and shall be measured perpendicular to the property lines that define the project area. This buffer shall be a natural, undisturbed wooded area where possible, and shall count towards the provision of open space for the development where the buffer is not platted and made part of an individual, privately-owned lot. Where an existing natural, undisturbed wooded area does not exist, a planted buffer shall be required in conformance with the buffer standards below.
3. Buffer standards.
 - a. Minimum buffer width.
 - 1) The minimum width of the project boundary buffer shall be 25 feet **where the land use is comparable to the adjacent use** and the width of the project's perimeter lots adjacent to the buffer is equal to or greater than the minimum lot width of the adjoining development (or the minimum lot width required by the zoning district applied to any adjoining undeveloped parcel).
 - 2) **Where narrower lot widths are provided at the project's perimeter**, the minimum buffer width shall be 35 feet (see the graphic below).

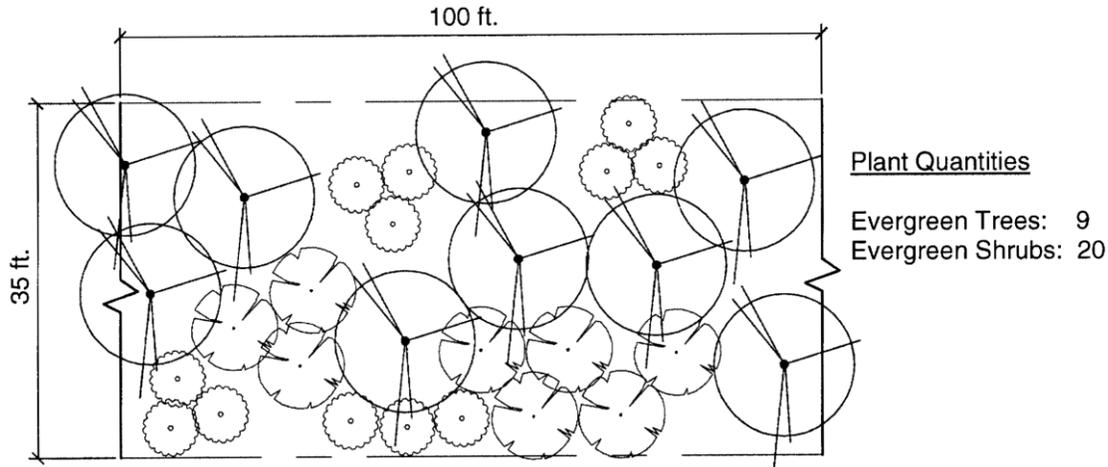
Buffer Compatibility Graphic



- 3) The required width of any project boundary buffer may be reduced by 33 percent, provided a minimum six-foot opaque wall is constructed along the project boundary.

b. Required buffer planting.

- 1) Required project boundary buffers shall incorporate existing natural vegetation to the maximum extent feasible. Prior to disturbance of a required buffer, approval shall be obtained from the town. Where existing vegetation is inadequate to meet the planting standards, additional plant material shall be required.



TYPICAL BUFFER PLANTING

- 2) Credit for existing vegetation. Credit shall be given for existing vegetation within the required buffer area that meets the planting requirements above, and if the following are met:
 - a) Trees larger than 2.5 inches dbh may be counted towards the internal planting requirements on a 1:1 basis. Trees larger than ten inches dbh shall receive a credit of 1.5 toward tree planting requirement.
 - b) The property owner must include a tree survey which identifies all trees of 2.5" caliper or greater that will be used to meet this requirement. Survey shall indicate species.
 - c) Only healthy trees and those that have been protected during the entire development period, beginning prior to the commencement of site work and continuing through to issuance of the certificate of occupancy in accordance with approved tree protection techniques, may satisfy these tree planting requirements. If the minimum protection standards are not met, or if trees are observed by the town to be injured or threatened, they may be deemed ineligible for meeting these requirements.

c. Trails within required buffers. Trails may be incorporated into required buffer areas **provided adequate width (minimum 15 feet) is added** to the required buffer width to accommodate both the trail and the required buffer plantings. Buffers with trails may also count toward the provision of open space for the development.

d. Buffer crossings and penetrations. Buffer crossings and penetrations shall be limited to the minimum width required to accommodate the roadway, trail, or other facility that is crossing the buffer. The penetration or crossing must intersect the buffer at an angle between 90 degrees and 60 degrees.

e. Alternative to required buffer. The applicant may submit for consideration and approval an alternative to the required buffer, provided the alternative demonstrates a positive, compatible relationship between proposed and adjacent uses.

L. *Lighting.* All lighting shall adhere to the standards of article IV, section 6 of the ordinance.

M. *Screening.*

1. The provisions of this section must be met at the time that land is developed or redeveloped, or if an existing structure is substantially expanded. (Exemption: expansions of less than 2,000 sf or ten percent of the total floor area, whichever is greater). A buffer required in article IV, section 2, may be used to meet the requirements of this section. The requirements of this section do not apply to lots of portions of lots, which are vacant or undeveloped.
2. The following must be screened from abutting property and from public view from a public street:
 - a. Parking lots for more than ten automotive vehicles and parking decks, excluding new and used automotive sales lots and parking areas for detached, duplex, triplex or quadraplex dwellings on a single lot;
 - b. Dumpsters, recycling containers (except for household recycling bins or recycling containers located at recycling collection centers), or solid waste handling areas;
 - c. Service entrances or utility structures associated with a building, except in the area where such use abuts other service entrances or utility structures; and
 - d. Loading docks or spaces, except in the area where such use abuts other loading docks and spaces.
 - e. Outdoor storage of materials, stock and equipment; and
 - f. Any other uses for which screening is required under these regulations.
3. Any screening or buffer areas used to comply with the provisions of this section or other ordinance provisions for uses other than parking decks must consist of a planted area which is at least five feet wide. This area may contain any type of screening materials sufficient to separate visually the land uses, provided such materials meet the requirements of this section. If only a wall or fence is used, then the area devoted to the screen need only be wide enough to accommodate the wall or fence and allow for its maintenance. The composition of the screening material and its placement on the lot will be left up to the discretion of the property owner, so long as the purpose and requirements of this section are satisfied. The following list contains specific standards to be used in installing screening:
 - a. Any fence or wall used for screening shall be constructed in a durable fashion of brick, stone, other masonry materials, wood posts and planks, poly vinyl chloride (PVC), or metal or other materials specifically designed as fencing materials or any combination thereof as may be approved by the zoning administrator. No more than 25 percent of the fence surface shall be left open and the finished side of the fence shall face the abutting property. A chain link fence with plastic, metal or wooden slats may not be used to satisfy the requirements of this section when abutting residential uses and districts and public streets;
 - b. The maximum height of a wall or fence shall be eight feet, except when located between the primary facade of a structure and the street, in which case the maximum height shall be four feet.
 - c. The minimum height for screening materials will be whatever is sufficient to visually separate the uses, but not less than four feet;
 - d. The height of any screening materials on a corner lot must also comply with the provisions of section "b." above;
 - e. Any earth berm used to meet the requirements of this section must be a minimum of four feet with a maximum slope of 3:1. Berms in excess of six feet in height shall have a maximum slope of 4:1 as measured from the exterior property line;
 - f. Shrubs used in any screening or landscaping must be evergreen, at least three feet tall with a minimum spread of two feet when planted and no further apart than five feet.

They must be of a variety and adequately maintained so that an average height of five to six feet could be expected as normal growth within four years of planting. The average expected height may be reduced to four feet for screening along public streets.

5. *Procedure for approval.*

- A. *Applicability.* All proposed developments utilizing the MXU district or significant modifications to an approved MXU district shall be subject to the review and approval procedures found in this section.
- B. *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.
- C. *Pre-application review/sketch plan.*
 - 1. All applicants seeking MXU rezoning 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:
 - 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. The planning director shall review the sketch plan and advise the applicant on any modifications that may be required to comply with the ordinance requirements. Once the pre-application conference is complete, the applicant shall prepare a concept plan of the entire MXU development.
- D. *Concept plan.*
 - 1. Application requirements.
 - a. The application shall contain an application for zoning map change to an MXU district, a completed concept plan (section 5.D.4), and, if applicable, development conditions (section 5.D.3).
 - b. Unless specifically modified using as a development condition, a development utilizing the MXU district shall comply with all town regulations in effect at the time of rezoning approval.
 - c. The mix of uses shall be limited to the range of uses contained in the approved MXU development conditions.
 - 2. Review and approval procedure.
 - a. Staff review.
 - 1) Upon receipt of a completed MXU development application, the planning director shall distribute the application to the appropriate departments for review of the application.

- 2) 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.
 - 3) The planning director shall provide notice as required and schedule the MXU application on the next available planning commission agenda. The planning director will then inform the applicant/agent when they will appear on the planning commission agenda for action on the MXU application.
- b. Optional joint work session. The applicant may request a joint work session with the town council and planning commission to provide an opportunity for the applicant to present the MXU application and respond to any initial questions that council or board members may have regarding the proposed development.
- 1) If the request is granted, the planning director shall schedule the joint work session and notify the applicant when the session will occur.
 - 2) No decision or final action may be taken at a joint work session.
 - 3) Planning commission hearing and recommendation.
 - 4) The planning director shall present the staff report to the planning commission.
 - 5) 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 5.D.5.
 - 6) The planning commission shall make a recommendation to approve or deny the application.
- c. Town council hearing and final decision.
- 1) The staff report and planning commission recommendations shall be forwarded to the town council for review and final decision.
 - 2) The planning director shall provide notice as required and schedule the MXU application on the next available town council agenda. The planning director will then inform the applicant/agent when they will appear on the planning commission agenda for action on the MXU application.
 - 3) The planning director shall present the staff report and recommendations by the planning commission to the town council.
 - 4) 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 5.D.5, below.
 - 5) 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.
3. Development conditions. The applicant may submit conditions to be incorporated into the rezoning.
- a. A general narrative description of the development program.
 - b. A list of any development conditions or modifications to the base standards that are being sought in conjunction with the MXU rezoning. These development conditions shall be binding upon the property unless amended by in conformance with the requirements of section 5.F.
 - c. If phasing is proposed, the applicant may provide a general breakdown showing the various phases and the estimated schedule of construction.

4. **Concept plan requirements.** At minimum, the concept plan shall contain the following information in schematic form:
 - 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, and a tabulation of total dwelling units and the gross floor area to be devoted to various uses and activities and overall densities.
 - g. Location of existing steep slopes, flood zones, wetlands, and other riparian areas, and other significant environmental features.
 - h. General layout of transportation routes including streets and major pedestrian ways.
 - i. The location of existing infrastructure (examples may include: roadways, sidewalks, and proximity of nearest water and/or sewer mains).
 - j. Conceptual location for any proposed public uses including schools, parks, fire and medical emergency services, etc.
 5. Review criteria. In determining whether to approve, approve with conditions or deny a MXU zoning map amendment, the applicable review bodies shall consider the following criteria:
 - a. The development is in conformity with the comprehensive plan and the purpose of the MXU district, and/or the development is in harmony with the character of the surrounding area.
 - b. There is an orderly and creative arrangement of all land uses with respect to each other, the entire development, and the surrounding development.
 - c. The development is staged in a manner which can be accommodated by the timely provision of public utilities, facilities and services.
- E. *Final plan or site specific plan.*
1. Phasing. The MXU development may be completed at once or in phases. If the development is to be completed at once, the applicant shall prepare and submit a final plan. If the development is to be completed in phases, 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 4**, final plan/site specific plan requirements, and conform to the 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 final plan/site specific plans have 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 of the final plan/site specific plan so that the applicant or owner may begin the process of having the proposed site plan recorded.

- c. If any modifications are made to the final plan/site specific plan, the planning director will follow the specific procedure specified in section F, amendments to concept plan and/or site specific plan.
 3. Traffic impact analysis. A traffic impact analysis shall be required prior to the approval of any final plan or site specific plan. The analysis must be prepared by a professional engineer with expertise in the preparation of traffic impact analyses and must be submitted in a form acceptable to the town.
 4. Final plan/site specific plan requirements. The final plan/site specific plans must contain or provide evidence of the following information:
 - 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. Scale, date, and legal description of the proposed site.
 - d. Copy of the approved concept plan and development conditions, and proposed modifications (if any).
 - e. Streets layout showing proposed rights-of-way, centerlines, cross section, and type and size of streets and sidewalks.
 - f. Any land dedicated or to be dedicated to and accepted by the town for the construction of public facilities (i.e., schools, parks, public safety facilities, etc.).
 - g. Location and layout of residential lots.
 - h. Location and use of existing and proposed non-residential or mixed use structures.
 - i. Site data breakdowns (for example: total square footage of proposed buildings, floor area ratio, total number and density of residential units, etc.).
 - j. Location and dimensions of proposed boundaries, and easements,
 - k. Location of open space and recreational areas, amenities, etc.
 - l. Location and dimensions of any buffers to be included in the project.
 - m. Evidence of all federal and state approvals including approved wetlands delineation.
 - n. Conceptual utility and stormwater management plan(s).
- F. *Amendments to concept plans and/or final plans/site specific plans.* Any and all amendments to the concept plan and/or final/site specific plans for the MXU 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 for a specific parcel, 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 MXU area which are clearly beneficial to the occupants of the MXU area and will have no impact on adjoining or off-site properties.
 - e. All other changes shall be considered as a new application in conformance with the requirements of this section.

2. All other changes shall be processed as a new application.

6. **Definitions.**

Abutting: Having common property boundary or lot line that are not separated by a street, alley, or other vehicular right-of-way such as a railroad.

Accessory structure or use: A use or above-ground structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall "accessory use" or "accessory structure" be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.

Adjoining: See "abutting."

Applicant: Any person or his/her duly authorized representative who submits an application as defined herein.

Average finished grade: **The ground level adjoining a building or structure at all exterior walls.**

Contiguous property: Property bordering, adjoining, or meeting the boundary, border, or surface.

Dedication: The deliberate appropriation of property by its owner for general public use.

Commentary: For the purposes of this ordinance, land can be dedicated through one of the following ways:

- a) *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;*
- b) *The property owners' association shall have the responsibility of maintaining the open space and operating and maintaining recreational facilities;*
- c) *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;*
- d) *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.*

Developer: A person who undertakes land disturbance activities.

Encroachment: A building—or some portion of it—a wall or fence for instance that extends beyond the land of the owner and illegally intrudes on land of an adjoining owner or a street or alley.

Home occupation: A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the building.

Impervious surface: A surface composed of any material that impedes or prevents natural infiltration of water into the soil.

Lots: Land bounded by lines legally established for the purpose of property division. As used in this ordinance, unless the context indicates otherwise, the term refers to a zoning lot.

Principal structure: The structure in which the principal use of a property is conducted. This shall include any buildings which are attached to the principal structure by a covered structure.

Principal use: The primary or main use of land or structures, as distinguished from a secondary or accessory use.

Project edge: The edge of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

(Ord. of 2-12-07; Ord. No. 2013-33, § II, 12-9-13)

Sec. 20. - MID Municipal improvement districts.

(a) *Findings of fact.*

- (1) The town is a municipal corporation and a political subdivision of the State of South Carolina (the "state"). Pursuant to S.C. Code 1976, §§ 5-37-10 et seq., as amended (collectively, the "Act"), the town is authorized to cause the creation of municipal improvement districts (herein, each a "district" or "MID").
- (2) The creation of a MID allows for the financing of publicly-owned infrastructure serving persons and property located therein, with the cost thereof borne solely by the owners of property located within the boundaries of the MID. Thus, a MID will encourage an increase in the value of taxable property within the town without the cost of public improvements being charged against properties located within the town but outside of the boundaries of a MID.
- (3) Because the town is authorized by the Act to finance publicly-owned improvements within a MID through the issuance of bonds secured by assessments imposed on properties within a MID, and, further, because the interest on such bonds may, in many circumstances, be exempt from both state and federal income taxation, the use of a MID can also lower the cost of development to the developer of properties located within a MID.
- (4) The town is presently experiencing an upswing in growth, and, owing to its proximity to the Charlotte, North Carolina Metropolitan area, is expected to continue to experience such growth. Accordingly the council believes that in the near future it will be presented with one or more proposals to participate in MIDS.
- (5) In light of the foregoing, the council has commissioned Fishkind & Associates of Orlando, Florida to prepare for it recommended policies by which the town will be guided in reviewing proposals submitted to it for the creation of MIDS.
- (6) The council has reviewed the report of Fishkind & Associates, and has determined to incorporate the recommendations contained therein, along with others submitted by the town's administration, into a formal statement of policy regarding MIDS.

(b) *Policy statement.* The council hereby approves the policy statement attached hereto as Exhibit A and incorporated herein by reference. [A copy can be found in the town office.]

- (1) *No right to rely.* The policy statement is intended to provide to the administration of the town guidelines for handling applications for MID developments and any transactions which might follow therefrom. While it is expected that the town administration is charged with enforcement of the policy statement, no developer or other third party has a right to rely on the matters contained therein, or bring any action for the enforcement thereof, such matters being in all circumstances at the discretion of the council.

(Amd. of 2-12-07, §§ 1.01, 2.01—2.03)

Editor's note—

A resolution adopted February 12, 2007, did not specifically amend the zoning ordinance. Therefore, such resolution has been added as § 20 at the editor's discretion.

Sec. 21. - THCD Tom Hall Street corridor district.

1. *Tom Hall Street corridor district created:* The Fort Mill Zoning Ordinance is amended to create the Tom Hall Street corridor district (THCD) in accordance with the standards and provisions of this ordinance. The THCD shall apply to the following road segments: all parcels zoned HC Highway Commercial between Main Street and Kimbrell Road, including those areas zoned highway commercial near the intersection of Tom Hall Street and Doby Bridge Road.

2. *Overlay zoning district:* The THCD shall apply as an overlay district. Any use of land within the THCD shall comply with the standards and requirements of both the underlying district and the THCD. The provisions of the THCD shall apply in addition to other requirements of the zoning ordinance. In the case of conflict, the most restrictive provisions shall govern. No land shall be used or occupied and no structure shall be erected, altered, used or occupied within the THCD from the date of enactment of this ordinance as amended except as provided in this ordinance.
3. *Purpose:* The purpose of the THCD therefore are:
 - a. To create a more pedestrian friendly environment that provides more efficient points of access for the surrounding residential areas.
 - b. To promote commercial and retail uses that are conducive to a vibrant and economically sound downtown central business district.
 - c. To enhance the streetscape by setting higher standards of landscaping and building design.
 - d. To decrease setbacks required in the underlying zoning district to enhance foot traffic between businesses and to promote use of shared parking between businesses.
4. *Prohibited uses:* All uses permitted within the pre-existing (underlying) zoning district are permitted with the following exceptions:
 - a. Research, development and testing laboratories.
 - b. Any retail establishment having a building footprint in excess of 15,000 square feet; provided, however, that any existing retail building or collection of buildings lawfully in existence prior to the establishment of the THCD overlay 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 part of the Commercial Development Appearance Review Process outlined in article V of this ordinance, the Commission shall be authorized to grant an additional square footage allowance of up to ten percent.
 - c. Horticultural nursery.
 - d. Convenience stores (with or without gas stations).
 - e. Coin laundry services.
 - f. Crematories.
 - g. Car washes.
 - h. Repair garages; provided, however, that if a repair garage was lawfully in existence prior to the establishment of the THCD overlay, and if such facility has continued to operate without interruption since that date, then the owner or operator of any such facility may be permitted to expand his existing facility under the following conditions: 1) where feasible, a suitable landscaped buffer or fence shall be used to screen the facility from neighboring residential uses; 2) any outdoor storage and/or holding areas shall be screened from public view by a suitable fence and appropriate landscaped buffer; and 3) the overnight storage of vehicles shall be prohibited, unless such vehicles are located inside the facility or within any enclosed and properly screened storage area.
 - i. Warehouses (including mini warehouses or personal storage units).
 - j. Hospitals.
 - k. Dealerships (including new or used automobiles, recreational vehicles, boats, boat trailers and utility trailers).
 - l. Wrecker services.

- m. Check cashing establishments, title loan lenders, deferred presentment lenders, pawnshops, loan brokers, and small loan companies.
 - n. Tire retail and repair facilities; provided, however, that if a tire retail and repair facility was lawfully in existence prior to the establishment of the THCD overlay, and if such facility has continued to operate without interruption since that date, then the owner or operator of any such facility may be permitted to expand his existing facility under the following conditions: 1) where feasible, a suitable landscaped buffer or fence shall be used to screen the facility from neighboring residential uses; 2) any outdoor storage and/or holding areas shall be screened from public view by a suitable fence and appropriate landscaped buffer; and 3) the overnight storage of vehicles shall be prohibited, unless such vehicles are located inside the facility or within any enclosed and properly screened storage area.
 - o. Day labor service agency.
 - p. Tattoo facilities
5. **Building materials:** Buildings shall be designed to use, to the greatest extent feasible, building materials such as rock, stone, brick and wood or any other material so deemed appropriate through the appearance review per article V of the zoning code so as to maintain the specialized commercial and historic character of the corridor.
6. *Other requirements:*
- a. Minimum lot area—No minimum.
 - b. Minimum side yard—No side yard required.
 - c. Minimum rear yard—No rear yard required.
 - d. Minimum front yard—Ten feet.
 - e. No building shall exceed 60 feet in height.

(Amd. of 11-12-07; Ord. No. 2011-12, § III, 8-8-11; Ord. No. 2011-18, § I, 12-12-11; Ord. No. 2013-27, § I, 10-14-13)

Sec. 22. - **UD Urban Development district.**

1. *Purpose of district:* It is the intent of this section that the UD zoning district be developed and reserved for high density residential and supporting light commercial or "main street" oriented business purposes. The regulations which apply within this district are designed to:
 - A) Encourage the formation and continuance of a stable, healthy, prosperous, and compatible urban environment;
 - B) Provide flexible options for high density residential, light commercial and mixed use development within the Town of Fort Mill's urban core;
 - C) Enhance the vitality of existing commercial districts by promoting infill development which provides new and existing businesses with access to a larger, denser and more accessible customer base;
 - D) Reduce traffic and parking congestion by promoting pedestrian friendly residential and commercial development;
 - E) Ensure that the architectural quality and aesthetics of new residential and commercial development is harmonious with the look and feel of existing development within the town's urban core; and
 - F) Discourage industrial and other encroachment capable of adversely affecting the residential and localized commercial character of the district.
2. *Permitted uses:* The following uses shall be permitted in any UD zoning district:

- A) Multi-family residential dwellings, including:
 - (1) Apartments.
 - (2) Condominiums.
 - (3) Cooperatives.
 - (4) Lofts.
 - B) Single-family attached residential dwellings, including:
 - (1) Townhomes.
 - (2) Row homes.
 - C) Upper story residential dwelling units located above a ground floor commercial use.
 - D) Private uses which are customarily associated with multi-family development, including:
 - (1) Sales/rental office.
 - (2) Gyms and fitness centers.
 - (3) Pools and poolhouses.
 - (4) Clubhouses and activity centers.
 - (5) Off-street parking facilities.
 - (6) Other amenities related to recreation and/or resident activities.
 - E) Commercial uses, including:
 - (1) Any retail business authorized in article II, section 8, subsection 2, paragraph A.
 - (2) Any service business authorized in article II, section 8, subsection 2, paragraph B.
 - (3) Day care center.
 - (4) Private or semiprivate club, lodge, union hall or social center.
 - (5) Publicly owned and operated building, facility or land.
 - F) Accessory uses in compliance with the provisions of article I, section 7, subsection G.
 - G) Customary home occupations established under the regulations in article I, section 7, subsection F.
3. *Conditional uses:* The following uses shall be permitted in any UD zoning district on a conditional basis:
- A) Any conditional use authorized in article II, section 8, subsection 3, excluding those allowed under paragraphs G and I.
4. *Required improvements:* Development within the UD zoning district shall include the following improvements:
- A) Off-street parking.
 - (1) Uses permitted in UD zoning districts shall meet all standards set forth in article I, section 7, subsection I, pertaining to off-street parking, loading, and other requirements. Any mixture of parking lots, parking garages, parking decks, private garages and/or parking spaces located along private alleys and/or driveways may be used to satisfy this requirement. Where permitted, on-street parking located directly adjacent to the development may also be used to satisfy up to ten percent of the required number of parking spaces.
 - (a) For the purpose of this subsection, the term "adjacent" shall mean directly adjoining the location of the proposed development (ie. on the same side of the street and equal in width, at the right-of-way and/or property line, to the parcel(s) proposed for development).

- (2) Parking lots, parking garages and parking decks shall be located behind, underneath or adjacent to—but not in front of—primary structures so as to minimize visibility from public rights-of-way. This requirement may be waived by the zoning administrator if site conditions exist that make rear and side locations impractical for off-street parking facilities. Where parking lots, parking garages and parking decks are situated in locations which are plainly visible from a public right-of-way, such facilities shall be screened by a landscaped buffer at least ten feet in width.
 - (3) Parking lots, parking garages and parking decks shall be set back at least ten feet from any right-of-way or property line. The zoning administrator may waive the setback requirement along rear and/or side yards in instances when a shared parking agreement is entered into with a neighboring property owner.
- B) Landscaping, lighting and tree preservation.
- (1) Unless otherwise provided for in this section, the landscaping, lighting and tree preservation standards outlined in article IV shall apply.
- C) Sidewalks.
- (1) Sidewalks at least five feet in width shall be installed along each road frontage where a sidewalk does not currently exist. All sidewalks shall be constructed to comply with the standards of the town, South Carolina Department of Transportation (SCDOT), and the Americans with Disabilities Act (ADA).
 - (2) Along frontages intended for ground floor commercial development, additional sidewalk width may be required to accommodate street furniture, outdoor seating areas, or other obstructions to pedestrian mobility.
 - (3) New sidewalks shall be constructed in locations that will promote connectivity with existing sidewalk infrastructure. Where no adjacent sidewalk infrastructure exists, new sidewalks shall be stubbed out to locations identified by the zoning administrator in order to allow for connectivity with future development. These requirements may be waived administratively by the zoning administrator if circumstances exist that make such connections impractical.
- D) Stormwater and sediment control.
- (1) All new development shall comply with the Stormwater Management and Sediment Control regulations outlined in chapter 16, article III, of the Code of Ordinances for the Town of Fort Mill.
 - (2) Where feasible, and consistent with the urban nature of the UD zoning district, the use of measures other than detention ponds to achieve water quality improvement is recommended.
 - (3) In an effort to protect water quality, the use of low impact design methods such as cisterns, rain gardens, green roofs, pervious or permeable surfaces, bioswales, media filters, and other alternative methods for conserving and/or managing stormwater runoff are encouraged.
- E) Open space.
- (1) For developments that are located within one-quarter mile of a public recreation facility, there shall be no open space requirement.
 - (2) For developments that are located more than one-quarter mile from a public recreation facility, a minimum of ten percent of the gross land area shall be set aside as open space.
 - (a) If the property is intended to be subdivided as part of the proposed development plan, this open space shall be dedicated in the same manner as provided in article II, section 19, subsection H.
 - (b) If the property will not be subdivided, the required open space may be incorporated into the overall site development plan.

- (3) For the purpose of this paragraph, the following shall apply:
 - (a) A "public recreation facility" shall include any public park, playground, trail, greenway, athletic field, or similar publicly accessible facility.
 - (b) Distance shall be measured using the ordinary walking distance from the subject property to the closest public access point of the nearest recreational facility.
 - (c) The following may be counted towards the required dedicated open space: conservation lands, natural areas, formal greens, plazas and courtyards, trails, buffers held in common ownership, playgrounds, parks and recreation areas (excluding vertical structures such as clubhouses and maintenance facilities), and other areas used for active or passive recreation. Open space features may be open to the general public or restricted to residents of the development.
- F) Traffic improvements.
 - (1) A traffic impact analysis (TIA) shall be required for any new development that includes more than 100 residential units, or for any new development that is expected to generate an average of more than 500 vehicle trips per weekday.
 - (2) For all new projects, notwithstanding the previous paragraph, the developer shall meet with the zoning administrator and, if warranted, representatives from the SCDOT, prior to project approval for the purpose of reviewing proposed ingress/egress locations and traffic impact. Any traffic improvements recommended by the town and/or SCDOT shall be installed at the developer's cost.
- 5. *Appearance review required.* Appearance review shall be required for all proposed development located within the UD district.
 - A) Prior to the issuance of any permit for new exterior construction or addition which adds square footage—excluding minor repairs, restoration, and temporary structures—within the UD district, the proposed development shall first be reviewed and approved by the appearance review committee.
 - (1) The procedure for appearance review shall be the same as outlined in article V, sections 1—4; provided, any proposed residential and commercial development shall be subject to the same appearance review process.
 - (2) The standards for appearance review shall be the same as outlined in article V, section 5; provided, proposed development within the UD district shall be expected to incorporate a **higher degree of architectural design and quality building materials**. Masonry materials such as brick, natural stone, split faced stone, and rock, shall be the preferred materials for new development within the UD district. Synthetic products, such as hardiplank, hardiboard, and similar materials may be used when approved by the appearance review committee. Exterior insulation finishing system (EIFS), decorative architectural masonry unit (CMU) blocks, wrought iron and other quality metals may be used as accenting materials or for the incorporation of decorative elements. The appearance review committee may approve other materials on a case-by-case basis, provided such materials do not detract from the overall quality and aesthetic of new and existing development.
 - B) Effect of historic preservation overlay district.
 - (1) For UD zoned parcels which are located outside of the historic preservation overlay district, the appearance review committee's recommendation shall be final.
 - (2) For UD zoned parcels which are also located within the historic preservation overlay district, the appearance review committee's recommendation shall be considered advisory in nature. As required by article II, section 11, subsection 10, a certificate of appropriateness shall also be required prior to the commencement of any work within the historic district.
 - C) Certificate of appropriateness.

- (1) In addition to the appearance review process referenced in paragraph A) above, any new development proposed within the historic preservation overlay district shall also require a certificate of appropriateness from the historic review board prior to the issuance of a building permit.
 - (a) The procedure and criteria for historic review shall be the same as outlined in article II, section 11, subsections 10 and 11.
 - (b) In instances where the historic review board's decision is inconsistent with the appearance review committee's recommendation, the historic review board's decision shall govern.
6. *Other requirements:* Unless otherwise specified elsewhere in this ordinance, uses permitted in UD Urban development zoning districts shall be required to conform to the following standards:
- A) Permitted density.
 - (1) Residential uses: The maximum density for residential uses shall be 28 dwelling units per acre of total land area, less the total square footage of any building footprint(s) dedicated to commercial uses.
 - (2) Commercial uses: The maximum area which may be dedicated to commercial uses shall be 10,000 square feet per acre.
 - (3) Mixed use bonus: Where a proposed commercial building includes one or more upper-story residential unit(s), the square footage of that commercial building's footprint shall not be subtracted from the total land area when calculating the maximum density allowed for residential units in subparagraph (1) above. In instances when all proposed commercial structures include an upstairs residential component, the maximum area which may be dedicated to commercial uses shall be increased by 50 percent.
 - B) Minimum lot size and width.
 - (1) There shall be no required minimum lot size within the UD district; however, the planning commission shall have review authority for all lot designations and may require larger, smaller, or replatted lot sizes and/or shapes based upon the particular site plans submitted for a specific development.
 - C) Minimum front yard.
 - (1) No front yard required (ie. buildings may be drawn up to the sidewalk); however, where a front yard is provided, the minimum set back shall be at least five feet.
 - D) Minimum side yard.
 - (1) No side yard required; however, where a side yard is provided, the minimum set back shall be at least five feet. Parking facilities, roads and driveways shall be set back at least ten feet from any property line or right-of-way.
 - E) Minimum rear yard.
 - (1) No rear yard required; however, where a side yard is provided, the minimum set back shall be at least five feet. Parking facilities, roads and driveways shall be set back at least ten feet from any property line or right-of-way.
 - F) Maximum height.
 - (1) The maximum height permitted within the UD district shall be 45 feet.
 - G) Signs.
 - (1) Any sign permitted within the LC zoning district shall be similarly permitted under the same conditions within the UD district based on the sign guidelines set forth in article III.

(Ord. No. 2012-06, § III, 8-23-12)

Sec. 23. - **R-5 Residential district.**

1. *Purpose of district:* It is the intent of this section that the R-5 residential zoning district be developed and reserved for medium-to-high density single-family attached and detached residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable and healthy residential environment, while allowing for flexibility in design standards, a variety in housing options, and enhanced protection for natural and environmental resources.
2. *Permitted uses:* The following uses shall be permitted in the R-5 zoning district:
 - a. Single-family attached residential dwellings;
 - b. Single-family detached residential dwellings;
 - c. Publicly owned building, facility, or land;
 - d. Private uses which are customarily associated with residential development, including:
 1. Clubhouses and activity centers;
 2. Pools and poolhouses;
 3. Off-street parking facilities;
 4. Other amenities related to recreation and/or resident activities;
 - e. Accessory use in compliance with the provisions of article I, section 7, subsection G.;
 - f. Customary home occupations established under the regulations in article I, section 7, subsection F.;
 - g. Religious institutions.
3. *Conditional uses:* The following uses shall be permitted in any R-5 zoning district on a conditional basis:
 - a. Public utility substation or subinstallation, including water towers; provided that:
 1. Such use is enclosed by a painted or chain-link fence or wall at least six feet in height above finish grade;
 2. There is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and
 3. A landscaped strip not less than ten feet in width is planted and suitably maintained around the facility;
 - b. Temporary use in compliance with the provisions of article VI, section 4;
 - c. Daycare facilities or pre-school nursery, provided that any such facility must be licensed or registered by the appropriate state agency.
4. **Other requirements:** Unless otherwise specified elsewhere in this ordinance, uses permitted in R-5 districts shall be required to conform to the following standards:
 - a. Minimum lot area:
 1. For single-family attached residential dwellings, the minimum lot area shall be 1,500 square feet.
 2. For all other permitted uses within the R-5 district, the minimum lot area shall be 5,000 square feet.
 - b. Minimum land area per dwelling unit:
 1. For single-family attached residential dwellings, the minimum lot area shall be 1,500 square feet per dwelling unit.

2. For single-family detached residential dwellings, the minimum lot area shall be 5,000 square feet per dwelling unit.
- c. Minimum lot width, measured at the building line:
1. For single-family attached residential dwellings, the minimum lot width shall be 20 feet.
 2. For all other permitted uses within the R-5 district, the minimum lot width shall be 50 feet; provided, however, that the minimum lot width may be reduced up to 20 percent for any single-family detached residential lot with rear alley loaded access.
- d. Minimum front yard depth, measured from the nearest street right-of-way line:
1. For single-family attached residential dwellings, no front yard shall be required. Where a front yard is provided, the minimum setback shall be 5 feet.
 2. For all other permitted uses within the R-5 district, the minimum front yard setback shall be ten feet.
 3. For exceptions to this requirement, see article I, section 7, subsection E.
 4. Line of sight guidelines shall apply for all corner lots and may result in a larger front yard setback.
- e. Minimum side yard:
1. For single-family attached residential dwellings, no side yard shall be required. Where a side yard is provided, the minimum setback shall be five feet.
 2. For all other permitted uses within the R-5 district, the minimum side yard setback shall be five feet.
 3. For side yard requirements pertaining to corner lots, see article I, section 7, subsection C.
 4. Line of sight guidelines shall apply for all corner lots and may result in a larger side yard setback.
 5. The minimum side yard setback for all accessory uses within the R-5 zoning district shall be five feet.
- f. Minimum rear yard:
1. For single-family attached residential dwellings, no rear yard shall be required. Where a rear yard is provided, the minimum setback shall be five feet.
 2. For all other permitted uses within the R-5 district, the minimum rear yard setback shall be 15 feet.
 3. For rear yard requirements pertaining to dual frontage lots, see article I, section 7, subsection D.
 4. The minimum rear yard setback for all accessory uses within the R-5 zoning district shall be five feet.
- g. Maximum building height:
1. The maximum building height for all structures within the R-5 zoning district shall be 35 feet.
 2. For exceptions to height regulations, see article I, section 7, subsection L.
- h. Dedicated open space requirements:
1. For all new developments within the R-5 district, a minimum of 20 percent of the gross land area of the project shall be set aside as dedicated open space.
 2. For all new developments that include rear alley loaded access on at least 75 percent of all residential units, the open space requirement may be reduced to ten percent of the gross land area of the project.

3. Dedicated open space shall be provided in accordance with Section 19 4.H., paragraphs 2—11, of the zoning ordinance.
- i. Buffer requirements:
 1. For all new developments within the R-5 district, a landscaped **buffer at least 35 feet in width shall be required along all project edges abutting existing residential development**, excluding road frontage, and shall be measured perpendicular to the property lines that define the project area. This buffer shall be a natural, undisturbed wooded area where possible, and shall count towards the open space requirement. Where an existing natural, undisturbed wooded area does not exist, a planted buffer shall be required. Planted buffers shall contain a minimum of nine evergreen trees and 20 evergreen shrubs for each 100 linear feet of buffer area.
 2. The required width of any project boundary buffer may be reduced by 50 percent, provided a minimum six-foot opaque wall is constructed along the project boundary.
 - j. Sidewalk requirements:
 1. Notwithstanding other provisions of the zoning ordinance or the Code of Ordinances for the Town of Fort Mill, all new developments within the R-5 district shall include sidewalks at least five feet in width along both sides of any new or existing road frontage (excluding alleys). All sidewalks shall be constructed to comply with the standards of the town. South Carolina Department of Transportation (SCDOT), and the Americans with Disabilities Act (ADA).
 2. New sidewalks shall be constructed in locations that will promote connectivity with existing sidewalk infrastructure. Where no adjacent sidewalk infrastructure exists, new sidewalks shall be stubbed out to locations identified by the zoning administrator in order to allow for connectivity with future development. These requirements may be waived administratively by the zoning administrator if circumstances exist that make such connections impractical.
 - k. Traffic improvements.
 1. A **traffic impact analysis (TIA)** shall be required for any new development that includes more than 100 residential units, or for any new development that is expected to generate an average of more than 500 vehicle trips per weekday. Any traffic improvements recommended by the TIA shall be installed at the developer's cost.
 2. Notwithstanding the previous paragraph, the developer shall meet with the zoning administrator and, if warranted, representatives from the SCDOT, prior to project approval for the purpose of reviewing proposed ingress/egress locations and traffic impact. Any traffic improvements recommended by the town and/or SCDOT shall be installed at the developer's cost.
 - l. Additional requirements: Uses permitted in R-5 zoning districts shall meet all standards set forth in article I, section 7, subsection I., pertaining to off-street parking, loading, and other requirements.
 - m. Signs: Signs permitted in the R-5 zoning district, including the conditions under which they may be located, are set forth in article III.

(Ord. No. 2013-17, § II, 6-24-13)

Sec. 24. - COD/COD-N Corridor overlay district.

1. *Purpose.* The 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.
2. *Applicability.*

- A) All land within 500 feet of the outer edge of the right-of-way of the bypass corridor (the "Corridor"), as defined herein, shall be subject to the standards and regulations of the COD/COD-N corridor overlay district, unless specifically excluded herein. Where part of a parcel is within 500 feet of the right-of-way of the corridor, only that portion of the parcel shall be subject to these regulations.
- B) COD-N refers to subareas of the land that lie within the corridor overlay district. This designation is intended for COD parcels or portions of parcels that lie 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 a pedestrian traffic. These subareas are subject to standards specified herein that are in addition to or serve as alternatives to the standards of the corridor overlay district.
- C) A corridor overlay district map, prepared by land design and dated November 21, 2013, is hereby adopted and incorporated into this section by reference. The boundaries of the COD and COD-N shall be as illustrated in the above referenced map, and a copy of which shall be maintained on file with the zoning administrator and town clerk.
- D) The COD and COD-N shall be incorporated into the Official Zoning Map for the Town of Fort Mill.
- E) 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 [February 24, 2014] shall become subject to the requirements of this section only upon the annexation of such parcels into the Town of Fort Mill.
- F) The standards established in this section shall be applied to any of the following types of new development to be located within the corridor overlay district which are submitted and approved after the effective date of this section:
 - 1) All nonresidential development, including civic and institutional uses, such as schools, churches and community facilities;
 - 2) Multifamily residential; and
 - 3) Single-family residential, with the following exceptions:
 - (a) Single-family residential development shall be subject only to the following standards:
 - 1. The minimum setback requirements under dimensional requirements,
 - 2. The orientation requirements under building design,
 - 3. The applicable requirements under screening, and
 - 4. 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.
- G) These standards shall not apply to 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 [February 24, 2014], prepared consistent with the provisions of Chapter 31 of the South Carolina Code of Laws and is still in force.
- H) Existing development shall not be subject to these standards. However, **expansions of existing nonresidential development resulting in a minimum ten percent increase** in building area or lot area shall be subject to some of the standards, as indicated herein.
- I) Where more than 50 percent of the footprint of a proposed building lies with the corridor overlay district, all portions of such building shall be subject to the building design standards of subsection 5.

J) Excluding building height regulations, if the requirements of the underlying zoning district are more restrictive, those requirements shall apply. Refer to subsection 4.A)2) building height under dimensional requirements.

3. *Permitted uses.*

- A) 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.
- B) Notwithstanding the provisions of the underlying zoning district, the following uses shall be prohibited within COD/COD-N:
 - 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) Mobile homes.
 - 10) Sexually-oriented businesses.
 - 11) Sweepstakes cafes.
 - 12) Tattoo facilities.

4. *Dimensional requirements.*

- A) The dimensional requirements shall be the same as the underlying zoning district, except as follows:
 - 1) Building setbacks.
 - (a) Subject to the notes below, the building setbacks of the underlying zoning districts shall apply, except along the corridor. Building setbacks, measured from the right-of-way of the corridor, shall be as follows:

Area	Minimum Building Setback (ft)
COD-N	35'
COD	50' or 100' (landscaped buffer requirements vary)

(b) Notes pertaining to building setbacks:

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.

(c) There shall be no development allowed in the setback from the corridor right-of-way, except as follows:

1. Drainage features designed to mimic the natural environment;
2. Driveways;
3. Landscaping;
4. Lighting;
5. Parks and park-like amenities (not including athletic fields or facilities);
6. Public utilities (limited to lines and other equipment);
7. Retaining wall(s) up to ten feet in height (refer to subsection 16);
8. Pathways, pedestrian ways, or bikeways;
9. Signs, subject to subsection 13; and
10. Streetscape elements.

2) Building height:

(a) Subject to the notes below, the minimum and maximum building heights shall be as follows:

Area	Minimum Building Height (ft)	Maximum Building Height (ft)
COD-N	20'	45', unless underlying zoning maximum is higher
COD	NA	Consistent with underlying zoning

(b) Notes pertaining to building heights:

1. Maximum and minimum building heights shall be measured as set forth in the definitions for "height of building, maximum," and "height of building, minimum."
2. Buildings less than 2,500 square feet shall not be subject to the minimum height requirements; however, some portion of the structure's roofline shall be articulated in a manner that achieves the minimum height.
3. Height may be above the maximum height indicated, provided all portions of the structure exceeding the height limit indicated shall be stepped back an additional one foot from the adjoining property line for each additional foot in excess.
4. If the maximum building height of the underlying zoning of a parcel in COD-N is less than 45 feet, then 45 feet shall be the maximum height.

5. *Building design.*

- A) All buildings in the corridor overlay district shall comply with the requirements below. In addition, all nonresidential development shall be subject to the requirements of article V, commercial development appearance review, as well as the commercial appearance review process.
- B) Orientation:
 - 1) Except as provided below for COD-N, the rear facades of buildings shall not be visible from the corridor. Such facades shall be oriented away from view from the corridor or shall be screened by landscaped buffers that meet or exceed the requirements for landscaped buffers in subsection 7.
 - 2) In COD-N, buildings shall be oriented toward the public street(s).
 - (a) 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.
 - (b) Loading areas of buildings shall not be visible from the corridor. Such loading areas shall be oriented away from view from the corridor or shall be screened per the requirements in subsection 8.
- C) Architectural features/façade treatments:
 - 1) Materials:
 - (a) Buildings shall be designed to use building materials such as rock, stone, brick, stucco, concrete, wood or Hardiplank.
 - (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.
 - (c) Corrugated metal shall not be used on any facade.
 - 2) In COD-N, variations in the rooflines and facades of adjacent buildings shall be **encouraged** to avoid monotony.
 - 3) 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 pedestrian environment of the public street, particularly in the absence of a primary entrance.

6. *Streetscape.*

- A) All trees planted in accordance with the requirements of this section shall be trees that are approved by the town, per the approved tree species list provided in section 38-71 of the Code of Ordinances.
 - 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 rate of one 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 two inches in caliper (measured four feet above ground level) or eight feet in height. Such tree placement shall comply with SCDOT safety requirements. Significant trees protected in accordance with section 3 of the landscaping standards of article IV may be counted to satisfy this tree planting requirement.
 - (b) All new development or expansions of existing development resulting in a minimum ten percent increase in building area or lot area shall provide landscaping within the setback in accordance with this subsection. 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.

1. Trees:

- a. For every 2,500 square feet of planting area, a minimum of two trees shall be planted.
- 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 two inches in caliper (measured four feet above ground level), 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.
- d. Significant trees protected in accordance with section 3 of the landscaping standards of article IV may be counted to satisfy this tree planting requirement.

2. Shrubs:

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

2) COD:

- (a) Existing significant trees within 50 feet of the right-of-way of the corridor shall be protected in accordance with section 3 of the landscaping standards of article IV.
- (b) If the 50-[foot] setback minimum setback is utilized, a landscaped buffer shall be provided within the setback in accordance with the landscaped buffer requirements in subsection 7 for 50-foot buffers. Tree placement shall comply with SCDOT safety requirements. Significant trees protected in accordance with Section 3 of the landscaping standards of article IV may be counted to satisfy the tree planting requirement.
- (c) If the 100-foot minimum setback is utilized, landscaping a landscaped buffer shall be provided within the setback in accordance with the landscaped buffer requirements in subsection 7 for 20-foot buffers. Tree placement shall comply with SCDOT safety requirements. Significant trees protected in accordance with section 3 of the landscaping standards of article IV may be counted to satisfy the tree planting requirement.
- (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. Such tree placement shall comply with SCDOT safety requirements.

7. *Buffers.*

A) 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:

Lot size	Min. buffer width, measured from the property boundary (or right-of-way)	Min. landscaping to be provided within the 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 under 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 over 10 acres	50'	five (5) canopy trees ten (10) understory trees twenty (20) shrubs	35'	four (4) canopy trees eight (8) understory trees sixteen (16) shrubs

- 3) Significant trees protected in accordance with section 3 of the landscaping standards of article IV may be counted to satisfy the tree planting requirement.
- 4) Trees planted to satisfy a landscaped buffer requirement shall be a minimum of two inches in caliper (measured four feet above ground level) or eight feet in height.

8. *Screening.*

A) Screening shall be provided in accordance with the following:

1) Multifamily and nonresidential development shall be screened as follows:

- (a) Notwithstanding the dimensional requirement of section 2 of article IV, which requires nonresidential vehicular areas shall be set back at least 25 feet from any property line abutting land used for residential purposes or located in a residential zone, landscaped buffers per subsection 7. shall be used to screen multifamily and nonresidential uses from existing one-family residential uses or approved one-family residential subdivision lots, except where one-family uses are integrated with other uses in accordance with an approved PND or MXU zoning district. This requirement applies to **new development as well as expansions of existing development resulting in a minimum ten percent increase in building area or lot area.** Such buffers shall only be required along property boundaries abutting single-family residential uses or lots.
- (b) All required trees and shrubs planted to meet this requirement shall be evergreen.
- (c) Required landscaped buffers shall be located entirely on the parcel of the developing multi-family or nonresidential use; the width of the required buffer shall be measured from the property boundary of the parcel that is being developed where it adjoins the parcels of existing single-family residential uses or approved single-family residential subdivision lots.

- B) All loading areas and service areas shall be screened from view from the corridor in accordance with section 5 of article IV.
 - C) All rear facades of single family residential buildings visible from the corridor shall be screened from view from the corridor with a landscaped buffer.
 - D) All off-street parking areas of multi-family and nonresidential development 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 feet on center and shall be at least three feet in height at time of planting. This requirement applies to new development as well as expansions of existing development resulting in a minimum ten percent increase in building area or lot area. Such shrubs may be counted toward any setback landscaping requirements for parcels in COD-N.
9. *Lighting standards.* Lighting shall be installed within the streetscape zone (the first 15 feet of the setback closest to the corridor) 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 6 of article IV shall apply.
10. *Pedestrian pathways.*
- A) Pedestrian pathways shall be provided in the COD district in accordance with the following requirements:
 - 1) Pedestrian pathways at least eight 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 to be preserved, and to address topographic issues.
 - 2) Continuous pedestrian pathways, not less than eight feet in width, shall be provided from the pedestrian pathways along public roads to the principal customer entrance of nonresidential establishments 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.
 - 3) No pedestrian pathway shall be closer than eight 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.
 - 4) 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).
 - B) Pedestrian pathways in the COD-N shall be subject to the following additional requirements:
 - 1) Pedestrian pathways at least eight 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.

- 2) No pedestrian pathway shall be closer than eight 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.
- 3) 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.
- 4) 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.
- 5) To facilitate internal pedestrian circulation in multi-family and nonresidential developments, pathways no less than eight 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-foot wide clear pedestrian circulation area.
- 6) Internal pedestrian pathways constructed in multi-family and nonresidential developments shall extend to the property lines in a manner that:
 - (a) 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
 - (b) Facilitates the future continuation of such internal pathways into adjoining parcels in physically feasible locations as development on adjoining parcels occurs.
- 7) 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.

11. *Driveways on corridor.*

- A) All driveways and public road intersections shall be subject to the standards and permitting processes of SCDOT.
- B) **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.
- C) No driveway shall be allowed within 400 feet of an intersection of any other public road on the corridor.
- D) Driveways shall be a minimum of 400 feet apart (measured from center line to center line) on the corridor, and **shall align with opposing driveways, where possible.**
- E) Shared driveways, or parallel access roads (in COD only), shall be used when deemed necessary, and the appropriate legal documents may be required by the town prior to driveway permit issuance.
- F) A cross access easement may be required between adjacent lots fronting on the corridor in order to minimize the total number of access points along the corridor and to facilitate traffic flow between lots. The location and **dimensions of such easement** shall be determined by the property owners in coordination with town staff.
- G) If access to a lot or legally created parcel of land is physically unobtainable 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.

- H) 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.
- I) Access to adjacent nonresidential development:
 - 1) 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.
 - 2) Access easements shall be required to ensure outparcels or adjacent developments have adequate access if ownership patterns change.
 - 3) The decision making body with review authority (staff or planning commission) may waive the requirement for a driveway connection required above in those cases where unusual topography or site conditions would render such an easement of no benefit to adjoining properties.
 - 4) 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.

12. *Parking.*

- A) Off-street parking.
 - 1) All off-street parking shall be provided in accordance with the off-street parking requirements set forth in article I, section 7.
 - 2) 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 bay of parking (i.e., two rows of parking spaces with one shared drive aisle between the rows of spaces).
 - 3) All off-street parking areas shall be screened in accordance with the screening requirements of subsection 8.
 - 4) Landscaping in off-street parking lots shall meet the requirements of the landscaping standards of article IV.
 - 5) All such off-street parking shall be subject to the requirements of article V, commercial development appearance review, as well as the commercial appearance review process.
 - 6) **Shared parking** is allowed and is 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 zoning administrator that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by or acceptable to the zoning administrator. 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 shared parking area shall enter into a written agreement with the town with enforcement running to the town providing that 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 that the owner agrees to bear the expense of recording the agreement and such agreement shall bind his or her heirs, successors, and assigns. An attested copy of the agreement between the owners of record shall be submitted to the zoning administrator for recordation in a form

established by the town attorney. Recordation of the agreement must take place 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 be revoked only 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.

- 7) In addition to off-street vehicular parking requirements, the following bicycle parking requirements shall be met for the retail, restaurant, office, service, civic, institutional and multi-family residential uses:
 - (a) Bicycle parking shall be provided in an amount equal to 5% of the minimum required off-street parking for vehicles, or a minimum of two spaces, whichever is greater.
 - (b) Such parking shall be located in close proximity to the primary entrance 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 or more uses is permitted provided an attested copy of the agreement between the owners of record is submitted to the zoning administrator for recordation in a form established by the town attorney.

B) On-street parking.

- 1) No on-street parking shall be located on the corridor.
- 2) In COD-N, a minimum of 50 percent of the required off-street parking shall be provided on site. 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:
 - (a) A key map is provided that delineates the location of allocated on-street spaces for a designated parcel or use.
 - (b) The on-street parking must be located within 1,200 feet of the primary entrance of the use it is serving.
 - (c) On-street parallel parking spaces shall be 7' x 20' measured from the face of curb (or edge of pavement, if curb does not exist).
 - (d) On-street diagonal parking with a 60-degree angle or less shall have a minimum travel lane width of 11 feet.

13. *Signs.*

A) Freestanding signs.

- 1) 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:
 - (a) 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.
 - (b) Parcels with 50 to 200 feet of frontage on the corridor may be permitted to have one freestanding sign.
 1. Maximum height: 4 feet.

2. Maximum sign face area: 0.5 square feet per 2 linear feet of frontage, up to a maximum sign area of 30 square feet (total).
 3. Minimum setback from right-of-way: 5 feet.
- (c) Parcels with more than 200 feet of frontage on the corridor may be permitted to have up to two free standing signs.
1. General provisions:
 - a. Maximum height: 7 feet.
 - b. Maximum sign face area (total): 50 square feet.
 - c. Minimum setback from ROW: 5 feet.
 2. Special provisions for unified, nonresidential, multi-tenant developments:
 - a. Unified development signs that identify only the development shall be permitted. Within the same maximum sign face area, individual tenants or establishments may also be identified. Separate freestanding signs identifying individual tenants or establishments shall not be permitted in conjunction with the unified development signs.
 - b. Each permitted sign shall conform to standards set forth for freestanding signs except that, if the street frontage of the unified development exceeds 300 feet, such standards may be modified as follows:
 - i. Maximum height: 22 feet in height above the grade of the frontage street.
 - ii. Maximum sign face area: 250 square feet per side.
 - iii. Minimum setback from ROW: 10 feet.
 - iv. Minimum separation between signs: 350 feet.
- (d) Internal lighting of signs, neon, LED, and flashing signs shall not be permitted along the corridor, except that up to 20 percent of the actual sign face may be utilized for LED display of time, temperature, or gas prices. Building floodlighting shall not be permitted, except in COD-N.
- B) Pole signs.
- 1) 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 article III, section 14. Pole signs shall be prohibited on all other parcels along the corridor not meeting this requirement.
- C) Wall mounted signs.
- 1) Wall mounted signs shall be permitted per article III, section 16.
- D) Temporary signs.
- 1) The provisions of this subsection shall not apply to temporary signs permitted per article III, section 17.
- E) All other applicable sign standards pertaining to freestanding signs per article III shall apply along other street frontages.
14. *Traffic signals.* In locations where town and SCDOT warrants for signals are met and to the extent practicable, new traffic signals shall be installed using steel poles with mast arm. Such poles shall be installed in accordance with 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.
 15. *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.

16. *Walls and fences.*

A) Walls and fences enclosing a site or portion(s) thereof.

- 1) Fences and walls shall be limited to a maximum height of six feet for rear and side yards and cannot extend beyond the principal structure into the front yard.
- 2) Front yard fences and walls shall not exceed four feet in height and must be approved by the zoning administrator.
- 3) Fences and walls cannot be located in any right-of-way.
- 4) On corner lots, fences may not be permitted beyond the principal structure in side yards facing the adjoining street. The sides and rear fence shall conform to the above guidance; however, due to the potential visibility problem, the construction of fences within the front yard will be restricted. The code enforcement officer may use the authority provided in article I, section 7, subsection M.A) to **issue a special use permit for front yards on a case-by-case basis for corner lots.**

B) Retaining walls.

- 1) No section of a retaining wall within a setback measured from the corridor right-of-way shall exceed ten feet in height as measured from the finished elevation at the base of the wall to the top of the wall cap.

C) **Construction, finishes and maintenance.**

- 1) Fences and walls shall be constructed with quality material and workmanship and be maintained in good repair.
- 2) The material(s), color(s) and texture(s) of the sides of the walls and fences visible from public view 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, constantine wire, razor wire, or poultry wire are strictly prohibited.
- 3) The finished side of fences and walls shall face adjoining property and shall blend with the landscape.
- 4) For maintenance purposes and the property owners' protection, a six-inch setback from property lines shall be required.

17. *Alternative means of compliance.*

A) Strict interpretation and application of the standards of this section may create particular hardships in certain locations and situations. Such examples may include, but are not limited to, the presence of any one or more of the following:

- 1) Unusual or extreme topographic conditions or separations in grade;
- 2) Water bodies, such as rivers, lakes, streams, marshes and wetlands, as well as floodplains, floodways, riparian buffers and conservation areas;
- 3) Irregular property configuration and/or dimensions, including lots that are extremely narrow or shallow in nature;

- 4) Existing easements and rights-of-way (public or private) that limit or restrict ordinary development of the property;
 - 5) Public safety hazards, particularly, though not exclusively, related to ingress/egress locations;
 - 6) Wildlife habitats and/or endangered species;
 - 7) Sites and/or structures of archaeological and/or historical significance; and
 - 8) Existing development which is proposed for retrofitting or expansion.
- B) 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:
- 1) The proposed development attempts to meet the intent of the corridor overlay district;
 - 2) There are physical conditions, not only economic considerations, which prevent the proposed development from meeting the specific standards of this section;
 - 3) The proposed development will be designed to meet the standards of this section to the fullest extent possible; and
 - 4) The proposed development plan maintains or enhances public safety along the corridor.

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 to promote the public health, safety, or general welfare.

- C) Should the reviewing authority (staff or planning commission) fail to approve an applicant's proposed alternate means of compliance, the applicant may submit a variance request to the board of zoning appeals. Requests for variances from the provisions of this section shall be subject to review and approval by the board of zoning appeals, pursuant to article VIII of this ordinance, and Section 6-29-800 of the SC Code of Laws.
- D) In no instance may staff, the planning commission or board of zoning appeals approve a variance or 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.

18. *Waivers.*

- A) The zoning administrator shall be authorized to grant a waiver from the requirements of the COD/COD-N overlay district for any parcel that meets the following criteria:
- 1) At least 25 percent of the parcel must be located outside of the corridor overlay district, as established in subsection 2.A).
 - 2) The property shall have frontage along another public right-of-way other than or in addition to the corridor.
 - 3) 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:
 - (a) Presence of floodplain, floodway and/or wetland designation;
 - (b) Applicability of the resource conservation district, as established in article II, section 13, of this ordinance; or
 - (c) Documentation of a recorded conservation easement.

- B) 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 zoning administrator. The zoning administrator 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.
- C) The zoning administrator 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.
- D) All waivers granted by the zoning administrator shall be subject to the following conditions:
- 1) All proposed development and land disturbing activities shall be at least 250 feet from the corridor right-of-way.
 - 2) The parcel shall have no ingress or egress to or from the corridor right-of-way.
 - 3) 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.
 - 4) The parcel shall not be enlarged due to recombination or subdivided into two or more parcels during the waiver period.
- E) Waivers granted by the zoning administrator shall expire upon the earlier of the following:
- 1) If the property owner or his designee fails to obtain a building permit within one year from the date the waiver is granted.
 - 2) If the parcel is enlarged due to recombination with all or part of one or more adjacent parcels.
 - 3) If the parcel is subdivided into two or more parcels.
- 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). Subsequent waiver requests for new or existing parcels shall follow the same procedures outlined in paragraphs B) and C) and, if granted, shall be subject to the same conditions contained within paragraph D).
- F) **All waivers granted by the zoning administrator 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). Subsequent owners shall be subject to the same conditions as the original applicant, as outlined in paragraph D).**
- G) Any aggrieved party may appeal the decision of the zoning administrator 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 zoning administrator in the enforcement of this subsection. All appeals shall be reviewed by the board of zoning appeals, pursuant to article VIII of this ordinance, and Section 6-29-800 of the SC Code of Laws.

(Ord. No. 2014-06, § III, 2-24-14)

ARTICLE III. - SIGNS

Sec. 1. - Scope of regulations.

The regulations herein set forth shall apply and govern in all districts. No sign shall be erected or maintained unless it is in compliance with the regulations of this section and Chapter 23 of the Standard Building Code.

Sec. 2. - **Definitions.**

- 1) *Sign*: The term "sign" shall mean and include every sign, billboard, poster panel, freestanding ground sign, roof sign, projecting sign, pylon sign, illuminated sign, sign painted on a wall, window, marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration, or insignia used to advertise or promote the interests of any person when the same is placed in the view of the general public, traveling along a public street right-of-way.
- 2) **Freestanding sign structure**: A freestanding sign structure may contain a sign or signs on one side only or it may be a V-shaped structure or one containing signs back-to-back. A freestanding sign structure is one sign.
- 3) *Sign area*: In the case of freestanding signs, sign area consists of the entire surface area of the sign on which copy could be placed. Where a sign has two faces back-to-back, the area of only one face shall be considered the sign surface area. The supporting structure or bracing of a sign shall not be counted as a part of the sign's surface area. **The sign surface area of a freestanding sign shall not exceed 100 square feet.**
- 4) *Business identification sign*: A business identification sign is a sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there. **Not more than one-third of the area of a business identification sign may be devoted to commodity or service advertising.**
- 5) *Pylon sign*: A business identification pylon sign erected on a single pole or multiple poles which **contains only the name or the nature of the business conducted on the premises** on which it is located.
- 6) *Illuminated signs*: When artificial illumination techniques are used in any fashion to project the message on a sign, that sign shall be an illuminated sign.
- 7) **Off-premises signs**: A structure which advertises, attracts attention to, or directs persons to a business activity located on other than the premises where the structure is erected. **Nationally advertised products or services shall not be deemed to be located on or carried on at the premises of local retail outlets or branch offices.** This definition shall not include real estate directional signs.
- 8) **Temporary signs**: Any portable advertisement display that directs or attracts public attention to a specific event, product sold or service offered by the beneficiary of such display. Such signs include but are not limited to the following:
 - A) Signs made of paper, cloth polyethylene film or other similar material;
 - B) Signs that are not permanently affixed to the ground or a building surface in a manner approved by the building inspector;
 - C) Trailer signs;
 - D) Portable signs;
 - E) Banners, flags, or other similar devices.
- 9) *Freestanding signs*: Freestanding signs are supported from the ground by a structure and are not attached to a building. There are two types: a pole sign and a ground sign. Their **principal purpose is establishment identification.**
- 10) **Pole sign**: A pole sign is elevated high above ground level, typically on a pole or other structure.
- 11) **Ground signs**: Ground signs are low to the ground and are typically used to identify large buildings, institutions, and real estate developments.

- 12) **Merchandising signs:** Merchandising signs identify products or services available at an establishment and their prices. It shall be mounted to the structure of a pole sign or to other freestanding sign structure, and shall not be placed on a moveable frame or wheels.
- 13) **Wall signs:** Wall signs are attached to the wall of a building and project out from such walls no more than **14 inches**. The area of a wall sign includes that area within a continuous line enclosing all letters and graphic symbols of the sign.
- 14) **Unified development signs:** Signs for unified developments, such as shopping centers, office parks, etc., **should identify only the development, not individual tenants or establishments.**
- 15) **Sign, electronic changeable copy.** A sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.
- 16) **Sign, electronic graphic display.** A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.
- 17) **Sign, multi-vision.** Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.
- 18) **Sign, video display.** A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

(Ord. No. 2011-11, § I, 8-8-11)

Sec. 3. - **General provisions.**

The following regulations shall apply to all permitted signs in the area of jurisdiction of the Fort Mill Planning and Zoning Commission:

- 1) A permit shall be required for the erection, alteration, or reconstruction of any sign, unless otherwise noted, which shall be issued by the zoning administrator in accordance with article IV of this ordinance. The fee schedule for such permits shall be established by the town council during the adoption of the annual budget ordinance.
- 2) Signs shall be constructed of durable materials, maintained in good condition and not permitted to become dilapidated.
- 3) All signs located on sites abutting federal or state highway rights-of-way shall conform to all applicable federal and state regulations. In instances where the sign control provisions of this ordinance are more strict, then this ordinance shall apply.

(Ord. No. 2010-12, § II, 9-20-10)

Sec. 4. - Prohibited signs.

The following types of signs shall be prohibited within the corporate limits of the Town of Fort Mill:

- 1) *Signs resembling or imitating traffic and/or warning signals.* No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles nor shall any sign use the words "stop", "danger", or any other word, phrase, symbol, or character in a manner that might mislead or confuse an automobile or other vehicular driver.
- 2) *Signs on roadside appurtenances.* Signs attached to or painted on utility poles, trees, parking meters, bridges, overpasses, rocks, other signs, benches, refuse containers, the roofs of buildings, etc., unless specifically allowed elsewhere in this chapter.
- 3) *Projecting signs.* Projecting signs from any building or structure, except in GI, LC and HC zoning districts, provided:
 - a. Such signs shall not exceed 12 square feet in area;
 - b. Such signs may not extend more than three feet from the facade to which they are attached;
 - c. Such signs shall not impede the movement and/or visibility of pedestrians, bicyclists and/or motor vehicles;
 - d. No such sign shall be permitted which encroaches into a public right-of-way without first obtaining an encroachment permit from the appropriate granting authority; and
 - e. No more than one projecting sign shall be permitted for any place of business.
- 4) *Off-premises signs.* General advertising signs and billboards that advertise a commodity or service not available on the premises on which the sign is erected are considered off-premises signs.
- 5) *Roof signs.* Roof signs or portions of other signs that extend above the highest elevation in a roof.
- 6) *Portable signs.* Signs mounted on wheels or other portable framework and other moveable signs except as permitted in article III, section 6, subsection 8).
- 7) *Animated/flashing signs and signs of illusion.* Signs displaying blinking, flashing, or intermittent lights, or animation, moving parts, or signs giving the illusion of movement, unless specifically allowed elsewhere in this chapter.
- 8) *Abandoned signs and sign structures.* Signs that advertise an activity or business that is no longer conducted on the property on which the sign is located. Such signs or sign structures must be removed within 30 days of becoming an abandoned sign or sign structure.
- 9) *Pennants, streamers, balloons, etc.* Signs containing or consisting of pennants, ribbons, streamers, balloons, or spinners.
- 10) *Signs obstructing access.* Signs that obstruct free ingress or egress from a driveway, or a required door, window, fire escape, or other required exit-way.
- 11) *Signs located in the right-of-way.* All signs located in the right-of-way, unless specifically allowed elsewhere in this chapter. This shall exclude any sign erected by the town or other public agency that is qualified to install any such sign within a right-of-way for directional, informational, or public safety purposes.
- 12) *Inflatable signs or balloons.*
- 13) *Electronic graphic display signs.*
- 14) *Multi-vision signs.*
- 15) *Video display signs.*

(Ord. No. 2011-11, § II, 8-8-11; Ord. No. 2012-05, § I, 8-23-12)

Sec. 5. - Signs for which a permit is not required.

A permit is not required for the following type of signs in any zoning district:

- 1) Traffic, directional, warning, or information signs authorized by any public agency.
- 2) Official notices issued by any court, public agency, or officer.
- 3) One nonilluminated "For Sale", "For Rent", or "For Lease" sign not exceeding six square feet in area in residential districts and twenty square feet in other than residential districts and located no less than ten feet back from the street right-of-way line, unless attached to the front wall of a building.
- 4) Permitted home occupation signs, under the regulations set forth in article I, section 7, subsection F.7).

Sec. 6. - Regulations applying to specified types of signs.

The following regulations apply to the following specified types of signs:

- 1) Signs on work under construction: One nonilluminated sign, not exceeding forty square feet in area, displaying the name of the building, the contractors, the architects, the engineers, the owners, the financial, selling, and development agencies, is permitted upon the premises of any work under construction, alteration or removal. Such sign shall be removed from the site within 30 days after the completion of the project.
- 2) Temporary subdivision signs: Temporary signs, not exceeding forty square feet in area, announcing a land subdivision development, are permitted on the premises of the land subdivision. They shall be set back not less than ten feet from the right-of-way of any street or from any boundary line of the land subdivision. Such signs shall be spaced not less than three hundred feet apart. They shall be removed when seventy-five percent of the lots are conveyed.
- 3) Open house/special promotion real estate directional signs may be erected for one 36-hour period one time per week. There may be three such signs for one piece of property.
- 4) Routine real estate directional signs shall be limited to three for one piece of property. Only one such sign per firm shall be permitted at any given intersection. These signs are to be removed within 48 hours after closing of the property for which the signs were used.
- 5) All off-premises real estate directional signs shall be used only for properties for sale, not for properties for rent or lease.
- 6) Yard sale signs cannot be posted more than two days prior to the sale and must be removed on the day of the sale. Sales must be limited to two days. Permits are limited to four per year.
- 7) Temporary signs including promotional signs, displays, banners, etc: Temporary signs, displays, banners, etc., are allowed in commercial districts providing the following requirements are met:
 - A) A sign permit is required for all temporary signs. A responsible individual shall make application for a sign permit in writing on a form provided by the town, with such being reviewed and approved by the town building official before any temporary outdoor sign, display, banner, etc., is installed, erected, and/or displayed.
 - B) That advertising of the above description may be displayed for no more than 60 days for a specific promotion.
 - C) An organization or individual may apply for only two temporary sign permits within a calendar year and there shall be at least 30 days' lapse from the end of one permit until the start of the second.
 - D) Civic, religious, and other nonprofit community organizations may be allowed with permission of the town manager, to erect and/or otherwise display signs, banners, etc., on or over town property, causeway, walkways, etc., provided, that such material is neither controversial nor offensive; that the activity or concern advertised is of community interest;

and that any erection across a public street, causeway, walkway, etc., shall be done by a licensed, bonded, and insured party.

- E) Materials erected or displayed shall be of a quality, size, and nature so as not to cause litter, hazard, obstruction, or unreasonable distraction.
- F) All such signs, banners, displays, etc., shall remain the responsibility of the owner, advertise, and/or sponsoring group and any damage, injury, and/or expense incurred by the town or its personnel shall be borne by same.
- G) Upon becoming damaged or deteriorated, such signs, banners, displays, etc., shall be immediately removed.

Sec. 7. - Sign illumination.

- 1) Illumination devices shall be so placed and so shielded that rays therefrom or from the sign itself will not be directly cast into any residential district or sleeping room in any district or the eyes of an automobile or vehicle driver.
- 2) No flashing lights are permitted on any sign. Internal or flood lighting is permitted as long as the lighting consists of only yellow or white light.

Sec. 8. - Height limitations.

No signs, except as otherwise specified, shall exceed the height limit of the district in which they are located. The height of a freestanding sign shall not exceed 24 feet.

Sec. 9. - Signs permitted in front yard, side yard, and rear yard limitations.

Except as otherwise specifically provided, no sign shall be erected within the front yard setback, side yards or rear yards required for all buildings and structures in the district.

Sec. 10. - Signs permitted in residential districts.

The following types of signs are permitted in R-25, R-15, R-10, and GR districts:

- 1) One nonilluminated professional or business name plate not exceeding two square feet in area mounted flat against the wall of a building in which there is conducted a permitted home occupation.
- 2) For multiple-family dwellings, hotels, group dwellings, and for buildings other than dwellings, a single nonilluminated business identification sign or bulletin board not exceeding six square feet in area. Such sign or bulletin board shall be set back not less than ten feet from any street right-of-way line, unless attached to the front wall of a building.
- 3) Temporary subdivision signs, under the provisions set forth in section 6, subsection 6) of this article.

Sec. 11. - Signs permitted in commercial and industrial districts.

The following types of signs are permitted in commercial and industrial districts:

- 1) All signs permitted in residential districts are permitted in commercial and industrial districts.

Sec. 12. - Administration and enforcement.

Sign regulations, as set forth in this section, shall be administered under the provisions of article VI.

Sec. 13. - Ground signs.

Ground signs are low to the ground and are typically used to identify large buildings, institutions, and real estate developments.

- 1) *Maximum height.* Eight feet above **normal** ground level.
- 2) *Maximum number.* One for each street frontage except in the case of a real estate development, in which case two are allowed, one on either side of the main entry way street.
- 3) *Maximum area.* Internally illuminated—66 square feet. Nonilluminated or indirectly illuminated—80 square feet. If setback is in excess of 50 feet from facing property line, maximum area may be increased 0.7 square feet for each additional foot of setback up to a maximum sign area of 150 square feet.
- 4) *Minimum setback.* **Fifteen feet from any property line and/or three feet from right-of-way.** Line-of-sight guidelines must be followed.
- 5) *Advertising message.* Letters, symbols, and graphics of a ground sign **should not** occupy more than **40 percent of total sign area.**

Sec. 14. - Pole signs.

A pole sign is elevated high above ground level, typically on a pole or other structure.

- 1) *Maximum height.* 24 feet above the grade of the frontage street.
- 2) *Maximum number.* **One for each premises** regardless of the number of establishments.
- 3) *Maximum area.* Internally illuminated—55 square feet. Nonilluminated or indirectly illuminated—66 square feet.
- 4) *Minimum setback.* No portion of the sign shall be nearer than ten feet to any property line.
- 5) *Advertising message.* **Letters, symbols, and graphics of a pole sign shall not occupy more than 40 percent of the total sign area.**

Sec. 15. - Merchandising signs.

Merchandising signs identify products or services available at an establishment and their prices. It shall be mounted to the structure of a pole sign or other freestanding sign structure. It is not to be placed on a moveable frame or wheels and it **should** conform to the following standards:

- 1) *Maximum height.* Ten feet.
- 2) *Maximum area.* **36 square feet.**
- 3) *Minimum setback.* Ten feet from any property line or driveway.
- 4) *Maximum number.* One for each establishment.

Sec. 16. - Wall signs.

Wall signs are attached to the wall of a building and project out from such walls no more than 14 inches. The area of a wall sign includes that area within a continuous line enclosing all letters and graphic symbols of the sign.

Maximum sign area. No wall sign shall exceed an area equal to 15 percent of the area of the wall to which it is affixed. No wall sign shall have an area greater than 150 square feet except that, if the sign has a setback greater than **50 feet** from its frontage, its area can be increased one square foot for each additional foot of setback up to a maximum of 450 square feet. Where a sign is placed on a pitched roof, and below its ridge, it is considered a wall sign. The area of the roof will be considered part of the total wall area.

Sec. 17. - Temporary signs.

The use of temporary signs to advertise real estate developments or sales events, is discouraged and they should be promptly removed after their purpose has been served. They should conform to standards

set forth for freestanding signs except that, if they are **pole signs**, their height should be limited to 12 feet, and area size to 32 square feet.

Sec. 18. - Unified development signs.

Signs for unified developments, such as shopping centers, office parks, etc., should identify only the development and individual tenants or establishments. If it is a wall sign, its area should not exceed 15 percent of that section of the wall to which it is attached and not exceed a maximum area of 450 square feet. If it is a freestanding sign, it should conform to standards set forth for freestanding signs except that, if the street frontage of the unified development exceeds 300 feet, such standards may be modified as follows:

- 1) *Maximum height.* **30** feet above the grade of the frontage street;
- 2) *Maximum area.* **For every foot of street frontage in excess of 300 feet, maximum sign area may be increased as follows:**
 - 1) **0.14 square foot for internally illuminated signs, up to a maximum sign area of 96 square feet**
 - 2) **0.2 square feet for indirectly illuminated or nonilluminated signs up to a maximum sign area of 120 square feet.**

(Amd. of 7-9-07)

Sec. 19. - Electronic signs.

- 1) *Electronic changeable copy signs.* Electronic changeable on-premise copy signs are **permitted in all zoning districts.**
 - a) Time, temperature, and gasoline price displays are allowed, but must not exceed 20 square feet of the sign face.
 - b) All other changeable copy signs shall only be permitted with the following restrictions:
 1. Such signs shall remain **static** at all times—Scrolling, blinking, flashing and/or movement of any kind shall be prohibited.
 2. For signs located less than ten feet from the ground, the electronic area shall not exceed 40 percent of the allowed/permitted sign face. For signs located at least ten feet from the ground, the electronic area shall not exceed **50 percent of the allowed/permitted sign face.**
 3. The message must not change more than once every six seconds.
 4. Illumination shall be no greater than 7,500 nits during daylight hours and no greater than 500 nits during evening hours.
 5. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic changeable copy sign.
 6. The leading edge of the sign must be a minimum distance of 100 feet from an abutting residential district boundary. This requirement shall not apply to permitted non-residential uses located within a residential zoning district, including, but not limited to, public facilities and religious institutions; provided, however, that no sign shall be erected within 150 feet from any residential dwelling.
 7. In any historic overlay district within the municipal limits of the Town of Fort Mill, electronic signs shall not be permitted to be installed, affixed or displayed **in any location that is visible from a public street or right-of-way.**
 8. Subparagraphs 2., 6. and 7. shall not apply to any digital sign that is legally in existence as of August 1, 2011.

(Ord. No. 2011-11, § III, 8-8-11; Ord. No. 2013-24, § I, 9-9-13)

ARTICLE IV. - LANDSCAPING STANDARDS

Sec. 1. - Landscaping required in parking areas (for proposed commercial, professional, office, institutional, and multi-family residential development.

- 1) Parking areas shall be planted with trees a minimum of two inches in caliper measured six inches above ground level, so that there is **at least one tree per ten parking spaces** within the parking lot. Such trees shall be adequately staked and protected by curbing against damage by vehicles. A minimum planting area, equivalent to 18 square feet per tree shall be provided.
- 2) Parking areas shall have a landscaped island at **each end of each row of vehicle spaces and an intermediate island for every 15 vehicle spaces**. Such planting islands shall be not less than nine feet wide in the direction parallel to the row and not less than 20 feet long in the direction perpendicular to the row. Each such island shall have a suitable curb of stone or poured-in-place concrete, and shall be planted with grass or ground cover. All hydrants shall be located in such islands.

Sec. 2. - Landscaped buffer between residential and nonresidential uses.

Nonresidential **vehicular areas** shall be set back at least 25 feet from any property line abutting land used for residential purposes or located in a residential zone. Such setback areas shall be provided with screening **along each side of the property line** abutting such residential zone or use. Such screening shall be in the form of **evergreen trees, a minimum of eight feet high** planted not more than ten feet apart, along the extent of the vehicular area facing a residential zone or use.

Sec. 3. - Protection of existing trees.

Significant trees shall be clearly marked for preservation on the site plan and in the field. Such trees shall be protected during construction by cribbing. Cribbing shall consist of six-foot high snow fence which shall surround the tree trunk at a distance not closer than three feet from it, and which shall be braced and held in position by four-by-four inch wood posts set into the ground. Damaged trees shall be repaired by a reputable tree surgeon. Any tree marked for preservation which is removed or damaged beyond satisfactory repair shall be replaced with the same or similar species, six inches in caliper as measured at six inches above ground level, which shall be balled, burlapped, and platformed.

Sec. 4. - Screening of security fences.

When the proposed site plan includes the installation of security fences necessary for the operation and maintenance of permissible uses, the **Planning Board** may require that such fences be adequately screened from public view.

Sec. 5. - **Fencing-service areas.**

This article shall apply to all service areas **which detract from the appearance of the community**, including, but not limited to, garbage collection sites; exposed non-power utility fixtures (excluding transmission poles); power utility substations; and exposed metal cabinets over five feet in height. This section shall not be construed to deny access by vehicles and equipment to service areas nor shall it be construed to apply to utility equipment improvements.

1) Areas:

- A) Screening of refuse collection facilities shall provide secure, safe, and sanitary facilities for the storage and pickup of refuse. Such facilities shall be convenient to collection and shall be appropriate to the type and size of use being served. All refuse storage facilities shall be screened on three sides by a solid wooden fence or masonry wall and a tight evergreen hedge. The fourth side shall be angled to minimize the view of the refuse collection facility

or shall be screened by an opaque gate made of durable materials. The screening shall be of sufficient height and design to effectively screen the facility from the view of nearby residential uses, streets, adjacent properties, and recreational facilities.

- B) Non-power utility fixtures (excluding transmission poles), substations, and exposed metal cabinets above five feet in height, shall be screened from public roads and adjoining developed, non-industrial property except as required for proper equipment operation, security, code compliance, access and maintenance.
- 2) All service areas affected by this article shall be provided with a visual screen consisting of fences, landscaped berms or landscaping, or a combination of these meeting or exceeding the following minimum standards:
- A) The screening shall be at least one foot higher than the item to be screened, and shall extend along the entire perimeter of the service area, exclusive of accessways.

Sec. 6. - Lighting standards.

1) *Purpose and applicability.*

- a. *Purpose.* The intent of this section is to improve safety and preserve the quality of life in the Town of Fort Mill by achieving the following objectives with respect to lighting: to minimize light pollution, glare, and light trespass on to neighboring properties; to conserve energy and resources while maintaining night-time safety and utility; and to curtail the degradation of the night-time visual environment.
- b. *Applicability.* This section shall apply to all new development in the Town of Fort Mill subject to the town's zoning codes, unless otherwise specified. When a building, structure, or **lighting fixture** is extended, enlarged, or reconstructed after the effective date of this chapter, the applicable lighting standards shall apply with respect to such.

2) *General standards.*

- a. Unless exempted by the provisions of this section, the following standards shall apply to lighting fixtures in all zoning categories and applications.
 - 1. Lighting fixture heights are measured from ground level to the top of the fixture.
 - 2. All lighting fixtures shall be full-cutoff certified.
 - 3. All lighting fixtures shall have internal visors/panels or external visors that control offsite light spill and glare.
 - 4. The orientation of all lighting shall be downward; provided, however, **churches, temples, mosques, and other such places of worship may orient some lights upward onto specific architectural components of the structure** (such as steeples or domes).
 - 5. Accent lighting for sculptures, statues, trees, landscaping features, flags, signs, and entrances may orient light upward, provided that 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.
 - 6. To control light spill and glare, lighting fixtures shall be properly aimed when installed, and proper aiming shall be maintained at all times.
 - 7. The following types of lighting features shall be prohibited: search lights, strobe lights, laser source lights, or any similar high-intensity or flashing light, except in emergencies by police and fire personnel or at their direction.

3) *Maximum lighting fixture height in nonresidential zoning districts.*

- a. Except as provided below, lighting fixtures in nonresidential zoning districts shall not exceed the following height:

1. Eighteen feet in the local commercial (LC) zoning district.
 2. Twenty-eight feet in the light industrial (LI), general industrial (GI), and highway commercial (HC) zoning districts, as well as non-residential uses within mixed use (MXU) zoning districts.
- b. The planning director may approve lighting fixtures up to 35 feet in height if the following conditions are met:
1. The area of development is at least five acres in size; and
 2. The property is located within the following zoning districts: Light industrial (LI), general industrial (GI), and highway commercial (HC). Property located within the mixed use (MXU) zoning district may be approved if the proposed use is non-residential; and
 3. The total square footage of any **building or buildings to be constructed on the property shall be at least 50,000 square feet;** and
 4. The applicant shall submit a lighting plan, certified by a licensed lighting engineer, demonstrating that lighting levels shall not exceed 0.5 foot-candles along any public right-of-way or any shared property line.
- 4) *Maximum lighting fixture height in residential zoning districts.*
- a. Except as provided below, **lighting fixtures in any residential zoning district,** including residential uses within the mixed use (MXU) zoning district, shall not exceed 16 feet in height.
 - b. Lighting fixtures mounted on any building in a residential zoning district may not be mounted above the 1st floor of the building; however, this restriction shall not apply to any single-family residence.
- 5) *Decorative or aesthetic lighting fixtures.*
- a. 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 as outlined in this section;
 2. The fixtures shall offer a design element that is complimentary 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.
- 6) *Lighting exempt from these standards.*
- a. 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. Exit signs, stairs, ramps, and other illumination required by building codes;
 3. Emergency room entrances;
 4. Airport lighting;
 5. Lighting of the American flag; and
 6. Any lighting fixture that is exempt from the provisions of this section by state and/or federal law.

(Ord. No. 2010-05, § I, 3-8-10)

Sec. 7. - Sidewalks and walkpaths.

To provide safe pedestrian access, sidewalks, and walkpaths shall be constructed in locations as may be required by the planning board. When required, sidewalks shall be **four feet wide and walkpaths shall be three feet wide**.

Sec. 8. - Additional screening, landscaping, buffering.

The Planning Board shall retain the right to require additional screening, landscaping, or buffering as deemed necessary to protect adjacent land uses from glare.

Sec. 9. - Administration.

Prior to the issuance of a building permit, a developer shall present to the Fort Mill Planning Commission a plan demonstrating significant trees and the plan for protection of such trees and installation of proper landscaping measures as required by this ordinance. Failure to present adequate information or the presentation of knowingly false information shall be grounds for denial of a building permit.

ARTICLE V. - COMMERCIAL DEVELOPMENT APPEARANCE REVIEW

Sec. 1. - Purpose.

Commercial development appearance review shall be required for all proposed **commercial or office development** in all zoning districts except the historic district. Compliance with the requirements for commercial development appearance review shall be required in addition to the requirements of the underlying zoning district. The purpose of commercial development appearance review is:

- 1) To promote Fort Mill's economic viability by encouraging commercial development that enhances the character of the town;
- 2) To enhance and protect property values by encouraging excellent design;
- 3) To encourage architectural freedom, imagination, and variety, and to encourage creative design solutions that will enhance the town's visual appearance.

Sec. 2. - Definitions.

As used in this section, words and terms shall have the following definitions:

- 1) *Appearance review committee*: The municipal committee responsible for ensuring that proposed commercial development complies with the appearance review standards for proposed commercial development.
- 2) *Proposed commercial development*: All new exterior construction or addition which adds square footage associated with commercial uses except for maintenance, minor repairs, restoration, and temporary structures. Commercial uses include all retail, **business**, and office uses.

Sec. 3. - Site plan.

A site plan prepared by a registered **engineer or architect** shall be submitted for all proposed commercial development. The site plan shall be drawn to scale and shall be accompanied by a narrative, as appropriate, showing and outlining the following:

- A) Name and address of applicant and site;
- B) Scale and north point;
- C) Total land area of site in square feet;
- D) Property boundaries;
- E) Location and dimensions of parking areas;

- F) Number of off-street and on-street parking spaces required by regulations and proposed;
- G) Location, use, **elevations**, and dimensions of proposed buildings and buildings within **50 feet** of the site boundaries;
- H) Location and dimensions of proposed easements, conduits, and rights-of-way;
- I) Existing and proposed landscaping and plant materials, including the type, size, number, and spacing of plants;
- J) Type, height, and location of night lighting;
- K) Location and height of proposed signs; proposed setbacks of signs, elevation of each face of the proposed sign; size of letters and graphics; colors and frame materials and details;
- L) Loading areas and facilities;
- M) Pedestrian access;
- N) Location, height, and details of walls and fences;
- O) Curb cuts;
- P) Designation of the kind, color, and texture of all exterior materials.

Sec. 4. - Appearance review.

- 1) Commercial development appearance review by the appearance review committee shall be required for all zoning permits and special exceptions for proposed commercial developments to ensure conformity with the appearance standards.
- 2) Applications for commercial development appearance review shall be submitted on an application form obtained from the zoning administrator. **No application shall go before the appearance review committee** until the required site plan and an application fee have been submitted. The amount of the application fee shall be established by the town council during adoption of the annual budget ordinance.
- 3) Appearance review committee:
 - A) The appearance review committee is created.
 - B) Purpose: The appearance review committee shall be responsible for making recommendations on zoning and **special exception** permit applications for proposed commercial development.
 - C) Membership: The appearance review committee shall consist **of the members of the Fort Mill Planning Commission.**
 - D) Organization:
 - 1) The chairman of the planning commission shall serve as the chairman of the appearance review committee.
 - 2) The appearance review committee shall operate under the procedures and rules that govern the actions of the planning commission.

(Ord. No. 2010-12, § III, 9-20-10)

Sec. 5. - Appearance standards.

- 1) *Relationship of building site:*
 - A) The proposed commercial development shall be designed and sited to accomplish a **desirable view** as observed from adjacent streets.
 - B) Parking areas shall be enhanced with decorative elements, building wall extensions, plantings, berms, or other **innovative means** to screen parking areas from view from the streets.

- C) Utility services shall be underground.
- 2) *Relationship to adjoining areas:*
 - A) **Adjacent buildings of different architectural styles shall be made compatible** by use of screens, sight breaks, materials, and other methods.
 - B) Landscaping shall provide a transition to adjoining property.
 - C) Texture, building lines, and mass shall be harmonious with adjoining property. Monotonous texture, lines, and mass shall be avoided.
- 3) *Landscaping:* Landscaping shall conform to article IV **and other sections of this ordinance.**
- 4) *Building design:*
 - A) Architectural style is not restricted. Quality of design and compatibility with surrounding uses shall provide the basis of the evaluation of the appearance of a proposed commercial development.
 - B) Materials shall be of **good architectural character** and shall be harmonious with adjoining buildings.
 - C) Materials shall be suitable for the type and design of the building. Materials which are architecturally harmonious shall be used for all exterior building walls and other exterior building components.
 - D) Materials and finishes shall be of durable quality.
 - E) Building components, such as windows, doors, eaves, and parapets, shall have appropriate proportion and relationships to one another.
 - F) Colors shall be harmonious and shall use compatible accents.
 - G) Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from view with materials harmonious with the building.
 - H) **Monotony of design** shall be avoided. Variation in vegetation, detail, form, and siting shall be used to provide visual interest.
- 5) **Signs:**
 - A) Signs shall conform to the provisions of article III and this article.
 - B) Every sign **shall be of appropriate scale and proportion in relation to the surrounding buildings.**
 - C) Every sign shall be designed as an integral architectural element of the building and site to which it relates.
 - D) The colors, materials, and lighting of every sign shall be harmonious with the building and site to which it relates.
 - E) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's principal message and shall be in proportion to the area of the sign.
 - F) Each sign shall be compatible with signs on adjoining plots or buildings.
 - G) **Corporation logos shall conform to the criteria for all other signs.**
- 6) *Miscellaneous structures:* **Miscellaneous structures and hardware** shall be part of the architectural concept of the project. Materials, scale, and colors shall be compatible with the building and surrounding uses.

ARTICLE VI. - ADMINISTRATION, ENFORCEMENT, PENALTIES, AND FEES

Sec. 1. - Administrative and decision-making bodies.

(A) *Summary of administration article.*

(1) *Review bodies and town staff.* The following bodies and town staff shall have the powers and responsibilities for administering the provisions of this ordinance, as well as other duties and responsibilities outlined by the Code of Ordinances for the Town of Fort Mill and the S.C. Code of Laws:

- (a) *Town council.*
- (b) *Planning commission.*
- (c) *Board of zoning appeals (BOZA).*
- (d) *Historic review board (HRB).*
- (e) *Zoning administrator.*
- (f) *Town attorney.*

(B) *Town council.*

(1) In order to exercise the authority granted to the town council by state law, the town council shall have the following powers and duties under this ordinance:

- (a) *Appointment and removal of board and commission members.* To appoint members to the planning commission, BOZA, and HRB; to remove any appointee for cause; and to fix the powers and duties of each board and commission as authorized by this ordinance and the S.C. Code of Laws.
- (b) *Comprehensive plan adoption.* Upon recommendation by the planning commission, to review and adopt an updated comprehensive plan not less than once every ten years, by ordinance, after conducting a public hearing; and to consider any updates or amendments to the comprehensive plan as recommended by the planning commission.
- (c) *Text amendments.* To initiate, review, and decide applications to amend the text of this ordinance.
- (d) *Amendments to official zoning map (rezoning).* To initiate, review, and decide applications to amend the official zoning map.
- (e) *Planned development and mixed use district classifications.* To review and decide applications for planned neighborhood development (PND), planned cluster development (PCD), and mixed use (MXU) master plans and amendments to the official zoning map.
- (f) *Historic preservation district classification.* To initiate, review, and decide recommendations from the HRB and planning commission on amendments to the historic preservation district boundaries on the official zoning map.
- (g) *Designation of historic properties.* To initiate, review, and decide recommendations from the HRB and planning commission on the designation of historic properties.
- (h) *Design guidelines for historic properties and historic overlay districts.* To approve design guidelines for historic properties and historic preservation districts recommended by the HRB and planning commission.
- (i) *Development agreements.* To review requests, and where appropriate, enter into development agreements.
- (j) *Schedule of fees.* To approve a schedule of fees governing applications for permits and other approvals authorized under this ordinance.
- (k) *Other.* To take any other action not delegated to the planning commission, board of zoning appeals (BOZA), historic review board (HRB), the town manager, zoning administrator, town attorney, or heads of other town departments as the town council may deem desirable and necessary to implement the provisions of this ordinance.

(C) *Planning commission.*

- (1) *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:
 - (a) **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 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 ten 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.
 - (b) *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.
 - (c) *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.
 - (d) *Planned development and mixed use district classifications.* To review applications for planned neighborhood development (PND), planned cluster development (PCD) and mixed use (MXU) master plans, and to make recommendations to the town council for approval or denial of such requests.
 - (e) *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 HRB.
 - (f) **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 HRB.
 - (g) **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 HRB.
 - (h) *Development agreements.* To review and make recommendations to the town council on requests to enter into development agreements.
 - (i) *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.
 - (j) *Commercial development site plan review.* To review and decide applications for commercial development site plan approval, where allowed by this ordinance.
 - (k) *Commercial appearance review.* To review and decide applications for compliance with the commercial appearance review standards outlined in article V of this ordinance.
 - (l) **Appeals.** To hear and decide appeals on decisions of the zoning administrator, where allowed by this ordinance.
 - (m) *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:

1. When there is duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders, or messages;
2. When it is found that a change may simplify marking or giving of directions to persons seeking to locate addresses; or
3. Upon any other good and just reason that may appear to the commission.

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.

- (n) *Other powers and duties.* To carry out any other powers and duties delegated to it by town council, consistent with state law.

(2) Membership.

- (a) *Number.* The planning commission shall consist of seven 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 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 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 or more unexcused absences over the course of one 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.
- (3) *Chair and vice-chair.*
- (a) *General.* The planning commission shall elect a chair and vice-chair from among its appointed members.
 - (b) *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.
 - (c) *Duties of the chair and vice-chair.*
 1. 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. The chair shall have the authority to call a special called meeting of the planning commission. From time to time, the chair may also be called upon by the town council to provide an update of the planning commission's activities.
 2. 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.
 3. 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.
- (4) *Meetings.*
- (a) *Regular meetings.* The planning commission shall hold at least one 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.
 - (b) *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.
 - (c) *Quorum.* At least four 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.
 - (d) *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.

- (e) *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.
 - (f) *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.
 - (g) *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.
- (5) *Public notice and public records.*
- (a) *Agenda.* Public notice shall be given for each meeting pursuant to S.C. Code § 30-4-80. The zoning administrator 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.
 - (b) *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:
 1. The date, time and place of the meeting.
 2. The members of the planning commission recorded as either present or absent.
 3. The substance of all matters proposed, discussed or decided, including any votes taken.
 4. Any other information that any member of the planning commission requests be included or reflected in the minutes.

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.
 - (c) *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.
- (6) *Assistance to the commission.*
- (a) *Staff.* The zoning administrator shall serve as the professional staff to the planning commission and provide it with administrative support.
 - (b) *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.
- (7) *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, and place and maintain necessary monuments and marks thereon.
- (D) *Board of zoning appeals.*
- (1) *Powers and duties.* The Fort Mill Board of Zoning Appeals (BOZA) is hereby established in accordance with the S.C. Code of Laws, and shall have the following powers and duties under this ordinance:

- (a) *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.
- (b) *Variances.* To hear and decide appeals for variance from the requirements of this ordinance when strict application of the provisions of the ordinance would result in **unnecessary hardship**. Variances may only be granted pursuant to the requirements of S.C. Code § 6-29-800(2); provided, however:
 - 1. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map.
 - 2. In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare;
- (c) **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.
- (d) *Remand matters.* To remand a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines the record is insufficient for review.
- (e) *Other powers and duties.* To carry out any other powers and duties delegated to it by town council, consistent with state law.

(2) Membership.

- (a) *Number.* The BOZA shall consist of seven 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 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 BOZA.
 - (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 or more unexcused absences over the course of one 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 BOZA shall serve without compensation.
- (3) *Chair and vice-chair.*
- (a) *General.* The BOZA shall elect a chair and vice-chair from among its appointed members.
 - (b) *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 year or until a new chair and vice-chair is elected by the membership.
 - (c) *Duties of the chair and vice-chair.*
 1. The chair shall preside at all meetings of the BOZA, decide all points of order on procedure, administer oaths, compel the attendance of witnesses, certify to the circuit court of York County that a party or person is in contempt, and take such action as shall be necessary to preserve the order and integrity of all proceedings before the BOZA. The chair shall have the authority to call a special called meeting of the BOZA. From time to time, the chair may also be called upon by the town council to provide an update of the BOZA's activities.
 2. 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.
 3. In the absence of both the chair and vice-chair, the senior ranking member of the BOZA shall act as chair and shall have all the same powers and responsibilities of the chair.
- (4) *Meetings.*
- (a) *Regular meetings.* The BOZA shall hold at least one 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.
 - (b) *Special called meetings.* When warranted, a special called meeting of the BOZA may be called by the chair.

- (c) *Quorum.* At least four members of the BOZA must be present to constitute a quorum. No official business of the BOZA may be conducted without a quorum present.
- (d) *Rules of Order.* Except as otherwise required by state law or town ordinance, all proceedings of the BOZA shall be governed by Robert's Rules of Order. The board 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.
- (e) *Voting.* Official decisions or actions by the BOZA shall require a majority vote of those members present and voting. Proxy votes shall not be permitted.
- (f) *Conflicts of interest.* Any member of the BOZA who has a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of the board shall be disqualified from participating in the decision of the board in connection therewith.
- (g) *Open to the public.* All meetings of the BOZA shall be open to the public. All or any part of a meeting of the BOZA 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.

(5) *Public notice and public records.*

- (a) *Agenda.* Public notice shall be given for each meeting pursuant to S.C. Code § 30-4-80 and § 6-29-790. The zoning administrator 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.
- (b) *Minutes.* The town clerk shall prepare and keep written minutes of all BOZA meetings. Such minutes shall include, at a minimum:
 1. The date, time and place of the meeting.
 2. The members of the BOZA recorded as either present or absent.
 3. The vote of each member upon each question, or if failing to vote, indicating that fact.
 4. Records of examinations and other official actions.
 5. A transcript of evidence heard before the BOZA.
 6. Any other information that any member of the BOZA requests be included or reflected in the minutes.

The minutes and decisions of the BOZA 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.

- (c) *Records.* Unless exempt by state law, all records of the BOZA 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.

(6) *Assistance to the board.*

- (a) *Staff.* The zoning administrator shall serve as the professional staff to the BOZA and provide it with administrative support.
- (b) *Public officials.* All public officials shall, upon request, furnish to the BOZA, within a reasonable time, such available information as it may require for its work.

(E) *Historic review board.*

- (1) *Powers and duties.* The Fort Mill Historic Review Board (HRB) is hereby established in accordance with the S.C. Code of Laws, and shall have the following powers and duties under this ordinance:
- (a) *Certificates of appropriateness.* To review and decide applications for certificates of appropriateness for historic properties and lands within historic preservation district.
 - (b) *Certificate of hardship.* To review and decide applications for certificates of hardship.
 - (c) *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.
 - (d) *Designation of historic properties.* To review and make recommendations to the planning commission and town council regarding the establishment and designation of historic properties.
 - (e) *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.
 - (f) *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.
 - (g) *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.
 - (h) *Advice and assistance to land owners.* To provide advice and assistance to land owners and their agents concerning:
 - 1. 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.
 - 2. The procedures for inclusion of lands on the National Register of Historic Places.
 - 3. The treatment of the historic and visual characteristics of lands listed on the National Register of Historic Places.
 - 4. The treatment of the historical and visual characteristics of lands designated as historic properties or located within historic preservation district.
 - (i) *Advise town council.* To provide advice to the town council concerning:
 - 1. The funding necessary to administer the historic properties and historic preservation district regulations.
 - 2. The retention of experts to assist in the administration and implementation of the historic properties and historic preservation district regulations.
 - 3. 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.
 - (j) *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.

- (k) *Offer expertise.* To offer and provide expertise to any person or entity on any matter affecting historically or architecturally significant properties in the town.
- (l) *Confer recognition.* To confer recognition on persons who further the goals of the historic properties and historic preservation district regulations.
- (m) *Education.* To engage in educational activities and publish information to further the understanding of historic preservation issues in the town.
- (n) *Historic tax incentives.* To serve as the reviewing authority for qualifying rehabilitation work under the town's special tax assessment for rehabilitated historic properties.

(2) Membership.

- (a) *Number.* The HRB shall consist of seven 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 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 or more unexcused absences over the course of one 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.
- (3) *Chair and Vice-Chair.*
- (a) *General.* The HRB shall elect a Chair and Vice-Chair from among its appointed members.
 - (b) *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 year or until a new chair and vice-chair is elected by the membership.
 - (c) *Duties of the chair and vice-chair.*
 1. 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. The chair shall have the authority to call a special called meeting of the HRB. From time to time, the chair may also be called upon by the town council to provide an update of the HRB's activities.
 2. 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.
 3. 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.
- (4) *Meetings.*
- (a) *Regular meetings.* The HRB shall hold at least one 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.
 - (b) *Special called meetings.* When warranted, a special called meeting of the HRB may be called by the chair.
 - (c) *Quorum.* At least four members of the HRB must be present to constitute a quorum. No official business of the HRB may be conducted without a quorum present.
 - (d) *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 board 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.
 - (e) *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.

- (f) *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 board shall be disqualified from participating in the decision of the board in connection therewith.
- (g) *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.

(5) *Public notice and public records.*

- (a) *Agenda.* Public notice shall be given for each meeting pursuant to S.C. Code § 30-4-80 and § 6-29-890. The zoning administrator 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.
- (b) *Minutes.* The town clerk shall prepare and keep written minutes of all HRB meetings. Such minutes shall include, at a minimum:
 - 1. The date, time and place of the meeting.
 - 2. The members of the HRB recorded as either present or absent.
 - 3. The vote of each member upon each question, or if failing to vote, indicating that fact.
 - 4. Records of examinations and other official actions.
 - 5. A transcript of evidence heard before the HRB.
 - 6. Any other information that any member of the HRB requests be included or reflected in the minutes.

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.

- (c) *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.

(6) *Assistance to the board.*

- (a) *Staff.* The zoning administrator shall serve as the professional staff to the HRB and provide it with administrative support.
- (b) *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.

(F) *Zoning administrator.*

- (a) *General.* The zoning administrator is designated by the town manager as the individual responsible for administering and enforcing the provisions of this ordinance.
- (b) *Powers and duties.* In addition to the authority and duties that may be conferred on the zoning administrator by general law and the Code of Ordinances for the Town of Fort Mill, the zoning administrator shall have the following powers and duties under this ordinance:
 - 1. To review and decide applications for residential and commercial 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, BOZA, and HRB 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 VI, administration, enforcement, penalties, and fees.
 12. To provide expertise and technical assistance to the town council, planning commission, BOZA, HRB, and other town departments, upon request.
- (c) *Training requirements.* The zoning administrator 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.
- (G) *Town attorney.* In addition to the authority and duties that may be conferred upon the town attorney by general law and the Code of Ordinances, the town attorney shall counsel the town council, planning commission, BOZA, HRB, zoning administrator, and town departments in regard to the legal issues that may arise in the review of applications for permits and permit approval and the general implementation of this ordinance.

(Ord. No. 2013-23, § I, 8-12-13)

Sec. 2. - 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) *Conformance of proposal to zoning ordinance, etc:* Prior to the issuance of the building permit the building official shall ensure that the proposed work conforms to this ordinance, the building code, and other applicable regulations.
- 2) *Information required:* 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, plans accompanying applications shall include the number of dwelling units each building is designed to accommodate, if any; the setback lines of buildings on the lot and on adjoining lots; the number, layout, and dimensions of proposed parking spaces, if any; and the locations and dimensions of points of ingress and egress from abutting public streets or alleys.

Sec. 3. - 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 and to the building code and other applicable regulations.

- 1) *General provisions:* Conditional uses, as listed in the various subsections of article II 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) *General requirements:* Conditional uses shall be permitted subject to a determination by the planning commission that they conform to all regulations set forth herein and elsewhere in this ordinance, with particular reference to those requirements established for those districts in which they are proposed for location.
- 3) *Administration procedures with regard to conditional uses:* Applications for permission to build, erect, or locate a conditional use shall be submitted and processed in accordance with the regulations set forth in the section with regard to the building permits; and certificate issued for such uses shall bear a stamp bearing "conditional use."
- 4) *Duration:* 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 months for any reason.

Sec. 4. - Temporary uses and special events.

- 1) Purpose.
 - A) This section allows for the establishment of certain temporary uses of limited duration and special events provided that such uses do not negatively affect adjacent properties, and provided that such uses are discontinued upon the expiration of a specified period of time as authorized by this section. With the exception of model homes used as real estate sales offices, temporary uses and special events shall not involve the construction or alteration of any permanent building or structure.
- 2) The zoning administrator is authorized to issue a temporary use permit for the following purposes:
 - A) A festival, carnival or circus, in the HC and GI districts, for a period not to exceed 21 days, subject to the approval of the Fort Mill Town Council.
 - B) Religious meeting in a tent or other temporary structure, in the HC and GI districts, for a period not to exceed 60 days.
 - C) Open lot sale of Christmas trees, pumpkins, or other seasonal items, in the LC, HC, and GI districts, for a period not to exceed 45 days.
 - D) Real estate sales office, in any district, provided, that no cooking or sleeping accommodations shall be maintained in the structure. Notwithstanding the previous sentence, cooking and sleeping accommodations may be present in any model home that is proposed for temporary use as a sales office; however, no overnight accommodations shall be permitted while the structure is used for such purpose. Real estate sales offices shall be removed no later than 30 days after issuance of the final certificate of occupancy within the development. If the site is otherwise undeveloped, the site shall be restored to its previous condition. If a permanent residential structure is used as a temporary sales office, the permanent structure shall be converted from a sales office to an approved residential use within the same 30-day time period.
 - E) Trailer sales office may be used in LC, HC, and GI districts for a period not to exceed six months; provided, that no cooking or sleeping accommodations shall be maintained in the structure.
 - F) Contractor's office and equipment sheds, in any district, for a period **not to exceed 24 months**; provided, that such office shall be placed on the property to which it is appurtenant. A contractor's office and equipment shed may be placed on the property no earlier than 30 days prior to the commencement of construction activities, and shall be removed no later than 30 days after construction activities have concluded.
 - G) A farmers market in the LC or HC districts. The zoning administrator shall be authorized to issue a farmers market permit to **responsible** businesses and organizations that meet the requirements of this section. A farmers market permit shall expire on December 31 of each year and may be

renewed annually. A permitted farmers market may take place not more than once per week. A farmers market may include vendors selling produce and agricultural products, meat, dairy products, baked goods, plants, flowers, and other similar items deemed appropriate by the zoning administrator. Up to 20 percent of the available vendor spaces may be used for the sale of handmade arts and craft items, provided, such items may only be sold by the individuals who have created or manufactured the items. Reselling or consignment of arts and crafts items shall not be permitted.

- 3) General standards for temporary uses. All temporary uses, structures, or special events shall meet the following general standards, unless otherwise specified in this Ordinance:
- A) *General.* The temporary use shall not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
 - B) *Compliance with Town Code of Ordinances.* All temporary uses shall be subject to all other requirements in the Code of Ordinances and Zoning Ordinance for the Town of Fort Mill, including provisions related to business licenses, vendor permits, or other town authorization.
 - C) *No adverse effects.* The temporary use or event shall not have substantial adverse effects or noise impacts on nearby residential neighborhoods, unless the temporary use or event is exempt from such regulations pursuant to section 24-34 of the Code of Ordinances.
 - D) *Permanent alterations prohibited.* The temporary use or event shall not cause any permanent alterations to the site. This provision shall not apply to any temporary sales office located within a model home that is intended to be converted to residential use upon expiration of the temporary use.
 - E) *Temporary signs.* Temporary sign permits may be issued for temporary uses and events pursuant to article III, section 6(7) of the Zoning Ordinance. Notwithstanding the provisions of article III, section 6(7), the zoning administrator shall be authorized to waive the 60 consecutive day time limit for temporary signs for uses and events that are permitted to take place on a weekly or monthly basis (such as farmers markets); provided any such signs shall be erected and removed on the same day that the use or event takes place.
 - F) *Conditions of approval.* The temporary use or event shall not violate any applicable conditions of approval that apply to the principal use on the site, if any.
 - G) *Undeveloped property.* If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or event to occur, as well as adequate land to accommodate any parking and traffic movement associated with the temporary use without disturbing environmentally-sensitive lands.
 - H) *Location.* Tents and other temporary structures must be located so as to not interfere with the normal operations of any permanent use located on the property. The temporary use or event shall not encroach into setback areas, landscaped areas, buffers or designated open space. The temporary use or event shall have shall not negatively impact traffic movements, pedestrian circulation, sensitive or protected resources, or the availability of sufficient parking.
 - I) *Off-street parking.* **Adequate off-street parking** shall be provided to accommodate the proposed temporary use or event.
 - J) *Inspections.* All inspections and permits required by applicable building codes shall be approved by the appropriate person and/or agencies. Additional inspections and/or approvals by state and local agencies may also be required.
 - K) *Restroom facilities.* Where a temporary use or event is expected to draw more than 250 attendees per day, the applicant shall provide temporary restroom facilities.
 - L) *Security.* Where warranted, the applicant shall provide adequate security to protect the general health and welfare of individuals and property at the location where the temporary use or event is proposed to take place, as well as neighboring properties and public rights-of-way.

(Ord. No. 2013-12, § I, 5-13-13)

Sec. 5. - Sign permits.

The building official shall issue sign permits in accordance with the provisions of the building code.

- 1) *Maintenance*: Signs shall be maintained in accordance with the appropriate provisions set forth in the building code.
- 2) *Unlawful signs*: Unlawful signs shall be made to comply with all regulations or shall be removed in accordance with the appropriate provisions set forth in the building code.

Sec. 6. - Penalties.

Any person violating any provision of this ordinance shall be assessed a fine in the amount of \$100.00 for each day the violation continues after notification by the building official.

Sec. 7. - Remedies.

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.

Sec. 8. - Fraudulent subdivisions.

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.

ARTICLE VII. - BOARD OF ZONING APPEALS

FOOTNOTE(S):

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Editor's note— Ord. No. 2013-23, § II, adopted August 12, 2013, amended article VII in its entirety to read as herein set out. Former article VII, §§ 1—9, pertained to similar subject matter. See Code Comparative Table for complete derivation.

Sec. 1. - Board of zoning appeals (BOZA).

The Board of Zoning Appeals of the Town of Fort Mill (BOZA) is hereby established in accordance with the provisions of this ordinance. The BOZA shall be comprised as outlined in article VI, section 1(D)(2) and (3).

(Ord. No. 2013-23, § II, 8-12-13)

Sec. 2. - Jurisdiction.

The BOZA shall have all the duties and responsibilities outlined within article VI, section 1(D)(1) of this ordinance.

(Ord. No. 2013-23, § II, 8-12-13)

Sec. 3. - Meetings and records.

- 1) *Meetings*: The BOZA shall meet as specified in article VI, section 1(D)(4) of this ordinance.

- 2) *Records*: The BOZA shall keep and maintain public records **as outlined in article VI, section 1(D)(5) of this ordinance**. On all appeals, applications and other matters brought before the BOZA, the BOZA shall inform, in writing, all the parties involved of its decisions and the reasons therefore.

(Ord. No. 2013-23, § II, 8-12-13)

Sec. 4. - Appeal procedure.

Appeals to the BOZA may be taken by any person aggrieved, or by any officer, department, BOZA, or bureau of the Town of Fort Mill affected by a decision of the zoning administrator or other town official based on this ordinance. **Appeals may also be submitted by any person seeking a special exception as authorized by this ordinance**. Such appeals shall be taken within a reasonable time, as provided by the rules of the BOZA, by filing with the zoning administrator a written notice of appeal specifying the grounds thereof. Appeals shall be submitted on application forms obtained from the zoning administrator along with an application fee. The amount of the application fee shall be established by the town council during adoption of the annual budget ordinance. All papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted to the BOZA by the zoning administrator. Action shall not be initiated on the same appeal by the same applicant **more often than once every 12 months**. Any communication purporting to be an application for an appeal shall be regarded as mere notice to seek relief until it is made in the form required.

(Ord. No. 2013-23, § II, 8-12-13)

Sec. 5. - Powers and duties.

The BOZA shall have the following powers and duties:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.
2. **To hear and decide variances to the terms of this ordinance** upon which the BOZA is required to pass under the provisions of this ordinance. When acting upon such application for a variance, the BOZA shall **give consideration to the following factors where applicable**:
 - A) The proposed design and location of the particular development.
 - B) The possible traffic-generating characteristics of the proposed development.
 - C) The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
 - D) The availability of public utilities, facilities, and services. After such consideration, the BOZA shall take such actions or **establish such reasonable conditions of approval**, as will accomplish the intents and purposes of this ordinance. **Applications for special exceptions or variances may be referred to the planning commission** for comment and recommendations and returned to the BOZA within a specified period of time.
3. To authorize upon appeal in specific cases, so that the spirit of this ordinance shall be observed, public welfare and safety secured, and substantial justice done, such variances from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in unnecessary hardship. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the BOZA that:
 - A) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
 - B) The application of this ordinance to the particular piece of property would create an unnecessary hardship; and
 - C) Such conditions are peculiar to the particular piece of property involved; and

- D) Relief, if granted would not cause substantial detriment to the public good or impair purpose and intent of this ordinance; provided, that no variance may be permitted for a land use that is prohibited by this ordinance within the district in which the property is located.

(Ord. No. 2013-23, § II, 8-12-13)

Sec. 6. - Action on appeals.

In exceeding the above powers, the BOZA may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, or decision of the **building official** or other administrative official; and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.

(Ord. No. 2013-23, § II, 8-12-13)

Sec. 7. - Stay of proceedings.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the **building official** certifies to the BOZA after the notice of appeal shall have been filed with him that, by reason of facts stated in the certification, a stay would, in his opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than be a restraining order which may be granted by the BOZA or by a court of record on application, on notice to the official from whom the appeal is taken and on due cause shown.

(Ord. No. 2013-23, § II, 8-12-13)

Sec. 8. - Public hearings on appeals.

The BOZA shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give public notice thereof in a newspaper of general circulation throughout the Town of Fort Mill, such notice to consist of two insertions in such newspaper, the first of which shall be ten days prior to the date of such hearing. Due notice shall also be given to other parties in interest, and the appeal shall be decided within a reasonable time. At a hearing, any party may appear in person or be represented by agent or by attorney. The BOZA 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 BOZA, and the secretary of the BOZA shall direct that the necessary permits be issued.

(Ord. No. 2013-23, § II, 8-12-13)

Sec. 9. - Appeals from decisions.

Any person or persons severally or jointly aggrieved by any decision of the BOZA may take an appeal to the courts, as provided by law.

(Ord. No. 2013-23, § II, 8-12-13)

ARTICLE VIII. - AMENDMENTS

Sec. 1. - Authority.

This ordinance, including the Official Zoning Map of the Town of Fort Mill, may be amended from time to time by the Fort Mill Town Council as herein specified; however, no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the planning commission for review and recommendation. The **planning commission shall have 30 days within which to submit its report to the town council.** If the planning commission fails to submit a report within the 30-day period, it shall be deemed to have approved the proposed amendment.

(Ord. No. 2013-08, § I, 4-8-13)

Sec. 2. - Requirement for change.

Whenever the public necessity, convenience, general welfare, or good planning practices justify such action, and after the required review and report by the planning commission, the town council may undertake the necessary steps to amend this ordinance.

(Ord. No. 2013-08, § I, 4-8-13)

Sec. 3. - Procedure for amendments.

Requests to amend this ordinance shall be processed in accordance with the following requirements:

- 1) *Initiation for amendments:* A proposed amendment to this ordinance may be initiated by the Fort Mill Town Council, the planning commission, zoning administrator, or by application filed with the zoning administrator 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**. Only areas of two acres or greater shall be considered in requests for changes in zoning classifications or for creation of new zoning districts; areas less than two acres may be considered in such requests, but only where the resulting zoning districts would be extensions of existing districts.
- 2) *Application forms; fees.* Application forms for amendment requests shall be obtained from the zoning administrator. Completed forms, together with an application fee, plus any additional information the applicant feels to be pertinent, shall be filed with the zoning administrator. 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 for amendments **shall be submitted in proper form** at least two weeks prior to a commission meeting in order to be heard at that meeting. Applications shall be accompanied by an application fee to cover the costs of advertising and other administrative expenses. The amount of the application fee shall be established by the town council during adoption of the annual budget ordinance. The zoning administrator shall issue a receipt for all fees received, and such fees shall be credited to the general fund.
- 3) *Action 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 commission, at its regular meeting, shall review and prepare a report, including its recommendation, for transmittal to the town council. All meetings of the commission shall be open to the public. At a meeting, any party may appear in person, or be represented by agent or by attorney. No member of the commission shall participate in a matter in which he 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.
- 4) *Procedure for enactment or amendment of zoning ordinance or official zoning map; notice and rights of landowners; time limit on challenges:*
 - (A) Before enacting or amending any portion of this zoning ordinance or the official zoning map of the Town of Fort Mill, the town council or the planning commission, if authorized by the town council, shall hold a public hearing on the proposed amendment. 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. In cases involving rezoning, conspicuous notice shall be posted on or adjacent to the property affected at least fifteen days in advance, with at least one such notice being visible from each public thoroughfare that abuts the property. 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. **No change in or departure from the text or maps as recommended by the planning commission may be made pursuant to the hearing unless the change or departure be first submitted to the planning commission for review and recommendation.** The planning commission shall have no more than thirty days within which to submit its report and recommendation on the change to the town

council. If the planning commission fails to submit a report within the prescribed time period, it is deemed to have approved the change or departure. When the required public hearing is held by the planning commission, no public hearing by the town council shall be required before amending the zoning ordinance text or maps.

- (B) If a landowner whose land is the subject of a proposed amendment will be allowed to present oral or written comments to the planning commission, **at least ten 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.
 - (C) 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.**
 - (D) No challenge to the adequacy of notice or challenge 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 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 governing authority or the planning commission.
- 5) *Changes in 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 zoning administrator will make, or cause to be made, any necessary changes to the official zoning map of the Town of Fort Mill. 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.

(Ord. No. 2013-08, § I, 4-8-13)

ARTICLE IX. - LEGAL STATUS PROVISIONS

Sec. 1. - Zoning ordinance control.

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.

Sec. 2. - Validity.

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Sec. 3. - Nonconforming uses.

After the effective date of this ordinance, structures or uses of land or structures **which would be prohibited under the provisions for the district in which it is located shall be considered as nonconforming uses.** Any such use may be continued subject to the following provisions. They shall not be:

- 1) Changed to or exchanged for another nonconforming use.
- 2) Enlarged or extended, except to be brought into conformity with this ordinance.

- 3) Reestablished after discontinuance if a commercial structure, or if a residential structure may only be reestablished to the extent of the original foundation.
- 4) Rebuilt, altered or repaired after damage exceeding 50 percent of its assessed valuation as determined by the building official immediately before such damage, unless it is brought into conformity with this ordinance.

Sec. 4. - Discontinued nonconforming structure.

The provisions of this article 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 article shall not be waived in the case of the discontinued structure or use.**

Sec. 5. - Removal of nonconforming structures.

Where three or more nonconforming structures or uses exist on the same lot or parcel of land, when more than 50 percent of these nonconforming structures or uses have been discontinued or removed under the provisions of this article, the remaining nonconforming structures or uses shall be removed within a period of 60 days.

ARTICLE X. - OTHER USES

Sec. 1. - **Conditional uses.**

The planning **and zoning** commission may grant permission for the establishment of the following uses, or category of uses, if the planning **and zoning** commission finds from the evidence produced after a study of the complete record that:

- 1) The proposed use does not affect adversely **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 and zoning commission or by the town council.
- 2) The proposed use will not affect adversely the health and safety of **residents and workers** in the town.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.

Sec. 2. - Additional restrictions.

The planning **and zoning** commission may impose or require such additional conditions, restrictions, and standards as may be necessary to protect the health and safety of workers and residents of the community, and to protect the value and use of property in the general neighborhood.

Sec. 3. - Revocation of permits after notice and opportunity to be heard.

Whenever the planning and zoning commission shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, the board shall rescind and revoke such permit after giving notice to all parties concerned and granting full opportunities for a hearing.

Sec. 4. - **Uses which may be allowed.**

The board of appeals may grant permission for the establishment of the following **special uses**, subject to any specific conditions either set forth below or which the board may deem necessary to satisfy the conditions set forth in article VII:

- 1) Automobile repair facilities: May be granted a special use permit subject to the following:
 - A) All wrecked or damaged motor vehicles and parts shall be screened so as not to be visible from adjoining property lines and street rights-of-way.
 - B) No more than six **unlicensed, used motor vehicles which cannot be operated** under their own power shall be kept or stored on the premises.
 - C) No **single unlicensed, used motor vehicle which cannot be operated** under its own power shall be kept or stored on the premises for more than 15 days.
- 2) Automobile service stations with accessory minor automobile repairs:
 - A) All vehicles on premises for repair shall be stored at the rear of the principal structure. Further, there shall be no more than five cars waiting for repair on the lot at any one time and all must be licensed. No vehicle waiting for repair shall be stored on the premises more than ten days.
 - B) There shall be no exterior storage of items other than vehicles.
 - C) There shall be no sale of vehicles.
 - D) Canopies must be setback a minimum of 20 feet from any street right-of-way and property line.
 - E) Gas islands shall be located a minimum of 30 feet from any street right-of-way and property line.
 - F) Rental of utility trailers, cars and trucks shall be permitted as accessory uses provided that no more than four units shall be visible from any street right-of-way or property line. All other rental units stored on the property shall be screened from adjoining street rights-of-way and property lines in accordance with bufferyard C or with a bufferyard of greater intensity as required in section 32-92 of this Code.
 - G) Outdoor displays of products such as tires, oil, wiper blades, and other similar products shall be permitted provided that they are within ten feet of the principal structure.
 - H) All services except fuel sales shall be performed within a completely enclosed building.

ARTICLE XI. - NUISANCES

Sec. 1. - Definitions.

For the purpose of this ordinance, the following words, terms and phrases shall have the meanings respectively ascribed to them in this section.

Abandoned lessee property means property which the owner or has ceased to use or relinquished with neither the intention of transferring rights to the property to another owner nor of resuming the use of the property and does not maintain property or keep it secured.

Agricultural use shall mean cultivated, crop producing and livestock grazing areas so long as vegetation is not permitted to grow beyond the bounds of the lot, parcel or tract, encroach on other property, create unsanitary conditions, fire or traffic hazards, offensive or noxious odors, insect breeding places, harboring places for vermin, or constitute a nuisance to the public or in any way adversely affect the health, safety, sanitation and welfare of the public.

Bulk shall mean all discarded bulky waste, including discarded appliances, furniture, mattresses, tires, etc.

Burning shall mean the combustion of any item or substance not associated with the internal heating of a home, building or structure, fireplaces, grills or internal combustion engines, or burning which constitutes a nuisance or fire hazard to an adjoining property owner.

Container shall mean a water-tight receptacle made of metal, heavy-duty plastic or material of similar strength with a cover for the storage and disposal of solid waste. All containers must be closed at all times, except when being filled or emptied.

Dead, animals includes but is not limited to livestock, dogs, cats, horses, typical household pets, birds and other fowl, etc., whose life-sustaining biological functions have ceased.

Developed area shall mean any portion of the Town of Fort Mill which has been developed for residential, commercial or industrial use.

Dwelling shall mean any building or structure, or part thereof, used and occupied for human habitation or intended to be so used and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Garbage shall mean all perishable refuse, including animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food; household rubbish, including paper, cardboard boxes, rags, plastic, cloth, glass, bottles, cans and any similar waste; and other types of trash.

Litter shall mean any waste material containing disposal packages or containers, garbage, rubbish or solid waste that is not properly disposed of.

Natural use shall mean a lot, tract or parcel of land in the unincorporated area of Town of Fort Mill in a state provided by nature, without man-made changes or vermin infestation.

Owner shall mean the holder of the title in fee simple and every mortgagee of record.

Parties in interest shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

Person shall mean any individual, firm, partnership, corporation, association or organization of any kind.

Private property shall include but not be limited to improvements, yards, grounds, walks, driveways, entrances, passage ways, parking areas, working areas, storage areas, vacant lots and recreational facilities owned by any private person.

Public officer shall include, but not be limited to, the officer or officers who are authorized by ordinances adopted hereunder to exercise the powers prescribed by such ordinance.

Public property shall include, but not be limited to public improved and unimproved property, streets, roads, public right-of-ways, medians, sidewalks, alleys and other public ways, public parks, grounds, lots, recreation facilities, waterways, and drainage systems.

Rubbish shall include but not be limited to nonputrescible solid waste, both combustible and noncombustible, paper, cardboard, tin cans, wood, bricks, glass, bedding, crockery, automobiles, household appliances, litter, metal, plastic, rubber, ashes, weeds, brush, leaves, grass, vines, stumps and other similar materials.

Solid waste shall mean garbage, refuse, litter, rubbish or any other waste resulting from industrial, commercial, agricultural or residential activities not disposable by means of a sewage system operated in accordance with state regulations.

Weeds and rank vegetation shall mean dense uncultivated growth within a portion of the unincorporated area of York County which is developed for residential, commercial or industrial purposes, which creates a nuisance due to unsightliness, herbaceous growth, which serves as a breeding ground for mosquitoes, which serves as a habitat for vermin, infestation, which constitutes a fire or traffic hazard, or which in any way adversely affects the health, safety, sanitation and welfare of the public.

(Ord. No. 03-03, § 1(19-16.1), 2-10-03)

Sec. 2. - Dumping, discarding, etc. litter, garbage, solid waste, etc. prohibited.

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

- A. *Improper disposal prohibited.* It shall be unlawful for any person to dump, throw, drop, discard, deposit or otherwise dispose of litter, garbage, rubbish, solid waste or trash on any public street, road, alley or other public place in Fort Mill or upon the property of another person, corporation or agency except in containers or areas lawfully provided therefore.
- B. *Property to be kept clean.* It shall be unlawful for any owner, agent, occupant or lessee of property within the Town of Fort Mill to:
 - (1) Deposit litter, garbage, rubbish, solid waste, junk or trash in any receptacle except a covered container, or other authorized disposal site.
 - (2) Place litter, garbage, rubbish, solid waste, trash or any similar material in or upon any place in such manner that transmission of infected material to human beings may result therefrom;
 - (3) Place outside of any building any discarded bulky waste, including discarded appliances, furniture, mattresses, tires, machinery, equipment or accumulation of litter, garbage, rubbish, solid waste, junk or bulk except at approved disposal sites, or accordance with the town's sanitation policy.
 - (4) Sweep, push, dump, deposit or place litter, garbage, rubbish, solid waste, bulk, or trash onto public right-of-ways in such location as to obstruct the vision or endanger the safety of the public.
 - (5) Maintain or allow the existence of an abandoned swimming pool, water garden or ornamental pond which, because of its condition, decay or other cause shall be unsafe or defective, or which may become a breeding ground for or infested with vermin, mosquitoes, insects, noxious diseases or present physical dangers to the safety and well being of the public.
 - (6) Store, park or keep abandoned, junk or inoperable vehicles which, because of their condition or maintenance constitutes a nuisance, or which may become a breeding ground for or infested with vermin, mosquitoes, insects, noxious diseases or present physical dangers to the safety and well being of the public. Vehicles stored, parked, or kept in completely enclosed buildings or in a structure attached to a completely enclosed building shall be exempt from this provision.
- C. *Responsibility to keep property clean.* It shall be the responsibility of every owner, agent, occupant or lessee of property within the Town of Fort Mill to maintain property under the control of such person in compliance with the requirements of this section. It shall be unlawful for the owner of such property to fail to remove from or to keep such property free of litter, garbage, rubbish, solid waste, trash and bulk.
- D. *Exemptions.* The provisions of this section shall not be construed to limit the temporary placement of construction material on a properly permitted site under active construction so long as such construction materials are properly placed so as to control loose debris, paper, building material waste, scrap building material, and other litter, garbage, rubbish, trash, solid waste or bulk. Such construction material shall be contained at the end of each work day and the site shall be kept in a reasonably clean and litter-free condition. The person or persons responsible for such

construction shall provide appropriate receptacles or containers for construction waste and any construction materials, debris, litter, garbage, rubbish, solid waste or similar materials deposited upon public property or adjoining private property as the result of the construction or demolition of buildings shall be removed immediately by the person or persons having control over such construction or demolition. Construction sites shall be kept orderly at all times.

(Ord. No. 03-03, § 1(19-16.2), 2-10-03)

Sec. 3. - Control of rank vegetation and overgrown property.

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

D. *Unimproved property.* It shall be unlawful for the owner, agent or occupant of any vacant unimproved property in developed residential, commercial or industrial unincorporated areas of York County which abut developed property or public streets on at least two sides to:

- (1) Permit or allow weeds, noxious growth, brush, or similar vegetation to grow to a height of two feet or more except for natural or agricultural uses.
- (2) Permit such growth to a height, which constitutes a hazard, real or potential, for the harborage of vermin or insects.
- (3) Permit the accumulations of litter, garbage, rubbish, and/or solid waste, which constitutes a hazard, real or potential.
- (4) Permit other unsightly or injurious conditions to such an extent as to create a nuisance or potential health hazard for adjoining property or the general public.

(Ord. No. 03-03, § 1(19-6.3), 2-10-03)

Sec. 4. - Burning near residences, etc. prohibited.

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

(Ord. No. 03-03, § 1(19-6.4), 2-10-03)

Sec. 5. - Repairing, closing or demolishing unfit dwellings; unlawful to maintain, use or occupy dangerous structure or nuisance, etc.

A. The governing body of the Town of Fort Mill finds that there exist in the county dwellings which are unfit for human habitation due to (a) dilapidation, (b) defects increasing the hazards of fire, accidents or other calamities, (c) lack of ventilation, light or sanitary facilities or (d) other conditions rendering such dwellings unsafe or unsanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the county.

B. It shall be unlawful for any owner, agent or occupant to maintain, use or occupy any building, structure, manufactured housing unit, modular home, mobile home; abandoned swimming pool, water garden or ornamental pond, which is dangerous to life or limb, is likely to cause a fire, or which, because of its condition, use or maintenance constitutes a nuisance or which, because of the condition of the walls, overloaded floors, defective construction, decay or other cause shall be unsafe or defective, or which may become a breeding ground for or infested with vermin, mosquitoes, insects, noxious diseases or present physical dangers to the safety and well being of the public.

(Ord. No. 03-03, § 1(19-6.5), 2-10-03)

Sec. 6. - Provisions relating to unfit dwellings.

- (1) A public officer shall be designated or appointed to exercise the powers prescribed by this code.
- (2) Whenever a petition is filed with the public officer by a resident of the Town of Fort Mill charging that any dwelling is unfit for human habitation or whenever it appears to the public officer (on his own motion) that any dwelling is unfit for human habitation, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and all parties in interest in such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer or his designated agent at a place therein fixed not less than ten days nor more than 30 days after the serving of such complaint. The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person or

otherwise and give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

- (3) If, after such notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:
 - (a) If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, such reasonable cost being less than 50 percent of the value of the dwelling, requiring the owner, within the time specified in the order, to repair, alter or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or
 - (b) If the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish such dwelling.
- (4) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the public officer may cause such dwelling to be repaired, altered or improved or to be vacated and closed. The public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful".
- (5) If the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished.
- (6) The amount of the cost of such repairs, alterations or improvements, vacating and closing or removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred and shall be collectible in the same manner as municipal taxes.
- (7) If the county or the public officer in demolishing unfit dwellings as permitted by this article contracts with a third party not employed by the county to do the work, it shall bid the work in conformity with the Procurement Code applicable to the Town.

(Ord. No. 03-03, § 1(19-6.6), 2-10-03)

Sec. 7. - Power of town to declare nuisances not impaired.

Nothing in section 6 shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Ord. No. 03-03, § 1(19-6.7), 2-10-03)

Sec. 8. - Standards for determining fitness of dwelling for human habitation.

A public officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents in the town. Such conditions may include the following (without limiting the generality of the foregoing): Defects therein increasing the hazards of fire, accidents or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness.

(Ord. No. 03-03, § 1(19-6.8), 2-10-03)

Sec. 9. - Service of complaints or orders; posting and filing copies.

Complaints or orders issued by a public officer pursuant to this Code shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence and the public officer shall make an affidavit to that effect, then the serving of such complaint or order on such persons may be made by publishing it once each week for two consecutive weeks in a newspaper printed and published in the county.

A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the clerk of court of the county in which the dwelling is located and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(Ord. No. 03-03, § 1(19-6.9), 2-10-03)

Sec. 10. - Rights of persons affected by orders.

Any person affected by an order issued by a public officer may within sixty days after the posting and service of the order petition the circuit court for an injunction restraining the public officer from carrying out the provisions of the order and 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 on such petitions within twenty 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 public officer.

(Ord. No. 03-03, § 1(19-6.10), 2-10-03)

Sec. 11. - Provisions in ordinances with respect to powers of public officer.

A public officer under this code may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers in addition to others herein granted:

- (1) To investigate the dwelling conditions in the town in order to determine which dwellings therein are unfit for human habitation;
- (2) To administer oaths and affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of the ordinances; and
- (5) To delegate any of his functions and powers under the ordinances to such officers and agents as he may designate.

(Ord. No. 03-03, § 1(19-6.11), 2-10-03)

Sec. 12. - Sale of materials of removed or demolished dwelling.

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

(Ord. No. 03-03, § 1(19-6.12), 2-10-03)

Sec. 13. - Article provisions are cumulative.

Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the town to enforce any provisions of its ordinances or regulations, or to prevent or punish violations thereof and the powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law.

(Ord. No. 03-03, § 1(19-6.13), 2-10-03)

Sec. 14. - Administration and enforcement.

The duly authorized code enforcement officer(s) within the Town of Fort Mill shall be responsible for the enforcement of this ordinance.

(Ord. No. 03-03, § 1(19-6.14), 2-10-03)

Sec. 15. - Entry on private property for enforcement, removal or abatement authorized.

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 thereon. It shall be unlawful for any person to interfere with, hinder or refuse to allow any properly identified enforcement official to enter upon private property for the purpose of enforcing the provisions of this ordinance or removing, investigating or abating violations thereof.

- A. *Notice of violation.* Whenever the enforcement official shall find that there is a violation of the provisions of this section, he shall serve notice to the owner and occupant of the premises to comply with the provisions of this section. It shall be sufficient notification if such 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 used for such property for tax purposes.
- B. *Failure to comply with notice.* If the person to whom the notice of violation is directed fails or neglects to comply with the provisions of this section within 15 days after such notice has been received, or within 20 days after a copy of such notice has been deposited in the United States mail, properly stamped, certified and addressed to the address used for tax purposes, whichever period is shorter, such person shall be deemed in violation of this section and subject to the penalties set forth herein.
- C. *Property subject to abatement of conditions.* 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 section to abate the unlawful condition. 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 section to permit the conditions set forth in this section to exist or continue after notice thereof.

(Ord. No. 03-03, § 1(19-6.15), 2-10-03)

Sec. 16. - Enforcement, injunction, mandamus and abatement.

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 set forth in the notice provided herein, the enforcement official may:

- (a) Enter an administrative order directing compliance with the provisions of this section and the zoning, subdivision, health and sanitation, International Building, Gas, Mechanical and Plumbing Codes, the National Electrical Code, and other provisions of this code, department of health and environmental control statutes, laws and regulations, erosion and sediment control provisions of this code and other applicable statutes, laws and ordinances;
- (b) Board up such premises in order to make the same inaccessible for habitation;
- (c) 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; and
- (d) If a violation of this ordinance is not corrected within the time period provided in the notice of violation, 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, and 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 affected property and shall be collected in the same manner as county taxes are collected.

- (e) 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.

(Ord. No. 03-03, § 1(19-6.16), 2-10-03)

Sec. 17. - Penalties.

Violation of any section or provision of this ordinance shall constitute a misdemeanor, which shall be punishable by a fine of not more than \$425.00, or imprisonment for not more than 30 days. The court may, in addition to the fine imposed under the provisions of this article, order restitution to the county for costs incurred in abating violating conditions. The court may, in its discretion, impose litter-gathering labor or other similar public services as the court may order under the supervision of the court. Each day that any violation of the provisions of this article shall exist or continue after notice thereof shall constitute a separate offense.

(Ord. No. 03-03, § 1(19-6.17), 2-10-03)