

TITLE XV: LAND USAGE

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CHAPTER 150: MUNICIPAL PLANNING COMMISSION

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§ 150.01 ESTABLISHED.

There is hereby established a Planning Commission for the Town of Blythewood, which shall have the powers and duties as provided in S.C. Code Title 6, Chapter 29, §§ 6-29-310, *et seq.*

(Ord. 5.246, passed 4-27-1998; Am. Ord. 5.253, passed 9-28-1998; Am. Ord. 5.253-A, passed 2-24-2003; Am. Ord. 5.253-B, passed 7-28-2003; Am. Ord. 5.253-C, passed 5-24-2004; Am. Ord. 5.253-D, passed 5-24-2004)

§ 150.02 COMPOSITION.

(A) The Planning Commission shall consist of 7 members appointed by Town Council for terms of 3 years, staggered so that 1/3 of the members shall have terms expiring in September of each year.

(B) Open solicitation of Commission members shall begin no less than 30 days prior to the Town Council meeting during which an appointment, or appointments, are to be made.

(C) Appointments to the Commission shall be made at the June Council meeting for terms beginning in September unless a vacancy occurs prior to that date.

(D) A vacancy may be filled at any Council meeting providing that open solicitation began no less than 30 days prior to the Council meeting during which an appointment, or appointments, are to be made.

(E) Each appointee to a vacated term will begin to serve upon appointment and continue until the end of the term filled.

(Ord. 5.201, passed 10-30-1979; Am. Ord. 5.203, passed 5-25-1982; Am. Ord. 5.246, passed 4-27-1998; Am. Ord. 5.253, passed 9-28-1998; Am. Ord. 5.253-A, passed 2-24-2003; Am. Ord. 5.253-B, passed 7-28-2003; Am. Ord. 5.253-C, passed 5-24-2004; Am. Ord. 5.253-D, passed 5-24-2004)

§ 150.03 QUALIFICATION FOR COMMISSION APPOINTMENT.

(A) All candidates for appointment to the Commission shall be electors that reside in the Town of Blythewood.

(B) No member of the Planning Commission shall be the holder of an elected public office in the Town of Blythewood.

(C) In the appointment of Planning Commission members, Town Council shall consider their professional expertise, knowledge of the community and concern for the future welfare of the total community and its citizens.

(D) Members shall represent a broad cross section of the interests and concerns within the town.

(E) When the Town Council finds, in their opinion, that a candidate(s) does not meet the qualifications stated above, the Town Council can elect not to appoint a representative to an open position, however, no more than 2 positions shall remain vacant.

(Ord. 5.253-B, passed 7-28-2003; Am. Ord. 5.253-C, passed 5-24-2004; Am. Ord. 5.253-D, passed 5-24-2004)

§ 150.04 ORGANIZATION, MEETINGS, RULES, STAFF AND FINANCES.

(A) The Planning Commission shall elect a Chairperson and Vice-Chairperson from among its members. The term of the Chairperson and other officers shall be 1 year with eligibility for re-election. It shall appoint a secretary who may be an officer or an employee of the governing authority or of the Planning Commission.

(B) The Planning Commission shall adopt rules for the transaction of business and shall keep a record of its recommendations, transactions, findings and determinations; and shall meet at the call of the Chairperson and at times as the Chairperson or Commission may determine.

(C) All meetings of the Planning Commission at which official action is taken shall be open to the public and all records of the Commission shall be a public record.

(D) The Commission may appoint employees and staff as it may deem necessary for its work and may make expenditures for salaries of any employees and staff, contracts with consultants and for the purchase of required equipment and supplies.

(E) The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Town Council.

(Ord. 5.201, passed 10-30-1979)

§ 150.05 GENERAL POWERS AND DUTIES.

(A) From and after the time when the Planning Commission shall have organized and selected its officers and shall have adopted its rules of procedure, then the Commission shall have all the powers, duties and responsibilities set forth in S.C. Code §§ 6-29-340 to 6-29-380, as amended.

(B) In general, the Planning Commission shall have the power to:

(1) Prepare and revise periodically a comprehensive plan and program for the development of its jurisdiction;

(2) Prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plan and program:

(a) Zoning ordinances or resolutions, and maps and appropriate revisions thereof for its jurisdiction;

(b) Regulations for the subdivision of land and appropriate revisions thereof within its jurisdiction, and to administer the regulations that may be adopted;

(c) An official map and appropriate revision thereof showing the exact location of existing or proposed public street, highway and utility rights-of-way and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites or open spaces within its political jurisdiction or a specified portion thereof; and

(d) A capital program for its jurisdiction based on the comprehensive plan and the capital improvements necessary to implement the plan. A capital program shall include an annual capital budget

based on estimates of the cost of proposed projects and the means of financing them. The Commission shall submit the capital program, including the capital budget, to the governing authority or authorities as directed.

(3) Establishing principles and policies for guiding action in the development of the area;

(4) Preparing and recommending to the Town Council for adoption of ordinances promoting orderly development in accordance with the comprehensive plan, other than those previously mentioned;

(5) Determining whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area;

(6) Reviewing and recommending to the Town Council any needed changes in the Zoning Chapter and the map of the Town of Blythewood, as well as the Subdivision Regulations, official maps, and other codes, ordinances, and controls related to the municipality's development; and

(7) Keeping the Town Council and the general public informed and advised as to these matters.

(Ord. 5.201, passed 10-30-1979)

§ 150.06 COMPENSATION.

(A) Members of the Planning Commission shall serve without compensation.

(B) Reimbursement for actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds pursuant to reimbursement policies and procedures for employees of the Town of Blythewood.

(Ord. 5.246, passed 4-27-1998; Am. Ord. 5.253, passed 9-28-1998; Am. Ord. 5.253-A, passed 2-24-2003; Am. Ord. 5.253-B, passed 7-28-2003; Am. Ord. 5.253-C, passed 5-24-2004; Am. Ord. 5.253-D, passed 5-24-2004)

§ 150.07 REMOVAL OF MEMBERS.

(A) Members of the Planning Commission may be removed at any time by the Town Council for cause.

(B) The existence of cause may be discussed by the Council in executive session as permitted by the Freedom of Information Act, S.C. Code § 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position with a statement of cause.

(C) Any fact which, in the discretion of Council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.

(Ord. 5.246, passed 4-27-1998; Am. Ord. 5.253, passed 9-28-1998; Am. Ord. 5.253-A, passed 2-24-2003; Am. Ord. 5.253-B, passed 7-28-2003; Am. Ord. 5.253-C, passed 5-24-2004; Am. Ord. 5.253-D, passed 5-24-2004)

§ 150.08 ORGANIZATION AND RULES OF PROCEDURE.

(A) The Planning Commission shall organize and adopt rules of procedure as required by S.C. Code § 6-29-360.

(B) The Commission shall elect a Chairperson and Vice-Chairperson at the September meeting of the Commission following the installation of the incoming Commission members.

(C) A Commissioner shall not serve more than 2 consecutive terms as Chairperson, but may serve additional terms with a minimum of 1-year separation between each 2 consecutive terms.

(Ord. 5.246, passed 4-27-1998; Am. Ord. 5.253, passed 9-28-1998; Am. Ord. 5.253-A, passed 2-24-2003; Am. Ord. 5.253-B, passed 7-28-2003; Am. Ord. 5.253-C, passed 5-24-2004; Am. Ord. 5.253-D, passed 5-24-2004)

CHAPTER 151: ESTABLISHMENT OF VESTED RIGHTS TO DEVELOP PROPERTY

Section

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151.02 Definitions

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§ 151.01 SCOPE AND TITLE.

All applicable ordinances, municipal code sections, and regulations relating to zoning, planning and land development within the municipality are subject to this chapter, which shall be known as the Vested Rights to Develop Property Chapter.

(Ord. 5.289, passed 6-27-2005)

§ 151.02 DEFINITIONS.

(A) Except as hereinafter set forth, the words, terms and phrases when used in this chapter shall have the meaning as set forth in S.C. Code § 6-29-1520, as enacted by Act 287 of 2004.

(B) ***SITE SPECIFIC DEVELOPMENT PLAN.*** In addition and as a supplement to the definition set forth in S.C. Code § 6-29-1520, as enacted by Act 287 of 2004, is further defined to mean those documents that comprise a complete application for a zoning permit, certificate of zoning compliance, variance, special exception, planned unit development, sketch plat or sketch plan, or other similar approval that authorizes the landowner to proceed with investment in grading, installation of utilities, streets, and other infrastructure, and to undertake other significant expenditures necessary to prepare for application for a building permit.

(Ord. 5.289, passed 6-27-2005)

§ 151.03 ESTABLISHMENT AND CONDITIONS OF VESTED RIGHTS.

(A) A vested right to develop property in accord with a site specific development plan is triggered upon the final approval of the site specific development plan by the final official or body of the municipality authorized to approve a site specific development plan and the payment to the municipality of all applicable established fees.

(B) Except as hereinafter set forth, a vested right established by this chapter is subject to the conditions and limitations as set out in S.C. Code §§ 6-29-1540 and 6-29-1550, as enacted by Act 287 of 2004.

(C) A vested right for an approved site specific development plan expires 2 years after the date of final approval by the final official or body authorized to approve a site specific development plan.

(D) No vested rights are established for phased development plans, including approved or conditionally approved phased development plans and including phased development plans applicable to property proposed for annexation. An approved or conditionally approved site specific development plan is required prior to approval with respect to each phase of a phased development plan.

(E) A vested site specific development plan may be amended if the amendment conforms to, or does not cause greater nonconformity with, the then current provisions of the municipal zoning, planning and land development ordinances, municipal code sections or regulations. Approval or conditional approval of an amendment does not reset or re-start the expiration period of a vested right.

(F) No sooner than 3 months, and no later than 45 days prior to the expiration of the 2 year vested right period for an approved site specific development plan, the landowner of property with a vested right in a site specific development plan may apply to the authorized official or body for an annual extension of the vested right. The authorized official or body must approve an application for an annual extension of the vested right unless an amendment to the land development ordinances or regulations has been adopted that prohibits approval. No more than 5 annual extensions of the vested right may be approved.

(Ord. 5.289, passed 6-27-2005)

CHAPTER 152: UNIFORM SYSTEM FOR NUMBERING PROPERTY

Section

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§ 152.01 UNIFORM NUMBERING SYSTEM.

A uniform system of numbering properties and principal buildings, as shown on the map atlas identified

by the title street numbering plan of the Town of Blythewood, South Carolina, which is filed in the office of the Clerk-Treasurer, is hereby adopted for the use in the Town of Blythewood, South Carolina. This map atlas and all explanatory matter thereon is hereby adopted and made a part of this chapter.

(Ord. 5.205, passed 8-27-1982)

§ 152.02 ASSIGNMENT OF NUMBERS.

(A) All properties or parcels of land within the corporate limits of Blythewood, South Carolina shall hereafter be identified by reference to the uniform numbering system adopted herein, provided; all existing numbers of property and buildings not now in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within 30 days from the date of passage of this chapter.

(B) Where any building has more than 1 entrance serving separate occupants, a separate number shall be assigned to each entrance serving an occupant.

(C) The building shall be assigned the number of the 25-foot interval in which the main entrance of the building falls. In measuring the 25-foot intervals of street frontage, if the main entrance of the building falls exactly upon the line which divides a 25-foot interval from the next higher interval, either the number of the lower interval or the number of the next higher interval will be assigned to that entrance.

(D) A multiple family dwelling having only 1 main entrance shall be assigned only 1 number, and separate apartments in the building will carry a letter designation such as A, B, C in addition to the number assigned to the main entrance of the building.

(E) The duplex houses having 2 front entrances shall have a separate number for each entrance. In the event that both entrances fall within the same increment, either the preceding number or next highest number shall be used for 1 entrance number, and the interval number in which the entrance falls shall be used for the other entrance.

(Ord. 5.205, passed 8-27-1982) Penalty, see § 152.99

§ 152.03 PLACEMENT OF NUMBERS.

Within 90 calendar days of the adoption of this chapter by the Blythewood Town Council, the owner, occupant or agent shall place, cause to be placed upon each dwelling unit or building controlled by the person the number or numbers assigned under the uniform system as provided by the chapter.

(A) The numbers shall be placed on existing buildings within 90 days after the effective date of this chapter, and within 20 days after the assigning of the proper number in the case of numbers assigned after the effective date of this chapter. The Town of Blythewood will furnish the numbers initially. The numbers used shall be 3 inches in height and shall be made of a durable and clearly visible material.

(B) The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street line. Whenever any building is situated more than 50 feet from the street line, the street numbers shall be placed near the walk, driveway or common entrance to the building and upon a gate post, fence, tree, post or other appropriate place so as to be easily discernible from the sidewalk.

(C) Whenever any house, building or structure shall be erected or located in the Town of Blythewood after the establishment of the uniform system of house and building numbering, in order to preserve the continuity and uniformity of numbers of the houses, buildings, and structures, it shall be the duty of the owner to procure the correct number or numbers as designated from the Town Clerk-Treasurer for the property and to immediately fasten the number or numbers so assigned upon the building as provided by this chapter. No building permit shall be issued for any house, building or structure until the owner has procured from the Clerk-Treasurer the official number of the premises. Final approval of any structure erected, repaired, altered or modified after the effective date of this chapter shall be withheld by the building inspector until permanent and proper numbers have been affixed to the structure.

(D) Where houses or businesses in Blythewood have a street-side mailbox, the owner of each house or business shall be responsible for fastening to each mailbox in glue-on or other clearly visible form, the new number of the structure assigned through the Blythewood renumbering chapter.

(E) It shall be the duty of the Clerk-Treasurer to inform any party applying therefor, of the number or numbers belonging to or embraced within the limits of any lot or property as provided in this chapter. In case of conflict as to the proper number to be assigned to any building, the Clerk-Treasurer shall determine the number of the building.

(Ord. 5.205, passed 8-27-1982) Penalty, see § 152.99

§ 152.99 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

CHAPTER 153: LAND DEVELOPMENT

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GENERAL PROVISIONS

§ 153.001 PURPOSE.

(A) The public health, safety, economy, good order, appearance, convenience, morals and general welfare require the harmonious, orderly and progressive development of land within the Town of Blythewood.

(B) In furtherance of this general intent, the regulation of land development by the Town of Blythewood is adopted for the following purposes, among others:

(1) To encourage the development of an economically sound and stable community;

(2) To assure the timely provision of required streets, utilities, other facilities and services to new land developments;

(3) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;

(4) To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation and other public purposes; and

(5) To assure, in general, the wise and timely development of new areas or redevelopment of areas in harmony with the adopted Town of Blythewood comprehensive plan.

(Ord. 5.209, passed 4-26-1999)

§ 153.002 SHORT TITLE.

This chapter shall be known as and may be cited as the Town of Blythewood Land Development Regulations.

(Ord. 5.209, passed 4-26-1999)

§ 153.003 AUTHORITY.

These regulations are adopted under authority granted by the General Assembly of South Carolina, pursuant to authority conferred by the 1994 South Carolina Local Government Comprehensive Planning Enabling Act, S.C. Code §§ 6-29-310 through 6-29-1200.

(Ord. 5.209, passed 4-26-1999)

§ 153.004 JURISDICTION.

These land development regulations shall apply to all development of land within the incorporated area of the Town of Blythewood.

(Ord. 5.209, passed 4-26-1999)

§ 153.005 TYPES OF DEVELOPMENT.

For the purpose of proper regulation, developments have been divided into types and separate regulations developed for each type.

- (A) Traditional subdivisions;
- (B) Group developments;
- (C) Planned developments; and
- (D) Conservation subdivisions.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003)

DEFINITIONS

§ 153.020 USAGE.

(A) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word **HEREIN** means in these regulations; the word **REGULATIONS** means these regulations.

(B) Words used in the singular number include the plural and words used in the plural include the singular.

(C) A **PERSON** includes a corporation, a partnership, and an incorporated association of persons such as a club; **SHALL** is always mandatory; **MAY** is discretionary; a **BUILDING** includes a structure; a **BUILDING** or **STRUCTURE** includes any part thereof; **USED** or **OCCUPIED** as applied to any land or building shall be construed to include the words **INTENDED**, **ARRANGED**, or **DESIGNED TO BE USED** or **OCCUPIED**.

(Ord. 5.209, passed 4-26-1999)

§ 153.021 WORDS AND TERMS DEFINED.

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

APPLICANT. The owner of land proposed to be developed or his or her representative.

APPLICATION FOR EXEMPTION. An application to be made with the Planning Official on which basis a finding of applicability of these regulations is to be made. See the definition of subdivision for standards of applicability.

BLOCK. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities or counties.

BOND. Any form of security including a cash deposit, surety bond, collateral or property in an amount and form satisfactory to the Town Council. All **BONDS** shall be approved by the Town Council wherever a **BOND** is required by these regulations. A **BOND** can be a performance bond or surety bond. The amount must equal at least 125% of the cost of the required improvements as prepared and attested by a registered engineer.

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and includes any structure.

BUILDING LINE. A line beyond which no foundation wall or part of the structure of any building shall project, with the exception of roof overhang and the subsurface projection of footings.

CENTRAL SEWERAGE SYSTEM. A community sewer system, including collection and treatment facilities, not owned and operated by a public agency serving a new subdivision in an outlying area.

CENTRAL WATER SYSTEM. A private water company not owned and operated by a public agency, serving new community development in an outlying area. It includes water treatment and distribution facilities.

CONSTRUCTION PLAN. The maps or drawings accompanying a subdivision plat or plan and showing specific location and design of improvements to be installed in the subdivision in accordance with the requirements of this chapter as a condition of the approval of the plat or plan.

CROSSWALK. A right-of-way within a block dedicated to public use, intended primarily for pedestrian use designed to provide access to adjacent roads.

DEVELOPER. The owner or owners (or their representative) of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in the land.

EASEMENT. A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

EXTRAORDINARY DEVELOPMENTS. Any artificial impoundment, such as a lake, created through the use of dams or other means.

FINAL PLAT OR PLAN. The final map of all or a portion of a subdivision that is presented for final approval.

FLAG LOT. A lot with a narrow strip of street frontage extending back to the buildable portion of the lot.

FRONTAGE. The side of a lot abutting on a street or way ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

GRADE. The slope of a road, street or other public way, specified in percentage terms from the horizontal.

GROUP DEVELOPMENT. Development of a tract of land meeting 1 or more of the following criteria:

(1) **COMMERCIAL or INDUSTRIAL.** Consists of a single lot containing 1 or more buildings to be used for commercial or industrial purposes which individually or collectively contain a gross floor area of 25,000 square feet or more.

(2) **HOUSING.** Consists of 2 or more separate dwellings or 3 or more dwelling units located on a single lot. Group housing developments include triplexes, quadruplexes, townhouses, apartments, and other similar structures.

(3) **PUBLIC AND INSTITUTIONAL DEVELOPMENTS.** Such as schools, hospitals, nursing homes, retirement homes and similar types of land developments.

(4) Any single building containing more than 25,000 square feet of floor space.

HEALTH DEPARTMENT. The regional or central office of the South Carolina Department of Health and Environmental Control (SCDHEC).

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A septic tank, seepage tile sewage disposal system or any SCDHEC other approved sewage treatment device.

LAND DEVELOPMENT. A change in land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, public and institutional projects, apartment complexes, commercial parks, shopping centers, industrial parks, manufactured home parks or similar developments for sale, lease or any combination of owner and rental characteristics.

LOT. The basic development unit; an area with fixed boundaries, used or intended to be used by 1 building and its accessory building(s) and not divided by any public highway or alley.

LOT AREA. The total area of the lot including easements.

LOT, CORNER. A lot situated at the intersection of 2 streets. (The interior angle of the intersection not exceeding 135 degrees.)

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

LOT, DOUBLE FRONTAGE. A lot having frontage and access of 2 or more public streets. A corner lot shall not be considered having double frontage unless it has frontage and access on 3 or more streets.

LOT IMPROVEMENT. Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of the betterment.

LOT, INTERIOR. A lot other than a corner lot.

LOT, REVERSED FRONTAGE. A lot having frontage on 2 or more public streets, the access of which is restricted to 1 street.

LOT WIDTH. The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear line of the required front yard (building line), especially on irregularly shaped lots.

OFF-SITE. Any premises not located within the area of the property to be subdivided and/or developed whether or not in the same ownership of the applicant for subdivision and/or development approval.

ORDINANCE. Any legislative action, however denominated, of a local government, which has the force of law, including any amendment or repeal of any ordinance.

OWNER. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed under these regulations.

PARKING, OFF-STREET. An area adequate for parking an automobile 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 be on any public street and so that an automobile may be parked or moved therein without moving any other automobiles.

PLANNING COMMISSION. The Town of Blythewood Planning Commission.

PLANNING OFFICIAL. The staff person or their authorized representative responsible for the preparation and administration of the comprehensive plan, plan implementation ordinances, review and approval of permits required by the zoning ordinances, land development regulations, and provides staff directions and assistance to the Planning Commission, Zoning Board of Appeals and Board of Architectural Review.

PLANNED DEVELOPMENT. A zoning district in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment. More flexible standards, such as lot sizes and setbacks, may be exercised in a Planned Development Zoning District than those restrictions that would normally apply under regular zoning districts.

PRELIMINARY PLAT OR PLAN. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

PUBLIC IMPROVEMENT. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

REGISTERED ENGINEER. An engineer properly licensed and registered in the State of South Carolina.

REGISTERED LAND SURVEYOR. A land surveyor properly licensed and registered in the State of South Carolina.

RESERVE STRIP. A strip of land adjacent to a public street or similar right-of-way which has been reserved for the purpose of controlling access to the public way.

RESUBDIVISION. A change in a map of any approved or recorded subdivision plat if the change affects any street layout on the map or area reserved there for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term **RIGHT-OF-WAY** for land platting purposes shall mean that every **RIGHT-OF-WAY** hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining the **RIGHT-OF-WAY** and not included within the dimensions or areas of the lots or parcels. **RIGHTS-OF-WAY** intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which the **RIGHT-OF-WAY** is established.

SALE or LEASE. Any immediate or future transfer of ownership, on any possessor interest in land, including contract of sale, lease, devise, intestate succession or other written instrument.

SETBACK. The required distance between a structure and the lot lines on the lot in which it is located. Lot lines can be the property lines or the edge of a street right-of-way.

SCREENING. Any of the types of landscaping consisting of planted vegetation, walls, fences, earthen berms and any appropriate combinations of these elements as defined and required under the landscaping provisions of the Blythewood Zoning Chapter.

SKETCH PLAN or SITE PLAN. A generalized map prepared by the developer that shows the development concept. Its purpose is to serve as a basis for discussion without either the Planning Commission or the developer making commitments. This phase of the subdivision process precedes the preparation of the preliminary plat or plan (or final plat in the case of minor subdivisions).

STREETS. Relates to, and includes the entire right-of-way of streets, avenues, boulevards, roads, highway, freeways, lanes, alleys, courts, thoroughfares, collectors, minor streets, culs-de-sac and other ways.

STREET CLASSIFICATIONS. Streets may be classified as follows:

ALLEY. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

COLLECTOR. Those streets shown on the major street plan of Blythewood as existing or proposed collector streets.

MAJOR ARTERIAL. Those streets shown on the major street plan of Blythewood as existing or proposed major arterial.

MINOR ARTERIAL. Those streets shown on the major street plan of Blythewood as existing or proposed minor arterial.

MINOR STREETS. All streets inside the Town of Blythewood not identified on the major street plan as interstate, major arterial, minor arterial or collector streets.

PRIVATE STREETS. Shall not be permitted in the Town of Blythewood for the purpose of subdivision. Exception: Streets existing prior to the adoption of this provision shall be grandfathered and shall continue to be maintained by their owners and not by the Town of Blythewood. Planned developments may include **PRIVATE STREETS**, provided a procedure or covenant is in place to cover all future costs involved in maintenance or replacement costs of any **PRIVATE STREET**, and the plan is approved by the

Planning Commission. The Town of Blythewood shall accept no responsibility for any upkeep or replacement of **PRIVATE STREETS**.

STREET PERIMETER. Any existing street to which the parcel of land to be subdivided abuts 1 side.

SUBDIVIDER. Any person who:

- (1) Having an interest in land, causes it, directly or indirectly to be divided into a subdivision;
- (2) Directly or indirectly, sells, leases, or develops or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit or plat in a subdivision;
- (3) Engages directly or through an agent, in the business of selling, leasing developing, or offering for sale, lease, or development, a subdivision or any interest, lot, parcel site, unit or plat in a subdivision; and
- (4) Is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

SUBDIVISION.

(1) The division of a tract or parcel of land into 2 or more lots, building sites, or other divisions. The land is divided for sale, lease or building development, whether immediately or in the future. The definition includes all land divisions involving a new street or change in existing streets. It includes re-subdivisions involving the further division or relocation of lot lines of any lot or lots within a previously approved or recorded subdivision. The definition covers the alteration of any streets or the establishment of any new streets within any previously approved or recorded subdivision as well as combinations of lots of record.

(2) The following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions.

(a) Combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the regulation standards.

(b) Dividing land into parcels of 5 acres or more where no new street is involved. The Planning Commission must receive plats of these exceptions as information and indicate that fact on the plats.

(c) Dividing land into no more than 4 parcels with existing street perimeters to all parcels for the purpose of selling or otherwise transferring ownership where the subdivider provides no site development in association with the sale or transfer of ownership. The Planning Commission must receive plats of these exceptions as information and indicate that fact on the plats.

(d) Combining or recombining entire lots of record where no new street or change in existing streets is involved.

SUBDIVISION TYPES.

(1) **CONSERVATION SUBDIVISION.** A residential development where 50% or more of the developable land area is designated as undivided, permanent open space; thereby permanently protecting agriculturally, environmentally, or historically significant areas within the parcel. The remaining developable land is subdivided into buildable lots.

(2) **NONRESIDENTIAL SUBDIVISION.** A subdivision whose intended use is other than residential, such as commercial or industrial. This subdivision shall comply with the applicable provisions of

these regulations.

(3) **TRADITIONAL SUBDIVISION.**

(a) All divisions of a tract or parcel of land into 2 or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate, to the process of subdivision or to the land or area subdivided.

(b) The following exceptions are included within this definition only for the purpose of requiring that an application for exemption be filed with the Administrative Planning Official: all exceptions stated in the definition of subdivision.

USE. The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

UTILITIES. Consist of any or all utility services to a subdivision or other land development including, but not limited to, water, electricity, telephone, cable television, gas, sanitary sewerage and storm sewers, whether these utilities are supplied by a private individual or company, or a governmental entity.

ZONING CHAPTER. The Zoning Chapter, Chapter 155, of the Town of Blythewood, South Carolina.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-A, passed 1-27-2003; Am. Ord. 5.209-B, passed 11-24-2003)

PROCEDURE FOR PLAT APPROVAL

§ 153.035 GENERAL PROCEDURE.

(A) Whenever any subdivision of land is proposed, before any deed transfer is made of any part thereof, and before any permit for the erection of a structure in the proposed subdivision shall be granted, the subdividing owner, or his or her authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedure.

(B) They then must proceed through the following steps:

- (1) Review of sketch plan;
- (2) Review and approval of preliminary plat; and
- (3) Review and approval of final plat.

(C) Steps (B)(1) and (B)(2) shall be completed prior to making any street improvements and installing any utilities. Step (B)(3) shall be completed prior to transfer of title sale of any lots recording any portion of the plat of the proposed subdivision, or issuance of a building permit for construction of buildings, except as provided for model homes in these regulations. Provided, however, subdivisions fronting on existing publicly maintained roads where no new streets, drainage, utilities or other improvements are required, shall be accepted in final plat form and the sketch plans and preliminary plat are not required. These plats may be required to provide for dedication of additional street right-of-way if it is located on a street or road or

involves a new street or road shown on the major street plan.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-A, passed 1-27-2003; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.036 PROCEDURES.

The following procedures shall be followed in the submission, review and action upon all subdivision plats:

(A) *Traffic circulation and safety considerations.*

(1) In the review of plats, attention shall be given to the internal traffic circulation system and the impact on the existing streets and roads serving the property to be subdivided.

(2) This review can include requirements for interconnection with other streets and roads and adjoining undeveloped property, dedication of additional right-of-way on existing streets and roads to accommodate future widening projects; construction of acceleration and deceleration lanes on existing roads; construction of frontage roads; or other requirements to mitigate traffic congestion and promote traffic safety.

(B) *Sketch plan.*

(1) *Discussion of requirements.* Before preparing the sketch plan for a subdivision, the applicant should discuss with the Planning Official the procedure for approval of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and other similar matters, as well as the availability of existing services. The Planning Official shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve these aspects of the subdivision plat coming within their jurisdiction.

(2) *Application procedure and requirements.*

(a) Prior to subdividing land, an owner of the land, or his or her representative, shall file an application for approval of a sketch plan.

(b) The application shall:

1. Be made on forms available at the office of the Planning Official;
2. Include all contiguous holdings of the owner including land in the same ownership, as defined herein, with an indication of the portion that is proposed to be subdivided, accompanied by an affidavit of ownership; and
3. Be accompanied by a minimum of 4 copies of the sketch plan as described in these regulations and complying in all respects with these regulations.

(3) *Distribution of sketch plan.*

(a) The applicant shall distribute sketch plans for purposes of information and notification to the following agencies and departments, if and as directed by the Planning Officials:

1. South Carolina Department of Health and Environmental Control Bureau of Water for water, sanitary sewer and stormwater permitting;
2. Director of Winnsboro or Columbia Water Department, as appropriate;
3. Director of Palmetto Utilities or Columbia Sewer Department, as appropriate;
4. Town engineer's office;
5. Central Midlands COG - 208/201 Plan Conformance Certification; and
6. South Carolina Department of Transportation, as applicable.

(b) In addition, 1 copy shall be returned to the applicant showing any modification needed.

(4) *Approval of sketch plan.*

(a) After reviewing the sketch plan, the Planning Official will advise the applicant within 30 days after application that the sketch plan is approved, disapproved or approved with certain modifications. If approved, the approval shall constitute authorization to prepare and submit a preliminary plat. Approval does not authorize the developer to begin the proposed construction of improvements. If the Planning Official or the Planning Commission fails to act on the sketch plan within 30 days after application, the sketch plan shall be deemed approved and a certificate to that effect shall be issued by the Planning Commission upon demand; provided, however, that the subdivider may waive this requirement and consent in writing to extension of the period.

(b) The Planning Official shall report all sketch plan reviews and actions thereon to the next meeting of the Planning Commission. This information shall be included in the minutes of the Planning Commission.

(5) *Appeals of the decisions of the Planning Official.* If an applicant disagrees with the disapproval or approval with modifications of his or her sketch plan by the Planning Official, he or she may submit the sketch plan to the Planning Commission at its next regular meeting. The Planning Commission shall review the sketch plan at the meeting, at which it is presented, and act on the appeal with pertinent comments and recommendations noted in the minutes of the Planning Commission meeting.

(C) *Preliminary plat.*

(1) *Application procedure and requirements.*

(a) Based upon the approval of the sketch plan, the applicant should file with the Planning Official an application for approval of a preliminary plat.

(b) The application shall:

1. Be made on forms available at the office of the Planning Official to the Planning Commission together with a fee as may be established by Town Council;
2. Be accompanied by a minimum of 4 copies of the preliminary plat as described in these regulations;
3. Be accompanied by a minimum of 3 copies of construction plans as described in these regulations; and

4. Conform in all respects with the sketch plan as approved.

(2) *Approval of preliminary plat.*

(a) Upon determination by the Planning Official that the preliminary plat conforms with the approved sketch plan, the developer shall submit an appropriate number of copies of the preliminary plat and construction plans to the following agencies for review and approval:

1. South Carolina Department of Health and Environmental Control Bureau of Water for water, sanitary sewer and stormwater permitting;
2. Director of Winnsboro or Columbia Water Department, as appropriate;
3. Director of Palmetto Utilities or Columbia Sewer Department, as appropriate;
4. Town engineer's office;
5. Central Midlands COG - 208/201 Plan Conformance Certification; and
6. South Carolina Department of Transportation, as applicable.

(b) In addition, 1 copy shall be returned to the applicant following Planning Commission action showing needed modifications, if any.

(c) 1. These reviewing agencies shall report their findings to the applicant and Planning Commission within 30 days after receipt of preliminary plat.

2. Upon receipt of reports from these reviewing agencies, the Planning Commission shall give approval, approval with certain modifications or disapproval of the preliminary plat, but in each case their action shall be taken within 60 days after submission of the preliminary plat, otherwise, the plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however, that the applicant for Planning Commission's approval may waive this requirement and consent in writing to an extension of the period.

3. The grounds of disapproval of any preliminary plat shall be stated in the records of the Planning Commission.

(d) 1. It is expressly understood that the Planning Commission shall not act to override the requirements of other agencies or town departments.

2. It may, however, seek to bring agreement in case of conflicts between the various reviewing agencies, or a reviewing agency and the subdivider.

(e) Any plat submitted to the Planning Commission shall contain the name and address of a person to whom notice of hearing may be sent; and no plat shall be acted upon by the Planning Commission without affording a hearing thereon, notice of time and place of which shall be sent by certified mail to the address not less than 5 days before the date fixed therefore.

(f) 1. Any appeal shall be made to the Circuit Court of Appeals who shall at its discretion hear the appeal and make their decision known to the appellant and the Planning Commission.

2. Any appeal to Circuit Court of Appeals must be in writing and filed with the Circuit Court of Appeals within 30 days after the notice of the decision of the Planning Commission has been delivered to

the subdivider.

(g) 1. Approval of the preliminary plat shall be noted on the plat and certified by the Planning Official to the Planning Commission on authorization by the Planning Commission, with 1 copy returned to the developer.

2. Also noted shall be the date on which the Planning Commission granted approval and the date of written notification to the subdivider or his or her authorized agent.

3. Approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat.

4. Application for approval of the final (record) plat will be considered only after the requirements for final plat approval as specified herein have been fulfilled and after all other specified conditions have been met.

5. Upon approval of the preliminary subdivision plat by the Planning Commission, the subdivider may proceed with compliance of the other requirements of these regulations, construction of proposed improvements and the preparation of the final subdivision plat.

(3) *Effective period of preliminary approval.*

1. The approval of preliminary plat shall be effective for a period of 2 years.

2. If, at the end of 2 years, final plat approval of all or part of the subdivision has not been obtained or substantial progress with the construction of required improvements has not been made, preliminary plat approval shall expire.

3. Any subdivision shall be required to resubmit a new plan and construction plans for preliminary approval subject to any new land development regulation requirements.

(4) *Model homes.*

(a) For the purpose of allowing the early construction of model homes in a subdivision, the Planning Commission at its discretion may permit a portion of a subdivision involving not more than 2 lots to be created in accordance with the procedures for exempted subdivisions, provided the portion derives access from an existing town, county or state highway, and provided no future road or other improvement is anticipated where the lots are proposed.

(b) Subsequent to approval of exemption, the model may be constructed, subject to any additional requirements that the Planning Commission may require.

(5) *Building permit.*

(a) A building permit may be secured after preliminary plat approval, but prior to final plat approval.

(b) However, no transfer of the title nor shall permanent utilities be turned on until the final plat is approved.

(D) *Final plat.*

(1) *Application procedure and requirements.*

(a) Following the approval of the preliminary plat and completion of all required improvements, if the improvements are not going to be bonded, the applicant shall file with the Planning Official as application for final approval of a subdivision plat.

(b) The application shall:

1. Be made on forms available at the office of the Planning Official;
2. Be accompanied by a minimum of 4 prints and 1 reproducible copy of the final plat and:
 - a. As-built drawing of sanitary sewers (if applicable) with grade, pipe sizes and points of discharge;
 - b. As-built drawing of storm sewer system with grade, pipe sizes and location of outlets; and
 - c. As-built drawing of water system with pipe sizes and location of hydrants and valves;
3. Comply in all respects with the preliminary plat as approved;
4.
 - a. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, park and easements, approved by the local government attorney.
 - b. The final plat shall be marked with a notation indicating the formal offers of dedication as follows:

The owner, or his or her representative, hereby irrevocably offers for dedication to the local government all the streets, local government uses, easements, parks and required utilities shown in the subdivision plat and construction plans in accordance with an irrevocable offer of dedication dated _____ and recorded in the Registrar of Deeds' office.

By _____

(Owner or representative)

Date _____

- c. The applicant shall deliver a full covenant and warranty deed to all the lands in proper form for recording.
5. Be accompanied by the performance bond, if required, in a form satisfactory to the local government attorney and in an amount established by the Planning Commission upon recommendation of the town engineer and shall include a provision that the principal of the bond shall comply with all the terms of the resolution of final plat approval as determined by the Planning Commission and shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the local government free and clear of all liens and encumbrances on the premises; and
6. Be accompanied by the following certificate signed by a registered South Carolina engineer covering all required improvements which are not bonded:

I hereby certify that the streets, drainage system, sewer system, and water system in _____ Subdivision as shown on the Record Drawings dated _____, prepared by

_____ have been installed in accordance with the preliminary plat and construction plans approved by the Town of Blythewood Planning Commission on_____.

SEAL

Registered engineer

(2) *Final plat approval.*

(a) Upon determination by the Planning Official to the Planning Commission that the final plat is in conformity with the preliminary plat as approved, the developer shall submit an appropriate number of copies of the final plat and as-built drawings to the same agencies and town departments which reviewed and approved the preliminary plat.

(b) These reviewing agencies shall report their findings to the Planning Commission within 30 days after receipt of the final plat.

(c) Upon receipt of a report from the town engineer and/or the appropriate reviewing agency/agencies that all streets and drainage facilities have been properly installed in accordance with the preliminary plat, or upon approval of a bond for completion of improvements by the Town Council, the Planning Commission shall give approval, approval with modifications or disapproval of the final plat. When bond is used in lieu of completion of improvements, the bond shall stipulate the period of time within when all of the required improvements shall be installed and approved by the appropriate agencies. In no event shall this time be longer than 2 years. Final acceptance will be based on a satisfactory on-site inspection by the town engineer and reported in writing to this Planning Commission and/or receipt of evidence from the agencies as required to approve each item covered by the bond.

(d) In each case the Planning Commission shall act on a final plat within 60 days after the date of the submission of the application for the final plat; otherwise, the plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however, that the applicant may waive this requirement and consent in writing to the extension of the period. The grounds of disapproval of any plat shall be stated upon the records of the Planning Commission. No plat shall be acted upon by the Planning Commission without affording a hearing thereon, notice of time and place of which shall be sent by registered or certified mail to the address provided by the applicant not less than 5 days before the time of the hearing.

(e) 1. It is expressly understood that the Planning Commission shall not act to override the requirements of other agencies or town departments. It may however, seek to bring agreement in cases of conflict between the various reviewing agencies, or a reviewing agency and the subdivider.

2. In no case shall the Planning Commission disapprove a final plat of a subdivision which:

a. Meets the requirements of a final plat as set forth in the regulations;

b. Conforms to an approved preliminary plat; and

c. Has all the required improvements installed and approved, or posted a bond approved by the Mayor and Town Council.

(3) *Certificate of approval for recording.* Upon approval of the final plat by the Planning Commission, the following statement will be placed on the final plat by the Planning Official and 1 copy of

the plat returned to the subdivider:

The subdivision plat shown hereon has been found to comply with the Town of Blythewood Land Development Regulations and has been approved for recording in the office of the Registrar of Deeds of County of Richland, South Carolina.

_____20_____

Title

(4) *Recording of final plat.* It shall be the responsibility of the Town Attorney to file the plat with the County Registrar of Deeds. The filing fee shall be paid by the subdivider prior to the execution of the certificate of approval for recording by the Planning Official.

(5) *Staging of major subdivisions.* The Planning Commission may grant final plat approval to sections of a subdivision shown on an approved preliminary plat which meet all the previously mentioned requirements of this chapter if these sections, in the opinion of the Planning Commission, are adequately served by all utilities, a storm drainage system and street system, even if no other sections of the subdivision are developed.

(6) *Final plat revision.* If it should become necessary to revise a final plat due to a dimensional error, a revised plat shall be submitted to the Town Attorney for final recording after the Planning Commission has approved and signed the revised plat.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-A, passed 1-27-2003; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.037 SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENT CONTROL (DHEC) APPROVAL.

It shall be the developer's responsibility to obtain any required permits and approval from DHEC.

(Ord. 5.209, passed 4-26-1999) Penalty, see § 153.999

§ 153.038 FEDERAL HOUSING ADMINISTRATION OR FARMERS HOME ADMINISTRATION APPROVAL.

In the event the subdivider plans to secure approval of his or her subdivision design by the Federal Housing Administration and/or the Farmers Home Administration, it is suggested that the approval be secured prior to submission of a preliminary plat to the Planning Commission.

(Ord. 5.209, passed 4-26-1999)

§ 153.039 FLOODPLAIN RESTRICTIONS.

Refer to the town's Storm Drainage Ordinance.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003)

§ 153.040 WETLANDS.

No portion of a subdivision shall be approved for construction which is in a designated wetland without prior approval from, and subject to the restrictions of, the U.S. Army Corps of Engineers.

(Ord. 5.209, passed 4-26-1999) Penalty, see § 153.999

§ 153.041 PROHIBITION.

(A) No public official shall accept, file, or record any subdivision plat, plat of a group development, planned development or any other type development unless the plat has been duly approved by the Town of Blythewood Planning Commission.

(B) Should any public official violate the provisions of this chapter he or she shall, in each instance, be subject to the penalties stated in these regulations.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.042 STREET NAMING.

(A) The Town of Blythewood Planning Commission shall approve and authorize the name of any street or road laid out within the Town of Blythewood on any subdivision plat or group development subject to review and approval by the Planning Commission.

(B) Streets that are extensions of, or obviously in alignment with existing streets, shall bear that name.

(C) The name of new streets shall not duplicate or be similar in sound to existing names in Richland County, irrespective of the use of the suffix street, avenue, circle, way, boulevard, drive, place, court or the like.

(D) It shall be unlawful for any person, in laying out any new street or road, to name a street or road on any plat, by any marking, or in any deed or instrument without first getting the approval of the Planning Commission.

(E) Any person violating this provision shall be guilty of a misdemeanor punishable by the terms of these regulations.

(F) Street names and numbers shall be coordinated with the County 911 office to insure that emergency plans are kept current and duplications are avoided.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.043 EASEMENT AND/OR RIGHT-OF-WAY ACCEPTANCE.

(A) The Mayor and/or his or her designee will accept any easement or deed for rights-of-way for public streets or roads and drainage easements within the town limits under the following conditions:

(1) The property owner has submitted a written notice of intent to give the town a right-of-way deed or easement for property to be used as a public street or road, drainage, or sewer; and

(2) Richland County notifies the town that the county agrees to accept the road into the county roads maintenance system;

(3) The easement or deed for the right-of-way instrument has been approved by the Town Attorney.

(B) The Mayor and/or his or her designee will establish procedures for the acceptance and recording of such instruments.

(Ord. 2.211, passed 12-17-2007)

PLAT REQUIREMENTS

§ 153.055 SKETCH PLAN.

The sketch plan shall be prepared in accordance with the following requirements:

(A) Sketch plans submitted to the Planning Official, prepared in pen or pencil, shall be drawn to a convenient scale of not less than 200 feet to 1 inch (depending upon the lot sizes and total acreage to be subdivided) and shall show the following information:

(1) *Name.*

(a) Name of subdivision if property is within an existing subdivision;

(b) 1. Proposed name if not within a previously platted subdivision; and

2. The proposed name shall not duplicate the name of any plat previously recorded; and

(c) Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

(2) *Ownership.*

(a) Name and address, including telephone number, of legal owner or agent of the property involved in the subdivision; and

(b) Name and address, including telephone number, of the professional person(s), if any, responsible for the subdivision's design, or for the design of any public improvements, and for the surveys.

(3) *Location.*

(a) A vicinity map at a scale of not less than 1 inch equals 1 inch to 1,000 feet showing the relationship of the proposed subdivision to surrounding development; and

(b) The scale of the vicinity map should be shown, as well as a north arrow.

(4) *Features.*

(a) Total acreage in the tract to be subdivided;

(b) Location of property lines, existing easements, railroad rights-of-way, watercourses and existing buildings;

(c) Location of all existing or platted streets or other public ways within or adjacent to the tract;

(d) Names of any adjoining subdivision;

(e) Approximate location, widths and classification of proposed streets, including width of rights-of-way;

(f) Approximate location, dimensions and area of all proposed or existing lots;

(g) Existing and proposed uses of land throughout the subdivision;

(h) Existing uses of land surrounding the subdivision;

(i) The approximate location and dimensions of any parcel of land proposed to be set aside for a park, playground, or other public use, or for the common use of property owners in the proposed subdivision with designation of the purpose thereof;

(j) Location of lakes, swamps and land subject to flood, based on a 100 year frequency flood;

(k) Topography in terms of mean sea level by contours at vertical intervals of not more than 2 feet, and extending at least 100 feet outside the subdivision (The Planning Commission's Planning Official may accept vertical intervals of not more than 10 feet or waive the requirement where existing topographic mapping is not available at 5 foot contours and the terrain of the proposed subdivision is not of major significance.);

(l) Location of town limit lines and county lines, if applicable; and

(m) Zoning district classification.

(B) The subdivider may, and is encouraged to, submit a sketch plan of the entire tract he or she plans to ultimately develop, although his or her present plans call for the actual development of only a part of the property.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.056 PRELIMINARY PLAT.

The preliminary plat shall meet the minimum standards of design set forth in these regulations and shall

include the following information:

(A) The preliminary plat shall be prepared by a South Carolina registered land surveyor at a convenient scale of not less than 1 inch equals 100 feet; adjustable depending upon lot sizes and total acreage.

(B) The preliminary plat shall include the following:

(1) *Name.*

(a) Name of subdivision if property is within an existing subdivision; and

(b) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.

(2) *Ownership.*

(a) Name and address, including telephone number of legal owner or agent of the property involved in the subdivision; and

(b) Name and address, including telephone number of the professional person(s) responsible for the subdivision's design, or for the design of any public improvements and for the surveys.

(3) *Location.*

(a) A vicinity map at a scale of not less than 1 inch equals 1 inch to 1,000 feet showing the relationship of the proposed subdivision to surrounding development; and

(b) The scale of the vicinity map should be shown, as well as a north arrow.

(4) *Features.*

(a) Total acreage in the tract to be subdivided;

(b) Graphic scale, north point and date. The north point shall be identified as magnetic, true or grid north;

(c) Boundaries of the tract to be subdivided with all bearings and distances indicated. The boundary survey shall be to a degree of accuracy that the error of closure is no greater than 1 to 2,500;

(d) The following conditions:

1. Topography by contours at vertical intervals of not more than 2 feet and extending at least 100 feet outside the subdivision;

2. Deed record names of adjoining property owners;

3. Names of any adjoining subdivision;

4. Property lines within and adjoining the subdivision;

5. Location and right-of-way of all existing or platted streets or other public ways, railroads, easements, water courses and buildings either on or adjacent to the property to be subdivided. Specify

whether utility lines are in easements or rights-of-way and show location of poles or towers;

6. Location of town limits;

7. Location of streams, lakes swamps and land subject to flood, based on a 100 year frequency flood. Those lots so affected shall be identified and noted on the plat;

8. In case of re-subdivisions, a copy of existing plat with proposed re-subdivisions superimposed thereon;

9. Size and location of existing sewers, water mains, drains, culverts or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of sewers shall be shown;

10. The acreage of each drainage area affecting the proposed subdivision;

11. All elevations shall refer to mean sea level datum (if available) where public water and/or public sewers are to be installed; and

12. Zoning district classification; and

(e) The following proposed conditions:

1. The location, width, classification and proposed name of all proposed streets, alleys, and other public ways. This should include the width of both the paved surface and the right-of-way;

2. The location and width of all utility and other types of easements;

3. The location, dimensions and building setback lines of all proposed lots. The building setback lines shall not be less than those required by the Zoning Chapter;

4. The location and dimensions of all property proposed to be set aside for a park, playground, or other public use, or for the common use of property owners in the proposed subdivision with designation of the purpose thereof and conditions, if any, of the dedication or reservation;

5. Sufficient data to determine readily the location, bearing and length of all lines, and to reproduce these lines upon the ground, the location of all proposed monuments. All lots shall meet or exceed the requirements of the applicable zoning district regulations of the Zoning Chapter;

6. Indication of the use of all lots (single-family, two-family, multi-family, townhouse, offices, commercial, warehousing, industrial, and the like). Proposed uses shall not be contrary to those permitted by the Zoning Chapter;

7. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions;

8. All lots in each block shall be consecutively numbered;

9. Total number of lots and total length of new streets; and

10. Sidewalk locations (if applicable).

(C) All dimensions shall be shown to the nearest 1/10 of a foot and angles to the nearest minute.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.057 CONSTRUCTION PLANS.

(A) *General.* Construction plans shall be prepared for all required improvements by a registered South Carolina engineer at a convenient scale of not less than 1 inch equals 100 feet.

(B) *Included in construction plans.* The construction plans shall include the following if an improvement is proposed in the subdivision.

(1) (a) Profiles showing existing and proposed elevations along the center lines of all new roads.

(b) The elevation along the center lines of existing roads shall be shown within 100 feet of their intersection with new roads.

(c) Approximate radii of all curves, lengths of tangents and central angles on all streets.

(2) Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-ways, manholes, and catch basins; the locations of street trees, street lighting standards, and street signs, the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any exact location and size of all water, gas, or other underground utilities or structures.

(3) (a) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drain, water mains, easements, water bodies, streams and other pertinent features such as swamps, railroads, buildings, at the point of connection to proposed facilities and utilities within the subdivision.

(b) The water elevations of adjoining lakes or streams at the date of the survey and the approximate 100-year flood elevations of the lakes or streams.

(c) All elevations shall be referred to the mean sea level datum where public water and/or public sewers are to be installed.

(4) The acreage of each drainage area affecting the proposed subdivision.

(5) Topography at a contour interval of 2 feet, referred to sea level datum when public water and/or public sewers are to be installed or portions(s) of the subdivision would be inundated by a 100 year frequency flood.

(6) All specifications and references required by the construction standards and specifications of the Town of Blythewood, any other local government or organization providing any utility, and the Department of Health and Environmental Control.

(7) A site grading plan showing proposed finished contours when any major contour changes or filling for flood protection is proposed in the subdivision.

(8) Title, name and address, telephone and signature of the South Carolina registered engineer and

surveyor responsible for the plans and date, including revision dates.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.058 FINAL PLAT GENERALLY.

(A) *Generally.*

(1) The final plat shall be prepared by a South Carolina registered land surveyor at the same scale and containing the same information, except for any changes or additions required by the Planning Commission, as shown on the preliminary plat.

(2) Areas subject to inundation by a 100-year flood shall be shown.

(3) The preliminary plat may be used as the final plat if it meets these requirements and is revised in accordance with the requirements of the Planning Commission.

(B) *Scale of plat.* The final plat shall be drawn to a scale of not less than 1 inch equals 100 feet.

(C) *Plat information.*

(1) All revision dates must be shown as well as the following.

(a) Name of owner of record;

(b) Name of subdivision, date, north point and graphic scale. The north point shall be identified as magnetic, true or grid north;

(c) Name, registration number and seal of registered surveyor and/or civil engineer;

(d) Name of municipality and/or county in which the subdivision is located and location map;

(e) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street centerline, lot line, easement, and boundary line, whether curved or straight. This shall include the radius, point of tangent, and other data for curved property lines and curved streets, to an appropriate accuracy and in conformance with good surveying practice;

(f) Names of owners of record of all adjoining land and all property boundaries, water courses, streets, easements, utilities and other improvements, which cross or form any boundary line of the tract being subdivided. All areas subject to inundation by a 100-year flood shall be shown;

(g) Exact boundaries of the tract of land being subdivided shown with bearing and distances;

(h) Streets, alleys, rights-of-way, percent of grades and street names;

(i) Rights-of-way or easement:

1. Location;

2. Widths; and

3. Purposes;

(j) Lot lines, minimum building setback lines, and lot and block numbers. Minimum setback lines shall not be less than those required by the Zoning Chapter;

(k) Parks, school sites or other public open spaces, if any; and

(l) All dimensions shall be as required by *Minimum Standards for the Practice of Land Surveying in South Carolina*.

(2) Accurate description of the location of all monuments and markers.

(3) The proposed use of all parcels. If the proposed use of all parcels is the same, this can be noted on the final plat. Proposed use of the parcels shall not conflict with the uses permitted by the Zoning Chapter.

(4) One copy of the final plat, which shall be retained by the Town of Blythewood, shall include an overlay showing the type, number and location of all streetlights.

(D) *Certification*. The following signed certificates shall appear on the final plat that is submitted by the subdivider for approval:

(1) *Certificate of accuracy*.

I hereby certify that the plan shown and described hereon is true, correct, and accurate survey required by the Land Development Regulations of the Town of Blythewood and that the monuments shown were placed to the specifications set forth in the regulations.

Date Registered land surveyor or engineer

SEAL South Carolina registration number

(2) *Certification of ownership and dedication*.

It is hereby certified that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby dedicate all streets, alleys, walks, parks, and other sites to public or private use as noted.

Date Owner

(3) *Information to accompany final plat when not using a bond*.

(a) As-built drawings of sanitary sewer system with grade, pipe sizes, points of discharge, and pipe invert elevation.

(b) As-built drawings of stormwater sewer system with grade, pipe size and location of outlets,

and pipe invert elevations.

(c) As-built drawings of water system with pipe sizes and location of hydrants and valves.

(d) The following signed certificate:

I hereby certify that the streets, drainage system, sewer system and water system in _____ Subdivision as shown on the plat dated _____, prepared by _____ has been installed in accordance with the preliminary plat (construction drawings) approved _____.

Date Registered engineer

SEAL South Carolina registration number

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

MINIMUM DESIGN STANDARDS

§ 153.070 GENERAL.

In considering any preliminary plat, the Planning Commission shall give consideration to any comprehensive plan, or segments thereof, affecting the area in which the subdivision is located.

(Ord. 5.209, passed 4-26-1999)

§ 153.071 STREETS.

(A) *Compliance with design standards.* All streets, which shall hereafter be established in connection with the development of a subdivision, shall comply with the following design standards.

(B) *Layout of streets.* The layout of the streets as to arrangement, character, width, grade and location may be required to conform to the town's master plan, official map, comprehensive plan, to adjoining street systems or adjoining properties, and to the topography, natural features and drainage systems provided.

(C) *Minor streets.* Minor streets shall be so laid out so that their use by through traffic will be discouraged, but to encourage use by local traffic.

(D) *Requirements where a subdivision abuts or contains an existing street.*

(1) Where a subdivision abuts or contains an existing or proposed collector or through street, the Planning Commission may require marginal access streets, reverse frontage with screen planting, deep lots, or any other treatment as may be necessary for adequate protection of residential properties and to afford

separation of through and local traffic.

(2) The Planning Commission may not permit more than 6 subdivision lots to front within a 2 mile segment on an existing or proposed arterial or collector street before the treatment shall be a requirement.

(E) *Roads of an existing subdivision.*

(1) Roads of an existing subdivision shall not be used as the sole means of ingress and egress in developing a new subdivision or extending an existing one unless granted by the Planning Commission.

(2) If, in the judgement of the Planning Commission, the increased traffic and noise would create a safety hazard or otherwise be detrimental to residents of the existing subdivision, additional access shall be provided.

(F) *Continuation of existing street pattern.*

(1) Whenever topography will permit, the arrangements of streets in a subdivision shall provide for the alignment and continuation or projection of existing streets in adjoining areas.

(2) This is to mean the inter-connectivity of subdivision developments and to reduce the use of a major or collector street for movement from 1 subdivision to another.

(G) *Culs-de-sac.*

(1) Culs-de-sac shall terminate in a circular turnaround having a minimum right-of-way of at least 100 feet in a diameter and a paved turnaround with a minimum outside diameter 80 feet or other approved type of turnaround.

(2) Maximum length shall not exceed 800 feet unless unusual circumstances require a greater length.

(H) *Temporary dead-end streets.* Temporary dead-end streets, which extend for a greater distance than the depth of 1 abutting lot, shall be provided with a temporary turnaround having a diameter of 80 feet, or other suitable turnaround.

(I) *Half streets.*

(1) Half streets are prohibited along property lines.

(2) Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.

(J) *Intersections.*

(1) The centerline of no more than 2 streets shall intersect at any 1 point.

(2) Streets shall be laid out so as to intersect as nearly as possible at right angles.

(3) Curved streets shall have a minimum tangent of 100 feet at intersections.

(K) *Reverse curves.*

(1) Where practical, a tangent of at least 200 feet on minor streets and 300 feet on collector streets

shall be provided between reverse curves.

(2) On major thoroughfares, tangent distances shall be determined by the State Highway Department.

(L) *Street access.*

(1) Where it is essential to the development of a logical street pattern, street right-of-way shall be extended to the boundary of adjoining property.

(2) Incompatible characteristics of adjoining property shall be given due consideration in making a determination of what shall constitute a logical street pattern.

(3) Reserve strips adjoining street rights-of-way for the purpose of preventing access to adjacent property shall not be permitted.

(4) The street extension may be built or an escrow account established in favor of the town for 10 year period in an amount determined by the town engineer to cover the cost of construction.

(5) All interest will accumulate to the Town of Blythewood, which may use the funds to construct the extension or contract out for construction.

(6) If the extension has not been constructed within the 10-year period, the Planning Commission will determine the continued necessity of the extension and either extend the time of the escrow account or recommend that the account be terminated and all monies be returned to the developer; and the right-of-way may then be divided proportionally to adjoining property owners.

(M) *Street jogs.*

(1) Street jogs should be avoided.

(2) Where unavoidable, street jogs at intersections shall have a centerline offset of not less than 150 feet.

(N) *Street names.*

(1) Streets that are extensions of, or obviously in alignment with existing named streets, shall bear that name.

(2) The name of new streets shall be subject to the approval of the Town Planning Commission and shall not duplicate or be similar in sound to existing names in Richland County, irrespective of the use of the suffix street, avenue, circle, way, boulevard, drive, place, or court or the like.

(O) *Additional right-of-way.*

(1) Subdivisions which include an existing platted street that does not conform to the minimum right-of-way requirements of these regulations shall provide additional width along 1 or both sides of the street so that the minimum right-of-way required by these regulations is established.

(2) Subdivisions abutting only 1 side of the street shall provide a minimum of 1/2, measured from the centerline of the existing right-of-way, of the right-of-way required by these regulations.

(P) *Right-of-way and-pavement widths.*

(1) Minimum right-of way and-pavement widths shall be as follows:

<i>Street Classifications</i>	<i>Row (feet)</i>
Major Arterial	100
Minor Arterial	80
Collector	66
Local Commercial	66
Local Residential	50

(2) The Planning Commission maybe reduce the required rights-of-way for private streets within a planned development district. The construction and paving of these streets however must meet the standards set forth in this chapter.

(Q) *Street grades.*

(1) Grades on major thoroughfares shall be established by the State Highway Department.

(2) Grades on collector streets shall not exceed 8% unless topographic conditions make this impractical.

(3) Grades on minor residential streets shall not exceed 15%.

(4) All streets shall have a minimum grade of not less than 0.5%.

(5) For streets with curbing and gutters, minimum grade shall not be less than 1%.

(R) *Horizontal curves.*

(1) Where a deflection angle of more than 10 degrees occurs in the alignment of a minor street, a curve of reasonable radius shall be introduced.

(2) A curve shall be introduced at any change in direction of a collector street or major thoroughfare.

(3) On major thoroughfares, the centerline radius of a curvature shall be determined by the State Highway Department.

(4) On collector streets the centerline radius of curvature shall not be less than 350 feet.

(5) On minor streets, the centerline radius of a curvature shall not be less than 150 feet.

(S) *Vertical curves.*

(1) Minimum stopping sight distance on major thoroughfares shall be determined by the State Highway Department.

(2) On collector streets minimum stopping sight distance shall be 275 feet, 40 mph, and on minor

streets 160 feet, 25 mph.

(3) Stopping sight distances shall be measured from height of eye of 3 feet 9 inches to an object with a height of 6 inches. Both distances measured above the centerline of the street. Stopping sight distance standards of the American Association of State Highway Officials.

(T) *Split level streets.* Streets which are constructed so as to have 2 traffic ways, each at different levels within the same right-of-way, shall provide a paved traffic surface of at least 20 feet on each level and a slope between the 2 traffic ways of 3 to 1 or flatter.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.072 BLOCKS.

The Planning Commission shall examine every proposed subdivision as to its compliance with the following provisions:

(A) *Non-residential blocks.* Non-residential blocks shall be of a length and width as may be suitable for their prospective use, including adequate provision for off-street parking and service.

(B) *Residential block length.*

(1) In order to insure convenient access between various parts of a subdivision and between the subdivision and surrounding areas, and in order to help prevent traffic congestion and undue inconvenience, the length of residential blocks hereafter shall not exceed 1,400 feet or be less than 600 feet from corner to corner.

(2) Provided, however, the length requirements may be modified when such shall be appropriate due to the topography or physical shape of the property being subdivided.

(3) The width of any residential block shall be sufficient to permit 2 tiers of lots, where topography and land ownership permits, except as otherwise provided in these regulations.

(C) *Crosswalks.* Where a subdivision design involves unusually long blocks, public rights-of-way for pedestrian crosswalks shall be provided where they are necessary for the convenience of pedestrians.

(Ord. 5.209, passed 4-26-1999) Penalty, see § 153.999

§ 153.073 LOTS.

(A) All lots, which shall hereafter be established in connection with the development of a subdivision, shall comply with the requirements set forth in the Zoning Chapter of the Town of Blythewood, South Carolina or as shown below, whichever are more restrictive.

(B) *Authority of South Carolina Department of Health and Environmental Control.* Nothing contained in these regulations shall be construed as preventing SCDHEC after study of the conditions existing in a proposed subdivision, from requiring that all or any portion of the area of the subdivision shall not be built upon or that the minimum lot sizes set forth in these regulations are inadequate and must be increased to

insure the protection of the public health.

(C) *Setback lines.*

(1) *Residential.* Building setback lines shall be in conformity with the Zoning Chapter.

(2) *Minimum setback lines.* Minimum side and rear setback lines shall also be in conformity with the Zoning Chapter.

(3) *Driveways.* Driveways shall be at least 4 feet from the property line except at the point of entry and exit.

(D) *Lot lines and town limit or county lines.* Insofar as practical, lots should not be divided by town limit or county boundary lines.

(E) *Side lot lines.* Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines.

(F) *Minimum lot dimensions and area.* The minimum lot width at the front building line and minimum lot area shall be designated in the Town of Blythewood Zoning Chapter.

(G) *Corner lots.* Corner lots shall be of sufficient size so that a structure could be constructed and still maintain minimum yard requirements specified in the Blythewood Zoning Chapter.

(H) *Double frontage.*

(1) Double frontage lots (i.e., lots having street frontage both in front and rear) shall be avoided except in commercial zones, where essential to provide separation of residential development from railroad or major street right-of-way or from non-residential uses or where necessary due to topography.

(2) Where a railroad or major thoroughfare right-of-way, as shown on the major thoroughfare plan, abuts or runs through any portion of the subdivision, the subdivision plat shall provide for either a minor street or lots backing onto the right-of-way having a minimum depth of 200 feet.

(I) *Street access.* Every lot hereafter established shall front or abut on a street which conforms to the requirements of these regulations.

(J) *Flag lots.*

(1) Flag lots are to be discouraged as a land development practice.

(2) Long driveways which are a defining characteristic of flag lots may preclude or inhibit access by emergency vehicles such as fire trucks or ambulances.

(3) The Planning Commission may approve flag lots in unusual circumstances of topography or the physical shape of property which makes the use of a flag lot the only practical means of land development.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.074 EASEMENTS.

Easements shall be required in subdivisions for the following purposes:

(A) *Utility easements.*

(1) When it is found to be necessary and desirable to locate public utility lines in other than street right-of-way, easements shall be shown on the plat for these purposes.

(2) All above ground utilities shall be provided along rear property lines except where site conditions make this impractical.

(3) These easements shall be not less than 20 feet along rear property lines and 10 feet along side property line and when 2 properties requiring easements share common property lines, the easements shall, where possible, shall be centered on rear and side lot lines.

(B) *Water course and drainage easements.*

(1) Where a proposed subdivision is traversed by a water course, drainage way or stream, appropriate provisions shall be made to accommodate stormwater and drainage through and from the proposed subdivision.

(2) The area so improved shall conform substantially with the lines of the water course and be of a sufficient width for construction, or both, as to be adequate for the purpose, provided however, the public easement shall be not less than 20 feet in width.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.075 RESERVATION OF PUBLIC SITES.

To insure the provisions of needed public open spaces and building sites in new land developments, the subdivider shall reserve or dedicate land for recreational, educational, transportation and other public purposes as required by the Planning Commission.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003)

§ 153.076 FLOOD PROTECTION AND STORM DRAINAGE.

Refer to the town's Flood-Prevention Storm Drainage Ordinance.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003)

§ 153.077 MANUFACTURED HOME PARKS.

Manufactured home parks shall be designed in accordance with the Town of Blythewood Manufactured Home Park Ordinance.

(Ord. 5.209, passed 4-26-1999)

§ 153.078 VARIANCES TO DESIGN STANDARDS.

When, due to the peculiar shape or topography of a tract of land or other unusual conditions, it is impractical for a developer to comply with the literal interpretation of the design standards of this chapter, the Planning Commission shall be authorized to vary those requirements provided the intent and purposes of these regulations are not violated.

(Ord. 5.209, passed 4-26-1999)

REQUIRED IMPROVEMENTS

§ 153.090 GENERALLY.

The subdivider shall have installed at no expense to the public, the improvements required by these regulations necessary to serve his or her subdivision prior to the approval of the final plat.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.091 MONUMENTS.

All lot corners, street corners and points of change of direction in exterior boundaries of the subdivision shall be marked with an iron pipe at least 24 inches long and driven to within 4 inches of the finishing grade or flush as conditions may require.

(Ord. 5.209, passed 4-26-1999) Penalty, see § 153.999

§ 153.092 NATURAL GAS.

When gas lines are located in a street right-of-way, where possible, the lines shall be located outside the portion of the street to be surfaced to prevent cutting into the paved surface to serve abutting properties.

(Ord. 5.209, passed 4-26-1999) Penalty, see § 153.999

§ 153.093 WATER SUPPLY.

- (A) If available, a public water system shall be installed in all subdivisions.
- (B) When a water system is installed in a subdivision, water mains, valves and fire hydrants shall be installed according to plans and specifications approved by the town engineer and SCDHEC.
- (C) When the water main is located in the street right-of-way and it will be necessary to cut into the street surface to serve abutting lots, a connection shall be stubbed out to the property line to serve each lot

before the street is surfaced.

(Ord. 5.209, passed 4-26-1999) Penalty, see § 153.999

§ 153.094 SANITARY SEWERAGE.

(A) A sanitary sewer system shall be installed in all subdivisions.

(B) Sanitary sewers shall be installed to the plans and specifications approved by the appropriate town engineer and the Health Department.

(C) When the sewer main is located in the street right-of-way, and it will be necessary to cut into the street surface to serve abutting lots, a connection shall be stubbed out to the property line to serve each lot before the street is surfaced.

(Ord. 5.209, passed 4-26-1999) Penalty, see § 153.999

§ 153.095 SEWAGE DISPOSAL SYSTEM.

Prior to construction of any sewage disposal system, such as an oxidation pond or other facility, the location, size, plans, and specifications of a facility shall be approved by the town engineer and SCDHEC.

(Ord. 5.209, passed 4-26-1999) Penalty, see § 153.999

§ 153.096 CURBS AND GUTTERS.

Concrete curbs or paved valley-type gutters shall be installed and shall be in accordance with plans and using specifications of the State Highway Department and the town engineer.

(Ord. 5.209, passed 4-26-1999) Penalty, see § 153.999

§ 153.097 STREET GRADING AND SURFACING.

(A) Street grading, base preparation and surfacing shall be carried out by the subdivider according to plans and specifications of the State Highway Department, and the town engineer.

(B) Minimum roadway surfacing widths shall be as follows:

<i>Street Classification</i>	<i>Pavement Width</i>
Major Arterial	As specified by SCDOT
Minor Arterial	36 feet face to face of curb or valley to

	valley
Collector	36 feet face to face of curb or valley to valley
Local Commercial	36 feet face to face of curb or valley to valley
Local Residential	26 feet face to face of curb or valley to valley

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.098 STORM DRAINAGE.

An adequate drainage system, including necessary improved open channels, pipes, culverts, storm sewers, intersection drains, drop inlet, bridges, and other necessary appurtenances shall be installed by the subdivider and shall be according to the Town of Blythewood Storm Drainage Ordinance and the plans and specifications approved by the town engineer.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.099 STREET NAME SIGNS.

- (A) Street name signs shall be installed at all intersections within a subdivision.
- (B) The proper town authority shall approve the location and design of the signs.

(Ord. 5.209, passed 4-26-1999) Penalty, see § 153.999

§ 153.100 SIDEWALKS.

The Planning Commission may require the installation of sidewalks when deemed appropriate for public safety.

(Ord. 5.209, passed 4-26-1999)

§ 153.101 TREES.

- (A) It is the intent of the Town of Blythewood to preserve trees within its corporate limits.
- (B) Tree planting and preservation shall be in accordance to the landscaping provisions of the Zoning Chapter.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.102 OPEN SPACE RECREATION REQUIREMENTS.

(A) The Planning Commission shall require that open space be reserved for active or passive recreation where the reservations would be appropriate.

(B) Each reservation shall be of suitable size, dimension, topography and general access for the particular purposes envisioned by the Planning Commission.

(C) These areas shall be shown on the plat and marked “reserved for recreation open space.”

(D) Provisions for the maintenance of the open space shall be stipulated prior to approval.

(E) The Town of Blythewood will not assume responsibility of the maintenance of the open space.

(F) The number of acres to be reserved shall be determined in accordance with the following table, which has been prepared on the basis of providing 3 acres for every 100 dwelling units.

(1) *Single-family lots.*

<i>Single-Family Lots Size of Lots</i>	<i>Minimum Percentage of Total Land in Subdivision to be Reserved for Recreation Purposes</i>
80,000 sq. ft. and greater	1.5%
50,000 sq. ft.	2.5%
40,000 sq. ft.	3.0%
25,000 sq. ft.	5.0%
10,000 sq. ft. and smaller	13.0%

(2) *Multi-family and high-density residential.* The Planning Commission shall determine the acreage for reservation based on the number of dwelling units per acre to occupy the site as permitted by the chapter.

(Ord. 5.209, passed 4-26-1999) Penalty, see § 153.999

§ 153.103 TRAFFIC CONTROL DEVICES.

(A) Traffic control devices whether signs or signals, shall be installed by the developer as deemed appropriate by the Town of Blythewood, its agencies and/or the South Carolina Department of Transportation.

(B) The authority to require traffic control devices may be exercised by the town at anytime during the approval process.

(C) The total cost of all traffic devices shall be paid in full to the Town of Blythewood prior to the recording of the final plat.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.104 STREET LIGHTS.

(A) Residential lighting standards required per § 153.057(B)(2) shall demonstrate that the proposed street lighting is adequate to provide for safe motorist and pedestrian street usage.

(B) Light spacing shall take into consideration the diameter and intensity of the light projection; lot size; and road curves, hills and other visibility restrictions.

(C) Street lighting spacing shall be a minimum of 1 street light per 6 lots or 500 feet, whichever is less.

(D) Flood lighting shall not be allowed for street light fixtures.

(E) Lighting must be provided for dead-end alleys.

(F) The operational costs of street lighting shall be assumed by the subdivision residences per terms defined by a subdivision covenant.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.105 SURETY IN LIEU OF COMPLETION OF IMPROVEMENTS.

(A) After preliminary plat approval has been given, in lieu of the completion of the physical development and installation of the required improvements prior to the final plat approval of a plat, Blythewood Town Council may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the town the actual construction and installation of those improvements and utilities within a period specified by the town engineer and/or Town Attorney and expressed in the bond.

(B) All easements and rights-of-way shall be shown on final plats and descriptions recorded prior to filing of the final plat of a subdivision under surety bond.

(C) The types of bonds accepted are contained in §§ 150.185 *et seq.*

(D) Upon acceptance of a bond the developer may present a final plat for approval and recording.

(E) As built drawings of improvements installed under surety shall be delivered to the Planning Official as construction is completed and approval given by the appropriate agency or official.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-A, passed 1-27-2003; Am. Ord. 5.209-B, passed 11-24-2003)

GROUP DEVELOPMENT

§ 153.120 GENERAL.

(A) *Site plan review and approval.* In order to prevent creation of traffic hazards, ensure the provision of off-street parking and provision of necessary utilities, plans for group developments such as shopping centers, industrial parks, mobile home parks, apartment complexes, and motels where the site is not subdivided into lots and public streets, but is retained in 1 ownership, the site plan shall be submitted to the Planning Commission for review and approval.

(B) *Minimum regulations.* These regulations are considered minimum and may be superseded by more restrictive regulations such as the Zoning Chapter.

(C) *Types of group developments.*

(1) *Commercial or industrial.* A group commercial or industrial development consists of a single lot containing 1 or more buildings to be used for commercial or industrial purposes which individually or collectively contain a gross floor area of 25,000 square feet or more.

(2) *Housing.*

(a) A group housing development consists of 2 or more separate dwellings or 3 or more dwelling units located on a single lot.

(b) Group housing developments include triplexes, quadruplexes, townhouses, apartments and other similar structures.

(3) *Public and institutional developments.* Public and institutional developments such as schools, hospitals, nursing homes, retirement homes and similar types of land developments.

(4) *A single building containing 25,000 square feet of floor space.* Any single building containing more than 25,000 square feet of floor space.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-A, passed 1-27-2003; Am. Ord. 5.209-B, passed 11-24-2003)

§ 153.121 PROCEDURES FOR GROUP DEVELOPMENT APPROVAL.

The following procedures shall be followed in the submission, review and action upon all group development plats:

(A) *Traffic circulation and safety considerations.*

(1) In the review of all group development plans, attention shall be given to internal vehicular and pedestrian circulation and the impact on the existing streets serving the development.

(2) The review can include requirements for spacing and location of driveway access, dedication of additional right-of-way on existing or proposed streets and roads to accommodate future widening projects,

construction of acceleration and deceleration lanes on existing roads, construction of frontage roads, plant islands and other landscaping requirements, building orientation, screening to protect adjoining properties, character and location of lighting, or other requirements to mitigate traffic congestion and promote traffic and pedestrian safety.

(B) *Site plan.*

(1) (a) The developer shall submit 4 copies of a site plan to the Planning Official for review.

(b) The staff shall recommend approval, disapproval or approval with modification the site plan within 30 days to the Planning Commission.

(c) The Planning Commission shall approve, disapprove or approve with modification the site plan at its next regularly scheduled meeting.

(d) Pertinent comments and recommendations shall be noted in the minutes of the Planning Commission meeting.

(2) If the site plan is disapproved by the Planning Commission or if the Planning Commission requires changes with which the developer does not concur, the developer may appeal to the Circuit Court of Appeals within 30 days of being notified of the Planning Commission's decision.

(3) (a) If the Planning Commission fails to act within 30 days after submission of the site plan, the Planning Commission must inform the developer of the date on which action shall be taken but the extension of time shall not exceed 30 days.

(b) Failure of the Planning Commission to act within these time limits shall be deemed to constitute site plan approval and a certificate to that effect shall be issued by the Planning Commission upon demand.

(4) (a) The Planning Official, and/or the Planning Commission may require the developer to submit appropriate number of copies of the site plan to any and all of the following agencies for review and approval. Determination on agency review and approval requirement shall be based upon existing site conditions, site location, scope of the group development project, and other factors the Planning Official and/or the Planning Commission may deem agency input permanent to the site review process.

1. S. C. Department of Health and Environmental Control Bureau of Water for water, sanitary sewer and stormwater permitting;

2. Director of Winnsboro or Columbia Water Department, as appropriate;

3. Director of Palmetto Utilities or Columbia Sewer Department, as appropriate;

4. Town engineer's office;

5. Central Midlands COG - 208/201 Plan Conformance Certification; and

6. South Carolina Department of Transportation.

(b) In addition, 1 copy shall be returned to the applicant following Planning Commission action showing needed modifications, if any.

(c) These reviewing agencies shall report their findings to the applicant and Planning

Commission within 30 days after receipt of the site plan.

(d) It is expressly understood that the Planning Commission shall not act to override the requirements of other agencies or town departments. It may, however, seek to bring agreement in case of conflicts between the various reviewing agencies, or a reviewing agency and the site developer.

(C) *Final approval.* Upon completion of all construction, no final approvals are required by the Planning Commission, but approvals may be required by other agencies.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-A, passed 1-27-2003; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.122 GENERAL SITE PLAN INFORMATION.

The site plan should contain the following information.

(A) Total acreage in the tract proposed for group development and a statement of total contiguous acreage owned by the developer.

(B) Tentative access and/or street layout.

(C) Approximate location of existing and proposed buildings and structures.

(D) Typical arrangement of existing and proposed buildings and structures.

(E) Existing and proposed uses of land throughout the tract.

(F) Existing uses of land and all existing street intersections surrounding the tract.

(G) The location and size of all proposed utilities and storm drainage easements.

(H) Topography in terms of mean sea level by contours at vertical intervals of not more than 2 feet and extending at least 100 feet outside the tract (if access to adjoining land can be obtained). The existing and finished grades shall be shown.

(I) Name, date, north point, and graphic scale of not less than 100 feet to 1 inch.

(J) A vicinity map at a scale of not less than 1 inch equals 1,000 feet showing the relationship of the proposed group development to surrounding development, especially schools, parks and shopping areas. The scale of the vicinity map should be shown on the site plan drawing.

(K) The elevation data for a 100-year flood shall be shown.

(L) The following signed certificates shall appear on the final plat that is submitted by the subdivider developer for approval:

(1) *Certificate of accuracy.*

I hereby certify that the plan shown and described hereon is true, correct, and accurate survey required by the Land Development Regulations of the Town of Blythewood and that the monuments shown

were placed to the specifications set forth in the regulations.

Date Registered land surveyor or engineer

SEAL South Carolina registration number _____

(2) *Certification of ownership and dedication.*

It is hereby certified that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby dedicate all streets, alleys, walks, parks and other sites to public or private use as noted.

Date Owner

(M) All streets, driveways, parking areas and other vehicular ways to be maintained in private ownership shall be clearly marked "private" on the site plan.

(N) Any other information as the Planning Commission may deem necessary because of the physical characteristics peculiar to the particular development.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.123 STANDARDS.

(A) *Requirements.* Standards and requirements for parking, signage, setbacks, spacing between buildings, residential area requirements, screening, buffers, and landscaping for group developments shall be as specified in the Town of Blythewood Zoning Chapter, and Manufactured Home Park Ordinance.

(B) *Water, sewerage and drainage.* Adequate provisions for water supply, sanitary sewerage, and storm drainage shall be installed by the developer according to the plans and specifications approved by the proper authorities.

(C) *Access and egress.* Shall conform to the driveway regulation of the South Carolina Department of Transportation, the Zoning Chapter and Planning Commission requirements.

(D) *Manufactured home parks.* Shall conform to the minimum standards set forth in the regulations: Manufactured Home Park Ordinance of the Town of Blythewood, South Carolina and the Town of Blythewood Zoning Chapter.

(E) *Enforcement.* No building permits shall be issued and no connection to a public water system or public sewer system shall be made until the site plan for the group development is approved by the Planning Commission and so noted by the Planning Official on prints of the site plan.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

PLANNED DEVELOPMENTS

§ 153.135 PROCEDURE.

The Planning Commission shall ensure that all subdivision plats and other land development plans are in conformity with the zoning district map and regulations for the Planned Development District.

(Ord. 5.209, passed 4-26-1999)

§ 153.136 PROCESS.

The review and approval of subdivision plats and other land development plans shall follow the same process as other plans in other zoning districts within the town.

(Ord. 5.209, passed 4-26-1999)

CONSERVATION SUBDIVISION DESIGN

§ 153.150 PURPOSE.

It is the intent of this subchapter to allow development that will meet future growth projections while preserving and protecting agriculturally, environmentally and historically significant features of the town and county. In seeking to achieve this and the goals defined in the Town of Blythewood comprehensive plan the purpose of this subchapter shall be to:

- (A) Preserve the unique agricultural character of the town and county.
- (B) Permit reasonable development that is in accordance with the principles of open space conservation.
- (C) Accommodate the development of sustainable communities while protecting and preserving areas of agricultural, environmental and historic significance.
- (D) Maintain separation of non-compatible land uses.
- (E) Preserve the scenic and natural character of the town and county.
- (F) Create an interconnected network of open space that promotes livable, sustainable subdivision development and wildlife habitat and corridors.
- (G) Economize in the installation of infrastructure and the provision of public services.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003)

§ 153.151 DEFINITIONS.

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

AGRICULTURALLY SIGNIFICANT. Generally, any land with an average corn suitability rating (CSR) of 65 or higher is considered prime agricultural land, and, therefore, deemed to be **AGRICULTURALLY SIGNIFICANT** for the purpose of this subchapter.

CLUSTERING. A subdivision design method that concentrates development in specific areas on the proposed site. The purpose of **CLUSTERING** is to allow increased density on a portion of the parcel, while preserving the rest as permanent open space. The density of the entire parcel will not exceed the original density of the parcel, the houses will just be grouped together in 1 or more areas on the parcel. The concept of **CLUSTERING** provides for a flexibility in subdivision design that fits the natural characteristics of the land and permits more useable open space and the preservation of prime agricultural land and land containing 1 or more sensitive area.

CONSERVATION SUBDIVISION DESIGN. A residential or commercial development where 50% or more of the developable land area is designated as undivided, permanent open space; thereby permanently protecting agriculturally, environmentally or historically significant areas within the parcel. The remaining developable land is subdivided into buildable lots.

CORN SUITABILITY RATING. The suitability of a soil is determined by a number of characteristics including: soil quality; growing season; and moisture. A ranking is then assigned to the area.

DEVELOPER/APPLICANT. One proposing to undertake the action.

HYDRIC SOILS. Soils susceptible to saturation by water, as defined by the USDA Natural Resources Conservation Service.

SCENIC NATURAL AREAS. Any tract of land which contains a unique feature of the rural landscape including, but not limited to, large rock formations, hill crests, mature tree stands, and/or any other feature deemed to be significant by the Town of Blythewood Planning Commission.

SENSITIVE AREAS. Areas containing 1 or more of the following unique or locally significant resources: archaeological resources; critical wildlife habitats; erodible land; flood hazard areas; stream corridors; wetlands; or woodlands.

SITE MAP. A document identifying: location of the parcel; legal description of the parcel; proposed area of development; potential sensitive areas; septic provisions; and topography of the parcel.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003)

§ 153.152 AREAS.

Those areas deemed to be of agricultural, environmental or historical significance, as defined below, shall, for the purposes of this subchapter, be referred to as “significant.” The specific characteristics of these areas are defined as follows:

AGRICULTURAL LAND. Any land used to produce food and/or fiber, including, but not limited to, the

production of row crops, small grains, forages, animals and timber. Land not devoted to urban uses, wildlife sanctuaries or a native ecosystem is considered **AGRICULTURAL LAND**.

AGRICULTURALLY SIGNIFICANT AREA. Any tract of land which is considered prime agricultural land with a CSR of 65 or higher.

ARCHAEOLOGICAL OR HISTORIC RESOURCE (KNOWN). Areas containing important information regarding the history or prehistory of the United States of America, the State of South Carolina, Richland County, and/or the Town of Blythewood. Areas containing suspected **ARCHAEOLOGICALLY OR HISTORICALLY SIGNIFICANT RESOURCES** will be subject to review by the office of the State Archaeologist of South Carolina, the South Carolina Historical Society, and/or the Richland County Historic Preservation Society.

CRITICAL WILDLIFE HABITAT (KNOWN). Areas containing elements vital to the survival of endangered or threatened species including but not limited to, food sources and cover.

DISTRICT. An area containing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

ENVIRONMENTALLY SIGNIFICANT AREA. Any tract of land that contains 1 or more of the following sensitive areas as defined by the South Carolina Department of Natural Resources: critical wildlife habitats; erodible land; flood hazard areas; stream corridors; wetlands or woodlands; or that contains a scenic natural area.

ERODIBLE LANDS. Areas of incline, whether natural or man made, lacking sufficient vegetation to prevent instability, erosion or downstream siltation. The key indicator for **ERODIBLE LANDS** is a slope of 5% or greater. Areas with a 5% slope or greater are subject to review by the USDA Natural Resources Conservation Service (NRCS). The NRCS will make the final determination regarding the area's erodability.

FLOOD HAZARD AREA. Areas at high risk of inundation by water as a result of a flood. Known areas of flood hazard are indicated on the Flood Insurance Rate Map.

HISTORICALLY SIGNIFICANT AREA (KNOWN). Any tract of land that contains an archaeological or historical resource as defined by the office of the state archaeologist of South Carolina and/or the South Carolina Department of Archives and History, or that is considered by the State Historic Preservation Officer to be eligible for the National Register of Historic Places. In addition, historical significance is defined as contiguous pieces of property of no greater area than 160 acres under diverse ownership which:

- (1) Are significant in American history, architecture, archaeology and culture;
- (2) Possess integrity of location, design, setting, materials, skill, feeling and association;
- (3) Are associated with events that have been a significant contribution to the broad patterns of our history;
- (4) Are associated with the lives of persons significant in our past;
- (5) Embody the distinctive characteristics of a type, period, method of construction, represent the work of a master, possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction; or
- (6) Have yielded, or may be likely to yield, information important to prehistory or history. The certified local government or state government preservation program will review all proposed subdivisions

that include or have a potential to include an area of historical significance.

OBJECT. Distinguished from buildings and structures, constructions that are primarily artistic in nature or are relatively small in scale. These items also must bear an association with a specific location, setting or environment. **OBJECTS** include, but are not limited to, fountains, boundary markers, sculptures, monuments and statuary.

PRIME AGRICULTURAL LAND (KNOWN). Land with the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops, and which is available for these uses. These characteristics include soil quality, growing season and moisture sufficient to sustain high yield crops when managed according to acceptable farming methods. The key indicator for prime agricultural land is an average Corn Suitability Rating (CSR) of 65 or higher.

SCENIC NATURAL AREAS. Any area which contains a unique feature of the rural landscape including, but not limited to, large rock formations, hill crests, mature tree stands and/or any other feature deemed to be significant by the Blythewood Town Planning Commission.

SITE. The location of a prehistoric or historic occupation or activity, or a building or structure, standing, ruined or vanished, where the location possesses historic, cultural or archaeological value. **SITES** include, but are not limited to, battlefields, campsites, cemeteries, ceremonial sites, habitation sites, trails and village sites.

STREAM CORRIDORS. The primary channel of a river or stream and any portions of the floodplain adjoining the channel that are reasonably required to carry and discharge its water.

WETLANDS. An area saturated by surface water or ground water so that it supports the growth and existence of vegetation suited to those areas. The key indicator for **WETLANDS** is the presence of hydric soils. Areas containing hydric soils will be subject to review by the USDA Natural Resources Conservation Service. The United States Army Corps of Engineers will make the final determination regarding the existence of a **WETLAND**.

WOODLANDS. An area containing contiguous wooded parcels of significant size, containing a rich diversity of native flora species in associations typical of pre-settlement ecosystems, areas with rare, threatened, endangered or special species, or with ancient individuals, when in combination with under story species typical of pre-settlement ecosystems.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003)

§ 153.153 PROCESS.

(A) The use of conservation subdivision design seeks to optimize land use in and around the Town of Blythewood, while maintaining a balance between the preservation of agriculturally, environmentally and historically significant areas and allowing reasonable and sustainable growth to continue in the town.

(B) (1) New development shall avoid disturbance of areas or elements defined as “sensitive” or “significant.”

(2) The use of conservation subdivision design may be required.

(a) *Residential subdivisions.* With 50% or more of the parcel has been identified by the

appropriate oversight agency as agriculturally, environmentally or historically significant; and

(b) *Commercial subdivisions.* Commercial subdivisions if an area of agricultural, environmental or historical significance is deemed by the appropriate oversight agency to be located on the site proposed for development.

(C) (1) The town encourages the use of conservation subdivision design on all suitable land in and around the town.

(2) All landowners and developers are encouraged to work closely with the Town of Blythewood Planning and Zoning staff in the design and platting process.

(D) (1) Density of conservation subdivisions shall be determined by dividing the total land area of the development by the total number of family dwelling units, which provides an average land area per family dwelling unit.

(2) Total land area of the development shall include all open space, including agricultural land, common ground, recreation areas, and land set aside for ponds and lakes, but shall not include the traffic surface area of subdivision roads.

(E) (1) A qualified conservation subdivision shall consist of a parcel in which a minimum of 50% of the parcel is designated as permanent open space.

(2) The portion of the parcel designated as permanent open space shall not be further subdivided and must be protected by a conservation easement held by the homeowners association, local conservation commission, land trust or Town of Blythewood that is recorded in the office of the County Registrar of Deeds.

(3) At least half of the land that is to be conserved must be shaped in a manner to be useable for agricultural or recreational purposes.

(F) The homeowners association, local conservation commission, land trust or Town of Blythewood shall administer the permanent open space and is responsible for the payment of any taxes, upkeep, insurance and any other responsibilities associated with ownership of the land.

(G) The developer/applicant shall supply a completed application to the Town of Blythewood which includes a draft of the conservation easement for the portion of the property that will remain as permanent open space or agricultural land and a fully dimensioned site plan, drawn to scale, which shall demonstrate, delineate and label all of the following:

(1) Topography, including areas to be graded, earth movements, drainage provisions, existing contour lines and any proposed new contour lines and any other significant topographical features;

(2) The location and type of sensitive areas deemed to be of agricultural, environmental or historical significance, as defined in this subchapter;

(3) The location and type of all proposed areas to be preserved as open space or agricultural land, including areas of mitigation and preservation;

(4) Existing zoning, land use(s) and approximate density of residential uses;

(5) Septic or wastewater provisions as provided by SCDHEC;

(6) For areas of agricultural preservation, a buffer strip of at least 75 feet must be delineated. When possible existing woodlands should be used, if not, a variety of rapidly growing indigenous trees and shrubs should be planted thickly in the buffer strip; and

(7) Any other provisions not specifically required or excluded herein, as required by the Town of Blythewood Land Development Regulations.

(H) In addition, the applicant must abide by all applicable provisions of the Town of Blythewood's Zoning Chapter, not specifically excluded in this subchapter.

(I) The applicant must also ensure that:

(1) All elements of the site plan shall be readily evident upon site inspection;

(2) Elements not readily evident shall be marked for identification upon site inspection; and

(3) Areas designated to remain as open space or agricultural land, or areas of conservation shall be marked for identification upon site inspection. All construction contracts shall include language protecting sensitive areas, agricultural land, areas of conservation and areas containing sensitive elements.

(J) (1) Upon receipt of the application, the review process for the conservation subdivisions shall be the same as outlined in §§ 153.035 *et seq.*, Procedure for Plat Approval, of this subchapter.

(2) Included with the final plat, the subdivider shall submit:

(a) An agreement regarding the liability for and maintenance of the open space; and

(b) The subdivider must include a conservation easement/open space covenant protecting the open space from any further development.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.154 COMPLIANCE.

(A) Failure to comply with the requirements of §§ 153.150 *et seq.*, the Conservation Subdivision Design shall be cause for a stop work order on applicable permits.

(B) New permits or resume work orders shall not be issued until all requirements of this subchapter are met and the required fines are paid to the town.

(Ord. 5.209, passed 4-26-1999) Penalty, see § 153.999

§ 153.155 APPEALS.

Appeal of the requirements of this subchapter shall be processed in accordance with state law.

(Ord. 5.209, passed 4-26-1999)

LAND SURVEYING STANDARDS

§ 153.170 SURVEY REQUIREMENTS.

Boundary surveys for subdivisions and group developments subject to this subchapter shall be performed in accordance with the state minimum standards published by the State Board of Registration for Professional Engineers and Land Surveyors.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.171 SURVEY GUIDELINES.

(A) In so far as possible, control surveys between geodetic monuments and property boundaries should be extended from the nearest geodetic control monuments(s).

(B) Surveyors are encouraged to apply the following town guidelines for horizontal control.

(1) *Terrestrial surveys.*

(a) If control is extended no more than 1/2 mile from control monument to property boundary third-order, Class I (1-10,000) specifications should be followed.

(b) If control is extended more than 1/2 mile from the control monument to the property boundary second-order Class II specifications should be followed.

(2) *Global positioning system (GPS) surveys.*

(a) If GPS is used, procedures should be followed to insure compatibility with the nearest geodetic control monuments to an accuracy of at least 5 cm + 2 ppm.

(b) Only survey grade GPS receivers should be used for boundary control.

(3) *Plat requirements.*

(a) State plane coordinates should be shown on the plat for at least 2 property corners.

(b) The geodetic monuments used for control should be noted on the plat with the grid distance and azimuth shown to at least 1 of the coordinated property corners.

(c) Horizontal ground distances (not grid distance) should be shown on the plat for all segments of the boundary survey.

(d) A combined state plane coordinate sea level reduction factor should be noted on the plat.

(e) Area is based on horizontal ground distances.

(f) All bearings should be referenced to state plane coordinate grid north.

(4) *Geodetic control monuments.* The following surveys should be tied to geodetic control monuments:

- (a) Any subdivision of 5 or more lots within a 1-mile traverse distance of geodetic control;
- (b) Any tract of 5 or more acres within a 1-mile traverse distance of geodetic control;

(c) Any subdivision of 25 or more lots or non-agricultural industrial/commercial development of 25 or more acres regardless of distance from geodetic control.

(5) *Orthophoto locator ties.*

(a) With the exception of mortgage surveys, all surveys not to geodetic control should have a locator tie.

(b) A locator tie is defined as a bearing and distance tie from a property corner to a point identifiable on the orthophoto map such as a building corner, a road intersection with a driveway or other point that can be accurately spotted on the orthophoto.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

§ 153.172 ELECTRONIC DATE FILES.

If the parcel or subdivision is generated with computer-aided drafting procedures, the town shall be supplied with a copy of the electronic file.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003) Penalty, see § 153.999

SURETY IN LIEU OF COMPLETION OF IMPROVEMENTS

§ 153.185 GENERAL.

In lieu of completion of the physical development and installation of the required improvements previous to the approval of a final plat, the Blythewood Town Council may accept a bond or similar guarantee (a Guarantee) from an applicant in an amount and upon conditions satisfactory to it, providing for and securing to the Town of Blythewood, the actual construction and installation of such improvements and utilities.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.298, passed 3-27-2006)

§ 153.186 REQUIREMENTS OF GUARANTEE.

(A) *Optional guarantees.* Blythewood Town Council may accept the following financial Guarantees, each, as applicable, in an amount equal to 125% of the cost of construction and installation of improvements and utilities.

(1) *Surety bond.* The applicant may obtain a surety bond from a surety bonding company authorized to do business in the State of South Carolina, which bond will remain effective for the period specified therein, on terms approved by Blythewood Town Council.

(2) *Letter of credit.* The applicant may provide an irrevocable letter of credit from a bank doing business in the State, which bank shall be approved by the Blythewood Town Council and which letter of credit shall be on such terms and for such duration as approved by Blythewood Town Council.

(3) *Escrow account.* The applicant may deposit cash or other instruments readily convertible to cash at face value, with the town or in escrow with a bank, all on terms acceptable to Blythewood Town Council.

(B) *Option to refuse guarantee.* Blythewood Town Council shall have the right to refuse any of the optional financial guarantees and/or shall have the right to require a specific guarantee of the construction and installation of all improvements by the applicant, where:

- (1) Past performance of the applicant is unsatisfactory; or
- (2) The selected option is unacceptable.

(C) *Extension of guarantee.* If it appears to the applicant that the required improvements may not be completed before expiration of the improvement guarantee, it shall be the obligation of the applicant, at least 45 days prior to said expiration, to submit an extended guarantee request to Blythewood Town Council for approval. Such extension, if approved, shall be for a period of no more than 1 year. A maximum of 2 such extensions shall be allowed. If the applicant cannot provide evidence of the commitment of the letter of credit provider or surety to extend the guarantee 30 days prior to the expiration of the current guarantee, the Town of Blythewood shall have the right to make demand under the current guarantee for payment, and the proceeds therefrom shall be placed in an escrow account on terms acceptable to Blythewood Town Council until the improvements and utilities are completed.

(D) *Default.* In the event the applicant fails to install or construct the required improvements during the allotted time, as approved by Blythewood Town Council, and in conformity with these regulations and any terms supplemental thereto approved by Blythewood Town Council, the improvement guarantee shall be forfeited to Blythewood Town Council to be used for completion of the improvements.

(E) *Amount of guarantee.* Improvement guarantees are to be determined by the total cost of the following improvements where applicable:

- (1) Water.
- (2) Sewer.
- (3) Construction of roads.
- (4) Storm drainage.
- (5) Sidewalks.
- (6) Street lights.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.298, passed 3-27-2006)

§ 153.187 PROCEDURES.

- (A) The required information shall be submitted to the staff of the Planning Commission.
- (B) The staff shall submit these materials to the Blythewood Town Attorney for review and comment.
- (C) The Blythewood Town Attorney shall submit the materials to the Blythewood Town Council for approval.
- (D) If Blythewood Town Council approves the Guarantee, then the preliminary plat shall be given **BONDED PLAT APPROVAL** which authorizes the plat to be recorded by the Registrar of Deeds of Richland County, South Carolina.
- (E) Upon completion of all requirements of these land development regulations, the applicant shall submit the final plat (as-built drawings) as provided in this chapter.
- (F) After the applicant fulfills its obligations, as required by the subdivision regulations, the guarantee and the terms of any written approval by Blythewood Town Council, the Planning Commission shall approve the final plat and the Blythewood Town Council shall release the guarantee.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.298, passed 3-27-2006)

APPLICATION OF REGULATIONS

§ 153.200 RECORDING OF FINAL PLAT.

No subdivision plat shall be filed with or recorded by the County Registrar of Deeds until the final plat has received final approval or final approval under bond.

(Ord. 5.209, passed 4-26-1999) Penalty, see § 153.999

§ 153.201 STREETS.

No streets right-of-way shall be accepted, opened or maintained in any subdivision established hereafter which does not meet the requirements of these regulations.

(Ord. 5.209, passed 4-26-1999) Penalty, see § 153.999

§ 153.202 PERMITS.

- (A) A building permit may be issued after preliminary plat approval.
- (B) However no occupancy permit shall be issued nor any permanent utilities shall be turned-on for any subdivision established hereafter unless a final plat of the subdivision is approved by the Planning

Commission and/or a bond of improvements is accepted by Town Council.

(Ord. 5.209, passed 4-26-1999) Penalty, see § 153.999

SOUTH CAROLINA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT OF 1993

§ 153.215 PURPOSE.

To establish the requirement for developers and the Town of Blythewood to enter into a development agreement by ordinance in accordance with the South Carolina Local Government Development Act, being S.C. Code Title 6, Ch. 31. It is the intent of this subchapter to encourage a stronger commitment to comprehensive and capital facilities planning, providing adequate public facilities, efficient resource use and reducing development costs.

(Ord. 5.266, passed 8-27-2001)

§ 153.216 MINIMUM REQUIREMENTS.

(A) Minimum requirements established in S.C. Code § 6-31-40 of the Act shall be complied with when entering into a development agreement.

(B) This subchapter adopts the definition of *HIGHLANDS* referred to in the Act as land above the 100-year floodplain.

(C) The time frame for developing property must be at least 5 years, as defined in the Act.

(Ord. 5.266, passed 8-27-2001)

§ 153.217 PUBLIC HEARING.

(A) (1) The Blythewood Town Council will hold a public hearing prior to entering into a development agreement.

(2) The public hearing shall be advertised in a newspaper of general circulation in Richland County at least 30 days prior to the scheduled public hearing.

(B) The notice shall identify the location of the property subject to the development agreement, the development uses proposed on the property and must specify a place where a copy of the proposed development agreement can be obtained.

(Ord. 5.266, passed 8-27-2001)

§ 153.218 CONTENTS OF AGREEMENT.

(A) Any development agreement must include the requirements established in S.C. Code § 6-31-60 of the Act.

(B) The agreement and development must be consistent with the Town of Blythewood's comprehensive plan and land development regulations.

(Ord. 5.266, passed 8-27-2001)

§ 153.219 APPLICABLE LAWS.

Existing laws at the time the agreement is executed shall apply to the property development, unless otherwise provided by the development agreement, or new laws, which are passed from time to time which are essential to public health, safety or welfare.

(Ord. 5.266, passed 8-27-2001)

§ 153.220 REVIEW OF DEVELOPMENT AGREEMENTS.

(A) (1) Since development agreements are designed to take place over a number of years, the Town of Blythewood's Zoning Administrator will review the progress of development agreement at least every 12 months.

(2) During the review process, the developer shall be required to demonstrate good faith compliance with the terms of the development agreement.

(B) If the Zoning Administrator finds and determines that the developer has committed a material breach of the terms or conditions of the agreement, notice shall be served in writing, within 45 days, to the developer, setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination.

(C) The developer shall reply to the findings and cure the material breach within 60 days unless an extension is granted in writing by the Zoning Administrator.

(D) Failure of the developer to cure the material breach within the allotted time may result in unilateral termination or modification of the development agreement by the Town of Blythewood, provided the town has first given the developer the opportunity:

(1) To rebut the finding and determination; or

(2) To consent to amend the development agreement to meet the concerns of the town with respect to the findings and determinations.

(Ord. 5.266, passed 8-27-2001) Penalty, see § 153.999

§ 153.221 ANNEXATION AGREEMENTS.

(A) A development agreement shall remain effective in an annexed area for the duration of the agreement or 8 years from the annexation date, whichever is earlier; provided:

- (1) The application for the agreement was submitted to Richland County before the first signature was affixed to the annexation petition;
- (2) A development agreement was entered into prior to an election or ordinance for annexation; or
- (3) The parties agree to extend the agreement by consent for up to 15 years.

(B) Provisions of the agreement may be amended or suspended by the town when they produce a danger to public health or safety.

(Ord. 5.266, passed 8-27-2001)

§ 153.222 STATE AND FEDERAL LAW.

The development agreement provisions must be modified or suspended to comply with state or federal laws enacted after the agreement is executed, S.C. Code § 6-31-130.

(Ord. 5.266, passed 8-27-2001)

§ 153.999 PENALTY.

(A) *Violation by developer.*

(1) Whoever, being the owner or agent of the owner of any land located within a development, transfers title to any land before the plat has been approved by the Planning Commission and recorded in the office of the County Registrar of Deeds, shall be guilty of a misdemeanor, punishable under the general penalty provision of the town code, § 10.99.

(2) The description of any lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring the lot or parcel shall not exempt the transaction from requirements of this chapter.

(3) The Town Council may enjoin the transfer, sale or agreement by action for injunction brought in any court competent jurisdiction and may also recover any penalty by civil action in any court of competent jurisdiction.

(B) *Violation by recording official.*

(1) The Richland County official whose duty it is to accept and record plats of real estate shall not accept, file or record any subdivision plat which has not been approved as required by this chapter.

(2) Violation is subject to penalties and remedies as provided by S.C. Code § 6-29-1160.

(C) *Enforcement.* Whenever it shall come to the attention of the town that any provision of these regulations have been or is being violated, the town may immediately institute 1 or more of the following enforcement procedures.

(1) *Misdemeanor; penalties.*

(a) It shall be unlawful for any person to use property, or to construct, alter, enlarge or demolish any structure without a permit or permits required by this chapter.

(b) Conviction for violation of this chapter is punishable as a misdemeanor under the general penalty provisions of the town code.

(2) *Withholdings permits.*

(a) The Planning Official shall deny a zoning permit for any use or work which fails to comply with this chapter.

(b) The Zoning Administrator or other appropriate official shall withhold all other town permits for work which violates this chapter.

(3) *Complaints.*

(a) A written complaint specifying facts showing a violation of this chapter filled by any person shall be investigated by the Zoning Administrator.

(b) Upon determination that a violation has occurred, the Zoning Administrator shall take appropriate enforcement action authorized by this chapter.

(4) *Stop work orders.*

(a) The Planning Official is authorized to issue a stop work order pursuant to S.C. Code § 6-29-950(A) requiring work to cease until specific code violations are corrected.

(b) Failure to comply with a stop work order of the Planning Official is a misdemeanor punishable under the general provisions of the town code.

(c) Issuance of a stop work may be appealed to the Planning Commission.

(5) *Ordinance summons.* The Planning Official is authorized to issue an ordinance summons pursuant to town code provisions for violations of this chapter.

(6) *Arrest warrant.* The Planning Official, with concurrence of the Town Attorney, is authorized to request the issuance of an arrest of warrant for violations of this chapter.

(7) *Injunction.* The Planning Official shall submit a request to the Town Attorney for institution of a civil action seeking an injunction prohibiting violation of this chapter when appropriate.

(Ord. 5.209, passed 4-26-1999; Am. Ord. 5.209-B, passed 11-24-2003)

CHAPTER 154: LAND USE ELEMENT

Section

154.01 Creation

154.02 Land use map

§ 154.01 CREATION.

(A) Pursuant to the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, being S.C. Code Title 6, Ch. 29, charging the Planning Commission to develop a comprehensive plan containing "...those elements considered critical, necessary, and desirable to guide the development and redevelopment of its area of jurisdiction," the Planning Commission has developed this comprehensive plan.

(B) Ordinances 4.245 and 4.245A as amended, land development plan, containing the land use element and the community facilities element are hereby repealed as these elements have been revised, updated, and incorporated into the comprehensive plan.

(Ord. 5.280, passed 11-20-2003; Am. Ord. 5.319, passed 9-29-2008)

§ 154.02 LAND USE MAP.

(A) The proposed land use map included as part of the land use element of the Blythewood comprehensive plan be amended to change the designation of the following parcels of property, as identified on the Richland County tax maps, from the designation of Rural to the designation of Residential.

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(B) *Land use map.* Follows on next page.

CHAPTER 155: ZONING

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ENACTMENT AND JURISDICTION

§ 155.001 ZONING CHAPTER PUBLISHED SEPARATELY.

The Zoning Chapter shall be published in a separate volume, a copy of which shall be filed with the Town Clerk.

(Ord. 5.202, passed 11-24-1981)

§ 155.002 AUTHORITY AND TITLE.

This Zoning Chapter is adopted pursuant to authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code §§ 6-29-310, *et seq.* (1994 Supp). This chapter may be cited as the Town of Blythewood Zoning Chapter.

(Ord. 5.202, passed 11-24-1981)

§ 155.003 JURISDICTION AND PURPOSES.

The provisions of this chapter shall apply to all land and improvements within the corporate limits of the Town of Blythewood, South Carolina. The purposes of the Zoning Chapter are to implement to the land use element of the comprehensive plan for those purposes set forth in S.C. Code § 6-29-710.

(Ord. 5.202, passed 11-24-1981)

DEFINITIONS

§ 155.015 INTERPRETATION.

- (A) The words and phrases used in this chapter shall have their customary and ordinary meanings as defined in a standard dictionary, except for the specific words and phrases as defined in this chapter.
- (B) The present tense includes the past and future tenses. Singular words shall include the plural, and plural words include the singular.
- (C) The word **PERSON** includes a firm, association, partnership, trust, company, corporation or any other entity.
- (D) The word **SHALL** is mandatory, the word **MAY** is discretionary.
- (E) The word **USED** or **OCCUPIED** include the words **INTENDED**, **DESIGNED** or **ARRANGED TO BE USED** or **OCCUPIED**.
- (F) The word **LOT** includes the words **PLOT** or **PARCEL**.
- (G) The word **STRUCTURE** includes the word **BUILDING**.
- (H) References to SIC codes shall mean those codes assigned to businesses in the latest Standard Industrial Classification Manual published by the Office of Management and Budget. SIC Codes are listed in the tables of uses for each district as an aid in interpretation and determination of those specific uses included in a general class of uses.
- (I) The word **CONTIGUOUS** as applied to lots or districts shall be interpreted as meaning sharing a common boundary of 10 or more feet in length.
- (J) The phrase **ON THE PREMISES OF**, as applied to accessory uses or structures shall be interpreted to mean on the same lot or on a contiguous lot in the same ownership.

(Ord. 5.202, passed 11-24-1981)

§ 155.016 DEFINITIONS.

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

ACCESSORY STRUCTURE. A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

ACCESSORY USE. A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

ADULT DAY CARE CENTER. A facility that provides supervision, therapy and social development activities for impaired adults, licensed according to regulations by DHEC.

ALLEY. A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

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

AUTHORITY, HORTICULTURAL/LANDSCAPE. Any individual or source, licensed, registered, decreed or otherwise acknowledged as capable of providing expert information and reference in horticultural science and/or landscape design and maintenance.

AUTOMOBILE SERVICE STATION. See SIC Code 5541. Use involving the sale of gasoline, lubricating oils, merchandise such as tires, batteries, auto parts, minor repairs and may include limited sale of groceries or carwashes, but may not include storage of dismantled or wrecked vehicles for parts.

BAR. Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

BED AND BREAKFAST. An owner-occupied house or portion thereof, where short-term (no more than a week at a time) lodging rooms and meals are provided. No more than 4 guest rooms can be available for accommodations and breakfast service in an establishment at any one time.

BERM. Any hill or slope which represents a change of elevation of at least 2 feet at a slope of between 25% and 50% and which is covered with an appropriate stabilizing vegetation.

BOARDING HOUSES. Same as **ROOMING AND BOARDING HOUSES.**

BUFFER. Open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen 1 use or property from another so as to visually shield or block noise, lights or other nuisances.

BUFFER YARD. A strip of land, improved by landscaping or fences, or both, designed to mitigate the extent of higher intensity land uses on neighboring lower intensity uses.

BUILDING. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

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

CHANGE OF USE. Any use that substantially differs from the previous use of a building or land.

CHILD DAY CARE CENTER. Any agency, institution, center or other place, however styled and whether operated under public auspices, as a private business, or by an established religious denomination, in which are received for temporary custodial care apart from their parents, part of the day or all of the day or night, and upon any number of successive days, 1 or more children not related to the persons providing temporary custodial care.

CHURCH. Any building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

CIVIC ORGANIZATION. See **CLUB, LODGE, CIVIC OR FRATERNAL ORGANIZATION, FRATERNITY, SORORITY.**

CLUB, LODGE, CIVIC OR FRATERNAL ORGANIZATION, FRATERNITY, SORORITY. An incorporated or unincorporated association for civic, social, cultural, religious, literary, political or like activities, operated for the benefit of its members and not open to the general public.

CONDITIONAL USE. A use permitted in a particular zoning district upon showing that the use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the Zoning Code and authorized by the approving agency.

CONTAINER. A storage container and/or portable storage container.

CORNER LOT. See **LOT, CORNER.**

CURB CUT. The opening along the curb line at which point vehicles may enter or leave the roadway.

DECORATIVE CURBING. Parking or storage lot pavement curbing usually constructed of stone or unit masonry and designed to control surface drainage and serve as a barrier to vehicular traffic.

DEVELOPED LOT. Any lot which has been developed with buildings or other improvements, or for which development approval, such as a final plat approval, a zoning permit or a certificate of occupancy, had been issued before the effective date of this chapter.

DISPLAY AREA ON LOT. Any unenclosed area used for the display of merchandise.

DISTRICT. A part, zone or geographic area within which the provisions and regulations of this chapter apply uniformly to each class or kind of structure or land.

DOOR YARD. The area between the back of the sidewalk clear zone and the maximum front setback.

DRINKING PLACE. See SIC Code 5813. Establishment primarily engaged in retail sale of alcoholic drinks for consumption on premises. Sale of food may account for a substantial portion of receipts.

DRIVE-THRU RESTAURANT. Any eating or drinking establishment which, by its structural design, site characteristics, or manner of food service encourages consumption of food or beverages in automobiles on the premises or upon public streets adjacent thereto.

DWELLING. A structure or portion thereof that is used exclusively for human habitation.

DWELLING, 2-FAMILY DETACHED. A building on a single lot containing 2 dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. This **2-FAMILY DETACHED DWELLING** is not physically attached to any other principal structure.

DWELLING, MULTI-FAMILY. A building containing 3 or more dwelling units, including units that are located 1 over the other.

DWELLING, SINGLE-FAMILY DETACHED. A building containing not more than 1 dwelling unit,

not physically attached to any other principal structure and specifically excluding mobile homes.

DWELLING UNIT. One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EASEMENT. A grant of 1 or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

ENLARGEMENT. An increase in the size of an existing structure or use, including physical size of the property, building, parking and other improvements.

EXTERIOR ARCHITECTURAL APPEARANCE. Includes architectural character, general composition and general arrangement of the exterior structure, including the kind, color and texture of the building material and type and character of all windows, doors, exterior light fixtures, signs and appurtenant elements, visible from the street or public thoroughfare.

FAMILY. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no family shall contain over 3 persons, but further provided that domestic servants or required medical personnel employed on the premises may be housed within the single-dwelling unit without being counted as a family or families.

FENCE. An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors of a building from the exterior face of exterior walls, or from the centerline of a wall separating 2 buildings, but excluding any space where the floor-to-ceiling height is less than 6 feet.

FOOTCANDLE. The unit of illumination when the foot is the unit of length.

FOSTER HOMES. Provides substitute family care for a child or children by a family group consisting of a male and female foster parent other than the child's own parents, blood relatives or legal guardian, in return for a monetary remuneration for the care. A **FOSTER HOME** must be authorized or licensed by the Richland County Department of Social Services, Alston Wilkes, church sponsored homes, and others to be considered as a foster home under the provisions of this chapter and any unauthorized or unlicensed use shall be prohibited. In no case shall more than 2 foster children be housed in a single bedroom or room designated for sleeping purposes. There shall be no more than 5 foster children in a home.

FRATERNAL ORGANIZATION, FRATERNITY. See **CLUB, LODGE, CIVIC OR FRATERNAL ORGANIZATION, FRATERNITY, SORORITY.**

FREESTANDING SIGN. See **SIGN, FREESTANDING.**

GARAGE. A deck, building or parking structure, or part thereof, used, or intended to be used for the parking and storage of vehicles.

GRADING. Any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

GROSS FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating 2 buildings, but excluding any space where the floor-to-ceiling height is less than 6 feet.

GROUND COVER. Any plant material which serves to prevent soil erosion by covering large areas of ground, and which does not grow beyond 12 inches in height.

GROUP HOME. A nonprofit or for-profit boarding home for the sheltered care of 4 or more persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation, unless otherwise specified with another definition in this chapter.

GROUP HOUSING DEVELOPMENT. A single lot of record upon which is erected more than 1 building containing dwelling units, and all the structures thereon; or a single lot upon which is erected a single structure designed to contain more than 4 dwelling units on the first floor level thereof or designed to contain more than 8 dwelling units throughout; except that high rise apartments are not defined as **GROUP HOUSING DEVELOPMENTS**.

HISTORIC PROPERTY. Any place (including an archaeological site or the location of a significant historical event), building, structure, landscape features, work of art, fixture or similar object that has been individually designated by Town Council.

HOME OCCUPATION. An occupation, profession or trade customarily and commonly carried out by an occupant in a dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the dwelling unit.

HOTEL. See SIC Code 7011. A building in which lodging for pay is offered to public, with or without meals, for transient or permanent guests, including motel or tourist court containing 5 or more guest rooms.

IN-HOME ADULT DAY CARE CENTER. A facility that provides supervision, therapy and social development activities for no more than 6 impaired adults, in the home of the proprietor, licensed according to regulations by DHEC.

IN-HOME CHILD DAY CARE CENTER. An in the home child day care center, which is operated by a resident of the home and in which are received for temporary custodial care apart from their parents, part of the day or all of the day or night, and upon any number of successive days, up to 6 children, not related to the persons providing temporary custodial care.

INTENSITY OF USE. The number of dwelling units per acre for a residential development and the amount or degree of activity for commercial and industrial development.

JUNK. Any scrap, waste, reclaimable material or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other use or disposition.

JUNK, SALVAGE, SCRAP OR WRECKING YARDS. See SIC Code 5093. Any use involving storage or processing of inoperable, disused, dismantled or wrecked vehicles, equipment or machinery or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials or other scrap, salvage, waste or junk materials.

KENNEL. A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold, all for a fee or compensation.

LOT. A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, to be separately owned, used, developed or built upon.

LOT AREA. The total area within the lot lines of a lot, excluding any street right-of-way.

LOT, CORNER. Any lot which is bounded on 2 or more consecutive sides by road rights-of-way which intersect at an angle of 135 degrees or less.

LOT FRONTAGE. The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided upon that basis. The phrase **STREET FRONTAGE** shall be interpreted to have the same meaning as the phrase **LOT FRONTAGE**.

LOT, INTERIOR. A lot other than a corner lot, with only 1 frontage on a street.

LOT LINE. A line of record bounding a lot that divides 1 lot from another lot or from a public or private street or any other public space.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT OF RECORD. A lot defined by plat or described by metes and bounds which has been duly recorded with the Clerk of the county.

LOT, REVERSE FRONTAGE. A through lot that is not accessible from 1 of the parallel or nonintersecting streets upon which it fronts.

LOT, THROUGH. A lot that fronts upon 2 parallel streets or that fronts upon 2 streets that do not intersect at the boundaries of the lot.

LOT WIDTH. The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width; in the case of lots fronting on a cul-de-sac, the width between side lot lines at their foremost points shall not be less than 20 feet.

MANUFACTURED HOME PARK. A lot providing rented parking space for 5 or more manufactured homes used for dwelling units, including service buildings and facilities. Manufactured home sale or storage lots for unoccupied units are not **MANUFACTURED HOME PARKS**.

MANUFACTURED HOUSING. Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standard Act. (42 U.S.C. § 5401), commonly known as the HUD Code.

MINIWAREHOUSE. See SIC Code 4225. A building or group of buildings on a fenced, controlled access lot which contain individual locked compartments for storage of personal property.

MOBILE HOME. A structure manufactured prior to 6-15-1976 or manufactured after 6-15-1976 without certification of compliance with HUD standards pursuant to S.C. Code § 40-29-70, which is movable or portable dwelling unit over 30 feet in length constructed to be towed on its own chassis, without permanent foundation, consisting of a single or 2 or more connected components. The term does not include prefabricated, modular or unitized dwelling on a permanent foundation, travel trailer, camper or similar recreation unit.

MODULAR BUILDING. A structure consisting of 2 or more prefabricated components designed to be transported to a lot and placed on a permanent foundation, and which is certified by the South Carolina Building Codes Council as conforming to the Southern Building Code standards for site built units. A

mobile home, house trailer or manufactured home is not a **MODULAR BUILDING**.

MOTEL. See SIC Code 7011. A building or buildings in which lodging, with or without meals, is offered to the public for consumption, including a hotel, tourist court or inn.

MULTI-FAMILY DWELLING. See **DWELLING, MULTI-FAMILY**.

NONCONFORMING. A term applied to lots, structures, uses of land or structures and characteristics or use of land or structures which were lawful before the passage or amendment of this chapter, but which are prohibited by this chapter or which are not in compliance with the requirements of this chapter. For more details, see § 155.055.

OFF-PREMISES SIGN. Any sign which relates in its subject matter to products, accommodations, services or activities sold or offered elsewhere than upon the premises on which the sign is located, and as further defined in §§ 155.425 *et seq.* Also see **SIGN, ADVERTISING**.

OFF-STREET LOADING. Designated areas located adjacent to buildings where trucks may load and unload cargo.

OFF-STREET PARKING. An area adequate for parking an automobile 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 not be on any public street and so that an automobile may be parked or unparked therein without moving any other automobile.

OPEN SPACE. Unless otherwise defined in this chapter, **OPEN SPACE** is any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants and their guests of land adjoining or neighboring open space.

OVERLAY DISTRICT. A zoning district that encompasses 1 or more underlying zones and that imposes additional requirements above that required by the underlying zone.

OWNER. An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

PARCEL. A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.

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

PARKING AREA. Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

PARKING LOT. A public or private open lot for parking motor vehicles as a principal use or as an accessory use to a commercial use.

PERMITTED USE. A use permitted outright by district regulations.

PERSONAL SERVICES. Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. These include the following: laundries; beauty and barber

shops; shoe repair; and health clubs.

PLANNED DEVELOPMENT DISTRICT. An area of land, in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of the development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans. See §§ 155.270 *et seq.* for more details.

PLANNING OFFICIAL. The staff person, or their authorized representative, responsible for the preparation and administration of the comprehensive plan; plan implementation ordinances; review and approval of permits required by these ordinances; and staff directions and assistance to the Planning Commission, Zoning Board of Appeals and Board of Architectural Review.

PLAT.

(1) A map representing a tract of land showing the boundaries and location of individual properties and streets; or

(2) A map of a subdivision or site plan.

PORTABLE STORAGE CONTAINER. Any box like container transported by truck or trailer to a desired location for drop off with a storage capacity of more than 216 cubic feet. A commonly accepted name for these storage containers is PODS, an acronym for portable on-demand storage.

PRINCIPAL STRUCTURE OR USE. A structure or use which is significant or primary rather than accessory.

PROHIBITED USE. A use that is not permitted in a zoning district.

PUBLIC FRONTAGE. The area between a lot frontage and the edge or curb of the vehicular lanes of an adjacent street.

PUBLIC HEARING. A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

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

RADICAL STRUCTURAL CHANGES. Any change that alters the historic form of the building, creating a different footprint or elevation from that present at the time of local designation.

RESIDENCE. A dwelling.

RESTAURANT. An establishment where food and drink are prepared, served and consumed primarily within the principal building.

RETAIL SALES. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of these goods.

RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or

gas pipeline, water line, sanitary storm sewer and other similar uses.

ROAD FRONTAGE. Any strip of land adjacent to a public road right-of-way.

ROOMING AND BOARDING HOUSE. See SIC Code 7021. Any dwelling, other than a hotel or motel, in which 3 or more persons who are not members of the owner's or operator's family are housed or lodged in rooms used or intended to be used for living and sleeping but not for cooking or eating purposes, for compensation, with or without meals being provided. Any dwelling in which accommodations are offered in 4 or more rooms shall be considered to be a hotel or motel.

SALVAGE YARD. Same as **JUNK YARD.**

SATELLITE DISH ANTENNA. A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. The device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, television reception only satellite dish antennas and satellite microwave antennas.

SCRAP YARD. Same as **JUNK YARD.**

SCREEN FENCE OR WALL. For the purposes of the landscaping requirements, any structure which stands at least 6 feet high at its lowest point, is between 67% and 100% opaque, and is designed and constructed as a permanent improvement for the purpose of blocking view.

SCREENING. A method of visually shielding or obscuring 1 abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

SETBACK LINE. The same as the depth or width of any required yard. Note that the line defines the distance between any structure and an adjacent lot boundary and is not necessarily the same as the building line, which is the distance between the actual structure and an adjacent lot boundary.

SEXUALLY ORIENTED BUSINESS. See §§ 155.330 *et seq.* for definitions and regulations.

SHOPPING CENTER. A group of commercial establishments planned, constructed and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

SHRUB. Any hard-wooded perennial plant of a species which normally reaches a height between 12 inches and 8 feet, and which is between 80% and 100% opaque, at maturity.

SIDEWALK CLEAR ZONE. The portion of a public frontage kept clear for the movement of pedestrians.

SIDEWALK TREE ZONE. The portion of a public frontage intended for the placement of trees and other plantings, street furniture (e.g. benches, waste receptacles, newspaper boxes, lamp posts and traffic signs), bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.

SIGN. Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images, with certain exceptions as enumerated in §§ 155.425 *et seq.*

SIGN, ADVERTISING. Any sign which relates in its subject matter to products, accommodations, services or activities sold or offered elsewhere than upon the premises on which the sign is located, and as further defined in §§ 155.425 *et seq.*

SIGN, BUSINESS. A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured or to an entertainment offered on the premises where the sign is located, and as further defined in §§ 155.425 *et seq.*

SIGN, DIRECTORY. A sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

SIGN, FREESTANDING. A sign which is permanently affixed to the ground and which is not a part of a building or other structure.

SIGN, GROUND or MONUMENT-TYPE. A freestanding sign which extends from the ground or is attached directly to the ground generally for the entire length of its bottom sign face dimension or which has a support which places the bottom of the sign less than 12 inches from the ground.

SIGN, NONCONFORMING. Any sign that was legally in existence prior to this chapter and made illegal by this chapter.

SIGN, PORTABLE. A sign that is not permanent, affixed to a building, structure or the ground.

SIGN, PYLON. A freestanding sign supported by 1 or more structures or poles that are placed on, or anchored in, the ground or other surface and otherwise separated from the ground more than 12 inches by air, generally over 7 feet in height, and that is independent from any building or other structure.

SITE PLAN. The development plan for 1 or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

SOLAR ENERGY SYSTEM. A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system). Passive **SOLAR ENERGY SYSTEMS** are included in this definition.

SOLAR SKY SPACE. The space between a solar energy collector and the sun that must be free of obstructions that shade the collector to an extent which precludes its cost effective operation.

SOLAR SKY SPACE EASEMENT. A right, expressed as an easement, covenant, condition or other property interest in any land or other instrument executed by, or on behalf of any landowner that protects the solar skyspace of an actual, proposed or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy.

SPECIAL EXCEPTION. A use permitted in a particular zoning district upon showing to the Board of Appeals that the use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in this chapter and authorized by the Board of Appeals.

STORAGE CONTAINER. Any shipping container, cargo container, over-the-road trailer, with or without wheels, storage facility, trash or debris dumpster, or other container or like item, with or without logo or

name, with a storage capacity of more than 216 cubic feet (6 feet by 6 feet by 6 feet).

STREET. A public thoroughfare designed to provide the principal means of access to abutting property or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, including for purposes of this chapter, buildings, mobile homes, travel trailers, signs, swimming pools, fences, above ground fuel, propane and storage tanks, and antennae, but excluding from definition as structures minor landscaping features such as ornamental pools, planting boxes, bird baths, paved surfaces, walkways, driveways, recreational equipment, flagpoles and mailboxes.

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

(1) The property cannot reasonably be maintained or relocated in the manner dictated by §§ 155.535 through 155.545,

(2) There are no other reasonable means of saving the property from deterioration, or collapse, or

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

THOROUGHFARE. Any major arterial road; 1 of the principal routes into and through the community.

TRAVEL OR CAMPING VEHICLE. A vehicular portable structure designed as a temporary dwelling for travel or recreational use.

YARD. A required open space unoccupied and unobstructed by structures except those specifically permitted.

YARD, FRONT. A yard situated between the front building line and the front lot line extending the full width of the lot.

YARD, REAR. A yard situated between the rear building line and the rear lot line and extending the full width of the lot.

YARD, SIDE. A yard situated between the side building line and the side lot line and extending for the front yard to the rear yard.

ZONE. A specifically delineated area or district within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

ZONING ADMINISTRATOR. The person designated by the Town Administrator to administer this chapter.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.304, passed 7-30-2007; Am. Ord. 5.369, passed 7-28-2009; Am. Ord. 10.011, passed 6-28-2010)

ESTABLISHMENT OF DISTRICTS AND ZONING MAP

§ 155.030 ESTABLISHMENT OF DISTRICTS.

(A) The following districts are hereby established.

RE	Rural Estate	4 acres
RU	Rural	43,560 sq. ft.
R-40	Low Density Residential	43,560 sq. ft.
R-20	Low Density Residential	20,000 sq. ft.
D-1	Development	20,000 sq. ft.
R-12	Single-Family Residential	12,000 sq. ft.
R-8	1- and 2-Family Residential	8,000 sq. ft.
R-5	General Residential	5,000 sq. ft.
OC	Office Commercial	Commercial use: 6,000 sq. ft.
NC	Neighborhood Commercial	Commercial use: 6,000 sq. ft.
GC	General Commercial	6,000 sq. ft.
LIRP	Light Industrial Research Park	none
LI	Limited Industrial	none
B1	Basic Industrial	none
PD	Planned Development District	2 acres

(B) No amendment shall be initiated which would create a new zoning district with an area of less than 2 acres. This minimum does not apply to the extension of an existing district, or the addition of NC or OC Districts adjacent to a GC District.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.291, passed 8-29-2005; Am. Ord. 5.315, passed 6-30-2008; Am. Ord. 5.318, passed 7-28-2008) Penalty, see § 155.999

§ 155.031 DISTRICT PURPOSES.

(A) *Purpose.* The zoning districts established in this chapter are for the purposes of guiding development in accordance with existing and future needs and promoting public health, safety, morals, convenience, order, appearance, prosperity and general welfare, and all of the purposes set forth in S.C. Code § 6-29-710. The following statement of intent shall be used in interpretation and application of the district regulations.

(B) *Intent.* The residential district regulations are designed to encourage a stable and healthy environment for residential purposes, and to discourage encroachment by commercial, industrial or other uses adversely affecting the residential character of the district.

(C) *Districts.*

(1) *D-1 Development District.* This district is intended to provide for large tracts of land located primarily on the fringe of urban growth where the predominant character of urban development has not yet been fully established, but where the current characteristics of use are predominantly residential or agricultural with scattered related uses. It is further recognized that future demand for developable land will generate requests for amendments in zone designations to remove land from the D-1 classification and place it into other more intensely developed classifications as a natural consequence of urban expansion.

(2) *RE Rural Estate District.* This zoning district is intended to include areas with large lot sizes to accommodate residential and equestrian estate type development.

(3) *RU Rural District.* This zoning district is intended to include areas with acreage tracts in agriculture, forestry, animal husbandry with pastures, barns, barnyards, corrals, pens and associated facilities. Residential uses include manufactured homes on individual lots and limited commercial and service establishments are permitted.

(4) *R-40 Low Density Residential District.* This zoning district is intended to include large lot (minimum of 1 acre) residential subdivisions. The district would also permit uses compatible with these residential areas. Developments in this zoning district may or may not be served by public water or public sewer systems.

(5) *R-20 Low Density Single-Family Residential District.* This zoning district is intended to include low density residential subdivisions with lot sizes of 20,000 square feet or larger. Developments in this zoning district would be served by public water and/or public sewer systems. Permitted uses are the same as those permitted in the R-40 Zoning District.

(6) *R-12 Single-Family Residential District.* R-12 Districts are intended to be single-family residential areas with detached units and low population densities. Use regulations allow limited nonresidential use which are compatible with the character of the district.

(7) *R-8 1- and 2-Family Residential District.* R-8 Districts are intended for 1 and 2 family detached units and low to medium population density. Uses include those in R-12 Districts plus rooming and boarding houses, garage apartments, duplexes and manufactured homes with permanent foundations on single lots. Certain uses to serve governmental, recreational and religious needs are permitted. The regulations are designed to encourage a stable and healthy environment for 1- and 2-family dwellings, and to discourage encroachment by commercial, industrial or other uses adversely affecting the residential character of the district.

(8) *R-5 General Residential District.* This district is intended for high density residential purposes, including single-family detached units, duplexes, multi-family units and manufactured homes on individual lots. Mobile home parks are permitted as special exceptions upon approval of the Board of Zoning Appeals. Certain uses to serve governmental, recreational and religious needs are permitted.

(9) *OC Office Commercial District.* OC District is intended to be used primarily for business office and personal service uses. Some limited retail uses and 1-family, 2-family, and multi-family residential uses are permitted.

(10) *NC Neighborhood Commercial District.* This district is intended for commercial and service

uses oriented primarily to serving needs of persons who live or work in nearby areas. Residential, shops, offices and other compatible uses may exist on the same property, either side by side or with 1 above the other in a multi-story building. Commercial uses permitted are intended to be relatively small in size and service area.

(11) *GC General Commercial District.* GC District is intended to accommodate business uses along outlying traffic arteries primarily engaged in sale of durable goods, equipment, services and recreational facilities. Residential, shops, offices and other compatible uses may exist on the same property, either side by side or with 1 above the other in a multi-story building.

(12) *AO Architectural Overlay Zoning District.* This zoning district is intended to require the review and receipt of a certificate of appropriateness for new construction or exterior renovation of existing structures for business uses which meet the requirements for review. It is intended to promote the development of aesthetically pleasing commercial areas which invite business establishments and will attract resident and visitor patronage. The Architectural Overlay Zoning District includes all property within the OC Office Commercial, NC Neighborhood Commercial and GC General Commercial Zoning Districts.

(13) *LIRP Light Industrial Research Park Zoning District.*

(a) The provisions in this zoning district are intended to attract facilities that:

1. Are sensitive to the environment;
2. Provide high paying, long-term job activities;
3. Whose management and employees will be involved in community activities;
4. Will use knowledge available at the research universities; and
5. Will establish symbiotic relationships with other industries in the area.

(b) Industries involved in manufacturing processes are strongly encouraged to seek the most current ISO 14001 or better environmental management systems certification.

(c) Development in this district may include, but are not limited to, properties used for offices; clean non-polluting light manufacturing; laboratories, prototype manufacturing, research and development activities; software development; distribution; training facilities; and other similar uses.

(d) Ancillary facilities may include restaurants and cafeterias, day care facilities, recreation facilities, parking decks, and similar facilities for the benefit of employees and businesses.

(14) *LI Limited Industrial District.* This district is intended to permit light industrial and commercial uses which do not create nuisances by noise or emissions beyond the premises.

(15) *BI Basic Industrial District.* This district is established for a wide variety of industrial uses involving research, manufacturing, processing, assembly, storage, landfill, mining and all uses permitted in the LI District.

(16) *PD Planned Development District.*

(a) This district designates an area for which an approved development plan constitutes the district regulations.

(b) It is intended to utilize the factors of efficiency, economy, flexibility, creative site design, improved appearance, compatibility of mixed uses, maximum benefits from open space, safe and efficient vehicular and pedestrian access for a development characterized by a unified site design for mixed uses.

(c) A Planned Development District may be predominately residential or predominately commercial.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.318, passed 7-28-2008; Am. Ord. 5.369, passed 7-28-2009; Am. Ord. 10.014, passed 5-24-2010) Penalty, see § 155.999

§ 155.032 DISTRICT BOUNDARIES ON MAP.

The boundaries of the zoning districts established by this chapter are hereby established on a map entitled Zoning Map of the Town of Blythewood, S.C., which map is declared to be a part of this chapter.

(Ord. 5.202, passed 11-24-1981)

§ 155.033 OFFICIAL ZONING MAP.

The official zoning map shall be maintained in the office of the Zoning Administrator. A duplicate official zoning map shall be kept in the office of the Town Clerk. All zoning district boundaries shall be clearly shown on the zoning map, and amendments shall be recorded immediately after adoption. The official copies of the zoning map shall be dated and attested by the Town Clerk, and shall be available for public inspection. The official zoning map and any amendments adopted by Town Council shall constitute the final authority for determination of zoning district boundaries. It shall be unlawful for any person to make unauthorized changes to the zoning map.

(Ord. 5.202, passed 11-24-1981)

§ 155.034 INTERPRETATIONS OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of any zoning district, the following general rules of interpretation shall apply. It is the duty of the Zoning Administrator to interpret the location of zoning district boundaries. An appeal from an interpretation of finding of the Zoning Administrator may be taken to the Zoning Board of Appeals as specified in §§ 155.465 *et seq.*

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

(B) District boundaries indicated as approximately following platted lot lines shall be construed as following lot lines.

(C) District boundaries indicated as approximately following town limits shall be construed as following the town limits.

(D) District boundaries indicated as following railroad lines shall be construed to be midway between

the main tracks.

(E) District boundaries indicated as following center lines of stream beds or other bodies of water shall be construed to follow the center lines.

(F) Supplementary floodplain and floodway boundaries indicated as following the U.S. Army Corps of Engineers 100-year floodplain line or the floodway line shall be construed to follow the lines.

(G) District boundaries indicated as approximately parallel to, or extensions of features indicated in the divisions above shall be so construed and at a distance therefrom as indicated on the official copy of the zoning map. Distances not specifically indicated on the official copy of the zoning map shall be determined by the scale of the map.

(H) Where a district boundary line as appearing on the zoning map divides a lot in single ownership at the time of adoption of this chapter or subsequent amendment into 2 different zoning districts, the district least restrictive in the opinion of the owner shall be deemed to apply to the whole thereof. Provided however, that in no case shall a zoning district boundary line dividing the lot be extended into either district in excess of 50 feet beyond the district boundary line dividing the lot.

(Ord. 5.202, passed 11-24-1981)

§ 155.035 LOT DIVIDED BY DISTRICT BOUNDARIES.

No structure or accessory use may be placed, structurally altered, or have a change in use where the structure or use is or would be included within 2 or more zoning districts unless the structure or use conforms to the requirements of all applicable district regulations.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

GENERAL REGULATIONS

§ 155.050 APPLICATION OF REGULATIONS.

(A) Within each district, the regulations set forth by this chapter shall apply uniformly to each class or kind of structure or land.

(B) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards shall govern. Unless deed restrictions, covenants or other contracts directly involve the town as a party in interest, the town shall have no administrative responsibility for enforcing the deed restrictions or covenants.

(C) No building, structure or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with the regulations specified in this chapter for the district in which it is located.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.051 STREET ACCESS REQUIRED.

Except as otherwise specifically provided, no building shall be located, used or occupied on a lot without direct vehicular and pedestrian access to a public street.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.052 STRUCTURES REQUIRED TO BE ON LOTS OF RECORD.

Any new structure erected after the effective date of this chapter shall be on a lot of record.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.053 REDUCTION OF LOTS AREA PROHIBITED.

No yard or lot existing on the effective date of this chapter shall be reduced in dimension or area below the applicable district minimum requirements. New lots or yards shall meet the applicable district minimum requirements.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.054 ANNEXATION.

(A) *Designation of zoning classifications.* When annexation is accompanied by ordinance, the Town Council, after receiving a recommendation from the Zoning Administrator, shall specify an interim zoning district classification or classifications in the annexation ordinance, with the classification of classifications to become effective upon the effective date of the annexation.

(B) *Amendment proceedings to be initiated.* Immediately after the effective date of the annexation, the Zoning Administrator shall initiate zoning amendment proceedings as specified by §§ 155.480 *et seq.* for the purposes of establishing or confirming appropriate zoning classifications for the annexed area, and the public hearing therefore shall be scheduled to be held not more than 60 days after the effective date of annexation, further provided that the proposal to be brought before the hearing may either be to retain all or part of the annexed area in the classification originally designated or to change all or part of the annexed area to a classification other than originally designated. No grading, building or zoning permit shall be issued until the zoning classification has been established.

(Ord. 5.202, passed 11-24-1981)

§ 155.055 NONCONFORMING STRUCTURES OR USES.

Nonconforming structures or land uses are declared to be incompatible with permitted uses in the districts established by this chapter. It is the intent of this chapter to allow nonconformities to continue until they are removed, but not to encourage their survival. The lawful use of any structure or land on the effective date of this chapter may be continued subject to the following regulations.

(A) A nonconforming use, structure or characteristic of use shall not be changed to any other nonconforming use, structure, or characteristic of use unless the Zoning Board of Appeals finds that the new use, structure or activity is more in character with the uses permitted in the district, in which case the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose of this chapter.

(B) The minimum yard requirements of this chapter shall not be construed as prohibiting the conversion of an existing building which does not meet the minimum yard requirements to another permitted use, so long as no further encroachment is made into the existing yards.

(C) A nonconforming structure shall not be demolished and rebuilt as a nonconforming structure.

(D) A nonconforming use, structure or characteristic of use shall not be extended, enlarged or intensified except in conformity with this chapter, provided however, that any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for that use at the time of adoption or amendment of this chapter, but no use shall be extended to occupy any land outside the building.

(E) A nonconforming use, or characteristic of use, shall not be reestablished after vacancy, abandonment, or discontinuance for any period of 6 consecutive months, except where division (F) below applies.

(F) A nonconforming structure shall not be rebuilt, altered or repaired except in conformity with this chapter after sustaining damage or necessitating repair exceeding 50% of the replacement cost of the structure at the time of damage or wear, provided that any permitted reconstruction shall begin within 6 months from the time of damage or notice of wear and shall be completed within 12 months after the issuance of a building permit.

(G) On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of that official.

(1) Above ground propane, fuel and storage tanks located within a required front yard of the NC, OC and GC Districts are considered nonconforming structures, and as such, are subject to the provisions of divisions (A) through (F) above, except that the tanks shall be screened from public view within 1 year of adoption of this chapter.

(2) Chain-link fences located in the front yard of commercial buildings or structures must be landscaped according to the regulations in §§ 155.390 *et seq.* within 1 year of the adoption of this chapter.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.056 NONCONFORMING LOTS OF RECORD.

(A) *Single lots.* In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of this chapter, provided that setback requirements of the district are met.

(B) *Adjoining lots.* If 2 or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption or amendment of this chapter and the lots individually are too small to meet the yard, width or area requirements of the district in which they are located, these groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in 1 ownership shall be subject to the requirements of this chapter.

(Ord. 5.202, passed 11-24-1981)

§ 155.057 TEMPORARY NONCONFORMING USES.

A temporary use permit may be issued by the Zoning Administrator for an appropriate period of time not to exceed 12 month increments for nonconforming buildings, structures or uses incidental to building construction or land development or deemed to be generally beneficial, provided that the owner of the temporary nonconforming use agrees to remove the temporary nonconforming use upon expiration of the permit.

(Ord. 5.202, passed 11-24-1981)

§ 155.058 STRUCTURES IN MINIMUM REQUIRED YARDS.

The general definition of **YARDS** as set forth in § 155.016 states that yards are unoccupied and unobstructed by a structure or portion of a structure from 30 inches above the finished grade level of the ground upward. However, the general definition shall be construed subject to the following exceptions and interpretations:

(A) Those objects which are excluded from the definition of a **STRUCTURE** under § 155.016 shall not be subject to regulation under interpretation of the definition of **YARD**;

(B) Steps and open porches without roofs shall be allowed in any required yard, provided that the items must be at least 2 feet from any interior lot line;

(C) Screening walls and fences over 30 inches in height that substantially impede vision may be permitted in a required yard as a special exception, however, screening walls and fences not over 7 feet in height are permitted outright in side and rear yards. Chain-link fences in the required front yard of commercial buildings and structures shall be prohibited;

(D) Eaves, cornices, gutters and other minor architectural features projecting less than 18 inches from the main portion of a building shall be allowed to project into any yard;

(E) In GC, LI and BI Districts, structures and devices incidental to servicing, and roofs over the structures and devices are permitted within required front yards, provided that they do not constitute a substantial impediment to visibility across the yards which would contribute to the creation of traffic hazards, and further provided that servicing operations in connection therewith can be conducted so as not to interfere

with public use of adjacent sidewalks or public streets;

(F) Retaining walls in excess of 30 inches in height may be permitted as a special exception in any yard; however, retaining walls that do not project more than 30 inches above the grade level at the property lines of adjoining lots are permitted outright;

(G) Signs are permitted to encroach upon required yards in certain instances as set forth in §§ 155.425 *et seq.*;

(H) Screening between commercial or industrial uses and lots zoned residentially, as required by this chapter; and

(I) Apparatus needed for the operation of active and passive solar energy systems, including but not limited to overhangs, movable insulating walls and roofs, the attached solar collectors, reflectors and piping.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.059 ORIENTATION OF REQUIRED YARDS.

In interpretation of requirements related to establishment of required yards, the Zoning Administrator shall apply the following interpretation to the orientation of yards.

(A) *Through lots.*

(1) In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages.

(2) Where 1 of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Administrator may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards existing on adjacent lots.

(B) *Corner lots with 2 frontages.*

(1) In the case of corner lots with 2 frontages, a front yard of the required depth shall be provided on the frontage of the street having the higher traffic volumes.

(2) Where the traffic volumes on both streets are approximately equal, the required depth shall be provided on the street frontage having the minimum lot width.

(3) A second front yard of 1/2 the depth required generally for front yards in the district shall be provided on the other frontage.

(C) *Corner lots with more than 2 frontages.* In the case of corner lots with more than 2 frontages, the Zoning Administrator shall determine the front yard requirements, subject to the following limitations:

(1) At least 1 front yard shall be provided having full depth required generally in the district; and

(2) No other front yard on the lot shall have less than 1/2 the full depth required generally.

(D) *Appropriateness of orientation.*

(1) Notwithstanding the above, the Zoning Administrator may determine that the most appropriate orientation for any required yard is different from the orientation as set forth above in instances that it appears that the different orientation will further the intent of this chapter.

(2) When a structure is to be built which will contain more than 1 dwelling unit, the orientation of required yards shall be based upon both the orientation of the lot and the orientation of the structure.

(3) The Zoning Administrator may impose an orientation of yards different from the orientation set forth in this section and elsewhere in this chapter subject only to appeal of the decision to the Board of Appeals as an appeal from an administrative decision of the Zoning Administrator.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.060 ERECTION OF STRUCTURES ONLY UPON LOTS OF RECORD.

Any new structure erected after the effective date of this chapter shall be erected only upon a lot of record.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.061 LOT COVERAGE.

(A) The area of the lot, which when viewed directly from above, would be covered by all principal accessory buildings and structures.

(B) A portion of the principal or accessory building, or any terrace, balcony, breeze way, porch or portion thereof, or any solar collection device or related apparatus, not included as floor area of the building, by definition shall not be included in computing lot coverage.

(Ord. 5.202, passed 11-24-1981)

§ 155.062 DETERMINATION OF SOLAR SKYSPACE EASEMENT.

The solar skyspace easement defined in § 155.016 may be computed by using the designated minimum yard requirement in each zoning district in coordination with the information on skyspace and shadow data in Appendix 1 of *Protecting Solar Access for Residential Development*, Department of Housing and Urban Development, 1979.

(Ord. 5.202, passed 11-24-1981)

§ 155.063 MAXIMUM SETBACKS REQUIREMENTS ON PROPERTIES WITH MULTIPLE BUILDINGS.

Where a building is located completely behind another building meeting the maximum setback requirements herein, there shall be no maximum front or side setback requirements for the rear building. Figures 1 and 2 illustrate building replacement requirements with side and central driveways.

Figure 1. Figure illustrating building placement requirements with side driveway.

Figure 2. Figure illustrating building placement requirements with central driveway.

(Ord. 5.369, passed 7-28-2009)

DISTRICT REGULATIONS

§ 155.075 DISTRICT CLASSIFICATIONS.

District use classifications general regulations in §§ 155.050 *et seq.*, district regulations in §§ 155.093, 155.108, 155.123, 155.138, 155.153, 155.168, 155.183, 155.198, 155.213, 155.228, 155.243, 155.258, 155.271, 155.288, and 155.302, and supplemental regulations in §§ 155.330 *et seq.*, §§ 155.355 *et seq.* and §§ 155.370 *et seq.* are applicable in all of the following classes of uses:

(A) *Permitted uses.* Permitted uses listed in the district use tables in this division are permitted outright.

(B) *Conditional uses.* Conditional uses in the district use tables are permitted by the Zoning Administrator without further review upon compliance with conditions specified in the tables.

(C) *Special exceptions.* Special exceptions are permitted after review and approval by the Board of Zoning Appeals upon compliance with general conditions in the regulations.

(Ord. 5.202, passed 11-24-1981)

R-12 SINGLE-FAMILY RESIDENTIAL DISTRICT

§ 155.090 PERMITTED USES.

<i>R-12 Permitted Uses</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Single-family dwelling (other than mobile home or manufactured home)	88	Private households	2 per dwelling unit
Government building or facility	91, 92, 93, 94, 95, 96	General government, justice, public order, safety, finance and the like	1 per 200 sq. ft. of gross floor area

Non-commercial horticulture or agriculture, not including the keeping of poultry or animals	01	Agricultural production, orchard, greenhouse, nursery	None
Accessory uses on same lot with principal use, as follows:			
(1) Private garage for vehicles;			
(2) Open parking area for 2 motor vehicles per dwelling unit may be used for 1 commercial vehicle up to 1 ton in capacity per dwelling unit;			
(3) Shed for storage of building or lot maintenance equipment; private kennel for not more than 3 dogs or 3 cats, 4 months of age or older, with minimum 6-foot fence for exterior kennel;			
(4) Private swimming pool, including deck, bath house or cabana; boat dock;			
(5) Disaster shelter;			
(6) Private garden; greenhouse; slathouse up to 8 ft. high; or			
(7) Private tennis, outdoor recreation and picnic facilities.			

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.091 CONDITIONAL USES.

<i>R-12 CONDITIONAL USES (approved by Zoning Administrator if all conditions are met)</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>SIC Parking Spaces Required</i>
Church, synagogue, temple, or place of worship, including religious education building, parsonage or parish office, off-street parking for members and visitors without pay, and recreation facilities, provided all following conditions are met:	8661	Religious organization, churches and the like	1 space for each 4 seats in main assembly room
(1) Use is conducted in a permanent structure;			
(2) Minimum 20,000 square foot lot; and			
(3) Building setback 25 ft. from residential property.			
Public utility substation, water tower, (see special exceptions, § 155.092, for	49	Electric, gas, water,	1 space

communication tower) provided all following conditions are met:		sanitary services	
(1) Structures are enclosed by an appropriate security fence;			
(2) No office, commercial operation, or storage of vehicles or equipment is permitted; and			
(3) A landscaped strip at least 5 ft. wide is planted and maintained along exterior lot lines.			
Cemetery, provided all following conditions are met:	6553	Cemetery	None
(1) Minimum 5 acre lot;			
(2) No crematorium or dwelling except caretaker;			
(3) Front yard setback greater of 70 ft. from center of street or 10 ft. from street right-of-way line; and			
(4) Non-illuminated sign not over 30 sq. ft. in area to 10 ft. in height.			
Temporary contractor office and equipment shed, provided that all following conditions are met:	1521	General contractor, single-family houses	1 for each 300 sq. ft. of office area
(1) Used in connections with construction on premises;			
(2) Must not cause traffic congestion or nuisance; and			
(3) For term up to 1 year, may be renewed once.			
Customary home occupation in single-family dwelling provided all of the following conditions are met:			
(1) Conducted inside dwelling by resident family members;			
(2) Utilizes not more than 25% of total dwelling floor area;			
(3) No change in exterior appearance of dwelling;			
(4) No outside display of products;			

(5) No sale of products except those made on premises or consumables incidental to a service;
(6) Create no health or safety hazard, noise, offensive emissions, traffic hazard, unsightly conditions or nuisance; and
(7) Activity is not visibly evident outside dwelling, except for a wall-mounted sign not over 4 sq. ft. in area.
For bed and breakfast inn, see special exceptions, § 155.092

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.092 SPECIAL EXCEPTIONS.

<i>R-12 SPECIAL EXCEPTIONS (approved by the Board of Zoning Appeals after hearing)</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Unlighted, regulation-size or par 3 golf course, provided the Board of Zoning Appeals determines:	799279 97	Golf courses, public; golf courses, membership	Number and location set by Board; minimum: 1 for every 200 sq. ft. of building area, plus 2 for each golf hole
(1) Adequate off-street parking is provided;			
(2) No building permitted except maintenance shed, clubhouse (including limited eating facility and pro shop), cart storage, restrooms, rain shelters, and gate house;			
(3) No permitted building or parking facility shall be within 300 ft. of a dwelling;			
(4) Adequate provisions for access and traffic safety; and			
(5) The use is compatible with the district.			
Private kindergarten or pre-school nursery, provided the Board of Zoning Appeals determines:	822183 51	Kindergarten (with academic program); child day care services	1 for each employee, plus any additional drop-off and pick-up parking as determined by the Board
(1) Applicable state regulations are met;			
(2) Minimum 20,000 square foot lot;			

(3) Structures minimum 25 ft. from residential property;			
(4) Conditions imposed for safety, traffic, impact on district; and			
(5) The use is compatible with the district.			
Cluster single-family development, provided that the Board of Zoning Appeals determines:	88	Private households	2 for each dwelling unit
(1) Detached single-family units on minimum of 2 acres not exceed density per entire tract;			
(2) May exceed density per acre;			
(3) Lot requirements per house may be waived;			
(4) Subdivision regulations are met;			
(5) Adequate provisions for access and traffic safety; and			
(6) The use is compatible with the district.			
Conversion of existing dwelling to bed and breakfast, with provisions outlined in § 155.375	7011	Bed and breakfast inn	Location set by Board; minimum: 1 for each guest room plus 2 for resident innkeeper
Communication tower, provided that the provisions of §§ 155.355 <i>et seq.</i> are met	48	Communication	1 space

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.093 REGULATIONS.

The following regulations apply to all uses in the R-12 Districts.

Minimum lot area	12,000 sq. ft.
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Minimum land area per dwelling unit	12,000 sq. ft.
Maximum dwelling units per net acre	3 dwelling units
Minimum lot width at front building line	75 ft.
Minimum front yard depth	30 ft.
Minimum setback from second street frontage	Side street on corner lot: 30 ft.
	Rear street on double frontage lot: 30 ft.
Minimum side yard	Principal structure: 15 ft. from interior side lot line
	Accessory structure: same as principal structure
	Open carport: 7 ft. from interior side lot line
Minimum rear yard	Principal structure: 25 ft. from interior rear lot line
	Accessory structure: 5 ft. from interior rear lot line
Maximum lot coverage	Residential units and their accessory structures shall not exceed a total of 25% lot coverage; other permitted and permissible buildings and their accessory structures shall not exceed a maximum of 35% lot coverage
Maximum structure height	50 ft. to the roof line (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles and antennae)
Visibility requirements	Corner lot: no obstruction between heights of 3 ft. and 10 ft. above finished street level within 25 ft. of intersection of street rights-of-way lines
	Private drive: no obstruction over height of 30 inches within 10 ft. of street
Off-street parking area requirements	See §§ 155.410 <i>et seq.</i>
Signs	See §§ 155.425 <i>et seq.</i>
Supplemental regulations:	See §§ 155.370 <i>et seq.</i> ; §§ 155.330 <i>et seq.</i> ; §§ 155.355 <i>et seq.</i>

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

RU RURAL DISTRICT

§ 155.105 PERMITTED USES.

<i>Rural Permitted Uses</i>	<i>NAICS Code</i>	<i>NAICS Description</i>	<i>Parking Spaces Required</i>
Single-family dwelling unit, including garage apartment on single lot (See conditional uses for manufactured homes)	814	Private households (See conditional uses for mobile or manufactured homes.)	2 for each unit
Agriculture, aquiculture, nurseries, livestock production, ranching, equestrian uses and forestry activities (except confined animal feeding - see special exception, § 155.107)	111	Crop production	None
	112 Except 112112 (confined animal feeding) 1122 (production hog and pig farms) and 1123 (poultry and egg production)	Animal production	
	113	Forestry and logging	
Roadside stands for sale of agricultural products	44523	Fruit and vegetable markets	1 per 150 sq. ft. of sales area
Neighborhood and community public park and recreational facilities, tennis court, swimming pool, ball field or golf course	712190	Nature parks	1 per 4 patrons at maximum capacity
	71211	Museums	
	71212	Historical sites	
	71391	Golf courses and country clubs	
	N/A	Public recreational facilities	
Bed and breakfast inn, tourist (guest) home	72119	Traveler accommodations	2 for owner plus 1 per guest room
Church, synagogue, temple or place of worship, including, religious education building, parsonage or parish house, off-street parking for members and visitors, recreation facilities, kindergarten or pre-school nursery, in permanent structures	8131	Religious organizations, churches and the like	1 for each 4 seats in main assembly room, or 1 for each 150 sq. ft of gross floor area, whichever requires the

			least number of spaces
Civic and social clubs	8134	Civic and social organizations	1 per 150 sq. ft. of gross floor area
Accessory use on same lot with principal use, as follows:			
(1) Private garage for motor vehicle;			
(2) Open parking area for motor vehicles may be used for 1 commercial vehicle of 1 ton or less per dwelling unit;			
(3) Shed for storage of building or lot maintenance equipment;			
(4) Barns, silos, outbuildings for agricultural uses and equipment;			
(5) Private swimming pool, including deck, bath house or cabana; boat dock;			
(6) Private garden; greenhouse; private tennis; outdoor recreation and picnic facilities; or			
(7) Animal kennels per animal control Chapter 90.			

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.285, passed 5-23-2005) Penalty, see § 155.999

§ 155.106 CONDITIONAL USES.

<i>RU Conditional Uses (approved by Zoning Administrator if all conditions are met)</i>	<i>NAICS Code</i>	<i>NAICS Description</i>	<i>Parking Spaces Required</i>
Elementary and secondary schools, colleges, arts, business, technical and trade schools providing that all the following conditions are met:	61	Educational services	2 per classroom or office, plus 1 for each 4 seats in senior high auditorium; kindergarten: 1 per employee, plus 1 off-street loading space; all other: 1 per 3-students' capacity
(1) The use is compatible with the district;	611	Elementary and secondary schools	
(2) § 155.394(A), Type A (opaque screen/buffer) is required adjacent to a residential zoning;			
(3) Conditions imposed for safety, traffic and impact on the district; and			
(4) Exterior lighting directed inward and downward			

Cemetery, provided all the following conditions are met:	81222	Cemetery only	None
(1) Minimum 2 acre lot;			
(2) No crematorium or dwelling;			
(3) Front yard setback 25 ft. from street right-of-way; and			
(4) Non-illuminated sign not over 30 sq. ft. in area or 8 ft. in height.			
Temporary contractor office and equipment shed, residential construction, provided all following conditions are met:	2332	Residential building construction	1 for each 300 sq. ft. of office area
(1) Used in connection with construction on premises;			
(2) Must not cause traffic congestion or nuisance; and			
(3) For a term up to 1 year, may be renewed once.			
Temporary or permanent housing for individuals or families employed in the operation of an agricultural enterprise which includes an acreage of at least 100 acres, provided the following conditions are met:	N/A		2 spaces per unit
(1) All structures are located at least 200 ft. from a public road;			
(2) All structures shall have a minimum separation of at least 50 ft.; and			
(3) All structures are at least 200 ft. from the property line.			
Temporary Christmas tree sales, on vacant lot for a period not to exceed 45 days	N/A		None
Single wide or multi-section manufactured home on an individual lot provided all following conditions are met:			
(1) Wheels are removed and unit is placed on a foundation complying with building code, and skirting compatible with the manufactured home, is installed;			

(2) Unit is tied down for 80 mph wind resistance;
(3) All mobile features are removed;
(4) Two off-street parking spaces per unit are provided;
(5) Owner shall certify in writing that unit meets HUD minimum standards at the time the unit was built and will be maintained in compliance with those HUD standards;
(6) Failure to bring unit into compliance with HUD standards, at the time the unit was built, within 15 days after notice of deficiencies is a violations of these conditions subject to penalties provided by the Municipal Code;
(7) The roof of a multi-section manufactured home shall have no less than a nominal 3:12 pitch; and
(8) Each manufactured home shall have porches and/or stoops at all entrances to the home built in accordance with the International Building Code, latest adopted additions.
Single wide or multi-section manufactured home as emergency housing, provided the following conditions are met:
(1) Temporary use may be permitted for 12 months while repairs are made to dwelling damaged by fire or natural disaster; and
(2) Permit may be extended for additional 6 months provided repairs are in progress and will be completed by expiration of 18 month period. No additional extension may be granted.
Customary home occupation in single-family dwelling, provided the following conditions are met:
(1) Conducted inside a dwelling or accessory building by resident family members with no more than 2 non-resident employees;
(2) Utilizes not more than 25% of total dwelling floor area, or occupy an accessory building;
(3) No change in exterior appearance of dwelling;
(4) No outside display of products;
(5) Creates no health or safety hazard, noise, offensive emissions, traffic hazard, unsightly condition or nuisance; and
(6) Activity is not visibly evident outside dwelling, except for a wall-mounted non-illuminated nameplate not over 2 sq. ft. in area.
Water towers, wastewater transmission facilities and related or accessory structures proved each of the following conditions are met:
(1) Structures must be enclosed by a 6 foot high fence; and
(2) A landscaped strip of at least 5 feet in width must be planted and maintained along the perimeter of the fence enclosure visible from adjacent property or right of way. NAICS Code and descriptions shall be

made to conform. One off street parking space shall be required.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.285, passed 5-23-2005; Am. Ord. 10.039, passed 12-20-2010)
 Penalty, see § 155.999

§ 155.107 SPECIAL EXCEPTIONS.

<i>RU Special Exceptions (approved by Board of Zoning Appeals after hearing)</i>	<i>NAICS Code</i>	<i>NAICS Description</i>	<i>Parking Spaces Required</i>
Veterinary facilities and kennels, provided the Board of Zoning Appeals determines: (1) Approvals shall be conditioned on the applicant receiving all state and federal approvals; (2) Accessory structures that house animals and animals located outside are a minimum of 500 ft. from a property line; (3) The use would not constitute a safety hazard or traffic hazard; and (4) The use is not detrimental to adjacent land uses in the vicinity.	54194 81291	Veterinary services, pet care	1 space per 150 sq. ft. of gross service area or sales space
Public utilities, substation, (see §§ 155.355 <i>et seq.</i> for communication tower) provided all of the following conditions are met: (1) Structures enclosed by 6 ft. fence; (2) No office, commercial operation or storage of vehicles of equipment is permitted; and (3) A landscaped strip at least 5 ft. wide is planted and maintained along all exterior lines.	22112 2212 22131	Electric, gas, water, sanitary utilities	1 space
Government building or facility, provided the Board of Zoning Appeals determines: (1) Improvements are a minimum of 100 ft. from residential property lines; (2) The use would not constitute a safety	922120 922160 621960	Police Fire Ambulance service	1 for every 200 sq. ft. of floor area

hazard or traffic hazard; and			
(3) The use is not detrimental to adjacent land uses in the vicinity.			
Pre-school nursery, provided the Board of Zoning Appeals determines:	8211		1 for each employee, plus any additional drop-off and pick-up parking as determined by the Board
(1) Applicable state regulations are met;	8351		
(2) Minimum 20,000 square foot lot;			
(3) Structures minimum of 25 ft. from residential property line;			
(4) Conditions imposed for safety, traffic, impact on district; and			
(5) The use is compatible with the district.			
(6) Within the existing permitted residential unit.			
(7) Only 1 family child care home in a 1-mile radius of another family child care home.			
(8) Family child care homes having a maximum capacity of up to 6 children, as designated by SC Dept. of Social Services.			
Single wide or multi-section manufactured home that meets all HUD standards maybe used as a temporary residence by the owner of the property during the construction of a permanent residence, provided the Zoning Board of Appeals makes the following findings:			
(1) The applicant has a valid building permit issued by the Town of Blythewood for the construction of a permanent residence on the property;			
(2) The building lot is of sufficient size to permit the location of the manufactured home in a way that both structures meet the minimum yard requirements;			
(3) The manufactured home will be occupied by the owner of the property who is constructing the permanent residence;			
(4) The proposed location does not adversely affect the neighborhood or the adjoining property owners;			
(5) The Board of Appeals is satisfied that the permanent residence will be competed and occupied no later than 2 years from the date of the granting of the special exception; and			
(6) The applicant will remove the manufactured home from the property within 30 days of the issuance			

of a certificate of occupancy for the permanent residence.

In addition to the above 6 requirements, the Zoning Board of Appeals may attach other conditions as it deems appropriate to protect adjacent properties and the integrity of the neighborhood.

The Zoning Board of Appeals may grant one 6-month extension of the permit for the manufactured home if substantial progress has been made on the completion of the permanent residence.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.285, passed 5-23-2005; Am. Ord. 5.317, passed 5-19-2008; Am. Ord. 10.039, passed 12-20-2010) Penalty, see § 155.999

§ 155.108 REGULATIONS.

The following regulations apply to all uses in the Rural Districts.

Minimum lot area	Residential: 1 acre; for livestock, equestrian, ranching, and other animal uses; 1 additional acre per each animal unit (animal weighing 1000 or more pounds).
	Other use: none, or as specified in conditions
Minimum lot width at front building line	150 ft.
Minimum front yard depth	For lots fronting on major streets shown on the transportation plan: 75 ft.
	50 ft. from all other road rights-of-way
Minimum side yard	25 ft. from interior side lot line
Minimum rear yard	Principal structure: 25 ft. from interior rear lot line
	Accessory structure: 6 ft. from interior rear lot line
Minimum front, side and rear setback from animal shelters, barns and pens	50 ft. from property line
Minimum setback from preexisting animal shelters, barns and pens on adjacent property	100 ft. (not applicable to agricultural uses)
Maximum structure height	50 ft. to roof line (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae, water tanks and towers and agricultural uses)
Visibility requirements	Corner lot: no obstruction between the heights of 3 ft. and 10 ft.

	above finished street level within 25 ft. of intersection of road right-of-way lines
	Private drive: no obstruction above the height of 30 inches within 10 ft. of road
Off-street parking	See §§ 155.410 <i>et seq.</i>
Signs	See §§ 155.425 <i>et seq.</i>
Supplemental regulations	See §§ 155.370 <i>et seq.</i> ; §§ 155.330 <i>et seq.</i> ; §§ 155.355 <i>et seq.</i>

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.285, passed 5-23-2005; Am. Ord. 10.039, passed 12-20-2010)
Penalty, see § 155.999

R-40 LOW DENSITY RESIDENTIAL DISTRICT

§ 155.120 PERMITTED USES.

<i>R-40 Permitted Uses</i>	<i>NAICS Code</i>	<i>NAICS Description</i>	<i>Parking Spaces Required</i>
Single-family dwelling (except manufactured or mobile homes)	814	Private household	2 for each dwelling unit
Accessory use on same lot with principal use, as follows:			
(1) Private garage for motor vehicle;			
(2) Open parking area for motor vehicles may be used for 1 commercial vehicle of 1 ton or less per dwelling unit;			
(3) Shed for storage of building or lot maintenance equipment;			
(4) Barns, silos, outbuildings for agricultural uses and equipment;			
(5) Private swimming pool, including deck, bath house or cabana; boat dock;			
(6) Private garden; greenhouse; private tennis; outdoor recreation and picnic facilities; or			
(7) Animal kennels per Chapter 90.			

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.121 CONDITIONAL USES.

<i>R-40 Conditional Uses (approved by Zoning Administrator if all conditions are met)</i>	<i>NAICS Code</i>	<i>NAICS Description</i>	<i>Parking Spaces Required</i>
Elementary and secondary schools, colleges, arts, business, technical and trade schools providing that all the following conditions are met:	61 Educational services	611 - Elementary and secondary schools	2 per classroom or office, plus 1 for each 4 seats in senior high auditorium; kindergarten: 1 per employee, plus 1 off-street loading space; all other: 1 per 3 students capacity
(1) The use is compatible with the district;			
(2) § 155.394(A), Type A (opaque screen/buffer) is required adjacent to a residential zoning;			
(3) Conditions imposed for safety, traffic and impact on the district; and			
(4) Exterior lighting directed inward and downward.			
Temporary contractor office and equipment shed, residential construction, provided all following conditions are met:	2332	Residential building construction	1 for each 300 sq. ft. of office area
(1) Used in connection with construction on premises;			
(2) Must not cause traffic congestion or nuisance; and			
(3) For a term up to 1 year, may be renewed once.			

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.122 SPECIAL EXCEPTIONS.

<i>R-40 Special Exception (approved by Board of Zoning Appeals after hearing)</i>	<i>NAICS Code</i>	<i>NAICS Description</i>	<i>Parking Spaces Required</i>
Public utilities, substation, water tower, (see §§ 155.355 <i>et seq.</i> for communication tower) provided all of the following conditions are met:	22112 2212 22131	Electric, gas, water, sanitary utilities	1 space

(1) Structures enclosed by 6 foot fence;			
(2) No office, commercial operation or storage of vehicles or equipment is permitted; and			
(3) A landscaped strip at least 5 ft. wide is planted and maintained along all exterior lot lines.			
Church, synagogue, temple or place of worship, including, religious education building, parsonage or parish house, off-street parking for members and visitors, recreation facilities, kindergarten or pre-school nursery, in permanent structures provided the Board of Zoning Appeals determines that this use is compatible with the district.	8131	Religious organizations, churches and the like	1 for each 4 seats in main assembly room
Public park or playground and recreation facilities including tennis court, swimming pool, golf course or other facilities provided the Board of Zoning Appeals determines that this use is compatible with the district.	71219 71391 71394	Nature park, golf course, tennis and swimming only	1 per 200 sq. ft. of building are plus 4 for each golf hole
Bed and breakfast guest home provided the Board of Zoning Appeals determines:	72119	Bed and breakfast home only	2 for owner plus 1 per guest room
(1) Minimum 1 acre lot; and			
(2) The use and parking is compatible with the district.			
Pre-school nursery, provided the Board of Zoning Appeals determines:	8211 8351		1 for each employee, plus any additional drop-off and pick-up parking as determined by the Board
(1) Applicable state regulations are met;			
(2) Minimum 20,000 square foot lot;			
(3) Structures minimum of 25 ft. from residential property line;			
(4) Conditions imposed for safety, traffic, impact on district; and			
(5) The use is compatible with the district.			
(6) Within the existing permitted			

residential unit.			
(7) Only 1 family child care home in a 1-mile radius of another family child care home.			
(8) Family child care homes having a maximum capacity of up to 6 children, as designated by SC Dept. of Social Services.			
Customary home occupation in single-family dwelling, provided following conditions are met:			
(1) Conducted inside dwelling by resident family members with no more than 2 non-resident employees;			
(2) Utilizes not more than 25% of total dwelling floor area, or 50% of an accessory building;			
(3) No change in exterior appearance of dwelling;			
(4) No outside display of products;			
(5) Creates no health or safety hazard, noise, offensive emissions, traffic hazard, unsightly condition or nuisance; and			
(6) Activity is not visibly evident outside dwelling, except for a wall-mounted non-illuminated nameplate not over 2 sq. ft. in area.			

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.317, passed 5-19-2008) Penalty, see § 155.999

§ 155.123 REGULATIONS.

The following regulations apply to all uses in the R-40 Low Density Residential District.

Minimum residential lot area	1 acre or more as required by DHEC
Minimum lot area for nonresidential uses	Utility substation and water towers: 10,000 sq. ft.
	Other: 1 acre
Minimum lot width at front building line	150 ft.
Minimum front yard depth	For lots fronting on major streets shown on the transportation plan: 50 ft.
	30 ft. from all other road right-of-way
Minimum setback from second street	Side street on corner lot: 15 ft.

frontage	Rear street on a double frontage lot: 50 ft.
Minimum side yard	25 ft. from interior side lot line
Minimum rear yard	Principal structure: 25 ft. from interior rear lot line
	Accessory structure: 6 ft. from interior rear lot line
Maximum structure height	50 ft. to the roof line (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles and antennae)
Visibility requirements	Corner lot: no obstruction between the heights of 3 ft. and 10 ft. above finished street level within 25 ft. of intersection of road right-of-way lines
	Private drive: no obstruction above the height of 30 inches with 10 ft. of road
Off-street parking	See §§ 155.410 <i>et seq.</i>
Signs	See §§ 155.425 <i>et seq.</i>
Supplemental regulations	See §§ 155.370 <i>et seq.</i> ; §§ 155.330 <i>et seq.</i> ; §§ 155.355 <i>et seq.</i>

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

R-20 LOW DENSITY RESIDENTIAL

§ 155.135 PERMITTED USES.

<i>R-20 Permitted Uses</i>	<i>NAICS Code</i>	<i>NAICS Description</i>	<i>Parking Spaces Required</i>
Single-family dwelling (except manufactured or mobile homes)	814	Private household	2 for each dwelling unit
Accessory use on same lot with principal use, as follows:			
(1) Private garage for motor vehicle;			
(2) Open parking area for motor vehicles may be used for 1 commercial vehicle of 1 ton or less per dwelling unit;			
(3) Shed for storage of building or lot maintenance equipment;			

(4) Barns, silos, outbuildings for agricultural uses and equipment;
(5) Private swimming pool, including deck, bath house or cabana; boat dock;
(6) Private garden; greenhouse; private tennis; outdoor recreation and picnic facilities; and
(7) Animal kennels per Chapter 90.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.136 CONDITIONAL USES.

<i>R-20 Conditional Uses (approved by Zoning Administrator if all conditions are met)</i>	<i>NAICS Code</i>	<i>NAICS Description</i>	<i>Parking Spaces Required</i>
Elementary and secondary schools, colleges, arts, business, technical and trade schools providing that all the following conditions are met:	61 611	Educational services Elementary and secondary schools	2 per classroom or office, plus 1 for each 4 seats in senior high auditorium; kindergarten: 1 per employee, plus 1 off-street loading space; all other: 1 per 3 students capacity
(1) The use is compatible with the district;			
(2) § 155.394(A), Type A (opaque screen/buffer) is required adjacent to a residential zoning;			
(3) Conditions imposed for safety, traffic and impact on the district; and			
(4) Exterior lighting directed inward and downward.			
Temporary contractor office and equipment shed, residential construction, provided all following conditions are met:	2332	Residential building construction	1 for each 300 sq. ft. of office area
(1) Used in connection with construction on premises;			
(2) Must not cause traffic congestion or nuisance; and			
(3) For a term up to 1 year, may be renewed once.			

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.137 SPECIAL EXCEPTIONS.

<i>R-20 Special Exception (approved by Board of Zoning Appeals after hearing)</i>	<i>NAICS Code</i>	<i>NAICS Description</i>	<i>Parking Spaces Required</i>
Public utilities, substation, water tower, (see §§ 155.355 <i>et seq.</i> for communication tower) provided all of the following conditions are met:	22112 2212 22131	Electric, gas, water, sanitary utilities	1 space
(1) Structures enclosed by 6-foot fence;			
(2) No office, commercial operation or storage of vehicles or equipment is permitted; and			
(3) A landscaped strip at least 5 ft. wide is planted and maintained along all exterior lot lines.			
Church, synagogue, temple or place of worship, including, religious education building, parsonage or parish house, off-street parking for members and visitors, recreation facilities, kindergarten or pre-school nursery, in permanent structures provided the Board of Zoning Appeals determines that the use is compatible with the district.	8131	Religious organizations, churches, and the like	1 for each 4 seats in main assembly room
Public park or playground and recreation facilities including tennis court, swimming pool, golf course or other facilities provided the Board of Zoning Appeals determines that this use is compatible with the district.	71219 71391 71394	Nature park, golf course, tennis and swimming only	1 per 200 sq. ft. of building area plus 4 for each golf hole
Bed and breakfast guest home provided the Board of Zoning Appeals determines:	72119	Bed and breakfast home only	2 for owner plus 1 per guest room
(1) Minimum 1 acre lot; and			
(2) The use and parking is compatible with the district.			
Pre-school nursery, provided the Board of Zoning Appeals determines:	8211 8351		1 for each employee, plus any additional drop-off and pick-up parking as determined by the Board
(1) Applicable state regulations are met;			
(2) Minimum 20,000 square foot lot;			
(3) Structures minimum of 25 ft. from residential property line;			
(4) Conditions imposed for safety, traffic, impact on district; and			

(5) The use is compatible with the district.			
(6) Within the existing permitted residential unit.			
(7) Only 1 family child care home in a 1-mile radius of another family child care home.			
(8) Family child care homes having a maximum capacity of up to 6 children, as designated by SC Dept. of Social Services.			
Customary home occupation in single-family dwelling, provided following conditions are met:			
(1) Conducted inside dwelling by resident family members with no more than 2 non-resident employees;			
(2) Utilizes not more than 25% of total dwelling floor area, or 50% of an accessory building;			
(3) No change in exterior appearance of dwelling;			
(4) No outside display of products;			
(5) Creates no health or safety hazard, noise, offensive emissions, traffic hazard, unsightly condition or nuisance; and			
(6) Activity is not visibly evident outside dwelling, except for a wall-mounted non-illuminated nameplate not over 2 sq. ft. in area.			

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.317, passed 5-19-2008) Penalty, see § 155.999

§ 155.138 REGULATIONS.

The following regulations apply to all uses in the R-20 Low Density Residential District.

Minimum residential lot area	With public water and sewer: 20,000 sq. ft.
	With individual water or sewer: 1 acre or greater, as directed by DHEC
Minimum lot are for non-residential uses	Utility substation and water towers: 10,000 sq. ft.
	Other: 1 acre
Minimum lot width at front building line	With public water and sewer: 100 ft.
	Other: 130 ft.

Minimum front yard depth	For lots fronting major streets as shown on the major street plan: 50 ft.
	30 ft. from all other road right-of-way
Minimum setback from second street frontage	Side street on corner lot: 12 ft.
	Rear street on a double frontage lot: 40 ft.
Minimum side yard	15 ft. from interior side lot line
Minimum rear yard	Principal structure: 25 ft. from interior rear lot line
	Accessory structure: 6 ft. from interior rear lot line
Maximum structure height	50 ft. to the roof line (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles and antennae)
Visibility requirements	Corner lot: no obstruction between the heights of 3 ft. and 10 ft. above finished street level within 25 ft. of intersection of road right-of-way lines
	Private drive: no obstruction above the height of 30 inches within 10 ft. of road
Off-street parking	See §§ 155.410 <i>et seq.</i>
Signs	See §§ 155.425 <i>et seq.</i>
Supplemental regulations	See §§ 155.370 <i>et seq.</i> ; §§ 155.330 <i>et seq.</i> ; §§ 155.355 <i>et seq.</i>

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

R-8 ONE AND TWO-FAMILY RESIDENTIAL DISTRICT

§ 155.150 PERMITTED USES.

<i>R-8 Permitted Uses</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Single-family and 2-family detached dwellings; (other than manufactured or mobile home)	88	Private household	2 for each dwelling unit
Government building or facility	91, 92, 93, 94,	General	1 per 200 sq. ft.

	95, 96	government, justice, safety and public order, and the like	gross area
Non-commercial horticulture or agriculture, not including poultry and animals	01	Agricultural production, orchard, greenhouse, nursery	None
Church, synagogue, temple, or place of worship: including religious education building, parsonage or parish house; off-street parking for members and visitors without pay, recreation facilities, kindergarten or pre-school nursery, in permanent structures	8661	Religious organization, churches and the like	1 for each 4 seats in main assembly room
Accessory uses on same lot with principal use, as follows:			
(1) Private garage for motor vehicles open parking area for 2 motor vehicles per dwelling unit, may be used for 1 commercial vehicle up to 1 ton in capacity per dwelling unit;			
(2) Shed for storage of building or lot maintenance;			
(3) Private kennel for not more than 3 dogs or 3 cats, 4 months of age or older, with minimum 6-foot fence for exterior kennel;			
(4) Private swimming pool, including deck; bath house or cabana; boat dock;			
(5) Disaster shelter;			
(6) Private garden; greenhouse; slathouse up to 8 ft. high; or			
(7) Private tennis; outdoor recreation; and picnic facilities.			

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.151 CONDITIONAL USES.

<i>R-8 CONDITIONAL USES (approved by Zoning Administrator if all conditions are met)</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Public utility substation, water tower, (see special exceptions, § 155.152, for communication tower) provided all following conditions are met:	49	Electric, gas, water, sanitary services	1 space
(1) Structure enclosed by an appropriate			

security fence;			
(2) No office, commercial operation or storage of vehicles or equipment permitted; and			
(3) A landscaped strip at least 5 ft. wide is planted and maintained along all exterior lot lines.			
Cemetery, provided all following conditions are met:	6553	Cemetery	None
(1) Minimum 1 acre lot;			
(2) No crematorium or dwelling except for caretaker;			
(3) Front yard setback greater of 70 ft. from center of street or 10 ft. from street right-of-way line; and			
(4) Non-illuminated sign not over 30 sq. ft. in area or 10 ft. in height.			
Temporary contractor office and equipment shed, residential construction, provided all following conditions are met:	1521	General contractors, single-family houses	1 for each 300 sq. ft. of office area
(1) Used in connection with construction on premises;			
(2) Must not cause traffic congestion or nuisance; and			
(3) For a term up to 1 year, may be renewed once.			
Customary home occupation in single-family dwelling, provided all following conditions are met:			
(1) Conducted inside dwelling by resident family members;			
(2) Utilizes not more than 25% of total dwelling floor area;			
(3) No change in exterior appearance of dwelling;			
(4) No outside display of products;			
(5) No sale of products except those made on premises or consumables incidental to a service;			
(6) Creates no health or safety hazard, noise, offensive emission, traffic hazard, unsightly conditions or nuisance; and			

(7) Activity is not visibly evident outside dwelling, except for a wall-mounted sign not over 4 sq. ft. in area.
For bed and breakfast inns, see special exceptions, § 155.152

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.152 SPECIAL EXCEPTIONS.

<i>R-8 Special Exceptions (approved by Board of Zoning Appeals after hearing)</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Unlighted, regulation size or par 3 golf course, provided the Board of Zoning Appeals determines:	7992 7997	Golf courses, public; golf courses, membership	Number and location by Board; minimum: 1 for every 200 sq. ft. of building area, plus 2 for each golf hole
(1) Adequate off-street parking is provided;			
(2) No building permitted except maintenance shed, clubhouse (including limited eating facility and pro shop), cart storage, restrooms, rain shelters and gate house;			
(3) No building or parking facility within 300 ft. of a dwelling;			
(4) Adequate provisions of access and traffic safety; and			
(5) The use is compatible with the district.			
Private kindergarten or pre-school nursery, provided the Board of Zoning Appeals determines:	8211 8351	Kindergarten (with academic program); child day care services	1 for each employee, plus any additional drop-off and pick-up parking as determined by the Board
(1) Applicable state regulations are met;			
(2) Minimum 20,000 sq. ft. lot;			
(3) Structures minimum of 25 ft. from residential property;			
(4) Conditions imposed for safety, traffic, impact on district; and			
(5) The use is compatible with the district.			
Clustered single-family development; provided	88	Private	2 for each

the Board of Zoning Appeals determines:		households	dwelling unit
(1) Detached single-family units on minimum of 2 acres;			
(2) Not exceed density per entire tract;			
(3) May exceed density per acre;			
(4) Lot improvements per house may be waived;			
(5) Zero interior lot line setback may be allowed; subdivision regulations are met;			
(6) Adequate provisions for access and traffic safety; and			
(7) The use is compatible with the district.			
Conversion of existing dwelling to bed and breakfast, with provisions outlined in § 155.375	7011	Bed and breakfast inn	Location set by Board; minimum: 1 for each guest room plus 2 for resident innkeeper
Communication tower, provided that the provisions of §§ 155.355 <i>et seq.</i> are met	48	Communication	1 space

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.153 REGULATIONS.

The following regulations apply to all uses in R-8 Districts.

Minimum residential lot area	8,000 sq. ft.
Minimum lot area per dwelling unit	8,000 sq. ft. for the first unit
	2,500 sq. ft. for each additional unit
Maximum units per net acre	16 dwelling units
Minimum lot width at building line	70 ft.
Minimum front yard depth	25 ft. or average of existing setbacks from same street in

	same block in district, but not less than 20 ft.
Minimum setback from second street frontage	Side street on corner lot: 12-1/2 ft.
	Rear street on double frontage lot: 25 ft.
Minimum side yard	Principal structure: combined side yard shall total 10 ft. or 20% of lot width (whichever is less), provided however that no individual side yard shall be less than 4 ft. in width
	Accessory structure: same as principal structure
Minimum rear yard	Principal structure: 15 ft.
	Accessory structure: same as principal structure
Maximum lot coverage	Residential units and their accessory structures shall not exceed a total of 30% lot coverage
	Other permitted and permissible buildings and their accessory structures shall not exceed a maximum of 35% lot coverage
Maximum structure height	Principal structures: 30 ft. from roof line (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles and antennae)
	Accessory structures: in no circumstance may an accessory structure exceed the height of the principal structure; if the principal structure is taller than 20 ft., the accessory structure may be a maximum of 20 ft.
Visibility requirements	Corner lot: no obstruction between heights of 3 and 10 ft. above finish street level within 25 ft. of intersection of street right-of-way lines
	Private drive: no obstruction over 30 inches high within 10 ft. of street
Off-street parking requirements	See §§ 155.410 <i>et seq.</i>
Signs	See §§ 155.425 <i>et seq.</i>
Supplemental regulations	See §§ 155.370 <i>et seq.</i> ; §§ 155.330 <i>et seq.</i> ; §§ 155.355 <i>et seq.</i>

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

R-5 GENERAL RESIDENTIAL DISTRICT

§ 155.165 PERMITTED USES.

<i>R-5 Permitted Uses</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Space Required</i>
Single-family, 2-family and multi-family dwellings (as defined in § 155.016)	88	Private households	1 for each dwelling unit
Government building facility	91, 92, 93, 94, 95, 96	General government, justice, public order, safety, finance and the like	1 space per 200 ft. of gross floor area
Non-commercial horticulture or agriculture	01	Agricultural production, orchard, greenhouse, nursery	None
Church, synagogue, temple or place of worship, including: religious education building, parsonage or parish house; off-street parking for members and visitors without pay; recreation facilities; and kindergarten or pre-school nursery, in permanent structures.	8661	Religious organizations, churches and the like	1 for each 4 seats in main assembly room
Recreational facilities, such as playground, tennis court, ballfield, swimming pool or golf course	7992 7997	Public and membership recreation services	1 per 200 sq. ft. of building area plus 2 for each golf hole
Accessory uses on same lot with principal use, as follows:			
(1) Private garage for motor vehicles open parking area for 2 motor vehicles per dwelling unit, may be used for 1 commercial vehicle up to 1 ton in capacity per dwelling unit;			
(2) Shed for storage of building or lot maintenance;			
(3) Private kennel for not more than 3 dogs or 3 cats, 4 months of age or older, with minimum 6-foot fence for exterior kennel;			
(4) Private swimming pool, including deck; bath house or cabana; boat dock;			
(5) Disaster shelter;			
(6) Private garden; greenhouse; slathouse up to 8 ft. high; and			
(7) Private tennis; outdoor recreation and picnic facilities.			

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.166 CONDITIONAL USES.

<i>R-5 Conditional Uses (approved by the Zoning Administrator if all conditions are met)</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Public utility substation, water tower, (see special exceptions, § 155.167, for communication tower,) provided all following conditions are met:	49	Electric, gas, water, sanitary services	1 space
(1) Structure enclosed by an appropriate security fence;			
(2) No office, commercial operation or storage of vehicles or equipment permitted; and			
(3) A landscaped strip at least 5 ft. wide is planted and maintained along all exterior lot lines.			
Temporary contractor office and equipment shed, provided all following conditions are met:	1521	General contractors, single-family houses	1 for each 300 sq. ft. of office area
(1) Used in connection with construction on premises must not cause traffic congestion or nuisance; and			
(2) For term up to 1 year, may be renewed once.			
Manufactured home on a single lot, occupied as residence on permanent foundation with underpinning, tied down, with mobile features removed			1 for each unit
Customary home occupation in single-family dwelling, provided all following conditions are met:			
(1) Conducted inside dwelling by resident family members;			
(2) Utilizes not more than 25% of total dwelling floor area;			
(3) No change in exterior appearance of dwelling;			
(4) No outside display of products;			
(5) No sale of products except those made on premises or consumables incidental to a service;			
(6) Creates no health or safety hazard, noise, offensive emission, traffic hazard, unsightly conditions or nuisance; and			

(7) Activity is not visibly evident outside dwelling, except for a wall-mounted sign not over 4 sq. ft. in area.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.167 SPECIAL EXCEPTIONS.

<i>R-5 SPECIAL EXCEPTIONS (approved by the Board of Zoning Appeals after hearing)</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Private kindergarten or pre-school nursery, provided the Board of Zoning Appeals determines:	8211 8351	Kindergarten (with academic program); child day care services	1 for each employee, plus any additional drop-off and pick-up parking as determined by the Board
(1) Applicable state regulations are met;			
(2) Minimum 20,000 square foot lot;			
(3) Structures minimum of 25 ft. from residential property;			
(4) Conditions imposed for safety, traffic, impact on district; and			
(5) The use is compatible with the district.			
Clustered single-family development, provided the Board of Zoning Appeals determines:	88	Private households	2 for each dwelling unit, plus any additional drop-off and pick-up parking as determined by the Board
(1) Detached single-family units on minimum of 2 acres;			
(2) Not exceed density per entire tract;			
(3) May exceed density per acre;			
(4) Lot improvements per house may be waived;			
(5) Zero interior lot line setback may be allowed;			
(6) Subdivision regulations are met;			
(7) Adequate provisions for access and traffic safety; and			

(8) The use is compatible with the district.			
Communication towers, provided that the provisions of §§ 155.355 <i>et seq.</i> are met			1 space
Manufactured home park, see § 155.371			

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.168 REGULATIONS.

The following regulations apply to all uses in R-5 Districts.

Minimum land area (sq. ft.) per dwelling unit and maximum units per net acre for multi-family dwelling:						
<i>Multi-family</i>	<i>1 story</i>		<i>2 stories</i>		<i>3 stories</i>	
<i>Unit type</i>	<i>Min. area</i>	<i>Units/net acre</i>	<i>Min. area</i>	<i>Units/net acre</i>	<i>Min. area</i>	<i>Units/net acre</i>
Efficiency (studio)	2,000	18	1,435	26	1,410	26
1 Bedroom	2,000	18	1,775	21	1,625	23
2 Bedroom	2,650	14	2,475	15	2,215	17
3 Bedrooms	3,525	10	3,175	11	2,653	14
4 or more Bedrooms	4,375	8	3,975	9	3,492	10
Minimum lot area	5,000 sq. ft. for first unit, plus minimum area for additional units required in the above table for minimum land area and maximum units per net acre					
Minimum land area per single-family dwelling unit	5,000 sq. ft.					
Minimum lot width at building line	60 ft.					
Minimum front yard depth	25 ft. from street right-of-way line					
Minimum setback from second street frontage	Side street on corner lot: 12-1/2 ft.					
	Rear street on double frontage lot: 25 ft.					
Minimum side yard	Principal structure: combined side yard of interior lot lines shall total 18 ft. or 20% of lot width (whichever is less), provided that no individual side yard shall be less than 8 ft. in					

	width
	Accessory structure: same as principal structure
Minimum rear yard	Principal structure: 15 ft. from interior rear lot line
	Accessory structure: 5 ft. from interior rear lot line
Maximum lot coverage	Permitted and permissible buildings and their accessory structures shall not exceed a maximum of 40% lot coverage
Maximum structure height	Principal structures: 35 ft. from roof line (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles and antennae)
	Accessory structure: in no circumstance may an accessory structure exceed the height of the principal structure; if the principal structure is taller than 20 ft., the accessory structure may be a maximum of 20 ft.
Visibility requirements	Corner lot: no obstruction between heights of 3 and 10 ft. above finish street level within 25 ft. of intersection of street right-of-way lines
	Private drive: no obstruction over 30 inches high within 10 ft. of street.
Off-street parking requirements	See §§ 155.410 <i>et seq.</i>
Signs	See §§ 155.425 <i>et seq.</i>
Supplemental regulations	See §§ 155.370 <i>et seq.</i>

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

NC NEIGHBORHOOD COMMERCIAL DISTRICT

§ 155.180 PERMITTED USES.

<i>NC Permitted Uses</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Retail business - sale of merchandise on premises, including, but not limited to:	5912	Drug store, florist, antiques, used goods, book store, newsstand,	1 for every 300 sq. ft. of retail floor space
(1) Drug store or pharmacy;	5992, 5932, 5942, 5994,		

(2) Florist shop;	5461, 5251	retail bakery, hardware store	
(3) Antique store;			
(4) Book, magazine, newspaper shop;			
(5) Bakery; or			
(6) Hardware stores (not to exceed 10,000 sq. ft.). For the outdoor display of merchandise, see § 155.370			
Personal services, including but not limited to:			
(1) Branch bank, savings and loan, small loan company;			
(2) Barber or beauty shop;			
(3) Dressmaking, seamstress, tailor;			
(4) Insurance agency;			
(5) Professional office: doctor, lawyer, engineer, accountant; or			
(6) Realty office.			
Membership organizations including:	86	Membership organizations	1 for each 4 seats in assembly room
(1) Business and professional associations;			
(2) Unions and political organizations; and			
(3) Civic, social and fraternal organizations.			
Church, synagogue, temple, or place of worship, including religious education building, parsonage or parish house, off-street parking for members and visitors without pay, and recreation facilities.	8661	Religious organizations, churches and the like	1 for each 4 seats in assembly
Government building or facility and schools	82 91, 92, 93, 94, 95, 96	Public schools, general government, justice, public order, safety, finance and the like	School: 4 per classroom or office, plus 2 spaces per office, 1 for each 5 seats for public assembly in senior high school; other: 1 per 200 sq. ft. of

			area
Single-family, 2-family and multi-family dwelling	88	Private households	1 for each dwelling unit
Accessory uses on same lot with principal use, as follows:			
(1) Off-street parking or storage area for vehicles owned by members, customers or employees of business; or			
(2) Completely enclosed building for storage of supplies or merchandise for use in principal business.			

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.300, passed 6-26-2006; Am. Ord. 5.369, passed 7-28-2009)
Penalty, see § 155.999

§ 155.181 CONDITIONAL USES.

<i>NC Conditional Uses (approved by Zoning Administrator if all conditions are met)</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
School of dance, art, music, drama, martial arts, and the like provided all following conditions are met: (1) Not more than 25 students will be enrolled; and (2) Instruction is limited to art, music, dancing, drama, martial arts or similar cultural activity.	7911 7999* 8299	Dance schools *Martial arts only Schools and educational services: art, drama, music and the like	1 for each classroom and each administrative office
Contractor's office, provided there will be no storage of vehicles, equipment or materials on the premises	15, 16, 17	Contractor - office only	1 for each 300 sq. ft. of floor space
Dry cleaning or laundry pickup agency, provided laundering, cleaning or pressing on premises involving only articles delivered to premises by individual customers	7212	Garment pressing, and agents for laundries and dry cleaners	1 space for each 250 sq. ft. of floor area not for storage
Public utility substation, water tower, (see special exception, § 155.182, for communication tower) provided all following conditions are met: (1) Structure enclosed by an appropriate security fence; (2) No office, commercial operation or storage	49	Electric, gas, water, sanitary services	1 space

of vehicles or equipment permitted; and			
(3) A landscaped strip at least 5 ft. wide is planted and maintained along all exterior lot lines.			
Temporary uses, provided all following conditions are met:			1 for each 300 sq. ft. of office area
(1) Christmas tree sales on vacant lot for a period not to exceed 45 days; and			
(2) Contractor's office and equipment shed:			
(a) Used in connection with construction on premises;			
(b) Must not cause traffic congestion or nuisance; and			
(c) For term up to 1 year; may be renewed once.			

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.182 SPECIAL EXCEPTIONS.

<i>NC Special Exceptions (approved by Board of Zoning Appeals after hearing)</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Automobile service station, including limited sale of groceries, provided the Board of Appeals determines:	5541	Gasoline service stations	2 for each fuel pumps, plus 3 for each service bay or wash rack
(1) The use is compatible with the district parking and service areas are separate from adjoining residential property by planting screen, fence or wall at least 6 ft. high;			
(2) No major repairs or sale of vehicles to be conducted on premises;			
(3) Adequate provisions are made for access and traffic safety;			
(4) Conditions are imposed to protect adjacent property for adverse impact; and			
(5) Fuel pumps must comply with state			

regulations.			
Car wash, either automatic or self-service, provided the Board of Appeals determines:	7542	Carwashes	Self-service wash: 3 automatic wash, set by Board, minimum 6
(1) The use is compatible with the district;			
(2) Adequate spaces for vehicles awaiting entry are required;			
(3) More than minimum may be required;			
(4) The area is required to be adequately screened from adjoining residential property;			
(5) Adequate provisions are made for access and traffic safety; and			
(6) Hours of operation are limited to prevent late night noise.			
Delicatessen, restaurant, soda fountain or other eating/drinking establishment, provided the Board of Appeals determines:	5812	Eating places	1 for each 4 seats, plus 1 for each 2 employees on shift with maximum employment
(1) The use is compatible with the district;			
(2) No outside loud speaker is allowed;			
(3) No drive-thru window(s);			
(4) Exterior and vehicle lights will be directed away from residential property;			
(5) Parking and service areas will be separated from residential areas by planting screen, fence or wall at least 6 ft. high;			
(6) Adequate provisions are made for access and traffic safety; and			
(7) Hours of operation are limited to prevent late night noise.			
Communication towers, provided that the provisions of §§ 155.355 <i>et seq.</i> are met	48	Communications	1 space
Small convenience-type grocery stores without gas pumps	5411	Convenience food store	1 space for every 300 sq. ft. of retail floor space

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.369, passed 7-28-2009) Penalty, see § 155.999

§ 155.183 REGULATIONS.

The following regulations apply to all uses in NC District.

Minimum lot area	Commercial uses: 6,000 sq. ft.
	Residential uses: 10,000 sq. ft. for the first unit, 5,000 for each additional unit
Minimum lot width at building line	Commercial uses: 70 ft.
	Residential uses: 50 ft.
Maximum dwelling units	15 dwelling units per acre
Maximum front yard depth	18 ft. from back of sidewalk
Maximum setback from second street frontage	Side street on corner lot: 18 ft.
	On corner lots, buildings shall be located in the corner of the lot abutting both streets.
	Rear street on double frontage lot: 18 ft.
Maximum side yard within 40 feet or less of the front lot line	12 ft., except that up to 30 ft. between two buildings, or between a building and the side lot line, is permitted for driveways and walkways (see Figure 1 and Figure 2 in § 155.063.
Maximum side yard more than 40 feet of the front lot line	None.
Minimum rear yard	Principal structure: 15 ft. from interior rear lot line
	Accessory structure: 5 ft. from interior rear lot line
Maximum lot coverage	Maximum lot coverage: 40%
Maximum structure height	45 ft. when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles and antennae)
Off-street parking area requirements	See §§ 155.410 <i>et seq.</i>
Screening	See landscaping, supplemental regulations, §§ 155.390 <i>et seq.</i> Planting screen, fence or wall at least 6 ft. high is required along all interior lot lines abutting a residential area

Signs	See §§ 155.425 <i>et seq.</i>
Subdivision regulations	Applicable regulations must be met
Supplemental regulations	See §§ 155.370 <i>et seq.</i> ; §§ 155.330 <i>et seq.</i> ; §§ 155.355 <i>et seq.</i>

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.369, passed 7-28-2009) Penalty, see § 155.999

§ 155.184 PARKING, PEDESTRIAN ENTRANCE AND SIDEWALKS.

(A) No parking areas shall be located between a building and a street unless an intervening building exists. In such case, this prohibition shall only apply to the building closest to the street.

(B) The primary pedestrian entrance for all sidewalk level, nonresidential uses with street frontage shall face and be visible from the street, shall be directly accessible and visible from the sidewalk adjacent to the street, and shall remain unlocked during business hours.

(C) Sidewalks shall be located along all existing and new public and private streets and shall have the widths indicated in the following table:

<i>New Sidewalk Widths</i>	<i>Door Yard</i>	<i>Sidewalk Clear Zone</i>	<i>Sidewalk Tree Zone</i>
Blythewood Road/Main Street	max. 12 feet	min. 8 feet	min. 6 feet
Other arterials	max. 12 feet	min. 8 feet	min. 6 feet
Local streets	max. 12 feet	min. 6 feet	min. 5 feet

(D) Sidewalk clear zone requirements.

(1) No awning or canopy shall extend more than 5 feet over the sidewalk clear zone;

(2) Any paving materials, including concrete, special pavers or decorative paving within the sidewalk clear zone shall continue across any intervening driveway; and

(3) Outdoor dining areas, temporary outdoor display of sales merchandise, potted plants and other similar obstructions must be located in the door yard and may not encroach into the sidewalk clear zone.

(E) Sidewalk tree zone requirements.

(1) The sidewalk tree zone may be primarily paved adjacent to on-street parking serving immediately adjacent commercial uses and shall be landscaped in all other areas. Street trees shall be planted a maximum of 40 feet on center and spaced an equal distance between streetlights. All newly planted trees shall be a minimum caliper of 3 inches measured 12 inches above ground, shall be limbed up to a minimum height of 7 feet, and shall have a minimum mature height of 40 feet.

(2) Decorative pedestrian lights, where installed, shall be placed a maximum of 40 feet on center and

spaced equidistant between required trees. Where installed, the lights shall be located within the sidewalk tree zone.

(F) Overhead utilities: Upon redevelopment of a property, reasonable efforts shall be made to place utilities to the rear of structures or underground in order to provide an unobstructed sidewalk and for aesthetic reasons.

(Ord. 5.369, passed 7-28-2009)

OC OFFICE COMMERCIAL DISTRICT

§ 155.195 PERMITTED USES.

<i>OC Permitted Uses</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Retail business - sale of merchandise on premises limited to:	5912, 5411, 5992, 5932, 5942, 5994, 5461	Drug store; convenience food store; florist; antiques, used goods; book store; newsstand; retail bakery	1 for every 300 sq. ft. of retail floor space
(1) Drug store or pharmacy;			
(2) Small convenience grocery store, without automobile gas pumps;			
(3) Florist shop;			
(4) Antique store;			
(5) Book, magazine, newspaper shop; and			
(6) Bakery.			
For the outdoor display of merchandise, see § 155.370.			
Finance, insurance and real estate	60, 61, 62, 63, 64, 65, 67	Depository bank; credit institutions; security dealers, and the like; insurance carriers, agents; real estate agents, and the like; investment offices	1 for each 300 sq. ft. of gross floor area
Service to individuals, business, and government	801-804, 81,	Health services;	1 for each 300 sq.

establishments, limited to:	823, 84, 86, 8661, 8712, 872, 899, 7334	legal services; libraries; museum and gardens; membership organizations; religious organizations; architectural services; accounting services; artists, authors, lectures, and the like; photocopying and duplicating services	ft. of gross floor area.
(1) Medical offices;			
(2) Law offices;			
(3) Libraries;			
(4) Museums, art galleries, gardens;			
(5) Membership organizations, churches;			
(6) Architect offices;			
(7) Accountant offices, artists, writers, lectures; and			
(8) Photocopying.			

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.318, passed 7-28-2008; Am. Ord. 5.369, passed 7-28-2009)
Penalty, see § 155.999

§ 155.196 CONDITIONAL USES.

<i>OC CONDITIONAL USES (approved by Zoning Administrator if all conditions are met)</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
School of dance, art, music, drama, martial arts and the like provided all following conditions are met:	7911 7999* 8299	Dance studios. *martial arts only schools and educational services: art, drama, music and the like	1 for each classroom, and each administrative office
(1) Not more than 25 students will be enrolled; and			
(2) Instruction is limited to art, music, dancing, drama, martial arts, or similar cultural activity.			
Contractor's office, provided there will be no storage of vehicles, equipment or materials on the premises	15, 16, 17	Contractor - office only	1 for each 300 sq. ft. of floor space
Engineering or surveyor office, provided there will be no storage of vehicles, equipment or materials on the premises	871	Engineering, surveying - office only	1 for each 300 sq. ft. of floor space
Public utility substation, water tower, (see special exceptions, § 155.197, for communication tower) provided all following conditions are met:	49	Electricity, gas, water, sanitary services	1 space

(1) Structure enclosed by an appropriate security fence;			
(2) No office, commercial operation, or storage of vehicles or equipment is permitted; and			
(3) A landscaped strip at least 5 ft. wide is planted and maintained along all exterior lot lines.			
Temporary use, provided all following conditions are met:			1 for each 300 sq. ft. of office area
(1) Christmas tree sales, on vacant lot for a period not to exceed 45 days;			
(2) Contractor's office and equipment shed:			
(a) Used in connection with construction on premises;			
(b) Must not cause traffic congestion or nuisance;			
(c) For term up to 1 year; and			
(d) May be renewed once.			
1 or 2 single-family dwelling units, provided the following conditions are met:			2 for each dwelling unit
(1) The total square footage of the dwelling units is less than 50% of the total square footage of the building;			
(2) Each dwelling unit has cooking, sleeping and sanitary facilities provided within the dwelling for the exclusive use of a single family maintaining a household;			
(3) Each dwelling unit will be on the upper floors of OC permitted use or approved conditional use buildings, i.e., no dwelling units will be on the ground floor;			
(4) Each dwelling unit shall comply with the building codes as to a complete dwelling unit and meet all other requirements of the building codes;			
(5) Each dwelling unit shall have a minimum living area 1,351 square feet.			

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.318, passed 7-28-2008) Penalty, see § 155.999

§ 155.197 SPECIAL EXCEPTIONS.

<i>OC SPECIAL EXCEPTIONS (approved by Board of Zoning Appeals after hearing)</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Commercial landscaping services, provided all the following conditions are met:	0782 0783	Lawn and garden services, ornamental shrub and tree services	1 per 300 sq. ft. of gross floor area
(1) No nuisance shall be created beyond the premises by noise, vibrations, smoke, gas fumes, odor, dust, lighting and the like;			
(2) A Type A opaque screen/buffer at least 30 feet in width adjacent to residentially zoned districts and districts with residential uses, at least 15 inches in width where necessary to screen outside bulk storage and equipment from adjacent land uses;			
(3) Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. EST and 7:00 a.m. to 8:00 p.m. EDT or as seasonally adjusted by the Board of Zoning Appeals;			
(4) Surface water run-off shall conform to the requirements of § 156 Storm Drainage.			
Communication towers, provided that the provisions of §§ 155.355 <i>et seq.</i> are met	48	Communication	1 space
Multiple single-family dwelling units, provided the following conditions are met:			2 spaces for each dwelling unit
(1) Each dwelling unit has cooking, sleeping and sanitary facilities provided within the dwelling for the exclusive use of a single family maintaining a household;			
(2) Each dwelling unit will be on the upper floors of OC permitted use or approved conditional use buildings, i.e., no dwelling units will be on the ground floor;			
(3) The building that contains the dwelling units is on a lot of 3 acres or more;			
(4) Access and traffic safety is adequate for the			

number of dwelling units;			
(5) All requirements of the town land development regulations are met;			
(6) Adjacent property is protected from adverse impact;			
(7) All applicable environmental regulations are met;			
(8) Each dwelling unit shall comply with the building codes as to a complete dwelling unit, and meet all other requirements of the building codes;			
(9) Each dwelling unit shall have a minimum living area 1,351 square feet.			

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.318, passed 7-28-2008; Am. Ord. 5.366, passed 8-31-2009)
Penalty, see § 155.999

§ 155.198 REGULATIONS.

The following regulations apply to all uses in OC Districts.

Minimum lot area	Commercial uses: 6,000 sq. ft.
	Residential uses: 10,000 sq. ft. for the first unit, 5,000 for each additional unit
Minimum lot width at building line	Commercial uses: 70 ft.
	Residential uses: 50 ft.
Maximum dwelling units	16 dwelling units per acre
Maximum front yard depth	18 ft. from back of sidewalk
Maximum setback from second street frontage	Side street corner lot: 18 ft.
	On corner lots, buildings shall be located in the corner of the lot abutting both streets.
	Rear street on double frontage lot: 18 ft.
Maximum side yard within 40 feet or less of the front lot line	12 ft., except that up to 30 ft. between two buildings, or between a building and the side lot line, is permitted for driveways and walkways (see Figure 1 and Figure 2 in §

	155.063)
Maximum side yard more than 40 feet of the front line	None
Minimum rear yard	Principal structure: 10 ft. from interior rear lot line
	Accessory structure: 5 ft. from interior rear lot line
Maximum lot coverage	Maximum of 60% lot coverage
Maximum structure height	35 ft. when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles and antennae)
Off-street parking area requirements	See §§ 155.410 <i>et seq.</i>
Screening	See landscaping, supplemental regulations, §§ 155.390 <i>et seq.</i> Planting screen, fence or wall at least 6 ft. high is required along all interior lot lines abutting a residential area
Signs	See §§ 155.425
Subdivision regulations	Applicable regulations must be met
Supplemental regulations	See §§ 155.370 <i>et seq.</i> ; §§ 155.330 <i>et seq.</i> ; §§ 155.355 <i>et seq.</i>

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.369, passed 7-28-2009) Penalty, see § 155.999

§ 155.199 PARKING, PEDESTRIAN ENTRANCE AND SIDEWALKS.

(A) No parking areas shall be located between a building and a street unless an intervening building exists. In such case, this prohibition shall only apply to the building closest to the street.

(B) The primary pedestrian entrance for all sidewalk level, nonresidential uses with street frontage shall face and be visible from the street, shall be directly accessible and visible from the sidewalk adjacent to the street, and shall remain unlocked during business hours.

(C) Sidewalks shall be located along all existing and new public and private streets and shall have the widths indicated in the following table:

<i>New Sidewalk Widths</i>	<i>Door Yard</i>	<i>Sidewalk Clear Zone</i>	<i>Sidewalk Tree Zone</i>
Blythewood Road/Main Street	max. 12 feet	min. 8 feet	min. 6 feet

Other arterials	max. 12 feet	min. 8 feet	min. 6 feet
Local streets	max. 12 feet	min. 6 feet	min. 5 feet

(D) Sidewalk clear zone requirements.

- (1) No awning or canopy shall extend more than 5 feet over the sidewalk clear zone;
- (2) Any paving materials, including concrete, special pavers or decorative paving within the sidewalk clear zone shall continue across any intervening driveway; and
- (3) Outdoor dining areas, temporary outdoor display of sales merchandise, potted plants and other similar obstructions must be located in the door yard and may not encroach into the sidewalk clear zone.

(E) Sidewalk tree zone requirements.

(1) The sidewalk tree zone may be primarily paved adjacent to on-street parking serving immediately adjacent commercial uses and shall be landscaped in all other areas. Street trees shall be planted a maximum of 40 feet on center and spaced an equal distance between streetlights. All newly planted trees shall be a minimum caliper of 3 inches measured 12 inches above ground, shall be limbed up to a minimum height of 7 feet, and shall have a minimum mature height of 40 feet.

(2) Decorative pedestrian lights, where installed, shall be placed a maximum of 40 feet on center and spaced equidistant between required trees. Where installed, the lights shall be located within the sidewalk tree zone.

(F) Overhead utilities: Upon redevelopment of a property, reasonable efforts shall be made to place utilities to the rear of structures or underground in order to provide an unobstructed sidewalk and for aesthetic reasons.

(Ord. 5.369, passed 7-28-2009)

GC GENERAL COMMERCIAL DISTRICT

§ 155.210 PERMITTED USES.

<i>GC Permitted Uses</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Telephone, telegraph, radio, television services, (except communication towers, see conditional uses § 155.211)	48	Communications	1 per 300 sq. ft. gross floor area
Public utility, including water towers substation	49	Electric, gas, water, sewer	1 per 300 sq. ft. gross floor area

Wholesale trade, durable and nondurable goods	50, 51	Wholesale trade	1 per 300 sq. ft. gross sales area
Retail trade, including shopping center, involving sale of merchandise on premises, except: SIC code 527; SIC code 556. Note: For the outdoor display of merchandise, see § 155.370.	52 53 54 55 56 57 58 59 5921	Building, hardware, garden supply; general merchandise food stores; motor vehicle and boat dealers (except motor vehicles over 3 tons and boats over 20 ft. in length); apparel and accessory; home furniture and equipment; eating, drinking places; miscellaneous retail; liquor stores	1 per 300 sq. ft. of retail floor area
Finance, insurance, and real estate	60, 61 62, 63, 64 65, 67	Depository and credit inst.; security dealers, and the like; insurance carriers, agents; real estate and investment	1 per 300 sq. ft. of gross floor area
Services to individuals, business and government establishments, except: SIC Code 753	0742 701 72 73 75 76 7832 784 79 80 81 82 83 84 86 87 89	Pet veterinary services; Hotels, motels; personal services, laundry, barber, beauty shop, shoe repair, funeral, tax, and the like; business services; automobile wash, rental and parking; miscellaneous repair; indoor motion pictures; video tape rental;	Hotel, motel: 1 for each guest room; service and repair: 1 per 250 sq. ft. of work area; club, library, funeral home, theater: 1 for each 4 seats; hospital: 1 for each 2 beds; school: 1 for each classroom and administrative office; all other: 1 per 300 sq. ft. of gross floor area

		amusement and recreation; health services, hospitals; legal services; schools and libraries; social services; museums and gardens; membership organization; engineering, accounting, research and management; services not classified	
Church, synagogue, temple or place of worship, including religious education building, parsonage or parish house, off-street parking for members and visitors without pay, and recreation facility	8661	Religious organizations, churches and the like	1 for each 2 employees and 1 for each 4 seats in assembly room
Government building or facility, including postal facility	43 91, 92,93 94, 95, 96	U.S. Postal Service; general government, justice, public order, safety, finance, and the like	1 for every 200 sq. ft. of floor area
Miniwarehouses	4225	Warehouses and storage	1 per 200 sq. ft. of office space
Single-family, 2-family and multi-family dwellings	88	Private households	1 for each dwelling unit

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.369, passed 7-28-2009) Penalty, see § 155.999

§ 155.211 CONDITIONAL USES.

<i>GC Conditional Uses (approved by Zoning Administrator if all conditions are met)</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Communication tower see §§ 155.355 <i>et seq.</i>	48	Communications	1 space
Temporary use, provided all following conditions are met:	N/A		1 for each 300 sq. ft. of office area

(1) Christmas tree sales, on vacant lot for a period not to exceed 45 days;			
(2) Fireworks stands on the same lot of a permitted principal use, only for two 15-day periods per year; and			
(3) Contractor's office and equipment shed:			
(a) Used in connection with construction on premises;			
(b) Must not cause traffic congestion or nuisance;			
(c) For term up to 1 year; and			
(d) May be renewed once.			

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.212 SPECIAL EXCEPTIONS.

<i>GC Special Exception (approved by Board of Zoning Appeals after hearing)</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Automobile repair	753	Automobile repair shops	1 per 250 sq. ft. of work area
Motor vehicle and boat dealers with motor vehicles over 3 tons or boats over 20 ft. in length	55	Motor vehicle and boat dealers	1 per 300 sq. ft. of retail floor area
Commercial landscaping services*	782, 783	Lawn and garden services, ornamental shrub and tree services	1 per 300 sq. ft. of gross floor area

* Provided all the following conditions are met:

(1) No nuisance shall be created beyond the premises by noise, vibrations, smoke, gas fumes, odor, dust, lighting and the like.

(2) A type A opaque screen/buffer at least 30 feet in width adjacent to residentially zoned districts and districts with residential uses, at least 15 inches in width where necessary to screen outside bulk storage and equipment from adjacent land uses.

(3) Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. EST and 7:00 a.m. to 8:00 p.m. EDT or as seasonally adjusted by the Board of Zoning and Appeals.

(4) Surface water run-off shall conform to the requirements of Chapter 156 - Storm Drainage.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.369, passed 7-28-2009; Am. Ord. 5.371, passed 6-29-2009)
Penalty, see § 155.999

§ 155.213 REGULATIONS.

The following regulations apply to all uses in GC Districts.

Minimum lot area	6,000 sq. ft.
Minimum lot width at building line	70 ft.
Minimum rear yard	Principal structure: 15 ft.
	Accessory structure: 5 ft.
Maximum lot coverage	No maximum except as needed to meet other requirements herein
Maximum structure height	45 ft. when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles and antennae); the Board may grant a special exception for up to an additional 10 ft. in height provided that there is an increase of 1 foot in front, side and rear setback for each additional 3 ft. in building height
Maximum front yard depth	12 ft. from back of sidewalk
Maximum setback from second street frontage	Side street on corner lot: 12 ft.
	On corner lots, buildings shall be located in the corner of the lot abutting both streets.
	Rear street on double frontage lot: 12 ft.
Maximum side yard within 40 feet or less of the front line	10 ft., except that up to 30 ft between buildings, or between a building and the side lot line, is permitted for driveways and walkways (see Figure 1 and Figure 2 in § 155.063)
Maximum side yard more than 40 feet of the front lot line	None
Off-street parking area and loading area requirements	See §§ 155.410 <i>et seq.</i>

Screening	See landscaping, supplemental regulations, §§ 155.390 <i>et seq.</i> Planting screen, fence or wall at least 6 ft. high is required along all interior lot lines abutting a residential district
Shopping centers	2 or more stores or businesses located on the same parcel of land constitutes a shopping center. Site plan approval required.
Signs	See §§ 155.425 <i>et seq.</i>
Subdivision regulations	Applicable regulations must be met. Site plan approval is required for shopping centers prior to issuance of zoning and building permits.
Supplemental regulations	See §§ 155.370 <i>et seq.</i> ; §§ 155.330 <i>et seq.</i> ; §§ 155.355 <i>et seq.</i>

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.369, passed 7-28-2009) Penalty, see § 155.999

§ 155.214 PARKING, PEDESTRIAN ENTRANCE AND SIDEWALKS.

(A) No parking areas shall be located between a building and a street unless an intervening building exists. In such case, this prohibition shall only apply to the building closest to the street.

(B) The primary pedestrian entrance for all sidewalk level, nonresidential uses with street frontage shall face and be visible from the street, shall be directly accessible and visible from the sidewalk adjacent to the street, and shall remain unlocked during business hours.

(C) Sidewalks shall be located along all existing and new public and private streets and shall have the widths indicated in the following table.

<i>New Sidewalk Widths</i>	<i>Door Yard</i>	<i>Sidewalk Clear Zone</i>	<i>Sidewalk Tree Zone</i>
Blythewood Road/Main Street	max. 12 feet	min. 8 feet	min. 6 feet
Other arterials	max. 12 feet	min. 8 feet	min. 6 feet
Local streets	max. 12 feet	min. 6 feet	min. 5 feet

(D) Sidewalk clear zone requirements.

(1) No awning or canopy shall extend more than 5 feet over the sidewalk clear zone;

(2) Any paving materials, including concrete, special pavers or decorative paving within the sidewalk clear zone shall continue across any intervening driveway; and

(3) Outdoor dining areas, temporary outdoor display of sales merchandise, potted plants and other similar obstructions must be located in the door yard and may not encroach into the sidewalk clear zone.

(E) Sidewalk tree zone requirements.

(1) The sidewalk tree zone may be primarily paved adjacent to on-street parking serving immediately adjacent commercial uses and shall be landscaped in all other areas. Street trees shall be planted a maximum of 40 feet on center and spaced an equal distance between streetlights All newly planted trees shall be a minimum caliper of 3 inches measured 12 inches above ground, shall be limbed up to a minimum height of 7 feet, and shall have a minimum mature height of 40 feet.

(2) Decorative pedestrian lights, where installed, shall be placed a maximum of 40 feet on center and spaced equidistant between required trees where installed, the lights shall be located within the sidewalk tree zone.

(F) Overhead utilities: Upon redevelopment of a property, reasonable efforts shall be made to place utilities to the rear of structures or underground in order to provide an unobstructed sidewalk and for aesthetic reasons.

(Ord. 5.369, passed 7-28-2009)

LIRP LIGHT INDUSTRIAL RESEARCH PARK DISTRICT

§ 155.225 PERMITTED USES.

<i>LIRP Permitted Uses</i>	<i>NAICS Code</i>	<i>NAICS Description</i>	<i>Parking Spaces Required</i>
Agriculture and forestry	11421	Nursery and tree production	N/A
	113110	Timber tract and operations	
Pharmaceutical and medicine mfg.	3254	Medicinal and botanical mfg.	1 per 200 sq. ft. of office plus 1 per 500 ft. of additional space
		Pharmaceutical preparation mfg.	
Computer and electronic product mfg.	3341	Computer and peripheral equipment mfg.	1 per 200 sq. ft. of office plus 1 per 500 ft. of additional
		Electronic computer mfg.	
		Computer storage device mfg.	

		Computer terminal mfg.	space
		Other computer peripheral equipment mfg.	
Electric lighting equipment mfg. (New)	3351	Electric lamp bulb and part mfg.	1 per 200 sq. ft. of office plus 1 per 500 ft. of additional space
		Lighting fixture mfg.	
		Residential electric lighting fixture mfg.	
		Commercial, industrial and institutional electric lighting fixture mfg.	
		Other lighting equipment mfg.	
Quick printing	323114	Fast turn-around, short-run printing and copying	1 per 200 sq. ft. of office plus 1 per 500 ft. of additional space
Communications equipment, mfg.	3342	Telephone apparatus mfg.	1 per 200 sq. ft. of office plus 1 per 500 ft. of additional space
		Radio and television broadcasting and wireless communications equipment mfg.	
		Other communications equipment mfg.	
Audio and video equipment mfg.	3343	Audio and video equipment mfg.	1 per 200 sq. ft. of office plus 1 per 500 ft. of additional space
Semiconductor and other electronic component mfg.	3344 except 334412 bare circuit board mfg.	Electron tube mfg.	1 per 200 sq. ft. of office plus 1 per 500 ft. of additional
		Semiconductors and related devices mfg.	
		Electronic capacitor mfg.	

		Electronic resistor mfg.	space
		Electronic coil, transformers, and other inductor mfg.	
		Electronic connectors mfg.	
		Printed circuit assembly (electronic assembly) mfg.	
		Electronic components, not elsewhere classified	
Navigational, measuring, electro medical and control instruments mfg.	3345	Analytical laboratory instrument mfg.	1 per 200 sq. ft. of office plus 1 per 500 ft. of additional space
		Irradiation apparatus mfg.	
		Watch, clock and part mfg.	
		Other measuring and controlling device mfg.	
Games, toys, and children's vehicle manufacturing	339932	Electronic game manufacturing	1 per 200 sq. ft. of office plus 1 per 500 ft. of additional space
Manufacturing and reproducing magnetic and optical media (new)	3346	Mfg. and reproducing magnetic and optical data software reproducing	1 per 200 sq. ft. of office plus 1 per 500 ft. of additional space
		Prerecorded compact disc (except software), tape and record reproducing	
		Magnetic and optical recording media mfg.	
Internet publishing and broadcasting	516	Internet publishing and broadcasting	1 per 200 sq. ft. of office plus 1 per 500 ft. of additional space
Internet service providers,	518	Internet service providers,	1 per 200

web search portals, and data processing services		web search portals	sq. ft. of office plus 1 per 500 ft. of additional space
		Data processing, hosting, and related services	
Other information services	519	News syndicates	1 per 200 sq. ft. of office plus 1 per 500 ft. of additional space
		Libraries and archives	
		All other information services	
Personal care services	81211	Hair, nail and skin care services	1 space per 300 sq. ft. of gross floor area
	812320	Only drop-off and pickup sites for laundries and/or dry cleaners	
Medical equipment and supply mfg.	3391	Medical equipment supplies mfg.	1 per 200 sq. ft. of office plus 1 per 500 ft. of additional space
		Laboratory apparatus furniture mfg.	
		Surgical and medical instrument mfg.	
		Surgical appliance and supplies mfg.	
		Dental equipment and supplies mfg.	
		Ophthalmic goods mfg.	
		Dental	
Commercial and service industry machine mfg.	333314	Optical instrument and lense mfg.	1 per 200 sq. ft. of office plus 1 per 500 ft. of additional space
	333315	Photographical and photocopying equipment mfg.	
U.S. Postal Services	4911	National postal service	1 per 300 sq. ft. of gross floor

			area
Newspaper, periodical, book, and database publishers	5111	Newspaper publishers	1 per 300 sq. ft. of gross floor area
		Periodical publishers	
		Book publishers	
		Database and directory publishers	
		Other publishers	
		Greeting card publishers	
		All other publishers	
Software publishers	5112	Software publishers	1 per 300 sq. ft. of gross floor area
Finance and insurance	52	Monitory authorities - Central Bank	1 per 300 sq. ft. of gross floor area
		Credit intermediation and related activities	
Professional, scientific and technical services	54	Professional, scientific and technical service	1 per 300 sq. ft. of gross floor area
		Computer system design and related services	
		Management, scientific, and technical consulting services	
		Scientific research and development services	
		Advertising and related services	
		Other professional, scientific and technical services	
Management of companies and enterprises	55	Management of companies and enterprises	1 space per 300 sq. ft. of gross floor area

Administrative and support services	561 except 5612, facilities support services	Office administrative services	1 space per 300 sq. ft. of gross floor area
		Employment services	
		Business support services	
		Credit bureaus	
		Other business support service	
		Travel agencies	
		Tour operators	
		Other travel arrangement and reservation services	
		Investment and security services	
		Services to building and dwellings	
		Other support services	
Educational services	61	Educational services	1 space per 300 sq. ft. of gross floor area
		Technical trade schools	
		Other schools and instruction	
		Educational support services	
Health care and social assistance	6211	Offices of physicians	1 space per 300 sq. ft. of gross floor area
	6212	Office of dentist	
	6213	Office of other health practitioners	
	6214	Outpatient care centers	
	6215	Medical and diagnostic laboratories	
	6216	Home health care centers	
	6219	Other ambulatory health care	
	6221	General medical and surgical	

		hospitals	
	6222	Psychiatric and substance abuse hospitals	
	6223	Specialty hospitals	
Arts, entertainment and recreation	712110	Museums	1 space per 300 sq. ft. of gross floor area
	712190	Nature parks and other similar institutions	
	713910	Golf courses and country clubs	
	713940	Fitness and recreational sports centers	
Accommodation food services	721110	Hotels (except casino hotels) and motels	1 space for each room plus 1 space for each 4 seats in meeting room space
	722110	Full service restaurants	1 space for each 3 section capacity
	722212	Cafeterias	
Wholesale electronic markets and brokers	4251	Business to business electronic markets; wholesale trade agents and brokers	1 space per 300 sq. ft. of gross floor area
Religious, grantmaking and similar organizations	813	Religious organizations	1 space per 300 sq. ft. of gross floor area
		Grantmaking and giving services	
		Social advocacy organizations	
		Environmental, conservation and wildlife organizations	
		Business, professional, labor, political, and similar	

		organizations	
Public administration	92212	Police protection	1 space per 300 sq. ft. of gross floor area
	92216	Fire protection	
	922190	Other justice, public order and safety activities	
	923	Administration of human resource programs	
	924	Administration of environmental quality programs	
	925	Administration of housing programs, urban planning and community development	
	926	Administration of economic programs	
	927	Space research and technology	
	921	Executive, legislative, and other general governmental support	
	92211	Courts	
	92213	Legal council and prosecution	
Real estate	531	Lessors of real estate	1 space per 300 sq. ft. of gross floor area
		Offices of real estate	
		Real estate property managers	
Aerospace product and parts manufacturing	336413	Other aircraft parts and auxiliary equipment mfg.	1 per 200 sq. ft. of office plus 1 per 500 ft. additional space
	336419	Other guided missile and space vehicle parts and auxiliary equipment mfg.	
Couriers, local messenger and delivery services	492210	Local messenger and local delivery service	1 space for each 300 sq. ft. of gross floor

			area
Motion picture and sound recording industries	5121 except 51213 (exhibition)	Motion picture and video industries	1 per 200 sq. ft. of office plus 1 per 500 ft. of additional space
	5122	Sound recording industries	

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.226 CONDITIONAL USES.

<i>LIRP Conditional Uses (approved by Zoning Administrator if all conditions are met)</i>	<i>NAICS Code</i>	<i>NAICS Description</i>	<i>Parking Spaces Required</i>
Gasoline stations and convenience stores subject to the following conditions: be located on major arterial roads or at interchanges within the park.	447	Gasoline stations and convenience stores	2 for each fuel pump plus 3 for each service bay or wash rack and 1 for every 200 ft. of retail floor space
Residential, subject to the following conditions:	814	Private households	2 per dwelling unit
(1) Located adjacent to existing residential zoning districts;			
(2) Shall not be located within the buffer zone;			
(3) Are compatible with the industrial park concept;			
(4) Are developed as condominiums, townhouses or similar arrangements which include indoor, outdoor residential areas and similar amenities;			
(5) Promote the concept of self-contained research park environment; and			
(6) Are compatible with adjacent land uses.			
Communication tower, see § 155.355 <i>et seq.</i>	N/A	N/A	2 spaces

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.227 SPECIAL EXCEPTIONS.

<i>LIRP Special Exceptions</i>	<i>NAICS Code</i>	<i>NAICS Description</i>	<i>Parking Spaces Required</i>
Child day care services, provided the Board of Zoning Appeals determines:	624410	Child day care services	Set by Board
(1) The use is compatible with the district;			
(2) Adequate parking for employees and customers is provided;			
(3) Adequate provisions are made for access and traffic safety;			
(4) No outside storage permitted without screening;			
(5) No nuisance will be created beyond the premises by noise, vibrations, smoke, gas, fumes, odor, dust and the like;			
(6) Conditions are impose to protect adjacent property from adverse impact; and			
(7) Applicable environmental regulations are met.			

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.228 REGULATIONS.

The following regulations apply to all uses in LIRP Districts.

Minimum lot area	None
Minimum lot width at building line	100 ft. or as required by setbacks
Minimum front yard depth	40 ft. plus 1 additional ft. for each 1 additional foot or fraction thereof of structure height in excess of 40 ft.
Minimum setback from second street frontage	Side street on corner lot: 25 ft. plus 1 additional foot for each 1 additional foot or fraction thereof of structure height in excess of 40 ft.
	Rear street on double frontage lot: 30 ft. plus 1 additional foot for each 1 additional foot or fraction

	thereof of structure height in excess of 40 ft.
Minimum side yard	30 ft. from interior side lot line or buffer yard plus 1 additional foot for each 1 additional foot or fraction thereof of structure height in excess of 40 ft.
Minimum rear yard	30 ft. from interior side lot line or buffer yard plus 1 additional foot for each 1 additional foot or fraction thereof of structure height in excess of 40 ft.
Maximum lot coverage	Building coverage shall not exceed 50% of the area of the lot on which it is located
Maximum structure height	100 ft. when fire regulations are observed. (Not applicable to utility height and communication towers, chimneys, flag poles, and antennas)
	For structures in excess of 40 ft. in height, an additional 6 ft. of setback from a residential zoning district boundary is required for each additional foot or fraction thereof in structure height, for a maximum structure height of 100 ft.
Visibility requirements	Corner lot: no obstruction between heights of 3 ft. and 10 ft. above finished street level within 25 ft. of intersection of street right-of-way lines
	Private drive: no obstruction over height of 30 inches within 10 ft. of street
Off-street parking area and loading area requirements	See §§ 155.410 <i>et seq.</i>
Screening	See landscaping, §§ 155.390 <i>et seq.</i>
Signs	See §§ 155.425 <i>et seq.</i>
Storage	No open storage of junk or salvage materials is permitted with any use in the district
Subdivision regulations	Applicable regulations must be met
Supplemental regulations	See §§ 155.370 <i>et seq.</i> ; §§ 155.330 <i>et seq.</i> ; §§ 155.355 <i>et seq.</i>
Building permit pre-requisite	As a pre-requisite to the issuance of a building permit, the organization must be in compliance with all applicable federal and state environmental regulations, including any required permits

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

LI LIMITED INDUSTRIAL DISTRICT

§ 155.240 PERMITTED USES.

<i>LI Permitted Uses</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Horticultural nursery	0181	Ornamental floriculture and nursery products	1 per 200 sq. ft. of office area
Manufacturing, processing, and packing limited to the SIC classes listed:	203 205 2064 2086 2096 2097 2099 23 2434 271 275 2844 315 316 317 319 326	Canned and frozen food; bakery products; candy and confections; soft drinks; potato chips and snacks; ice; food preparations; apparel; wood kitchen cabinets; newspaper publishing; commercial printing; perfumes and cosmetics; gloves and mittens; luggage; handbags, personal goods; leather goods; pottery and related products	1 per 300 sq. ft. of inside work area
Transportation terminal and storage, including miniwarehouses	40 41 42	Railroad transportation Passenger transportation Trucking and	1 per 200 sq. ft. of gross floor area

		warehousing	
Telephone, telegraph, radio, television services (except communication towers, see conditional uses, § 155.241)	48	Communications	1 per 200 sq. ft. of gross floor space
Public utility, including water tower, substation, land fill (except hazardous waste disposal in 4953)	49	Electric, gas, water, sewer, refuse (except hazardous)	1 per 300 sq. ft. of floor area
Wholesale trade, durable and non-durable goods	50, 51	Wholesale trade	1 per 300 sq. ft. of sales area
Retail trade, involving sale of merchandise on premises Note: For the outdoor display of merchandise, see § 155.370.	52 53 54 55 56 57 58 59 59211	Building material, hardware, garden supply; general merchandise food stores; automotive dealers; apparel and accessory; home furniture and equip.; eating and drinking places; miscellaneous retail; liquor store	Eating and drinking places: 1 for each 4 seats; all other: 1 per 200 sq. ft. of gross sales area
Finance, insurance, and real estate	60, 61 62 63, 64 65, 67	Bank and credit institutions; security dealers and the like; insurance carriers, agents; real estate and investment	1 per 300 sq. ft. of gross floor area
Government building or facility, including postal facility	43 91 92 93 94 95, 96	U.S. Postal Service, general government, justice, public order, safety, finance and the like	1 for every 200 sq. ft. of floor area

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.241 CONDITIONAL USES.

<i>LI Conditional Uses (approved by Zoning Administrator if all conditions are met)</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
One-family dwelling for watchman or caretaker, provided all following conditions are met:	N/A		1 space
(1) Dwelling is located on premises of permitted use; and			
(2) Head of household is employed in a permitted use as watchman or caretaker.			
Garage for repair and servicing of motor vehicles, provided all following conditions are met:	753	Automotive repair shops	3 for each service bay
(1) Operations are in a fully enclosed building; and			
(2) No open storage of wrecked vehicles or dismantled parts or visible beyond premises.			
Communication tower, see §§ 155.355 <i>et seq.</i>	48	Communications	1 space
Temporary uses, provided all following conditions are met:	N/A		1 for each 300 sq. ft. of office area
(1) Christmas tree sale, on vacant lot not to exceed 45 days;			
(2) Firework stands on the same lot with a permitted principal use, only for two 15-day periods per year; and			
(3) Contractor's office and equipment shed:			
(a) Used in connection with construction on premises;			
(b) Must not cause traffic congestion or nuisance;			
(c) For term up to 1 year;			
(d) May be renewed once; and			
(4) Religious meeting, in tent or temporary structure for a period not to exceed 60 days.			

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.242 SPECIAL EXCEPTIONS.

<i>LI Special Exceptions (approved by Board of Zoning Appeals after hearing)</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Manufacturing, industry, processing, assembly, and storage, provided the Board of Appeals determines:	20-39	Manufacturing	Set by Board
(1) The use is compatible with the district adequate parking for employees and customers is provided;			
(2) Adequate provisions are made for access and traffic safety;			
(3) No outside storage of junk or salvage is permitted;			
(4) No nuisance will be created beyond the premises by noise, vibrations, smoke, gas, fumes, odor, dust and the like;			
(5) Conditions are imposed to protect adjacent property from adverse impact; and			
(6) Applicable environmental regulations are met.			
Sale of manufactured homes provided that the conditions above are met.	5271	Mobile home dealers	1 per 200 sq. ft. of retail floor area

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.243 REGULATIONS.

The following regulations apply to all uses in LI Districts.

Minimum lot area	None
Minimum lot width at building line	100 ft.
Minimum front yard depth	25 ft.
Minimum setback from second street frontage	Side street on corner lot: 25 ft.
	Rear street on double frontage lot: 25 ft.

Minimum side yard	30 ft. from interior side lot line in, or 1/10 of lot width, but not less than 10 ft.
Minimum rear yard	30 ft. from interior rear lot line in, or 1/10 of lot depth, but not less than 10 ft.
Maximum lot coverage	No maximum except as needed to meet other requirements herein
Maximum structure height	35 ft. when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles and antennae); the Board may grant a special exception for up to an additional 10 ft. in height provided that there is an increase of 1 foot in front, side and rear setback for each additional 3 ft. in building height
Visibility requirements	Corner lot: no obstruction between heights of 3 ft. and 10 ft. above finished street level within 14 ft. of intersection of street right-of-way lines
	Private drive: no obstruction over height of 30 inches within 10 ft. of street
Off-street parking area and loading area requirements	See §§ 155.410 <i>et seq.</i> Truck terminal: paved acceleration and deceleration lanes at least 10 ft. wide and 100 ft. long are required at entrance and exit of terminal site which must have access to and from major street
Screening	See landscaping, supplemental regulations, §§ 155.390 <i>et seq.</i> Planting screen, fence or wall at least 6 ft. high is required along all interior lot lines abutting any district not separated by a street, except BI
Signs	See §§ 155.425 <i>et seq.</i>
Storage	No open storage of junk or salvage materials is permitted with any use in the district
Subdivision regulations	Applicable regulations must be met
Supplemental regulations	See §§ 155.370 <i>et seq.</i> ; §§ 155.330 <i>et seq.</i> ; §§ 155.355 <i>et seq.</i>

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

BI BASIC INDUSTRIAL DISTRICT

§ 155.255 PERMITTED USES.

<i>BI Permitted Uses</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Horticultural nursery	0181	Ornamental floriculture and nursery products	1 per 200 sq. ft. of office area
Transportation terminal and storage, including miniwarehouses	40 41 72	Railroad transportation; passenger transportation; trucking and warehousing	1 per 200 sq. ft. of gross floor area
Telephone, telegraph, radio, television services (except communication towers, see conditional uses, § 155.256)	48	Communications	1 per 300 sq. ft. of gross floor space
Public utility, including water tower, and substation (excluding landfills)	49	Electric, gas, water, sewer	1 per 300 sq. ft. of floor area of gross floor space
Finance, insurance and real estate	60, 61 62 63, 64 65, 67	Bank and credit institutions; security dealers, and the like; insurance carriers, agents; real estate and investment	1 per 300 sq. ft. of gross floor area
Service to individuals, business and government establishments	0742 75 76 79 80 81 82 83 87 89	Pet veterinary services; auto repair, services, wash, rental and parking; miscellaneous repair; amusement and recreation; health services, hospitals; legal services; schools and libraries; social services; engineering, accounting,	Service and repair: 1 per 250 sq. ft. of work area; hospital: 1 for each 2 beds; school: 1 for each classroom and admin. office; all other: 1 per 300 sq. ft. of gross floor area

		research and management; services not classified	
Government building or facility, including postal facility	43 91, 92 93 94 95, 96	U.S. Postal Service, general government, justice, public order, safety, finance and the like	1 for every 200 sq. ft. of floor area
Manufacturing, industry, processing, assembly and storage which does not involve outside storage of junk or salvage, which does not affect adjacent property with noise and fumes, and which meets environmental regulations (See conditional uses, § 155.256.)	20-39	Manufacturing	1 for each 300 sq. ft. of inside work area floor space

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.256 CONDITIONAL USES.

<i>BI Conditional Uses (approved by Zoning Administrator if all conditions are met)</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
One-family dwelling for watchman or caretaker, provided all following conditions are met:	N/A		1 space
(1) Dwelling is located on premises of permitted use; and			
(2) Head of household is employed in a permitted use as watchman or caretaker.			
Communication tower, see §§ 155.355 <i>et seq.</i>	48	Communications	1 space
Retail trade, involving sale of merchandise on premises (except SIC 5541 automobile service station, see special exception, § 155.257)	52 53 54 56 57 59	Building material, hardware, garden; general merchandise; food stores; apparel and accessory; furniture and equip.; miscellaneous	1 per 200 sq. ft. of gross sales area

		retail	
Physical fitness and recreation facility, provided all following conditions are met:	7991	Physical fitness facilities	
(1) Business must be incidental to a permitted manufacturing use; and			
(2) Business must be located on same premises as the permitted manufacturing use.			
Temporary uses, provided all following conditions are met:	N/A		1 for each 300 sq. ft. of office space
(1) Christmas tree sale, on vacant lot not to exceed 45 days;			
(2) Fireworks stands on the same lot of a permitted principal use, only for two 15-day periods per year;			
(3) Contractor's office and equipment shed:			
(a) Used in connection with construction on premises;			
(b) Must not cause traffic congestion or nuisance;			
(c) For term up to 1 year; and			
(d) May be renewed once; and			
(4) Religious meeting, in tent or temporary structure for a period not to exceed 60 days.			

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.257 SPECIAL EXCEPTIONS.

<i>BI Special Exceptions (approved by Board of Zoning Appeals after hearing)</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Automobile service station, including limited sale of groceries, provided the Board of Appeals determines:	5541	Gasoline service stations	2 for each fuel pump, plus 3 for each service bay or wash rack
(1) Parking and service areas are separated			

from residential property by planting screen, fence, wall at least 6 ft. high;			
(2) Adequate provisions are made for access and traffic safety;			
(3) Conditions are imposed to protect adjacent property from adverse impact;			
(4) The use is compatible with the district; and			
(5) Fuel pumps must comply with state regulations.			
Manufacturing, industry, processing, assembly, and storage, involving open storage of junk or salvage, or producing noise, vibration, smoke, gas, odor, dust, fire hazard, radiation, or other conditions which could adversely affect adjacent property, provided the Board of Appeals determines:	20-39	Manufacturing	Set by Board
(1) The use is compatible with the district;			
(2) The use is on a site at least 5 acres in size set adequate parking, access and traffic safety conditions;			
(3) No nuisance or hazard will reach beyond the premises setbacks, screening and conditions are imposed to protect adjacent property from adverse impact; and			
(4) Applicable environmental regulations are met.			
Open yard for sale, rental or storage of new, used, junk or salvaged materials or equipment, provided the Board of Appeals determines:	N/A		Set by Board
(1) The use is compatible with the district;			
(2) The use is on a site at least 1 acre in size;			
(3) Set adequate parking, access and traffic safety conditions;			
(4) No nuisance or hazard will reach beyond the premises;			
(5) Setbacks, screening and other conditions are imposed to protect adjacent property from			

adverse impact; and			
(6) Applicable environmental regulations are met.			

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.258 REGULATIONS.

The following regulations apply to all uses in BI Districts.

Minimum lot area	None
Minimum lot width at building line	100 ft.
Minimum front yard depth	25 ft.
Minimum setback from second street frontage	Side street on corner lot: 25 ft.
	Rear street on double frontage lot: 25 ft.
Minimum side yard	30 ft. from interior side lot line in, or 1/10 of lot width, but not less than 10 ft.
Minimum rear yard	30 ft. from interior rear lot line in, or 1/10 of lot depth, but not less than 10 ft.
Maximum lot coverage	No maximum except as needed to meet other requirements herein
Maximum structure height	35 ft. when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles and antennae); the Board may grant a special exception for up to an additional 10 ft. in height provided that there is an increase of 1 foot in front, side and rear setback for each additional 3 ft. in building height
Visibility requirements	Corner lot: no obstruction between heights of 3 ft. and 10 ft. above finished street level within 25 ft. of intersection of street right-of-way lines
	Private drive: no obstruction over height of 30 inches within 15 ft. of street
Off-street parking area and loading area requirements	See §§ 155.410 <i>et seq.</i> Truck terminal: paved acceleration and deceleration lanes at least 10 ft. wide and 100 ft. long are required at entrance and exit of terminal site which must have access to and from major

	street
Screening	See landscaping, supplemental regulations, §§ 155.390 <i>et seq.</i> Planting screen, fence or wall at least 6 ft. high is required along all interior lot lines abutting any district not separated by a street
Signs	See §§ 155.425 <i>et seq.</i>
Subdivision regulations	Applicable regulations must be met
Supplemental regulations	See §§ 155.370 <i>et seq.</i> ; §§ 155.330 <i>et seq.</i> ; §§ 155.355 <i>et seq.</i>

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

PD PLANNED DEVELOPMENT DISTRICT

§ 155.270 PERMITTED USES.

(A) Planned Development Districts may permit a mixture of different types of housing with compatible commercial uses, shopping centers, office parks and other mixed used developments.

(B) Flexibility in design, character and quality of development and preservation of natural and scenic features are made possible through the approval of a plan which describes the specific uses, densities, setbacks and other requirements for a planned development.

(C) The approval plan constitutes the district regulations for a particular planned development.

(Ord. 5.202, passed 11-24-1981)

§ 155.271 REGULATIONS.

The following regulations shall apply to all uses in PD Districts, other provisions in this chapter to the contrary withstanding.

Minimum site area	2 acres
Minimum lot area for structure	Set in approved plan
Minimum lot width, yards, setbacks	Set in approved plan
Maximum lot coverage	Set in approved plan

Maximum structure height	60 ft. when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles and antennae)
Off-street parking and loading requirements	Set in approved plan
Screening	Set in approved plan, but not less than landscaping required in §§ 155.390 <i>et seq.</i>
Signs	Set in approved plan, but not greater than signs allowed in §§ 155.425 <i>et seq.</i>
Subdivision regulations	Applicable regulations must be met
Supplemental regulations	See §§ 155.370 <i>et seq.</i> ; §§ 155.330 <i>et seq.</i> ; §§ 155.355 <i>et seq.</i>

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.272 APPLICATION AND REVIEW PROCEDURES.

The following procedures shall apply to establishment of a PD District, other provisions in this chapter to the contrary notwithstanding.

Zoning amendment required	PD Districts are established by amendment to the zoning ordinance in the manner prescribed for rezoning.
District regulations	The applicable regulations in § 155.255, §§ 155.370 <i>et seq.</i> and those in an approved plan and descriptive statement shall constitute the PD District regulations for the site.
Preapplication conference optional	An applicant for PD zoning is encouraged, but not required, to contact the Planning Commission prior to submission of the application for information and review of the regulations and procedures applicable to the proposed plan and descriptive statement.
Amendment application required	Initiation of a PD amendment shall be by submission of an application form provided by the Zoning Administrator with required attachments.
Development plan required	A site development plan is a required attachment to application for PD amendment. The site development plan shall indicate the proposed use of all land areas and any other information as the Zoning Administrator deems reasonably necessary for review.
Descriptive statement required	A descriptive statement is a required attachment to the application for PD amendment. The descriptive statement shall indicate the characteristics and standards to be used for development of the site, and shall include at least the

	<p>following items: legal description of site boundaries, and total area of the site; area and location of each type of use; number and density of dwelling units by type; description of open space location, uses and proposed dedication for public use; ownership and maintenance of streets, and proposed dedication to public; methods of dealing with parking and the impact of projected traffic on the uses on the site and adjacent streets, and streets; steps proposed to comply with sediment control and storm drainage regulations; steps proposed to comply with landscaping regulations; details of association or organization involved in ownership and maintenance, including procedures and methods of operation; outline for development phasing with anticipated time frames; design standards, procedures and methods demonstrating that development will result in integrated use district, functional and compatible with the area; proposed restrictive covenants to be recorded to assure future compliance with the standards in the plan; and any other information as may be appropriate for Planning Commission review; and description of signage location, size and height.</p>
Planning Commission review	<p>Upon determination that the application meets above requirements, the Zoning Administrator shall forward the application to the Planning Commission for review and recommendation to Town Council as required for zoning amendments.</p>
Architectural Review	<p>All mixed use or commercial structures of a PD district shall be reviewed by the BAR in the manner set forth in § 155.316.</p>
Town Council action	<p>Upon receipt of the Planning Commission recommendation, Town Council shall conduct a public hearing as required for zoning amendments, and may approve, approve with modifications accepted by applicant or disapprove the proposed amendment.</p>
Zoning and building permits	<p>Zoning and building permits shall not be issued until the zoning is approved by Town Council, and approved plats, the approved descriptive statement and all required restrictive covenants are filed for record with the Municipal Clerk and the Clerk of Court for Richland County, and all required bonds are posted with the Municipal Clerk.</p>
District map	<p>The site development plan approved by Town Council shall be the zoning district map for the PD and shall be the basis for issuance for zoning and building permits.</p>
Changes to plan:	<p>Minor changes: changes proposed in writing by the applicant which do not alter district boundaries and which involve revision of minor characteristics of the PD such as relocation of driveways, revision of floor plans, facades, landscaping, relocation of required parking, drainage structures, and features which do not materially affect the approved plan concept or violate any applicable regulations may be approved by the Zoning Administrator. Approval or rejection of the change is subject to review and final determination by the Planning Commission if the applicant or any party whose property is adversely affected files a written objection with the Planning Commission within 10 days after action by the Zoning Administrator. An applicant may submit a rejected change as an amendment to the plan under the normal zoning amendment procedures.</p>

	Major changes: changes proposed in writing by the applicant which alter district boundaries or which materially affect the characteristics of the PD shall be submitted under normal zoning amendment procedures applicable to the establishment of the PD. Permits: no zoning or building permits involving a minor or major change of the PD descriptive statement or map shall be issued until the written change is filed with the Municipal Clerk and recorded in the office of the Clerk of Court for Richland County.
Failure to begin; failure to progress; failure to complete	If the responsible party fails to begin, fails to progress, or fails to complete development as agreed in the descriptive statement, Town Council may charge the developer with violation of the Zoning Chapter, may rezone the property, or may take any combination of these actions. In any event, if the planned development is not initiated within 2 years of its establishment, the Planning Commission shall initiate the rezoning of the property to an appropriate district classification in conformity with the comprehensive plan.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 10.035, passed 10-25-2010) Penalty, see § 155.999

D-1 DEVELOPMENT DISTRICT

§ 155.285 PERMITTED USES.

<i>D-1 Permitted Uses</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Non-commercial horticulture or agriculture; including the keeping of poultry or animals	01	Agricultural production, orchard, greenhouse, nursery	None
Single-family dwelling	88	Private household	2 per dwelling unit
Government building or facility	91, 92, 93, 94, 96, 96	General government, justice, public order, safety, finance and the like	1 per 200 sq. ft. gross floor area
Accessory uses on same lot with principal use, as follows:			
(1) Private garage for vehicles;			
(2) Open parking are for 2 motor vehicles per dwelling unit may be used for 1 commercial vehicle up to			

1 ton in capacity per dwelling unit;
(3) Shed for storage of building or lot maintenance equipment;
(4) Private kennel for not more than 3 dogs or 3 cats with minimum 6 foot fence for exterior kennel;
(5) Private swimming pool, including deck, bath house or cabana; boat dock;
(6) Disaster shelter;
(7) Private garden; greenhouse; slathouse up to 8 ft. high; and
(8) Private tennis, outdoor recreation and picnic facilities.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.286 CONDITIONAL USES.

<i>D-1 Conditional Uses</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
Church, synagogue, temple, or place of worship, including religious education building, parsonage, or parish office, off-street parking for members and visitor without pay, and recreation facilities, provided all following conditions are met:	8661	Religious organization, churches and the like	1 space for each 4 seats in main assembly room
(1) Use is conducted in a permanent structure; and			
(2) Building setback 25 ft. from property.			
Public utility substation, water tower, (see special exception, § 155.287, for communication) provided all following conditions are met:	49	Electric, gas, water, sanitary sewer	1 space
(1) Structures are enclosed by an appropriate security fence;			
(2) No office, commercial operation, or storage of vehicles or equipment is permitted; and			
(3) A landscape strip at least 5 ft. wide is planted and maintained along exterior lot lines.			
Cemetery, provided all following conditions are met:	6553	Cemetery	None

(1) Minimum 5 acre lot;			
(2) No crematorium or dwelling except caretaker;			
(3) Front yard setback greater than 70 ft. from center of street or 10 ft. from street right-of-way line; and			
(4) Non-illuminating sign not over 30 sq. ft. in area to 10 ft. in height.			
Temporary contractor office and equipment shed, provided that all following conditions are met:	1521	General contractor, single-family houses	1 for each 300 sq. ft. of office area
(1) Used in connection with construction on premises;			
(2) Must not cause traffic congestion or nuisance; and			
(3) For term up to 1 year, may be renewed once.			
Customary home occupation in single-family dwelling, provided all of the following conditions are met:			
(1) Conducted inside dwelling by resident family members;			
(2) Utilizes not more than 25% of total dwelling floor area;			
(3) No change in exterior appearance of dwelling;			
(4) No outside display of products;			
(5) No sale of products except those made on premises or consumables incidental to a service;			
(6) Create no health or safety hazard, noise, offensive emissions, traffic hazard, unsightly conditions or nuisance; and			
(7) Activity is not visibly evident outside dwelling, except for a wall-mounted sign not over 4 sq. ft. in area.			
For bed and breakfast inn, see special exceptions, § 155.287.			

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.287 SPECIAL EXCEPTIONS.

<i>D-1 special Exception (approved by the Board of Zoning Appeals after hearing)</i>	<i>SIC Code</i>	<i>SIC Description</i>	<i>Parking Spaces Required</i>
<p>Unlighted, regulation-size or par 3 golf course, provided the Board of Zoning Appeals determines:</p> <p>(1) Adequate off-street parking is provided;</p> <p>(2) No building permitted except maintenance shed, clubhouse (including limited eating facility and pro shop), cart storage, restrooms, rain shelters and gate house;</p> <p>(3) No permitted building or parking facility shall be within 300 ft. of a dwelling;</p> <p>(4) Adequate provisions for access and traffic safety; and</p> <p>(5) The use is compatible with the district.</p>	7992 7991	Golf course, public; golf courses, membership	Number and location set by Board; minimum 1 for every 200 sq. ft. of building area, plus 2 for each golf hole
<p>Private kindergarten or pre-school nursery, provided the Board of Zoning Appeals determines:</p> <p>(1) Applicable state regulations are met;</p> <p>(2) Minimum 20,000 square foot lot;</p> <p>(3) Structures minimum 25 ft. from residential property;</p> <p>(4) Conditions imposed for safety, traffic, impact on district; and</p> <p>(5) The use is compatible with the district.</p>	8221 8351	Kindergarten (with academic program); child day care services	1 for each employee
<p>Cluster single-family development, provided that the Board of Zoning Appeals determines:</p> <p>(1) Detached single-family units on minimum of 2 acres not exceed density per entire tract;</p> <p>(2) May exceed density per acre;</p> <p>(3) Lot requirements per house may be waived subdivision regulations are met;</p> <p>(4) Adequate provisions for access and traffic</p>	88	Private household	2 for each dwelling unit

safety; and			
(5) The use is compatible with the district.			
Conversion of existing dwelling to bed and breakfast, with provisions outlined in § 155.375	7011	Bed and breakfast inn	Location set by Board; minimum 1 for each guest room plus 2 for resident innkeeper
Colleges, universities, and professional schools	822	Colleges, universities, professional schools	1 for each classroom and admin. office
Communication tower, see §§ 155.355 <i>et seq.</i>	48	Communication	1 space

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.288 REGULATIONS.

Minimum lot area	20,000 sq. ft.
Minimum lot area per dwelling unit	20,000 sq. ft.
Minimum lot width at front building line	100 ft.
Minimum front yard depth	40 ft.
Minimum setback from second street frontage	Side street on corner lot: 40 ft.
	Rear street on double frontage lot: 40 ft.
Minimum side yard	Principal and accessory structures: 15 ft.
Minimum rear yard	Principal and accessory structures: 30 ft.
Maximum structure height	35 ft. to the roof line (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles and antennae)
Visibility requirements	Corner lot: no obstruction between heights of 3 ft. and 10 ft. above finished street level within 25 ft. of intersection of street rights-of-way lines
	Private drive: no obstruction over height of 30 inches with 10 ft. of street

Off-street parking area requirements	See §§ 155.410 <i>et seq.</i>
Signs	See §§ 155.425 <i>et seq.</i>
Supplemental regulations	See §§ 155.370 <i>et seq.</i> ; §§ 155.330 <i>et seq.</i> ; §§ 155.355 <i>et seq.</i>

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

RE RURAL ESTATE DISTRICT

§ 155.300 PERMITTED USES.

(A) *Intent.* The Rural Estate District is intended to:

- (1) Protect and encourage family agricultural, silvicultural, and equestrian endeavors and promote the wise use of prime agricultural land, forested areas and pastoral land;
- (2) Protect and encourage the integrity of existing rural communities and rural land uses through the protection of prime agricultural and forest lands;
- (3) Protect valuable natural, historical, and cultural resources through public acquisition, land donations, land banks, environmental easements and other means;
- (4) Maintain open space and scenic areas contiguous to development areas through public acquisition, land donations, land banks, environmental easements and other means;
- (5) Provide land use protection specifically for the propagation of farm animals on family farming operations to include pastures, barns, barn yards, corrals, pens, feed and fertilizer storage facilities, and the like, that can meet the requirements set forth in this subchapter; and
- (6) Provide land use protection specifically for equestrian uses such as horse farms to include pastures, stables, paddocks, arenas, trails, foul weather sheds and associate facilities that can meet the requirements set forth in this subchapter.

(B) *Permitted principal uses and structures.* The following are permitted uses and structures:

- (1) All family farm type enterprises including tree farms, either in conjunction with or separate from dwellings;
- (2) Public buildings and utilities, excluding correctional facilities and public buildings with outside storage of equipment, pipe, gravel and similar materials;
- (3) Orphanages, children's homes, nursing homes and similar nonprofit institutions;
- (4) Hospitals, rest homes and retirement homes for the aged;

- (5) Churches, synagogues and related uses;
- (6) Non-profit civic, fraternal, cultural and social organizations, clubs, lodges and facilities;
- (7) Educational facilities including day nurseries and day care centers;
- (8) Dwellings, 1-family, 1 per lot;
- (9) Dwellings, 2-family, 1 per lot;
- (10) Mobile or manufactured homes, 1 per lot;
- (11) Cemeteries when associated with a church within the Blythewood community;
- (12) Wholesale commercial greenhouses and nurseries;
- (13) Farms for the raising and keeping of farm animals as described in division (E) below; and
- (14) Bed and breakfast as defined in § 155.375.

(C) *Special definitions.*

(1) The definitions presented below are intended to supplement the definitions in the Town of Blythewood Zoning Chapter, and are not to be considered as over-riding.

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

ARENA. An enclosed area used to display farm animals.

BARN. A large building for the storage of farm products and feed and used for the housing of farm animals.

BARNYARD. A fenced area adjoining a barn.

COMMERCIAL FARM. A farm that generates over \$50,000 in farm products sales annually or on which less than 50% of the labor is provided by the family members owning the farm.

CORRAL. A fenced area for enclosing farm animals.

EXERCISE YARD. A fenced area for the exercising of horses.

FAMILY FARM. A farm that generates less than \$50,000 in farm products sales annually or on which over 50% of the labor is provided by the family members owning the farm.

FARM. A parcel of land that could generate over \$1,000 in farm products sales annually.

FEED STORAGE. An enclosed building for the storage of animal feed.

FERTILIZER STORAGE. An enclosed building for the storage of fertilizer.

FOUL WEATHER SHED. A shed for animals to congregate under during foul weather, usually

found in pastures.

PADDOCK. An enclosed area where horses are saddled, paraded and exercised.

PASTURE. A plot of land used for grazing of animals.

PEN. A small enclosure for animals.

STABLE. A building intended for the accommodation of 1 or more horses, mules, burros or ponies.

STABLE, COMMERCIAL. A stable that is for the purpose of boarding, training and lesson programs and for trail riding activities.

STABLE, PLEASURE. A stable used to shelter horses, mules, burros or ponies which are kept or ridden for the sole purpose of recreation or pleasure by the property owner.

STADIUM LIGHTING. Lighting using multiple fixtures installed on each pole used to light outdoor activities at night normally associated with athletic fields, schools, commercial and public outdoor play areas and the like.

TRAIL. A path used to ride horses.

(D) *Permitted accessory uses and structures.* The following are permitted accessory uses and structures:

(1) Home occupations subject to the restrictions of §§ 155.090 *et seq.*;

(2) Other structures and uses which are customarily accessory and clearly incidental and subordinate to permitted uses and structures; and

(3) Apartments, housing, or bed and breakfast operations for the use of employees, family members and guests on agricultural properties to include migrant worker barracks.

(E) *Farm animal and equine uses.*

(1) Farm animal and equine uses are designed to support family cattle, horse and other farm animal operations. The Planning Commission must approve any animal husbandry operation within the town limits. Due to potential traffic problems, the Planning Commission must approve any plan for construction of an auction house or equine center to include parking, traffic, buffer yards and placement of buildings and paddocks in reference to adjacent properties.

(2) Specifically, uses in this district shall adhere to the following guidelines:

(a) Setbacks shall be as established in §§ 155.302(A) through (H);

(b) Type A bufferyards shall be required along the property line to shield residences from parking areas, stockyards, poultry houses, barns, restrooms, concession stands, truck unloading area and other similar uses;

(c) All portions of the property must be designed and maintained to allow drainage to flow off active use areas so as to prevent ponding and propagation of insects or pollution of adjacent streams.

SCDHEC permitting requirements will always prevail;

- (d) The lot must be maintained in a sanitary condition through the use of lime and pesticides;
- (e) Signs announcing any show or other special event may be installed on subject property 30 days prior to the event and must be removed 1 week after the event. Maximum of 1 sign per road frontage and maximum height of 5 feet and a maximum size of 32 square feet;
- (f) Directional signs are permitted with the application of a sign permit. No advertising information shall be allowed on a directional sign. Signs can be placed 30 days prior to an event and must be removed 1 week after the event;
- (g) Fences may be located on the property line on a farm as defined herein when agreed to by adjoining landowners and documentation to that effect is filed at town hall with the Zoning Administrator prior to construction of the fence;
- (h) Barns and stables must be at least 50 feet from the rear or side property line, and at least 300 feet from the nearest adjacent primary residence, and at least 50 feet from any swimming pool;
- (i) No concentrated feeding operations are allowed within the district unless specifically approved by the Planning Commission;
- (j) If an exercise yard, barn or stable is to be constructed adjacent to a vacant lot, than all references to setbacks shall be measured from the perimeter of the front half of the buildable area of the adjacent lot;
- (k) Manure piles shall be located at least 200 feet from any dwelling, pool, patio, water body and the like, of any adjacent lot and at least 100 feet from the property line and meet all SCDHEC requirements;
- (l) No permanent stadium seating is allowed unless specifically approved by Planning Commission prior to facility construction. Temporary seating for special events must have a permit from the town and be removed within 30 days of any special event;
- (m) Vendors for special events must purchase a business license 1 week prior to the special event. All vendors must present proof of SCDHEC approval; and
- (n) Farm equipment may be parked on the property to include transportation equipment when directly utilized as a part of the farming operation on the farm within the town limits.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.301 SPECIAL EXCEPTIONS.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit as special exceptions the following, provided however, that all uses in existence at the time of passage of this chapter which meet the criteria for special exceptions below are automatically deemed approved as special exceptions.

- (A) Indoor and outdoor amusement facilities for purposes of public recreation, including parks and playgrounds, provided that the Board of Zoning Appeals shall find that the characteristics of these uses and

the site design thereof will be compatible with nearby uses and further provided that motor vehicle raceways, go-cart tracks motorcycle tracks, and all cross country vehicular traffic shall be specifically excluded. (See division (D) below.) Stadium lighting for educational and recreational facilities will be strictly limited, with all lighting to be approved by the Board of Appeals on a project by project basis. Lighting approved by the Board of Appeals must be turned off at 10:00 p.m.

(B) Group housing developments containing between 2 and 6 dwelling units inclusive, at a rate of density of at least 1 acre per dwelling unit.

(C) Communication towers, provided once the tower is no longer in use, it shall be removed within 90 days and meet the requirements of §§ 155.355 *et seq.*

(D) Motor vehicle raceways, go-cart tracks, motorcycle tracks and cross county vehicular paths must be a part of a PDD as defined in § 155.270 of this chapter and will be allowed only after following all of the procedures outlined in §§ 155.271 and 155.272 as prescribed.

(Ord. 5.202, passed 11-24-1981)

§ 155.302 REGULATIONS.

(A) *Minimum yard requirements.*

(1) The depth of front and rear yards and the width of side yards shall be as follows for all permitted and permissible structures, except as specifically addressed in § 155.300(E).

Front yards	50 ft.
Side yards	50 ft.
Rear yards	For permitted principal structures: 50 ft.
	For permitted accessory structures: 20 ft.

(2) When a nonresidential structure adjoins a residential unit or development, the side yard and rear yard should be increased by an additional 20 feet to provide for an undisturbed buffer zone.

(B) *Minimum lot area.*

(1) The minimum lot area for all residential uses is not more than 1 dwelling unit per 4 acre of buildable land.

(2) Other uses and structures permitted outright are permissible with special exceptions: 1 acre of buildable land except as needed to meet other requirements herein or state health requirement if either no public water or sewer is available.

(3) Individual homes within a platted subdivision with accessory facilities for the keeping of farm animals for the resident family will have a minimum of 5 acres.

(4) Equestrian subdivisions where all lots are designed to accommodate horse facilities will be evaluated as a PDD, however, under no circumstances will the PDD be approved with less than 2 acres per parcel.

(5) Farm animals, included horses are allowed on lots of 5 acres or greater.

(C) *Maximum height of structures.* No portion of any building shall exceed 35 feet in height. Structures associated with farming operations (i.e., arenas, barns, silos, windmills and the like) are excluded from the height requirements.

(D) *Minimum off-street parking and loading requirements.*

(1) Off-street parking and loading requirements as set forth in §§ 155.410 *et seq.* must be met.

(2) A plan for special event parking will be submitted to the town for approval prior to the approval of any signage or seating permits being issued.

(E) *Minimum lot width.* The minimum lot width of any lot is 120 feet.

(F) *Signs.* Signs are permitted in a rural district only in accordance with the following provisions.

(1) *Freestanding signs.*

- (a) Maximum of 32 square feet of sign per area per side;
- (b) Lighting will be allowed as defined in §§ 155.425 *et seq.*;
- (c) Landscaped buffer of 10 feet around a sign; and
- (d) Maximum height of 6 feet.

(2) *Wall signs.*

(a) Wall signs will be allowed so that liability signs, barn rules, and associated special activity instructions can be displayed.

(b) The maximum allowable signage will occupy no more than 20 square feet per building.

(G) *Drives.* Any access drives to all structures must be of sufficient width to permit access by emergency vehicles.

(H) *Health approvals.* Any facility must satisfy all state and federal non point source pollution requirements.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.291, passed 9-26-2005) Penalty, see § 155.999

AO ARCHITECTURAL OVERLAY DISTRICT

§ 155.315 PERMITTED USES; CONDITIONAL USES; SPECIAL EXCEPTIONS.

<i>AO Permitted Uses, Conditional Uses, and Special Exceptions</i>	<i>NAICS Code</i>	<i>NAICS Description</i>	<i>Parking Spaces Required</i>
The uses permitted for properties zoned OC, NC, and GC in the underlying zoning district	As listed for the underlying zoning districts	As listed for the underlying zoning districts	As listed for the underlying zoning districts

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.316 APPLICATION AND REVIEW PROCEDURE.

Certificate of appropriateness required	A certificate of appropriateness for the erection or alteration of the exterior architectural appearance of commercial structures is required. If the proposed exterior renovations or construction of a structure for commercial use does not exceed a cost of \$25,000, and if the project does not constitute a major visual impact on the appearance of the Architectural Overlay District, the project review and approval, approval with conditions or disapproval of a certificate of appropriateness may be processed by the planning official. The planning official may, in his discretion, refrain from project review and forward any project to the Board of Architectural Review for its consideration.
District regulations	An approved certificate of appropriateness is required before the issuance of a zoning and building permit.
Pre-application conference and work session	An applicant for a certificate of appropriateness is encouraged to contact the planning official, prior to submission of an application, for information and review of the regulations and procedures applicable. A work session with the Architectural Review Board may be held prior to the submission of a formal application for a certificate of appropriateness.
Application required	Initiation of a request for a certificate of appropriateness shall include an application form provided by the planning official and all required supporting material. Applications must be submitted to the planning official for review 10 working days prior to the Board of Architectural Review's regularly scheduled meeting.
Development plan required	A site development plan is a required attachment to an application for a certificate of appropriateness along with structure elevations, color schemes, building materials, landscaping plans, parking layouts and related information required by the planning official.
Data to be submitted with application for certificate of appropriateness	The following data shall be submitted to the planning official: <ul style="list-style-type: none"> 1. Exterior elevations drawn to scale showing exterior appearance and architectural design of buildings; front elevation must reflect the view of the structure as it faces the primary street; 2. Samples of exterior materials, textures, and colors;

	3. Site development plan to include all improvements including walls, walks, terraces, planting, and landscaping, accessory buildings, signs, lighting, parking lots, garbage enclosures and other exterior elements;
	4. Curb cuts, sidewalks, loading areas, pedestrian and vehicular circulation plans. (May be incorporated into the site development plan);
	5. Photographs of all sides of the existing structure if applicable and photographs of the adjoining properties; and
	6. Any other data as the planning official or the Board of Architectural Review may deem necessary.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.295, passed 11-28-2005; Am. Ord. 5.332, passed 3-30-2009; Am. Ord. 10.029, passed 10-25-2010) Penalty, see § 155.999

SEXUALLY ORIENTED BUSINESSES

§ 155.330 PURPOSE.

It is the purpose of this subchapter to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the Town of Blythewood, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the town. The provisions of this subchapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this subchapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this subchapter to condone or legitimize the distribution of obscene material.

(Ord. 5.202, passed 11-24-1981)

§ 155.331 DEFINITIONS.

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

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 5 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 “certain sexual activities” or “specified anatomical areas.”

ADULT BOOKSTORE or ADULT VIDEO STORE.

(1) A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any 1 or more of the following:

(a) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas;” or

(b) Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities.”

(2) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as **ADULT BOOKSTORE** or **ADULT VIDEO STORE**. This other business purposes will not serve to exempt the commercial establishment from being categorized as an **ADULT BOOKSTORE** or **ADULT VIDEO STORE** so long as 1 of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical areas.”

ADULT CABARET. A nightclub, bar, restaurant or similar commercial establishment which regularly features:

(1) Persons who appear in a state of nudity;

(2) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities;” or

(3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

ADULT MOTEL. A hotel, motel or similar commercial establishment:

(1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas;” and has a sign visible from the public right-of-way which advertises the availability of this adult type or photographic reproductions; or offers a sleeping room for rent for a period of time that is less than 10 hours; or

(2) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

ADULT MOTION PICTURE THEATER. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

ADULT THEATER. A theater concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

ESCORT. A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

ESTABLISHMENT. Includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
 - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (3) The additions of any sexually oriented business to any other existing sexually oriented business;
- or
- (4) The relocation of any sexually oriented business.

NUDE MODEL STUDIO. Any place where a person who appears in a state of nudity or displays “specified anatomical area” is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDITY or A STATE OF NUDITY. The appearance of a person's genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or any simulation thereof; or any portion of a female breast below the horizontal line across the top of the areola at its highest point or any simulation thereof. The definition shall include the appearance of any portion of the entire lower portion of the female breast.

PERMITTEE and/or 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.

PERSON. An individual, proprietorship, partnership, corporation, association or other legal entity.

SEMI-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 straps or devices.

SEXUAL ENCOUNTER CENTER. A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when 1 or more of the persons is in a state of nudity or semi-nude.

SEXUALLY ORIENTED BUSINESS. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

SPECIFIED ANATOMICAL AREAS. The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

SPECIFIED SEXUAL ACTIVITIES. Includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Masturbation, actual or simulated;
- (4) The fondling, erotic touching or other contact with an animal by a human being; or
- (5) Excretory functions as part of or in connection with any of the activities set forth in divisions (1) through (4) above.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS. The increase in floor areas occupied by the business by more than 25%, as the floor areas exist on 4-26-1998.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS. Includes any of the following:

- (1) The sale, lease or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- (3) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business.

(Ord. 5.202, passed 11-24-1981)

§ 155.332 CLASSIFICATION.

Sexually oriented businesses are classified as follows:

- (A) Adult arcades;
- (B) Adult bookstores or adult video stores;
- (C) Adult cabarets;
- (D) Adult motels;
- (E) Adult motion picture theaters;
- (F) Adult theaters;
- (G) Escort agencies;
- (H) Nude model studios; and
- (I) Sexual encounter centers.

(Ord. 5.202, passed 11-24-1981)

§ 155.333 PERMIT REQUIRED.

(A) A person commits a misdemeanor if he or she operates a sexually oriented business without a valid permit and/or license issued by the town for the particular type of business.

(B) An application for a permit and/or license must be made on a form provided by the Town of Blythewood Zoning Department. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus 6 inches.

(C) The applicant must be qualified according to the provisions of this subchapter and the premises must be inspected and found to be in compliance with the law by the Health Department, Fire Department, and building official. The Health Department, Fire Department and building office shall complete their inspections and certify same to the Zoning Administrator within 21 days of receipt of the application by the Zoning Administrator.

(D) If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 10% or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate a business, each individual having a 10% or greater interest in the corporation must sign the application for a permit and/or license as applicant.

(E) The fact that a person possesses other types of state or town permits and/or licenses does not exempt that person from the requirement of obtaining a sexually oriented business permit and/or license.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.334 ISSUANCE OF PERMIT AND FEE.

(A) The Town Zoning Administrator shall approve the issuance of a permit and/or license to an applicant within 30 days after receipt of an application unless any 1 or more of the following is found to be true:

(1) An applicant is under 18 years of age;

(2) An applicant or an applicant's spouse is overdue payment to the town for taxes, fees, fines or penalties assessed or imposed in relation to a sexually oriented business or any other business;

(3) An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application;

(4) An applicant is residing with a person who has been denied a permit and/or license by the town to operate a sexually oriented business within the preceding 12 months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months;

(5) The premises to be used for the sexually oriented business have not been approved by the Health

Department, Fire Department, and the building official as being in compliance with applicable laws and ordinances. The permit and/or license fee required by this chapter has not been paid;

(6) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter; or

(7) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(B) The annual fee for a sexually oriented business permit and/or license will be based on gross sales receipts of the based, with a minimum annual fee of \$500.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.335 INSPECTION.

(A) An application of permittee shall permit representatives of the Law Enforcement Department, Health Department, Fire Department, Zoning Department or any other town departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

(B) A person who operates a sexually oriented business or his or her agent or employee commits a misdemeanor if he or she refuses to permit the lawful inspection of the premises at any time it is occupied or open for business.

(Ord. 5.202, passed 11-24-1981)

§ 155.336 EXPIRATION OF PERMIT.

(A) Each permit and/or license shall expire 1 year from the date of issuance and may be renewed only by making application as provided in § 155.333. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the permit and/or license will not be affected.

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

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.337 SUSPENSION OF PERMIT.

The Zoning Administrator may suspend a permit for a period not to exceed 30 days if it is determined that a permittee and/or licensee or an employee of a permittee and/or licensee has:

- (A) Violated, or is not in compliance with any section of this subchapter;
- (B) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
- (C) Refused to allow an inspection of the sexually oriented business premises as authorized by this subchapter; or
- (D) Knowingly permitted gambling by any person on the sexually oriented business premises.

(Ord. 5.202, passed 11-24-1981)

§ 155.338 REVOCATION OF PERMIT.

(A) The Zoning Administrator shall revoke a permit if a cause for suspension in § 155.337 occurs and the permit and/or license has been suspended within the preceding 12 months.

(B) The Zoning Administrator shall revoke a permit and/or license if it is determined that:

(1) A permittee and/or his or her licensee knowingly gave false or misleading information in the material submitted to the Zoning Department during the application process;

(2) A permittee and/or licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises;

(3) A permittee and/or licensee or an employee has knowingly allowed prostitution on the premise;

(4) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended;

(5) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct to occur in or on the permitted and/or license premises; or

(6) A permittee and/or licensee is delinquent in payments to the town or state for any taxes or fees past due.

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

(Ord. 5.202, passed 11-24-1981)

§ 155.339 TRANSFER OF PERMIT.

A permittee and/or licensee shall not transfer his or her permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license at any place other than the address designated in the application.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.340 LOCATION OF SEXUALLY ORIENTED BUSINESSES.

(A) A person commits a misdemeanor when operating or causes to be operated, a sexually oriented business outside of a designated General Commercial District. All sexually oriented businesses shall be located within a General Commercial District.

(B) A person commits a misdemeanor when operating, or causes to be operated, a sexually oriented business within 1,000 feet of:

- (1) A church;
- (2) A public or private elementary or secondary school;
- (3) A boundary of any residential district;
- (4) A public park adjacent of any residential use;
- (5) A day care center; or
- (6) The property line of a lot devoted to residential use.

(C) A person commits a misdemeanor if he or she causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.

(D) A person commits a misdemeanor if he or she causes or permits the operation, establishment or maintenance of more than 1 sexually oriented businesses in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure or portion thereof containing another sexually business.

(E) For the purpose of this subchapter, measurement shall be made in a straight line, without regard of intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, day care center, or public or private elementary or secondary school or to the nearest boundary of an affected public park, residential district or residential lot.

(F) For purposes of division (C) of this section, the distance between any 2 sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(G) Any sexually oriented business lawfully operating on 4-26-1999 that is in violation of divisions (A) through (F) of this section shall be deemed to be a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed 2 years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. The nonconforming uses shall not be increased,

enlarged, extended or altered except that the use may be changed to a conforming use. If 2 or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.

(H) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a church, public or private elementary or secondary school, public park, day care center, residential district, or a residential lot with 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.341 ADDITIONAL REGULATIONS FOR ADULT MOTELS.

(A) Evidence that a sleeping room in a hotel, motel or a similar commercial establishment has been rented and vacated 2 or more times in a period of time that is less than 10 hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this subchapter.

(B) A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit and/or license, he or she rents or subrents a sleeping room to a person and, within 10 hours from the time the room is rented, he or she rents or subrents the same sleeping room again.

(C) For purposes of this section, the terms *RENT* or *SUBRENT* mean the act of permitting a room to be occupied for any form of consideration.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.342 REGULATIONS FOR EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS.

(A) A person who operates or causes to be operated, a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements.

(1) Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of 1 or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit and/or license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus 6 inches. The Town Zoning Administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not

been altered since it was prepared.

(2) The application shall be sworn to be true and correct by the applicant.

(3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Zoning Administrator or his or her designee.

(4) It is the duty of the owners and operator of the premises to ensure that at least 1 employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(5) The interior of the premises shall be configured in a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has 2 or more manager's stations designated, then the interior of the premises shall be configured in a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least 1 of the manager's stations. The view required in this section must be by direct line of sight from the manager's station.

(6) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in division (5) above remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that not patron is permitted access to any area of the premises which as been designated as an area in which patrons will to be permitted in application filed pursuant to division (1) of this section.

(7) No viewing room may be occupied by more than 1 person at any time.

(8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than 1 foot candle as measured at the floor level.

(9) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(B) A person having a duty under divisions (A)(1) through (A)(9) above commits a misdemeanor if he or she knowingly fails to fulfill that duty.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.343 EXEMPTIONS.

It is a defense to prosecution under §§ 155.334 and 155.340 that a person appearing in a state of nudity did so in a modeling class operated:

(A) By a proprietary school, licensed by the State of South Carolina; a college, junior college or university supported entirely or partly by taxation;

(B) By a private college or university which maintains and operates education programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or

(C) In a structure:

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

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

(3) Where no more than 1 nude model is on the premises at any 1 time.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.344 INJUNCTION.

A person who operates or causes to be operated a sexually oriented business without a valid permit and/or license or in violation of § 155.334 of this subchapter is subject to a suit for injunction as well as prosecution for criminal violation as outlined in §§ 155.450 *et seq.* of this chapter.

(Ord. 5.202, passed 11-24-1981)

COMMUNICATION TOWERS

§ 155.355 DISTRICTS IN WHICH SPECIAL EXCEPTION AND CONDITIONAL USES ARE PERMITTED AND HEIGHT LIMITATIONS OF FREESTANDING OR GUYED TOWERS.

(A) In Residential Districts R-12, R-8, and R-5 and NC and OC Districts, freestanding pole with height not exceeding 100 feet is a permitted special exception pursuant to § 155.359.

(B) In the GC District, freestanding or guyed towers with height not exceeding 180 feet is a permitted conditional use; height exceeding 180 feet requires special exception.

(C) In Industrial Districts LI and BI, and Development District D-1, freestanding or guyed towers with height not exceeding 200 feet is a permitted conditional use; height exceeding 200 feet requires special exception.

(D) In Planned Development Districts, towers with height specified in approved plan is permitted under conditions set forth in plan.

(E) In permissible districts, towers and/or antennae mounted on buildings, water tanks or structures other than a freestanding or guyed communications tower must not extend more than 30 feet above the highest part of the structure.

(F) In districts in which communication towers and antennae are permitted, freestanding or guyed and/or antenna exceeding height limitations may be permitted by the Zoning Board of Appeals as a special exception. (See requirements for special exception in § 155.359.)

(G) In all districts, variances from conditions imposed by this section may not be granted by the Zoning

Board of Appeals. Variances from other general district regulations may be granted under standards in S. C. Code § 6-29-800.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.356 APPLICATION REQUIREMENTS.

The applicant for a conditional use zoning permit for construction of a communications tower or placement of a commercial telecommunication antenna on an existing structure other than a tower previously permitted must file with the Zoning Administrator an application accompanied by a fee of \$200 and the following documents, if applicable:

- (A) One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material;
- (B) A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan and existing land uses on adjacent property;
- (C) A current map, or update for an existing map on file, showing locations of applicant's antennae, facilities, existing towers and proposed towers which are reflected in public records, serving any property within the town;
- (D) A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSFEIAMA 222 (latest version) standards;
- (E) Identification of the owners of all antennae and equipment to be located on the site;
- (F) Written authorization from the site owner for the application;
- (G) Evidence that a valid FCC license for the proposed activity has been issued;
- (H) A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts;
- (I) A written agreement to remove the tower and/or antenna within 90 days after cessation of use;
- (J) Evidence that applicable conditions in § 155.357 are met; and
- (K) Additional information required by the Zoning Administrator for determination that all applicable zoning regulations are met.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.357 CONDITIONS.

An applicant must show that all applicable conditions are met.

(A) The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.

(B) The applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements without unreasonable modifications on any existing structure or tower under the control of the applicant.

(C) The applicant for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a nonresidential district for valid technical reasons.

(D) Prior to consideration of a permit for location on private property which must be acquired, an applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and the applicant's technical design requirements.

(E) The applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant's present and future requirements.

(F) The applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.

(G) A communications tower must not be painted or illuminated unless otherwise provided by state or federal regulations.

(H) A permit for a proposed tower site within 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.

(I) Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Zoning Administrator a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in form approved by the municipality attorney.

(J) Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage and all other general zoning district regulations except setback and height, shall apply to the use. Setback and height conditions in this section apply.

(K) A tower must be a minimum distance - equal to 1/2 the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines distances equal to the district setback requirements or 25% of the tower height, whichever is greater.

(L) Prior to issuing a permit, the Zoning Administrator may consult with a communications expert for technical review to determine that the standards in divisions (B), (C), (D), (E), (G) and (H) are met.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.358 APPEAL TO BOARD.

Applicant may appeal to the Board of Zoning Appeals as follows.

(A) Failure of the Zoning Administrator to act on an application which is determined to be complete under this subchapter within 45 days, unless extended by agreement, may be considered by applicant to be a denial of a permit which is subject to appeal to the Board of Zoning Appeals.

(B) The applicant may appeal to the Board for a variance from general zoning district regulations and setbacks requirements in this subchapter, but not from any other conditions in this subchapter. Towers exceeding height limitations may be permitted only by special exception pursuant to § 155.359.

(C) The applicant may apply directly to the Board for a permit for any tower as a special exception pursuant to § 155.359.

(Ord. 5.202, passed 11-24-1981)

§ 155.359 SPECIAL EXCEPTIONS.

A tower, pole, or antenna may be permitted by special exception granted by the Board of Zoning Appeals after public hearing and findings of fact based on the following criteria.

(A) All application requirements and conditions imposed in §§ 155.355 through 155.358 of this subchapter are met.

(B) If additional tower height is requested, total tower height will not exceed 150% of the maximum height permitted in the district as a conditional use.

(C) The applicant has demonstrated that additional height above that permitted by conditional use regulations is necessary for service to occupants of an area within the municipality.

(D) Setback requirements and additional conditions are established by the Board as is deemed necessary to remove danger to health and safety, and to protect adjacent property.

(E) Prior to approving a permit by special exception or on appeal from action of the Zoning Administrator on an application for a conditional use, the Board may consult with a communication expert for technical review to determine that the standards in § 155.357 divisions (A), (B), (C), (D), (E), (G) and (H) are met.

(F) The Telecommunications Act of 1996 requires that a denial of permit be supported by substantial evidence.

(G) The Board may not grant a variance from the standards imposed for a communication tower or antenna in connection with granting a special exception, except as permitted by §§ 155.335 through 155.358.

(Ord. 5.202, passed 11-24-1981)

SUPPLEMENTAL REGULATIONS

§ 155.370 OUTDOOR STORAGE OR DISPLAY OF MERCHANDISE.

The outdoor storage or display of merchandise in front of business in the OC, NC and GC Districts are permitted under the following conditions:

- (A) A small amount of merchandise, not to exceed 15 separate objects, may be displayed in front of businesses only during business hours;
- (B) Merchandise may be stored or displayed under a covered roof extending from the principal structure no more than 10 feet;
- (C) Outdoor stored and displayed merchandise must be for sale by the business displaying the merchandise;
- (D) Outdoor storage and display of merchandise must be neat and orderly and not contain equipment used to move or transport the merchandise, or other objects not intended for sale; and
- (E) Any outdoor storage or display of merchandise shall not impede the normal traffic flow of vehicles or pedestrians.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.371 MANUFACTURED HOME PARKS.

Manufactured home parks shall meet the requirements specified in the Town of Blythewood Ordinance entitled, Town of Blythewood Manufactured Home Park Ordinance.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.372 CHILD DAY CARE CENTERS.

(A) *Generally.* Before granting a special exception for establishment of a child day care center or an in-home child day care center, the Board of Appeals shall determine that the facility meets the requirements set for the in the South Carolina Department of Social Services *Rules and Regulations Relating to Licensing Day Care Facilities and Child Care Centers.*

(B) *Categories.* Child day care facilities are divided into the following categories based upon the number of children served:

- (1) In-home child day care center: 1 to 6 children; and
- (2) Child day care center: 7 children and greater.

(C) *Inspections.* The Fire Inspector and building official may inspect the facilities semi-annually to ensure adequate compliance with regulations.

(D) *Fence.* A fenced play area meeting the requirements of the South Carolina Department of Social Services. No fence shall be less than 5 feet in height or greater than 7 feet in height.

(E) *Area to load and unload children.* An area adequate for loading and unloading children to be accommodated shall be provided and the area shall not be located within any public right-of-way.

(F) *Signs.* Signs shall conform to the regulations of §§ 155.425 *et seq.*

(G) *Requirements of Health Department.* Facilities, operations and maintenance shall meet the requirements of the Health Department.

(H) *Additional conditions.* The Board shall determine if additional safeguards and conditions are appropriate in order to protect children accommodated from detrimental characteristics of use of adjacent areas, or to protect adjacent uses from potential incompatible characteristics arising from the child day care centers and in-home child day care centers.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.373 RECREATIONAL FACILITIES ADJACENT TO RESIDENTIAL USES.

Outdoor recreational facilities which are adjacent to lots which are zoned for residential purposes shall comply with the following standards.

(A) No swimming pool, playground, miniature golf course, ball field or game court shall be closer than 50 feet from the property line of a lot zoned for residential purposes.

(B) No lighting shall be installed in connection with outdoor recreational facilities which is closer than 50 feet to the property line of a lot zoned for residential purposes, unless the lighting is of a nature, as determined by the Zoning Administrator, that it will not be a nuisance to an adjacent residential use.

(C) A solid wall or fence, or vegetative screening which furnishes equal protection against noise and light, shall be provided when determined appropriate by the Zoning Administrator.

(D) No commercial activities shall be permitted in conjunction with recreational uses in residential zones except as listed below:

(1) Charges and fees for the use of recreational facilities; and

(2) Other activities which are directly in conjunction with the recreational facility and which, in the judgment of the Zoning Administrator, would not be in conflict with the residential nature of the neighborhood.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.374 SATELLITE DISH ANTENNAE.

(A) Satellite dish antennae are considered accessory structures and are allowed only in the side or rear yard of principal structures and only within the required setbacks.

(B) Satellite dish antennae may not be over 17 feet above ground elevation.

(C) A satellite dish antennae may be placed on a roof provided its diameter does not exceed 48 inches and further provided that it will not be visible from any public street.

(D) Satellite dish antennae are considered structures and, as such, require a zoning permit.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.375 BED AND BREAKFAST INNS.

Bed and breakfast inns shall be allowed in any zoning district as a special exception subject to the following conditions:

(A) Inspection and approval by the ex-officio State Fire Marshal, the Town of Blythewood Fire Department and the Building and Zoning Department of the Town of Blythewood, South Carolina;

(B) All units of rental occupancy shall meet the requirements of the Standard Housing Code;

(C) If the bed and breakfast inn locates guest rooms above the first floor, at least 2 exit stairways must be provided for egress from the upper floors;

(D) Where and when structural changes to guest room walls and ceilings are to be effected, 1 hour or greater fire separation between guest rooms will be required;

(E) All electric convenience outlets located in bathrooms for guests must be a GFI type;

(F) Smoke detectors (HWW/BATTBU) must be installed in all guest rooms and emergency lights must be provided in the emergency egress pathway (corridor) from each guest room;

(G) Fire extinguishers must be placed as determined by the Town Fire Department and/or building official;

(H) No unvented heating devices shall be installed or used in or near guest rooms;

(I) Bed and breakfast inns will be subject to random compliance inspections by the Town Fire Department and building officials;

(J) Meals may be served only to registered guests;

(K) The resident owner shall maintain a guest register to include names, addresses and dates of occupancy of all guests;

(L) Off-street parking shall be provided by the resident owner with at least 1 parking space per rental unit (room, cottage and the like);

(M) The principal use of a bed and breakfast dwelling shall remain residential; and

(N) In residential districts, only 1 freestanding or 1 wall mounted sign, not to exceed 4 square feet in area, non-illuminated, may be located on the premises of a bed and breakfast inn.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

LANDSCAPING AND BUFFER YARDS

§ 155.390 INTENT.

It is the intent of this subchapter to preserve as many existing trees as practical when development occurs, and to provide a landscaped environment which will minimize the unbroken expanse of parking lots and to provide for the visual separation of different types of land uses on adjacent properties and from public thoroughfares.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.281, passed 12-15-2003)

§ 155.391 APPLICABILITY.

All commercial, industrial, public, semi-public, residential land developments and other uses required by the Zoning Chapter, Land Development Chapter, Manufactured Home Park Ordinance, or other Town of Blythwood ordinances to implement landscaping plans and/or buffer yards must establish landscaping in accordance with these provisions of the Zoning Chapter. All reviewing and approving authorities are expected to apply these requirements in a way that takes into account existing vegetation, clearing and grading required to implement development plans, unique lot shapes and other conditions which may be unique to each project. Alternative landscaping design solutions may be applied where physical site features inhibit compliance with the requirements of this subchapter or when a unique design achieves the spirit and intent of this subchapter.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.281, passed 12-15-2003)

§ 155.392 TREE AND ROOT PROTECTION DURING DEVELOPMENT.

(A) *Tree and root protection fencing requirements.* During development of the property, the owner shall be responsible for the erection of any and all tree and root protection fencing necessary to protect any existing or installed vegetation from damage both during and after construction. All significant vegetation, native ornamental species and perimeter landscaping that are to be preserved during development shall be protected with a sturdy and visible fence before clearing and grading begins. The existing site conditions will be considered by both applicant and staff in determining the exact location of any tree protection fencing. Generally, the location should be as far as possible from the vegetation in order to preserve soil and root structure. The location of tree protection fencing and method of construction shall be noted on the landscape plan. Tree protection fencing shall remain in place and in good condition until all development activities are completed. The tree protection fence shall be located no less than 1 foot from the tree trunk for each 1 inch in tree diameter for specimen trees, significant vegetation or from the trunk line of any forest canopy stand to be preserved, with a minimum distance of 10 feet required from the edge of the trunk. Tree protection fencing for forest canopy stands are to be located no less than 1 foot from the tree trunk for each 1 inch in tree diameter of the trunk line trees identified up to 10 feet. Tree protection fencing shall be constructed from any material substantial enough to protect the roots, trunk, and crown of the tree, such as 2-inch by 4-inch wood posts and 1 inch by 4 inch wood rails, silt fencing or orange safety fencing a minimum of 4 feet in height on metal or wood posts.

(B) *Soil disturbance, compaction, stock piling of soil or construction materials.* No soil disturbance or

compaction, stock piling of soil or other construction materials, vehicular traffic, storage of heavy equipment are allowed in the tree and root protection area(s), or within the drip line of trees to be retained.

(C) *Trees.* An existing healthy tree greater than 8 inches in DBH (diameter breast high), as defined by the diameter of the tree at 4-1/2 feet from the ground, is a valuable natural resource by virtue of age, size and contribution to the environment. The trees should be preserved and protected to the extent practical and feasible on all building lots. All these trees shall be shown on a required development plan. A minimum of 50% of 8-inch trees DBH outside of the building and other site development structures (accessory buildings, walkways, driveways, parking lots and the like) footprint shall be preserved except by variance granted by the Board of Zoning Appeals. The footprint shall be defined as the actual ground surface area to be occupied by the proposed structure except that the principal structure shall be allowed an additional 10-foot perimeter buffer to be included in the footprint. In the event a variance is granted, each tree removed shall be replaced by 2 trees of at least 2 inches caliper in another place on the lot.

(D) *Timber harvesting.* Timber harvesting is permitted as long as appropriate South Carolina Forestry Commission Best Management Practices (BMPs) (Forest management practices, developed pursuant to federal water quality legislation, to minimize or prevent non-point source water pollution) are followed. Clear cutting, the total removal of a merchantable tree crop from an area, of trees is not permitted in any zoning district within the town limits. Notwithstanding any other applicable BPM's, all timber harvesting operations shall be conducted in a manner in which the equivalent of a Type E, street protective yard, is retained to buffer all public rights-of-way.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.281, passed 12-15-2003; Am. Ord. 10.010, passed 7-26-2010)
Penalty, see § 155.999

§ 155.393 GENERAL PROVISIONS.

(A) *Location.* The perimeter landscaping required by this subchapter shall be located along the outer perimeter of the parcel and shall extend to the parcel boundary line or right-of-way line. Plants comprising the perimeter landscape shall be appropriately spread across the entire width of the landscape area.

(B) *Existing vegetation, fences, walls and berms.* The use of existing trees or shrubs to satisfy the perimeter landscaping requirements of this subchapter is strongly encouraged. Existing significant vegetation within the required perimeter landscaped area shall be preserved and credited toward standards for the type of perimeter landscaping required, unless otherwise approved by the Town of Blythewood at the time of site plan approval. Existing berms, walls or fences within the perimeter landscaped area but not including chain link fencing, may be used to fulfill the standards for the type of perimeter landscaping required, provided that these elements are healthy and/or in a condition of good repair. Other existing site features within the required perimeter landscaped area which do not otherwise function to meet the standards for the required perimeter landscaping shall be screened from the view of other properties or removed, as determined during review and approval of the site plan.

(C) *Installation of new vegetation and other features.* If existing significant vegetation and other site features do not fully meet the standards for the type of landscaping required, then additional vegetation and/or site features (including fences and/or walls) shall be planted or installed within the required landscaping area. The use of native species of trees, shrubs, vines, groundcovers and perennials is encouraged in order to make planted areas compatible with existing native habitats.

(D) *Standards for new planting.* All shrubs required to be planted shall be measured at least 3 gallons in container size and 1-1/2 feet (3 feet for Type A screen/buffers) above ground level and shall reach the height required for performance within 5 years after installation. All trees necessary to be planted to meet the

requirements of this subchapter shall be at least 8 feet high above ground level and at least 2 inches in caliper at the time of installation, and shall have an expected mature height of at least 40 feet for shade (canopy) trees and 15 feet for small-maturing trees. The selection of plants, planting methods, minimum height, root ball and container size, number of branches, and width, shall conform with the American Standard for Nursery Stock published by the American Association of Nurserymen for that type of tree or shrub at the time of installation. Groves of trees, as well as isolated islands with single trees, are encouraged. Adequate drainage and mulching shall be provided for planting medians and islands. Each canopy tree shall be provided with a minimum pervious ground area of 8 feet by 8 feet and should be planted on slopes not to exceed 4:1 horizontal to vertical distance.

(E) *Grading and development within the perimeter landscaping.* If grading within a perimeter landscaped area is proposed, slopes of 3:1 or less are encouraged to ensure the proper transition of grades to the adjacent property and to facilitate landscaping. The required perimeter landscaping shall not contain vehicular parking areas, storage, utility surface, display, loading surface areas or any other site features that do not function to meet these standards.

(F) *Easements.* No vegetative screening or fencing required in this subchapter shall be planted inside utility and drainage easements, excluding overhead easements, without the consent of the Zoning Administrator and the easement holder. If plantings or fences inside utility or drainage easement areas is allowed, these planting and fences shall be maintained in accordance with the terms of consent and any applicable maintenance provisions of this subchapter. Any tree planted within the right-of-way of overhead utility lines shall be a small-maturing tree of a mature height of no greater than 15 feet.

(G) *Responsibility for installation.* Where a vacant parcel is being developed adjacent to another vacant parcel, then the developer or owner of the first parcel to be developed shall provide the perimeter landscaping required adjacent to the vacant land. Where a vacant parcel is being developed adjacent to an existing land use, then the developer or owner of the vacant parcel shall provide the perimeter landscaping required adjacent to the existing land use.

(H) *Zoning change.* If the zoning district classification changes for an existing use or parcel, then the parcel shall comply with the applicable landscaping requirements of this subchapter or, at a minimum, the intent of this subchapter as prescribed by the Zoning Administrator. The owner or developer may need to install additional plant material on the parcel in order to meet the intent of this subchapter, especially on developed sites, or to bring the parcel up to the standards for the type of perimeter landscaping which would be required under this subchapter.

(I) *Standards for fences.* Fences are permitted only where they are of uniform design, materials and construction. Fences shall supplement the existing and/or required plantings. Fences shall be maintained by the owner. The use of chain link fences in the front yard of commercial buildings or structures is prohibited. The use of chain link fences as buffer yard screening is prohibited.

(J) *Design standards for berms.* All berms shall not exceed a slope with maximum rise of 1 foot to a run of 2 feet (expressed as a 1:2 ratio or 50% slope) and a maximum height of 4 feet. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation.

(K) *Irrigation.* The use of irrigation is encouraged in all landscaping areas as required by this subchapter. Drip irrigation of ornamental plantings is encouraged.

(L) *Unlawful cutting of vegetation.* No person may remove any vegetation from within any recorded public street right-of-way except in areas approved by the Town of Blythewood and/or the South Carolina Department of Transportation.

(M) *Stream and wetland buffers.* Land-disturbing activities for construction in, on, or under a lake or

natural watercourse shall be planned and conducted to minimize the extent and duration of disturbance of the stream channel or lake bed. Where relocation of a stream is an essential part of the proposed activity, the relocation shall be planned and executed to minimize changes in the stream flow characteristics, except where the developer or landowner demonstrates that the significant alteration of the flow characteristics is justified.

(1) An undisturbed, natural buffer shall be maintained along each perennial stream within the town's jurisdiction. The minimum buffer width shall be 20 feet from each side of the stream as measured from the top of the bank.

(2) No land-disturbing activities shall take place within a stream buffer or delineated wetland area, except for required streets and associated facilities, utility mains and easements, and/or greenways and pedestrian paths. Roads and golf courses may cross a buffer, provided they do not cross at an angle of less than 60 degrees.

(3) Streams, wetlands and required buffers shall be shown on all site plans submitted for approval and recording.

(N) All required landscaping must be located outside of the recorded public street rights-of-way.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.281, passed 12-15-2003) Penalty, see § 155.999

§ 155.394 TYPE OF LANDSCAPING AND BUFFERING.

The 5 types of landscaping are defined as follows, and shall meet the following performance requirements:

(A) *Type A: opaque screen/buffer.*

(1) *Purpose and definition.*

(a) Type A buffer yards function as an opaque screen from the ground to a height of at least 8 feet.

(b) This type excludes visual contact between uses and creates a strong impression of spatial separation.

(2) *Location and required usage.*

<i>District</i>	<i>Minimum Width</i>
Buffer yard between GC, LI, Districts and residentially zoned districts and districts with residential uses	30 ft.
Buffer yard between LI, LIRP Districts and Commercial Districts	20 ft.
Buffer yard between NC, OC, and residentially zoned districts	15 ft.

Edge of all yards abutting right-of-way of Interstate 77	25 ft.
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- (a) Composition of the Type A landscaping may include a wall, wood fence, landscaped earthen berm, planted vegetation, existing vegetation or any appropriate combination of these elements.
- (b) Intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 15 feet and have no unobstructed openings wider than 10 feet between tree canopies upon maturity.
- (c) Shrub plantings shall have a minimum height of 3 feet at installation and have no unobstructed openings wider than 4 feet.
- (d) At least 50% of the required trees, and at least 75% of the required shrubs, shall be evergreen species locally adapted to the area. The requirement for the edge of all yards abutting the Interstate 77 right-of-way shall be that 100% of required trees and shrubs shall be evergreen species locally adapted to the area.
- (e) This section does not preclude common walls between buildings on adjacent lots.

(3) *Special buffer yard between LIRP lots and residentially zoned districts.*

- (a) A buffer yard of at least 200 feet in width shall be maintained adjacent to any residential zoning district line. The first 20 feet from the residential zoning district line shall be densely planted with evergreens which will reach a height of not less than 20 feet at maturity to create an opaque screen. The remaining 180 feet of the buffer yard shall be left in its natural growth.
- (b) Planting requirements for this 180 feet shall consist of intermittent planting of deciduous and evergreen trees which shall obtain a height at maturity of no less than 40 feet and have no unobstructed openings wider than 20 feet between canopies upon maturity. If the pre-existing wooded conditions do not meet intermittent planting requirements, supplemental planting of additional trees shall be required.

(B) *Type B: semi-opaque screen.*

(1) *Purpose and definition.* Type B buffers function as a semi-opaque screen from the ground to at least a height of 4 feet for screening of car lights and glare.

(2) *Location and required usage.*

<i>Transition Yard</i>	<i>Minimum Width</i>
Transition yard between commercially zoned lots or between industrially zoned lots	10 ft.

- (a) Composition of the Type B landscaping may include a wall, fence, planted vegetation, existing vegetation or any appropriate combination of these elements.
- (b) Intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 15 feet and have no unobstructed openings wider than 20 feet between canopies upon maturity.
- (c) Shrubbery shall be planted between the tree spaces. Shrub plantings shall have no unobstructed openings wider than 4 feet and shall obtain a height at maturity of no less than 4 feet.

(d) At least 75 % of the required shrubs shall be evergreen species locally adapted to the area.

(e) This section does not preclude common walls between buildings on adjacent lots.

(C) *Type C: commercial, industrial and apartment complex off-street parking areas.*

(1) *Purpose and definition.*

(a) Type C buffers function to create an opaque screen between the site parking areas and public streets and to serve as visually aesthetic transitions to separate the parking areas from public thoroughfares.

(b) Interior plantings break up parking areas from large monotonous expanses of pavement into smaller lots.

(2) *Interior plantings: location and required usage.*

(a) Large parking areas with an unbroken expanse of pavement shall be avoided to the extent practicable by breaking the lot into small sections with internal planting areas (landscape islands) that feature trees planted in grass or other ornamental landscaping. Parking areas shall be designed as a series of smaller lots that provide parking space for no more than 30 automobiles for double-sided parking and 15 automobiles for single-sided parking. These smaller parking lots shall be separated by landscape islands which shall be designed in consideration of automobile overhang so as to avoid damage to plantings.

(b) Canopy (shade) trees, evergreen or deciduous trees of a species with an expected mature height of over 40 feet and an expected crown spread of over 30 feet, shall be planted, or existing trees utilized so that no off-street parking space may be located more than 60 feet from the trunk of a large canopy tree.

(c) No tree may be planted closer than 3-1/2 feet to the back of a curb or the paved portion of the parking lot.

(3) *Screening for parking areas located adjacent to a public street: location and required usage.*

(a) Screening shall be no less than 3 feet and no more than 4 feet high.

(b) Screening can be composed of:

1. *Masonry walls.* Plain concrete block must be rendered with decorative facing such as stucco, brick veneer and the like.

2. *Wood fences.* Stockade fences and unpainted fences are not allowed.

3. *Landscaped berms.* Berms may incorporate street protective yard (Type E) trees.

4. *Landscape islands.* Landscape islands at least 5 feet in width planted with shrubbery with no unobscured openings between shrub plantings or street protective yard (Type E) trees. Shrubs shall be evergreen species locally adapted to the area. Landscape islands and berms shall be designed in consideration of automobile overhang so as to avoid damage to plantings.

(c) Parking area screening is required in conjunction with type E street protection yard landscaping.

(D) *Type D: service areas.*

(1) *Purpose and definition.*

(a) This type functions as at least a 75% percent opaque screen from the ground to at least 1 foot higher than the item being screened (including but not limited to garbage collection sites, exposed non-power utility fixtures, power utility substations and exposed metal cabinets over 5 feet in height).

(b) However:

1. The screening shall not be less than 6 feet in height;
2. Composition of the Type D landscaping may include a wall, fence, planted vegetation, existing vegetation or any appropriate combination of the elements;
3. Shrub plantings shall have no unobstructed openings wider than 4 feet;
4. Large trees shall be placed no more than 12 feet apart; and
5. At least 75 % of the required shrubs shall be evergreen species locally adapted to the area.

(2) *Location and required usage.*

<i>Perimeter of service areas</i>	<i>Minimum Width</i>
Perimeter of services areas	3 ft. unless wall or fence is used

(E) *Type E: street protective yard.*

(1) *Purpose and definition.*

(a) A street protective yard is a landscaped area located parallel and adjacent to a recorded public street right-of-way.

(b) This area contains plantings of trees and other vegetation designed to provide more pleasing views along streets, reduce the amount of impervious surface and thereby reduce stormwater run-off, provide shade and preserve a remnant of Blythewood's natural vegetative cover.

(2) *Required usage and location.*

(a) All residential, commercial and industrial developments requiring landscaping under § 155.391 must conform with the street protective yard requirements of this subchapter.

(b) Street protective yards shall be located on private property and not within any street right-of-way. Portions of the property needed for driveways and/ or curb cuts are exempted from street protective yard requirements. No vehicular parking areas, storage, utility surface, display or loading surface areas shall be permitted in this yard. Pedestrian walkways connecting the site structures to sidewalks and/or streets and walls and fences may be located in the street protective yard.

(3) *Requirements.*

(a) *Tree quantity and spacing.* Each street protective yard shall contain at least 1 canopy (shade)

tree, an evergreen or deciduous tree of a species with an expected mature height of over 40 feet and an expected crown spread of over 30 feet, for approximately every 40 linear feet of street protective yard or fracture thereof as measured along the property line abutting the right-of-way. Trees need not be evenly spaced every 40 feet but must average 1 tree per 40 linear feet of frontage (excluding access). No street protective yard shall contain less than 1 shade tree. In street protective yards shrubs, groundcover, small-maturing trees and/or turf shall cover at least 75% of the street yard area not used for shade trees, driveways, walkways, and walls and fences. (See special requirements for street protective yards for commercial off-street parking areas adjacent to public streets).

(b) *Width of street protective yards.*

1. *Street protective yard.* No street protective yard shall be less than 5 feet wide as measured from the recorded public right-of-way abutting the property.

2. *Lots smaller than 2 acres or with a lot depth of less than 200 feet from the right-of-way.* The average street protective yard width shall be at least 10 feet and shall have a minimum width of 5 feet.

3. *Lots greater than 2 acres but less than 5 acres or with a lot depth of less than 400 feet from the right-of-way.* The average street protective yard width shall be at least 15 feet and shall have a minimum width of 10 feet.

4. *Lots greater than 5 acres.* The average street protective yard width shall be at least 20 feet and shall have a minimum width of 15 feet.

5. *Planned Development Districts.* Any street protective yards requirements within Planned Development Districts (PDD) shall be specified in the individual PDD plan.

(c) *Zero setback buildings.* Type E screening requirements do not preclude zero setback buildings if otherwise permissible under the provisions of this chapter.

(d) *Special requirements for street protective yards for commercial and industrial off-street parking areas adjacent to public streets.*

1. Minimum width requirement is 5 feet regardless of lot size; and

2. Type C2 screening shall to be located within the street protective yard and contiguous to the recorded public right-of-way.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.281, passed 12-15-2003) Penalty, see § 155.999

§ 155.395 TIME FOR INSTALLATION OF REQUIRED LANDSCAPING.

(A) *Time limit.* All landscaping, including mulching and seeding, shall be completed in accordance with the approved site plan prior to issuance of a certificate of occupancy for the site.

(B) *Extensions and exceptions.* The Town of Blythewood may grant exceptions and extensions to the above time limit under the following conditions:

(1) Extensions may be granted due to unusual environmental conditions, such as drought, ice, over-saturated soil (deep mud) or inappropriate planting, provided that the developer or property owner provides

the town with a surety bond ensuring the installation of the remaining landscape materials;

(2) Exceptions may be granted due to the substitution or unavailability of plant species or acceptable plant size as specified on the site plan, provided that the developer or property owner provides the town with a bond to ensure that the unavailable plants will be installed on the property; and

(3) Exceptions may be granted due to circumstances beyond the developer's or property owner's control, such as incomplete construction or utility work to occur in a proposed landscaped area within 30 days after expected site completion. Exceptions may be granted provided that the developer or property owner submits a letter from the utility company to the town stating the estimated installation date and provides a cash bond to ensure installation of the required landscaping.

(C) *Bonds.*

(1) Any bond posted as surety for exceptions bond shall be accompanied by documentation of the estimated cost of the remaining landscaping to be completed. This documentation may be a landscaping contractor's bid or contract, a nurseryman's bill or a similar document.

(2) The amount of the bond shall be 1-1/4 times the cost of the plant material yet to be installed, based on the highest estimate received.

(3) The Town Council may authorize to release part of any security posted as the improvements are completed and approved by the Town of Blythewood. These funds shall be released within 10 days after the corresponding improvements have been approved.

(D) *Inspections.* A permanent certificate of occupancy for the development shall not be issued unless the landscaping required under this subchapter is installed in accordance with these standards and in accordance with the approved site plan or subdivision plat.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.281, passed 12-15-2003) Penalty, see § 155.999

§ 155.396 MAINTENANCE RESPONSIBILITY AND REPLACEMENT OF DAMAGED VEGETATION.

(A) *Maintenance responsibility.*

(1) The owners of the property and their agents, heirs or assigns shall be responsible for the installation, preservation and maintenance of all plantings and physical features required by this subchapter in a healthy, growing condition, for replacing them when necessary, and for keeping the area free of refuse and debris.

(2) All plant materials should be allowed to reach their mature size and maintained at their mature size.

(3) Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe pruning, shall be replaced with locally-adapted vegetation which conforms to the standards of this section and to the approved site or subdivision plan.

(4) In the event that any vegetation or physical element functioning to meet the standards of this subchapter is severely damaged due to an unusual weather occurrence or natural catastrophe, the owner shall

have 1 growing season to replace or replant after reconstruction is complete.

(5) All required landscaped areas shall be free of refuse and debris in accordance with the site or subdivision plan approved by Town of Blythewood, and shall be maintained so as to prevent mulch, straw, dirt or other materials from washing onto streets and sidewalks.

(B) *Violation.* Failure to establish or maintain any landscaped area shown on an approved site shall constitute a violation of this Zoning Chapter.

(C) *Fully vegetated natural areas.*

(1) This section shall not apply to fully vegetated natural areas, except where the property owner has damaged or destroyed vegetation in a required landscaped area, or caused vegetation to be damaged or destroyed.

(2) In no instance will the Town of Blythewood be responsible for the maintenance of any vegetation unless the vegetation is located within the public right-of-way of a town maintained street or is located on property owned by the Town of Blythewood.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.281, passed 12-15-2003) Penalty, see § 155.999

§ 155.397 NONCONFORMING LANDSCAPING AND SCREENING.

(A) If there is a change of use or an expansion to the heated square footage of 25% or greater to an existing business, the lot shall fully comply with all street protective yard landscaping, loading and storage area screening requirements.

(B) Expansions to the parking area or loading areas which increase the total area more than 25% shall be required to comply with all applicable parking and loading area landscaping and screening.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.281, passed 12-15-2003) Penalty, see § 155.999

§ 155.398 VIOLATIONS.

Failure to comply with these landscaping provisions of the Zoning Chapter shall constitute a violation of the Zoning Chapter and is subject to the provisions of the § 155.999.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.281, passed 12-15-2003) Penalty, see § 155.999

PARKING

§ 155.410 OFF-STREET PARKING.

(A) Off-street parking spaces required by district regulations may be reduced or provided off-site within 500 feet of the main entrance to the principal use as authorized by the town subject to a shared parking

agreement under the following criteria.

(1) The minimum number of parking spaces for a property where shared parking is proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute (ULI) Shared Parking Report or Institute of Transportation Engineers (ITE) Shared Parking Guidelines. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the ULI or ITE reports. If standard rates are limited or not available, the applicant may collect data at similar sites to establish local parking demand rates. If the shared parking plan assumes use of an existing parking facility, then field surveys shall be conducted to determine actual parking accumulation.

(2) The applicant shall submit the following information as part of an application to reduce parking requirements and avoid conflicting parking demands:

- (a) A to-scale map indicating location of proposed parking spaces;
- (b) Hours of business operation of nonresidential parking uses; and

(c) Copies of the legal instrument that authorizes the use of shared parking facilities and which shall be kept of file with the town.

(3) Where authorized shared parking exists and a change affecting the shared use occurs, the applicant shall have up to 30 calendar days to provide the town with a valid legal instrument reflecting the modified parking arrangements.

(4) Change to any of the conditions identified herein shall terminate authorization for shared parking. Any modification will require a new application for plan review.

(B) Required off-street parking for a commercial or industrial use may extend up to 120 feet into a residential zoning district provided:

- (1) The parking area adjoins the property on which the principal commercial or industrial use is located;
- (2) The parking area access is to the same street as the principal use; and
- (3) The parking area has a Type B buffer area along residential lot lines and required landscaping.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.369, passed 7-28-2009) Penalty, see § 155.999

§ 155.411 PARKING SPACE REQUIREMENTS.

Off-street parking spaces shall meet the following design standards:

Parking space dimensions	Angle parking: 9 ft. by 19 ft.; provided, 10% may be 8.5 ft. by 18 ft.
	Parallel parking: 9 ft. by 24 ft.
	Handicapped: 12 ft. by 20 ft., or 8 ft. by 20 ft., with 8 foot aisle

Minimum aisle widths	90 degree parking: 25 ft.
	60 degree parking: 18 ft.
	45 degree parking: 13 ft.
	Parallel parking: 10 ft.
	Street rights-of-way may not be considered as an aisles for adjacent off-street parking
Paving and marking requirements	A parking area, including driveways containing 10 or more parking spaces shall be surfaced with an all weather impervious material, and spaces shall be marked with painted lines
Lighting requirements	A parking area open for night use shall have a minimum for one 9,000 lumen overhead light for each 25 parking spaces or major portion thereof
Parking spaces for handicapped persons	1 parking space for handicapped persons shall be provided for each 25 parking spaces, or fraction thereof, except for dwellings of less than 20 units, meeting federal and state requirements, with access to ramps, walkways, and entrances without moving behind parked vehicles

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.412 OFF-STREET LOADING AND UNLOADING SPACES.

Each lot used for commercial or industrial purposes, or multi-family residences with more than 10 units, shall provide off-street space for loading and unloading as follows.

Access	<i>Each space shall have access from an alley or public street</i>		
Dimensions	<i>Each space shall be a minimum of 12 ft. by 40 ft., clear of obstructions</i>		
Space required	Use	Gross Floor Area (sq. ft.)	Number of Spaces
	Retail business	5,000	0
		5,000 - 19,000	1
		20,000 - 49,000	2
		50,000 - 79,000	3

		80,000 - 99,000	4
		100,000 - 149,000	5
		150,000 +	5 + 1 for each additional 50,000
	Wholesale, industrial governmental, institutional, educational, medical, assembly	25,000	1
	25,000 - 99,999	2	
	100,000 - 159,000	3	
	160,000 - 239,999	4	
	240,000 - 349,000	5	
	Each additional 100,000 or fraction	1	
	Multi-family residence with 10 or more units		1

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.413 PARKING OF RECREATION, COMMERCIAL AND UNLICENCED VEHICLES.

(A) (1) No mobile recreation equipment or vehicle shall be parked or stored on any lot in a residential district for more than 24 hours, other than a carport, enclosed building or rear yard.

(2) The Board of Zoning Appeals may grant a variance in case of unnecessary hardship.

(B) No commercial vehicle or trailer shall be parked, stored or used for storage purposes on any lot in a residential, OC, NC or GC Districts, except for temporary loading or unloading. The Board of Zoning Appeals may grant a variance for vehicles used in-home occupations in case of unnecessary hardship.

(C) No vehicle or trailer subject to state licensing which does not display a current license plate shall be parked or stored on any lot in a residential district, except in an enclosed building.

(D) No more than 1 travel or camping vehicle per family living on the premises shall be permitted to be parked on a lot in any residential zone; and the vehicle shall not be occupied temporarily or permanently while it is parked or stored, except in an authorized manufactured home park.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

SIGNS

§ 155.425 STATEMENT OF PURPOSE AND SCOPE.

(A) The purposes of this subchapter are to promote public safety and to encourage the effective use of signs as a means of communication in the town, to maintain and enhance the aesthetic environment, to minimize the possible adverse effect of signs on nearby public and private property and to enable the fair and consistent enforcement of the subchapter.

(B) This subchapter:

(1) Establishes a permit system that allows a variety of signs in commercial and industrial zones and a limited variety of signs in residential zones;

(2) Allows certain signs that are small and incidental to the principal use of the properties on which they are located without a requirement for permits; and

(3) Provides for temporary signs in limited circumstances on private property.

(C) Regulation of placement, installation and maintenance of signs is necessary because the purpose of signs is to draw visual and mental attention, potentially to the detriment of sound driving practices and the safety of the motoring public to which a majority of signs are oriented. Therefore, it is the intent of this subchapter to regulate the size and location of signs so that their purpose can be served without unduly interfering with motorists and causing unsafe conditions. The fact that these signs are intended to command visual contact grants to signs a proportionately greater role than other structures in determining the overall aesthetic quality of the community. The aesthetic impact of signs is an economic fact which may bear heavily upon the enjoyment and value of property; therefore the regulation of the placement, installation and maintenance of signs conserves the value of property and encourages the most appropriate use of land throughout the town by protecting and preserving the desired aesthetic qualities of the town.

(D) With these purposes in mind, this subchapter authorizes the use of on-premises signs which are:

(1) Compatible with their surroundings;

(2) Appropriate to the type of activity to which they pertain;

(3) Expressive of the identity of the individual proprietors or of the community as a whole; and

(4) Large enough to convey a message about the owner or occupants of a particular property, the products or services available on the property or the business activities conducted on the property, yet small enough to preserve and protect the natural beauty of the town and limit distractions to motorists.

(Ord. 5.321, passed 1-26-2009; Am. Ord. 10.012, passed 5-24-2010)

§ 155.426 APPLICABILITY.

(A) Except as otherwise provided in this subchapter, this subchapter applies to all signs located within the Town of Blythewood.

(B) Except as otherwise provided in this subchapter, it shall be unlawful for any person to erect, construct, place, display, repair, structurally alter, enlarge, move or replace any sign or cause the same to be done, without first having obtained a sign permit for the sign from the Zoning Administrator as required by this subchapter.

(C) Any sign that is allowed under the provisions of this subchapter may contain a commercial and/or noncommercial message.

(Ord. 5.321, passed 1-26-2009; Am. Ord. 10.012, passed 5-24-2010) Penalty, see § 155.999

§ 155.427 DEFINITIONS.

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

BANNER. A sign of lightweight, plastic or similar material mounted at 1 or more edges to a pole or other structure. National flags, state and municipal flags, and official flags of businesses, institutions or other organizations are not **BANNERS**.

CANOPY SIGN. A sign attached to or constructed in or on a canopy.

CHANGEABLE COPY SIGN. A sign or portion thereof which has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects and may be changed or rearranged without altering the face or the surface of the sign.

CIVIC. Relating to town or community affairs.

COMMERCIAL AREA. All real property within Office Commercial (OC), Neighborhood Commercial (NC) and General Commercial (GC) Zoning Districts and all permissible commercial uses in the Rural (RU) Zoning District.

ELECTRONIC CHANGEABLE COPY SIGN. 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 (LED's), fiber optics, light bulbs or other illumination devices within the display area. **ELECTRONIC CHANGEABLE COPY SIGNS** include computer programmable, microprocessor controlled electronic displays. **ELECTRONIC CHANGEABLE COPY SIGNS** include projected images or messages with these characteristics onto buildings or other objects.

ELECTRONIC GRAPHIC DISPLAY SIGN. A sign or portion thereof that displays electronic, static images, static graphics, static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), 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 GRAPHIC DISPLAY SIGNS** include programmable, microprocessor controlled electronic or digital displays. **ELECTRONIC GRAPHIC DISPLAY SIGNS** include projected images or messages with these characteristics onto buildings or other objects.

GROUND MOUNTED SIGN or **FREE STANDING SIGN.** A sign supported by one or more uprights, posts or bases placed upon or affixed in the ground and not attached to any part of a building.

HEIGHT. The distance from the top of the curb closest to any portion of the sign, or from the edge of the roadway where no curb exists, to the top of the highest attached component of the sign.

INDUSTRIAL AREA. All real property within Limited Industrial (LI) and Light Industrial Research Park (LIRP) Zoning Districts.

INTERNALLY ILLUMINATED SIGN. A sign illuminated by a light source internal to the sign enclosure which is externally visible, not directly but only indirectly, through translucent, not transparent, sign face materials.

LUMINANCE. The intensity of light reflected or emitted from a unit area of surface, such as a sign face, measured as nits.

MANUAL CHANGEABLE COPY SIGN. A sign or portion thereof which has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or rearranged manually or mechanically with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

MARQUEE and AWNING. A hood or awning of permanent construction without pillars or posts which is supported from a building wall and extends beyond the building, building line or property line.

MARQUEE SIGN and AWNING SIGN. A sign painted on, attached or hung from a marquee or awning.

MULTIPLE OCCUPANCY. A building consisting of 2 or more separate commercial uses, or a lot or lots, plots, portions or parcels of land considered as a unit for 2 or more separate commercial uses.

NITS. A unit of measure for luminance where 1 nit equals 1 candela per square meter (cd/m^2).

NONCONFORMING SIGN. A sign that does not meet the requirements of this subchapter, but was lawfully in existence on the effective date of this subchapter.

PREMISES. The lot or lots, plots, portions or parcels of land considered as a unit for a single use or development, whether owned or leased, and not located in a shopping center or multi-use building. For purposes of the location of signs, **ON PREMISES** means a sign located on the same premises as the object, project, place of activity, person, institution or business to which the sign directs attention; **OFF PREMISES** means a sign located on a premises different than the premises on which the object, project, place of activity, person, institution or business to which the sign directs attention is located.

RESIDENTIAL AREA. Real property within all residential zoning districts and permissible residential uses in Commercial (C), Rural (RU) and Rural Estate Zoning Districts.

ROOF SIGN. A sign installed on the roof of a building or painted on the roof of a building so as to be visible from ground level.

SIDEWALK SIGN, SHINGLES and PROJECTING SIGN. A sign affixed to, and projecting from a wall of a building, supported by the building and not in the same plane as the wall.

SIGN. Any device of a medium affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place of activity, person, institution, organization or business. **SIGN** does not include any flag, badge or insignia of any government or government agency, school or religious group or of any civic, charitable, religious, patriotic, fraternal or similar organization, nor any official traffic device. Each display surface shall be considered to be a **SIGN**.

SIGN AREA. The entire area within a sign's continuous perimeter, enclosing the extreme limits of a sign display or structure, including any frame, support structure or border, shall constitute the area of a sign. Curved, spherical or any other shaped sign faces are computed on the basis of actual sign surface area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the **SIGN AREA**.

SIGN COPY. The letters, numbers, symbols, pictures or graphics on the face of the sign.

SINGLE OCCUPANCY. A building consisting of 1 commercial use.

VIDEO DISPLAY SIGN. 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 which 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.

WALL SIGN. A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by the building.

(Ord. 5.321, passed 1-26-2009; Am. Ord. 5.377, passed 8-31-2009; Am. Ord. 10.012, passed 5-24-2010)

§ 155.428 SIGN REQUIREMENTS.

(A) *Placement.*

(1) *Ground mounted signs.*

- (a) All ground mounted signs shall be located a minimum of 5 feet behind the street right-of-way.
- (b) No ground mounted sign greater than 5 square feet in area shall be located closer than 15 feet to any adjacent lot line.
- (c) A 15 foot side yard setback shall be required if the side lot line abuts a residential district.
- (d) Only 1 ground mounted sign is allowed per street front, except 1 sign identifying a residential neighborhood may be placed at each entrance to the residential neighborhood.

(2) *Wall signs.*

- (a) No wall sign shall project more than 18 inches from the building wall, nor shall it extend beyond any point of a roof line, parapet or mansard roof.
- (b) May be placed on all building walls which front on a public street with special consideration given to historic properties and the method of attachment. Refer to Historic Properties and Sign and Lighting Ordinance addendum.
- (c) Signs mounted to or hung from a porch or marquee may be substituted for part or all of the allowable wall signage per premises. These signs, when viewed at front elevations, must not block the view

of windows or doors and must be placed in between and not overlap vertical architectural elements. Hung signs shall maintain a minimum of 6 feet, 8 inches clearance between the bottom of the sign and the porch or ground surface.

(3) *Canopy, awning signs and marquee (overhangs).*

(a) Canopy and awning signs may be substituted for part or all of the allowable wall signage per premises.

(b) Awnings and canopies may have signage on all faces which front on a public street.

(c) Canopies and awnings may only be illuminated externally.

(4) *Sidewalk signs, shingles or projecting signs.*

(a) Sidewalk signs, shingles or projecting signs may be substituted for part or all of the allowable wall signage per premises.

(b) A sidewalk sign, shingle or projecting sign shall not project from the building wall to an extent that it obstructs the view of pedestrians, bicyclists or motorists of street intersections or traffic signs, devices or signals. The sign shall be extended no more than 6 feet from the building to which it is affixed.

(c) A minimum of 7 feet clearance between the bottom of the sign and the sidewalk, pavement or ground surface must be maintained.

(d) Only 1 projecting sign is permitted per building frontage; provided, however, that multiple occupancy buildings in commercial or industrial areas may include 1 projecting sign per tenant in addition to wall signs, and provided that the signs are spaced not closer than 20 feet horizontally/laterally from another projecting sign.

(B) *Area and height.*

(1) *Sign area.*

(a) The maximum sizes of signs are as listed in Chart 1 below.

(b) Multi-faced signs surface area:

1. The area of multi-faced signs is computed by adding together the area of all sign faces visible from 1 point.

2. When 2 identical sign faces are placed back to back, no more than 12 inches apart and supported by the same poles or structure, the sign area shall be computed by the measurement of 1 of the faces.

3. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially 3-dimensional with respect to their display surfaces, the entire display surface or surfaces are included in computations of area.

(c) If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area. (See Chart 1 below.)

(d) Wall sign surface area:

1. In general, the surface area of wall signs should not exceed 20 square feet unless the size of the building is such that a larger sign can be justified. (See Chart 1 below.)

2. Wall signs shall reflect the proportional and dimensional relationships of the structure. The ratio of window and door openings to wall surface area must be considered. No wall sign or its supporting structure shall cover any window or part of a window. Furthermore, wall signs shall be placed in between and not overlap vertical architectural elements.

3. For multiple occupancy buildings, wall signs shall reflect the proportional and dimensional relationships of the individual store front.

(e) The canopy or awning sign surface area shall reflect the proportional and dimensional relationships of the surface area of the portion of the awning or canopy visible from the street level.

(f) Sidewalk sign surface area:

1. Shall reflect the proportional and dimensional relationships of the structure.

2. In general, the surface area of sidewalk signs should not exceed 10 square feet unless the size of the building is so that a larger sign can be justified. (See Chart 1 below.)

(2) *Sign height.*

(a) The maximum heights of signs are as in Chart 1 below.

(b) Except as otherwise provided in this subchapter, the maximum sign height of ground mounted signs is 8 feet.

1. For signs placed on a landscaped berm or raised landscape area, such as a planter or retaining wall, the height of the berm or raised area is included when calculating the height of the size.

2. The Zoning Administrator may allow sign heights in excess of 8 feet in cases where additional height is required to raise the base of the sign to the mean elevation (street level) of the fronting street where displayed.

(c) The maximum height of signs identifying residential neighborhoods, located at the entrance to the neighborhood, is 6 feet.

Please click this link to view a PDF of Chart 1

CHART 1										
CHART 1	All Other Signs			Wall Signs		Free Standing Signs				Temporary Signs
	Maximum TOTAL SF of all Signs is the Lesser of B, C or D			Maximum SF is the Lesser of E or F		Maximum SF is the Lesser of G or H				Maximum SF
A	B	C	D	E	F	G	H	I	J	K
Use or Zoning District	Maximum Area	% of Ground Floor	Total Sign Area per	Maximum Area	% of Wall	Maximum Area (SF)	Free Standing Sign	Maximum Height	Front/Side Setbacks	Maximum Area (SF)

		(SF)	Area	Linear Foot of Frontage	(SF)	Area		Area per Foot of Linear Frontage (SF)	(Feet)	(Feet)	
1	Residential	32	5	5	10	5	32	5	8	5/15**	10
2	Civic	32	10	5	10	20	32	10	8	5/15**	32
3	Neighborhood Commercial (NC)	32	5	5	10	20	32	10	8	5/15**	32
4	Office Commercial (OC)	32	10	5	10	20	32	10	8	5/15**	32
5	General Commercial (GC)	32	15	5	10	20	32**	10	8	5/15**	32
6	Commercial in Rural (RU)	32	10	10	10	20	32	10	8	5/15**	32

CHART 1

CHART 1		<i>All Other Signs</i>			<i>Wall Signs</i>		<i>Free Standing Signs</i>			<i>Temporary Signs</i>	
		<i>Maximum TOTAL SF of all Signs is the Lesser of B, C or D</i>			<i>Maximum SF is the Lesser of E or F</i>		<i>Maximum SF is the Lesser of G or H</i>			<i>Maximum SF</i>	
A		B	C	D	E	F	G	H	I	J	K
7	Industrial	32	5	10	10	20	32	15	8	5/15**	32
8	Architectural Overlay District	32	5	5	10	20	32	5	8 *	5/15**	32
9	Historic Properties	32	5	5	10	5	32	5	8	15	32

SF - Square feet

A - Column A - Use or Zoning district - Zoning district applies to a particular area established by the town. Use is more precise than the zoning district. If there is a conflict between district and use, use shall prevail

* - Request for variances need to be directed to the Zoning Board of Appeals

** - Maximum sign area for free standing sign serving multiple occupancy in General Commercial is 64 SF

*** - All ground mounted signs shall be located a minimum of 5 feet behind the street right-of-way

(Am. Ord. 10.012, passed 5-24-2010)

(C) *Illumination.*

(1) Except as otherwise provided in this subchapter, signs may be illuminated subject to the following conditions:

(a) All signs shall meet all applicable electrical codes;

(b) External illumination:

1. All externally lighted signs shall have their lighting directed in a manner as to illuminate only the face of the sign, and be shielded so no direct illumination is visible elsewhere. No external lighting shall be emitted at an angle higher than 90 degrees from nadir (straight down). See Illustration 1;

Illustration 1: Externally Illuminated Signs

2. Any illuminated tubing outlining property lines, open sales areas or parking areas is prohibited; and

3. Illuminated tubing that is attached and integral to an original architectural detail of a building is permitted, if approved by the Architectural Review Board.

(c) Internal illumination (not typically allowed for historic properties signage):

1. Each sign face of an internally illuminated sign shall be limited to a luminance of 1,000 nits, as measured at the sign face at maximum brightness.

2. The background of internally illuminated signs shall be either opaque or a darker translucent color than the lettering or graphics displayed on the signs.

(2) Video displays, electronic changeable copy signs and electronic graphic display signs are prohibited.

(3) Manual changeable copy signs are subject to the following conditions, in addition to all other provisions of this subchapter.

(a) *Location.* May be located only in the General Commercial (GC) Zoning District.

(b) *Face or display.* The face or display of the sign shall be placed perpendicular to a public right-of-way.

(c) *Prohibited.* May not be a wall sign or otherwise mounted on a building.

(d) *Certificates of appropriateness.* Changeable copy signs of any cost must apply for and receive a certificate of appropriateness from the Board of Architectural Review under the provisions of § 155.316 before a sign permit may be issued. The \$25,000 cost threshold for Board of Architectural Review for certificates of appropriateness in § 155.316 does not apply to these types of signs. In addition to the conditions contained in this section, the Board of Architectural Review shall review each application on an individual basis for compliance with the signage design objectives in § 155.503, and the decision to approve, approve with modifications, or deny approval of a certificate of appropriateness shall be subject to the Board

of Architectural Review's sole discretion.

(D) *Temporary signs and banners.*

(1) Temporary special event signs and banners for religious, charitable, civic, fraternal or similar non-profit or not-for-profit organizations, events providing a community service or events promoting the community:

- (a) Shall be erected no sooner than 14 days prior and removed no later than 2 days after the event;
- (b) Shall not exceed 32 square feet;
- (c) Shall not be illuminated;
- (d) Shall be located off the street right-of-way, unless otherwise granted permission for the location by the Town of Blythewood and SCDOT. In no case may any sign impede the view or travel of any motorists or pedestrians or be attached to any structure within the right-of-way (government signs, telephone poles and the like);
- (e) Only 1 sign oriented per street front per premises shall be allowed. On premises with 2 or more street fronts, signs shall not be located less than 100 feet apart as measured by using a straight line; and
- (f) The property owner upon whose land the sign is placed shall give written permission for the placement of the signs and will be held responsible for violations.

(2) *Grand opening banners.*

- (a) Shall be associated only with the grand opening of a new business, not the change of ownership or management of a continuing business;
- (b) Only permitted 1 time for a business;
- (c) Only permitted for a 30 day period beginning at the start date indicated on the business license;
- (d) Must be attached to the building and shall not cover any window or part of a window, nor shall it extend beyond any point of a roof line, parapet or mansard roof. The banner shall not be attached to any temporary or permanent pole, or any other structure other than the principal structure; and
- (e) The banner shall be no more than 32 square feet in area.

(E) *Maintenance and upkeep.* All signs and all components thereof, including supports, braces, anchors and the like, shall be kept in a good state of repair, in compliance with all building and electrical codes, and in conformance with the requirements of this subchapter.

(Ord. 5.321, passed 1-26-2009; Am. Ord. 5.377, passed 8-31-2009; Am. Ord. 10.012, passed 5-24-2010; Am. Ord. 10.029, passed 10-25-2010) Penalty, see § 155.999

§ 155.429 PERMITS.

(A) *Chart 2.* Chart 2 below lists by zoning district the type of signs that may be permitted.

(B) *Exemption.* A permit issued by the Zoning Administrator is required to erect, construct, enlarge, move or replace any sign or cause the same to be done, unless the sign or action is exempt from this requirement under § 155.430.

(C) *Permit application.* See § 155.451(c).

(1) A sketch showing the dimensions and shape of the proposed sign, its proposed location on the lot and any other information required by the Zoning Administrator to determine conformance with this subchapter, shall be submitted before a permit can be issued.

(2) One copy of the sketch shall be returned to the applicant with the signed approval or disapproval of the Zoning Administrator noted on the copy.

(D) *Fee.* A fee, in accordance with a fee schedule adopted by the Town Council, shall be charged for each sign permit issued.

(E) *Appeals of permit decisions.* Decisions of the Zoning Administrator may be appealed to the Board of Zoning Appeals under § 155.466.

Please click this link to view a PDF of Chart 2

CHART 2								
A	B	C	D	E	F	G	H	
<i>Use or Zoning District</i>	<i>Free Standing</i>	<i>Canopy</i>	<i>Identification</i>	<i>Marquee</i>	<i>Wall</i>	<i>Projecting Sign</i>	<i>Roof Sign</i>	
1	Residential	P	NA	NA	NA	NA	NA	NA
2	Townhouse/Row House	P	NA	NA	NA	NA	NA	NA
3	Multi- Family Dwelling	P	P	NA	P	P	P	NA
4	Civic	P	P	P	P	P	P	NA
5	Neighborhood Commercial (NC)	P	P	P	P	P	P	NA
6	Office Commercial (OC)	P	P	P	P	P	P	NA
7	General Commercial (GC)	P	P	P	P	P	P	NA
8	Commercial in Rural (RU)	P	P	P	P	P	P	NA
9	Industrial	P	P	P	P	P	P	NA

10	Architectural Overlay District	P	P	P	P	P	P	P	NA
11	Historic Properties	P	P	P	P	P	P	P	NA

P - Allowed if permit issued; not allowed if no permit issued

NA - Not allowed

CHART 2

<i>A</i>	<i>I</i>	<i>J</i>	<i>K</i>	<i>L</i>	<i>M</i>	<i>N</i>	<i>O</i>	<i>P</i>	<i>Q</i>
<i>Use or Zoning District</i>	<i>Window</i>	<i>Banner</i>	<i>Flag</i>	<i>Portable</i>	<i>Electronic Reader Board</i>	<i>Flashing Sign</i>	<i>Changeable Sign</i>	<i>Balloon Sign</i>	<i>Temporary</i>
	NA	P	P	NA	NA	NA	NA	NA	P
1 Residential	NA	P	P	NA	NA	NA	NA	NA	P
2 Townhouse/Row House	P	P	P	NA	NA	NA	NA	NA	P
3 Multi-Family Dwelling	P	P	P	NA	NA	NA	NA	NA	P
4 Civic	P	P	P	NA	NA	NA	NA	NA	P
5 Neighborhood Commercial (NC)	P	P	P	NA	NA	NA	NA	NA	P
6 Office Commercial (OC)	P	P	P	NA	NA	NA	NA	NA	P
7 General Commercial (GC)	P	P	P	NA	NA	NA	NA	NA	P
8 Commercial in Rural (RU)	P	P	P	NA	NA	NA	NA	NA	P
9 Industrial	P	P	P	NA	NA	NA	NA	NA	P
10 Architectural Overlay District	P	P	P	NA	NA	NA	NA	NA	P
11 Historic Properties	P	P	P	NA	NA	NA	NA	NA	P

P - Allowed if permit issued; not allowed if no permit issued

NA - Not allowed

(Ord. 5.321, passed 1-26-2009; Am. Ord. 5.377, passed 8-31-2009; Am. Ord. 10.012, passed 5-24-2010)

§ 155.430 EXEMPT SIGNS.

The following types of signs are exempt from the permit requirements of § 155.429 and may be placed in any zoning district subject to the provisions of this subchapter. These signs shall otherwise be in conformance with all applicable requirements contained in this subchapter. There shall be no limit as to the number of any signs on any lot, except as herein prescribed. All signs (except government signs) shall be located outside a street right-of-way.

(A) Signs erected by or on behalf of the city, county, state or federal government identifying streets or public property, conveying public information and directing or regulating pedestrian or vehicular traffic, are exempt from these regulations;

(B) Memorial signs, plaques or grave markers which are noncommercial in nature erected by or on behalf of local, county, state or federal government;

(C) Flags, pennants, insignia or religious symbols of any government, non-profit or not-for-profit organization when not displayed in connection with a commercial promotion or as an advertising device. No flag pole shall exceed 30 feet in height. Flags shall not exceed 60 square feet. Limit 3 per site;

(D) Integral decorative or architectural features of buildings, as long as the features or works do not contain letters, trademarks, moving parts or lights;

(E) On-premise directional and traffic flow signs not exceeding 4 square feet in area apiece and not exceeding the number of ingress and egress points;

(F) Identification signs for residential uses not exceeding 4 square feet in area (1 only per premises);

(G) Campaign and election signs provided that:

(1) Each sign shall not exceed 20 square feet in area;

(2) All signs may be erected no sooner than 30 days in advance of the election for which they were made;

(3) All signs shall be removed within 7 days after the election for which they were made;

(4) The property owner upon whose land the sign is placed shall give written permission for the placement of the signs and will be held responsible for violations; and

(5) No sign shall be placed in any right-of-way, on any telephone pole, street sign and/or street sign pole or on any public property.

(H) Temporary real estate signs advertising a specific property for sale, lease, rent or development as follows:

(1) One sign per street frontage advertising real estate (“For Sale”, “For Rent”, “For Lease” or “For Development”) not greater than 10 square feet in area in a residential area and 32 square feet in area in

commercial and industrial areas may be located on the property being advertised so long as the sign is located behind the street right-of-way line. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street so long as the 2 signs are at least 100 feet apart as measured by the shortest straight line;

(2) May not be illuminated; and

(3) Real estate companies must purchase a business license in the Town of Blythewood prior to erecting a real estate sign.

(I) Temporary construction signs provided that:

(1) Signs in residential areas shall not exceed 10 square feet each;

(2) Signs in commercial and industrial areas shall not exceed 32 square feet each;

(3) Only 1 sign oriented per street front per premises shall be erected. Any 2 signs located on the same premises shall be located at least 100 feet apart as measured by using a straight line;

(4) Shall not be illuminated;

(5) Shall only appear at the construction site;

(6) A building permit for the construction shall be secured prior to the erection of the sign; and

(7) The signs shall be removed within 7 days after completion of the project.

(J) One on-premise garage sale sign and a maximum of 2 off-premise directional signs per garage sale, provided that:

(1) All signs shall be removed within 24 hours after the garage sale has been terminated;

(2) Shall not exceed 4 square feet in area; and

(3) All signs shall be located off the street right-of-way.

(K) Window signs provided that:

(1) The sign surface area is proportional to the building scale and architectural features;

(2) Does not cover more than 50% of the window area; and

(3) Does not obscure vision at a height between 4 feet and 7 feet above ground level at the window.

(L) "Warning", "No Trespassing" and similar informational signs no greater than 4 square feet;

(M) Signs located within a stadium intended to be read only by persons seated within the stadium;

(N) Any sign inside a building, not attached to or placed within an external window or piece of glass that is not legible more than 3 feet beyond the building in which it is located;

(O) Signs placed on newspaper boxes designed for placement of delivered newspaper to a particular

location;

(P) Historical plaques mounted in accordance with specifications of the United States Secretary of the Interior's Standards for Rehabilitation; and

(Q) Changing or replacing the sign copy on an existing lawful sign is exempt from permit requirements, provided the copy change does not change the nature of the sign as to render the sign in violation of this subchapter. The change in copy due to a change in business does require a permit.

(Ord. 5.321, passed 1-26-2009)

§ 155.431 PROHIBITED SIGNS.

The following signs are prohibited:

(A) Any sign which the Zoning Administrator determines obstructs the view of bicyclists or motorists using any street, approach to any street intersection or which interferes with the effectiveness of or obscures any traffic sign, device or signal;

(B) Illuminated, highly reflective signs or spot lights which hamper the vision of motorists or bicyclists;

(C) Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress or providing light or air;

(D) Any sign (other than a government sign), banner or display placed on any curb, sidewalk (except where otherwise permitted in this subchapter), post, pole, hydrant, bridge, tree or other surface located on, over or across any public street or right-of-way, or any banner, placed on stakes on a property, unless otherwise permitted. One decorative banner shall be permitted on a building;

(E) Any sign located in a way as to intentionally deny an adjoining property owner visual access to an existing sign;

(F) Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color or signs with electrically scrolled messages;

(G) Rotating signs, other than on-premise signs with rotating identification names which contain a logo and/or business name on it;

(H) Roof signs;

(I) Off premises signs;

(J) Signs placed on a piece of property without permission of its owners or agent;

(K) Inflatable signs, including inflated balloons (includes inflatable depicting animals, planes, blimps, castles and the like) having a diameter of greater than 2 feet;

(L) Other signs not expressly permitted in this subchapter;

(M) Any sign whose sign face was initially constructed and designed to be placed and/or transported on wheels, regardless if the sign face is removed from its base and placed on or in the ground so as to otherwise classify the sign as a “freestanding” sign as herein defined;

(N) Video displays, electronic changeable copy signs and electronic graphic display signs;

(O) Signs with no sign copy (i.e., blank signs); and

(P) Manual changeable copy signs are prohibited unless specifically approved as provided in § 155.428(C)(3).

(Ord. 5.321, passed 1-26-2009; Am. Ord. 10.012, passed 5-24-2010) Penalty, see § 155.999

§ 155.432 NONCONFORMING SIGNS.

(A) Except as herein provided, nonconforming signs that were otherwise lawful on the effective date of this subchapter may be continued.

(B) No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign or causes a previously conforming sign to become nonconforming.

(C) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this subchapter. Once a nonconforming sign is removed from the premises or otherwise taken down or moved, the sign may only be replaced with a sign which is in conformance with the terms of this subchapter.

(D) Minor repairs and maintenance of nonconforming signs necessary to keep a nonconforming sign for a particular use in sound condition are permitted so long as the nonconformity is not in any means increased.

(E) If a nonconforming sign is destroyed by natural causes, or otherwise damaged, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the provisions of this subchapter, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a nonconforming sign shall be considered “destroyed” or “damaged” if it receives damage to an extent of more than 50% of the sign’s replacement value immediately prior to the sign having received the damage, except that after 7 years from the date of adoption of this subchapter, a sign is deemed to have zero value remaining.

(F) All nonconforming signs must be brought into compliance within 7 years of the date of enactment of this subchapter.

(G) The message of a nonconforming multi-tenant identification sign may be changed so long as it does not create any new nonconformity.

(H) (1) If a nonconforming on-premise sign which advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that has for a period of at least 30 days not been operated, conducted or offered, that sign shall be deemed abandoned and shall be removed or brought into compliance by the sign owner, property owner or other party having control over the sign within 30 days after the sign is deemed abandoned.

(2) Notwithstanding the above, if there is an expansion to the heated square footage of an existing business, or a change in use or ownership to an existing building (except multi-tenant buildings), and there

were 1 or more on-premise nonconforming signs which advertised the former or current business or use, any new signs used, and all new sign faces for the new use or business must meet all sign requirements for the underlying district.

(I) (1) If a nonconforming sign remains blank for a continuous period of 30 days, that sign shall be deemed abandoned and shall, within 30 days after abandonment, be altered to comply with this subchapter or be removed by the sign owner, owner of the property where the sign is located or other person having control over the sign.

(2) For purposes of this subchapter, a sign shall be deemed "blank" if:

(a) It advertises a business, service, commodity, accommodations, attraction or other enterprise or activity that is no longer operating or being offered or conducted;

(b) The advertising message it displays becomes illegible in whole or substantial part; or

(c) It does not contain an advertising message. (For these purposes, the terms "Sign For Rent", "Sign For Lease", "Building For Rent", "Building For Lease", "Building for Sale" and the like shall not be deemed to be an advertising message.)

(Ord. 5.321, passed 1-26-2009) Penalty, § 155.999

§ 155.433 REMOVAL OF SIGNS.

(A) The Zoning Administrator shall cause to be removed:

(1) Any sign which is determined by the Zoning Administrator as being insecure, in danger of falling or otherwise endangering the public safety, shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this subchapter;

(2) Any sign erected, constructed, altered or displayed without a required sign permit;

(3) Any sign not conforming to the International Building and Fire Codes; and

(4) Any sign now or hereafter existing and in conformance with this subchapter which advertises a business no longer conducted, or a product no longer sold shall have the sign copy removed within 30 days after written notification from the Zoning Administrator, or 60 days after termination of the business or product, whichever comes first.

(B) Upon adoption of this subchapter, all legal, nonconforming signs within the Town of Blythewood shall comply with § 155.432.

(Ord. 5.321, passed 1-26-2009)

§ 155.434 APPEALS AND VARIANCES.

(A) Appeals of a decision by the Zoning Administrator under this subchapter shall be to the Board of Zoning Appeals under § 155.466(A).

(B) Except as provided in division (C) below, variances to the requirements of this subchapter may be granted by the Board of Zoning Appeals under § 155.466(B).

(C) Certificate of appropriateness decisions by the Architectural Review Board are not eligible for a variance under this section or under § 155.466(B).

(Ord. 5.321, passed 1-26-2009)

§ 155.435 VIOLATIONS.

Failure to comply with these sign provisions of this chapter shall constitute a violation of this chapter and is subject to the provisions of § 155.999.

(Ord. 5.321, passed 1-26-2009)

ADMINISTRATION

§ 155.450 ZONING ADMINISTRATOR.

(A) This chapter shall be administered and enforced by the Zoning Administrator who shall have all powers and duties authorized by statute or ordinance for a Zoning Administrator.

(B) The duties of the Zoning Administrator shall include:

- (1) Interpretation of terms and provisions of this chapter;
- (2) Administration of this chapter by the issuance of permits and certificates;
- (3) Processing applications for appeals to the Board of Zoning Appeals from the decision of the Zoning Administrator, variances and special exceptions;
- (4) Preparation of the record for appeal to the circuit court from the decisions of the Board of Zoning Appeals;
- (5) Maintenance of a current zoning map, amendments to the Zoning Chapter and all public records related to zoning and planning;
- (6) Enforcement of the Zoning Chapter, investigation and resolution of zoning complaints;
- (7) Administrative assistance to the Board of Zoning Appeals and Historic Preservation Commission when authorized; and
- (8) Any other duties as may be authorized.

(Ord. 5.202, passed 11-24-1981)

§ 155.451 ZONING PERMITS.

(A) *Permits required.* No building, sign or structure shall be erected, moved, enlarged, altered or demolished without a zoning permit issued by the Zoning Administrator. No permit shall be issued by the Zoning Administrator except for a use which is in conformity with the provision of this chapter or for a use authorized by order of the Board of Zoning Appeals.

(B) *Fees for permits.* A fee established by regulation of Town Council shall be paid for each zoning permit of certificate of zoning compliance issued by the Zoning Administrator.

(C) *Applications for permits.* Applications for zoning permits shall be accompanied by plans in duplicate drawn to scale showing the actual dimensions and shape of the lot to be used, the sizes and locations of existing structures on the lot, the location and dimensions of the proposed structure or alteration. The application shall include any other information as may be required by the Zoning Administrator to determine conformance with this chapter, including existing or proposed buildings or alterations, existing or proposed uses of buildings and land, number of families, housekeeping units, rental units, existing conditions on adjacent property. One copy of the plans shall be returned to the applicant with the signed approval or disapproval of the Zoning Administrator noted on the copy within a reasonable time.

(D) *Expiration of permits.* If the work described in a zoning permit has not begun within 6 months from the date of the permit, or within the time specified in a special exception, the permit shall expire and be void upon written notice by the Zoning Administrator.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

§ 155.452 CERTIFICATES OF ZONING COMPLIANCE.

(A) *Certificates required.* It shall be unlawful for any person to use occupy or permit the use or occupancy of any building or property created, erected, changed, converted, altered or enlarged, in whole or in part, until a certificate of zoning compliance has been issued by the Zoning Administrator stating the proposed use conforms to the requirements of this chapter.

(B) *Temporary uses.* Certificates of zoning compliance may be issued and renewed by the Zoning Administrator for permitted temporary uses for the times permitted by the zoning district regulations.

(Ord. 5.202, passed 11-24-1981) Penalty, see § 155.999

APPEALS

§ 155.465 BOARD OF ZONING APPEALS.

(A) *Board established.* There is hereby established a Board of Zoning Appeals for the Town of Blythewood, which shall have the powers and duties as provided in S.C. Code Title 6, Chapter 29, §§ 6-29-780 *et seq.*

(B) *Composition of Board of Zoning Appeals.* The Board of Zoning Appeals shall consist of 5

members appointed by the Town Council for terms of 3 years, staggered so that 1/3 of the members shall have terms expiring in each year. Members shall serve until their successors are appointed and qualified. No member of the Board of Zoning Appeals shall be the holder of an elected public office.

(C) *Compensation.* Members of the Board of Zoning Appeals shall serve without compensation. Reimbursement for actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds pursuant to reimbursement policies and procedures for employees of the Town of Blythewood.

(D) *Removal of members.*

(1) Members of the Board of Zoning Appeals may be removed at any time by the Town Council for cause.

(2) The existence of cause shall be discussed by the Council in executive session as permitted by the Freedom of Information Act, S.C. Code § 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause.

(3) Any fact, which in the discretion of Council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.

(E) *Organization and rules of procedure.* The Board of Zoning Appeals shall organize, elect officers and adopt rules of procedure as required by S.C. Code § 6-29-790.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.262, passed 9-25-2000)

§ 155.466 POWERS AND DUTIES OF BOARD OF ZONING APPEALS.

The Board of Zoning Appeals has the following powers:

(A) *Appeal from Zoning Administrator.* Any person aggrieved by a decision of the Zoning Administrator may appeal that decision to the Board of Zoning Appeals in writing on a form provided by the Zoning Administrator within 15 days after actual notice of the decision. An appeal stays the implementation of the decision of the Zoning Administrator unless he or she certifies to the Board that a stay would cause imminent peril to life or property. The Board may affirm or reverse, wholly or in part, or may modify the decision by a written order separately stating finds of fact and conclusion of law.

(B) *Variances.*

(1) An owner or authorized agent may appeal to the Board on a form provided by the Zoning Administrator for a variance from the requirements of the Zoning Chapter when the district application of regulations would result in unnecessary hardship.

(2) A variance may be granted if the Board makes all of the following findings and conclusions in a written order:

(a) There are extraordinary and exceptional conditions pertaining to a particular piece of property;

(b) These conditions do not generally apply to other property in the vicinity;

(c) Because of these conditions, the application of the chapter to particular piece of property would effectively prohibit or unreasonably restrict utilization of the property;

(d) The authorization of the variance will not be substantial detriment to adjacent property or to public good, and the character of the district will not be harmed by the granting of the variance; and

(e) The effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; would not change the zoning district boundaries shown on the official zoning map.

(3) The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance. In granting a variance, the Board may attach to it conditions regarding the location, character or other features of the proposed building, structure or use as the Board may consider advisable to protect establish property values in the surrounding area, or to promote the public health, safety or general welfare. Failure to begin or complete an action for which a variance is granted within the time limit specified as a condition of the variance shall void the variance.

(C) *Special exceptions.*

(1) An owner or authorized agent may appeal to the Board on a form provided by the Zoning Administrator for a special exception for a use permitted by district regulations as a special exception after review, subject to applicable criteria.

(2) The Board shall consider the following factors in determining whether a special exception should be granted, in addition to specific criteria in district regulations:

(a) Traffic impact;

(b) Vehicle and pedestrian safety;

(c) Potential impact of noise, lights, fumes or obstruction of air flow on adjoining property;

(d) Adverse impact of proposed use on aesthetic character of the area; and

(e) Orientation and spacing of improvements of structures.

(3) The Board may prescribe appropriate conditions and safeguards to relieve or reduce adverse impact of a special exception and to protect the character of the area.

(Ord. 5.202, passed 11-24-1981)

§ 155.467 APPEALS TO CIRCUIT COURT.

A person having a substantial interest in a decision of the Board of Zoning Appeals, or an officer of the town authorized by Town Council, may appeal to circuit court by petition for review on grounds that the decision is contrary to law, filed with the Clerk of Court and secretary of the Board within 30 days after the decision of the Board is mailed. Within 30 days after receipt of the notice of filing a petition, the Zoning Administrator or secretary of the Board, with assistance of the Town Attorney, shall file with Clerk of Court a certified copy of the Board proceedings, including a transcript of evidence and findings and conclusions of the Board.

(Ord. 5.202, passed 11-24-1981)

AMENDMENT

§ 155.480 INITIATION OF AMENDMENT.

(A) An amendment to the Zoning chapter text or zoning map may be initiated by adopted motion of Town Council, adopted motion of the Planning Commission, or by the Zoning Administrator. An amendment of the zoning map for changing a zoning district designation of property may be initiated by the owner of the property affected or by an agent authorized by the owner in writing.

(B) An identical amendment to the district designation of the same or a portion of the same property for which a rezoning has been denied shall not be initiated more often than once in each 12-month period after denial unless the Planning Commission determines either:

(1) There has been a substantial change in the character of the area; or

(2) Evidence or factors exist which were not considered in the previous deliberations which might substantially alter the basis for the Planning Commission recommendation.

(C) A zoning map amendment shall be initiated by an owner or agent on an application form provide by the Zoning Administrator, accompanied by required documents and information, and a filing fee established by resolution of Town Council.

(D) A complete application for amendment must be received at least 2 weeks prior to the Planning Commission meeting in order to be considered at the meeting.

(Ord. 5.202, passed 11-24-1981)

§ 155.481 MINIMUM DISTRICT SIZE.

No amendment shall be initiated which would create a new zoning district with an area of less than 2 acres; provide, the minimum area for a PD (Planned Development) District shall be 4 acres. The minimum requirement does not apply to extension of an existing district, or addition of NC or OC Districts adjacent to a GC District.

(Ord. 5.202, passed 11-24-1981)

§ 155.482 AMENDMENT PROCEDURE.

The following procedural steps are required for adoption of a text or map amendment.

(A) Amendment shall be initiated pursuant to §§ 155.480.

(B) Amendment ordinance shall be prepared in written form required by town code.

(C) Proposed amendment shall be referred to Planning Commission for review and recommendation. Review shall include a determination of whether the proposed amendment is in conformity with the comprehensive plan. The Planning Commission shall file with Town Council its report and recommendation on the proposed amendment within 30 days after receipt.

(D) Newspaper notice of public hearing before Town Council shall be published at least 15 days prior to hearing. The public hearing shall be scheduled for a date after the Planning Commission recommendation is due.

(E) Notices of public hearing shall be posted on or adjacent to property to be rezoned, with 1 notice visible from each street bordering the property. Posted notices shall contain letters not less than 1 inch in height.

(F) Notice of public hearing shall be mailed to adjacent landowners and groups which have filed a written request for notices.

(G) The Town Council may introduce amendment ordinance for first reading and hold a public hearing on the same date. The Planning Commission recommendation shall be reviewed and considered, but it shall not be binding on the Town Council.

(H) The Town Council may adopt or reject the amendment ordinance on second reading at least 6 days after first reading. A map amendment may be adopted or rejected for all or any portion of the property; however, a zoning district designation which was not included in the public notices shall not be adopted. An amendment may be withdrawn in writing by the initiator at any time prior to final action by the Town Council. A withdrawn amendment is not subject to the 12-month limitation in § 155.480(B).

(I) All amendments shall be noted and placed in the copy of the Zoning Chapter maintained by the Zoning Administrator and in the official town code maintained by the Town Administrator. A map amendment shall be reflected on the official zoning map.

(Ord. 5.202, passed 11-24-1981)

BOARD OF ARCHITECTURAL REVIEW

§ 155.495 BOARD OF ARCHITECTURAL REVIEW.

(A) *Board established.* A Board of Architectural Review is hereby established which shall consist of 7 members with a demonstrated interest, competence or knowledge of architectural design and community appearance. To the extent possible, at least 2 of the Board members should be professionals in the disciplines of architecture, history, urban design, landscape architecture, engineering, building construction, real estate or banking. The Town Council shall appoint members for staggered terms of 3 years. All candidates for appointment to the Board shall be qualified electors and reside in the Town of Blythewood. After 1-3-2005, should a member of the Board not be, or cease to be, a resident qualified elector of the Town of Blythewood, that member's seat shall be deemed vacant and a qualified replacement shall be appointed. A vacancy shall be filled for the unexpired term in the same manner as the original appointment. The Town Council may remove members of the Board for cause. None of the members may hold any other public office.

(B) *Officers.* The Board shall elect 1 of its members as Chairperson and 1 as Vice Chairperson for a

term of 1 year. The Board shall appoint a secretary who may be an employee of the town or a member of the Board.

(C) *Technical advisor.* The Board of Architectural Review may appoint an architect, engineer or other design professional to serve as a technical advisor to the Board on a project by project basis. The technical advisor is not a voting member of the Board. The technical advisor may be compensated for services rendered if funds for this purpose are included in the town budget.

(D) *Compensation of members.* Members of the Board shall serve without compensation. Members may be reimbursed for expenses, approved in advance by the Town Administrator, when representing the Board or the town at professional meetings or conference.

(E) *Rules of procedure.* The Board shall adopt rules of procedure for the conduct of its business. A majority of members of the Board shall constitute a quorum. Meetings of the Board shall be held at the call of the Chairperson and at regular times as the Board may determine. Public notice of all regular meetings and hearings shall be published in a newspaper of general circulation in the town and posted at the town hall and other conspicuous places. Called meetings may be held with at least a 24-hours' notice to all members and notice of the meetings posted at the town hall and other conspicuous places in the town. The Board shall keep minutes of its proceedings, showing the vote of each member present on each question. The minutes of all meetings shall state the reasons given by the Board for approval or denial or approval with conditions of all requests for certificate of appropriateness. The Board may hold work sessions for informal review and discussion of projects. These meetings will be held at the call of the Chairperson with 24-hours' notice to the Board members and posting of notice in the usual places. No formal action will be taken at a work session.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.270-C, passed 10-25-2004)

§ 155.496 POWERS AND DUTIES OF THE ARCHITECTURAL REVIEW BOARD.

The following are the powers and duties of the Architectural Review Board:

(A) *Appeal from the planning official.* Any person aggrieved by a decision of the planning official dealing with a request for a certificate of appropriateness may appeal that decision to the Board of Architectural Review in writing on a form provided by the planning official within 15 days after actual notice of the decision. The Board may affirm or reverse, wholly or in part, or may modify the decision by a written statement of findings and conclusions.

(B) *Review and approval.* Review and approve, disapprove or approve with conditions, applications for certificate of appropriateness for construction; reconstruction; and alteration of exterior appearance, including repair and change of exterior color of structure covered by this chapter where the value of the exterior improvement exceeds \$25,000 or for designated historic property regardless of value.

(C) *Reasons stated.* The Board shall state the reasons for the approval, disapproval or approval with conditions which shall be incorporated in the minutes of the meeting. Reasons for approval, disapproval or condition of approval shall be written on the certificate of appropriateness forms and a copy provided to the applicant.

(D) *Utilization of outside professional advice.* The Board may utilize outside professional advice if funds for the services are made available by the town.

(E) *Variations.* Grant variations from the architectural review parameters if the Board makes the following findings:

- (1) There are extraordinary and exceptional conditions pertaining to a particular project subject to review;
 - (2) These conditions do not generally apply to other property in the vicinity;
 - (3) Because of these conditions, the application of the architectural review parameters to the project would effectively prohibit or unreasonably restrict development of the project; and
 - (4) The variance will not be a substantial detriment to adjacent property or to the public good.
- (F) *Prohibitions.* The Board is explicitly not authorized to:
- (1) Become involved with the interior design of any structure, unless the interior of a public building or the public space of a private building is specifically described and designated as historic; or
 - (2) Inject personal likes and dislikes into its deliberations.

(G) (1) It is the responsibility of the Board of Architectural Review to promote the purposes and objectives of the historic preservation ordinance, to review and recommend to the Town Council the designation of individual historic properties. Further the Board will review plans and applications, as hereinafter provided, for all construction, renovation or demolition pertaining to or affecting duly designated historic properties. The Board shall have the power to approve, approve with modifications or deny approval for such applications in accordance with the prescribed procedures and guidelines.

(2) The Planning Commission shall provide its formal comment to the Council on ordinance adoption, amendment, and historic property designation.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.304, passed 7-30-2007; Am. Ord. 5.309, passed 1-28-2008; Am. Ord. 10.029, passed 10-25-2010)

§ 155.497 APPEAL TO BOARD OF ARCHITECTURAL REVIEW.

(A) Appeals to the Board may be taken by any person with standing aggrieved or by any officer, department, board, or bureau of the town. The appeal must be taken within 15 days from the date of the decision by filing an appeal specifying the grounds for appeal with the officer from whom the appeal is taken. The officer from whom the appeal is taken immediately shall transmit to the Board the notice of appeal and all the papers constituting the record upon which the action appealed from was taken.

(B) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal has been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, on due cause shown.

(C) The Board shall fix a time for hearing of the appeal or other matters referred to it. The hearings shall be held within 30 days of the receipt of the appeal and 15-days' public notice shall be given, as well as due notice to the parties in interest, and decide the same within 45 days of the notice of appeal. At the hearing, any party may appear in person or by agent or by attorney. If no decision is rendered within 45 days, the appeal shall be deemed approved unless the person submitting the appeal agrees in writing to an

additional time period.

(Ord. 5.202, passed 11-24-1981)

§ 155.498 APPEAL TO CIRCUIT COURT.

Any person who may have a substantial interest in any decision of the Board of Architectural Review or any officer, or agent of the town authorized by the Town Council, may appeal any decision of the Board to the Circuit Court in and for the county by filing with the Clerk of Court a petition in writing setting forth plainly, fully, and distinctly, why the decision is contrary to law. The appeal must be filed within 30 days after the affected party received actual notice of the decision of the Board of Architectural Review.

(Ord. 5.202, passed 11-24-1981)

§ 155.499 ARCHITECTURAL REVIEW STANDARDS.

In reviewing an application for a certificate of appropriateness for a commercial/civic structure in the Architectural Review Overlay Zone, the Board and staff shall limit their review to the following areas. Neither the staff nor Board is to be guided by personal likes and dislikes. It is not the intent of these standards to restrict structures subject to review to any single architectural style. A pleasing environment can include a variety of architectural styles, textures and colors.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.295, passed 11-28-2005; Am. Ord. 5.310, passed 1-28-2008)

§ 155.500 OVERALL SITE DESIGN, OBJECTIVE.

Overall site design shall compliment in scale and orientation the surrounding developments. A visual transition between public thoroughfares and site facilities shall be maintained to promote safe and efficient pedestrian and vehicle traffic flow both on and off site.

(A) *Front setback.* Buildings shall be oriented to face the street unless the site design contains more than 1 structure or there are other compelling reasons for a different orientation.

(B) *Parking location.*

(1) To the extent feasible, parking shall be located to the side and rear of the structure and not between the front of the structure and the street.

(2) If parking is located adjacent to the street, an earthen, landscaped berm (at a minimum height of 2 feet) or other equivalent and appropriate screen shall be provided resulting in a visual softening of the transition from the street to the parking area.

(3) For parking area landscaping requirements see the landscaping provisions of the zoning ordinance.

(C) *Access and egress.*

(1) Access for vehicles shall conform to the requirements of S.C. DOT where site plan review is not required under the land development regulations ordinance. For projects requiring site plan approval under the land development regulations, access and egress approval shall be the responsibility of the Planning Commission.

(2) Pedestrian access shall include connections to public streets or sidewalks, if such exist or are planned, unless the project requires site plan review and approval by the Planning Commission under the land development regulations.

(D) *Circulation.* The onsite circulation pattern shall accommodate passenger vehicles, delivery trucks, and pedestrians in such a way as to minimize conflict and promote safety.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.295, passed 11-28-2005; Am. Ord. 5.369, passed 7-28-2009)

§ 155.501 LANDSCAPING.

Landscaping is a primary tool used in meeting the objectives for the overall site design. Plantings, berms, walls, and fences are used to screen site parking areas and utilities. Trees and shrubbery are used to create visually aesthetic transitions to separate the site from streets and adjoining properties. Interior plantings break up parking areas from large monotonous expanses of pavement into smaller lots. Landscaping can also compliment architectural features.

(A) *Site landscaping.* Site landscaping shall comply with the landscaping requirements of §§ 155.390 *et seq.*

(B) *Landscaped islands.* Landscaped islands located in paved areas shall be wide enough to accommodate the root zones of the plantings. For canopy trees, a minimum width of 8 feet is required. Landscaped islands and berms located adjacent to parking areas shall be designed in consideration of automobile overhangs so as to avoid damage to plantings.

(C) *Materials.* The selection of landscaping materials shall be compatible with existing on and off site landscaping. Local species and exotic species acclimated to the area shall be considered for selection.

(D) *Lighting.* Exterior lighting is to be directed downward and to the interior of the project and shall not produce direct lighting on adjacent properties. The scale of lighting standards shall be consistent with the scale of the project.

(E) *Fencing and screening.* Fencing and wall materials shall be complimentary to the architecture of the principal structure or structures.

(1) *Trash enclosures.* Trash enclosures shall be gated and screened from public view. If attached to the main structure, materials must be identical to the main structure. If detached from the main structure, materials must be complimentary to the main structure. Trash enclosures shall be appropriately landscaped.

(2) *Sides and rear of structures.* The sides and rears of all structures that are visible from the public right of way or from adjacent structures must be screened.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.295, passed 11-28-2005; Am. Ord. 5.331, passed 3-30-2009)

§ 155.502 BUILDING ORIENTATION AND FORMS.

(A) *Objective.*

(1) The commercial districts in the Town of Blythewood have no cohesive architectural style or theme. Franchise restaurants and motels are predominant in the 1-77 area of Blythewood Road. Other styles are strip malls (IGA on Blythewood Road and McNulty Plaza on McNulty Road), converted residences, and freestanding buildings of various styles and periods. Many of the older buildings which once gave Blythewood a traditional southern small town appearance have been torn down to be replaced with buildings more characteristic of modern urban strip development.

(2) In order to create more cohesion of architecture in Blythewood, incorporation of traditional architectural elements is encouraged while recognizing that a multiplicity of architectural styles may be considered based on compatibility with adjacent structures, and proposed usage.

(B) *Features.*

(1) *General.* Plain “box” buildings with no distinguishing architectural features are undesirable. Numerous design features can be employed to create attractive and interesting street wall facades. These must include:

(a) An offset or break in the planes along the building exterior at least 2 feet in depth for each 50 feet of length;

(b) Articulation, the giving of emphasis to architectural elements that create a complimentary pattern or rhythm, dividing large buildings into smaller, identifiable pieces. Examples include, reveals and recesses in the wall surface, roof lines, entrances, windows, balconies, dormers, cupolas, canopies awnings, copulas, etc.

(c) Variations in roof heights along continuous facades.

(2) *Windows.* The effect of a traditional window configuration is desirable. Jalousie windows are not allowed. Divided light windows and fixed glazing are required. Clear (88% light transmission) glass windows and fixed glazing are required. Other desirable window features include:

(a) Functional double hung or casement windows are preferable to fixed glazing, where appropriate (i.e. non-storefront facades);

(b) Large, tall windows over small, high windows;

(c) Depending upon the overall building design and scale, window articulation such as arched windows, light fans, transoms, lintels, etc. add to a traditional look.

(3) *Roofs.*

(a) Traditional rooflines are encouraged.

(b) Appropriate rooflines:

1. Traditional gabled and/or hipped pitched roofs. Depending upon overall building design and scale, articulation of rooflines is encourage. For example, multiple gables, dormers, weathervanes, cupolas, towers, corbels, etc.

2. Articulated flat roofs. Examples of features that will enhance a flat roofline include cornices and fascias; parapets with cornices and/or fascias; decorative scuppers, catches and downspouts; balconies and rails. Parapet end walls are required where end cap walls are visible from to the public from the right-of-way of adjacent buildings.

(c) Inappropriate rooflines:

1. False mansards.
2. Radical roof pitches that create a-frame buildings, geodesic domes, or other non-traditional buildings.
3. Other unusual, unconventional, or prominent roof designs which are out of character with the traditional roof line concept.
4. Low pitch roofs unless in character with the surrounding buildings.

(4) Rooflines shall be designed to shield mechanical equipment from view from the public street.

(C) *Window and door awnings and canopies.*

(1) Awnings and canopies shall be:

(a) In scale with the rest of the building and should be compatible with the color and texture of the building; and

(b) Be placed in between and not overlap vertical architectural elements.

(2) The shape of the awning shall complement the window or door opening. For example, barrel shaped awnings complement arched windows and doors whereas square awnings shall be used with rectangular windows and doors.

(D) *Architectural scale.*

(1) Buildings shall be compatible with the scale of adjacent structures and the pattern in the immediate area unless the site is of such size that building scale does not impact adjacent properties. Multiple buildings on the same site shall be designed to create a cohesive relationship.

(2) The proportion of building height to width of the proposed building facade shall respect the relationship of the building to existing structures. The mass of proposed larger buildings situated near existing smaller buildings can be broken through the employment of articulated openings (windows, doors, entrances) on the street wall facade.

(E) *Building materials.*

(1) *Consistency.* Building wall materials shall be consistent with the character of the area and not inject incompatible materials.

(2) *Appropriate materials.*

(a) Building walls (for visible front facades):

1. Brick (P).

2. Textured concrete block (A).
3. Clear glass, glass block (A).
4. Clapboard (P).
5. Cut or cast, or natural stone (P).
6. Stucco - hard coat (P).
7. Stucco - synthetic (A).
8. Ceramic tiles (A).
9. Shingles (P).

(b) “(P)” signifies a primary material used to construct 70% or more of a visible facade. “(A)” signifies an accent material used to construct 30% or less of a visible facade. Any material designated “(P)” may also be used as an accent material.

(c) Visible roofs:

1. Composite shingles (architectural and other decorative styles preferred).
2. Standing seam metal.
3. Tile.
4. Slate.
5. Shakes.

(d) Window and door awnings and canopies: Durable, commercial grade fabric of matte finish.

(F) *Colors.* Exterior colors and textures shall contribute to a pleasing look.

(1) Frequent changes in material or color are undesirable.

(2) Materials and colors shall be in keeping with the surrounding buildings and natural characteristics present in the district.

(3) The use of bold primary colors, including the use of unusual or attention-grabbing material or color changes are not permitted for building facades except for accent elements.

(4) The use of bright colors, including but not limited to fluorescent, “hot,” and “dayglow” colors, is prohibited.

(G) *Covered drive-through windows, service station and similar canopies.* Drive through windows shall be located in the rear or on the side of the building. Any covered drive-through, service station canopy, or similar canopy, shall blend with the architectural style of the principal building and incorporate building materials compatible to the principal building.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.295, passed 11-28-2005)

§ 155.503 SIGNAGE, DESIGN OBJECTIVE.

(A) It is recognized that visual scale of signage changes from highway corridor to village street. Sign design shall be compatible with and make use of the overall site design. When possible, signs shall be built into site architectural features such as canopies, retaining walls, and landscapes in order to simplify the visual message. Consideration shall be given to compatibility between signage and site architectural building materials, colors, graphics, and other architectural features.

(B) Signs shall comply with the signage requirements of the zoning ordinance. Group developments and subdivisions shall submit a sign design package with the application for a certificate of appropriateness for approval from the Architectural Review Board. Signs shall be installed consistent with the approved sign design package.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 5.295, passed 11-28-2005)

FEES

§ 155.515 BUILDING PERMIT FEE SCHEDULE.

(A) *Residential building permit fees.*

(1) (a) Fees are based on all general contractor's cost, including electrical, plumbing, mechanical equipment and other systems.

(b) The building permit fees for modular homes and mobile homes used as residences shall be based on actual purchase price plus site preparation, and set up/erection cost.

(2) Fees are computed as follows:

\$1 - \$1,000	No fee charged
\$1,001 - \$3,000	\$10
\$3,001 - \$50,000	\$10 for the first \$3,000, plus \$3.50 for each additional thousand or fraction thereof
\$50,001 - \$100,000	\$174.50 for the first \$50,000, plus \$3.50 for each additional thousand or fraction thereof
\$100,001 - \$150,000	\$349.50 for the first \$100,000, plus \$3.50 for each additional thousand or fraction thereof
\$150,001.00 and over	\$524.50 for the first \$150,000, plus \$3.50 for each additional thousand or fraction thereof

(B) *Commercial building permit fees.*

(1) (a) Fees are based on actual contractor's cost including electrical, plumbing, mechanical equipment and other systems.

(b) Mobile homes shall not be permitted of permanent commercial use.

(c) Modular buildings/structures building permit fees shall be based on actual purchase price plus site preparation and set up/erection cost.

(2) Fees are computed as follows:

\$1 - \$3,000	\$15
\$3,001 - \$50,000	\$15 for the first \$3,000, plus \$8 for each additional thousand or fraction thereof
\$50,001 - \$100,000	\$391 for the first \$50,000, plus \$4 for each additional thousand or fraction thereof
\$101,001 - \$200,000	\$591 for the first \$100,000, plus \$3 for each additional thousand or fraction thereof
\$200,001 - \$500,000	\$891 for the first \$200,000, plus \$2 for each additional thousand or fraction thereof
\$500,001 - \$1,000,000	\$1,491 for the first \$500,000, plus \$1.75 for each additional thousand or fraction thereof
\$1,000,001 - \$2,000,000	\$2,366 for the first \$1,000,000, plus \$1.60 for each additional thousand or fraction thereof
\$2,000,000 and over	\$3,966 for the first \$2,000,000, plus \$1.50 for each additional thousand or fraction thereof

(C) *Penalty fee.* The above building permit fees shall be increased by 1/2 for failure to pay the required fee prior to beginning construction, unless approval is granted in writing by the Zoning Administrator.

(Ord. 6.302, passed 5-19-1997)

§ 155.516 ZONING AMENDMENT FEE.

A fee of \$70 is required for the rezoning of property except property that is being zoned due to annexation.

(Ord. 6.302, passed 5-19-1997)

§ 155.517 ZONING APPEALS.

(A) A fee of \$100 shall be paid for an appeal to any zoning decision made by the Zoning Administrator.

(B) When an appeal requests more than 1 variance or special exception, an additional \$15 shall be paid for each additional requested variance or special exception.

(Ord. 6.302, passed 5-19-1997)

§ 155.518 OTHER PERMIT FEES AND CHARGES.

(A) *Plan review fee.*

(1) A \$25 fee is charged for review of construction plans.

(2) An additional \$10 fee is charged for plan review of changes, additions or revisions to the original plan.

(3) Refer to Ordinance No. 5.106 for construction requiring plan review.

(4) A fee for review of landscaping plans shall not be charged if submitted with the construction plans. If landscaping plans are submitted after construction plans, a \$10 review fee will be charged.

(B) *Building or structure demolition fee.*

(1) A fee of \$20 is charged for demolition of buildings or structures.

(2) No fee is charged when the demolition is being done on a non-commercial basis as a gratuity to the property owner, or when the demolition is directed by the Town of Blythewood.

(C) *Moving of building or structure.*

(1) A fee of \$50 is required to be paid prior to moving a building or structure from a location within the town limits.

(2) The moving of storage sheds and other small utility buildings are exempt from this fee.

(3) If an escort fee is required by the Sheriff's Department or state police to move on public roads, that fee will be determined and collected by the law enforcement agency.

(D) *Sign permit fee.* Refer to § 155.426 for sign permit fees.

(Ord. 6.302, passed 5-19-1997)

HISTORIC PRESERVATION

§ 155.535 TITLE; RELATION TO ZONING.

(A) The title of this subchapter shall be the Historic Preservation Ordinance.

(B) This title is part of the zoning ordinance and is enacted pursuant to the S.C. Code § 6-29-710 and §§ 6-29-870 *et seq.*

(Ord. 10.013, passed 5-24-2010)

§ 155.536 DEFINITIONS.

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

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

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

HISTORIC AND PRE-HISTORIC PROPERTY. Any place (including an archaeological site or the location of a significant historical event), building, structure, landscape feature(s), work of art, fixture or similar object that has been individually designated by Town Council.

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

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

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

(Ord. 10.013, passed 5-24-2010)

§ 155.537 BOARD OF HISTORIC PRESERVATION ESTABLISHED.

To implement the provisions of this subchapter, there is hereby established a Board of Historic Preservation, hereinafter referred to as the Board, to be composed of the same members serving on the existing Blythewood Board of Architectural Review (BAR). The Board shall be composed of 7 members. The Chairperson and Vice-Chairperson shall be the same persons as those serving on the Board of

Architectural Review.

(Ord. 10.013, passed 5-24-2010)

§ 155.538 POWERS AND DUTIES.

(A) The responsibility of the Board is to promote the purposes and objectives of this subchapter, to review and recommend to Town Council the designation of individual historic properties. Any desired changes by Town Council in recommendations of the Board shall be returned to the Board for reconsideration. Furthermore, the Board will review plans and applications, as hereinafter provided, for all construction, renovation or demolition pertaining to or affecting duly designated historic properties. The Board shall have the power to approve, approve with modifications or deny approval for such applications in accordance with the prescribed procedures and guidelines.

(B) The Planning Commission shall provide its formal comment to the Council on ordinance adoption, amendment, and historic property designation.

(Ord. 10.013, passed 5-24-2010)

§ 155.539 HISTORIC PROPERTY INVENTORY.

The Board shall develop and maintain a local inventory of buildings, structures, landscape features, objects, and sites more than 50 years old. These records shall be available to the public.

(Ord. 10.013, passed 5-24-2010)

§ 155.540 DESIGNATION OF HISTORIC PROPERTIES.

(A) *Criteria for historic designation.*

(1) The Board shall review the local inventory and make recommendations for historic designation(s) to Town Council based on assigned values addressing the following the following classification system:

(a) Class I. Properties within this class must meet a strict historic definition. The selection will be involuntary. No changes shall be made to these sites without the approval of the Board.

(b) Class II. Within this class the property will have local historic value, and the selection will be involuntary. This class, however, will be much less restrictive. The property owner retains all rights except for demolition or radical structural changes which interfere with the historic character of the property. In the case of demolition or major structural changes, the town will have the right to negotiate with the property owner, seeking a way to preserve the site by relocating the structure, purchasing site at market value or by providing other appropriate incentives. The negotiating period will not exceed 60 days from date of application.

(2) A property may be designated historic if it (criteria and value scores adapted from the Richland

County Conservation Commission):

- (a) Meets the qualifications for listing on the National Register of Historic Places. Value: 10 points
 - (b) Meets the qualifications for listing on the State Historical Marker Program. Value: 5 points
 - (c) Meets the qualifications for listing on the register of the Richland County Conservation Commission. Value: 3 points
 - (d) Is 50 years old or older, is on the original site and has not received recent alteration. Value: 2 points
 - (e) Is located in a designated historic district. Value: 1 point
 - (f) Has significant inherent character, interest or value as a part of the development or heritage of the community, state or nation. Value: 4 points
 - (g) Is the sight of a significant event in the history of the community, state or nation. Value: 3 points
 - (h) Is associated with a person or persons who contributed significantly to the culture and development of the community, state or nation. Value: 3 points
 - (i) Exemplifies the culture, political, economic, social, ethnic or historic heritage of the community, state or nation. Value: 2 points
 - (j) Individually, or as a collection of resources, embodies distinguishing characteristics of a type, style, period or specimen in architecture or engineering. Value: 2 points
 - (k) Is the work of a designer whose work has influenced significantly the development of the community, state or nation. Value: 2 points
 - (l) Contains elements of design, materials or craftsmanship which represent a significant innovation. Value: 2 points
 - (m) Is part of or related to a square or other distinctive element of community planning. Value: 2 points
 - (n) Represents an established and familiar visual feature of the neighborhood or community. Value: 3 points
 - (o) Has yielded or may be likely to yield important historical or archaeological information. Value: 5 points
- (3) Additional considerations:
- (a) Property has been recommended by a natural resource agency, county, state or private organization.
 - (b) Property has potential for public recreation, i.e. trails, picnic facilities, fishing, birding and the like.

(c) There is risk of irreversible impact to tract or building.

(d) Nature resource site: provides opportunity to protect natural systems and connected corridors.

(4) The relationship of value scores to class selection is:

(a) Those properties receiving total value scores within the range of 26 to 50 will be in Class I category.

(b) Those receiving total value scores within the range of 16 to 25 will be in Class II category. Those properties that score 15 or less do not meet the criteria.

(B) *Owner notification.* Owners of properties proposed to be designated historic (in Class I or Class II) shall be notified in writing thirty days prior to consideration by Town Council. Owners may appear before the Town Council to voice approval or opposition to such designation.

(C) *Identification on Town Zoning Map.* All locally designated historic properties shall be clearly shown on the zoning map.

(D) *Opposition to designation.*

(1) Any property owner may object to the decision by the Town Council to designate his or her property as historic by filing suit against the town before the courts of the state.

(2) Note: This suit must be based on procedural nonconformities in the designation process or on the misapplication of the criteria for designation as specified in the town's ordinance or under S.C. Code § 6-29-870 not simply on the desire not to be included in the locally designated district. In the case of individual landmarks, the basis for challenging designation is the same.

(E) *Temporary moratorium on permits for demolition or removal of certain structures.* In order to protect historic properties while the historic inventory and nominations for historic property status are being prepared, a temporary moratorium on the issuance of permits for demolition and or removal of structures that are 70 years old or older shall be observed. This moratorium shall be in place for 120 days or until the first group of nominations for historic property designation shall have been acted upon by the Town Council, whichever comes first. This moratorium shall not apply in cases where the public health or welfare may require immediate demolition or removal. Economic interests shall not, under this section, constitute a cause for immediate demolition or removal.

(Ord. 10.013, passed 5-24-2010)

§ 155.541 JURISDICTION OF THE BOARD OF ARCHITECTURAL REVIEW.

The jurisdiction of the Board is within the municipal boundaries of the town. The jurisdiction of the Board for the recommendation of properties to be designated historic is the town limits. The jurisdiction of the Board for the review of proposed alteration to exteriors of buildings, new construction, demolition, or possible relocation of the individual properties is limited to those properties that have been designated by the Town Council as historic.

(Ord. 10.013, passed 5-24-2010)

§ 155.542 NOMINATIONS TO THE NATIONAL REGISTER OF HISTORIC PLACES.

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

(Ord. 10.013, passed 5-24-2010)

§ 155.543 CERTIFICATE OF APPROPRIATENESS.

(A) *General.*

(1) A certificate of appropriateness is required, for Class I or Class II, before a building permit can be issued for the demolition, new construction, exterior alteration, relocation, modification or addition to a designated historic property. Any building permit not issued in conformity with this subchapter shall be considered void.

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

(B) *Required procedure.* An application for a certificate of appropriateness shall be obtained from Blythewood Zoning Administrator and when completed, filed with the appropriate administrative official as designated by the Board.

(C) *Time limits.* Applications for a certificate of appropriateness shall be considered by the Board at its next regular meeting, provided they have been filed at least 14 calendar days before the regularly scheduled meeting of Board. If the Board fails to take action upon any application within 45 days after the complete application is received, the application shall be considered approved, except in cases where the Board has postponed an application to demolish a structure under the provisions contained in this subchapter.

(D) *Board action on application.* The Board shall review the application, using the design guidelines appearing in § 155.544 to make findings of fact to decide whether or not the applicant's plans are appropriate. The decision of the Board, along with the reasons for each decision, will be recorded in the minutes and will be available upon request as a public reference for preservation procedures. The property owner shall be provided with a written notification of the decision of the Board.

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

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

(G) *Submission of a new application.* If the Board determines that a certificate of appropriateness should be denied, a new application affecting the same property may be submitted only if substantial change,

as determined by the Zoning Administrator, is made in the plans for the proposed work.

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

(I) *Fines and penalties.* The violation of this subchapter shall be charged as a criminal misdemeanor under the general provisions of the town. Additionally, any violation of this subchapter shall be deemed a general violation of the Town Zoning Ordinance and be subject to the penalties set forth in § 155.999. The owner or tenant of any building, structure, premises or part thereof, and any architect, surveyor, builder, engineer, contractor, agent or other person, who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties in this section or any section of this code incorporated herein by reference.

(J) *Substantial hardship.*

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

- (a) The property cannot reasonably be maintained in the manner dictated by the subchapter;
- (b) There are no other reasonable means of saving the property from deterioration, or collapse; or
- (c) The property is owned by a nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.

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

- (a) Costs of the proposed development with and without modification needed to comply with the design guidelines as determined by the Board;
- (b) Structural report and/or a feasibility report;
- (c) Market value of the property in its present condition and after completion of the proposed project;
- (d) Cost of the property, date purchased, relationship, if any, between seller and buyer, terms of financing;
- (e) For the past two years, annual gross income from the property with operating and maintenance expenses, depreciation, and annual cash flow before and after debt service during that time; and
- (f) Other information considered necessary by the Board to determine whether or not the property

may yield a reasonable return.

(K) *Demolition.* If the Board denies a request to demolish a historic building, the Board shall work closely with the owner to find an appropriate use for the property, to help find a buyer or to obtain funding for rehabilitation, including low interest loans or grants. The Board shall inform the community concerning the threat to the building, its value as part of the fabric of the community and, through publicity and contacts with civic groups, seek to provide assistance in preserving the property.

(Ord. 10.013, passed 5-24-2010)

§ 155.544 DESIGN GUIDELINES.

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

(B) *The Secretary of the Interior's standards for rehabilitation.*

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

(2) The Secretary's standards for rehabilitation are:

(a) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

(b) The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

(c) Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, will not be undertaken.

(d) Changes to a property that have acquired historic significance in their own right will be retained and preserved.

(e) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

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

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

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

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

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

(C) *Signs.* Some regulation is necessary to maintain the character of historic sites and to protect the town's historic resources; however, it should complement, not hinder the area's economic viability. All signs erected or installed on or around an historic property must comply with the minimum sign requirements of the existing § 155.430. In addition, the following criteria must be met:

(1) *Size and scale.* Signs should be an appropriate size not to dominate the historic resource with which they are associated. Freestanding signs may not exceed 32 square feet and 3 feet in height.

(2) *Lighting for signs.* Lighted signs are permitted under the following circumstances:

(a) They are of the same architectural style and character of the era of the property.

(b) The placement of the sign is in keeping with the era of the property.

(c) Lighting for signs should be concealed.

(d) Light fixtures for signs should not be readily visible from the street or sidewalk.

(e) Internally lit signs are prohibited.

(3) *Placement.* Signs should be placed in such a way that they do not obscure original designs of detailing, and should be placed in locations that would traditionally have been used for signage. Freestanding signs should be placed so they do not impede the flow of traffic or disrupt the existing streetscape:

(a) It is recommended that all signs should be confined to the flat surface of the building.

(b) Wall signs may be painted or applied directly to the face of the building.

(c) Wall signs should be placed at traditional locations such as above transoms, on cornice fascia boards, or below cornices.

(d) Sign brackets for projecting signs should be located no higher than second floor window sills.

(e) Awning valences are appropriate locations for signs.

(f) Neon may be used on the interior of buildings. The application of neon signs to exterior locations is not permitted.

(g) All wall mounted signs are to compliant with § 155.430.

(4) *Materials.* Signs should be constructed of materials that can be expected to remain durable and retain their appearance for the anticipated life of the sign. Signs should be constructed with materials that are the same or similar to the original construction materials and/or modern materials which mimic the original construction materials. Traditional sign materials should be used.

(a) The colors of the materials must be similar to the colors of the surrounding structures and be consistent with the colors of the era of the property.

(b) The use of finished wood, brass letters, carved wood, gold leaf, or glass for signs is appropriate.

(c) Sign brackets should be of wood or pre-painted or finished metal.

(d) Materials such as plywood, plastic substrates, and unfinished wood are not permitted.

(e) Plastic letters and signs are not permitted materials for historic commercial buildings.

(5) *Sign colors.* Sign colors should complement overall building colors.

(a) No more than 2 or 3 colors per sign.

(b) Dark backgrounds with light letters are historically appropriate and should be considered for sign colors. Dark colors are also appropriate since they complement the dark red colors of masonry in the commercial area.

(6) *Sign lettering.* Traditional sign lettering is recommended.

(a) Letters should not exceed 18 inches in height.

(b) Serif style letters are appropriate and their use should be encouraged.

(c) No more than 60% of a sign's total area should be occupied by lettering.

(7) *Method of fastening to building.* New signage, when attached to the building, should be capable of being mounted and removed without causing damage to the building. Requests for approval should include a description of how the sign will be affixed and removed.

(a) Materials used to mount signs must reflect the style and characteristic of the era of the property.

(b) Mounting bolts on masonry buildings should be applied to go through mortar joints rather than the face of the masonry.

(c) Sign brackets should be or wood or pre-painted or finished metal.

(D) *Lighting of property and grounds.* Illumination for the purpose of highlighting the property or prominent feature of the site must meet the following criteria:

(1) All lighting erected or installed must meet the minimum lighting requirements set forth in the lighting section of the Architectural Review Standards ordinance.

(2) When attached to the building, fixtures should be capable of being installed or removed without causing damage to the building.

(3) Fixtures must be of the same style and character of lighting fixtures of the style and era of the site.

(E) *Landscaping.* Landscaping materials used at historic sites shall be compatible with the age and style of the site and shall be placed to enhance and not obscure original architectural design or detailing. Existing authentic materials should be left intact to the extent possible.

(Ord. 10.013, passed 5-24-2010)

§ 155.545 APPEALS.

Any person may appeal a decision of the Board to the Courts of South Carolina pursuant to the S.C. Code § 6-29-900 et seq.

(Ord. 10.013, passed 5-24-2010)

TREE PRESERVATION

§ 155.550 PURPOSE.

(A) The town having found that indiscriminate, uncontrolled and excessive destruction, removal and clear cutting of trees upon lots and tracts of land results in increased drainage control costs, increased soil erosion and sedimentation, decreased fertility of the soil, degradation of water resources, decreased groundwater recharge, increased buildup of atmospheric carbon and increased dust and decreased property values, all of which negatively affect the character of the town.

(B) The town realizing that the removal of trees adversely affects the health, safety and general welfare of its residents, desires to regulate and control indiscriminate and excessive cutting of trees by preserving the maximum possible number of trees in the course of development of a site, ensuring that the health of trees preserved on a site is maintained throughout the development process, protecting larger, older specimens of trees and encouraging innovative design and grading to promote the preservation of existing trees.

(C) It is recognized that there is a strong relationship between the preservation of trees in the town and the region's water resources, the development on steep slopes, tree removal, soil disturbance, stormwater management and the general use of land resources. Therefore, the appropriate management of these resources is an important health, safety and general welfare concern.

(Ord. 10.010, passed 7-26-2010)

§ 155.551 APPLICABILITY.

With the exception of the exemptions set forth in § 155.554, no tree shall be cut or otherwise removed

from any lands in the town without a tree removal permit. All applications to the Planning Commission or Zoning Board of Adjustment for approval of a major subdivision, minor subdivision or site plan requiring tree removal shall include an application for a tree removal permit. Any residential, commercial, business or industrial lot owner wishing to remove trees upon said lot must comply with § 155.557. The application shall be submitted to the Zoning Administrator for processing or approval. No tree that was planted or preserved as part of any landscape plan or in accordance with any street tree requirements approved in conjunction with a subdivision or site plan shall be removed, except for such trees directed to be removed pursuant to § 155.554(E) and (F).

(Ord. 10.010, passed 7-26-2010)

§ 155.552 DEFINITIONS.

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

CALIPER. Standard measure of tree size for trees to be newly planted. The measurement is taken 6 inches above the ground for trees 4 inches in diameter or less and 12 inches above the ground for trees over 4 inches in diameter.

CLEAR CUTTING. The removal of all standing trees on a lot or a portion of a lot.

DIAMETER AT BREAST HEIGHT. Diameter of a tree measured 4 1/2 feet (forestry method) above the ground level on the downhill side for existing trees. Diameter at Breast Height may appear as the abbreviation "DBH" (Diameter Breast Height).

DRIP LINE. A limiting line established by a series of perpendicular drop points marking the maximum radius of the crown of an existing tree, but not less than 6 feet from the trunk, whichever is greater; and within which no construction or disturbance shall occur.

FORESTLAND. Land supporting a stand or potential stand of trees valuable for timber products, watershed or wildlife protection, recreational uses, or for other purposes.

FOREST MANAGEMENT PLAN. A document or documents prepared or approved by a forester registered in this state that defines a landowner's forest management objectives and describes specific measures to be taken to achieve those objectives. A management plan shall include silvicultural practices, objectives, and measures to achieve them, that relate to a stand or potential stand of trees that may be utilized for timber products, watershed or wildlife protection, recreational uses, or for other purposes.

FORESTRY ACTIVITY. Includes, but is not limited to, timber harvest, site preparation, controlled burning, tree planting and replanting, applications of fertilizers, herbicides, and pesticides, weed control, animal damage control, fire control, insect and disease control, forest road construction, and any other generally accepted forestry practices.

PLANNING COMMISSION. The Town of Blythewood Planning Commission established by § 150.01, to which the application for a tree removal permit is considered and determined.

REPLACEMENT TREE. A nursery-grown certified tree, properly balled, marked with a durable label indicating genus, species and variety, and satisfying the standards established for nursery stock and installation thereof, set forth by the American Association of Nurseryman.

SELECTIVE CUTTING. The removal of larger trees on an individual basis while leaving trees of lesser size.

SILVICULTURE. The management of any wooded tract of land to insure its continued survival and welfare, whether for commercial or noncommercial purposes, pursuant to a plan approved by the South Carolina Forestry Commission.

THINNING. The removal of undesirable, competitive, diseased or damaged trees so as to cultivate and improve the development of remaining trees on the lot.

TREE. Any self supporting woody plant which reaches a typical mature height of 12 feet or more at maturity and has a typical DBH of 4 inches or greater.

TREE CANOPY. The top layer or crown of mature trees.

WOODED ACRES PERMITTED FOR DEVELOPMENT. The wooded lands within a lot or tract which are not specifically excluded from development by any federal, state, county or municipal law or ordinance, deed restriction or covenant running with the lands.

(Ord. 10.010, passed 7-26-2010)

§ 155.553 TREE CUTTING OR REMOVAL RESTRICTED.

With the exception of the exemptions set forth in § 155.554, no person shall cut or remove, or cause to be cut or removed, any existing tree with a diameter at breast height (DBH) of 6 inches or greater upon any lands within The town unless the cutting or removal can be accomplished in accordance with the provisions of this subchapter.

(Ord. 10.010, passed 7-26-2010)

§ 155.554 EXEMPTIONS.

The following shall be exempt from this subchapter:

- (A) Commercial nurseries and fruit orchards.
- (B) Christmas tree farms.
- (C) Residential lots that are greater than 2 acres in size and are removing no more than 6 trees with a 6-inch DBH or less in any 2-year period.
- (D) Any tree which is part of a cemetery.
- (E) Trees directed to be removed by municipal, county, state or federal authority pursuant to law.
- (F) Any tree growing on or over a public right-of-way or public land.
- (G) Pruning or removal of trees within the right-of-way by utility companies for maintenance of utility

wires or pipelines and the pruning of trees within sight easements.

(H) Trees removed in conjunction with forestland/farmland greater than 5 acres in size with a minimum annual income of \$500 from said forest/farming activities or private forestland/farmland that is currently under an agricultural assessment by Richland or Fairfield Counties and for a period of more than three consecutive years. Richland and Fairfield Counties require an acreage minimum and the town shall accept the applicable counties' assessment as proof of having met the town's minimum acreage standard. The exemption allowed under this division does not permit the removal of trees within 20 feet of perimeter property boundaries.

(I) Those projects which have received major subdivision or site plan approval prior to the effective date of this subchapter and amended major subdivision and site plans.

(J) Any tree diseased, dying or dead.

(Ord. 10.010, passed 7-26-2010)

§ 155.555 TREE REMOVAL REQUIREMENTS FOR MAJOR AND MINOR SUBDIVISIONS AND SITE PLANS.

Each application to the Planning Commission for approval of a major or minor subdivision or a site plan that requires the removal of trees shall include an application for a tree removal permit. The application and development proposal shall conform to the following provisions:

(A) *Application form.* The application form may be obtained from the Zoning Administrator and shall include the following information:

(1) Name and address (street, lot and block) of the owner of the premises and status of legal entity (individual, partnership, corporation of this or any other state, and the like);

(2) Description of the premises where removal is to take place, including lot and block numbers, street address as assigned;

(3) A list of all trees to be removed with a DBH equal to or greater than 6 inches identified by size and species, including total number of each species to be removed;

(4) Purpose for tree removal (new construction, street or roadway, driveway, utility easement, recreation areas, parking lot, and the like);

(5) Proof that there are no delinquent property taxes or assessments due on the property for which the application is submitted; and

(6) Such other information as may be deemed necessary in order to effectively consider and decide such application.

(B) *Landscape plan.* The following information shall be provided on a landscape plan prepared by a Registered Landscape Architect or Registered Professional Engineer and submitted with the application for tree removal. The landscape plan must be submitted prior to tree removal permit approval.

(1) Base information.

(a) Location of existing tree canopy within the property boundaries.

(b) Location of individual trees with a DBH equal to or greater than 6 inches identified by size and species within the area of development/limit of disturbance.

(c) Location of individual trees with a DBH equal to or greater than 6 inches identified by size and species beyond the area of development/limit of disturbance.

(d) Location of individual existing trees and their drip lines noted for preservation within the area of development/limit of disturbance identified by size and species. Where clusters of trees exist on the site or are contiguous with adjacent sites, fragmentation of the cluster shall be avoided where possible.

(e) Location of all required replacement trees.

(f) Clear labeling of the area(s) intended for tree/vegetation removal.

(g) Tree protection material details and limit of disturbance line.

(h) Location of existing and proposed buildings/structures.

(i) All bodies of water and wetlands, including water retention and detention areas.

(j) Location of all existing driveways and parking areas.

(2) Design requirements.

(a) Only those trees necessary to permit the construction of buildings, structures, streets, driveways, infrastructure and other authorized improvements shall be removed. Existing vegetation shall be preserved to the greatest extent feasible.

(b) No more than 40% of the existing tree canopy within the property boundaries shall be removed. The location of the remaining 60% of the tree canopy to be preserved shall be noted on the landscape plan. Steep slope limits of disturbance shall supersede this section when appropriate.

(c) No more than 10% of existing trees with a DBH equal to or greater than 6 inches within the area of development/limit of disturbance shall be removed unless the applicant shall replant trees removed in accordance with § 155.556.

(d) Input from a designated subcommittee of the Planning Commission shall be requested for recommended areas of tree preservation.

(e) The appropriate reviewing authority shall have the option of requiring a conservation easement to protect any or all trees or tree canopy areas to remain on site.

(C) *Site protection.*

(1) Tree protection measures and the limit of disturbance line shown on the landscape plan shall be provided in the field with appropriate fencing or other durable material and verified by the Zoning Administrator or designee or other designated official prior to soil disturbance.

(2) Protective barriers shall not be supported by the plants they are protecting, but shall be self-supporting. Barriers shall be a minimum of 4 feet high and shall last until construction is complete.

(3) Chain link fence may be required for tree protection if warranted by site conditions and relative rarity of the plant.

(4) Fencing used for tree protection shall be firmly secured along the drip line, but shall be no less than six feet from the trunk.

(5) The grade of the land located within the drip line shall not be raised or lowered more than six inches unless compensated by welling or retaining wall methods; and in no event shall welling or retaining wall methods be less than six feet from the trunk of a tree.

(6) No soil stockpiling, storage of building materials, construction equipment or vehicles shall be permitted within the drip line or within 6 feet of any remaining trees, whichever is greater.

(7) Any clearing within the drip line, or within 6 feet of the trunk of a remaining tree, whichever is greater, shall be done by hand-operated equipment.

(8) Where a tree that has been noted for preservation is severely damaged and unable to survive, tree replacement shall occur as provided in § 155.556.

(Ord. 10.010, passed 7-26-2010)

§ 155.556 TREE REPLACEMENT AND REFORESTATION.

The replacement of trees shall occur as prescribed in the following table.

<i>Tree Replacement Schedule Caliper of Existing Tree Removed</i>	<i>Number of Replacement Trees (3 caliper)</i>
Less than 6 inches	2
Between 6 and 12 inches	4
Between 12 and 18 inches	6
Between 18 and 24 inches	8
Between 24 and 30 inches	10
Between 30 and 36 inches	12
36 inches or greater	The equivalent of 3-inch caliper trees or greater needed to equal the DBH of the removed tree

(A) Replacement tree(s) shall be of nursery grade quality, balled and burlapped and located on site. Where replacement trees are required but not suitable for the particular site prescribed due to the size of the site, The Town of Blythewood shall deposit the trees into a community tree bank. Trees deposited into the community tree bank shall be utilized for planting on public lands.

(B) The type of replacement tree(s) shall be the same as the species removed from the site or other as approved by the Planning Commission.

(C) The planting of all replacement trees shall be done by or supervised by a person with horticultural training in tree care and planting methods.

(D) Newly planted replacement trees shall be monitored for a period of 1 year to ensure the health of the trees. If the replacement trees die within the 1 year period, the developer/applicant shall replace the dead tree.

(Ord. 10.010, passed 7-26-2010)

§ 155.557 TREE REMOVAL AND PROTECTION ON RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND BUSINESS ZONED LOTS (EXCLUDING MAJOR AND MINOR SUBDIVISIONS AND SITE PLANS).

(A) *Applicability.* Any residential lot with a proposed tree removal rate of 2 or more trees with a 6-inch or greater DBH or greater in a 2 year period shall submit an application for a tree removal permit to the Zoning Administrator. The application and development proposal shall conform to the provisions contained herein.

(B) *Zoned lots.* The provisions of this section shall also apply to all commercial, industrial and business zoned lots.

(C) *Application form.* The application form shall be available from the Zoning Administrator and shall include the following information:

(1) Name and address (street and lot and block) of the owner of the premises and status of legal entity (individual, partnership, corporation of this or any other state, and the like).

(2) Description of the premises where removal is to take place, including lot and block numbers, and street address as assigned.

(3) A list of all trees to be removed with a DBH equal to or greater than ten inches identified by size and species, including total number of each species to be removed.

(4) Purpose for tree removal (construction, building addition, street or roadway, driveway, utility easement, recreation area, patio, parking lot, and the like).

(5) Such other information as may be deemed necessary in order to effectively consider and determine such application for permit.

(D) *Sketch data.*

(1) *Base information.* A sketch shall be provided showing the location of the tree(s) to be removed with a DBH of 6 inches or greater.

(2) *Design requirement.* Trees to be removed shall be those trees necessary to permit the construction of buildings or building additions, structures, driveways, septic fields, decks and lawn areas. The trees removed shall not constitute more than one half acre or shall be no more than 40% of the lot size,

whichever is less. Existing vegetation shall be preserved to the greatest extent feasible.

(E) *Site protection.* Site protection measures shall be provided in accordance with § 155.555(C).

(F) *Tree Removal Criteria.* In addition to the design requirements stated above, the Zoning Administrator, or designee may grant a tree removal permit based upon one or more of the following circumstances:

(1) Where the location of an existing tree provides no other alternative but to place a structure outside the permitted building setbacks.

(2) Where the location of an existing tree negatively impacts on an existing septic field.

(3) Where no other alternative exists for the placement of a building, building addition, structure, septic field, driveway, deck, patio or lawn area for the recreational use by the inhabitants of the building or dwelling, or any other authorized improvements, but in the vicinity of an existing tree.

(4) Where the location or growth of a tree inhibits the enjoyment of any outdoor pool, patio or deck.

(5) Where the location, angle or growth of an existing tree makes it a hazard to structures or human life.

(6) In the entire aforementioned criterion, justification for removal must be documented by an expert in the relevant field, (i.e. documentation from DHEC to be submitted in showing tree root system interfering or preventing septic field from functioning or being installed properly).

(G) *Review by Planning Commission.* If, in the opinion of the Zoning Administrator, the request for tree removal does not satisfy the above criteria, then the application shall be forwarded to the Planning Commission for action.

(H) *Tree replacement.* Tree replacement shall be accordance with the provisions in § 155.556 and shall apply in all circumstances aforementioned.

(Ord. 10.010, passed 7-26-2010)

§ 155.558 REVIEW STANDARDS.

In accordance with the design requirements provided in this ordinance, unless otherwise indicated herein, a tree removal permit may only be granted for the following reasons and under the following terms and conditions:

(A) Where the area proposed for tree removal is to be occupied by:

(1) A building or other structure;

(2) A street or roadway;

(3) A driveway;

(4) A parking area;

(5) A patio;

(6) A swimming pool;

(7) A recreation area;

(8) A power, drainage, sewerage or any other utility line, easement, or right-of-way, or where the area of tree removal is 20 feet or less from either side of or around the perimeter of any of the foregoing, whichever is applicable.

(B) In areas proposed for tree removals which are not to be occupied by any of the uses or facilities set forth in division (A) of this section:

(1) That the continued presence of such tree or trees is likely to cause danger to persons or property upon the property for which removal is sought, or upon adjoining or nearby property.

(2) That the area where such tree or trees are located has a cut, depression or fill of land, or the topography of the land is of such a character as to be injurious or dangerous to such tree or trees, or to tree or trees located nearby.

(3) That the removal of trees is for the purpose of conducting forestry activities, which activities include, but are not limited to, the harvesting of trees in accordance with a Forest Management which meets the following requirements:

(a) A plan depicting the location of all significant trees (a tree survey is not required) with a numbering system of the trees (with corresponding tags on trees in the field). The plan shall include size (DBH), species, and condition of each tree;

(b) Identification of trees to be removed, including reasons for their removal and a description of low impact removal techniques;

(c) A reforestation plan that includes location, size, species, and timing of installation;

(d) A narrative report of prescribed, long-term maintenance activity for the site.

(C) Upon an express finding by the Planning Commission that the proposed tree removal will not result in or cause, increase or aggravate any or all of the following conditions: impaired growth or development of remaining trees or shrubs on the property of the applicant or upon adjacent property, soil erosion, sedimentation and dust, drainage or sewerage problems, dangerous or hazardous conditions, and depression in the land value of the subject property and properties in the neighboring area.

(D) The Planning Commission shall have the power to affix reasonable conditions to the granting of the permit for the removal of trees.

(Ord. 10.010, passed 7-26-2010)

§ 155.559 PROTECTION OF TREES.

Whenever an application for tree removal is granted under the terms and conditions of this subchapter, the following protective measures shall be observed:

(A) No material or temporary soil deposits shall be placed within the drip line of any existing tree to be preserved.

(B) Except while engaged in tree removal, no equipment shall be operated within 6 feet of any tree protected by this subchapter nor shall such equipment be operated at any time in such a manner as to break, tear, bruise, decorticate or otherwise injure any living or dormant tree. Except while engaged in tree removal, all requirements of § 155.555 shall be observed.

(Ord. 10.010, passed 7-26-2010)

§ 155.560 PERMIT APPROVAL.

(A) The Planning Commission shall act on the application within 75 days of its receipt or within such additional time as consented to by the applicant.

(B) Approval by default with regard to major subdivision, minor subdivision and plat applications under Chapter 153, shall not be deemed to be a waiver of a tree removal permit.

(Ord. 10.010, passed 7-26-2010)

§ 155.561 DURATION OF PERMITS.

Permits granted for the removal of trees under the terms and conditions of this subchapter shall remain in force and effect for the following periods of time, and not thereafter. Once the permit has expired, a new application must be submitted for review and a new permit issued.

(A) If granted for a lot or parcel of land for which no building permit is required, 6 months from the date of issuance.

(B) If granted for a lot or parcel of land for which a building permit is required, but for which no site plan approval is required by the Planning Commission, until expiration of the building permit granted with such tree removal permit attached.

(C) If granted for a lot or parcel of land for which site plan approval from the Planning Commission is required as a condition precedent to obtaining a building permit, until expiration of the site plan approval, or expiration of the building permit issued after such site plan approval.

(D) If granted for a lot or parcel of land for which minor subdivision is sought, 1 year from the date of granting such minor subdivision.

(E) If granted for a lot or parcel or land for which preliminary approval of a major subdivision is sought, until expiration of such approval.

(Ord. 10.010, passed 7-26-2010)

§ 155.562 INSPECTION.

(A) Prior to taking final action upon any application for tree removal, an inspection of the site shall be made by the Planning Commission or designee, in those cases where final determination is to be made by that body as to the granting or denial of an application.

(B) Prior to any tree removal, all trees must be marked and areas to be cleared identified for inspection by a municipal representative.

(C) The Zoning Administrator or designee shall periodically inspect the site throughout the duration of construction in order to ensure compliance with this ordinance. Such inspection shall be made of the site referred to in the application, and of contiguous and adjoining lands, as well as of lands in the vicinity of the application, for the purpose of determining drainage conditions and physical conditions existing thereon.

(Ord. 10.010, passed 7-26-2010)

§ 155.563 NOTICE OF COMMENCEMENT OF TREE REMOVAL.

(A) The holder of a tree removal permit shall notify the Zoning Administrator or designee in writing at least 7 business days in advance of when the tree removal activity will commence.

(B) The notice shall also include information as to the manner of disposal of the removed trees.

(C) In the case of the removal of dead or diseased trees, a written opinion by an Arborist or forester is required if in any commercial zoning district. The dead or diseased trees shall not be turned into mulch and applied to the site, but shall be disposed of in a manner so as to not disease other trees on site.

(Ord. 10.010, passed 7-26-2010)

§ 155.564 FEES.

A review fee of \$25 shall accompany the application for tree removal.

(Ord. 10.010, passed 7-26-2010)

CONTAINERS

§ 155.565 PROHIBITION; EXCEPTIONS.

All containers are prohibited in all zoning districts within the town except when:

(A) Utilized in conjunction with an active construction project, duly permitted, and located on the construction site, provided such container(s) are removed within 6 months of the date located on any property unless otherwise permitted for a longer period of time as a result of the duration of the construction project;

(B) Utilized in conjunction with moving personal property or affects to or from a site for the purpose of relocation, provided any such container is removed within 30 days of the date first located on the property; or

(C) Located in the rear or side yard of a residential property for the purpose of storage of yard equipment and/or household goods, and not visible from the street or other public right-of-way.

(Ord. 10.011, passed 6-28-2010)

§ 155.566 REGULATION OF PORTABLE STORAGE CONTAINERS; PERMIT REQUIRED.

(A) The maximum allowable size for a portable storage container in a residential district is 216 cubic feet.

(B) Not more than one portable storage container shall be allowed in the front yard of any lot on which a single-family dwelling has been constructed.

(C) A portable storage container must be placed on a concrete or asphalt surface no closer than ten feet from the front property line. Any portable storage container must be placed to comply with the side and rear lot set back line requirements.

(D) A portable storage container may be utilized onsite for a period not to exceed 30 days in any 360 day period.

(E) A permit issued by the Town Zoning Administrator is required prior to placement of a portable storage container on any property within the town.

(F) Portable storage containers are not be permitted to be placed on any town street or right-of-way under any circumstances.

(Ord. 10.011, passed 6-28-2010)

§ 155.567 EXTENSIONS; PERMITS.

(A) *Extension of time.* The Town Zoning Administrator may extend the 30-day permit period for the placement of a portable storage container in a residential district to 90 days for extenuating circumstances. Extensions exceeding 90 days will be by special exception (SE) of the Board of Zoning Appeals (BZA). Extensions beyond 30 days must be based upon the property owner demonstrating extenuating circumstances exist requiring an extension. Extenuating circumstances shall include, but are not limited to, natural disasters, fire, or acts of God.

(B) Permits under this section shall be valid for the period specified on the permit from the date of issuance to the specific name and approved location only. A site sketch must be submitted with the permit application.

(Ord. 10.011, passed 6-28-2010)

§ 155.568 FEES.

All initial applications for permits and requests for renewal/extension of permits shall be accompanied by

the appropriate fee set by ordinance of the Town Council. Fee schedule for portable storage containers, permits is:

Application and initial inspection	\$100
Each re-inspection, if any	\$50

(Ord. 10.011, passed 6-28-2010)

REGULATION OF VEHICLES AND SOLID WASTE DUMPSTERS

§ 155.580 RESIDENTIAL DISTRICT PROHIBITIONS/RESTRICTIONS.

The following are prohibited in all residential zoning districts:

- (A) Any vehicle, truck, or trailer used for a business or commercial purpose over 19 feet in length;
- (B) Campers, recreational vehicles, boats and trailers in the front yard, except in cases in which the geographical layout of the property or improvements thereon make backyard or sideyard parking physically impossible, dangerous or impractical; in this case, same would be considered a special exception of the BZA.
- (C) Any motor vehicle in the front or side yard except in a driveway or parking area surfaced with gravel, rock, concrete or asphalt, not to exceed 30% of the total front or side yard, except by special exception of the BZA;
- (D) Commercial solid waste dumpsters except for properties containing 4 or more housing units, and screened as provided for in § 155.501.
- (E) All vehicles must be properly licensed and insured.

(Ord. 10.011, passed 6-28-2010)

§ 155.999 PENALTY.

- (A) *Generally.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.
- (B) *Withholdings permits.* The Zoning Administrator shall deny a zoning permit for any use or work which fails to comply with this chapter. The Zoning Administrator or other appropriate official shall withhold all other town permits for work which violates this chapter.
- (C) *Complaints.* A written complaint specifying facts showing a violation of this chapter filed by any person shall be investigated by the Zoning Administrator. Upon determination that a violation has occurred, the Zoning Administrator shall take appropriate enforcement action authorized by this chapter.

(D) *Stop work orders.* The Zoning Administrator is authorized to issue a stop work order pursuant to S.C. Code § 6-29-950(A) requiring work to cease until specific code violations are corrected. Failure to comply with a stop work order of the Zoning Administrator is a misdemeanor punishable under the general provisions of the town code. Issuance of a stop work may be appealed to the Board of Zoning Appeals.

(E) *Ordinance summons.* The Zoning Administrator is authorized to issue an ordinance summons pursuant to town code provisions for violations of this chapter.

(F) *Arrest warrant.* The Zoning Administrator, with concurrence of the Town Attorney, is authorized to request the issuance of an arrest warrant for violations of this chapter.

(G) *Injunction.* The Zoning Administrator shall submit a request to the Town Attorney for institution of a civil action seeking an injunction prohibiting violation of this chapter when appropriate.

(H) *Tree Preservation.*

(1) Any person violating any provision of §§ 155.550 through 155.568 for which no specific penalty is prescribed shall be subject to § 155.999. Each regulated tree removed without a permit is a separate violation of §§ 155.550 through 155.568.

(2) Any person removing one or more regulated trees without a permit is required to submit a mitigation tree plan to the Planning Commission for approval. Such plan must replace the equivalent tree unit value of each tree removed as designated in § 155.556. Trees used for mitigation plan must be of same species as those removed when at all possible. The approved mitigation tree plant shall be implemented within 60 days of approval by the Planning Commission.

(Ord. 5.202, passed 11-24-1981; Am. Ord. 10.010, passed 7-26-2010)

CHAPTER 156: STORM DRAINAGE

Section

- 156.01 Statement of purpose
- 156.02 Applicability
- 156.03 Compatibility with other permit and ordinance requirements
- 156.04 Water quality manual
- 156.05 Storm Water Administrator
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- 156.07 Establishment of application requirements, schedule and fees
- 156.08 Concept plan and consultation meeting
- 156.09 As-built plans and final approval

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§ 156.01 STATEMENT OF PURPOSE.

(A) The purpose of this chapter is to establish stormwater management requirements and controls to prevent surface water quality degradation to the extent practicable in the waterways of the town, to protect and safeguard the general health, safety and welfare of its residents and to establish procedures to control adverse effects of increased stormwater runoff and related pollutant loads associated with future development and developed lands. Proper stormwater management will minimize damage to both public and private property, reduce effects of development on stream channel erosion, maintain water quality standards, reduce local flooding, maintain to the maximum extent practical the pre-development characteristics of the watershed in terms of flow rate, volume and pollutant load. This chapter seeks to attain this purpose by fulfilling the following objectives:

- (1) Minimize increases in stormwater runoff from development or redevelopment in order to reduce flooding, siltation and stream bank erosion, and maintain the integrity of stream channels;
- (2) Encourage to the maximum extent practicable the creation of stream buffers and preservation of natural spaces to provide flood storage, stormwater treatment and control, and recreation;
- (3) Minimize increases in non-point source pollution caused by stormwater runoff from development or redevelopment that would otherwise degrade local water quality;
- (4) Minimize the total volume of surface water runoff that flows from any specific site during and following development in order to replicate pre-development hydrology to the maximum extent practicable;
- (5) Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution to the extent practicable, through stormwater management controls (BMPs) and to ensure that these management controls are properly maintained and pose no threat to public health or safety; and
- (6) Meet the requirements of the national pollution discharge elimination system (NPDES) stormwater permit and other state and national requirements as established by the Clean Water Act.

(B) This regulation will require the use of low impact development (LID) design practices, which more closely replicate a site's predevelopment characteristics compared to conventional stormwater management techniques.

(C) This regulation will also encourage the use of land use patterns that are environmentally, economically and socially sustainable, creating more walkable, compact, interconnected development within the town.

(Ord. 2011.002, passed 5-23-2011)

§ 156.02 APPLICABILITY.

(A) These regulations shall apply to all of the land located within the town limits and shall govern the development or redevelopment and use of all land and structures. No building, structure or land shall be used, occupied or altered, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered, unless in conformity with all the provisions of this regulation and all other applicable regulations, except as otherwise provided by this regulation.

(B) Exceptions to applicability.

(1) All properties shall be subject to this regulation except those properties which, fit into 1 of the following categories:

- (a) Have been issued a Certificate of Building Code Compliance;
- (b) Have a valid building permit;
- (c) Are included on a valid preliminary subdivision plan; or

(d) Any complete conditional zoning application and preliminary subdivision plan submitted by the date of enactment of this chapter.

(2) Redevelopment of non-single family homes that disturbs less than 20,000 square feet, does not decrease existing stormwater controls, and renovation and/or construction costs do not exceed 100% of the tax value of the property, or does not exceed 11% of the total building square footage, is not subject to the provisions of this regulation. Redevelopment of a building between 11% through 50% shall require water quality treatment of 50% of the site. Redevelopment in excess of 50% of the building will require full compliance with this chapter. Redevelopments are cumulative within a 5-year period and the total in excess of 11% will require compliance with this chapter.

(3) Residential development activity that disturbs less than 1 acre of land, and is not part of a larger common plan of development or sale, including new development, redevelopment or expansions, is not subject to the provisions of this regulation.

(4) Non-residential development activity that disturbs less than 1/2 acre of land, and is not part of a larger common plan of development or sale, including new development, redevelopment or expansions, is not subject to the provisions of this regulation.

(5) However, all commercial development shall be subject to the provisions of this regulation regardless of size.

(Ord. 2011.002, passed 5-23-2011)

§ 156.03 COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS.

This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(Ord. 2011.002, passed 5-23-2011)

§ 156.04 BLYTHEWOOD WATER QUALITY MANUAL.

The town Water Quality Design Manual is hereby adopted and incorporated herein by reference. A copy of the Design Manual shall be maintained for public inspection and copying at the office of the Town Clerk.

(Ord. 2011.002, passed 5-23-2011)

§ 156.05 STORM WATER ADMINISTRATOR.

(A) Designation. The Storm Water Administrator of the town shall be designated by the Mayor for the purpose of administering and enforcing this chapter. Any act authorized by this chapter to be carried out by the Storm Water Administrator of the town may be carried out by his or her designee.

(B) Powers and duties. In addition to the powers and duties that may be conferred by other provisions of other laws, the Storm Water Administrator shall have the following powers and duties under this chapter:

- (1) To review and approve or disapprove applications submitted pursuant to this chapter.
- (2) To make determinations and render interpretations of this chapter.
- (3) To establish application requirements and schedules for submittal and review of applications and appeals.
- (4) To enforce this chapter in accordance with its enforcement provisions.
- (5) To maintain records, maps, and official materials as relate to the adoption, amendment, enforcement, or administration of this chapter.
- (6) To provide expertise and technical assistance upon request to the Town Board.
- (7) To designate appropriate other person(s) who shall carry out the powers and duties of the Storm Water Administrator.
- (8) To provide information and recommendations relative to variances and information as requested by the town in response to appeals.
- (9) To take any other action necessary to administer the provisions of this chapter.

(Ord. 2011.002, passed 5-23-2011)

§ 156.06 PERMIT REQUIRED.

No land owner or land operator shall receive any of the clearing, grading, building, or other land development permits required for land disturbance activities without first meeting the requirements of this chapter prior to commencing the proposed activity. A permit may only be issued subsequent to a properly submitted, reviewed and approved permit application, pursuant to this chapter.

(A) *Permit required; must apply for permit.* A storm water management permit is required for all development and redevelopment unless exempt pursuant to this chapter. A permit may only be issued subsequent to a properly submitted, reviewed and approved permit application, pursuant to this section. The content and form of the permit shall be established by the Storm Water Administrator.

(B) *Concept plans.* A concept plan shall be submitted to the Storm Water Administrator for review prior to the submittal of the Storm Water Management Permit Application. This concept plan shall include the information necessary to evaluate the proposed development site for compliance with performance criteria as detailed in the Blythewood Water Quality Design Manual. The town shall review and comment on these plans with a response to the applicant within 10 working days.

(C) *Effect of permit.* A storm water management permit shall govern the design, installation, and construction of storm water management and control practices on the site, including structural BMPs and elements of site design for storm water management other than structural BMPs. The permit is intended to provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of storm water for the development or redevelopment site consistent with the requirements of this chapter. Compliance after project construction is assured by the maintenance provision of this chapter.

(D) *Authority to file applications.* All applications required pursuant to this chapter shall be submitted to the Storm Water Administrator by the land owner or the land owner's duly authorized agent or anyone having interest in the property by reason of a written contract with the owner.

(Ord. 2011.002, passed 5-23-2011)

§ 156.07 ESTABLISHMENT OF APPLICATION REQUIREMENTS, SCHEDULE, AND FEES.

(A) *Application contents and form.* The Storm Water Administrator shall establish requirements for the content and form of all applications and shall amend and update those requirements from time to time. At a minimum, the stormwater management permit application shall describe in detail how post-construction stormwater runoff will be controlled and managed, the design of all storm water facilities and practices, and how the proposed project will meet the requirements of this chapter. The permit application shall contain SET outputs, supporting computations, drawings, soil analyses, calculations for each BMP and overall site hydrology calculations as well as other information sufficient to describe the manner, location, and type of measures for managing stormwater from the development in compliance with this chapter. In addition, the permit application shall specify those parties responsible for long term maintenance of all BMPs.

(B) *Submission schedule.* The Storm Water Administrator shall establish a submission schedule for applications. The schedule shall establish deadlines by which complete applications must be submitted for the purpose of ensuring that there is adequate time to review applications, and that the various stages in the

review process are accommodated.

(C) *Permit review fees.* The town shall establish permit review fees as well as policies regarding refund of any fees upon withdrawal of an application, and may amend and update the fees and policies from time to time.

(D) *Administrative Manual.* For applications required under this chapter, the Storm Water Administrator shall compile into an Administrative Manual the application requirements, submittal checklist, submission schedule, fee schedule, maintenance agreements, a copy of this chapter, and a physical address at which to obtain the Design Manual, as well as other information and materials necessary for the effective administration of this chapter. This Administrative Manual shall be made available to the public.

(E) *Submittal of Complete Application.* Applications shall be submitted to the Storm Water Administrator pursuant to the application submittal schedule in the form established by the Storm Water Administrator, along with the appropriate fee established pursuant to this section. An application shall be considered as timely submitted only when it contains all elements of a complete application pursuant to this chapter, along with the appropriate fee. If the Storm Water Administrator finds that an application is incomplete, the applicant shall be notified of the deficient elements and shall be provided with an opportunity to submit a complete application. However, the submittal of an incomplete application shall not suffice to meet a deadline contained in the submission schedule established above.

(F) *Review.* Within 20 working days after a complete application is submitted, the Storm Water Administrator shall review the application and determine whether the application complies with the standards of this chapter.

(G) *Approval.* If the Storm Water Administrator finds that the application complies with the standards of this chapter, the Storm Water Administrator shall approve the application and issue a storm water management permit to the applicant. The Storm Water Administrator may impose conditions of approval as needed to ensure compliance with this chapter. The conditions shall be included in the permit as part of the approval.

(H) *Disapproval.* If the Storm Water Administrator finds that the application fails to comply with the standards of this chapter, the Storm Water Administrator shall notify the applicant and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application.

(I) *Revision and Subsequent Review.* A complete revised application shall be reviewed by the Storm Water Administrator within 15 working days after its re-submittal and shall be approved, approved with conditions or disapproved. If a revised application is not resubmitted within 60 calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required along with the appropriate fee.

(Ord. 2011.002, passed 5-23-2011)

§ 156.08 CONCEPT PLAN AND CONSULTATION MEETING.

(A) Before a storm water management permit application is submitted, the Storm Water Administrator or land owner or the land owner's duly authorized agent or anyone having interest in the property by reason of a written contract with the owner may request consultation on a concept plan for the post-construction storm water management system to be utilized in the proposed development project.

(B) This consultation should take place at the time of the preliminary plan of the subdivision or other

early step in the development process. The purpose of this consultation is to discuss the storm water management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential approaches to storm water management designs before formal site design engineering is commenced.

(C) Local watershed plans and other relevant resource protection plans may be consulted in the discussion of the concept plan. At the time of concept plan submittal, the following information should be included in the concept plan, which should be submitted in advance of the meeting as specified in the Administrative Manual:

(1) *Existing conditions/proposed site plans.* Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; slope analysis showing areas of 0 through 10%, 10 through 15%, 15 through 25%, and greater than 25%; perennial and intermittent streams; wetlands; floodplains; mapping of predominant soils from soil surveys; boundaries of existing predominant vegetation and proposed limits of clearing and grading; proposed undisturbed open space area; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

(2) *Natural Resources Inventory.* Written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic system setbacks, and the like). Particular attention should be paid to environmentally-sensitive features that provide particular opportunities or constraints for development. Significant hardwoods and large pines shall be indicated on a topographic survey with the size and species of tree shown. (See §§ 155.550 et seq.: Tree Preservation)

(C) *Storm Water Management System Concept Plan.* A written or graphic concept plan of the proposed post-construction storm water management system including: preliminary selection and location of proposed structural storm water controls; low impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of proposed undisturbed open space areas; location of all floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.

(D) *Storm Water Management Permit Application.* The storm water management permit application shall detail how storm water runoff will be controlled and managed and how the proposed project will meet the requirements of this chapter. All such plans submitted with the application shall be prepared by a registered South Carolina Professional Engineer, Landscape Architect or Tier B Land Surveyor. The engineer, landscape architect or Tier B land surveyor shall perform services as allowed by state law, and shall verify that the design of all storm water management facilities and practices meets the submittal requirements for complete applications, that the designs and plans are sufficient to comply with applicable standards and policies found in the Design Manual, and that the designs and plans ensure compliance with this chapter. All vegetated BMPs will include a planting plan prepared by a landscape architect licensed to practice in accordance with state law. The submittal shall include all of the information required in the submittal checklist established by the Storm Water Administrator. Incomplete submittals shall be rejected.

(Ord. 2011.002, passed 5-23-2011)

§ 156.09 AS-BUILT PLANS AND FINAL APPROVAL.

(A) The applicant shall certify that the completed project is in accordance with the approved plans and designs, and shall submit actual “as-built” plans for all storm water management facilities or practices after final construction is completed.

(B) Failure to provide approved as-built plans within the time frame specified by the Storm Water Administrator may result in assessment of penalties.

(C) At the discretion of the Storm Water Administrator, performance securities or bonds may be required for stormwater management facilities or practices until as-built plans are approved.

(D) As-built plans shall show the final design specifications for all storm water management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed.

(E) The designer of the storm water management measures and plans shall certify, under seal, that the as-built storm water measures, controls, and devices are in compliance with the approved plans and designs and with the requirements of this chapter.

(F) The exact boundary of all storm water management measures shall be shown on final plats prepared by a registered land surveyor. Further, final plats shall contain the following statement: “This lot contains a water quality feature that must be maintained in accordance with the recorded Maintenance Covenant as required by the Blythewood Stormwater Ordinance.”

(G) Final as-built plans and a final inspection and approval by the Storm Water Administrator are required before a project is determined to be in compliance with this chapter and before any performance securities shall be released.

(H) At the discretion of the Storm Water Administrator, certificates of occupancy may be withheld pending receipt of as-built plans and the completion of a final inspection and approval of a project. Upon submittal of as-built plans, the location of storm drainage pipes, inlets and outlets as well as the location of all BMPs must be delivered to the Storm Water Administrator in the digital format specified in the Administrative Manual.

(Ord. 2011.002, passed 5-23-2011)

§ 156.10 EFFECT OF APPROVAL.

Approval authorizes the applicant to go forward with only the specific plans and activity authorized in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.

(Ord. 2011.002, passed 5-23-2011)

§ 156.11 TIME LIMIT; EXPIRATION.

A storm water management permit and accompanying plan approved under the provisions of this chapter shall remain valid for a period of 3 years from the date of approval. If no work on the site in furtherance of the plan has commenced within the 3-year period, the permit and plan approval will become null and void

and a new application will be required to develop the site. If work on the site in furtherance of the plan has commenced that involves any utility installations or street improvements except grading, the permit and plan shall remain valid and in force and the project may be completed in accordance with the approved plan.

(Ord. 2011.002, passed 5-23-2011)

§ 156.12 POSTING OF FINANCIAL SECURITY.

(A) The town shall require the submittal of a performance security or bond prior to issuance of a permit in order to insure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan.

(B) The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved under the permit, plus 25%. Such financial arrangements in favor of the town guaranteeing the installation and maintenance of required BMPs shall remain in effect until issuance of certificates of occupancy for 75% of all construction which might reasonably be anticipated to be built within the area which drains into the BMP, allowing credit for improvements completed prior to the submission of the final plat.

(C) At such time that this level of occupancy is achieved, written notice shall be submitted by the owner to the town. The performance security shall also contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a registered South Carolina professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this chapter.

(D) The town will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this chapter.

(E) Provisions for a partial pro-rata release of the performance security based on the completion of various development stages may be done at the discretion of the town. The owner shall verify the adequacy of the maintenance covenant for the BMPs including the necessary financing to support the proposed maintenance practices. The town shall inspect the BMP and verify the effectiveness of the Maintenance Covenant and, if both are found to be satisfactory, shall notify the owner in writing within 30 days of the date of notice regarding the approval of the BMP. Following issuance of this written approval, the owner may request the release of the surety bond, letter of credit or other financial arrangements at which time the maintenance responsibilities for the BMPs shall revert to the Homeowners Association, property owner or other party responsible for the long-term maintenance as specified in the Maintenance Covenant.

(F) It shall be specifically stated within the restrictive covenants or homeowner's association documents that it shall be the responsibility of the owner or assigns to maintain BMPs until such time as maintenance responsibilities have been transferred to the Homeowners Association Board of Directors, property owner or other party responsible for long term maintenance of the BMPs. It shall be the sole responsibility of the owner to correct any deficiencies prior to transfer of maintenance responsibilities.

(Ord. 2011.002, passed 5-23-2011)

§ 156.13 MAINTENANCE.

(A) The owner of each BMP installed pursuant to this chapter shall maintain and operate it so as to preserve and continue its function of controlling stormwater quality and quantity at the degree or amount of function for which the BMP was designed. BMPs shall not be constructed on public land, within public rights-of-way, and/or within public easements without written approval from the public body with ownership/jurisdiction of the subject property.

(B) The following requirements shall be met for all BMPs that have been constructed on privately-owned property and not within a public easement.

(1) *Operation and maintenance agreement.*

(a) Prior to the issuance of an occupancy permit for any building within a permitted development served by a BMP, the applicant or owner of the BMP shall establish a formal operation and maintenance agreement approved by the town Stormwater Administrator and recorded in the office of the Register of Deeds in which the owner acknowledges the duty of the owner and all subsequent owners of the property to maintain the BMP in accordance with the terms of the agreement, including repairing and, if necessary, reconstruction of the BMP. Until conveyance of all property, sites, or lots served by the structural BMP, the original owner or applicant shall have primary responsibility for carrying out the provisions of the operation and maintenance agreement.

(b) A maintenance plan shall be included as part of the agreement which shall specify terms, conditions, and schedule of maintenance for the structural BMP as well as describe the mechanism for funding maintenance and repairs. The operation and maintenance agreement shall also identify the property owners association or other party responsible for maintenance of the BMP. A property owners association or similar legal entity shall have the power to compel contributions from residents of a development to cover their proportionate shares of the costs associated with BMP maintenance.

(c) The Stormwater Administrator may withhold certificates of occupancy pending receipt of an operation and maintenance agreement. Standard operation and maintenance agreements for BMPs shall be developed by the Stormwater Administrator and made available in the administrative manual. The operation and maintenance agreement must be approved by the Stormwater Administrator prior to plan approval, and it shall be referenced on the final plat and shall be recorded by the applicant or owner with the Richland County Register of Deeds upon final plat approval. A copy of the recorded maintenance agreement shall be submitted to the Stormwater Administrator within 14 days following recordation.

(2) *Inspection and maintenance requirements.*

(a) Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws.

(b) Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.

(c) All BMPs installed pursuant to the requirements of this chapter shall be inspected at least of annually by a qualified registered South Carolina professional engineer or landscape architect performing services only in their area of competence. The purpose of these inspections is to identify maintenance and repair needs to ensure compliance with the requirements of this chapter. These needs may include: removal

of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation.

(d) Any maintenance needs found must be addressed in a timely manner, and the inspection and maintenance requirement may be increased as deemed necessary by the Stormwater Administrator to ensure proper functioning of the stormwater management facility.

(e) The person responsible for BMP maintenance shall submit to the Stormwater Administrator a completed inspection report beginning 1 year from the date of as-built certification and each year thereafter on or before the anniversary date of the as-built certification. All inspection reports shall be on forms supplied by the Stormwater Administrator and contained in the Administrative Manual. Any identified maintenance and/or repair needs shall be addressed in a timely manner.

(3) *Records of installation and maintenance activities.* Parties responsible for the inspection, operation, and maintenance of a BMP shall make records of the installation of all maintenance and repairs and shall retain the records for at least 5 years. Those records shall be made available to the Stormwater Administrator upon request and/or as specifically outlined in the maintenance covenant.

(4) *Failure to maintain practices.* It is unlawful for a property owner to fail to meet the requirements of the operation and maintenance agreement. Any person or entity that fails to meet the requirements of the operation and maintenance agreement shall be subject to be guilty of a misdemeanor and subject to the penalties specified in § 10.99. If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the Town of Blythewood, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the Town of Blythewood shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall immediately repair of the facility in an approved manner.

(5) *Maintenance easement.* Every structural BMP installed pursuant to this chapter shall be made accessible for adequate inspection, maintenance, reconstruction and repair by a maintenance agreement. The easement shall be recorded with the Richland County Register of Deeds Office and its terms shall specify who may make use of the easement and for what purposes.

(Ord. 2011.002, passed 5-23-2011)

§ 156.14 RECORDATION AND INDICATIONS ON PLAT.

The approval of the stormwater management permit shall require an enforceable restriction on property usage that runs with the land, such as a plat, recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans. The operation and maintenance agreement pertaining to every structural BMP shall be referenced on the final plat and shall be recorded with the Richland County Register of Deeds Office upon final plat approval. If no subdivision plat is recorded for the site, then the maintenance covenant shall be recorded with the Richland County Register of Deeds Office so as to appear in the chain of title of subsequent purchasers under generally accepted title examination practices. A copy of the recorded maintenance covenant shall be submitted to the Stormwater Administrator within 14 days following receipt of the recorded document. A maintenance easement shall be recorded for every structural BMP to allow sufficient access for adequate maintenance. The specific recordation and deed restriction requirements as well as notes to be displayed on the final plats and deeds shall be contained in the administrative manual.

(Ord. 2011.002, passed 5-23-2011)

§ 156.15 INSPECTION OF BMPS.

(A) *Inspections.* The owner of a BMP shall inspect the BMP at least of annually. Additional inspections may be conducted by the Stormwater Administrator on a reasonable basis, including but not limited to: routine inspections; inspections based upon complaints or other notice of possible violations; inspections of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water quality standards or the NPDES Stormwater Permit; and joint inspections with other agencies inspecting under environmental and safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges; surface water, groundwater, and material or water in BMPs; evaluating the condition of BMPs and stormwater management practices.

(B) *Right of entry for inspections.* When any new BMP is installed on private property, the property owner shall grant to the Stormwater Administrator the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the Stormwater Administrator has a reasonable basis to believe that a violation of this regulation is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this regulation.

(Ord. 2011.002, passed 5-23-2011)

§ 156.16 STANDARDS FOR STORMWATER CONTROL MEASURES.

(A) *Evaluation according to contents of design manual.* All stormwater control measures and stormwater treatment practices (BMPs) required under this chapter shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications, standards and the specific design criteria for each stormwater best management practice contained in the design manual. The Stormwater Administrator shall determine whether these measures will be adequate to meet the requirements of this chapter.

(B) *Determination of adequacy; presumptions and alternatives.* Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the design manual will be presumed to meet the minimum water quality and quantity performance standards of this chapter. Whenever an applicant proposes to utilize a practice or practices not designed or constructed in accordance with the criteria and specifications in the design manual, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this chapter before it can be approved for use. The Stormwater Administrator may require the applicant to provide such documentation, calculations, and examples as necessary for the Stormwater Administrator to determine whether such an affirmative showing is made.

(C) *Submittal of digital records.* Upon the submittal of as-built plans, the location of storm drainage pipes, inlets and outlets as well as the location of all BMPs must be delivered to the Stormwater Administrator in the digital format specified in the administrative manual.

(Ord. 2011.002, passed 5-23-2011)

§ 156.17 VIOLATION OF CHAPTER.

(A) Any development activity that is commenced or is conducted contrary to this chapter, may be restrained by injunction or otherwise abated in a manner provided by law.

(B) Remedies for violation may include any or all of the following:

(1) *Stop work orders.* Persons receiving a notice of violation will be required to halt all construction activities. This “stop work order” will be in effect until the town confirms that the development activity is in compliance and the violation has been satisfactorily addressed.

(2) *Restoration of lands.* Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the town may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

(3) *Holds on occupancy permits.* Occupancy permits will not be granted until all corrections to all stormwater practices have been made and accepted by the town.

(Ord. 2011.002, passed 5-23-2011)

CHAPTER 157: MANUFACTURED HOME PARKS

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GENERAL PROVISIONS

§ 157.001 ADMINISTRATION, GENERALLY.

In order to construct, alter or expand a manufactured home park, a developer must secure approval of a development plan from the Planning Commission. The plans must comply with the provisions of this chapter.

(Am. Ord. 5.215, passed 6-30-2003)

§ 157.002 ADMINISTRATION, SITE PLAN, DEVELOPMENT PLAN AND THE LIKE.

(A) Site plan approval.

(1) The developer may, and is encouraged to, submit a site plan for the proposed manufactured home park prior to submission of a development plan. The site plan shall contain the following:

- (a) Name and address of the applicant.
- (b) Name and address of the manufactured home park.
- (c) Four copies of a sketch of the property at a scale of not less than 1 inch equals 200 feet, and showing the following information:
 - 1. The total area, shape, and dimension of the site.
 - 2. The location of the parcel of land with respect to adjacent roads and streets.
 - 3. The location and size of existing and proposed buildings, structures, manufactured home lots, parking areas, roadways, and utilities.
 - 4. The proposed use of all buildings, structures, and land.
 - 5. Vicinity map of the property showing the relationship of the proposed park to the surrounding development at a scale of not less than 1 inch equals 1,000 feet.

(2) The staff of the Planning Commission shall review the site plan to determine its conformity with the requirements of this chapter and other applicable ordinances of the Town of Blythewood. The staff of the

Planning Commission shall approve or disapprove the site plan within 15 working days. If disapproved, the site plan shall be returned to the developer and the reasons, therefore, stated in writing. If approved, the site plan shall be returned to the developer and a development plan conforming with the approved site plan may be submitted to the planning official for dispersal to the reviewing agencies identified in division (B)(3).

(B) *Development plan approval.*

(1) The developer shall submit a development plan along with the necessary supporting data to the staff of the Planning Commission. The development plan shall contain the following:

- (a) Name and address of the applicant.
- (b) Name and address of the manufactured home park.
- (c) Location and legal description of the property.

(d) Six copies of a plat of the property prepared by a registered professional engineer or land surveyor at a scale of not less than 1 inch equals 100 feet, and showing the following information:

- 1. The total plat area, shape, and dimension of the site and north arrow.
- 2. The location of all existing and proposed buildings, structures, and facilities.
- 3. The proposed use of all buildings, structures, and land.
- 4. The location and size of existing and proposed buildings, structures, manufactured home lots, parking areas, roadways, and utilities.
- 5. A topographic map showing existing and proposed grades by contour at vertical intervals of not more than 5 feet.
- 6. Location, width, and surface of all existing and proposed roads.
- 7. The location and dimensions of off-street parking and loading spaces, solid waste collection facilities, and the means of ingress and egress to and from such spaces.
- 8. The location and size of all existing and proposed utilities and storm drainage facilities.
- 9. Vicinity map of the property showing the relationship of the proposed park to the surrounding development at a scale of not less than 1 inch equals 1,000 feet.

(e) Such other information as the planning commission may deem necessary.

(2) The submitted development plan shall be accompanied by the appropriate review fee.

(3) (a) The staff of the Planning Commission shall review the development plan to determine its conformity with the requirements of this chapter, the Blythewood Zoning Ordinance, the Blythewood Land Development Regulations Ordinance and the Blythewood Storm Drainage Ordinance. The staff of the Planning Commission shall determine within 15 days if all required information has been submitted. If there is insufficient information or the proposed manufactured home park development plan is not in conformity with the applicable ordinances, it shall be returned to the developer and the reasons its cannot be processed stated in writing.

(b) If all required information has been submitted, the staff of the Planning Commission shall submit 1 copy of the development plan to the following agencies (as appropriate) for review and approval.

1. South Carolina Department of Health and Environmental Control.
2. Town Engineer.

(4) Upon receipt of reports from the reviewing agencies or the elapse of 30 days, whichever is sooner, the staff shall recommend approval, disapproval or approval with modifications of the development plan to the Planning Commission. The Planning Commission shall approve, disapprove, or approve with modifications the development plan at its next regularly scheduled meeting. Pertinent comments and recommendations shall be noted in the minutes of the Planning Commission meeting.

(5) If the development plan is disapproved by the staff or if the Planning Commission requires changes with which the developer does not concur, the developer may appeal to the Circuit Court within 30 days of being notified of the decision of the Planning Commission.

(6) If the Planning Commission fails to act within 30 days after submission of the development plan, which meets all ordinance requirements, the Planning Commission must notify the developer of the date on which action shall be taken but such extension of time shall not exceed 30 days. Failure of the Planning Commission to act within these time limits shall be deemed to constitute development plan approval and a certificate to that effect shall be issued by the Planning Commission on demand.

(7) The Planning Commission shall not act to override the requirements of other agencies. The Planning Commission or staff may seek to bring agreement in cases of conflict among the various reviewing agencies or between a reviewing agency and the developer.

(D) *Building permit.* No building permits, construction permits or other authorization to construct the manufactured home park shall be issued prior to approval of the development plans by the Planning Commission.

(E) *Final inspection.* Final inspection of the manufactured home park for conformance with the approved plan shall be conducted prior to issuing an operating permit.

(Am. Ord. 5.215, passed 6-30-2003)

§ 157.003 DEFINITIONS.

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

ACCESSORY STRUCTURE. A detached subordinate building or structure located on the same site as the manufactured home which it serves.

BUILDING OFFICIAL. The official charged with the responsibility of receiving the site and construction plans, dispersing these plans, and collecting the review fee.

COUNTY. Richland County, South Carolina.

CUL-DE-SAC. A driveway having one end open to traffic and the other end terminated by a vehicular

turnaround; a dead-end driveway.

DRIVEWAY. A road giving access to 1 manufactured home from the roadway.

HEALTH AUTHORITY. South Carolina Department of Health and Environmental Control.

MANUFACTURED HOME.

(1) A movable or portable dwelling constructed after 1976 and bearing the HUD Certification, over 32 feet in length and 8 feet or over in width, constructed to be towed on its own chassis and designed without a permanent foundation for year round occupancy, and one which may include 1 or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of 2 or more units separately towable but designed to be joined into 1 integral unit, as well as a portable dwelling composed of a single unit.

(2) The term **MANUFACTURED HOME** used in these regulations shall not include prefabricated, modular or unitized dwellings placed on permanent foundations, nor shall it refer to travel trailers, campers or similar units designed for recreation or other short term uses unless used for a permanent dwelling.

(a) **DOUBLE-WIDE MANUFACTURED HOME.** A manufactured home with 2 or more units separately towable but designed to be joined into 1 integral unit at the site.

(b) **EXPANDABLE MANUFACTURED HOME.** A manufactured home with 1 or more room sections that fold, collapse or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

MANUFACTURED HOME LOT. That portion of a manufactured home park that is reserved for occupancy by a single manufactured home unit and its accessory building or structures and uses.

MANUFACTURED HOME PARK. A parcel of land that is developed, used or set apart for the purpose of supplying parking space for 5 or more manufactured homes and which includes buildings, structure, or enclosures used or intended for use as part of such manufactured home park.

PARCEL. A stretch of land under single ownership, either by an individual, group of individuals or a corporation including the words **LOT, TRACT, PLAT, SITE** or other division of land regardless of how it is described or its use or intended use.

PLANNING COMMISSION. The Blythewood Planning Commission.

PROPERTY LINE. The platted boundary of a manufactured home park.

ROADWAY. A minor private right-of-way used by vehicles and pedestrians of a manufactured home park for access.

SERVICE BUILDING. A structure housing toilet and bathing facilities, maintenance equipment or such other facilities as may be allowed by this chapter.

SEWER CONNECTION. All pipes, fittings, and appurtenances from the drain outlet of the manufactured home to the inlet of the corresponding sewer riser pipe.

SEWER RISER PIPE. That portion of the sewer lateral which extends vertically to or above the ground elevation and terminates at each manufactured home space.

SHALL. The word **SHALL** is mandatory and the word **MAY** is discretionary.

STAFF OF PLANNING COMMISSION. Those persons providing staff assistance to the Planning Commission.

TANDEM PARKING. Any parking facility, which when fully occupied denies 1 or more vehicles free access to a driveway or street; parking 1 vehicle behind another.

UTILITIES. To include gas, electricity, water, sanitary sewer, telephone, etc.

WATER CONNECTION. All pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the home.

WATER RISER PIPE. That portion of the water service pipe which extends vertically to or above the ground elevation and terminates at a designated point at each manufactured home lot.

WATER SERVICE PIPE. All pipes, fitting, valves, and appurtenances from the water main of the park supply system to the water outlet of the distribution system within the manufactured home.

(Am. Ord. 5.215, passed 6-30-2003)

INSPECTIONS

§ 157.015 INSPECTION OF MANUFACTURED HOME PARK.

The health authority is hereby authorized to make inspections to determine the condition of manufactured home parks located within Blythewood in order safeguard the health and safety of occupants of mobile home parks and of the general public.

(Am. Ord. 5.215, passed 6-30-2003)

PARK DESIGN STANDARDS

§ 157.025 GENERALLY.

(A) The minimum area for a manufactured home park shall be 2 acres.

(B) The maximum number of manufacture homes per acre shall not exceed 8.

(C) A manufactured home park or additions to manufactured home parks shall be located on a well-drained site, and shall not be located in the 100-year flood plain.

(D) All manufactured homes and all buildings or structures within a manufactured home park shall have a minimum setback of 25 feet from the park's front property line, but not less than 50 feet from the center line of the road, and 15 feet from all rear and side property lines. The setback area shall remain open

except for permitted signs and planted strips, and shall not be used for parking or for refuse receptacles.

(E) A manufactured home park shall be effectively screened along the back and side property lines by a planting or evergreen trees, or shrubs designed to be at least 8 feet high and 4 feet deep at maturity. In lieu of such a planting strip, a masonry wall or fence at least 5 feet high and designed to provide equivalent screening may be provided. Landscaping along street frontage shall conform with §§ 157.065 and 157.066, Type E (Street tree canopy) requirements. Any parking areas of 16 or more parking spaces shall conform with §§ 157.065 and 157.066, Type C, (Interior planting) requirements.

(F) Manufactured home park signs may be located within the setback area but not closer than 10 feet from the property line.

(G) Signs shall conform with the sign requirements of the Blythewood Zoning Ordinance.

(H) All new manufactured home parks shall reserve a minimum of 10% of its gross land area for recreational purposes. This area must be properly designated and landscaped. It shall not encroach on any required setback.

(I) No single recreational area shall be less than 400 square feet in area.

(J) In order to expand an existing park, a recreation area equal to 10% of the gross park area (existing plus proposed area) must be provided within the park boundary.

(K) A park office, laundromat, maintenance building may be provided for the convenience of park occupants.

(L) All manufactured home parks shall front on a paved public road.

(Am. Ord. 5.215, passed 6-30-2003)

§ 157.026 PARKING.

(A) A minimum of 2 parking spaces shall be provided for each manufactured home. Parking spaces shall be within 50 feet of the manufactured home and shall front on a park roadway.

(B) Tandem parking is prohibited.

(C) Parking spaces shall be of all-weather surface and properly marked and lighted.

(Am. Ord. 5.215, passed 6-30-2003)

§ 157.027 ROADWAYS.

(A) Roadways in any manufactured home park planned and built after these regulations become effective shall have a minimum paved width of 20 feet exclusive of parking.

(B) All manufactured home parks existing as of 6-30-2003 shall provide and maintain in any expansion or addition bituminous surface, all-weather roads at least 20 feet in width, exclusive of parking.

(C) No access roadway to a manufactured home park shall be located closer than 150 feet to any public street intersection.

(D) The number of entrances and/or exits shall not exceed the ratio of 1 per 150 feet of park frontage. Parks with less than 150 feet frontage are only allowed 1 combination ingress and egress road except that in parks with over 30 manufactured home spaces, a separate entrance and exit shall be required .

(E) Roadway intersections within the manufactured home park shall be at least 150 feet apart and no greater than 1,000 feet apart.

(F) Roadway intersections shall be provided with a street light.

(G) All dead end roadways shall terminate in a cul-de-sac with a minimum turning radius of 50 feet exclusive of parking. In lieu of a cul-de-sac, other methods to achieve vehicular turn-around may be approved by the Blythewood Planning Commission.

(H) The park street system shall have direct connection to a public way.

(Am. Ord. 5.215, passed 6-30-2003)

MANUFACTURED HOME LOT REGULATIONS

§ 157.040 REGULATIONS.

(A) All manufactured home lots shall front upon a park roadway.

(B) All manufactured home lots shall have a minimum area of 5,000 square feet. Minimum manufactured home lot width shall be 40 feet.

(C) A manufactured home shall not cover more than 30% of the lot on which it stands.

(D) There shall be a minimum distance of 15 feet between the manufactured home or any other building or structure and the abutting park roadway.

(E) Manufactured homes shall be placed at least 30 feet apart.

(F) Manufactured homes shall be at least 20 feet from any park building.

(G) No accessory structure shall be erected within 5 feet of any manufactured home or within 20 feet of any park building (i.e. offices or laundry facilities).

(H) The structural support points of each manufactured home lot shall be provided with either a concrete pad or strips at least 4 inches in depth or of sufficient size to support the weight of the manufactured home.

(I) Manufactured homes are required to connect to all utilities except gas and telephone.

(J) The developer is required to install and maintain all street signs on the park property.

(K) All manufactured homes in manufactured home parks approved as per these regulations shall be tied down according to the standards of the American National Standards Institute (ANSI, A119.1). It shall be the manufactured home park owner's responsibility to maintain the tie-down anchors. It shall be the manufactured home owner's responsibility to tie-down the manufactured home.

(L) It shall be the manufactured home owner's responsibility to install skirting of an opaque material between the bottom of the unit and the concrete pad or concrete strips.

(Am. Ord. 5.215, passed 6-30-2003)

WATER SUPPLY

§ 157.050 CONNECTION.

All manufactured home parks shall make connection to an existing public water supply available to all manufactured home lots and appropriate buildings and facilities within the park if such public water system is available to the park developer. Connections to the public water supply shall meet the requirements of the operating agency of the water system and the SC Department of Health and Environmental Control.

(Am. Ord. 5.215, passed 6-30-2003)

§ 157.051 INDIVIDUAL WELLS OR CENTRAL WATER SYSTEM.

If a public water system is not available, individual wells may be used or a central water system may be provided in such a manner that an adequate supply of potable water will be available to every manufactured home lot. Individual wells and central water systems shall be approved by the appropriate health authorities. Orders of approval shall be submitted to the planning official.

(Am. Ord. 5.215, passed 6-30-2003)

SEWAGE DISPOSAL

§ 157.065 CONNECTION.

All manufactured home parks shall make connection to an existing public sewer system if available. If a public sewer system is not available, health authority rules as to sewage disposal will apply. Connections to the public sewer system shall meet the requirements of the operating agency of the sewer system and the SC Department of Health and Environmental Control.

(Am. Ord. 5.215, passed 6-30-2003)

§ 157.066 INDIVIDUAL SYSTEM OR CENTRAL SEWER SYSTEM.

If a public sewer system is not available, individual systems may be used or a central sewer system may be provided in such a manner that a safe and sanitary method of sewerage treatment will be available to every manufactured home lot. Individual disposal systems and central sewer systems shall be approved in accordance with rules and regulations of the health authority. Health authority approval shall be submitted to the planning official.

(Am. Ord. 5.215, passed 6-30-2003)

REFUSE DISPOSAL

§ 157.080 REFUSE DISPOSAL.

(A) The storage, collection, and disposal of refuse in the manufactured home park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

(B) All refuse shall be stored in fly-tight, watertight, rodent proof containers, which shall be located not more than 150 feet from any manufactured home space. Containers shall be provided in sufficient number and capacity to properly store all refuse. Fifty-five gallon oil drums shall not be used as refuse containers. The terms of this section shall not exclude use of greenboxes as refuse containers.

(C) Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. No wooden racks will be allowed in newly constructed manufactured home parks.

(D) All refuse shall be collected according to the garbage pick-up system provided by the county government, or the manufactured home park operator shall provide this service at least twice weekly.

(E) Refuse shall be disposed of only at locations and by methods approved by the health authority.

(F) Refuse incinerators shall be constructed only with the approval of the health authority. Such approval shall be based on a review of the plans and specifications for such incinerators and approval of the site where they will be located. Such approval shall specify the type of material which may be placed in the incinerator.

(G) Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the manufactured home park.

(H) Garbage shall be burned on the premises only in an incinerator approved by the South Carolina Department of Health and Environmental Control.

(Am. Ord. 5.215, passed 6-30-2003)

INSECT AND RODENT CONTROL

§ 157.090 GENERALLY.

- (A) Insect and rodent control measures to safeguard public health as required by the health authority shall be applied in the manufactured home park.
- (B) The health authority may require the manufactured home park operator to take suitable measures to control other insects, obnoxious weeds, and rank vegetation.
- (C) Accumulations of debris which may provide harborage for rodents shall not be permitted in the manufactured home park.
- (D) Manufactured homes enclosed by skirting shall be maintained so as not to provide a harborage for rodents or to create a fire hazard.
- (E) When rats or other objectionable rodents are known to be in the manufactured home park, the park operator shall take definitive action, as directed by the health authority, to exterminate them.

(Am. Ord. 5.215, passed 6-30-2003)

ELECTRICAL DISTRIBUTION SYSTEM

§ 157.100 GENERAL REQUIREMENTS.

Every park shall contain an electrical wiring system, consisting of wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

(Am. Ord. 5.215, passed 6-30-2003)

§ 157.101 POWER DISTRIBUTION LINES.

(A) *Power distribution lines to be underground.* Power distribution lines shall be located underground. Main power lines not located underground shall be suspended at least 18 feet above the ground. There shall be a minimum horizontal clearance of 3 feet between overhead wiring and any manufactured home, service building or other structure.

(B) *Depth of burial.* All direct burial conductors or cable shall be buried at least 18 inches below the ground surface and shall be insulated and specifically designed for the purpose. Such conductors shall be located not less than 1 foot radial distance from water, sewer, gas or communications lines.

(C) *Individual electrical connections.* Each manufactured home lot shall be provided with an approved disconnecting device and over current protective equipment. The minimum service per outlet shall be a 120/240 volts AC 200 amperes.

(D) *Required grounding.* All exposed noncurrent carrying metal parts of manufactured homes and all other equipment shall be grounded by means of an approved grounding conductor. The neutral conductor

shall not be used as an equipment ground for manufactured homes or other equipment.

(Am. Ord. 5.215, passed 6-30-2003)

FUEL SUPPLY AND STORAGE

§ 157.115 NATURAL GAS SYSTEMS.

(A) Natural gas piping systems when installed in manufactured home parks shall be maintained in conformity with accepted engineering practices.

(B) Each manufactured home provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

(Am. Ord. 5.215, passed 6-30-2003)

§ 157.116 LIQUEFIED PETROLEUM GAS SYSTEMS.

Liquefied petroleum gas (LPG) systems provided for manufactured homes, service buildings or structures when installed shall be maintained in conformity with the rules and regulations of the authority having jurisdiction and shall include the following:

(A) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

(B) Systems shall have at least 1 accessible means for shutting off gas. Such means shall be located outside the manufactured home and shall be maintained in effective operating condition.

(C) All LPG piping outside the manufactured homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in manufactured homes.

(D) Vessels of more than 12 and less than 60 U.S. gallons gross capacity may be installed on a manufactured home lot and shall be securely but not permanently fastened to prevent accidental overturning.

(E) No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, manufactured home or any other structure unless such installations are specially approved by the authority having jurisdiction.

(Am. Ord. 5.215, passed 6-30-2003)

§ 157.117 FUEL OIL SUPPLY SYSTEM.

(A) All fuel oil supply systems, when provided for manufactured homes, service buildings, and other

structures, shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction.

(B) All piping from outside fuel storage tanks or cylinders to manufactured homes shall be securely, but not permanently, fastened in place.

(C) All fuel oil supply systems provided for manufactured homes, service buildings, and other structures shall have shut-off valves located within 5 inches of storage tanks.

(D) All fuel storage tanks or cylinders shall be securely placed and shall not be less than 3 feet from any manufactured home unit.

(E) Storage tanks located in areas subject to traffic shall be protected against physical damage.

(Am. Ord. 5.215, passed 6-30-2003)

FIRE

§ 157.130 FIRE PROTECTION.

(A) The manufactured home park shall be subject to the rules and regulations of the state and local fire prevention authority.

(B) Manufactured home park areas shall be kept free of litter, rubbish, and other flammable materials.

(Am. Ord. 5.215, passed 6-30-2003)

ALTERATIONS AND ADDITIONS

§ 157.140 ALTERATIONS AND ADDITIONS.

(A) All plumbing and electrical alterations or repairs in the manufactured home park shall be made in accordance with applicable local regulations.

(B) No permanent expansions or alterations shall be made to any existing manufactured home park unless they are in accordance with requirements established by the health authority and this chapter.

(C) No permanent additions or alterations shall be built onto or become a part of any manufactured home or manufactured home lot, unless they are in accordance with requirements established by the provisions of §§ 157.040, 157.050, and 157.051.

(Am. Ord. 5.215, passed 6-30-2003)

ANIMALS AND PETS

§ 157.150 RESTRICTION OF ANIMALS AND PETS.

(A) Pet animals must be inoculated against rabies in accordance with applicable laws and regulations.

(B) It shall be unlawful for any person to permit any animal owned by him or her to run at large so as to cause any damage to any person or property within the county and it shall also be unlawful for any person, either as custodian or owner of any animal, negligently to permit or allow it to invade or trespass upon the premises of any person other than such owner or custodian, unless it be with the permission of the person having control of such premises. In the event that any person or any personal property is damaged or caused any injury by an animal running at large, the owner of such animal shall be guilty of a misdemeanor.

(Am. Ord. 5.215, passed 6-30-2003)

ADMINISTRATION AND ENFORCEMENT

§ 157.160 REGISTRATION OF OCCUPANTS.

(A) Every manufactured home park owner or operator shall maintain a register containing a record of all manufactured homes and occupants using the manufactured home park. Such register shall be available to any authorized person inspecting the park, and shall be preserved for the period required by the health authority.

(B) Such register shall contain:

- (1) The names and addresses of all manufactured home occupants residing in the park; and
- (2) The dates of arrival and departure of each manufactured home.

(Am. Ord. 5.215, passed 6-30-2003)

§ 157.161 SUPERVISION.

The person to whom a permit for a manufactured home park is issued shall at all times operate the park in compliance with these regulations and shall provide adequate supervision to maintain the park open space, roads, buildings, facilities, and equipment in good repair and in a clean and sanitary condition at all times.

(Am. Ord. 5.215, passed 6-30-2003)

§ 157.162 ENFORCEMENT INTERPRETATION.

(A) These rules and regulations shall be enforced by the Town of Blythewood.

(B) Where the provisions of this ordinance are in conflict with other ordinances pertaining to manufactured home parks, the most restrictive provisions shall be enforced.

(Am. Ord. 5.215, passed 6-30-2003)

§ 157.999 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

CHAPTER 158: COMPREHENSIVE PLAN

Section

158.01 Comprehensive Plan adopted by reference

§ 158.01 COMPREHENSIVE PLAN ADOPTED BY REFERENCE.

The Town of Blythewood's Comprehensive Plan is hereby adopted by reference and incorporated herein as if set out in full.

(Ord. 5.319, passed 9-29-2008; Am. Ord. 10.009, passed 4-26-2010)

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