

ZONING ORDINANCE

TOWN OF JOHNSTON SOUTH CAROLINA

Vismor, Ricketson & Associates, Inc.

**ZONING ORDINANCE
OF THE
TOWN OF JOHNSTON,
SOUTH CAROLINA**

AN ORDINANCE OF THE TOWN OF JOHNSTON, SOUTH CAROLINA, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE HEIGHT OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, THE DENSITY AND DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

PREAMBLE

IN ACCORDANCE WITH AUTHORITY CONFERRED BY THE GENERAL STATUTES OF SOUTH CAROLINA, 1976 CODE OF LAWS, TITLE 6, CHAPTER 29 OF THE COMPREHENSIVE PLANNING ENABLING ACT OF 1994, AS AMENDED, AND FOR THE PURPOSE OF PROMOTING PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, APPEARANCE, PROSPERITY, AND GENERAL WELFARE; LESSENING CONGESTION IN THE STREETS; SECURING SAFETY FROM FIRE; PROVIDING ADEQUATE LIGHT, AIR, AND OPEN SPACE; PREVENTING THE OVERCROWDING OF LAND; AVOIDING UNDUE CONCENTRATION OF POPULATION; FACILITATING THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY; PROTECTING AND PRESERVING SCENIC, HISTORIC AND ECOLOGICALLY SENSITIVE AREAS; FACILITATING THE PROVISION OF PUBLIC SERVICES, AFFORDABLE HOUSING, AND DISASTER EVACUATION, IN HARMONY WITH THE COMPREHENSIVE PLAN FOR THE TOWN OF JOHNSTON, SOUTH CAROLINA, THE TOWN COUNCIL HEREBY ORDAINS AND ENACTS INTO LAW THE FOLLOWING ARTICLES AND SECTIONS, WHICH SHALL COMPRISE AND BE KNOWN AS **THE ZONING ORDINANCE OF THE TOWN OF JOHNSTON, SOUTH CAROLINA**, AND SHALL BE APPLICABLE THROUGHOUT THE LEGALLY RECORDED CORPORATE LIMITS OF THE TOWN, AS NOW OR
HEREAFTER
ESTABLISHED.

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ARTICLE 1

ESTABLISHMENT OF ZONING DISTRICTS, PURPOSE OF DISTRICTS, AND RULES FOR THE INTERPRETATION OF DISTRICT BOUNDARIES

Section 1.1 Establishment of Districts

For the purpose of this Ordinance, the Town of Johnston is hereby divided into the following zoning districts:

Map Symbol

- RS Single-family Residential District**
- RM Multi-family Residential District**
- RG General Residential District**
- MU Mixed Use District**
- BD-1 Downtown Business District**
- BD-2 General Business District**
- BD-3 Business/Industrial District**

Section 1.2 Purpose of Districts

Collectively, these districts are intended to advance the purposes of this Ordinance, as stated in the Preamble. Individually, each district is designed and intended to accomplish the following more specific objectives.

RS, Single-family Residential District. The RS District is intended to foster, preserve and protect areas of the community in which the principal use of land is for detached, single-family dwellings, and limited residential support facilities at low densities.

RM, Multi-family Residential District. The RM District is intended to accommodate high density, multi-family residential development on small lots or in project settings, in areas accessible by major streets and in proximity to commercial and employment uses.

RG, General Residential District. The RG District is intended to accommodate a range of housing which meets the diverse economic and social needs of the population and to provide a protected residential environment. Senior housing, congregate care and group facilities, cluster subdivisions, town houses, patio homes and similar land conservation housing types are permitted with commonly maintained recreational and open space. Manufactured homes also are permitted in this district.

MU, Mixed Use District. The MU District is intended to accommodate office, institutional, limited personal service and residential uses in areas whose character is mixed or in transition. It is designed principally for use along major streets and subdivision borders characterized by older houses to help ameliorate the consequences of change impacting these areas, and provide a transitional buffer between potentially incompatible commercial and residential development.

BD-1, Downtown Business District. The BD-1 District is intended to promote the concentration and vitality of commercial and business uses in Downtown Johnston. This district is characterized by wall-to-wall and lot-line-to-lot-line development, sidewalks, and public parking.

BD-2, General Business District. The BD-2 District is intended to provide for and promote the development and maintenance of commercial and business uses strategically located to serve the community and the larger region of which it is a part. Toward this end, a wide range of business, commercial and light industrial uses are permitted in this district.

BD-3, Business/Industrial District. The intent of the BD-3 District is to provide for development of wholesaling, distribution, storage, processing and manufacturing uses in an environment suited to such uses and operations while promoting land use compatibility within the Town of Johnston.

Section 1.3 Establishment of Official Zoning Map

The boundaries of the use districts established by this Ordinance are shown on the official zoning map, which shall be identified by the signature of the Mayor, attested by the Town Clerk and maintained at Town Hall. The official zoning map and all amendments, certifications, citations and

other matters entered on to the official zoning map are hereby made a part of this Ordinance and have the same legal effect as if fully set out herein.

No changes of any nature shall be made on the official Zoning Map or matters shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided by law.

Section 1.4 Amendments to the Official Zoning Map

Amendments to the official zoning map shall be adopted by Ordinance as provided for by this Ordinance. Promptly after the adoption of an amendment the Zoning Administrator shall alter or cause to be altered the official zoning map to indicate the amendment and the effective date of the Ordinance amending the map.

Section 1.5 Rules for Interpretation of District Boundaries on the Official Zoning Map

Where uncertainty exists as to the boundaries of districts shown on the official zoning map, the following rules shall apply.

- (1) Boundaries indicated as approximately following the centerlines of streets, highways, alleys, or public utility easements shall be construed to follow such centerlines.
- (2) Boundaries indicated, as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.
- (3) Boundaries indicated as approximately following the town limits shall be construed as following such Town limits.
- (4) Boundaries indicated as parallel to, or extensions of features indicated in Subsections 1 through 3 above shall be so construed.

If distances are not specifically indicated on the official zoning map, or in other circumstances not covered by Subsections 1

through 3 above, the boundaries shall be determined by the use of scale of such map.

- (5) Where uncertainties continue to exist after the application of the other rules in this Section, appeal for clarification may be taken to the Board of Zoning Appeals.

Section 1.6 Zoning Annexed Property

All the territory which may hereafter be annexed to the Town of Johnston shall be submitted first to the Johnston Planning Commission for zoning designation. Representatives of the annexed territory may request a zoning classification at the time of annexation, but it must be reviewed by the Commission, which shall submit its recommendation as to the type of zoning to be attached to said territory to Town Council.

ARTICLE 2

ZONE DISTRICT REGULATIONS

Section 2.1 Establishment of Tables

The uses permitted in the several zoning districts established by Article 1, the off-street parking requirements, and the dimensional requirements of each are set forth herein. These requirements are presented through the use of tables, in Section 2-2.

Table 1 sets forth use and off-street parking requirements for all districts. Table 2 sets forth lot area, yard, setback, and height requirements for all districts.

Section 2.2 Use of Tables

Where the symbol “**P**” is shown on Table 1, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable development standards of this Ordinance.

Where the symbol “**C**” is shown, the use to which it refers is conditionally permitted in the indicated district, subject to applicable conditions and requirements contained in Article 3, which requirements are referenced by a Section number following each conditionally permitted use.

Where the symbol “**N**” is shown on the table, the use to which it refers is not permitted in the indicated district.

Where a use is not specifically listed on the Table, it shall be understood that the use may be allowed if it is determined by the Zoning Administrator that the use is similar to other uses listed. It is further recognized that every conceivable use cannot be identified on the Table, and anticipating that new uses will evolve over time, this section establishes the Administrator's authority to compare a proposed use and measure it against those listed on the Table for determining similarity. In determining similarity, the Administrator shall make all of the following findings:

1. The proposed use shall meet the intent of, and be consistent with the goals, objectives and policies of the Comprehensive Plan;
2. The proposed use shall meet the stated purpose and general intent of the district in which the use is proposed to be located;
3. The proposed use shall not adversely impact public health, safety, and general welfare; and
4. The proposed use shall share characteristics common with, and not be of greater intensity, density, or generate more environmental impact, than those listed in the district in which it is to be located.

Section 2.3 Table 1: Schedule of Permitted and Conditional Uses, and Off-Street Parking Requirements, By Zoning Districts

	RS	RM	RG	MU	BD-1	BD-2	BD-3	Required Off-Street Parking Space (a)
Residential Uses								
Single-family Detached	P	P	P	P	N	P	N	2.0 spaces per unit
Duplex	N	P	P	P	N	N	N	2.0 spaces per unit
Multi-family, Apartments (Sec. 3.1)	N	C	N	N	N	N	N	2.0 spaces per unit
Townhouses (Sec. 3.2)	N	C	C	C	N	N	N	2.0 spaces per unit
Patio Homes (Sec. 3.3)	N	C	C	C	N	N	N	2.0 spaces per unit
Residentially designed manufactured homes (Sec. 3.4)	N	N	C	N	N	N	N	2.0 spaces per unit
Standard designed manufactured homes (Sec. 3.4)	N	N	C	N	N	N	N	NA
Manufactured Home Parks	N	N	N	N	N	N	N	NA
Modular Homes	P	P	P	P	N	P	N	2.0 spaces per unit
Residential Care Home & Facilities (Sec. 3.1)	N	C	C	C	N	C	N	0.4 per bed
Rooming houses, dormitories & group occupied dwellings (Sec. 3.1)	N	C	N	N	N	N	N	1.0 per bedroom
Accessory Uses to Residential Uses								
Bathhouses & Cabanas	P	P	P	P	N	P	N	NONE
Domestic animal shelters	P	P	P	P	N	P	N	NONE
Accessory Apartments (Sec. 3.5)	N	C	C	C	N	N	N	1.0 space per unit
Non-commercial greenhouses	P	P	P	P	N	P	N	NONE
Private garage & carport	P	P	P	P	N	P	N	NONE
Storage building	P	P	P	P	N	P	N	NONE
Swimming pool, tennis courts	P	P	P	P	N	P	N	NONE
Auxiliary shed, workshop	P	P	P	P	N	P	N	NONE
Home Occupations (Sec. 3.6)	C	C	C	C	N	P	N	NONE
Horticulture, gardening	P	P	P	P	N	P	N	NONE
Family day care home	P	P	P	P	N	P	N	NONE
Satellite dishes, etc.	P	P	P	P	N	P	N	NONE
Agricultural Uses								
Crop farming	P	N	P	N	N	N	P	NONE
Livestock, poultry, swine, horses, etc.	N	N	N	N	N	N	N	NA
Landscaping & Horticulture	N	N	N	N	P	P	P	1.0 per 1000 sq ft GFA
Veterinary Services (domestic)	N	N	N	P	N	P	N	1.0 per 350 sq Ft GFA
Veterinary Services (Livestock)	N	N	N	N	N	P	N	1.0 per 350 sq. ft. GFA
Construction Uses								
Bldg. Construction- general and special trade contractors	N	N	N	N	N	P	P	1.0 per 1,000 sq. ft. GFA
Heavy Construction other than building construction contractors	N	N	N	N	N	N	P	1.0 per 1,000 sq. ft. GFA
Manufacturing Uses								
Food & kindred products	N	N	N	N	N	N	P	1.0 per 500 sq. ft. GFA
Textile mill products	N	N	N	N	N	N	P	1.0 per 500 sq. ft. GFA
Apparel & other finished prod. made from fabric & similar material	N	N	N	N	N	N	P	1.0 per 500 sq. ft. GFA
Lumber & wood products, except furniture	N	N	N	N	N	N	P	1.0 per 500 sq. ft. GFA
Furniture & fixtures	N	N	N	N	N	N	P	1.0 per 500 sq. ft. GFA
Printing, publishing, & allied industries	N	N	N	N	P	P	P	1.0 per 500 sq. ft. GFA
Stone, clay, glass, & concrete prods.	N	N	N	N	N	N	P	1.0 per 1,000 sq. ft.

	RS	RM	RG	MU	BD-1	BD-2	BD-3	Required Off-Street Parking Space (a)
								GFA
Fabricated metal products, except machinery & transportation equip.	N	N	N	N	N	N	P	1.0 per 500 sq. ft. GFA
Industrial & Commercial machinery & computer equipment	N	N	N	N	N	N	P	1.0 per 500 sq. ft. GFA
Body piercing & Tattoo Parlors	N	N	N	N	N	P	N	1.0 Per 500 sq. ft. GFA
Manufacturing Uses (continued)								
Electronic & other electrical equip. & components, except computer equip.	N	N	N	N	N	N	P	1.0 per 500 sq. ft. GFA
Measuring, analyzing, & controlling instruments; photographic, medical, optical goods; watches & clocks	N	N	N	N	N	N	P	1.0 per 500 sq. ft. GFA
Transportation, Communications & Utilities								
Motor freight transport. & warehousing	N	N	N	N	N	P	P	1.0 per 500 sq. ft. GFA
Mini-warehouses	N	N	N	N	N	P	P	1.0 per 6 storage units
U.S. Postal Service	N	N	N	P	P	P	P	1.0 per 250 sq. ft. GFA
Public Transportation Services, Facilities	N	N	N	N	P	P	N	1.0 per 500 sq. ft. GFA
Communications, except towers	N	N	N	N	P	P	P	1.0 per 500 sq. ft. GFA
Communication towers & ant. (Sec. 3.8)	N	N	N	N	N	C	C	NONE
Electric Generation & Facilities	N	N	N	N	N	P	P	1.0 per 500 sq. ft. GFA
Propane Gas Storage (Bulk)	N	N	N	N	N	N	P	1.0 per 500 sq. ft. GFA
Water treatment & storage (Publicly owned)	P	P	P	P	N	P	P	1.0 per 500 sq. ft. GFA
Sewage Treatment (c - Publicly owned)	N	N	C	N	N	P	P	1.0 per 500 sq. ft. GFA
Refuse systems/facilities	N	N	N	N	N	P	P	1.0 per 500 sq. ft. GFA
Recyclable collection	N	N	N	N	N	P	P	1.0 per 50 sq. ft. GFA
Air conditioning supplies	N	N	N	N	P	P	P	1.0 per 500 sq. ft. GFA
Wholesale trade	N	N	N	N	P	P	P	1.0 per 5,000 sq. ft. GFA
Retail Trade								
Lumber & bldg. Materials	N	N	N	N	N	P	N	1.0 per 1,000 sq. ft. GFA
Paint, glass, & wallpaper	N	N	N	N	P	P	N	1.0 per 1,000 sq. ft. GFA
Hardware stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Retail nurseries, lawn, & garden supp.	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Mobile Home dealers	N	N	N	N	N	P	N	1.0 per 600 sq. ft. GFA
General Merchandise stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Food Stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Motor vehicle dealers	N	N	N	N	N	P	N	1.0 per 600 sq. ft. GFA
Auto, home supply stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Gasoline service stations	N	N	N	N	N	P	N	1.0 per 600 sq. ft. GFA
Truck stops	N	N	N	N	N	P	N	NA
Boat dealers	N	N	N	N	N	P	N	1.0 per 600 sq. ft. GFA
Recreational vehicle dealers	N	N	N	N	N	P	N	1.0 per 600 sq. ft. GFA
Motorcycle dealers	N	N	N	N	N	P	N	1.0 per 600 sq. ft. GFA
Apparel & accessory stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Home furniture, furnishings, & equip. stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Eating places- Food & Drink; restaurants	N	N	N	N	P	P	P	1.0 per 150 sq. ft. GFA
Drinking places- Bars, Lounges, Night Clubs	N	N	N	N	P	P	N	1.0 per 150 sq. ft. GFA
Drug & proprietary	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Liquor Stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Used merchandise, except pawn shops and flea markets	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA

	RS	RM	RG	MU	BD-1	BD-2	BD-3	Required Off-Street Parking Space (a)
Pawn shops	N	N	N	N	N	P	N	
Flea markets (enclosed buildings only)	N	N	N	N	N	P	N	1.5 per stall
Sporting goods & bicycle shops	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Book Stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Stationary shops	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Jewelry stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Hobby, toy, & game shops	N	N	N	N	P	P	N	1.0 per
Camera & photography supply	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Gift, novelty, & souvenir shops	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Luggage & leather goods stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Retail Trade (continued)								
Sewing, needle & piece goods	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Non-store retailers	N	N	N	N	P	P	N	1.0 per 500 sq. ft. GFA
Fuel dealers	N	N	N	N	N	P	N	1.0 per 500 sq. ft. GFA
Gravestones, monuments	N	N	N	N	N	P	P	1.0 per 500 sq. ft. GFA
Sexually Oriented Businesses (Sec. 3.9)	N	N	N	N	N	C	N	NA
Fireworks Stores	N	N	N	N	N	P	N	1.0 per 350 sq. ft. GFA
Retail uses not listed above	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Finance, Insurance, & Real Estate								
Banks, Mortgage, Brokerage & Credit Institutions	N	N	N	P	P	P	P	1.0 per 350 sq. ft. GFA
Insurance Carriers	N	N	N	P	P	P	P	1.0 per 350 sq. ft. GFA
Real Estate	N	N	N	P	P	P	P	1.0 per 350 sq. ft. GFA
Personal Services								
Bed & Breakfast Inns (Sec. 3.10)	C	C	C	C	P	P	N	
Hotels & Motels	N	N	N	N	P	P	N	1.5 per rental unit
Laundry, cleaning, & garment services	N	N	N	N	P	P	N	1.0 per 500 sq. ft. GFA
Photographic studios, portraits	N	N	N	P	P	P	N	1.0 per 300 sq. ft. GFA
Beauty shops	N	N	N	P	P	P	N	2.5 per chair or basin
Barber shops	N	N	N	P	P	P	N	2.5 per chair or basin
Shoe repair	N	N	N	P	P	P	N	1.0 per 300 sq. ft. GFA
Funeral Homes	N	N	N	P	P	P	N	5.0, plus 1.0 per 2 seats main assembly
Cemeteries	N	N	N	N	N	N	N	NONE
Crematories	N	N	N	N	N	N	P	NA
Misc. personal services	N	N	N	P	P	P	N	1.0 per 300 sq. ft. GFA
Business & Auto Services								
Advertising Agencies	N	N	N	P	P	P	P	1.0 per 600 sq. ft. GFA
Signs	See Article 5							
Reproduction, Mailing, graphical arts	N	N	N	P	P	P	P	1.0 per 600 sq. ft. GFA
Equipment Rental	N	N	N	P	P	P	N	1.0 per 600 sq. ft. GFA
Offices	N	N	N	P	P	P	P	1.0 per 600 sq. ft. GFA
Computer programming, data processing	N	N	N	P	P	P	P	1.0 per 600 sq. ft. GFA
Junk, Salvage yards & wrecker service	N	N	N	N	N	N	N	1.0 per 100 sq. ft. GFA
Auto repair, leasing, service	N	N	N	N	N	P	N	1.0 per 400 sq. ft. GFA
Miscellaneous Repairs	N	N	N	N	P	P	N	1.0 per 400 sq. ft. GFA
Amusement & recreation services								
Dance studio & schools	N	N	N	P	P	P	N	1.0 per 200 sq. ft. GFA
Theatrical producers	N	N	N	N	P	P	N	1.0 per 300 sq. ft. GFA
Bowling Centers	N	N	N	N	N	P	N	1.0 per 350 sq. ft. GFA
Miscellaneous amusement	N	N	N	N	P	P	N	1.0 per 250 sq. ft. GFA
Physical fitness facilities	N	N	N	P	P	P	N	1.0 per 300 sq. ft. GFA
Public golf courses	P	P	P	N	N	P	N	5.0 per hole
Coin operated amusements	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Amusement services	N	N	N	N	P	P	N	1.0 per 250 sq. ft. GFA

	RS	RM	RG	MU	BD-1	BD-2	BD-3	Required Off-Street Parking Space (a)
Recreational, golf, tennis, & swimming clubs	P	P	P	P	N	P	N	1.0 per 4 members
Video Tape Rental	N	N	N	P	P	P	N	1.0 per 300 sq. ft. GFA
Public parks & playgrounds	P	P	P	P	P	P	P	Review of Zoning Administrator
Health Services								
Offices & clinics of doctors	N	N	N	P	P	P	N	1.0 per 150 sq. ft. GFA
Offices & clinics of dentists	N	N	N	P	P	P	N	1.0 per 150 sq. ft. GFA
Offices & clinics of other health practitioners	N	N	N	P	P	P	N	1.0 per 150 sq. ft. GFA
Hospitals	N	N	N	P	N	P	N	0.7 per bed
Medical & dental laboratories	N	N	N	P	P	P	P	1.0 per 500 sq. ft. GFA
Misc. health & allied services	N	N	N	P	P	P	N	1.0 per 500 sq. ft. GFA
Legal Services	N	N	N	P	P	P	N	1.0 per 350 sq. ft. GFA
Educational Services								
Elementary schools	P	P	P	P	N	P	N	2.0 per classroom, plus 5 administrative spaces
Secondary schools	P	P	P	P	N	P	N	2.0 per classroom, plus 2 per admin. Office
Colleges, universities, professional schools	N	N	N	P	P	P	P	5.0 per classroom, plus 2 per admin. Office
Libraries	N	N	N	P	P	P	P	1.0 per 350 sq. ft. GFA
Vocational schools	N	N	N	P	P	P	P	5.0 per classroom, plus 2 per admin. Office
Other schools & educational services.	N	N	N	P	P	P	N	5.0 per classroom, plus 2 per admin. Office
Social Services								
Individual & family social services	N	N	N	P	P	P	N	1.0 per 350 sq. ft. GFA
Job training & vocational rehabilitation services	N	N	N	P	P	P	P	1.0 per 350 sq. ft. GFA
Day care services	N	N	N	P	N	P	N	1.0 per 200 sq. ft. GFA
Other social services	N	N	N	P	P	P	N	1.0 per 500 sq. ft. GFA
Museums, Art Galleries	N	N	N	P	P	P	N	1.2 per 1,000 sq. ft. GFA
Miscellaneous Services								
Fraternal, professional, political, civic and business organizations	N	N	N	P	P	P	P	1.0 per 250 sq. ft. GFA
Religious Organizations	P	P	P	P	P	P	P	1.0 per 250 sq. ft. GFA
Engineering, accounting, research mgt. & related services	N	N	N	P	P	P	P	1.0 per 350 sq. ft. GFA
Other services, i.e. artists, authors, geologists, etc.	N	N	N	P	P	P	P	1.0 per 350 sq. ft. GFA
Executive, legislative, & general govt.								
Courts	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Public order & safety institutions	P	P	P	P	P	P	P	1.0 per 350 sq. ft. GFA
Correctional Institutions	N	N	N	N	P	P	P	1.0 per jail cell, plus 1.0 per 250 sq. ft. GFA
Fire protection	P	P	P	P	P	P	P	4.0 per bay
Public finance, taxation, & monetary policy	N	N	N	P	P	P	N	1.0 per 350 sq. ft. GFA
Administration & human resources	N	N	N	P	P	P	N	1.0 per 350 sq. ft. GFA
Administration of environmental quality & housing programs	N	N	N	P	P	P	N	1.0 per 350 sq. ft. GFA

	RS	RM	RG	MU	BD-1	BD-2	BD-3	Required Off-Street Parking Space (a)
Administration of economic programs	N	N	N	P	P	P	P	1.0 per 350 sq. ft. GFA
Accessories to Non-Residential Uses								
Buildings, structures	NA	P	P	P	P	P	P	NONE
Open storage	NA	N	N	N	N	N	N	NA
Temporary Uses (Sec. 3.11)	C	C	C	C	C	C	C	By Review of Zoning Administrator

(a) Refer to Article 6.

Table 2
Schedule of Lot Area, Yard, Setback, and Height Requirements, by District

	RS	RM	RG	MU	BD-1	BD-2	BD-3
Minimum Lot Area							
Residential Area (sq. ft.)	12,000	(D)	(D)	(D)	NA	10,000	NA
Non-residential Area (sq. ft.)	20,000	15,000	15,000	8,000	None	10,000	10,000
Minimum Yard & Building Setback (A)							
<i>Front</i>	30	30	30	None	30	30	30
<i>Side</i>							
Residential	10	(E)	(E)	(E)	NA	8	NA
Non-residential	20	20	20	10	None	10	10
<i>Rear</i>							
Residential	20	(F)	15	15	NA	20	NA
Non-residential	50	40	40	25	20	20	20
Buffer Area	(H)	(H)	(H)	(H)	(H)	(H)	(H)
Maximum Density (B)	2.5	12	6	6	12	4	NA
Maximum Height (ft.) (C)	35	35	35	35	4 stories	4 stories	4 stories

Table Notes:

Refer to Section 7.2 for yard and setback modifications.

sq. ft. – square feet

ft. – feet

NA – Not applicable

Table References:

A – Measurement from property line.

B – Number of units per acre.

C -- Measurement from average elevation of the finished grade at the building line to the highest point on the roof.

D – 8,000 sq. ft. for one-family dwelling; 4,000 sq. ft. for each additional dwelling unit.

E – 8 feet single-family, duplex & patio homes; 10 feet for end unit of townhouse; 20 feet for multi-family housing.

F -- 40 feet multi-family; 15 feet all other residential uses.

H -- Minimum setback requirements are subject to increase based on buffer area requirements of Section 4.1

ARTICLE 3

CONDITIONAL USE REGULATIONS

The regulations contained in this Article are intended to ameliorate the impact and improve the siting of uses, buildings, and projects whose design and/or operational characteristics could adversely affect surrounding property and environmental conditions. To this end, standards and criteria over and above those set forth elsewhere in this Ordinance are imposed herein on all conditional uses listed on Table 1.

	Section Reference
Multi-Family Housing, Residential Care, Group Occupied Dwellings	3.1
Townhouse Projects	3.2
Patio and zero line housing projects	3.3
Residentially Designed Manufactured Dwellings	3.4
Accessory Apartments	3.5
Home Occupation	3.6
Horses and Barns	3.7
Communication Towers & Antennas	3.8
Sexually Oriented Businesses	3.9
Bed and Breakfast Inns	3.10
Temporary uses (portable buildings, tents, etc.)	3.11

Section 3.1 Multi-Family Housing, Residential Care Facilities and Group Occupied Dwellings

Multi-family housing projects consisting of five or more units or two or more residential care facilities, dormitories, rooming houses or group occupied dwellings designed to accommodate 20 or more individuals shall meet the following design standards.

- (1) Buildings shall be set apart not less than 40 feet.
- (2) Not less than 25 percent of the project site shall be designated, landscaped and permanently reserved as usable common open space.
- (3) Buildings shall not exceed 120 feet from end to end.
- (4) Multiple buildings shall be oriented toward common open space, away from adjacent single-family residential uses and off-street parking areas.
- (5) Trash receptacles shall be oriented away and screened from adjacent residential uses.

Section 3.2 Townhouses

Due to the unique design feature of townhouses, the following supplemental design requirements shall apply:

- (1) Such projects shall have a minimum of 1.5 acres.
- (2) Not more than six (6) nor fewer than three (3) townhouses may be joined together, with approximately the same (but staggered) front line.
- (3) Minimum distance between rows of buildings shall be not less than 20 feet.
- (4) Minimum lot width shall be 18 feet.
- (5) Sidewalks not less than six (6) feet in width shall be provided along the front property line of each project, building.
- (6) Projects consisting of 20 or more units shall devote, designate and landscape not less than 15 percent of the project site as usable common open space.

Section 3.3 Patio and Zero Lot Line Housing

Due to the unique design features of patio and zero lot line housing, the following supplemental design requirements shall apply:

- (1) Such projects shall have a minimum of 1.5 acres.
- (2) Minimum lot area shall be 3,000 square feet per unit.
- (3) Minimum lot width shall be 40 feet.
- (4) Where a unit is to be constructed at or on the property line, a five-foot private maintenance easement shall be provided on the adjoining lot.
- (5) At least one side yard extending not less than six (6) feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of six (6) feet.

Section 3.4 Manufactured Housing

Section 3.4-1 Setup

In order to secure electricity, manufactured housing, including homes sited for the first time, or homes involving a change in location, where permitted by this Ordinance, shall:

- 1) Bear a seal showing compliance with the Federal Manufactured Housing Construction and Safety Standards Code (245 CFR 3280), enacted June 15, 1976. Alternatively, the homeowner shall provide a letter from a manufactured home repair contractor licensed by the state of South Carolina certifying that the unit is retrofitted to these standards.
- 2) Be installed in accord with the regulations of the South Carolina Manufactured Housing Board, 23, S.C. Code Ann. Regs. Section 19-425 et seq.; specifically:

(a) Foundations

Foundations shall be in accord with chapter 19, Paragraph 19-425.43A & B in its entirety, as promulgated from South Carolina Code 40-29.

Foundation shall be installed by personnel licensed in accordance with Chapter 19, Paragraphs 425.25, 425.29 and 425.30.

(b) Tie-Down Anchors

Ground anchors shall be installed in accordance with Chapter 19, Paragraph 19-425.43A & B in its entirety as promulgated from South Carolina Code 40-29.

Anchors shall be installed by personnel licensed in accordance with Chapter 19, Paragraphs 425.25, 425.29 and 425.30.

(c) Curtain Walls and Final Installation

Curtain walls (commonly referred to as Skirting or Underpinning) shall be installed in accordance with manufacturer's installation instructions, and regulations promulgated by the S.C. Manufactured Housing Board under S.C. Code Section 40-29. Skirting materials may consist of vinyl, wood, metal or masonry. Curtain walls shall be secured, as necessary, to assure stability, to minimize vibrations, minimize susceptibility to wind damage, and to compensate for possible frost heave. Access opening(s) not less than 24 inches in any dimension and not less than 3 square feet in area shall be provided and shall be located so that any water supply and sewer drain connections located under the manufactured home are accessible for inspection. Such access panel(s) or door(s) shall be fastened in a manner that does not require the use of special tools to remove or open same.

Before installation of curtain wall, all debris and grass shall be removed from beneath the manufactured home.

Tongues, drawbars and running gear must be removed from the unit.

(d) Steps and Landings

Each exterior door shall have a landing or porch area with minimum measurements of 36 inches by 36 inches. The minimum width of stairway treads shall be 36 inches. If the exterior door is 30 inches or more above the ground, handrails must be installed. Metal or wood stairs shall be securely anchored to the ground. Concrete masonry unit (CMU) steps must be constructed with standard masonry joints consisting of masonry cement.

Section 3.4-2 Habitability Standards

All manufactured homes brought into the Town of Johnston must provide a safe and sanitary living environment. Accordingly, this Section requires compliance with Minimum Habitability Requirements of the Manufactured Housing Board, Chapter 19, Paragraph 19-425-44 as authorized under Code Section 40-29-50, South Carolina Code of Laws 1976, as amended.

Section 3.5 Accessory Apartments

Accessory apartments, where permitted as conditional uses, shall meet the following conditions:

- (1) The principal structure (dwelling) must be owner occupied.
- (2) The apartment, whether attached or detached, cannot exceed 50 percent gross floor area of the principal dwelling, or contain more than two bedrooms.
- (3) The apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.
- (4) An accessory apartment may be accessory only to a single-family dwelling, and not more than one apartment shall be allowed per dwelling lot.

- (5) Minimum lot size shall be at least 50 percent greater than the minimum lot requirement for the district in which the apartment is to be located.
- (6) The apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be setback not less than 20 feet from the principal dwelling.
- (7) A third off-street parking space shall be required.
- (8) Neither the primary nor the accessory apartment shall be a manufactured home.

Section 3.6 Home Occupations

Home occupations, as defined by this ordinance, shall meet the following requirements, where conditionally permitted by Table 1.

- (1) The home occupation shall be carried on wholly within the principal building, and shall be properly licensed.
- (2) The floor area dedicated to such use shall not exceed 25 percent of the floor area of the principal dwelling.
- (3) No activity shall be conducted outside, nor shall there be any outdoor storage, display, or refuse area in the yard.
- (4) There are no retail sales of goods.
- (5) Not more than one (1) person not residing in the residence shall be employed in the home occupation.
- (6) There is no alteration whatsoever of the residential character of the building(s) and/or premises.
- (7) The occupation, profession, or trade shall generate no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses.

Section 3.7 Horses and Barns

Horses, barns and other horse related facilities shall meet the following standards and conditions:

- (1) No pens, barns or horse shelters shall be located within 200 feet of a property line;
- (2) The lot or parcel shall have a minimum of one (1) acre for the first horse, plus an additional 20,000 square feet for each additional horse;
- (3) The premises must be designed and maintained to drain so as to prevent ponding and propagation of insects;
- (4) The lot must be maintained in a sanitary condition through the proper use of lime and pesticide;
- (5) The premises must be maintained by keeping manure piles in covered containers at least fifty (50) feet from any dwelling or any pool, patio or other recreational structure on an adjoining lot and at least twenty-five (25) feet from any property line;
- (6) All manure must be removed at least once a week so as to prevent propagation of flies and creation of odors;
- (7) All grain on the lot must be stored in rodent-proof containers;
- (8) All feed spillage on the lot must be promptly removed so as to prevent attraction of flies, rodents and birds and creation of odors;
- (9) Failure to comply with the above requirements shall constitute a violation of this Ordinance.

Section 3.8 Communication Towers and Antennas

Where conditionally permitted as a principal use by Table 1, communication towers and antennas shall adhere to the following regulations.

- (1) All new towers shall be mounted on mono-poles, without need for guy wires, and shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.
- (2) All applicable safety code requirements shall be met, including requirements for lighting, except that strobe lights shall not be permitted.
- (3) Towers or antennas shall not be painted or illuminated unless otherwise required by state or federal regulations. However, if permitted, they shall be done so in muted colors.
- (4) No tower shall be located in any wetlands.
- (5) No tower or antenna shall be located within 1,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.
- (6) Towers or antennas shall be exempt from the maximum height requirements of this ordinance; provided such uses shall be setback from adjacent property lines in the RS, RM, RG and MU zoning districts one foot for each one foot in height.
- (7) No advertising of any type may be attached to a communication tower.
- (8) Communication towers shall be removed at the operator's expense within 120 days of the date such tower ceases to be used for its intended purpose.
- (9) Permit requirements for the erection or replacement of a tower or antenna shall be accompanied by the following:
 - (a) One copy of typical specifications for proposed structures and antenna, including description of design characteristics and material.

- (b) A site plan drawn to scale showing property boundaries, tower location, tower height, anchors, existing structures, fall zone (as determined by a structural engineer, licensed & certified in South Carolina), photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property; [site plan not required if antenna is to be mounted on an approved existing structure].
- (c) A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property.
- (d) Identification of the owners of all antennae and equipment to be located on the site.
- (e) Written authorization from the site owner for the application.
- (f) Evidence that a valid FCC license for the proposed activity has been issued.
- (g) A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
- (h) A written agreement to remove the tower and/or antenna within 120 days after cessation of use.
- (i) A certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, together with written indemnification of the Town 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 Town.

Section 3.9 Sexually Oriented Business

Section 3.9-1 Location

Owing to potentially objectionable operational characteristics of sexually oriented or adult uses, and the deleterious affect of such uses on existing businesses and/or residential areas around them, the location of such uses shall be tempered by the supplemental siting criteria of this section.

No such use shall be located within 1,000 feet (measured in a straight line and documented on a map drawn to scale) of:

- (1) a church or religious institution,
- (2) public or private schools and educational facilities,
- (3) public parks and recreational facilities,
- (4) public library, governmental or historical building or marker,
- (5) a cemetery,
- (6) another sexually oriented business,
- (7) day care facilities, or
- (8) Residential care homes and facilities.

Section 3.9-2 License Required

It shall be a misdemeanor for a person to operate a sexually oriented business without a valid permit and/or license, issued by the Town for the particular type of business.

- (1) An application for a permit and/or license must be made on forms provided by the Zoning Administrator.
- (2) The premises must be inspected and found to be in compliance with the law by health, fire and building officials.

Section 3.9-3 Expiration of License

Each permit and/or license shall expire at the end of each calendar year and may be renewed only by making application as provided herein.

Section 3.9-4 Fees

The annual fee for a sexually oriented business license shall be five hundred dollars (\$500).

Section 3.9-5 Inspection

- (1) An applicant or permittee and/or licensee shall permit representatives of the Town's police department, health or fire departments or other governmental departments or agencies involved in code enforcement 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.
- (2) A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

Section 3.9-6 Suspension

The Zoning Administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if he determines that a permittee and/or licensee has:

- (1) Violated or is not in compliance with any section of this Ordinance, or
- (2) Refused to allow an inspection of the sexually oriented business premises as authorized by this Section.

Section 3.9-7 Revocation

The Zoning Administrator shall revoke a permit and/or license if he determines that:

- (1) A permittee and/or licensee gave false or misleading information in the material submitted to the building 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 premises.
- (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 licensed premises.
- (6) A permittee and/or licensee is delinquent in payment to the Town for any taxes or fees past due.

Section 3.10 Bed and Breakfast Inns

Bed and Breakfast Inns are intended to provide a unique transit lodging experience in predominantly residential environs. As a result, care should be taken to protect the environs that contribute to the experience of such lodging while promoting their use. Toward this end, Bed and Breakfast Inns, where conditionally permitted by this Ordinance, shall:

- (1) Be located no closer than 400 feet from an existing Bed and Breakfast Inn.
- (2) Be occupied by the resident/owner.
- (3) Only be permitted in older residential structures that are recognized as architecturally, historically or culturally significant and that, through renovation and use as a bed and breakfast inn, will contribute significantly to the ambience, character, or economic revitalization of the area and /or continued use of the property in question for residential purposes.

- (4) Serve no scheduled meal other than breakfast.
- (5) Maintain the interior architectural integrity and arrangement of the structure and shall not increase the number of guestrooms above the number of bedrooms in the original structure.
- (6) Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area.
- (7) Provide off-street parking on the basis of one space per guest room, plus two spaces for the resident innkeeper.
- (8) Be permitted one non-illuminated identification sign, not to exceed four square feet in area.

Section 3.11 Temporary Uses and Structures

1) Permit Required

The Zoning Administrator is authorized to issue a permit for temporary uses and/or structures as specified in this Ordinance. No temporary use or structure may be established without receiving such permit.

2) Type and Location

The following temporary uses and structures and no others may be permitted, subject to the conditions herein.

- a) Except in Residential Districts, tents or other temporary structures for public assembly are allowed for a period not to exceed forty-five (45) days, at intervals of not less than sixty (60) days. The use of tents for private use is not regulated by this section.
- b) Contractor's office and equipment shed are allowed in any district for a period covering construction phase of a project not to exceed one (1) year unless re-permitted;

provided that such office be placed on the property to which it is appurtenant.

- c) Portable classrooms are allowed for cultural or community facilities, educational facilities, or religious complexes, for an indefinite period provided all required setbacks for the district in which the structures are to be located shall be met and the portable structure shall be located on the same site as the principal structure.

3) Removal

Temporary uses and structures from which temporary uses area operated shall be removed from the site after the temporary permit has expired.

ARTICLE 4

COMMUNITY APPEARANCE, BUFFERING, LANDSCAPING, AND TREE PROTECTION REGULATIONS

The regulations contained in this Article are intended generally to promote land use compatibility between uncomplimentary and incompatible land uses, create an aesthetically pleasing environment and maximize the retention of trees, a valuable natural resource.

Section 4.1 Buffer Areas

Section 4.1-1 Definition

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

Section 4.1-2 Purpose

The purpose of a buffer area is to ameliorate any potential adverse impact between adjacent land uses and streets, and promote land use compatibility.

Section 4.1-3 Location

Buffer areas shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. For purposes of complying with this section, they shall not be located on any portion of an existing street or right-of-way; however, they may occupy part or all of any required front, side or rear yard setback. Where specified by this section, buffer areas and/or buffer area structures shall be developed as an integral part of the proposed use.

Section 4.1-4 Determination of Buffer Area Requirements

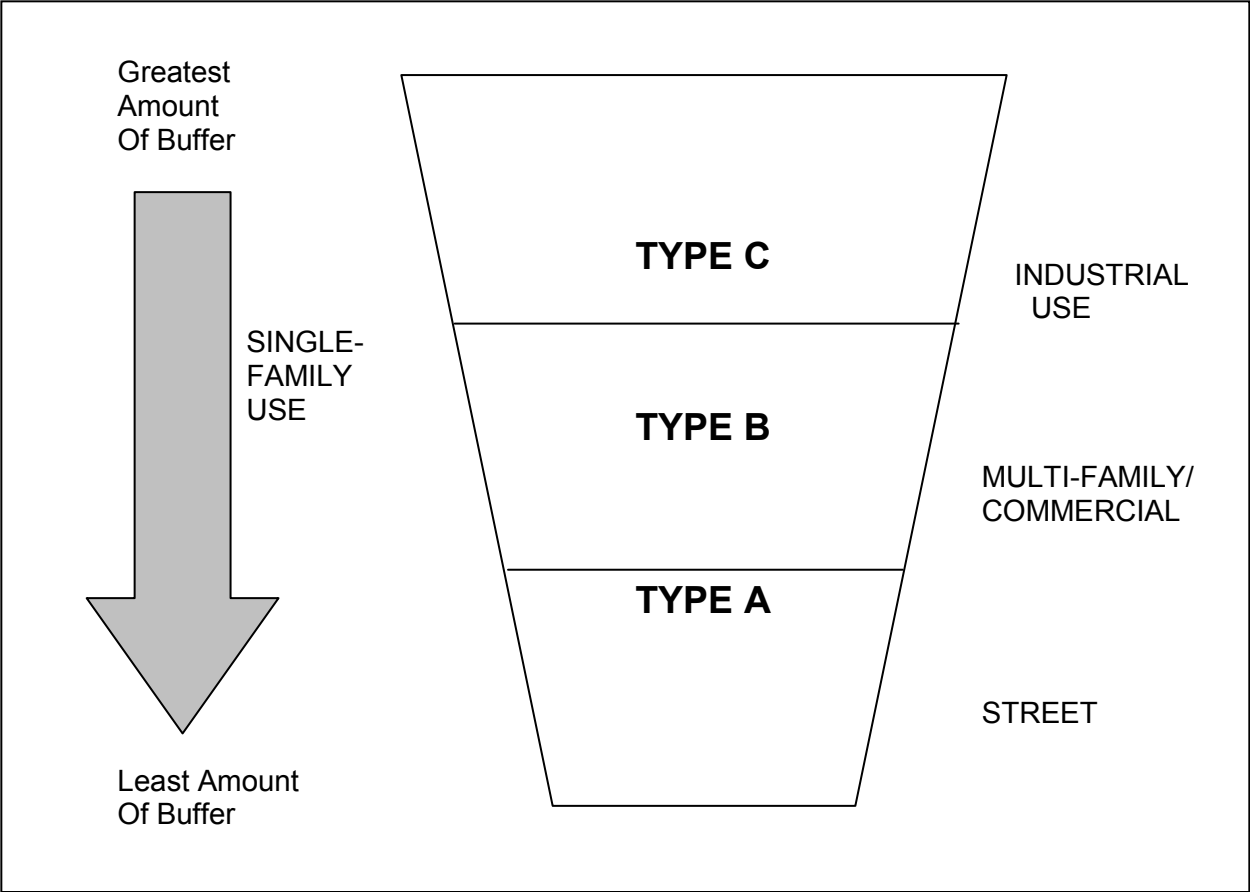
Buffer Areas shall be required under the following circumstances.

- (1) **Type A Buffer Area Required.** Wherever a multi-family building or non-residential use is proposed, a Type A buffer

area shall be provided along the street right-of-way boundary of the proposed use, separating it from the adjoining street, except for driveways and uses in the BD-1 District.

- (2) **Type B Buffer Area Required.** Wherever a multi-family building, institutional or commercial use is proposed for a site or lot adjoining a single-family residential dwelling in the RS, RM, or RG Districts, with no intervening street, a Type B Buffer Area shall be provided along the boundary of the adjoining residential property line.

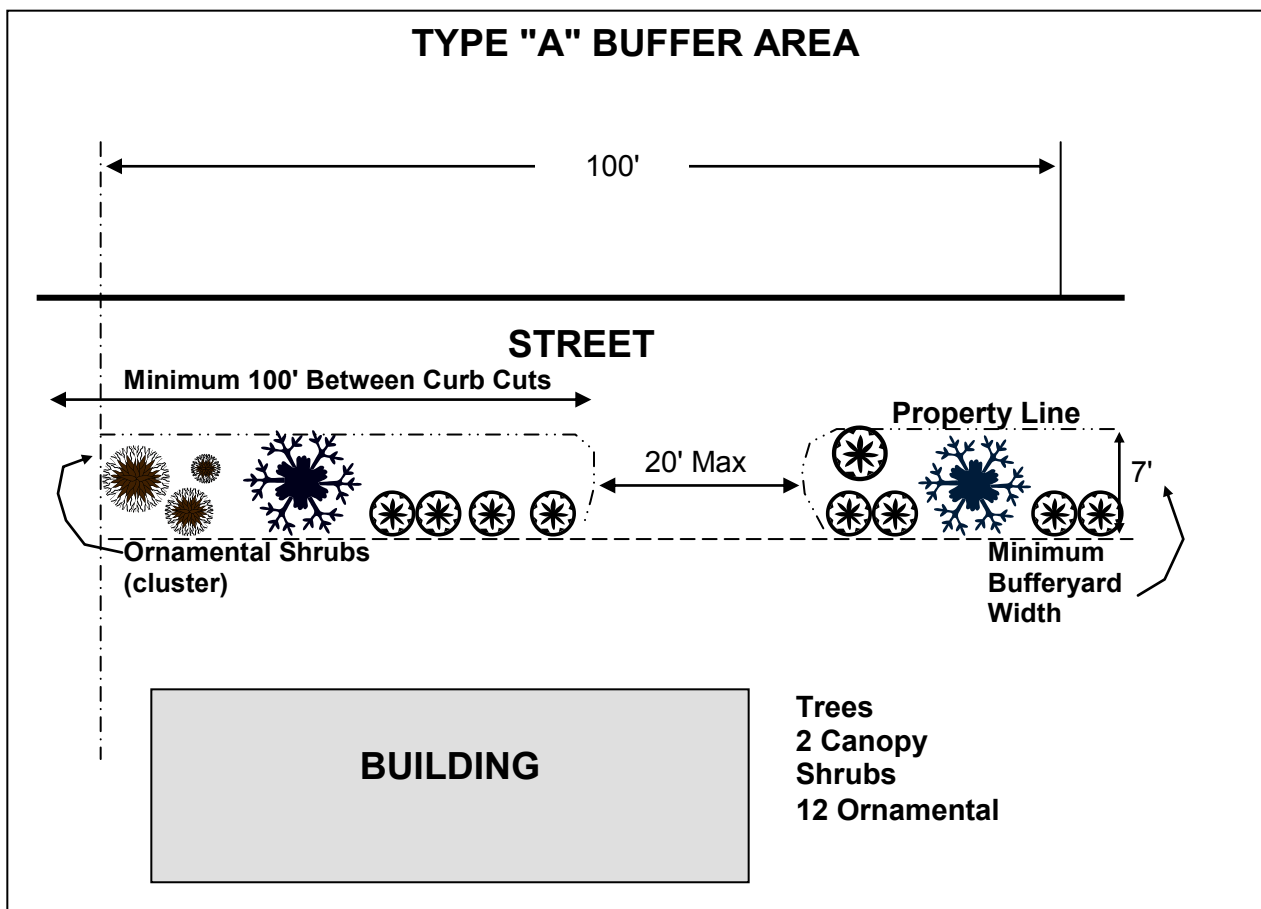
- (3) **Type C Buffer Area Required.** Wherever an industrial, warehouse, or related use is proposed for a site or lot adjoining any residential use in the RS, RM, or RG Districts with no intervening street, a Type C Buffer Area shall be provided along the boundary of the adjoining residential property line.



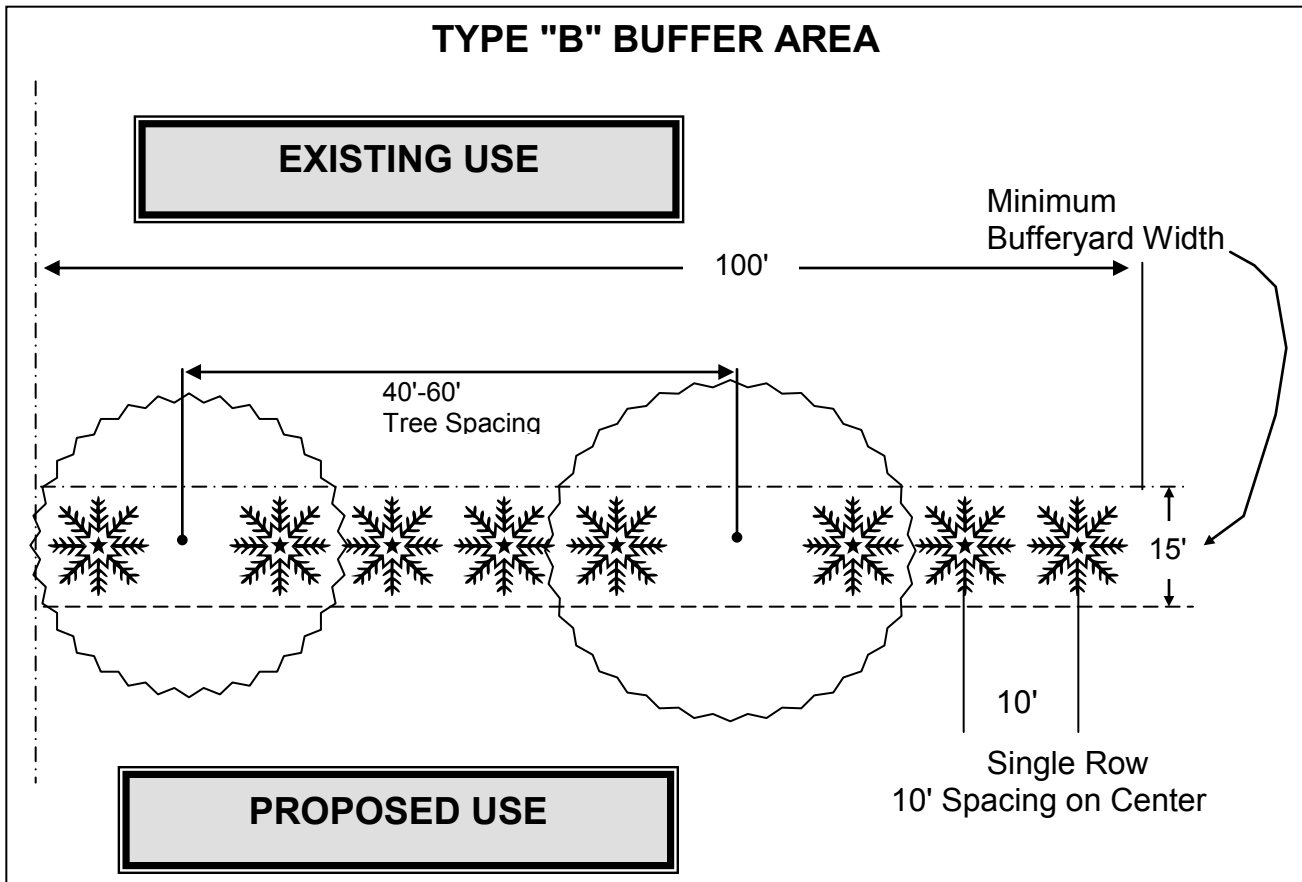
Section 4.1-5 Design Standards

Three types of buffer areas are required by this Ordinance, Type A, Type B, and Type C. A description of each follows:

- (1) **Type "A" Buffer Area.** The Type A Buffer Area consists of low density landscaping and minimal acceptable separation between uses. The buffer area shall be not less than seven (7) feet in width. Per 100 lineal feet of frontage, the buffer area shall consist of a combination of not less than 12 ornamental shrubs, two understory trees and landscaped grass areas, or other appropriate ground cover. The shrubs may be clustered to ensure their survival. The following diagram illustrates an example site plan.

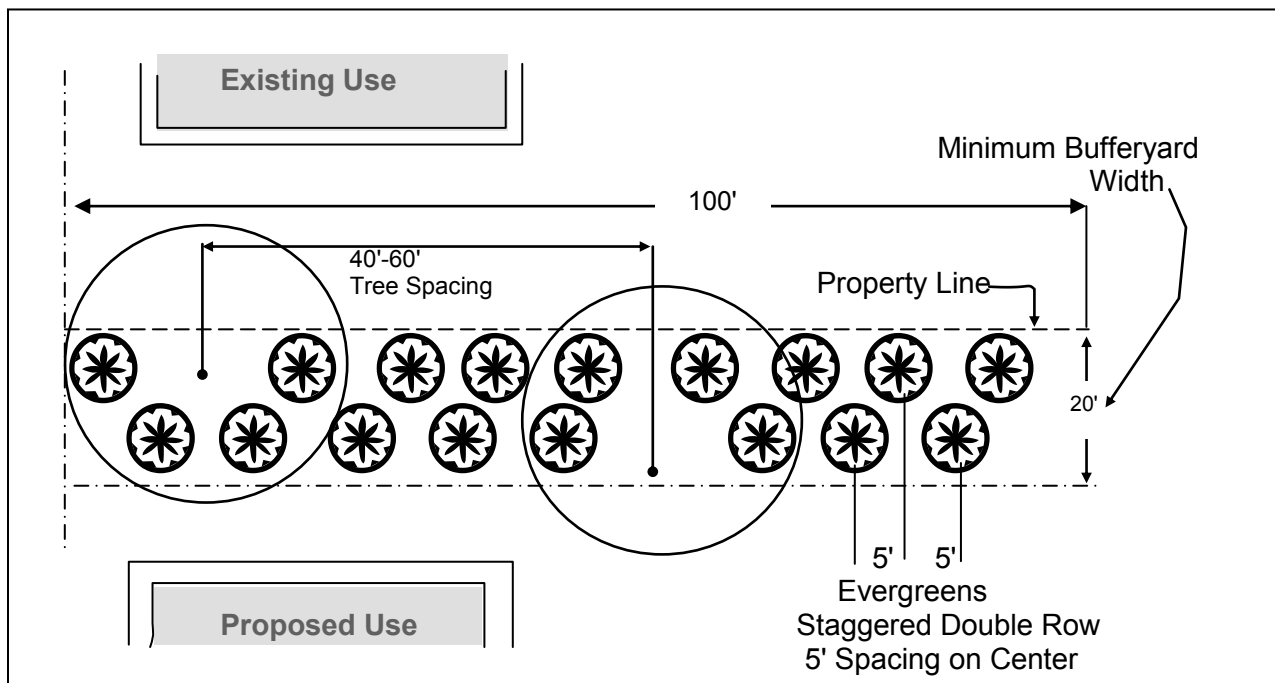


- (2) **Type "B" Buffer Area.** The Type B Buffer Area is a medium density screen intended to block visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 15 feet. Per 100 lineal feet the screen shall consist of a combination of 2 deciduous trees planted 40 to 60 feet on center and 8 evergreen plants 10 feet on center. The following diagram illustrates an example site plan.



- (3) **Type "C" Buffer Area.** The Type C Buffer Area is a high-density screen intended to exclude all visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 20 feet. Per 100 lineal feet the screen shall consist of a combination of 2 deciduous trees planted 40 to 60 feet on center and 17 evergreen plants or understory trees planted in a double-staggered row 10 feet on center. The following diagram illustrates an example site plan.

TYPE "C" BUFFER AREA



Section 4.1-6 Buffer Area Specifications

- (1) **Minimum Installation Size.** At installation or planting, all evergreen (understory) trees and/or shrubs used to fulfill buffer area requirements shall be not less than 6 feet in height, and all deciduous (canopy) trees shall be not less than 8 feet in height, except for ornamental shrubs for Type A Buffer Areas.
- (2) **Minimum Mature Size.** At maturity, evergreen plant material used for screening shall form a continuous opaque screen averaging 10 feet in height, and deciduous plant material used for screening shall average 25 feet in height.

- (3) **Staggered Planting.** Where required, evergreen and deciduous plant material shall be planted in at least two rows and in an alternating fashion to form a continuous opaque screen of plant material.

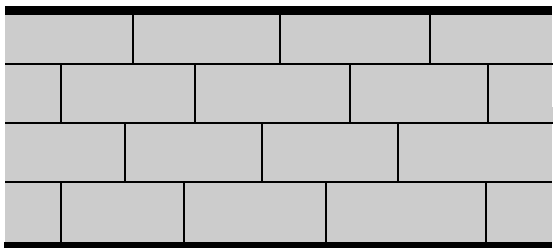
Section 4.1-7 Substitutions

The following substitutions shall satisfy the requirements of this section:

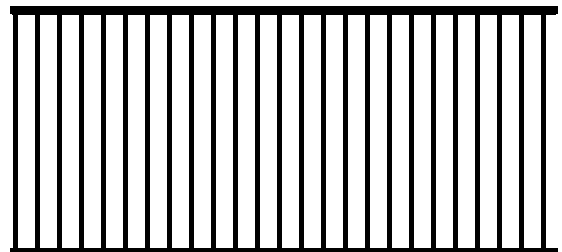
- (1) **Existing Plant Materials.** Existing trees of 4 inches DBH (Diameter Breast High) or more in diameter, within the required buffer area may be included in the computation of the required buffer area planting, with approval of the Zoning Administrator.
- (2) **Fence or Wall.** Where, owing to existing land use, lot sizes or configurations, topography, or circumstances peculiar to a given piece of property, the buffer area requirements of this section cannot reasonably be met, the developer(s) may request and the Zoning Administrator may approve the substitution of appropriate screening, in the way of a fence or wall structure along the property line of the proposed use in accord with the provisions of this Section.

An eight-foot fence or wall, as illustrated below, may be substituted for a Type "B" or "C" Buffer Area.

Fence and Wall Illustrations



Masonry Wall



Wood Stockpile

All fences and walls used as part of the buffer area requirements must have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished, as owner deems appropriate. Chain link fences with or without slats are not an acceptable substitute and not permitted as such.

Section 4.1-8 Responsibility

It shall be the responsibility of the proposed new use to provide the buffer area where required by this Ordinance, except that no new detached single-family dwelling or duplex shall be required to provide such buffer area.

Section 4.1-9 Required Maintenance

The maintenance of required buffer areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

Section 4.1-10 Use of Buffer Areas

A buffer area may be used for passive recreation; however no plant material may be removed. All other uses are prohibited, including off-street parking.

Section 4.2 Landscaping

Section 4.2-1 Definition

Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

Section 4.2-2 Purpose.

The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to protect, preserve, and promote the aesthetic appeal, scenic beauty, character and value of land; and to promote public health and safety through the reduction of noise pollution, storm water run off, air pollution, visual pollution, and artificial light glare.

Section 4.2-3 Where Required.

No proposed commercial, institutional, industrial or other non-residential use, multi-family or off-street parking lot containing 15 or more spaces shall hereafter be established and subsequently used unless landscaping is provided in accord with the provisions of this section. No existing building, structure or vehicular use area shall be expanded or enlarged by 50 percent or more unless the minimum landscaping required by the provisions of this section is provided throughout the building site. Enlargements involving less than 50 percent shall meet the minimum requirements of the enlargement only. Landscaping is not required for existing uses, nor is it required for uses in the BD-1 District.

Section 4.2-4 Landscaping Plan.

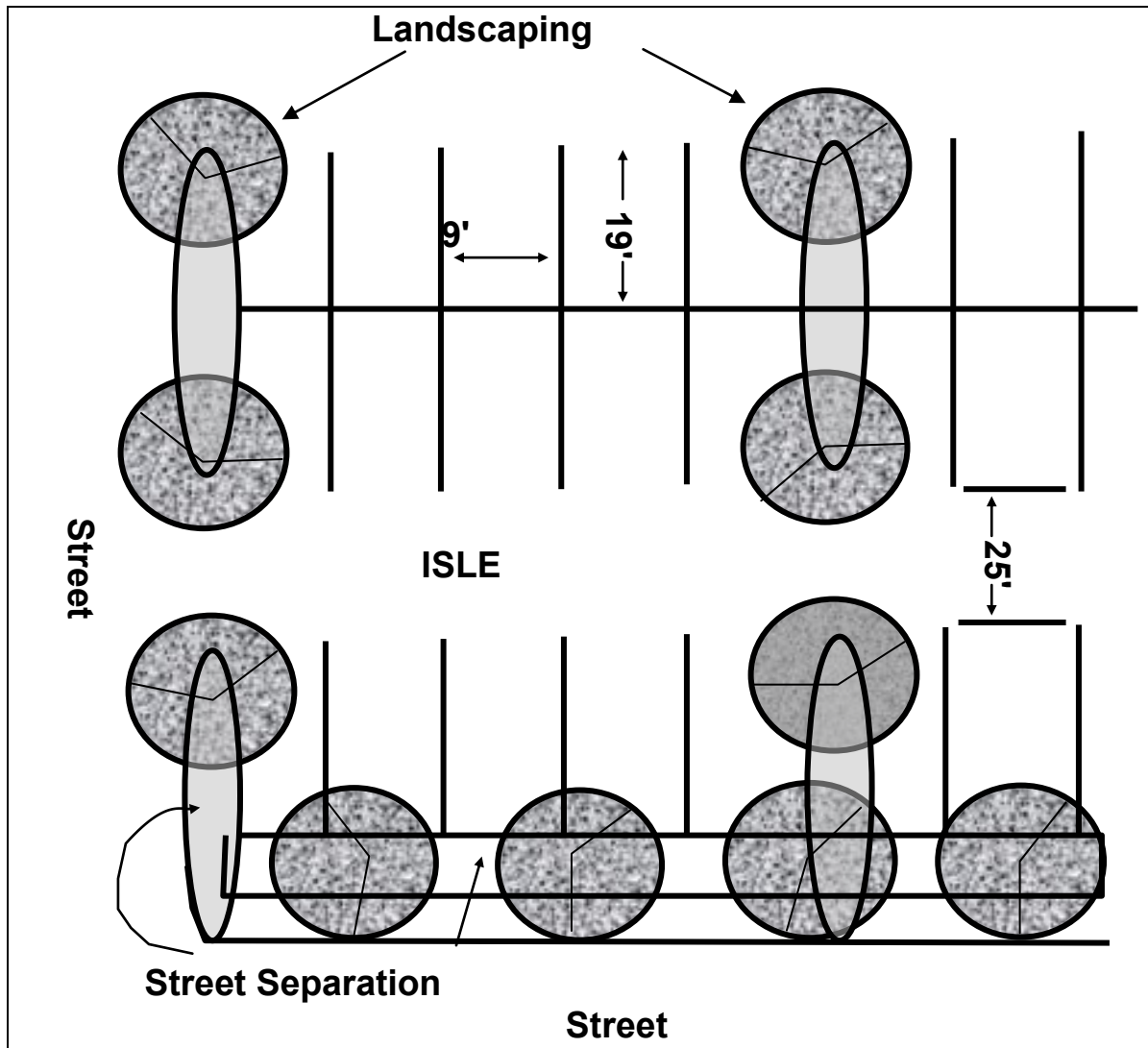
A landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

- (1) Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
- (2) Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.
- (3) Identify all existing trees 10" DBH (Diameter Breast High).

Section 4.2-5 Landscaping Requirements.

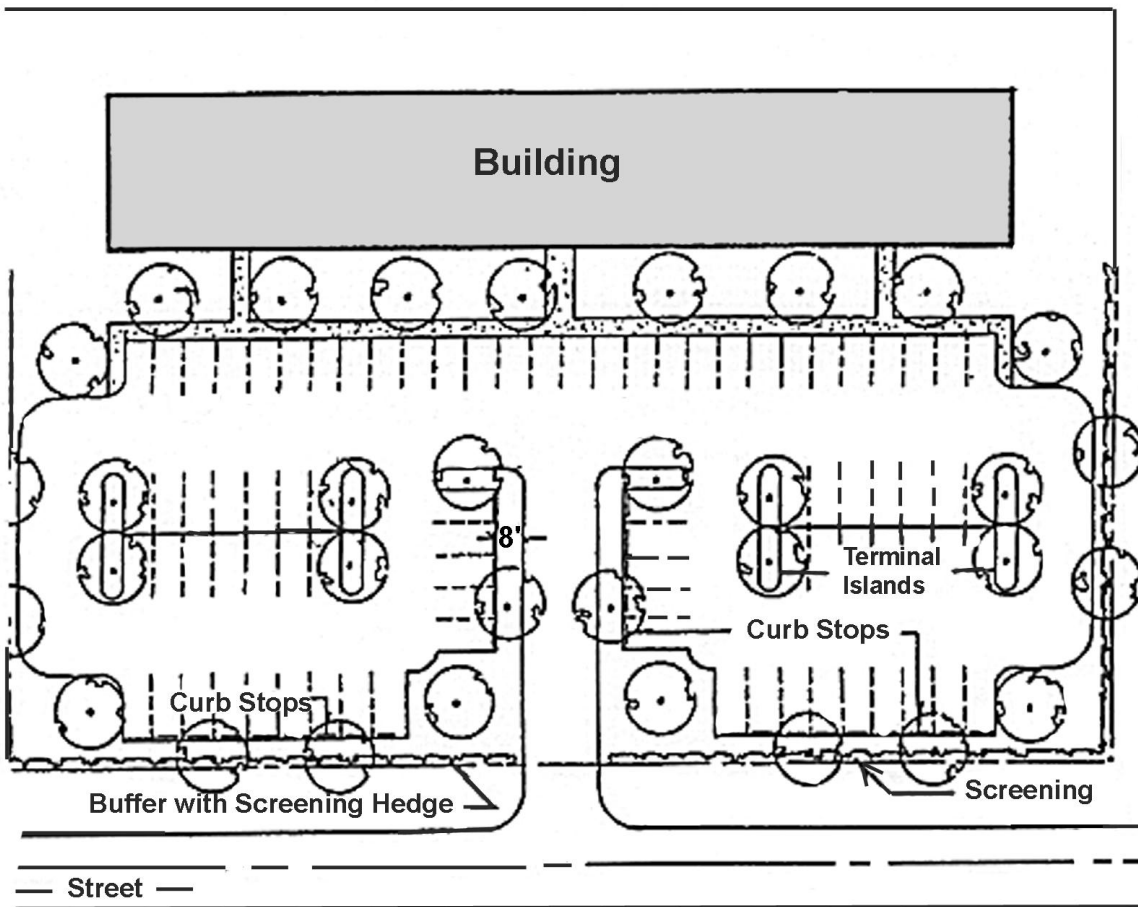
Required landscaping shall be provided as follows:

- (1) **Along the outer perimeter of a lot or parcel**, where required by the buffer area provisions of this Article to buffer and separate incompatible land uses. The amount specified shall be as prescribed by **Section 4-1, Buffer Areas**.
- (2) **Within the interior**, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 15 or more parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and directions. Elsewhere, landscaped areas shall be designed to soften and complement the building site and separate the building from the vehicular surface area, and the vehicle surface area from adjacent property.



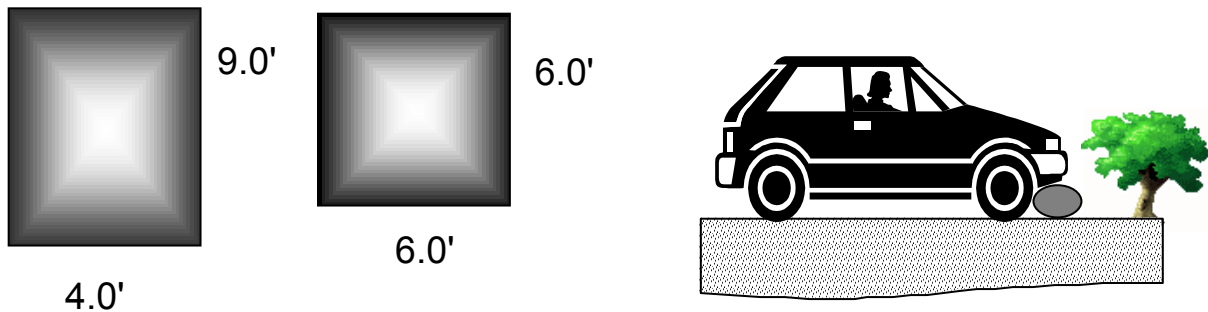
At a minimum, interior lot landscaping shall be provided in the following amounts:

<u>Use</u>	<u>% of Lot</u>
Institutional	18%
Industrial/wholesale/storage	12%
Office	15%
Commercial-retail-service	10%
Multi-family Projects	25%



Section 4.2-6 Landscaped Areas

- (1) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six inches in height. The barrier need not be continuous.
- (2) Landscaped areas must be at least 36 square feet in size.



Section 4.2-7 Required Maintenance

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or a readily available water supply. Failure to monitor such areas is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

Section 4.3 Tree Protection

Section 4.3-1 Purpose

The purpose of this section is to protect and sustain the intrinsic value of trees and their ability to promote the public health, safety and general welfare, to lessen air pollution, to increase air filtration, to reduce noise, heat and glare, to prevent soil erosion, to aid in surface drainage and minimize flooding, and to beautify and enhance the environment.

Section 4.3-2 Protected Trees

Any tree, except a pine tree, measuring 10" DBH (Diameter Breast High) shall constitute a "significant tree" for purposes of this section and shall be protected to the extent practical and feasible. To this end, no person, firm, organization, society, association or corporation, or any agent or representative thereof shall directly or indirectly destroy or remove any tree in violation of the terms of this section.

Section 4.3-3 Tree Survey

Prior to grading or clearing a lot or parcel for development and the issuance of a building permit, the developer/owner applicant shall have conducted a tree survey identifying the location of all significant trees. Said trees shall be shown on a survey plat and physically marked with brightly colored tape or other markings.

Section 4.3-4 Site Design

The design of any land development project or subdivision shall take into consideration the location of all significant trees identified on the tree survey. Lot and site design shall minimize the need to fell such significant trees, of which no more than 25 percent may be removed to accommodate a proposed use or development.

The site design shall be presented on a site plan showing:

- (1) Existing location and size of all significant trees;
- (2) Trees to be removed;
- (3) Trees to be preserved;
- (4) Areas to be cleared; and
- (5) Areas for proposed structures and improvements.

Site plan approval by the Zoning Administrator shall be prerequisite to the issuance of a building permit.

Section 4.3-5 Tree protection and Replacement

- (1) **Prior to Development.** Where a building permit has not been issued, the destruction of any significant tree, as defined by this Ordinance, without prior approval of the Zoning Administrator, which approval shall not be unreasonably withheld, shall be prohibited.
- (2) **During Development.** During development, a minimum protective zone, marked by barriers, shall be established (erected) at the "drip line" and maintained around all trees to be retained as required by this section. There shall be no construction, paving, grading, operation of equipment or vehicles, or storage materials within this protected zone.

Section 4.3-6 Exceptions

Commercial timber, tree farms and nurseries, lots two acres or less in size, and agricultural operations are exempt from the protective requirements of this Section. Property cleared under the exemptions of this section shall not be redeveloped and the town shall withhold any development permit for a period of 24 months.

Section 4.3-7 Significant Trees Removed Without Permits

Where significant trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sites were cleared of significant trees in violation of this section, replacement trees shall be planted in accordance with a replacement schedule approved by the Zoning Administrator, who shall specify the number, species, DBH, and location of replacement trees, using the following criteria:

- (1) Combined DBH of replacement trees is equal to or greater than the DBH of the tree removed or;
- (3) individual replacement trees are of the largest transplantable DBH available.

ARTICLE 5

SIGN REGULATIONS

Section 5.1 Purpose

The purpose of this Article is to protect the dual interest of the public and the advertiser. The regulations herein are designed to protect public safety and welfare and to ensure the maintenance of an attractive community environment while satisfying the needs of sign users for adequate identification, communication, and advertising.

Section 5.2 Applicability and Conformance

This Article regulates the number, size, placement, and physical characteristics of signs; allows certain signs without permits; prohibits certain signs; and requires permits for certain signs.

From and after the adoption of this Ordinance, no sign may be erected or enlarged in the Town unless it conforms to the requirements of this Article.

Section 5.3 Signs on Private Property

Signs shall be allowed on private property in the Town in accord with Table 3. If the letter "A" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning district represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning district represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning district represented by that column under any circumstances.

Although permitted under the previous paragraph, a sign designated by an "A" in Table 3 shall be allowed only if in compliance with the conditional requirements of Table 4.

**Table 3
Regulations of Signs
By Type, Characteristics, and Zoning Districts**

Sign Type	RS	RM	RG	MU	BD-1	BD-2	BD-3	INS (3)
Permanent								
<i>Freestanding</i>								
Principal (on premise only)	(1)	(1)	(1)	(1)	N	P	P	P
Incidental	A	A	A	A	N	A	A	A
<i>Building</i>								
Canopy	N	N	N	N	P	P	P	N
Identification	A	A	A	A	A	A	A	A
Incidental	N	N	N	N	A	A	A	A
Marquee	N	N	N	N	P	P	N	N
Projecting	N	N	N	N	P	P	N	N
Roof	N	N	N	N	N	N	N	N
Wall	N	N	N	N	P	P	N	N
Window	N	N	N	N	A	A	A	N
Temporary (2)								
A-Frame (sandwich board)	N	N	N	N	A	P	N	N
Banner	N	N	N	N	P	P	P	P
Posters	A	A	A	A	A	A	A	A
Portable	N	N	N	N	N	P	A	N
Inflatable	N	N	N	N	N	N	N	N
Pennant	N	N	N	N	N	N	N	N
Identification	P	P	P	P	P	P	P	P
Political	A	A	A	A	A	A	A	A
Sign Characteristics								
Animated	N	N	N	N	N	N	N	N
Changeable Copy	N	N	N	N	A	A	A	A
Illumination Indirect	A	A	A	A	A	A	A	A
Illumination Internal	A	A	A	A	A	A	A	A
Illumination, Exposed bulbs or neon	N	N	N	N	N	N	N	N

- 1 - Subdivision and/or residential project identification signs only.
- 2 - See Section 5.5
- 3 - This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts e.g. churches, school, parks, governmental buildings, etc. and includes historical markers.

A - Allowed without a permit.
P - Sign permit required.
N - Not allowed

**Table 4
Number, Dimension, and Location of Permitted Signs,
By Zoning District**

	RS	RM	RG	MU	BD-1	BD-2	BD-3	INS (B)
Freestanding Signs - Number Permitted Per Occupied Lot (C)								
Principal	(A)	(A)	(A)	1	NA	1	1	1
Incidental	1	1	1	1	NA	2	2	2
Maximum Sign Area (s.f.) (D)	24	24	24	24	0	F	24	12
Minimum Setback from Property Line	5	5	5	5	0	5	5	5
Maximum Height (E)	12'	12'	12'	12'	NA	24'	12'	12'
Building Signs								
Number Permitted	1	1	1	1	NA	NA	NA	1
Maximum Sign Area (s. f.)	2	2	2	2	24	NA	NA	12
Maximum Wall Area (%)	NA	NA	NA	NA	10	25	10	NA
Temporary Signs	See Section 5.5							

Table Notes:

NA= Not Applicable

s.f.= square feet

- (A) - One identification sign is permitted at the entrance of a subdivision or residential project.
- (B) - This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in Residential Zoning districts, i.e. churches, schools, parks, governmental buildings, etc.
- (C) - Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- (D) - Incidental signs greater than two square feet in area shall be counted against the maximum sign area of a principal freestanding sign.
- (E) - Free standing signs only
- (F) - 36 sq. ft. per lot, plus one square foot sign area for lots with over 200 linear feet street frontage same street. The additional sign area may be combined with the sign area allotted to the first 200 feet of street frontage, or erected as a separate freestanding sign, with the total sign area divided among the signs at the discretion of the owner/applicant. (Section F amended Ordinance No. 2008-03 adopted March 10, 2008)

*Amended 7-14-04 Ordinance No. 2004-02

Section 5.4 Signs in the Public Right-of-Way

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

1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, convey holiday greetings, and direct or regulate pedestrian or vehicular traffic;
2. Informational signs of a public agency or utility regarding its facilities;
3. Church signs, in accord with state law;
4. Historical signs and markers;
5. Emergency signs; and
6. Directional signs of a temporary nature not to exceed three (3) square feet in area and 24 hours in duration for such events as yard sales, auctions, public gatherings, etc.

Section 5.5 Temporary Signs

Sign Type	Display Period	Display Intervals	Dimensions	Conditions
A-Frame	daylight hours only	off-hours	12 sq. ft.	A
Banner	30 days	6 months	None	B
Posters	30 days	None	6 sq. ft.	C
Identification	90 days, or project completion	None	24 sq. ft.	D
Portable	30 days	11 months	24 sq. ft.	E
Political	60 days prior to election	Not Applicable	32 sq. ft.	F

- A. A-Frame signs, where located on sidewalks, shall be located in such a manner as not to obstruct pedestrian movement.
- B. Banners shall be properly secured and maintained at all times, and shall not interfere with pedestrian or vehicular movement.
- C. Posters shall not be allowed on any telephone or power poles or any public right-of-way, and shall be placed no closer than five (5) feet from a street or curb.
- D. Temporary subdivision and work under construction identification signs shall adhere to the Development Standards of Section 5.7.
- E. Portable signs shall be limited to one per establishment, shall have no colored or flashing lights, shall not be wired so as to obstruct or hinder pedestrian or vehicular traffic or pose any potential for such hindrance (i.e. exposed drop cord), shall not exceed six (6) feet in height, shall be anchored in accord with the Building Code, and shall not be converted to a permanent sign.
- F. Political signs shall be removed within 7 days of an election.

Section 5.6 Prohibited Signs

All signs not expressly permitted by this ordinance are prohibited. Such signs include, but are not limited to:

1. Signs painted on or attached to trees, fence posts, telephone or other utility poles, stationary vehicles, or natural features.
2. Signs displaying intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, rescue vehicles or other warning signals, and signs using the words “stop”, “danger”, or any other word, phrase, symbol, or character in a manner that might mislead or confuse motorist.
3. Signs which have been abandoned and no longer correctly direct or exhort any person, advertises a bona fide business, lessor, owner, product, or activity conducted or product available.

4. Signs which have fallen into disrepair (dilapidated), are not properly maintained, are insecure or otherwise structurally unsound, have defective parts in the support, guys and/or anchors, or which are unable to meet minimum safety requirements of the Standard Building Code.

Section 5.7 Development Standards

Section 5.7-1 Visual Area Clearance

No sign shall be located within a vision clearance area as defined in Section 7.5.

Section 5.7-2 Vehicle Area Clearance

When a sign extends over an area where vehicles travel or park, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas. (See Area Clearance Illustration, 4).

Section 5.7-3 Pedestrian Area Clearance

When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure shall be at least 8 feet above the ground. (See Area Clearance Illustration, 4).

Section 5.7-4 Sign Materials; Code Compliance

Permanent and temporary identification signs must be constructed in accord with all applicable provisions of the Building Code and National Electrical Code, and consist of durable all-weather materials.

Images, logos, graphics, etc. painted on permanent signs or buildings must be performed in a professional and workmanlike manner. Permits for painted signs will only be issued to companies who are engaged as sign painters.

Section 5.7-5 Sign Illumination

Illuminated signs shall not directly shine on abutting properties. No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.

Section 5.8 Sign Measurement

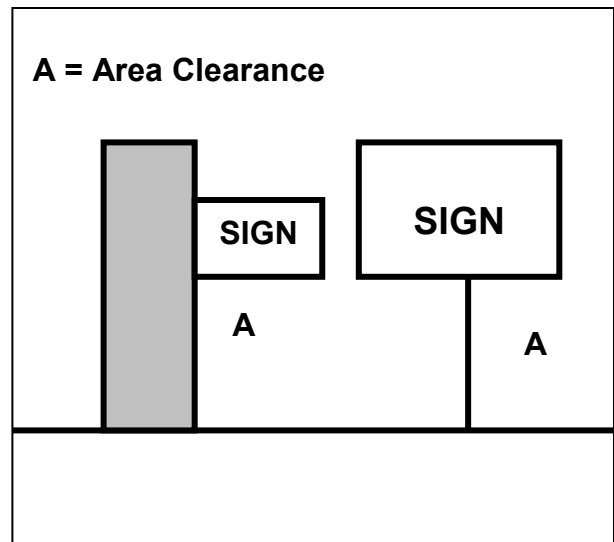
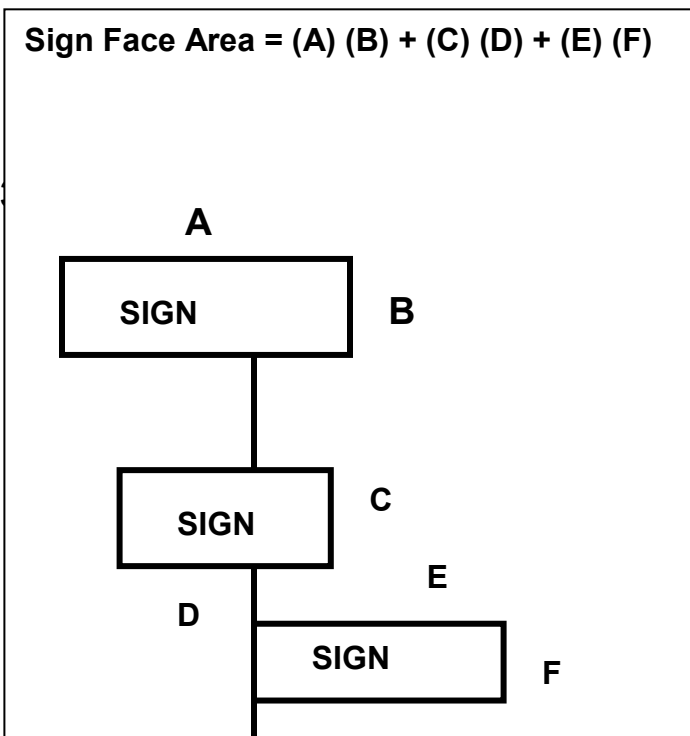
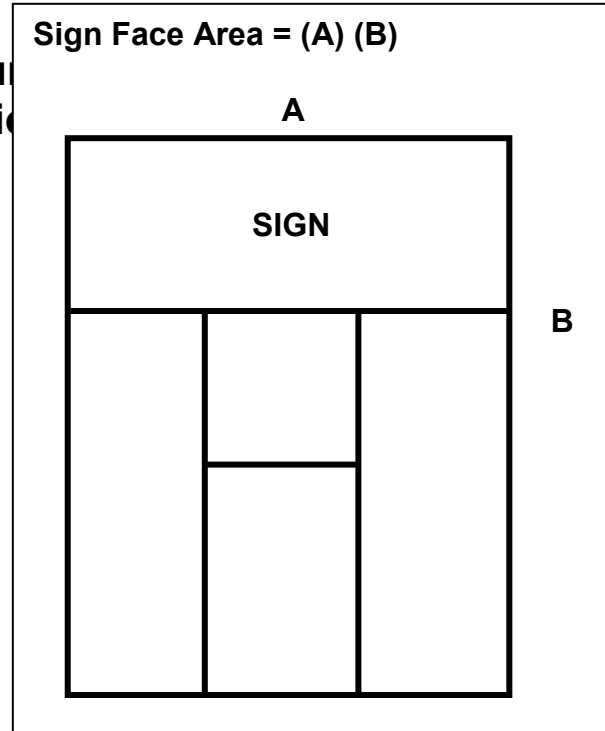
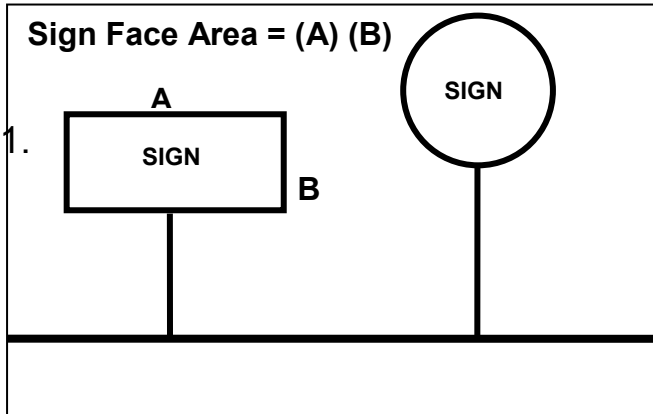
Section 5.8-1 Sign Face Area

1. The area of a sign enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face (Illustration 1). Sign area does not include foundations or supports. Only one side of a double-faced or V-shaped, freestanding sign is counted.
2. For signs on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used in the measurement unless it is clear that part of the base contains no sign related display or decoration.
3. For signs constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all the pieces (Illustration 2).
4. For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face (Illustration 3).
5. The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.
6. For signs incorporated into awnings, the entire panel containing the sign is counted as the sign faces unless it is clear that part of the panel contains no sign related display or decoration.

Section 5.8-2 Clearances

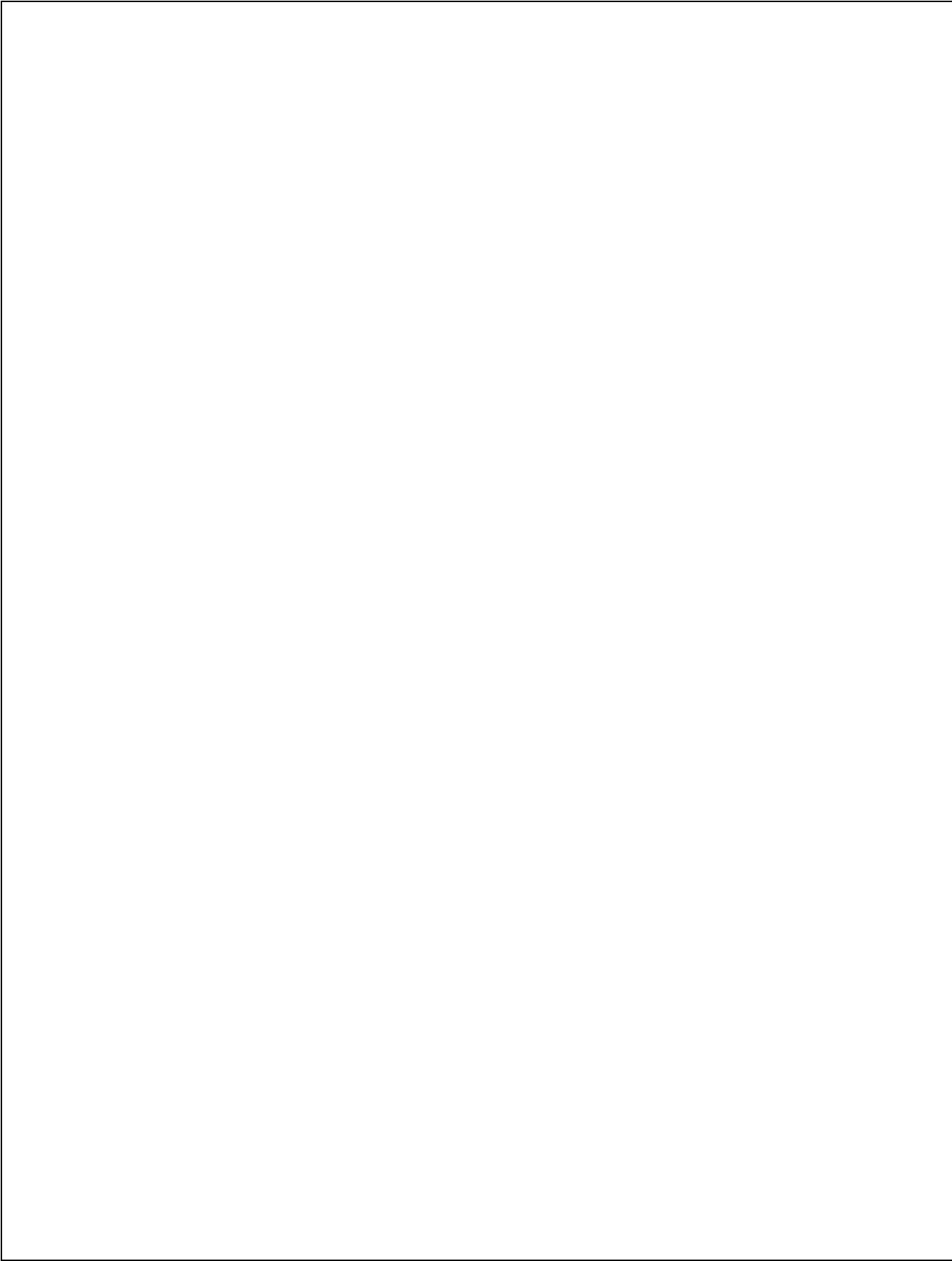
Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face (Illustration 4).

2.
Sign Measure
Illustration



Section 5.9 Removal of Signs

1. The lawful use of any permanently mounted sign existing at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance, except those declared abandoned or dilapidated, which shall be removed or remedial action taken upon notification by the Zoning Administrator.
2. Non-conforming permanent signs shall be removed or brought into conformity whenever the following occurs:
 - a. Property changes ownership and the name of the business is to be changed, or
 - b. The occupancy classification of the building is changed.
3. Any existing sign which is subsequently abandoned shall be removed, and any existing sign exceeding the allowable face area by 25 percent, and which is subsequently destroyed or damaged to the extent of 60 percent or more of its replacement cost, shall be removed or brought into conformity with these regulations.
4. Any nonconforming temporary sign shall be removed or brought into conformity no later than sixty (60) days following the effective date of this Ordinance.
5. An order under this Section shall be issued in writing to the owner or responsible party of any such sign, or of the building or premises on which such sign is located to comply within thirty (30) days time. Upon failure to comply with such notice, the Zoning Administrator may cause the sign to be removed and any costs of removal incurred in the process may be collected in a manner prescribed by law.



ARTICLE 6

SUPPLEMENTAL OFF-STREET PARKING AND LOADING REGULATIONS

The provisions of this Article shall supplement the off-street parking requirements contained in Table 1 of this Ordinance.

Section 6.1 Off-Street Parking

Section 6.1-1 General Requirements

- (1) Where application of the requirements of Table 1 result in a fractional space requirement, the next larger requirement shall apply.
- (2) Wherever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- (3) Off-street parking facilities provided to comply with the provisions of this Ordinance shall not be reduced below the requirements of this Ordinance.

Section 6.1-2 Land To Provide Parking

Required off-street parking must be provided on the same lot or parcel as the principal use for which it is required.

Section 6.1-3 Design Standards

Where off-street parking for more than ten (10) vehicles is required, the following design and development standards shall apply:

(1) Parking Dimensions

Parking stalls shall be not less than nine (9) feet by nineteen (19) feet, except that a maximum of ten percent (10%) of the total number of stalls may be 8.5 feet by eighteen (18) feet. However, the dimensions of all parallel parking stalls shall be not less than nine (9) feet by twenty-four (24) feet. Minimum isle width shall be as follows:

90 degree parking	25 feet
60 degree parking	18 feet
45 degree parking	13 feet

(2) Construction, Paving

Where 10 or more off street parking stalls are required by this ordinance, such stalls and all ingress and egress drives shall be surfaced with an all-weather, impervious surface material, approved by the Zoning Administrator.

(3) Drainage

Parking lots shall be designed so as not to drain into, across public sidewalks, or on to adjacent property, except into a natural watercourse or a drainage easement.

(4) Separation From Walkways and Streets

Off-street parking spaces shall be separated from walkways, sidewalks, streets, and required yards and buffer areas by a wall, fence, curbing, or other protective device approved by the Zoning Administrator. (See Section 4.2-5)

(5) Entrances and Exits

Landscaping, curbing or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. Except for single-family homes and duplexes, off-street parking areas shall be designed so that all movement on to a public street is in a forward motion.

Entrance and exit driveways to public streets in the vicinity of street intersections must be located at least forty (40) feet, measured along the curblines, from the intersection of the nearest curblines.

(6) Marking

Parking lots shall be marked by painted lines, curbs or other means to indicate individual spaces. Signs or markers, as approved by the Zoning Administrator, shall be used as necessary to ensure efficient traffic operation of the lot.

(7) Lighting

Adequate lighting shall be provided if off-street parking spaces are to be used at night. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential areas.

(8) Landscaping

Off-street parking areas shall be landscaped in accord with the provisions of Section 4-2.

Section 6.1-4 Maintenance

All off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations.

Section 6.1-5 Parking Space For The Physically Handicapped

When off-street parking is required for any building or use, except for residential dwellings with fewer than 20 units, parking for the handicapped shall be included when calculating the overall parking requirements for such building or use, based on the following formula:

<u>Number of Required Spaces</u>	<u>Number of Spaces Reserved For Handicapped Persons</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
over 500	2% of total required

Parking spaces for the physically handicapped shall measure 12 feet by 20 feet or 8 feet in width, with an adjacent access aisle 8 feet in width, and shall be located as close as possible to ramps, walkways, and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps and walkways.

Section 6.2 Off-Street Loading

All uses except those located in the BD-1 District, shall provide off-street loading space sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, or walk.

Off-street loading and unloading space shall in all cases be located on the same lot or parcel of land as the structures they are intended to serve.

Section 6.3 Approval of Parking and Off-Street Loading Plans and Layouts

Designs and plans for areas to be used for off-street parking and off-street loading shall be subject to approval by the Zoning Administrator, who may withhold a permit or take other action if the layout of either would create avoidable safety or traffic congestion problems, pending acceptable modification of the layout, or appeal to the Board of Zoning Appeals.

Section 6.4 Parking, Storage or Use of Travel Trailers or Recreational Vehicles in Residential Zones

Not more than one recreational vehicle or boat shall be parked or stored in any required front or side yard setback area or within 5 feet of the rear lot line in a residential district; however, such use may be parked anywhere on a residential premise for a period not to exceed twenty-four (24) hours during loading or unloading, and recreational vehicles may be used for temporary lodging, up to seven (7) days.

Section 6.5 Parking, Storage and Use of Non-Recreational Vehicles and Equipment in Residential Zones

- (1) Not more than two automobiles, trucks or trailers of any kind or type, without current license plates, shall be parked or stored on any lot zoned for residential use more than 45 days, other than in completely enclosed buildings, or physically removed from vision from the public street serving the property, or, if located in the rear yard, completely screened from adjacent property by an opaque wall, fence or hedge.
- (2) Within any Residential Zone, the owner or occupant of a dwelling unit may park one commercial motor vehicle with a carrying capacity of not more than two tons.



- (3) Trailers, implements and equipment for commercial use also may be parked or stored on the same lot as a dwelling in any residential zone; provided such uses shall be parked or stored in completely enclosed buildings.

ARTICLE 7

GENERAL AND ANCILLARY REGULATIONS

The regulations set forth in this Article are intended to clarify, supplement, or modify the regulations set forth elsewhere in this Ordinance.

Section 7.1 Application of Regulations

The various zoning district regulations established herein are declared to be the minimum requirements necessary to carry out the purpose of this Ordinance. These regulations apply to each class or kind of structure or land, and are the minimum standards for all site clearing, development, buildings, structures, or alterations to land or structures within the jurisdiction of this Ordinance.

No part of a yard, open space, or off-street parking required in connection with any building for the purpose of complying with the regulations of this Ordinance shall be included as part or all of the required yard, open space, or off-street parking for another building or structure, except as hereinafter provided.

Section 7.2 Exceptions and Modifications

1. **Setbacks - Corner Lots**

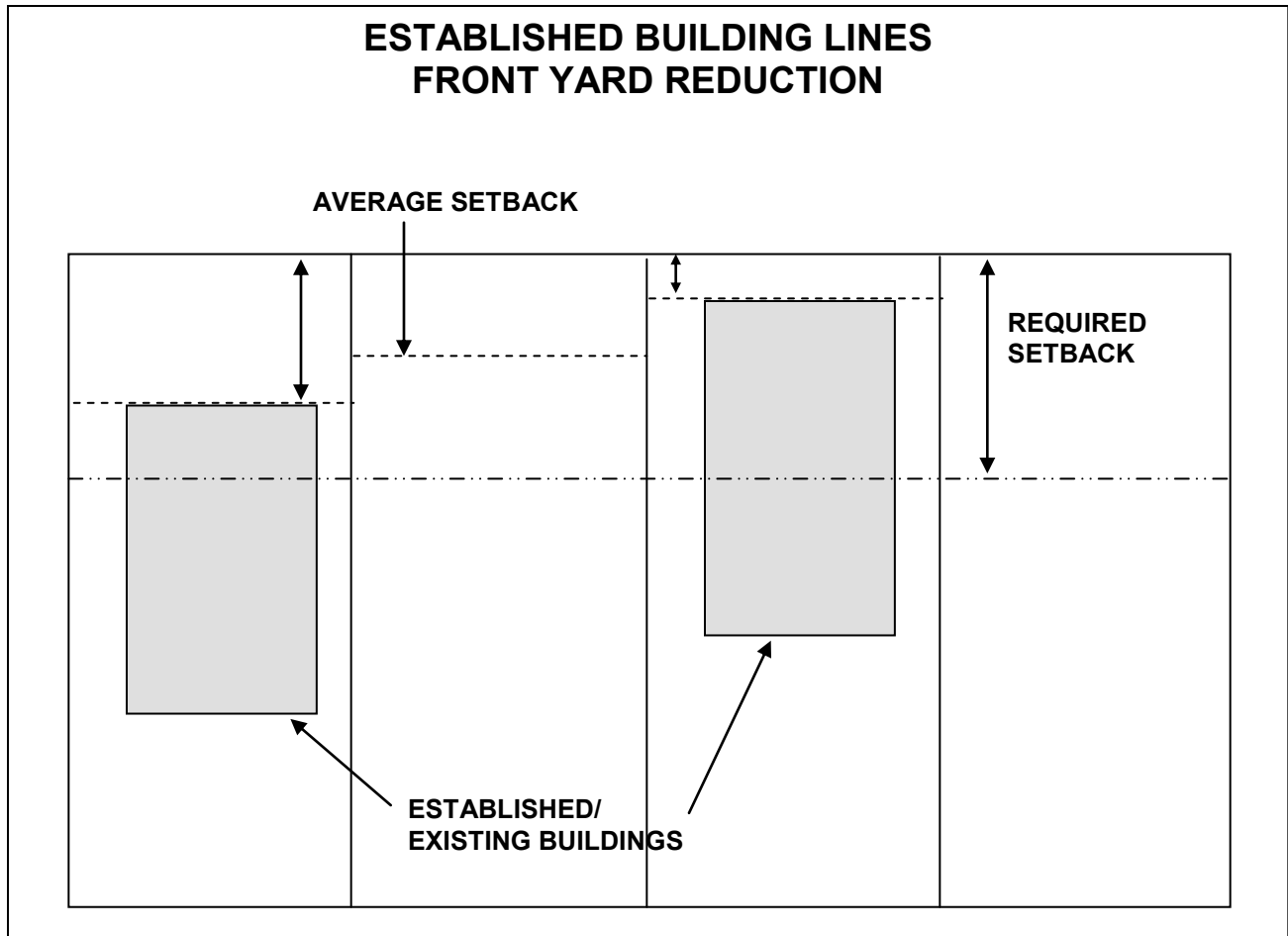
The setback from the street upon which the principal building will face shall be the minimum required front yard. The setback from the street upon which the side of the building will face shall be the minimum required front yard setback for the street upon which it is contiguous.

2. **Setbacks - Through or Double Frontage Lots**

Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory use(s) shall be prohibited from the required front yard setback of the street upon which the principal building fronts.

3. Setbacks - Partially Developed Areas

Where the majority of lots in a block fronting on the same side of a street between two intersecting streets are lawfully occupied with buildings having greater or lesser front yard depth than required by these regulations, no building hereafter erected or altered shall vary in the front yard setback by more than five feet from the average depth of said existing front yard setbacks without written approval of contiguous property owners.



4. Setbacks – Multiple Buildings on Lot

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

5. Height

The height limitations of this Ordinance shall not apply to the following:

- | | |
|---------------|------------------------------|
| Belfries | Flag Poles |
| Chimneys | Ornamental towers and spires |
| Church spires | Public Monuments |
| Cupolas | Public utility poles |
| Domes | Smoke stacks |
| | Elevated Water Tanks |

Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

6. Projections

The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard.

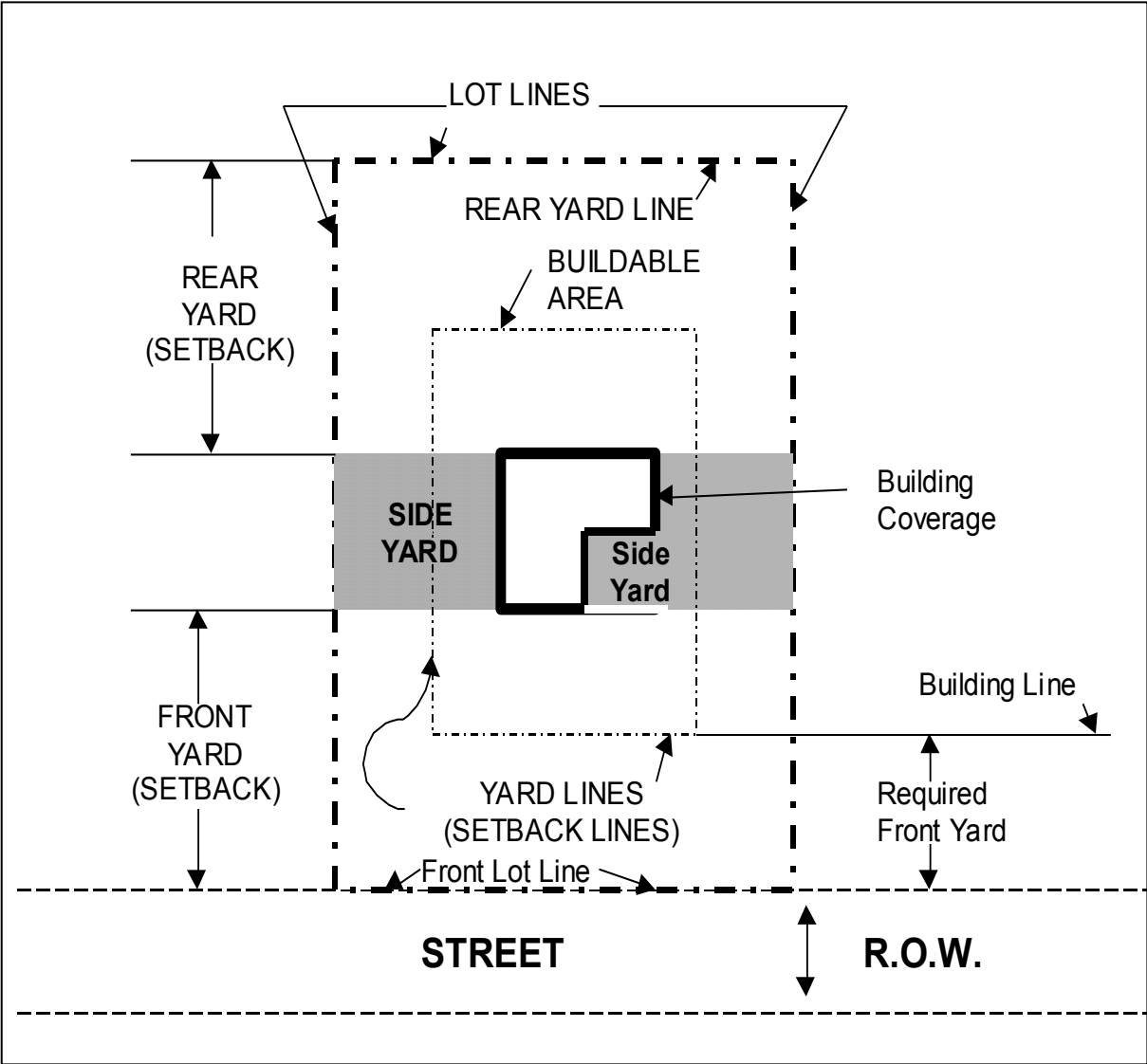
Steps and heating and cooling units may project into a required yard a distance not to exceed 5 feet but no closer than three feet of a property line.

Section 7.3 Measurements

1. Yards, Setbacks, Buildable Area

The required front, side, and rear yards for individual lots, as set forth for by Table 2 shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall

be known as the “buildable” area within which the approved structure(s) shall be placed.



2. Height

The height of a building or structure shall be measured from the base of the structure to the highest point of the building or structure.

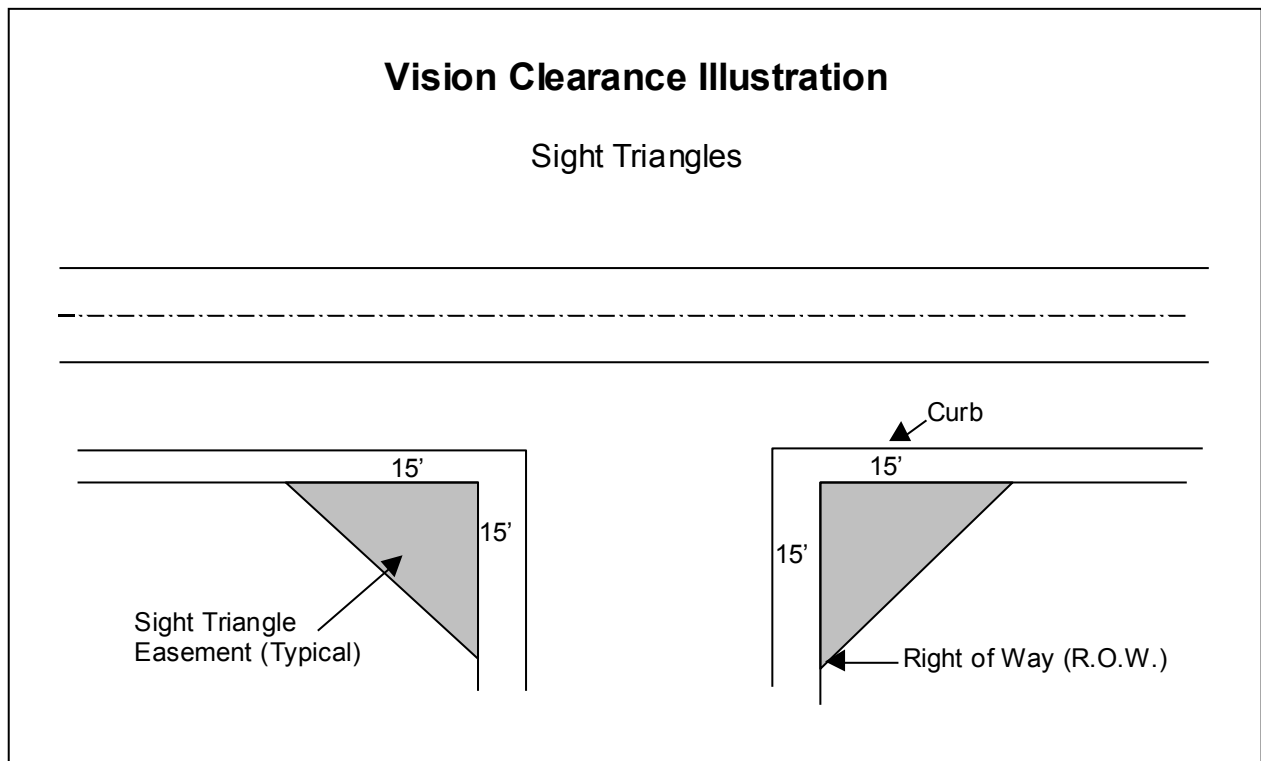
Section 7.4 Number of Principal Buildings/Uses on a Lot

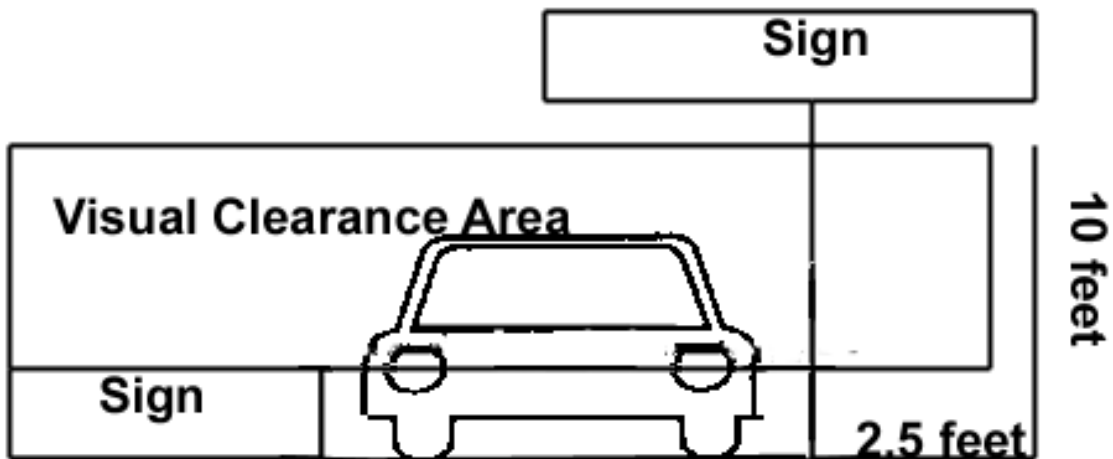
No more than one single-family dwelling, residentially designed manufactured home or duplex shall be allowed on a single lot or parcel.

There is no limit on the number of other principal buildings or uses; provided all setback and other applicable requirements of this Ordinance are met.

Section 7.5 Visibility at Intersections

On any corner lot in any district, no planting shall be placed or maintained and no fence, building, wall, or other structure shall be constructed at any point between a height of two and a half (2 ½) feet and ten (10) feet above the upper face of the nearest curb (or street center line if no curb exists) and within the triangular area bounded on two sides by the street right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines as required by the following vision clearance illustrations. However, poles and support structures less than 12" in diameter may be permitted in such areas.





Section 7.6 Accessory Buildings and Uses

Section 7.6-1 Accessory Uses to Observe Required Setbacks

Unless specifically provided herein, accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

Section 7.6-2 Requirements Applicable to All Accessory Uses

1. If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 12 feet in height.
2. No accessory building may be located in a required front yard. Where an accessory building is erected in the required rear yard on a corner lot, it shall not be located closer to any street than the required front yard distance.
3. No accessory use shall occupy any part of a buffer area.

Section 7.6-3 Requirements Applicable To Specific Accessory Uses

Requirements applicable to Specific Accessory Uses are as follows:

1. Off-Street Parking and Loading Space

Paved off-street parking and loading spaces, not to include parking structures, are permitted in all required yards and setback areas, but no closer than 5 feet to a residential property line and two feet to any other property line.

2. Free-Standing Signs

Free-standing signs are permitted in all required yards, but no closer than 5 feet of a property line.

3. Buildings, Sheds, and Structures for Dry Storage; Greenhouses

Building sheds and structures for dry storage and greenhouses may be located in rear yard setback areas only, but no closer than 3 feet to a residential property line.

4. Domestic Animal Shelters and Pens

Domestic animal shelters and pens may be located in rear yard setback areas only, but no closer than 10 feet from any side or rear residential property line.

5. Swimming Pools, Tennis Courts, Recreational Uses

These uses may be located in required rear yard and setback areas only; provided said uses shall be no closer than 10 feet to the nearest property line, and shall have all lighting shielded or directed away from adjoining residences.

6. Ground Supported Communication and Reception Antennas

These uses may be located in required rear and side yards only, but no closer than 5' to the property line, and if located in the buildable area shall not extend or be located in front of any principal building.

7. Fences and Walls

Fences and walls are allowed within required yards and setback areas, and may extend to the property line; provided that when located within a required front yard in a Residential District, fences and walls in excess of 4.0' in height must be of decorative nature and open design. A chain link fence in excess of 4.0' is prohibited in the front yard.

Section 7.7 Nonconformities

Section 7.7-1 Continuation

Nonconforming uses, buildings, or structures are declared by this Ordinance to be incompatible with permitted construction in the districts in which they are located.

However, to avoid undue hardship, the lawful use of any such use, building, or structure at the time of the enactment, amendment, or revision of this Ordinance may be continued (Grandfathered) even though such use, building, or structure does not conform with the provisions of this Ordinance.

Section 7.7-2 Modification

A proposed change or modification of a nonconforming use shall be governed by the following:

1. Change of Nonconforming Use

If a change from one nonconforming use to another is proposed and no structural alterations are involved, the change may be permitted, provided:

- a. Nonconformity of dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking shall not be increased; and
- b. The proposed change will have little discernable impact over the existing nonconforming use.

If a change to a permitted use is proposed which is nonconforming only as to dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking, the change may be permitted, provided that all applicable requirements that can be reasonably complied with are met.

Compliance with a requirement is not reasonably possible if it cannot be achieved without adding land to the lot of the nonconforming use or moving the use if it is on a permanent foundation.

Whenever a nonconforming use of land or building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed back to a less restricted or nonconforming use.

2. Enlargement or Expansion of Nonconforming Use

Enlargement or expansion of a nonconforming building, use, or structure shall be permitted; provided such enlargement shall meet all applicable setbacks, buffer area, and off-street parking requirements for the district within which it is located.

3. Repair or alteration of Nonconforming Use, Building, or Structure

The repair or alteration of a nonconforming use shall in no way increase the nonconformity of said use, except as otherwise permitted by Subsection 2 above.

4. Replacement of Nonconforming Use

A building permit for the replacement of a nonconforming building or structure where damaged or destroyed must be initiated within 6 months of the time of the damage or destruction or forfeit the right of replacement.

Replacement if initiated within 6 months of the time of damage or destruction shall adhere to all applicable requirements of Table 2.

Replacement of a nonconforming mobile or manufactured home once removed from a lot or parcel shall be accomplished within 30 days of removal or forfeit nonconforming status, and if replaced shall not infringe on established setbacks, and shall meet in full the requirements of Section 3.4 of this Ordinance.

Section 7.7-3 Discontinuance

No building or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of six months, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located.

Section 7.7-4 Lot of Record

Where the owner of a lot of record January 12, 1987, (at the time of the adoption of the town's first zoning ordinance) does not own sufficient land to meet the setback requirements of this Ordinance, such lot may nonetheless be used as a building site provided applicable setback requirements are not reduced by more than 20%. Setback reductions greater than 20% shall be referred to the Board of Zoning Appeals for consideration. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined to comply with the dimensional requirements of this Ordinance.

Section 7.8 Erosion and Sediment Control

No development shall be undertaken that directly or indirectly increases the erosion of land or its potential for erosion.

(1) Existing Uncovered Areas

All uncovered areas not actively being developed on the effective date of this Ordinance, which resulted from previous land disturbing development activities, and which exceed one contiguous acre, and are causing offsite visual evidence of erosion or sedimentation, shall be provided with a ground cover

or other protective measures sufficient to restrain accelerated erosion and control off-site sedimentation.

(2) Erosion Control During Construction

The developer shall take all reasonable measures to reduce soil loss and contain sediment during construction. Exposed soil shall be stabilized within one (1) month of exposure.

(3) Ground Cover Requirements

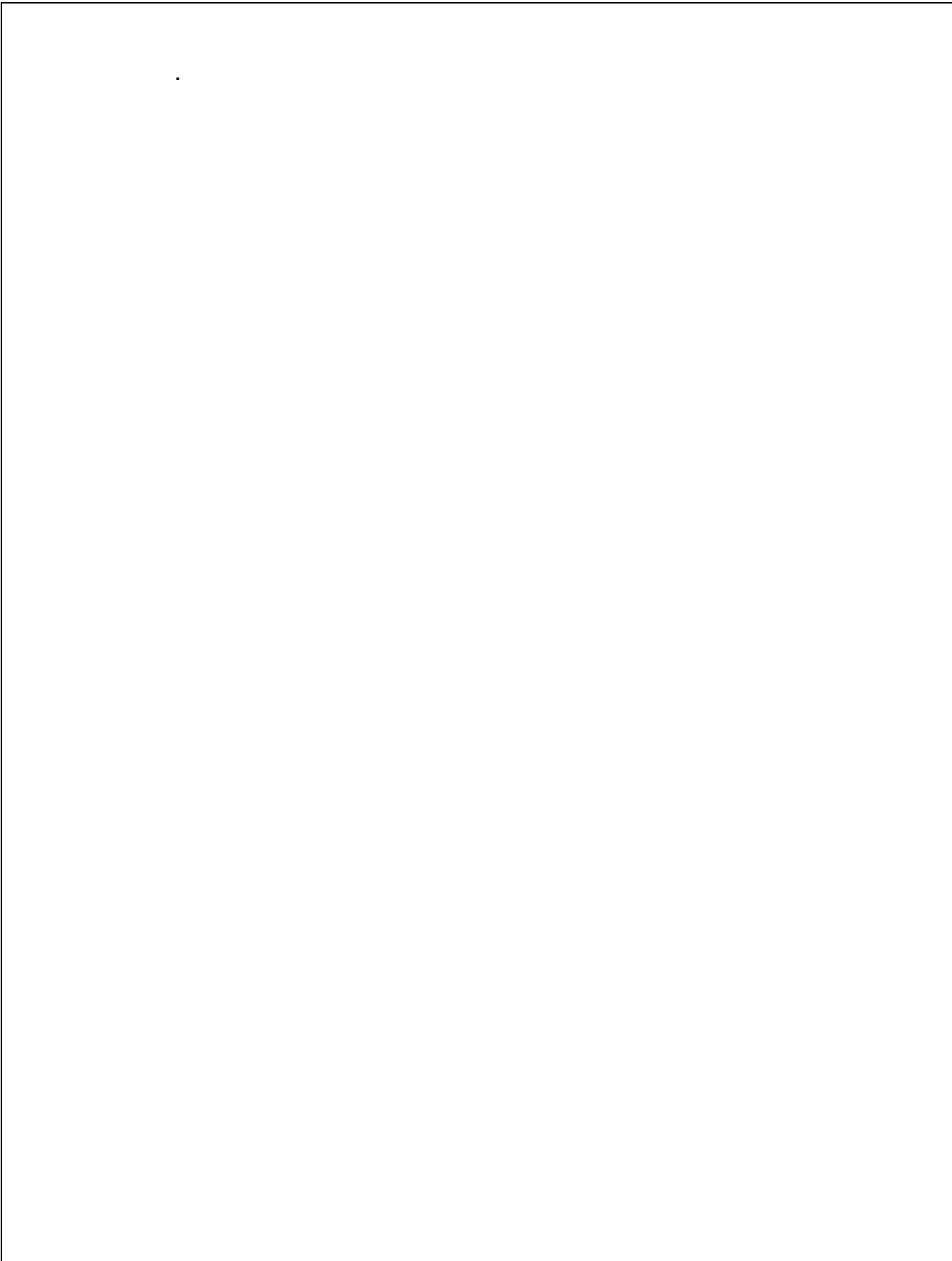
To help retain sediment generated by land-disturbing development activities within the boundaries of the development tract, the developer shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion within thirty (30) calendar days following completion of such development.

(4) Construction of Buffer Strips

No land-disturbing activity except recreational uses with grasses and other vegetation shall be permitted in proximity to a water body unless a vegetated strip is provided along the margin of the watercourse of sufficient width to prevent sediment from leaving the site and entering the watercourse. The strip shall be inspected for approval by the Zoning Administrator.

(5) Graded Slopes and Fills

The angle for graded slopes and fills on sites meeting the requirements of this section shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed shall be stabilized sufficiently to restrain erosion within thirty (30) calendar days of completion of any phase of grading.



ARTICLE 8

ADMINISTRATIVE PROCEDURES AND ENFORCEMENT REGULATIONS

Section 8.1 Administration and Enforcement

The designated Zoning Administrator is duly charged with the authority to administer and enforce the provisions of this Ordinance.

The Zoning Administrator shall accept and examine all applications for construction, land use or reuse, and shall issue permits where such applications are in accord with the provisions of this Ordinance and applicable building codes. He shall direct parties in conflict with this Ordinance, and cause to be kept records and files of any and all matters referred to him.

If the Zoning Administrator shall find that any one of the provisions of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 8.2 Administrative Procedures and Requirements

No building, structure or sign requiring a permit or any part thereof shall be erected, added to or structurally altered until the required permits have been issued.

No building, structure or land shall be used; nor shall any building, structure or land be converted, wholly or in part to any other use, until all applicable and appropriate licenses, certificates and permits have been issued certifying compliance with the requirements of this Ordinance.

No permits inconsistent with the provisions of this Ordinance shall be issued unless accompanied by an approved variance as provided by this Article.

The provisions of this Section shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, crossarms, guys, wire, cable and drops.

Section 8.2-1 Filing Applications

Applications for permits shall be signed by the owner or his/her designee and shall be filed on forms provided by the Zoning Administrator.

Section 8.2-2 Application Requirements for a Building Permit

Each application for a permit for a building or structure other than a sign shall be accompanied by two (2) sets of the following or as much thereof as the Zoning Administrator shall find necessary to determine whether the proposed building or use will be in compliance with the provisions of this Ordinance.

A plat and/or Site Plan showing:

- (1) date and scale,
- (2) actual shape and dimensions of the lot to be built upon,
- (3) size, height and location on the lot of existing and proposed buildings and structures and their relation to rights-of-way and property lines,
- (4) existing and intended use of each building or part of a building,
- (5) number of families or housekeeping units,
- (6) location of existing trees 10" DBH,
- (7) flood and wetland areas,
- (8) proposed parking, buffer areas, and landscaping,
- (9) building elevations, and
- (10) such other information as required to determine compliance with and enforcement of this Ordinance.

Section 8.2-3 Application Requirements For a Sign Permit

Each application to erect a sign, where a sign permit is required by this Ordinance, shall be accompanied by the following information:

- (1) Identification of ownership and/or leaseholder of property on which the sign is to be erected, including street address.
- (2) Name and address of the owner of the sign.
- (3) Site plan with dimensions (non-professionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and buildings, parking areas, existing free-standing signs, and buffer areas.
- (4) Correct size, shape, configuration, face area, height, nature, number and type of sign to be erected.
- (5) The value of the sign and sign structure.
- (6) The Zoning Administrator may waive any of the informational requirements listed above deemed unnecessary to process an application.

Section 8.2-4 Application Fees

A fee to cover the administrative cost of issuing building and sign permits shall accompany all requests for such permits, where required by this Ordinance. The amount of the fee shall be determined by Town Council, a schedule of which is available at the office of the Town Clerk.

Section 8.3 Expiration of Building/Sign Permits

If the work described in any Building or Sign Permit has not been completed within twelve (12) months from the date of issuance thereof, said permit shall expire; it shall be canceled by the Zoning Administrator, and written notice thereof shall be given to the persons affected.

Section 8.4 Inspections for Compliance

The Zoning Administrator and/or other appropriate municipal officials may make or require inspections of any land disturbing activity, construction or maintenance requirements to ascertain compliance with the

provisions of this Ordinance and to ascertain compliance with approved permit applications, or plans prior to issuance of a certificate of occupancy.

Section 8.5 Application for a Certificate of Occupancy; Certificate Required

Upon completion of the construction or alteration of a building or structure for which a building permit has been granted, application shall be made to the Edgefield County Building Department for a certificate of occupancy. The County Building Department shall process the application in accord with adopted procedures. No land or building hereafter erected or altered in its use, shall be used until such a certificate of occupancy has been granted.

Section 8.6 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, the Zoning Administrator or other appropriate municipal official shall record and investigate such complaint, and take such action as provided by this Ordinance. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

Section 8.7 Penalties For Violation

Any persons violating any provision of this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the Court for each offense.

Where any building, structure or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign or land is or is proposed to be used in violation of this Ordinance, the Zoning Administrator or other appropriate administrative officer, may in accord with the provisions of Section 56-7-80 of the South Carolina Code of Laws 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate the violation or to prevent the occupancy of the building, structure or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues shall be deemed a separate offense.

Section 8.8 Right of Appeal

Any decision or determination by the Zoning Administrator may be appealed to the Board of Zoning Appeals.

Section 8.9 Establishment of Board of Zoning Appeals

A Board of Zoning Appeals is hereby established. Said Board shall consist of three (3) members, who shall be citizens of the town and shall be appointed by the Mayor and Town Council for overlapping terms of four years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment and any member may be removed by the Town Council for cause, after a public hearing. Members shall serve without pay, but may be reimbursed for any expenses incurred while representing the Board.

Section 8.9-1 Proceedings of the Board of Zoning Appeals

The Board of Zoning Appeals shall elect a Chairman and a Vice-Chairman from its members, who shall serve for one year or until reelected. The Board shall appoint a Secretary, who may be a city officer or a member of the Board of Zoning Appeals. The Board shall adopt rules and by laws in accordance with Section 6-29-790 of the South Carolina Code of Laws. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. A quorum shall be required to take any official action by the Board. Two members present shall constitute a quorum.

Section 8.9-2 Appeals to the Board of Zoning Appeals; Hearings and Notices

Appeals to the Board shall be taken within 30 days of the date of the action which is appealed, by filing notice of appeal with the Zoning Administrator, who shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. The town attorney may review all appeals to determine if they constitute an appeal action.

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

The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give at least 15 days public notice thereof in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

Section 8.9-3 Powers and Duties of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the following powers and duties:

- (1) **To Hear and Decide Appeals, Generally.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
- (2) **To Grant Variances, Generally.** To authorize upon appeal in specific cases a variance from the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in the unnecessary hardship so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship if the Board makes and explains in writing the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the 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 Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- (d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

Section 8.9-4 Decisions of the Board of Zoning Appeals

In exercising the above powers, the concurring vote of a majority of the members present and voting shall be required to reverse or affirm, wholly or in part, or modify any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, and to that end, shall have the powers of the officer from whom the appeal is taken and may direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and, in case of contempt may certify such fact to the Circuit Court having jurisdiction.

All final decisions and orders of the Board must be in writing and be permanently filed in the office of the Board as public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board and parties of interest notified.

Section 8.10 Appeal From Board of Zoning Appeals to Circuit Court

A person who may have a substantial interest in any decision of the Board of Appeals or an officer or agent of the Town may appeal from a 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 thirty (30) days after the decision of the Board is mailed.

ARTICLE 9

AMENDMENTS

Section 9.1 Authority

This Ordinance, including the official zoning map, may be amended from time to time by the Town Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation.

Section 9.2 Procedure

Requests to amend the Zoning Ordinance shall be processed in accordance with the following procedures:

- (1) **Initiation of amendments:** A proposed amendment to the Zoning Ordinance may be initiated by the Planning Commission, Town Council or by application filed with the Planning Commission by the owner or owners of any property proposed to be changed; provided however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property or any part thereof, by a property owner or owners more often than once every twelve (12) months.
- (2) **Application procedure:** Application forms for amendments shall be obtained from the office of the Zoning Administrator. Completed forms, together with the required application fee to cover administrative costs (advertising), plus any additional information the applicant feels to be pertinent, shall be filed with the Zoning Administrator. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the form required.

Applications for amendments must be received in proper form, at least two (2) weeks prior to a Planning Commission meeting in order to be heard at that meeting.

- (3) **Review by the Planning Commission:** All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted by the Zoning Administrator to the Planning Commission.

The Planning Commission shall review and prepare a report, including its recommendation for transmittal to Town Council.

All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person or by agent, or by attorney.

No member of the Planning Commission shall participate in a matter in which he/she has any pecuniary or special interest.

- (4) **Report of Planning Commission:** Following review of the proposed amendment, the Planning Commission shall reach a decision regarding said amendment and report its findings and recommendation to Town Council for final action, to be preceded by an advertised Public Hearing.

The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the thirty-day period, it shall be deemed to have approved the proposed amendment. No change in or departure from the text or maps as recommended by the Planning Commission may be made pursuant to the public hearing unless the change or departure is first submitted to the Planning Commission for review and recommendation.

Section 9.3 Notice of Public Hearing

Section 9.3-1 Public Notice

In scheduling a public hearing for a proposed zoning map and/or text amendment, notice of the time and place shall be published in a newspaper of general circulation in the Town at least fifteen (15) days in advance of the scheduled public hearing. The Town Council shall hold such hearing and act on the proposed amendment within thirty (30) days of receipt of the Planning Commission's recommendation on the application.

Section 9.3-2 Posting of Property

In cases involving map changes, the owner/applicant shall be provided with and shall post notice of said change in a conspicuous place on or adjacent to the affected property, with at least one such notice being visible from each public thoroughfare abutting the property. Such notice shall be posted at least 15 days prior to the announced hearing, indicating the nature of the proposed change, identification of the affected property, and time, date and place of the hearing.

Section 9.4 Action By Town Council

The Town Council shall take action to approve, disapprove, modify, or remand the matter back to the Planning Commission within 30 days of receipt of the Planning Commission's recommendation on an application. If no action is taken by the Town Council within such time, the proposed amendment shall be considered denied, unless otherwise specified by Council.

Following final action by Town Council, any necessary changes shall be made to the official zoning map and/or text. A written record of the type and date of such change shall be maintained by the Clerk of Council.

Section 9.5 Fees

The application fee for processing an amendment or appeal to the Zoning Board of Appeals shall be \$75.00, which fee shall be nonrefundable irrespective of the outcome of the application.

ARTICLE 10

DEFINITIONS

Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Plumbing Code, Standard Gas Code or Standard Fire Prevention Code. Words not defined in the Standard Codes shall have the meanings in Webster's Ninth New Collegiate Dictionary, as revised.

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

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel".

The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended," "arranged," or "designed to be used or occupied". An intended project shall be defined as one where substantial monies have been spent towards the goal of the project.

The word "map" or "zoning map" shall mean the Official Zoning Map of the Town of Johnston, South Carolina.

The term "Planning Commission" refers to the Planning Commission for the Town of Johnston. The term Council, Mayor and Council, or Town Council shall mean the legally elected governing body of the Town of Johnston. The term " Zoning Board of Appeals" refers to the Zoning Board of Appeals for the Town of Johnston.

Animal Shelter, Domestic - A pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine including pot bellied pigs, sheep, ponies, grazing animals and fowl of any kind, are boarded or kept.

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

Building - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons or property.

Building, Accessory - A subordinate structure on the same lot and detached from the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, domestic animal shelters, pool houses, etc., when detached from the principal building, and carports attached to the principal building when at least 75 percent open or unenclosed.

Building, Principal - A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

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

Day Care Services - Day care services shall mean and include any home, center, agency or place, however styled, where children, elderly, handicapped or other persons not related to the operator are received for custodial care, whether for compensation, reward, or otherwise during part of or all day or night and upon any number of successive days or nights.

Conditional Use - A use of land or structure which is permitted in a district under conditions specified in the zoning ordinance.

Density - The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this Ordinance are expressed in dwelling units per net

acre; that is, per acre of land devoted to residential use and common open space exclusive of land utilized for streets, parks, playgrounds, school grounds, or other public uses.

Developed Lot - Any lot or parcel containing over \$20,000 in improvements, other than a sign.

Dwelling - A building or portion of a building arranged or designed exclusively for human habitation.

Dwelling, Apartment - (See dwelling, multi-family)

Dwelling, Detached - A single dwelling unit surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Duplex - A building containing two dwelling units.

Dwelling, Group Occupied - A dwelling unit occupied by five (5) or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit.

Dwelling, Manufactured Home - A factory built home built after the enactment of and bearing a label of compliance with the Federal Manufactured Home Construction and Safety Standards Act, effective June 15, 1976 (HUD Code).

Dwelling, Multi-Family - A building containing three (3) or more dwelling units.

Dwelling, Patio House - A single-family detached or semi-detached dwelling unit. It is built on a small lot generally enclosed by walls which provide privacy. The term is synonymous with zero lot line dwellings.

Dwelling, Single-family - A building containing one dwelling unit.

Dwelling, Townhouse - A series of attached dwelling units on separate lots, which may or may not have a common roof and are separated from each other by common vertical walls.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, Zero Lot Line - A zero lot line dwelling is a single-family detached unit which instead of being centered on a lot, is placed against at least one of the side lot lines. The term is synonymous with patio house.

Family - One or more persons related by blood, marriage, adoption or guardianship, and not more than four (4) persons not so related, except that nine (9) mentally or physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accord with the provisions of 6-7-830 of the South Carolina Code of Laws, including approval or licensing of the home in which they are located by a state agency for that purpose.

Family Day Care Home - A family day care home is one in which care is given by a family member and no others during the day only for one and not more than 12 children, including the day care parents' own children.

Flag - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Garage, Private - (As defined by the Standard Building Code.)

Home Occupation - Any occupation conducted for gain within a dwelling by a member or members of the family residing in the dwelling.

Junk and/or Salvage - Any materials consisting of waste, discarded or salvage matter which is bought, sold, exchanged, stored, baled, packed or disassembled for profit, trade or hire, and shall include any vehicle damaged so as not to comply with state or federal safety regulations, incapable of self-propulsion or partially dismantled if retained on the premises for more than seventy-two (72) hours whether for repair or not. The term junk shall also mean, but not be limited to old or scrap copper, brass, aluminum, rope, rags, paper, trash, tire carcasses, rubber debris, old vehicle parts, non-working major appliances, and other old ferrous or non-ferrous material.

Junk and/or Salvage Yard - Any premises where salvage or junk as defined herein are found and have been permitted to remain with the consent of the owner, lessee, or person(s) responsible for maintenance of such premises.

Lot - A parcel of land considered as a unit. The terms "lot", "lot of record", "property", or "tract", whenever used in this Ordinance are interchangeable.

Lot, Corner - A lot located at the intersection of two or more streets.

Lot of Record - A lot, the boundaries of which are filed as legal record.

Lot Area - The area contained within the boundary line of a lot.

Lot Line - A line bounding a lot which divides one lot from another or from a street or any other public or private space.

Manufactured Home Park - A lot or parcel with space, improvements and utilities for the long-term parking of two (2) or more mobile or manufactured homes which may include services and facilities for the residents.

Modular Building Unit or Modular Structure - Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. When meeting the requirements of the Modular Building's Construction Act (23-43-10 of the S. C. Code of Laws), said building unit or structure may be located in any of the city's several zoning districts.

Nonconformity - A nonconformity is any lot of record, use, building, structure or vegetation in existence prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Ordinance.

Non-residential Use - A principal use of land for other than residential purposes, i.e. commercial, industrial, institutional.

Parcel - A land area bounded by property lines that is recognized as such by the County Assessor's Office.

Sexually Oriented Businesses - For purposes of this Ordinance, sexually oriented businesses shall mean and include the following:

- (1) **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (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 "specified sexual activities" or "specified anatomical areas".
- (2) **Adult Bookstore or Adult Video Store.** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one 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"
- (3) **Adult Cabaret/Theatre.** A nightclub, bar, restaurant, theatre, or similar commercial establishment which regularly features:

Persons who appear in a state of nudity; or performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".
- (4) **Adult Motel.** A hotel, motel or similar commercial establishment which offers accommodations to the public 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".

(5) **Sexual Encounter Center.** A business or commercial enterprise that, as one of its primary business purposes, offers activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

Sign - Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Flags are not signs.

Sign, Abandoned - A sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists or to which it refers.

Sign, Animated - Any sign that uses movement or change of lighting to depict action or creates a special effect or scene.

Sign, Awning, Canopy or Marquee - A sign that is mounted or painted on or attached to an awning, canopy or marquee.

Sign, Banner - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Sign, Building - Any sign attached to any part of a building.

Sign, Changeable Copy - A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance.

Sign, Face - The area or display surface used for the message.

Sign, Free-Standing - Any nonmovable sign not affixed to a building.

Sign, Incidental - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Sign, Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Sign, Permanent - A sign attached to a building, structure or the ground in some manner and made of materials intended for more than short term use.

Sign, Political - A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Sign, Portable - A sign that is not permanently affixed to a building, structure or the ground.

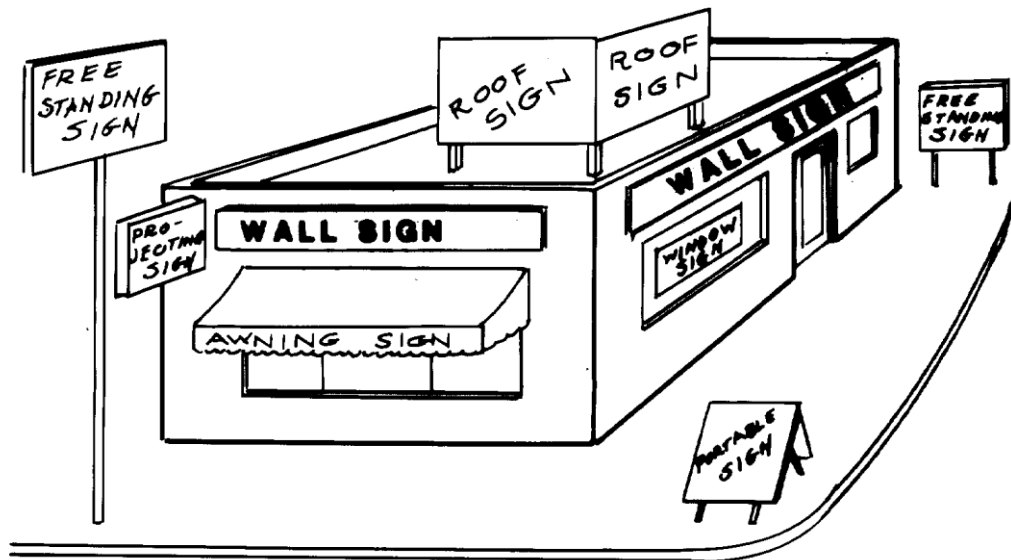
Sign, Projecting - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

Sign, Roof - A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

Sign, Temporary - A sign that is used only for a short period of time and is not permanently mounted.

Sign, Wall - Any sign attached to and within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Sign, Window - A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.



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:

- (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (c) Masturbation, actual or simulated; or
- (d) Excretory functions as part of or in connection with any of the activities set forth in a. through c. above.

Street - Any thoroughfare or space more than 18 feet in right-of-way width, which has been dedicated, deeded or designated for vehicular traffic, public or private.

Structure - (As defined by the Standard Building Code.)

Structural Alteration - Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Travel Trailer or Recreational Vehicle - A structure that (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (2) is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile or manufactured home or modular unit.

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

Use, Accessory - See Building, Accessory.

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

Use, Principal - The primary purpose for which land is used.

Variance - A modification of the area regulations of this Ordinance, granted by the Zoning Board of Appeals.

Yard - An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this Ordinance.

Yard, Front - A yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line.

Yard, Rear - A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, Required - That part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this Ordinance.

Yard, Side - A yard extending the full length of the lot in the area between the side lot line and a side building line.

Zoning District - A specifically delineated area or district in the town within which regulations and requirements govern the use, placement, spacing and size of land and buildings.

ARTICLE 11

LEGAL STATUS PROVISIONS

Section 11.1 Conflict With Other Laws

Whenever the regulations of this Ordinance require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

Section 11.2 Validity

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 11.3 Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

Section 11.4 Effective Date

This Ordinance shall take effect and be in force from and after the date of its adoption by the Mayor and Town Council of the Town of Johnston.

ENACTED AND ORDAINED into an Ordinance this _____ day of _____, 2001.

Mayor

Clerk to Council