

CITY OF WOODRUFF, SOUTH CAROLINA
OFFICIAL ZONING ORDINANCE



With amendments through January 25, 2010

Prepared by

The Planning Commission of the City of Woodruff
and
The Appalachian Council of Governments

April 25, 2005

Ordinance Number: _____

State of South Carolina
County of Spartanburg
City of Woodruff

An Ordinance to Adopt
The Official Zoning Ordinance

Whereas, the City of Woodruff Zoning Ordinance requires refinements be made as necessary to maintain its effectiveness and efficiency, and

Whereas, the City of Woodruff Planning Commission has recommended that several refinements be made as a result of review by that body;

Then, Let it Therefore Be Resolved, by the City Council of the City of Woodruff, South Carolina, that upon review of the *City of Woodruff Zoning Ordinance*, and upon consideration of public input, the recommendation of the Planning Commission to adopt the Zoning Ordinance Update is hereby accepted, and is adopted in full force and effect within the municipal limits of the City of Woodruff.

RESOLVED, This 25th Day of April 2005.

Mayor, City of Woodruff

Clerk, City of Woodruff

First Reading: January 31, 2005

Public Hearing: February 28, 2005

Second Reading: April 25 , 2005

Woodruff, South Carolina

Official Zoning Ordinance

CITY COUNCIL

Mr. Paul Bell, Mayor

Ms. Mattie Norman
Mr. William “Buddy” Arnold
Mr. Tony Kennedy

Mr. Martha Smith
Mr. Kenneth Gist
Ms. Audrey Bettis

PLANNING COMMISSION

Mr. John Pearson, Chairman

Mr. Perry Ouzts
Ms. Betty Hamlett

Mr. Joe Siatkowski
Ms. Charlie Mae Gilliam

Mr. Scott Slatton, City Administrator
Ms. Beverly Maddox, Clerk/Treasurer

Produced by:

S.C. APPALACHIAN COUNCIL OF GOVERNMENTS

Robert Strother, Executive Director
Steve Pelissier, Assistant Executive Director
Shawn Colin, Project Director

Table of Contents

I.	Purpose, Authority, Enactment	01
	Purpose.....	01
	Authority and Enactment Clause	01
II.	Short Title	01
III.	Definition of Terms.....	01
	Interpretation of Terms and Words	01
	Definitions	02
	Definitions Relative to Sexually Oriented Businesses	45
IV.	Establishments of Districts and Official Zoning Map	50
	Establishment of Districts	50
	Zoning Map.....	51
	Interpretation of District Boundaries	51
V.	Zoning Use Regulations.....	52
	R-1 and R-2 Single Family Residential	52
	R-1A Single Family Residential	53
	R-2A Single Family Residential	53
	R-3 Multi-Family Residential	53
	R-3A Mobile Homes and Mobile Home Parks.....	54
	Existing Mobile Home Parks	
	C-1 Transitional Commercial	57
	C-2 Planned Neighborhood Commercial.....	57
	C-3 Central Business District.....	58
	I-1 Light Industrial.....	58
	I-2 Heavy Industrial	59
	Double Wide Mobile Homes	62
	FH-1 Flood Hazard Zone	64
VI.	Dimensional Requirements.....	65
VII.	Sign Regulations	65
	Signs for Which a Permit is not Necessary.....	65
	General Regulations.....	66
	Prohibited Signs	69
	Signs in Zoning Districts	69
	Encroachment Permits and Regulations.....	
VIII.	Communication Towers and Antennae as a Conditional Use.....	74
	General Requirements.....	74
	Location	75
	Height Limitations	75
	Application Requirements	76
	Conditions	77
	Appeal to Board	78
IX.	Bufferyards	79
	General Provisions	79
X.	General Provisions.....	90
	Non-Conforming Uses	90
	Off-Street Automobile Parking and Storage.....	90
	Off-Street Loading and Docking Space	91
	Vision Clearance at Intersections.....	92

	Accessory Buildings	92
	Principal Buildings.....	92
	Street Access	92
	Lot Requirements.....	92
	Group Housing Development	93
	Yard Sales	93
	Uses Not Permitted.....	94
	Zoning of Annexed Properties	94
	Historic Preservation Ordinance and Board	94
XI.	Zoning Administration.....	101
	Inspection – Duties Specified	101
	Zoning Permit	102
	Application for Zoning Permit.....	102
	Expiration of Zoning Permit	102
	Certificate of Occupancy	102
	Conditions for Approval	103
	Records	103
	Violations.....	103
	Right of Appeal.....	103
	Penalties for Violation	103
	Remedies.....	103
	Complaints Regarding Violations.....	103
XII.	Board of Zoning Appeals.....	104
	Establishment of Board of Zoning Appeals.....	104
	Membership	104
	Proceedings.....	104
	Appeals and Hearings	104
	Powers and Duties.....	104
	Decisions.....	106
	Appeals	106
	Fee.....	106
	Duties of Administrative Officials, Board of Zoning Appeals, City Council, And Courts on Matters of Appeal	107
XIII.	Amendments	107
	Action of the Applicant.....	107
	Action by the Planning Commission	107
	Action by the City Council	107
XIV..	Provision of Ordinance Declared to be Minimum Requirements.....	108
XV.	Complaints Regarding Violations.....	108
XVI.	Separability	108
XVII.	Effective Date	108

ZONING ORDINANCE
CITY OF WOODRUFF, SOUTH CAROLINA

ARTICLE I **PURPOSE, AUTHORITY AND ENACTMENT CLAUSE**

Section I **Purpose**

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and are designed to divide the City of Woodruff into zoned districts and to establish their respective boundaries; the height, number of stories, and size of the yards, courts, and other open spaces, regulate the density of the population; regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and other purposes, provide for the method of administration and amendment, define powers and duties of the Board of Zoning Appeals with respect to these regulations, provide penalties for violations of these regulations and define certain terms used herein.

Section II **Authority and Enactment Clause**

In pursuance of authority granted by the South Carolina Code of Laws, 1976, 1994 Cumulative Update, Title VI, Chapter 29, promoting the health, safety, morals or general public welfare of the community; lessening congestion in the streets, securing safety from fire; providing adequate light and air; preventing overcrowding of land; avoiding undue concentration of population and facilitating the adequate provision of transportation, water, sewage, parks, schools and other public improvements in accordance with the Comprehensive Plan, the City Council of Woodruff does ordain and enact into law the following Articles and Sections:

ARTICLE II **SHORT TITLE**

This Ordinance shall be known and cited as “The Zoning Ordinance of Woodruff, South Carolina.”

ARTICLE III **DEFINITION OF TERMS**

Section I **Interpretation of Terms and Words**

Interpretation of Terms or Words: For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the single.
3. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
4. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
5. The word “lot” includes the words “plot” or “parcel.”

6. Words used in the present tense include the future tense.
7. Words used in the singular number include the plural, and words used in the plural number include the singular.
8. The word "building" includes the word "structure".
9. The word "Map", or "Zoning Map", or "Woodruff Zoning Map" shall mean the "Official Zoning Map of the City of Woodruff, South Carolina".
10. Any word denoting gender includes the female and the male.
11. The term "City Council" shall mean the "City Council of Woodruff, South Carolina".
12. The term "Planning Commission" shall mean the "Planning Commission of Woodruff, South Carolina".
13. The term "Board of Appeals" shall mean the "Board of Appeals of Woodruff, South Carolina".
14. The term "Woodruff Comprehensive Plan" shall mean the Woodruff Comprehensive Plan adopted by the Woodruff City Council on March 28, 2005.
15. The term "Zoning Administrator" shall mean the Zoning Administrator of Woodruff, South Carolina.

Section II Definitions

Abandoned:

The intentional or unintentional cessation of use or maintenance of a building, structure or lot.

Accessory Dwelling Unit

A dwelling that exists as part of a principal dwelling or on the same lot as the principal dwelling and is subordinate to the principal dwelling.

Accessory Use or Structure

A use or structure that exists on the same lot with the principal use or structure and is customarily subordinate to or incidental to the principal use.

Active Recreation

Leisure activities usually of an organized nature, often performed with others and often requiring equipment, taking place at prescribed places, sites, or fields.

Adjacent

Property abutting directly on the boundary of, touching, or sharing a common point.

Adult Establishment

Those uses defined in Section III "Definitions Relative to Sexually Oriented Businesses."

Adult Video Store

As defined in Section III "Definitions Relative to Sexually Oriented Businesses."

Adult Hotel or Motel

A hotel, motel, or similar commercial establishment that:

- a) Provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe “specified sexual activities” or “specified anatomical areas” as one of its principal business purposes; or
- b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- c) Allows a tenant or occupant of a sleeping room to sub-rent a sleeping room for a period of time that is less than ten (10) hours.
- d) Or as Defined in Sections III “Definitions Relative to Sexually Oriented Businesses.”

Agency

A sales or service establishment dealing in services or intangible commodities, or commodities not on site, such as a broker's office, travel agency, temporary employee agency, etc.

Agricultural Uses

The commercial production, keeping or maintenance, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program.. Also land used as pasture or in the commercial production of fish hatcheries or aquaculture.

Also for the purposes of this ordinance, the keeping of livestock for commercial or noncommercial purposes is defined as an agricultural use. Livestock includes but is not limited to poultry and hoofed animals such as cattle, horses, swine, goats, and sheep. Also included in this definition of agricultural uses are agricultural accessory buildings, and sales of agricultural products grown or raised on the premises. Not included in this definition are the commercial slaughtering of animals for marketing and farm tenant dwellings. Other uses which shall not be deemed as "agricultural uses" include (i) zoos, (ii) kennels, and (iii) riding stables and academies.

Airport

A place where aircraft may takeoff and land, be repaired, take on or discharge passengers or cargo, be stored or refueled. Includes customary accessory uses.

Alteration

A change in the size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location, or use.

Amusement Arcade

A Commercial facility , in whole or part, providing recreational activities that typically include amusement machines such as pinball machines, electronic video games, skeet-ball machines or any other electronic game where patrons pay a fee in any form to play or operate. Machines which redeem monetary, merchandise or similar awards shall be required to be registered with the Woodruff city clerk’s office and a city sticker will be issued for each machine after payment of fees established. Such fee shall be one-thousand dollars (\$1,000) per machine annually. Fee(s) shall be non-refundable . Fee(s) shall be

non-transferable between owners, locations or units. (revised by city council through zoning amendment of 6/22/09)

Amusement/Fun Park

A permanent, outdoor, pedestrian-oriented facility containing a cluster of structures and facilities which house devices for entertainment, including but not limited to rides, booths for the conduct of games, food and souvenir stands, buildings for shows and entertainment (movies), video games, go-carts, remote control cars track, and miniature golf.

Animal Grooming Facility

An indoor facility where household pets, primarily dogs and cats are bathed, clipped, and styled. No overnight care is given and no outside runs or kennels are permitted.

Animal Hospital (Indoor)

A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use. All facilities associated with an animal hospital shall be located indoors.

Animal Kennel

A commercial or residential lot where more than five (5) dogs or other domesticated animals are groomed, bred, boarded, trained, sold , or kept (6/22/09)

Animal Shelter

A public, non-profit or not-for-profit facility at which dogs, cats, and other domesticated animals are kept (primarily outdoors) for purposes of distribution to the general public.

Animal Supply Store

A retail establishment whose business is limited to the sale of supplies (e.g., feeds and pharmaceutical) and equipment (e.g., bridles, barbed wire) related to the keeping of horses and farm animals.

Antenna

A device used to receive or transmit electromagnetic waves, including but not limited to directional antennae, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Applicant

A person seeking an action or approval under provisions of this ordinance.

Art Gallery

A commercial establishment where individual pieces of art are sold to the general public on a retail basis.

Auction House

A facility which is used for the purpose of having auctions on a regularly established basis

Automobile Body Shop

Any building, premises and land in which or upon which a business is conducted that primarily involves the painting of vehicles or external repairing of damaged vehicles.

Automobile Broker

A business dealing with the trading of automobiles without the use of a sales lot.

Automobile Detailing Shop

An establishment primarily engaged in the hand-cleaning and waxing of automobiles. Such activities may take place both indoors and outdoors. Such facilities are distinguished from “Auto Washes” in that there is typically no automated equipment involved with the cleaning and waxing of vehicles.

Automobile Parts Supply Store

An establishment which sells new and/or rebuilt automobile parts and accessories but does not include junk yards, used auto parts sales, or the installation of such parts.

Automobile Repair Shop

Any building, premises and land in which or upon which the primary use of land is a business which involves the maintenance or servicing of vehicles.

Automobile Salvage Yard

See “Junkyard and Automobile Salvage Yard”

Automobile Service Station

A use where vehicular fuels are sold at the retail level and where the installation of such automotive items as lubricants, tires, batteries and similar accessories takes place and where minor automobile repair and maintenance work is conducted.

Automobile Towing and Wrecking Service

An establishment primarily engaged in the towing of motor vehicles and vehicular storage associated with vehicle accidents and violations. This shall not include vehicular salvaging operations nor the sale of salvaged vehicular parts. This use is not to be construed as a junkyard nor an automobile salvage yard.

Automobile Wash, Class I (Self-service car wash)

A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks. Such washing shall be done manually by the customer or by fully automated machines (i.e. the use of chain conveyors or other devices which move the vehicle through a washing device shall not be permitted). Accessory self-vacuuming facilities shall be allowed.

Automobile Wash, Class 2 (Automatic Car Wash)

A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks using a combination of personnel and automated systems to wash the vehicle. The retail sale of fuels and related automotive goods may also be provided on-premises on accessory basis.

Awning : A shelter supported entirely from the exterior wall of a building.

A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not to include a canopy.

Bakery (Retail)

The use of a structure or building for the production of bakery products including, but not limited to, breads, cakes, pastries, and doughnuts. When identified in this Ordinance as a retail use, the bakery products produced are for the direct sale to the consumer with no wholesale production or sales.

Bank Teller Machine

A machine which dispenses cash and allows the user to make bank transactions without personal contact and without entering a bank or other financial institution. Use of machines is generally not limited to specific hours of operation. Unit may be associated with a financial institution or free-standing either outdoor or within a building.

Banner

A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

Bed and Breakfast Inn

A use that **(i)** takes place within a building that prior to such establishment, was designed and used as a single-family residence, **(ii)** that consists of renting one or more dwelling rooms on a daily basis to tourists, vacationers and similar transients, **(iii)** where the provision of meals, if provision of meals is made, is limited to the breakfast meal, available only to guests, and **(iv)** where the bed and breakfast operation is conducted primarily by persons who reside in the dwelling unit, with the assistance of not more than the equivalent of one (1) full-time employee.

Blood Relative

For the purposes of this ordinance, a blood relative(s) shall be the great grandparents, grandparents, parents, children, brothers, sisters and their spouses and the parents-in-law of the owner/occupant of the principal structure.

Boarding House

A building, other than a hotel, rooming house, or bed and breakfast inn, containing not more than 9 guest rooms. At least one meal is provided to guests. Individual guest rooms may not contain kitchens.

Book Store

A commercial establishment where books are the primary item sold. An establishment which sells books and meets the definition of “adult use”, as herein defined, shall not be considered a book store.

Broadcast Tower

An above-grade tower or similar structure more than 35’ in height, intended for communications equipment principally intended for the transmittal or reception of commercial, governmental, educational, and public television and radio signals. Towers or similar structures installed on or attached to tops of buildings, water tanks, or similar facilities shall be included in this definition. This definition includes accessory buildings and related equipment required for broadcast towers.

Buffer

A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

Building

A temporary or permanent structure having a roof supported by exterior walls or constructed columns and which can be used for residence, business, industry, or other public or private purposes or accessory thereto. The term "building" shall be construed as if followed by the words "or parts thereof".

Building, Accessory

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

Building Front

The side of the building closest to and most nearly parallel with the street which provides access to the lot. In the case of a corner lot or through lot, either side abutting a street may be considered to be the front, provided the building is situated so that it meets all front, side and rear yard requirements.

Building, Principal

A building in which is conducted the principal use on the lot on which said building is situated. In any Residential (R) Zoning District any structure containing a dwelling unit shall be deemed to be the principal building on the lot where it is located.

Building Height

The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip and gambrel roofs.

Building and Home Materials Center (i.e. hardware stores)

A retail establishment which may sell various household goods, paints, building and hardware products, household animal supplies, nursery and yard goods, and durable goods (e.g. lawn mowers, appliances, etc.). Such an establishment shall be a gross leasable area of no greater than fifteen-thousand (15,000) square feet. All retail stock (except plant materials) which is stored outside must be screened in accordance with Section 5.4.4.

Building Line

The edge of a building closest to the street.

Building Setback Line

A line establishing the minimum allowable distance between the nearest portion of any building (or any attached appurtenance thereof), including eaves and overhangs, and the nearest edge of the street right-of-way when measured perpendicular thereto.

Bulletin Board

A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly.

Bus Terminal, Passenger

Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers going on inter-city bus trips.

Business Identification Sign

A sign that directs attention to a business, profession, or industry located upon the premises where the sign is displayed; to the type of products sold, manufactured or assembled; and/or to services or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

Business Park

A development on a tract of land which contains two (2) or more separate office buildings, constructed and managed in an integrated and coordinated basis. A business park may also be cited as an "office park".

Bulk Storage

Storage material in containers or tanks for sale to retail dealers, distributors, or outlets or for storage prior to disposal.

Business Services

Establishments primarily engaged in rendering services (which are not listed elsewhere in this ordinance) to business establishments on a contract or fee basis. These services include but are not limited to: advertising, claims adjusters, and computer software development.

Camping and Recreational Vehicle Park

Land containing of two or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are solely used for recreation or vacation purposes. A “manufactured home park” shall not be deemed a “camping and recreational vehicle park”.

Campsite

Any plot of ground within a campground intended for the exclusive occupancy by a cabin, recreational vehicle, or tent.

Canopy

A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

CANOPY SIGN

Any sign that is part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Carnival

A traveling enterprise offering outdoor amusements, games, rides and shows for entertainment purposes.

Cemetery

Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. Setback for cemeteries shall be measured from the nearest structure or gravesite. This definition shall be construed to include bona fide pet cemeteries.

Center Line of Street

The center line of a right of way, as defined or surveyed by the South Carolina Department of Transportation.

Certificate of Compliance

A statement, signed by an administrative officer, setting forth that a building, structure, or use complies with the Zoning Ordinance and that the same may be used for the purposes stated on the permit.

Certificate of Occupancy

A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

Changeable Copy

The display area of a sign where characters, letters, or illuminations can be changed or rearranged without altering the face or surface of the sign.

Charitable Organizations

Nonprofit organizations which are supported primarily by charity and whose principal function is the performance of charitable works or religious activities. This definition shall include but not be limited to: churches, mosques, synagogues or other religious institutions. Not included in this definition are social organizations and clubs.

Church (or Other House of Worship)

A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead. Day care centers [which have enrollment capacities in excess of twenty-five (25) enrollees] and/or schools operated by the church on the facilities of the church shall be considered separate principal uses.

Clinic

Establishments where humans receive treatment of illnesses or pregnancy, or examinations by a doctor, dentist, optician, psychologist, or other similar medical professional on an out-patient basis.

Club or Lodge

A building or site used by a non-profit membership organization for recreational or social purposes.

Cluster Development

The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project.

Cluster Housing

Dwelling units grouped on lots with smaller dimensions than normally permitted within a zoning district in exchange for the provision of permanent open space within the same development.

College Or University

An institution other than a trade school that provides full-time or part-time education beyond high school.

Co-Location

Co-location means the location of wireless telecommunications antennae/equipment from more than one provider on one common tower or structure.

Columbarium

A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

Commercial Vehicle Storage and/or Operations Center

A facility specifically designated for routine storing and/or servicing of six (6) or more commercial vehicles (except septic tank and solid waste vehicles) operated by the same entity.

Common Open Space

Land and/or water areas within the site designated for development, not individually owned or dedicated for public use, which are designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.

Common Open Space, Improved

Common open space which has been improved with recreational areas and amenities such as, but not limited to, ballfields, tennis courts, swimming pools, nature trails, clubhouses, etc.

Community Center

A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or non-profit group or agency.

Conditional Use Permit

A special authorization for a conditional use which may be subject to any specific restrictions or conditions on its size, location, intent, character of use, etc. as determined by the Planning Commission.

Condominium

A form of property ownership whereby the owner gains ownership of an interior space within a building. The building structure, the land under the building, and all of the surrounding land is commonly owned by all the inhabitants on a proportional basis.

Construction Trailer

A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at the construction site on a temporary basis for office purposes.

Contiguous

Next to, abutting, or touching and having a boundary, or portion thereof, which is contiguous including properties traversed or separated by a road, stream, right-of-way or similar man-made or natural configuration. The term "contiguous" shall also mean "abutting" or "adjacent".

Continuing Care Facility

A residential complex which contains a variety of living facilities which may include independent living units (i.e., apartments, condominiums, cottages), assisted living (domiciliary care) facilities and/or nursing home beds. Residents of such a facility may either pay rent or purchase their living quarters. If the unit is occupant-owned, the unit normally reverts to the development owner upon the death of the resident or to a surviving spouse.

Contractors

General contractors and builders or specialized contractors who engage in the construction or remodeling of buildings, either residences or commercial structures including but not limited to heating, air conditioning, painting, plumbing, and roofing. Also included are heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.

Convalescent Center or Nursing Home

A facility that provides nursing services and custodial care on a 24 hour basis for 3 or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age require such services.

Convenience Store

A one story, retail store operating anytime between the hours of 6:00 AM and midnight containing less than three-thousand (3,000) square feet of gross floor area that is designed and stocked to sell primarily fuel, food (packaged and/or prepared), beverages, and other household supplies to customers who purchase a relatively few items (in contrast to a "food store"). It is designed to attract and depends upon a large volume of stop-and-go traffic.

Correctional Facility

A public or privately operated facility used for 1) the temporary incarceration of persons after arrest or pending hearing or trial or for the incarceration and or housing of persons serving sentences or 2) incarceration or housing of persons serving criminal sentences.

Country Club

A land area and buildings containing recreational facilities, clubhouses and usual accessory uses, open to members and their guests which is privately operated. Uses at a country club frequently include golf courses, swimming pools (outdoors), and club-houses. Meal service may be available, but is generally limited to members and their guests. A country club may be developed as a free-standing entity or as part of a residential community or planned residential development.

Craft Studio

An establishment where works of art are individually crated on-premises by no more than five artisans and which are sold at the same location to the general public. Artisans shall include sculptors, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, designers of ornamental and precious jewelry, screen printers, and air brushers.

Cul-De-Sac

The turn around at the end of a dead-end street.

Customary Home Occupation (Home Occupation)

Any use conducted for gain entirely within the dwelling and carried on by the occupants thereof, which use is clearly incidental and subordinate to the residential use and which does not change the character thereof and in connection with which there is no display. No persons other than those residing in the home shall be engaged in the occupation. When observed from beyond the lot on which it is located, the home occupation does not give visual, audible, sensory, or physical evidence that the property is used for any nonresidential purpose (6/22/09)

Day Care Center

A place where daytime care is provided to six (6) or more children, handicapped persons or senior citizens unrelated by blood or marriage to, and not the legal wards or foster children of the attendant adult within an occupied residence. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the day care center.

Day Care Center associated with Place of Worship or School

A day care center run by a church or school where day care is provided to children, handicapped persons, or senior citizens. The day care center may be located on the grounds of the church or school; located on a piece of property owned by the church or school which lies within five-hundred (500) linear feet of the lot containing the church or school; or, on a lot owned by the church or school where religious or educational activities are regularly conducted.

Day Care Home, Family

A place where daytime care is provided to not more than five children, handicapped persons or senior citizens unrelated by blood or marriage to, and not the legal wards or foster children of the attendant adult, within an occupied residence. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the family day care home. For the purpose of this ordinance, such activities shall meet all requirements for customary home occupations.

If children are the primary clients of the family day care home, the following standards must be met:

- A. The home shall meet all state standards for registration and inspections.
- B. The number of children does not exceed 6 preschool children including the caregiver's children and 3 school aged children not including the caregiver's children.

Density, Gross

A ratio expressed as the number of dwelling units per gross acre. The ratio is derived by dividing the total number of dwelling units by the total land area (in acres) used or proposed to be used for purposes such as buildings, roads, public facilities, and open spaces.

Development Plan

A type of plan which becomes part of the zoning for a property. The plan depicts site characteristics and development information as specified in this ordinance. The development plan provides guidance for site plans.

Diet House or Diet Facility

A facility housing a dietary treatment program supervised by trained professionals which may also contain temporary living quarters for clients.

Doctor's Office

An office facility containing space for patient waiting rooms and laboratory space for medical doctors (M.D.'s), osteopaths, chiropractors, dentists, podiatrists, acupuncturists, or psychologists, licensed

nurse/midwife, licensed physical therapist, licensed respiratory therapist or optometrist.

Drive Thru or Drive Up Window Establishment

A window or other opening in the wall of a principal or accessory building through which goods or services are provided directly to customers in motor vehicles by means that eliminate the need for such customers to exit their motor vehicles.

Drugstore

See "Pharmacy".

Dry Cleaning and Laundry Plant

A commercial facility at which clothes are brought to be dry cleaned and/or laundered from individual dry cleaning services. Such a facility may be free-standing or combined with a dry cleaning service facility.

Dry Cleaning Services Outlet

An establishment engaged in providing laundry, dry cleaning, and other related services on a pick up and drop off basis to individual customers. The actual laundering and/or dry cleaning of clothes may only take place at a "dry cleaning and laundry plant".

Duplex

Two dwelling units, including modular homes, attached along and sharing one or more common walls and located on a single lot. This shall also include the term "two-family dwelling".

Dwelling, Attached

A single-family dwelling attached to two or more one-family dwellings by common vertical walls.

Dwelling, Detached

A dwelling unit that is developed with open yards on all sides. This shall include modular homes but shall not include manufactured homes.

Dwelling, Patio Home

A one-family dwelling unit on a separate lot with open space setbacks on three sides and with a court. Patio homes may be attached to similar units on adjacent lots and still meet this definition, and are therefore known as zero lot line homes.

Dwelling, Single-Family

A detached building designed for or occupied exclusively by one (1) family, but not to include manufactured homes as defined by this Ordinance. Modular housing as defined elsewhere is included in this definition.

Dwelling, Triplex

A building containing three dwelling units, each of which has direct access to the outside or to a common

wall.

Dwelling, Townhouse

A one-family dwelling in a row of at least three such units in which each unit has its own front door and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical fire-resistant walls.

Dwelling, Two-Family

A building arranged or designed to be occupied by two (2) families living independently of each other, sharing one or more common walls and located on a single lot. Also known as a duplex.

Dwelling, Multi-Family

A building, or portion thereof, used or designed as a residence for three (3) or more families living independently of each other, including apartment houses, apartment hotels and group housing projects, triplex, quadruplexes, and townhouses.

Dwelling, Quadruplex

Four attached dwellings in one building in which each unit has two open space exposures and shares one or two walls, with adjoining unit or units.

Dwelling Unit

A building, or portion thereof, providing complete and permanent living facilities for one (1) family. The term "dwelling" shall not be deemed to include a motel, hotel, bed and breakfast inn, manufactured home or other structure designed for transient residence. Included in this definition are "stick-built" and/or modular construction. Manufactured housing is defined elsewhere in this Section.

Essential Services

Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water; the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds one hundred (100) feet in height. Essential Services are divided into the following three classes:

Class 1

Transmission lines (whether, subterranean or overhead) including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields, cable television and telephone transmission lines; or similar utility lines; pumping stations; lift stations; telephone switching facilities (up to 100 square feet gross floor area).

Class 2

Elevated water storage tanks; booster stations, package treatment plants, telephone switching facilities (over 100 square feet gross floor area), substations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, or other similar utilities and minor offices associated with such facilities.

Class 3

Generation, production, or treatment facilities such as power plants, water treatment plant, sewage treatment plants (excluding package treatment plants), radio and television broadcast towers, or similar utilities; microwave radio towers; sanitary landfills; septic tank waste disposal facilities.

Essential Services Operation Center

A facility where trucks, goods and/or equipment for an essential service operation (e.g. a public utility) are stored (either indoors or outdoors). The facility may also serve as a base of operations for certain workers employed by the essential service operation.

Fairgrounds

An area where outdoor fairs, circuses, or exhibitions are held.

Family

An individual, or two or more persons related by blood, marriage or adoption living together as a single housekeeping unit, exclusive of household servants; or a group of not more than six persons who need not be related by blood, marriage, or adoption living together as a single housekeeping unit.

Family Care Home

A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident persons, who because of age, illness, handicap or specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. All family care home facilities shall be regulated by the State of South Carolina.

Farm (See Agricultural Uses)

Farm Supply Store

An establishment where feed, seed, animal and agricultural supplies are primarily sold in bulk quantities.

Farmer's Market

A market held on pre-established dates in an open area or structure open to no greater than fifty (50) vendor/peddler at which locally grown fruits and vegetables, bakery items, condiments, flowers, plants and craft goods are sold on a retail basis. Vehicles used to transport the products to be sold shall be limited to cars, vans and trucks of no greater than three-quarter (3/4) ton in weight capacity. The property owner shall be required to obtain a business license to operate a farmers market. Peddlers/Vendors shall be required to obtain a peddlers/vendors license from the city of Woodruff. (6/22/09)

Fence

A devise made of chain links, posts, wires, or boards designed to serve as a barrier or otherwise to mark off the boundaries of a piece of property, or portion thereof. A fence is not a structure.

Finance Company

A commercial establishment which makes short and long term loans to individuals.

Financial Institution

A commercial bank, a mortgage bank, a savings bank, a saving and loan association, or a credit union any of which are licensed, insured or chartered by the United States of America or the State of South Carolina.

Flag

A piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol or decorative feature.

Flashing Sign

A sign that uses an intermittent, scrolled or flashing light or message to attract attention or is otherwise designed or constructed to have intermittent, flashing or scrolled light emitted from it.

Flea Market

A market held on pre-established dates in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other eatable items. The individual sellers at the flea market need not be the same each time the market is in operation. The property owner shall be required to obtain a business license to operate a flea market. Sellers shall be required to obtain a peddlers/vendors license from the city of Woodruff. (/see amendments of 6/22/09)

Flex Space

Buildings designed and marketed as suitable for offices but with space available that is able to accommodate bulk storage, showroom manufacturing, assembly or similar operations. Generally, flex space has storefront type windows in the office area of the space.

Florist, Retail

A retail commercial establishment where flowers or ornamental plants are sold indoors.

Food Catering Facility

A facility at which a pre-arranged amount and type of food is prepared for consumption off-premises or in a meeting room on-premises. A food catering facility differs from a restaurant in that food is not offered for sale to the general public on a retail basis.

Food Store or Grocery Store

An establishment which may sell a wide variety of fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off premises. In addition, the store may contain a delicatessen section in which prepared foods are sold and may be consumed on premises in a specially designed sit-down area. Sales of grocery items are highly dependent on comparison shopping.

Fortune Teller

A commercial establishment where people go to have their fortunes predicted through the use of astrology, card reading, numerology, etc. If located in a Residential zoning district, it may only take place as a customary home occupation only.

Fraternal and Service Organization Meeting Facility (Non-Profit and Not-For-Profit)

A facility operated by an association of persons for activities which include, but are not limited to social, literary, political, educational, fraternal, charitable, or labor activities, but which are not operated for profit or to render a service which is customarily conducted as a business.

Freestanding/Self-Supporting Tower

All telecommunications towers which are placed on an independent base and erected without support from other structures. Monopoles and lattice towers are types of freestanding towers

Frontage

The dimension of a property or portion of a property that is adjacent to a street; side yards of corner lots are excluded.

Fuel Station (Gas Station)

A fuel dispensing pump, which may contain more than one fuel nozzle, designed to accommodate one or two vehicles at a time. If two vehicles are accommodated at the same time, fuel nozzles serving the two vehicles shall be located on opposite sides of the fuel pump.

Funeral Home

A facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. Also a facility where funeral services are held, funeral vehicles are stores, and caskets and other funeral supplies are sold.

Game Room/Video Arcade

See Amusement Arcade. (6/22/09)

Garage Sale

See "Yard Sale"

Garden Supply and Seed Store

A retail establishment at which animal feed, crop seeds and related products are sold. The milling and grinding of feed or flour at such establishments shall be prohibited as shall the storage of milled products. The sale of agricultural chemicals shall be limited to general retail use (as distinguished from an "animal supply store" where large quantities of agricultural chemicals are sold for agricultural purposes).

Golf Course

A tract of land for playing golf, improved with tees, fairways, hazards and which may include clubhouses

and shelters.

Governmental Buildings and Uses: Governmental Buildings and Uses shall be permitted in areas listed in the Woodruff Zoning Use table R-1,R-1A,R-2,R-2A,R-3,R-3A,C-1,C-2,C-3, I-1, I-2,DWMH, and FH-1.

Grade of Street

The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the side of the street at which grade is being measured.

Greenhouse

A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale.

Greenhouse, Commercial

An establishment whose primary business is the growing of plants through the use of one or more on-premises greenhouses.

Gross Density

The quotient of the total number of dwelling units divided by the total gross acreage of a site.

Gross Floor Area

The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the center line of the party walls, including the floor area of accessory structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access such as stairs, elevator shafts and maintenance crawlspaces or unused attics. This term also excludes pedestrian walkways and common areas within enclosed shopping areas.

Gross Tract Area or Gross Acreage

The total area of a project including rights-of-way, open space, and dedicated public properties.

Ground Covers

Low growing plants such as grasses, ivies, creeping bushes and similar decorative plantings. Where required by this Ordinance, ground covers shall have the capability of soil stabilization and erosion control.

Group Development

A group of two (2) or more principal structures built on a single lot, tract or parcel of land not subdivided into the customary streets and lots and which will not be so subdivided, and designed for occupancy by separate families, businesses, or other enterprises. Examples of a group development include: cluster-type subdivisions, row houses, apartment complexes, housing projects, school and hospital campuses and shopping centers, business parks, etc.

Group Care Facility/Group Home

A dwelling operated under state regulations, and licensed by the State of South Carolina, by whatever name it is called, other than a “Family Care Home”, as herein defined with support and supervisory personnel that provides room and board, personal care, or rehabilitation services in a family environment for not more than thirty (30) individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. All group home facilities shall be regulated by the State of South Carolina.

Handicapped Person

A person with a physical or mental impairment which substantially limits one or more of such person’s major life activities; a person with a record of having such an impairment; or a person who is regarded as having such an impairment. This term does not include current, illegal use of or addition to a controlled substance as defined in 21 U.S.C. Section 802.

Home Centers (Home Improvement Store)

An establishment which may sell various household goods, tools, and building materials, curable household goods (e.g. refrigerators, lawn care machines, washing machines), electronic equipment, household animal supplies, nursery products, etc. Retail stock (e.g. nursery items, lumber goods) may be kept outdoors. All such stock (except plant materials) shall be screened in accordance with Article IX. At least seventy-five (75) percent of all indoor floor good space shall be for retail sales. Likely examples of such uses include “Home Depot”, “Home Quarters”. etc.

Home Decorating Center

A commercial establishment which sells decorating items (e.g. paint, wallpaper, carpet, linoleum, tile, etc.) and may also supply in-house professional home decorating assistance.

Home Improvement Stores

See “Home Centers”

Home School

A home school in which one or more children of not more than two families or households receive academic instruction from parents or legal guardians, or from a member of either household. A home school shall be considered a Customary Home Occupation.

Hospital

An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, emergency services, and staff offices.

Hotel

A facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms and recreation facilities.

Household

A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

Independent Living Center

An establishment which provides living facilities to seven (7) or more persons with physical or mental disabilities (irrespective of age). Congregate meals may be provided at such facilities. However, residents are expected to provide other basic living services.

Industrial Development

Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Interior Decorator

A commercial establishment from where professional home interior decorating services are provided. The on-site retail sale of furniture and other home furnishings to the general public shall not be offered, however, cloth, wallpaper, and paint samples may be provided.

Junk Yard and Automobile Salvage Yard

The use of more than six hundred (600) square feet of the area of any lot for the outdoor storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, vehicles or machinery or parts thereof.

Kennel, Animal

See "Animal Kennel".

Landfill, Sanitary

A facility for the disposal of solid waste on land in a sanitary manner in accordance with the South Carolina Code of Laws.

Large Maturing Tree

A tree whose height is greater than thirty-five (35) feet at maturity and has a minimum caliper of two and one-half (2-1/2) inches at the time of planting and meets the specifications of "American Standards for Nursery Stock" published by the American Association of Nurseryman.

Lattice Tower

A free standing and self-supporting structure consisting of connected sections of metal supports used to support telecommunications equipment. These towers can be either three or four-legged steel girded structures designed typically to support multiple telecommunications users.

Laundromat

A commercial facility open to the general public where coin-operated washing and drying machines are available for use.

Light Manufacturing

Light manufacturing specific to the spirit of this amendment is to allow the conversion of raw materials into retail products. Concerning the Revitalization District light manufacturing is permitted for a product produced for retail sale. For example: a bakery that bakes its product on site, an ice cream parlor that manufactures ice cream, a tailor that makes custom clothing, a restaurant that creates foods from scratch.

Loading Space, Off-Street

An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Lot

A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

Lot Area

The total area circumscribed by the boundaries of a lot, except that: **(i)** when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or **(ii)** if the right-of-way line cannot be determined, a line running parallel to and thirty feet from the center of the traveled portion of the street.

Lot, Corner

A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less than one hundred and thirty-five (135) degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning permit.

Lot Depth

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

Lot, Interior

A lot other than a corner lot.

Lot Line

A line of record bounding a lot which separates one lot from another lot or separates that lot from a public or private street or any other public space.

Lot Line, Front

The lot line separating a lot from a street right-of-way.

Lot Line, Interior

A lot line which does not have street frontage.

Lot Line, Rear

The lot line opposite and most distant from the front lot line.

Lot Line, Side

Any lot line abutting another lot and which is not a front or rear lot line.

Lot Line House

A single-family detached dwelling unit which is placed against one of the side lot lines. Such dwelling unit has a front and rear yard but only one side yard.

Lot of Record

A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Spartanburg County or a lot described by metes and bounds, the description of which has been so recorded.

Lot, Through

A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot Width

The distance between side lot lines measured at the building setback line.

Lounge

An establishment (e.g. bar, tavern) used primarily for the serving of alcoholic beverages to patrons and where the sale of prepared food if provided, is accessory to the primary use. Any lounge which provides facilities or services which satisfy any portion of the definition of “adult establishment” shall be considered an “adult establishment”.

Machine Shop

A workshop in which work is machined to size and assembled.

Manufactured Goods, Class 1

Manufacturing, refining, processing, or assembly of goods or products subject to the following limitations

(Note: The term "SIC" shall refer to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this Ordinance, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the SIC Manual uses the term "establishments primarily engaged in" in defining types of manufacturing operations, this Ordinance shall be construed to mean that if the activity is conducted at all within the use and that activity is listed as being conditional, then the entire use shall be deemed a "conditional use" as opposed to a "permitted use".):

All manufacturing industries **not** listed in Manufactured Goods, Class 2 [as identified by their SIC Group Number, Division or Industry Number(s)] are considered to be Class 1 uses. Please refer to the definition of Manufactured Goods, Class 2.

Manufactured Goods, Class 2

Manufacturing, refining, processing, or assembly of goods or products subject to the following limitations (Note: The term "SIC" shall refer to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this Ordinance, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the SIC Manual uses the term "establishments primarily engaged in" in defining types of manufacturing operations, this Ordinance shall be construed to mean that if the activity is conducted at all within the use and that activity is listed as being conditional, then the entire use shall be deemed a "conditional use" as opposed to a "permitted use"):

The following uses are subject to the issuance of a conditional use permit, and are classified as Class 2 uses:

- a. Meat packing plants and poultry dressing plants (SIC #2011, 2015)
- b. Pickled fruits and vegetables (SIC #2035)
- c. Flour and other grain mill products, sugar refining (SIC #2041, 2061, 2062, 2063)
- d. Animal feeds and pet foods (SIC #2047, 2048)
- e. Fats and oils (SIC Group #207)
- f. Beer/malt beverages, wines, brandy, distilled and blended liquor, roasted coffee (SIC #2082, 2083, 2084, 2085, 2095)
- g. Processing and packing of canned, cured, fresh, or frozen fish and seafood (SIC #2091, 2092)
- h. The following manufacturing listed under SIC #2099:
 - (1) Yeast
 - (2) Molasses and sweetening syrups
 - (3) Vinegar
- i. Tobacco products (SIC Major Group #21)

- j. Dying and finishing textiles, except wool fabrics and knit goods (SIC Group #226) and under SIC #2231, 2253, 2252, 2251, the dying and finishing of wool and similar animal fibers
- k. Coated fabrics, rubberized and not rubberized; canvas and related products (SIC #2295, 2394, 3069)
- l. Sawmills and planing mills, general (SIC #2421)
- m. Wood building and mobile homes (SIC Group #245)
- n. Wood preserving; reconstituted wood products; pulp mills; paper mills; paperboard mills (SIC #2491, 2493; SIC Group #261; SIC Group 262; SIC Group 263 or comparable NAISC group)
- o. Industrial inorganic chemicals; Plastic materials, synthetic resins and rubber, cellulosic and other manmade fibers, except glass (SIC Group #281; SIC Group #282 or comparable NAISC group)
- p. Soaps, detergents and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC Group #284)
- q. Paints, varnishes, lacquers, enamels and allied products (SIC Group #285)
- r. Industrial organic chemicals; agricultural chemicals (fertilizers, pesticides, etc.) (SIC Group #281; SIC Group #287)
- s. Miscellaneous chemical products (all products listed under SIC Group #289) (e.g., adhesives, sealants, explosives, printing ink, carbon black, and "other chemical and chemical preparations" listed in SIC #2899)
- t. Petroleum refining (SIC Group #291)
- u. Asphalt paving and roofing materials (SIC Group #295)
- v. Lubricating oils and greases (SIC #2992)
- w. Products of petroleum and coal classified under SIC #2999
- x. Tires and innertubes (SIC Group #301)
- y. Plastic products found under SIC Group #308 when resins are made at the same facility
- z. Leather tanning and finishing (SIC Group #311)
- aa. Flat glass; glass and glassware; (SIC Group #321; SIC Group #322)
- bb. Cement, hydraulic (SIC Group #324)
- cc. Structural clay products (SIC Group #325)
- dd. Pottery and related products (SIC Group #326) except handmade pottery and arts and crafts operations involving no more than 1,000 cubic feet of kiln space

- ee. Concrete gypsum and plastic products; cut stone and stone products (SIC Group #327; SIC Group #328)
- ff. Abrasive products; asbestos products; mineral wool; (SIC #3291; SIC #3292; SIC #3296)
- gg. Minerals and earths, ground or otherwise treated (SIC #3295)
- hh. Non-clay refractories (SIC #3297)
- ii. Miscellaneous nonmetallic mineral products listed under SIC Code #3299
- jj. Steel works, blast furnaces, and rolling and finishing mills; iron and steel foundries; primary and secondary smelting and refining of nonferrous metals; rolling, drawing and extruding of nonferrous metals; nonferrous foundries; (SIC Group #331; SIC Group #332; SIC Group #333 and 334; SIC Group #335; SIC Group #336)
- kk. Metal heat treating; metal forging-iron, steel and nonferrous; coating and engraving of metals and allied services (SIC #3398, SIC #3462 and #3463; SIC Group #347)
- ll. Manufacture of other primary metal products listed under SIC #3399
- mm. Manufacture of ordnance (arms, ammunition, etc.) and accessories except vehicles and guided missiles (SIC Group #348)
- nn. Power, distribution and specialty transformers (SIC #3612)
- oo. Electrical industrial carbon and graphic products (SIC #3624)
- pp. Storage batteries; primary batteries, dry and wet (SIC #3691; SIC #3692)
- qq. Motor vehicles; truck, bus and passenger car bodies; truck trailers; motor homes; (SIC #3711, 3713; SIC #3715; SIC #3716)
- rr. Railroad equipment (SIC #3743)
- ss. Motorcycles (SIC #3751) except bicycles and bicycle parts
- tt. Aircraft; guided missiles and space vehicles and parts (SIC #3721; SIC Group #376)
- uu. Under SIC #3792 - camping trailers
- vv. (Military) tanks (and related armored vehicles) (SIC #3795) but not tank components
- ww. Under SIC #3861 - all photographic supplies but not photographic equipment
- xx. Under SIC #3952 all inks, paints, oils, enamels, and crayons
- yy. Carbon paper and inked ribbons (SIC #3955)
- zz. Linoleum, asphalt - felt-base, and other hard surface floor covering listed under SIC #3996)
- aaa. Mining (all of SIC Division B)

Manufactured Home (Class A, B, C) (See also individual definitions below)

A residential unit that is not constructed in accordance with the standards set forth in the International Building Code and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to a site on its own chassis. Such manufactured homes are distinguished from modular homes because a modular home meets the standards set forth in the International Building Code.

The term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles. Within the text of this ordinance, when the term single family dwelling is used it shall not include a manufactured home.

Manufactured Home, Class A: (double wide, pitched roof built after 1976)

A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following criteria:

- A. The manufactured home has a length not exceeding 4 times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- B. The manufactured home has a minimum of 960 square feet of enclosed and heated living area per dwelling area.
- C. The pitch of the roof of the manufactured home has a minimum vertical rise of 3 feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
- D. All roof structures shall provide an eave projection of no less than 6 inches, which may include a gutter.
- E. The exterior siding consists predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction
- F. The manufactured home is set up in accordance with the standards set by the South Carolina Department of Insurance. Screening of the foundation area shall be by a continuous, permanent masonry foundation or masonry curtain wall which is in accordance with Minimum Housing Code regulations, unbroken except for required ventilation and access, and which is installed under the perimeter of the manufactured home.
- G. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the South Carolina Building Code, freestanding or attached firmly to the primary structure and anchored securely to the ground.

H. The moving hitch, wheels and axles, and transporting lights have been removed.

It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

Manufactured Home, Class B: (single wide built after 1976)

A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction. CLASS B MANUFACTURED HOMES ARE NOT ALLOWED IN WOODRUFF, EXCEPT AS EXISTING STRUCTURES PERMITTED PRIOR TO THE ADOPTION OF THIS ORDINANCE.

Manufactured Home, Class C: (built before 1976)

Any manufactured home that does not meet the definition of a Class A or Class B manufactured home. CLASS C MANUFACTURED HOMES ARE NOT ALLOWED IN WOODRUFF, EXCEPT AS EXISTING STRUCTURES PERMITTED PRIOR TO THE ADOPTION OF THIS ORDINANCE.

Manufactured Home Subdivision:

A recorded subdivision containing residential lots for individual sale and occupancy by Class A or B manufactured homes.

Manufactured Home Park:

A residential development under single ownership with sites for manufactured homes of Class A or B and various other facilities for the residents of the development.

Manufactured Home Space

Any premises within a manufactured home park used or intended to be used or occupied by one manufactured home, together with automobile parking space, utility structures, and other required facilities incidental thereto.

Medical Center

A facility housing the offices of three (3) or more doctors where out-patient medical services are routinely provided to the general public. Overnight stays of patients at such facilities shall not be allowed.

Memorial Sign or Plaque

A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in a building's creation, cut into or attached to a building surface.

Miniature Golf Course

A commercial enterprise consisting of a golf course open to the general public where each hole is enclosed in a contained area.

Mini-Mart, Express Fuel

A one-story retail store containing less than three-thousand (3,000) square feet gross floor area that is designed and stocked to sell primarily fuel, food, beverages, and other household supplies to customers who purchase only a relatively few items in contrast to a "food store"). A "mini-mart" is different from a "convenience store" in that it may be open twenty-four hours. A convenience store may not be open between the hours of midnight and 6:00 AM.

Mini-Warehouse, Class 1

A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. No outdoor storage shall be allowed in conjunction with the facility.

Mini-Warehouse, Class 2

A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. Outdoor storage shall be allowed in conjunction with the facility.

Mini-Warehouse

A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. Storage shall be limited to dead storage. Dead storage excludes on site retail, manufacturing, or service operation. Dead storage also excludes operations with employees on-site or operations with material handling on site. A single caretaker's residence may be included. No outdoor storage shall be allowed in conjunction with the facility.

Mobile Home

See "Manufactured Home"

Modular Home or Modular Unit

A factory fabricated, transportable building or dwelling unit which is constructed in compliance with the South Carolina Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular unit shall not be considered a manufactured unit or manufactured home for the purpose of this Ordinance.

Monopole Tower

A free-standing and self-supporting single pole structure that supports telecommunication equipment.

Motel

An establishment providing transient accommodations containing six (6) or more rooms with at least twenty-five (25%) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Motor Vehicle

Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle.

Multi-Family Development/Multi-Family Dwellings

A tract of land under individual, corporate, firm, partnership or association ownership, or under common control evidenced by duly recorded contracts or agreements; planned and developed as an integral unit in a single development operation or in a definitely programmed series of development operations. Such development shall consist of two or more duplex buildings, or three (3) or more dwelling units sharing one (1) or more common walls. The development shall have a unified or coordinated design of buildings and a coordinated organization of service areas and common open space area.

Net Tract Area or Net Acreage

The residual acreage of a project after the amount of rights-of-way, open space, and public property have been deducted from the “Gross Tract Area”.

Night Club

See “ Taverns”. (6/22/09)

Noncommercial Copy

A sign message through pictures, illustrations, symbols and/or words, or any combination thereof, which does not contain any reference to a business or product but displays a substantive message, statement or expression that is protected by the First Amendment to the Constitution of the United States.

Nonconforming Lot

Any lot of record which does not meet the minimum yard or area requirements established in these regulations at the time of this Ordinance's adoption or any amendment thereto.

Nonconforming Sign

A sign that, on the effective date of this Ordinance or the date of any subsequent amendment thereto, does not conform to one or more of the regulations set forth in this Ordinance.

Nonconforming Structure

Any structure lawfully existing on the effective date of these regulations, or any amendment to it rendering such structure nonconforming, which does not comply with all of the standards and regulations of these regulations or any amendment thereto.

Non-Conforming Use

Any use lawfully being made of any land, building or structure on the effective date of these regulations or on the effective date of any amendment thereto rendering such use non-conforming, which does not comply with all the regulations of these regulations or any amendment thereto, whichever might be applicable.

Nursery

A commercial enterprise conducted on land where flowers, shrubs and similar horticultural products are raised and sold to general public. Nurseries may include the use of greenhouses for growing purposes.

Nursery Products Sales, Retail and Wholesale

A commercial enterprise where flowers, shrubs and plants are raised for sale on the retail or wholesale level. Nurseries may use greenhouses for the raising of such entitles.

Nursing Home

See "Rest Home"

Off Premises Sign

A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located.

Office

A room or group of rooms used for the conduct of a business, profession, service, industry or government where retail trade is not conducted.

Office Building

A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

Office Park

A development on a tract of land containing two or more office buildings, supporting uses and open space designed, planned and constructed and managed on an integrated and coordinated basis.

On Premises Sign

A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

Open Space

Areas of development that allow for light, air, wildlife habitat, and for scenic and recreational use. Also included are areas designed to enhance the privacy or general appearance of a development. Private open space is open space that is owned by a corporation, individual, or home owner's association. Public open space is open space owned by a governmental jurisdiction.

Open Storage

An unroofed storage area, whether fenced or not.

Outparcel

A parcel of land associated with and located within a shopping center or multi-tenant non-residential development, which is designated on an approved site plan as a location for a structure with an intended use such as, but not limited to banks, savings and loans, dry cleaners, service stations, vehicle repair garages, offices, restaurants, retail establishments, or combination of uses thereof.

Package Treatment Plant

A small self-contained sewage treatment facility built to serve developed areas which lie beyond the service area of sanitary sewers.

Parapet

That portion of a building wall or false front that extends above the roof line.

Parking Bay

A parking module consisting of one or more sets of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave.

Parking Space, Off-Street

An area located outside of any street right-of-way which is designed to accommodate the parking of vehicles which meets all area requirements contained in this Ordinance.

Passive Recreation

Recreational activities that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking.

Patio Home

A single-family dwelling on a separate lot with open space on three sides on that lot.

Pawn Shop

A shop where money is lent on the security of personal property pledged. Such property may then later be sold at the shop.

Permit, Building

Written permission issued for the construction, repair, alteration or addition to a structure.

Personal Service Establishments

An establishment where the primary purpose is providing for the care of physical components of a person or personal apparel. Examples are: beauty shops, cleaners, and shoe repair shops

Pharmacy

A retail store which sells prescription drugs and which may also sell other items at the retail level. A pharmacy may have a maximum gross floor area of fifteen-thousand (15,000) square feet. Prescription drugs may also be sold in department stores, variety stores and food stores but such a store shall not be

deemed to be a "pharmacy".

Place of Worship

A building primarily used by a non-profit organization for organized religious services and supporting uses.

Premises

A parcel of real property with a separate and distinct number or designation shown on a recorded plat, record of survey, parcel map or subdivision map. When a lot is used together with one or more contiguous lots for a single use or planned development, all of the lots so used, including any lots used for off-street parking, shall be considered a single premises for purposes of these regulations.

Produce Stand

The sale of any form of agricultural or horticultural products at a retail stand on the property under the same ownership as the lot upon which the produce is grown.

Public Safety Station

A facility operated by a public agency, a private contractor thereof, or by a private non-profit volunteer organization and used for the base of operations and/or housing of equipment or personnel for the provision of dispatched public safety services including law enforcement, fire protection, rescue services, and/or emergency medical services. Such a facility may contain living quarters for on-duty personnel. It may also contain up to four holding cells for the temporary custody of persons under arrest. Facilities for the maintenance of equipment housed at the operation site are also permitted.

Racetrack, Outdoor

An outdoor facility where motor vehicles of any size, model aircraft and similar reduced-scale objects, or animals are raced for speed and/or endurance at which seating space and accessory food stands may be provided.

Racetrack, Indoor

An indoor facility where reduced-scale cars or airplanes are raced. Other entertainment or recreation activities may also be provided such as video games, or pool tables and where food may be provided.

Recreation Center, Indoor

Public or private health or exercise clubs, tennis or racquet ball courts, swimming pools, YMCA's, YWCA's or similar uses which constitute principal uses and are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation" structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Recreational Facility, Outdoor

A tract of land, owned and operated by a public entity, designated and used by the general public for active and/or passive recreation, primarily conducted outdoors. An example of such a facility shall

include a public park. The term shall not include the terms ,”racetrack”, “outdoor firing range”, “stadiums”, “amphitheaters”, “amusement park”, “baseball hitting ranges”, “country club” or “golf course”.

Recreational Uses, Accessory

A recreational facility (e.g. swimming pool, tennis court) accessory to a principal use such as a hotel, multi-family development, single-family residence, country club, etc.

Recreation Vehicle

A vehicular-type unit without a permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes. A recreation vehicle shall not be considered as being a single-family dwelling.

Recycling Station

A center located either within or outside a principal structure at which household goods such as newspapers, glass, aluminum cans or clothing are deposited. All such deposited goods shall be stored within the principal building or accessory structure. No outside storage of such goods shall be allowed.

Rental Center, Class 1

A commercial establishment whose primary use is the rental of household items and goods (as distinguished from an establishment which deals in goods primarily for use by industrial establishments) are offered for rent (and eventual sale) to the general public. this shall include the rental of prosthetics and medical supplies. Storage and display of all items shall be indoors.

Rental Center, Class 2

A commercial establishment primarily engaged in the rental of commercial and/or industrial supplies and equipment. Storage of rental items may be indoors or outdoors.

Residential Development

Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Residence, Single-Family

Any development where: 1) every dwelling unit is on a separate lot, and 2) where no lot contains more than one dwelling unit.

Residency Hotel/Motel

A building or group of buildings containing ten (10) or more guest rooms for transient or permanent residents. Transients are generally daily or weekly rentals and permanent are generally weekly or

monthly rentals. Occupancy shall not exceed two people per guest room. Registration facilities, 24-hour on site management and housekeeping services shall be provided. Accessory uses may include restaurants, laundry facilities, or other services for occupants. These are often called an “apartment hotel” or “single room occupancy housing”.

Rest Home (Home for the Aged)

A licensed facility that provides basic living needs to seven (7) or more elderly or disabled in-house residents who need assistance in meeting their day to day basic needs. Congregate meals are served on site to residents and 24-hour in-house services are provided. Also called “nursing homes” or “continuing care facilities”.

Restaurant

A commercial establishment other than a drive-through or fast food restaurant where food and drink are prepared, served and consumed primarily within the principal building.

Restaurant, Fast Food

An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on the restaurant premises or off-premises. Orders for food may be placed either within the restaurant building or from a centrally-located outdoor calling station.

Restaurant, Drive-Through

An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption on the restaurant premises or off-premises. Unlike a fast food restaurant, a drive-through restaurant does not contain any indoor customer dining areas. Unlike a drive-in restaurant, orders are taken from customers from centrally located drive-in windows rather than from individual calling stations.

Riding Stable/ Academy

A commercial facility where horses are sheltered which may also contain grounds for the riding of horses. Horse racing shall not be allowed to take place on the grounds. Horseback riding lessons may also be provided.

Road, Private

Any right-of-way having a width of forty (40) feet or greater used for purposes of motor vehicle travel which has not been accepted for maintenance or ownership purposes by a public entity..

Road, Public

A public right-of-way not less than thirty (30) feet in width set aside for public travel and either which has been accepted for maintenance by the State of South Carolina, has been established as a public road

prior to the date of adoption of this Ordinance, or which has been dedicated to the State of South Carolina for public travel by the recording of a plat of a subdivision with the Spartanburg County Register of Deeds Office.

Road, Frontage

A road which is in close proximity to and parallels a limited access road and is designed to provide access to roads which abut said limited access road.

Rooming House

A single-family dwelling, a portion of which is provided by the resident owner to no more than four (4) lodgers and where separate bathroom and kitchen facilities are not provided for any lodger.

Roof Line

The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

Rural Home Occupation

A rural home occupation is a non-residential use conducted in an accessory structure by the owners of the lot upon which it is located. The principal building is the residence of the owners of the lot.

Satellite Dish

A device incorporating a reflective surface that is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electronic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's and satellite microwave antennas.

School, Vocational

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a specific trade or vocation upon graduation.

Schools for Arts, Etc.

A school where classes in the various arts (e.g., dance, painting, sculpting, singing) are taught. As differentiated from a "vocational school", such schools are usually attended by persons of all ages where professional placement after graduation is not of significant importance.

Screening

A fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site.

Second-Hand Shop

A retail establishment where clothes, furniture, and other household goods are sold to the general public on a consignment, retail or not-for-profit basis. A "pawn shop" shall not be considered as being a

"second-hand shop".

Septic Tank Disposal Operating Service

A base of operations for a septic tank cleaning service. Areas designated for the disposal of septic tank waste shall be deemed a separate principal use.

Setback

A distance measured inward from a property line which shall remain unoccupied and unobstructed upward except as may be permitted elsewhere in this Ordinance.

Setback, Front

That portion of the front yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

Setback, Rear

That portion of the rear yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

Setback, Side

That portion of the side yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted in this Ordinance.

Setback, Sign

The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the sign or its supporting member whichever is nearest to the property line or right-of-way.

Sewer, Community

See "Public Sewer"

Sewer, Public

Any package treatment plant or other sewage treatment facility serving two or more sources not connected to individual or public systems and having a design capacity or greater than 3,000 gallons daily and/or a discharge to surface water, as permitted by the State of South Carolina. In addition the definition shall include all connections to such a system.

Shopping Center

A group of two (2) or more retail establishments constructed and developed in one (1) or more phases with customer and employee parking and merchandise and other loading facilities provided on-site. A shopping center may be located and developed on one (1) or more lots and may include one (1) or more principal buildings.

Shrub

An ornamental plant that is at least two (2) feet tall above the highest root at the time of planting.

Shrub, Large

An ornamental plant that is at least two (2) feet tall above the highest root at the time of planting which can be expected to grow to a height of 5-6 feet within a three year period after planting. If large shrubs are to be planted as part of a required Screen, such shrubs will be limited to the following varieties:

- | | | | |
|----|------------------------|-----|---|
| 1. | Nelly R. Stevens Holly | 6. | Tea Olives |
| 2. | Burford Holly | 7. | Eleagnus |
| 3. | Wax Myrtle | 8. | Ligustrums |
| 4. | East Palatka Holly | 9. | Japanese Black Pines |
| 5. | Savannah Holly | 10. | Junipers |
| | | 11. | Any other variety of shrub, approved by the Zoning Enforcement Officer, which has the capacity to provide an equivalent amount of growth and opacity. |

Sight Distance Triangle

The triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), each point being fifteen (15) and seventy-five (75) feet from the point of intersection as shown on the following figures for a four-way intersection and a tee intersection.

Sign

Any object, display or structure, or part thereof, situated outdoors, 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. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

Sign, Advertising

A sign, other than a directional sign which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. Any advertising sign allowed under this Ordinance may display either a commercial or noncommercial copy.

Sign Area

The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure. In computing area, only one side of a double-faced sign shall be considered.

Sign, Campaign or Election

A sign that advertises a candidate or issue to be voted upon on a definite election day.

Sign, Canopy and Awning

A sign attached to or painted or printed onto a canopy or awning. For the purposes of the Ordinance, the permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

Sign Construction

A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

Sign, Directional

A sign fronting on a road containing only the name of the principal use, directional arrow and mileage to the principal use. Such principal use shall not be visible to the motorist at the location at which the sign is placed.

Sign, Directory

A sign on which the names and locations of occupants or the use of a building or property is identified.

Sign, Flashing

A sign that uses an intermittent or flashing light source or windblown and/or mechanical moved reflective material to attract attention.

Sign, Free-Standing

Any sign that is not affixed to a building and is securely and permanently mounted in the ground. Such sign may include a ground, pole or monument sign.

Sign, Government

Any sign which extends from the ground or which has supports which place the bottom thereof less than three and one-half feet from the ground directly beneath the sign.

Sign, Ground

Any sign which extends from the ground or which has supports which places the bottom thereof less than three and one-half feet from the ground directly beneath the sign.

Sign, Identification

A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or professional of an occupant or the name of any building on the premises.

Sign, Illuminated

A sign either internally or externally illuminated.

Sign, Incidental

A sign used in conjunction with equipment or other functional elements for a use or operation. These shall include, but not be limited to drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

Sign, Instructional

An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

Sign, Lighted

A sign illuminated only by light cast upon the sign from an external light source.

Sign, Luminous

A sign lighted by or exposed to artificial lighting either by lights on or in the sign.

Sign, Monument

A nonmetallic sign in which the bottom of the sign is flush with the ground and the vertical dimension is greater than the horizontal dimension.

Sign, Off-Premises

A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located.

Sign, On-Premises

A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.

Sign, Pole

A detached sign erected and maintained on a free-standing frame, mast, or pole and not attached to any building but not including ground-mounted or monument signs. The bottom of such sign shall be greater than three and one-half (3-1/2) feet from the ground directly beneath the sign.

Sign, Portable

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; or umbrellas used for advertising.

Sign, Projecting

Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

Sign, Public Interest

A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.

Sign, Real Estate

A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Sign, Roof

A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Sign, SANDWICH OR "A" FRAME SIGN An advertising device which is usually in the shape of an "A" or some variation thereof, located on the ground, easily movable, not permanently attached, and which is usually two-sided.

Sign, Vehicular

Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property, and said vehicles are not used in the normal day to day operations of said business. For the purposes of this Ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other transportation purposes.

Stealth Tower

Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Typically, the telecommunications equipment is incorporated into the supporting structure and assumes the color, texture, and appearance of the supporting structure.

Storage, Open-Air

The storage of goods, bulk materials or discarded items in the open or under a structure containing a roof but no walls.

Street

A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means or

access to abutting properties.

Street Property Line

The line which separates a lot or parcel of land from a street right-of-way created by dedication resulting from the recording of the lot.

Street Right-of-Way

An area of land occupied or intended to be occupied by a public street, for such purpose, areas claimed by a municipality or the State of South Carolina for such purposes, or actually used for such purposes.

Structure

A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having a more or less permanent location on the ground.

Structure, Accessory

A structure separate and subordinate to the principal structure on the same lot as the principal structure used for purposes customarily incidental to the principal structure. An accessory structure may also be referred to an "accessory building".

Structure, Principal

A structure containing the principal use which takes place on the lot. A principal structure may also be referred to as a "principal building".

TAVERNS: also BAR, NIGHTCLUB OR COCKTAIL LOUNGE: An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and /or which sets a minimum age requirement for entrance, consistent with state law. Excluded from this definition are restaurants that meet both the requirements established by definition in this ordinance and clubs and lodges used by nonprofit organizations. (6/22/09)

Telecommunications Equipment Building

The buildings in which the electronic receiving and relay equipment for a telecommunication facility is housed.

Telecommunication Tower and Facilities

A telecommunications facility consists of the equipment and structure(s) (including any accessory structures required to house transmitting or maintenance equipment) designed to support antennae used for transmitting or receiving communications and data transmissions. Towers, antennas, or similar structures installed in or attached to tops of buildings, water tanks, or similar facilities as "stealth" locations, shall be included in this definition. This definition also includes accessory buildings and related equipment required for the telecommunications facility. This definition does not include ham

radio operations, radio broadcast towers or television broadcast towers. Examples of telecommunications towers include monopoles and lattice construction steel structures.

Total Care Facility

See "Continuing Care Facility"

Townhouse

A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. Townhouses are single-family attached dwellings which usually have separate utilities. The Zoning Ordinance does not differentiate between various forms of ownership; thus townhouses are considered the same as "Dwellings, Multi-Family Development."

Tree, Large Maturing

A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least eight (8) feet and is of a species which, at maturity, can be expected to reach a height of more than thirty-five (35) feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper of at least two and a half (2-1/2) inches at the time of planting measured six (6) inches up from the highest root of the tree.

Tree, Small Maturing

A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least eight (8) feet and is of a species which at maturity, can be expected to reach a height less than thirty-five (35) feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper at the time of planting of at least two and one-half (2-1/2) inches measured six (6) inches up from the highest root of the tree.

Truck Stop

A facility typically offering multiple services to the traveling public which are particularly designed to serve the need of freight trucks and their drivers. Such facilities typically include fuel stations (dispensing fuel for trucks and, perhaps, for automobiles), one or more eating establishments and/or sale of prepared food, sales of convenience and sundry items, and overnight lodging facilities. Not all such facilities are provided at all truck stops. The foregoing definition distinguishes a "truck stop" from (i) a convenience store, (ii) mini-mart, express fuel, (iii) shopping center, and (iv) planned multi-tenant development.

Truck Terminal

A facility where cargo is stored and where trucks load and unload cargo on a regular basis.

Vehicle, Commercial

A truck of any type used or maintained primarily to transport material or to operate a power attachment or tool. Any vehicle with advertising or business designation affixed to it shall be considered a commercial vehicle, except for passenger vehicles having such affixations.

Vehicle, Inoperable

A vehicle that for a period of more than seventy-two (72) hours has been in a state of disrepair and is incapable of being moved under its own power.

Vehicle, Passenger

An automobile, van, or pick-up truck used exclusively as a passenger vehicle and/or for hauling property of the owner. Pick-up trucks may qualify as passenger vehicles only when used exclusively as passenger vehicles or for hauling property of the owner and not equipped as a camper or a commercial vehicle.

Use, Principal

The primary or predominant use of any lot.

Wall, Building

The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this Ordinance, the area of a wall will be calculated for a maximum of fifty (50) feet in height of a building.

Wall Sign

Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

Warehouse

A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility or both, with access to contents only through management personnel.

Water, Public

Any water system defined as such by the South Carolina Department of Health and Environmental Control which complies with the regulations of said agency.

Wholesale Sales Operation

A place of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers. The majority of all sales of such businesses shall be for resale purposes. The Zoning Enforcement Officer may require proof of this through sales tax reports. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed "wholesale sales operations".

Yard

An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward.

Yard, Front

An area measured between the edge of the public street right-of-way line, and the front of a building, projected to the side lot lines. On corner lots, the front yard shall be measured perpendicular from the street lot line having the shortest linear footage. If both street lot lines have equal linear footage, the property owner shall determine the location of the front yard where no principal structure is located. If a principal structure is located on such a lot, the front yard shall be based on the architectural orientation of the house.

Yard, Rear

An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Yard, Side

A space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the side lot line to the closest point of the principal building.

Yard Sale

An outdoor sale of merchandise conducted entirely upon (a) a residentially developed lot, (b) or lot of record owned by a church or similar 501c organization, or (c) a planned community event in designated areas established by the city council ; by one or more households or civic groups where goods sold are limited primarily to used merchandise donated by the yard sale participants. Yard sales shall also be in compliance with all applicable state and federal laws. (revised by zoning amendment by city council on 6/22/09)

Zero Lot Line:

A development in which one or more detached or attached dwelling units abut at least one property line (the unit has a zero (0) foot side setback). This definition does not include townhouses.

Section III Definitions Relative to Sexually Oriented Businesses

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 or specified sexually activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store or Adult Video Store

A commercial establishment which has as a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial of its interior business or advertising to the sale, rental or any form of consideration, of any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes, slides, or other visual description of "specified sexual activities" or "specified anatomical areas";
- (2) Instruments, devices, or paraphernalia which re designed for use in connection with "specified sexual activities" or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others;
- (3) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental for some form of consideration, the specified materials which depict or describe "specified anatomical areas" or "specified sexual activities".

Adult Cabaret

A nightclub, bar, restaurant "bottle club", or similar commercial establishment, without regard to whether or not alcoholic beverages are served, which regularly features:

- (1) Persons who appear nude or nearly nude;
- (2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"
- (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which area characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Motel

A motel, hotel or similar commercial establishment which:

- (1) Offers public accommodations, for any form of consideration which provides patrons with closed-circuit television transmissions, film, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or descriptions of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television;
- (2) Offers a sleeping room for rent for a period of time less than ten (10) hours

- (3) Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10.) hours.

Adult Motion Picture Theater

A commercial establishment where film, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

Adult Theater

A theater, concert hall, auditorium or similar commercial establishment which, for any for of consideration, regularly features persons who appear in a state of nudity or near nudity or regularly features live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities".

Employee

A person who works for or performs in a Sexually Oriented Business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.

Establishment

Includes any of the following:

- (1) The opening or commencement of any such business as a new business;
- (2) The conversion of an existing business, whether or not a Sexually Oriented Business, to any of the Sexually Oriented Businesses defined in this chapter;
- (3) The addition of any of the Sexually Oriented Businesses to any other existing Sexually Oriented Business;
- (4) The relocation of any such Sexually Oriented Business.

Nearly Nude

A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting belts, strips of cloth, straps, or like devices, or a state of dress which leaves exposed a substantial portion of the buttocks so that the effect achieved by such appearance is approximately the same of viewing nudity.

Nude, Nudity, or State of Nudity

- (1) The appearance of human bare buttocks, anus, male genitals, female genitals, or the areola or nipple of the female breast;
- (2) a state of dress which fails to opaquely and fully cover human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Operator

Means and include the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.

Permitted or Licensed Premises

Any premises that requires a license and/or permit and that is classified as a Sexually Oriented Business.

Permittee and/or Licensee

A person in whose name a permit and/or license to operate a Sexually Oriented Business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

Person

An individual, proprietorship, partnership, corporation, association, or other legal entity.

Public Building

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

Public Park or Recreation Area

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

Religious Institution

Any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

Residential District

A geographical area recognized under the City's Zoning Ordinance as primarily occupied by dwelling units for single family, two family or multiple family. It does not include other zoned districts intended primarily for industrial service, commercial, or office use but which permit residential uses.

Residential Use

The lawful utilization of any structure as a dwelling unit for single family, two family, multiple family occupation.

School

Any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, technical colleges, junior colleges, and universities. School includes the school grounds.

Sexual Encounter Center

A business or commercial enterprise that, as one of its primary business purposes, offers for any for of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
- (2) Other activities between persons of the opposite sex or persons of the same sex, or both when one or more of the persons are likely to be touching, fondling, or caressing other persons on the genitals, pubic area, buttocks, or female breast in a manner that would stimulate sexual arousal.

Sexually Oriented Business

An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater or sexual encounter establishment.

Specified Anatomical Areas

As used in this division means and includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola;
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities

As used in this division, means and include any of the following:

- (1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts, regardless of whether such areas of the body are covered or not;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) Masturbation, actual or simulated;
- (4) Human genitals in a state of sexual stimulation, arousal or tumescence;
- (5) Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.

Substantial Enlargement of a Sexually Oriented Business

The increase in floor areas occupied by the business by more than twenty-five (25%) percent, as the floor areas exist on the effective date of this Ordinance.

Transfer of Ownership or Control of a Sexually Oriented Business

Means and includes any of the following:

- (1) The sale, lease or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means;
- (3) The establishment of a trust, gift or other similar legal devise which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

Youth Activity Center

A boys club, a girls club, or any other facility which is not a school but which provides entertainment, recreation, crafts, tutorial, or other quality of life enhancements for minors, whether a non-profit facility or otherwise.

ARTICLE IV ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

Section 1 Establishment of Districts

R-1	Low Density – Single Family Dwelling Units
R-1A	High-Density – Single Family Dwelling Units
R-2	Medium Density – Single Family Dwelling Units
R-2A	Medium Density – Single Family and Duplex Dwelling Units
R-3	High Density – Multi-Family Dwelling Units
R-3A	High Density – Mobile Home Parks
DWMH	Double Wide Mobile Homes
C-1	Transitional Commercial – Office and Low Volume Commercial
C-2	Planned Neighborhood Commercial
C-3	Central Business District
I-1	Light Industrial and Wholesale
I-2	Medium to Heavy Industry
FH-1	Flood Hazard Zone

Section 2 Zoning Map

The boundaries of the above zoning districts are hereby established as shown on the Official Zoning Map of Woodruff, South Carolina, which is hereby adopted and declared to be a part of this Ordinance. The Official Zoning map shall be identified by the signature of the Mayor attested by the City Clerk and bear the seal of the City under the following words: “This is to certify that this is the Official Zoning Map referred to in Article IV of the Zoning Ordinance adopted by the City Council of Woodruff, South Carolina, 2005.” No changes of any nature shall be made in the Official Zoning Map 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. A reproducible copy of the Official Zoning Map shall be kept on file in the Office of the City Clerk and copies shall be available at all times for inspection by the public.

Section 3 Interpretation of Zoning District Boundaries.

Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the Zoning Administrator shall employ the following rules of interpretation.

- (1) Centerline: Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated road bed or utility easement.
- (2) Edge Line: Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be on the edge of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.
- (3) Lot Line: Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located.
- (4) City Limits: Boundaries indicated as approximately following town limits or extraterritorial boundary lines shall be construed as following the town limits or extraterritorial boundary lines.
- (5) Watercourses: Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

- (6) Extensions: Boundaries indicated as parallel to or extensions of street or alley rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries shall be so construed.
- (7) Scaling: In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map.
- (8) Where the Zoning Administrator determines that **(i)** physical features existing on the ground, or **(ii)** actual property lines or other man-made boundary lines used to depict zoning district boundaries, are at variance with those shown on the Official Zoning Map, the Board of Appeals shall have the authority to interpret Zoning district boundaries in accordance with **Article 12**.

Section 4. Woodruff Zoning Use Table :

The Woodruff Zoning Use Table describes the uses permitted in each Commercial, Office, Institutional/Public and Quasi-Public, Residential, and Industrial categories. In any case where a use is not specifically referred to by the table, its status under this Section shall be determined by the Zoning Administrator, by reference to the most clearly analogous use or uses has been so determined by the Zoning Administrator, such determination shall thereafter have general application to all uses of the same type. Accessory uses customarily incidental to uses in the table are permitted in connection with such uses. Such accessory uses may include residences of caretakers and other such persons who must live in the area for the convenience of business and industry, and their dependents. A single family dwelling may be permitted as an accessory use to a principal commercial use provided the single family dwelling is located within the same building as the principal commercial use. (see amendments by city council dated 6/22/09)

ARTICLE V ZONING USE REGULATIONS

Section I R-1 & R-2 Single Family Residential

The purpose of single family zoning is to provide a homogenous and aesthetically harmonious development of single family dwelling units in a low density configuration.

Permitted Uses

1. Agriculture and related buildings and structures
2. Single family dwellings, other than mobile homes
3. Churches, synagogues and other places of worship including convents, seminaries, parish houses and Sunday School structures. However, conversion of a residential structure into a church, synagogue or place of worship is not permitted.
4. Community recreation facilities including, but not limited to golf courses, parks, playgrounds, country clubs, wild life reservations, but including commercial amusement park facilities.
5. Public and private schools, including kindergartens, day care centers and institutions of higher learning and usual accessory buildings.
6. Cemeteries including mausoleums provided that new locations conform to the following standards:

- a. the site shall be no less than five (5) acres
 - b. a buffer strip of one hundred (100) feet from the center line of the right-of-way of bordering streets and from abutting residential property lines containing shrubbery
 - c. includes no crematorium or dwelling unit other than for a caretaker
7. Medical facilities to include hospitals and public health facilities. Additionally, sites must be located on major thoroughfares to facilitate traffic flow and may not be located on residential streets or collectors. Sites devoted to these uses shall include suitable landscaping to screen the structures from bordering streets and residential property and shall provide a buffer strip of at least twenty-five (25) feet from all surrounding residential lots.
 8. Libraries and other buildings used by federal, state and local county governments, provided that the functions therein are compatible with residential development.

Prohibited Uses

Sexually Oriented Businesses
Manufactured Homes

Section II R-1A Single Family Residential

The purpose of a high density residential district is to concentrate establishment of higher density single family in areas that are land sensitive and allow for more efficient provision of infrastructure.

Permitted Uses

1. All uses permitted in R-1, except agriculture and related buildings and structures, and cemeteries

Prohibited Uses

Sexually Oriented Businesses
Manufactured Homes

Section III R-2A Single Family Duplex – Residential

The purpose of a medium density residential district is to discourage encroachment of non-conforming uses while retaining stable land value and a pleasant environment.

Permitted Uses

2. All uses permitted in R-1 & R-2
3. Agriculture including greenhouses and usual associated buildings
4. Two (2) family structures
5. Nursery schools, day care centers and kindergartens provided all the requirements of the State Health Department pertaining to nursery schools and kindergartens are met

Prohibited Uses

Sexually Oriented Businesses
Manufactured Homes

Section IV R-3 Multi-Family Residential

The purpose of a residential development is to provide the mixing of duplex and multi-family units into a compatible, high-density neighborhood. A limited number of single family units shall be permitted to assist in eliminating any unnecessary congestion of population and buildings. Traffic movement, as in the other residential districts, should discourage regional usage.

Permitted Uses

1. All uses permitted in R-1, R-2 & R-2A
2. Multi-family dwelling units
3. Rooming and boarding houses provided not more than thirty (30) percent of the total dwelling floor area be devoted to such use, including hotels and motels

Prohibited Uses

Sexually Oriented Businesses
Manufactured Homes

Section V R-3A Mobile Homes and Mobile Home Parks

The purpose to incorporate mobile homes into the fabric of the community and to provide these units with all the amenities that will give these areas a pleasant residential atmosphere.

Permitted Uses

1. Development plans must be approved by the Planning Commission.
2. Minimum area for a mobile home park shall be five (5) acres.
3. Maximum number of mobile homes shall not exceed eight (8) per acre.
4. All mobile home sites shall be served by an all-weather surfaced drive of not less than twenty (20) feet.
5. A buffer strip of not less than fifteen (15) feet to screen the mobile home park from neighboring residentially zoned areas. No mobile home shall be located within the buffer strip.
6. The entire area shall be adequately serviced by water and sewer and approved by the building inspector.
7. Parking shall be provided within the development at the ratio of one (1) space per mobile home.
8. **Existing Mobile Home Parks (See amendment by city council dated January 25, 2010)**

8.1 Application.

No mobile home/ manufactured home park shall be established, continued, erected, placed or located on any lot, site, parcel, or in any subdivision or park in the city of Woodruff without first meeting the minimum requirements of this article. The application of this article shall be limited to the regulation of mobile homes for residential purposes. Mobile home sales, mobile home offices and other nonresidential uses are not subject to regulation under the terms of this article.

8.2 Conflict with other regulations.

The standards and provisions of this article shall be interpreted as being the minimum requirements necessary to uphold the purpose of this article and for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public. Whenever this article imposes a higher standard than required by other resolutions, ordinances, rules, or regulations, the provisions of this article shall govern. When the provisions of any other statute impose higher standards, unless so specified in this article, the provisions of such statute shall govern.

8.3 Prohibited conduct.

It shall be unlawful for any person, firm or legal entity to bring into the city of Woodruff a manufactured home prior to 1976, unless the manufactured home can be certified to meet June 1976 HUD standards for construction. Recreational vehicles, motor homes , campers, travel trailers shall not be permitted in mobile home parks.

8.4 Licensing.

(a) Business license required. After enactment of this article, it shall be unlawful for any existing or proposed mobile home park to operate within the incorporated areas of Woodruff without first obtaining a business license and meeting all requirements of the adopted ordinances of the city of Woodruff. Existing mobile home parks may have up to sixty (60) days after enactment of this article to conform with these provisions .

(b) Renewal of business license. Three copies of an application for a business license are required on forms provided by the building codes and inspections department, signed by the applicant, and shall contain the following:

- (1) Name of the mobile home park;
- (2) Location address of the mobile home park ;
- (3) Name of the record owner;
- (4) A copy of the assessor's office block map sheet showing the location of the park and the number of available spaces; and
- (5) A sketch of streets and lots.

(c) Issuance of original business license. Prior to the issuance or renewal of a business license for a mobile home park the building codes and inspections department, as required by this division, shall conduct an inspection to determine compliance with all regulations. Prior to issuance or renewal of a business license for an existing mobile home park the park must comply with the applicable requirements of this ordinance. For the first two-years after adoption of this ordinance the building inspector is authorized to grant a temporary approval for the issuance of a business license to allow the owner sufficient time to meet the regulations set forth in this section.

(d) Denial of license. Any person whose application for a license under these regulations has been denied may request and shall be granted a hearing on the matter before the appeals board under the procedure provided by these regulations.

(e) Revocation of license. Whenever, upon inspection by the building codes and inspections department of any mobile home park the inspecting officer finds that conditions or practices exist which are in violation of any provision of this division or other applicable statute of the property maintenance, building or zoning ordinances , the officer shall give notice in writing to the owner or agent that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license will be suspended. At the end of such period, the officer shall re-inspect such mobile home park , and, if such conditions or practices have not been corrected, he shall suspend the license and give notice in writing of such suspension to the owner or agent. When a business license to operate a mobile home park has been suspended, all occupants of the park shall be notified of the suspension and be given notice that they must vacate the park within 120 days. Any person whose license has been suspended, or who has received notice that his

license will be suspended unless certain conditions or practices at the mobile home park are corrected, may request and shall be granted a hearing on the matter before the Board of Zoning Appeals.

8.5 Street Signs.

Street signs must be erected and are the responsibility of the city or state public works department. Lot/unit numbers /addresses must be posted and are the responsibility of the mobile home park owner. Location of addresses shall be approved by the building official.

8.6 Expansion. In the interest of public safety and good traffic management, an existing mobile home park may not expand beyond the improved number of mobile home lots in place on the enactment date of this section. .

8.7 Anchors

Each mobile home shall be anchored according to the HUD regulation of the National Manufactured Housing Construction and Safety Standards Act as required of each manufacturer specification. See Article V Section XII #4.

8.8 Foundation Wall

Foundation enclosures shall be required around the perimeter of each mobile home from the base of the home to the ground. See Article V Section XII #4.

8.9 Street Lighting

All streets within the park shall be lighted at night.

8.10 Deck

Decks shall be designed as listed in Article V Section XII #16. Stairs must be provided at the primary entrance and any secondary entrance. Stair tread and riser design must comply with the current edition of the Residential Building Code.

8.11 Additions

Manufactured homes are engineered design. Additions to manufactured home may only be considered when designed by a SC design professional. No additional square footage of conditioned space may be initiated without prior approval of the building official. Additions without an engineered design are limited to standard deck designs as listed in Article V Section XII #16.

8.12 Garbage Disposal

Garbage containers with tight fitting covers shall be required for each site to permit the disposal of all garbage and rubbish. Collection shall be on a regular basis to ensure the containers shall not overflow. In addition to individual containers, a twenty (20) cubic yard dumpster must be provided. Refuse shall not be disposed of within the park.

The park owner is responsible for all refuse disposal. Park owners are required to provide a refuse container on site of sufficient size to accommodate disposal of refuse from residents and eviction activities.

8.13 Buffers. The park shall be separated from the city/state roadway and from surrounding residential properties by an approved buffer . Buffer-yard #1 in the adopted zoning ordinance is hereby referenced. See also Article IX Section I.

8.14 Electric. No service connection may be activated to a mobile home in until all compliance with the National electric Code (NFPA 70) has been complied with. Service must be inspected and approved by the building official.

8.15 Sewer and Water: Each mobile home unit must be supplied with an approved water and sewer connection. Main cut-off valves are required for all potable water supplies.

8.16 Property Maintenance Code. The city of Woodruff property maintenance code is applicable in the mobile home park. Exterior property conditions are the responsibility of the park owner.

Section VIII C-3 Central Business District

The purpose is to permit concentrated development and redevelopment of business in the city center to serve more efficiently the community and immediate region.

Businesses must maintain regular and posted hours at least four days per week and will be open to the general public.

Storefronts must be in good repair and be maintained in a neat, well-kept manner.

Screening from abutting residential properties is required based on one of the three approved standards.

Permitted Uses

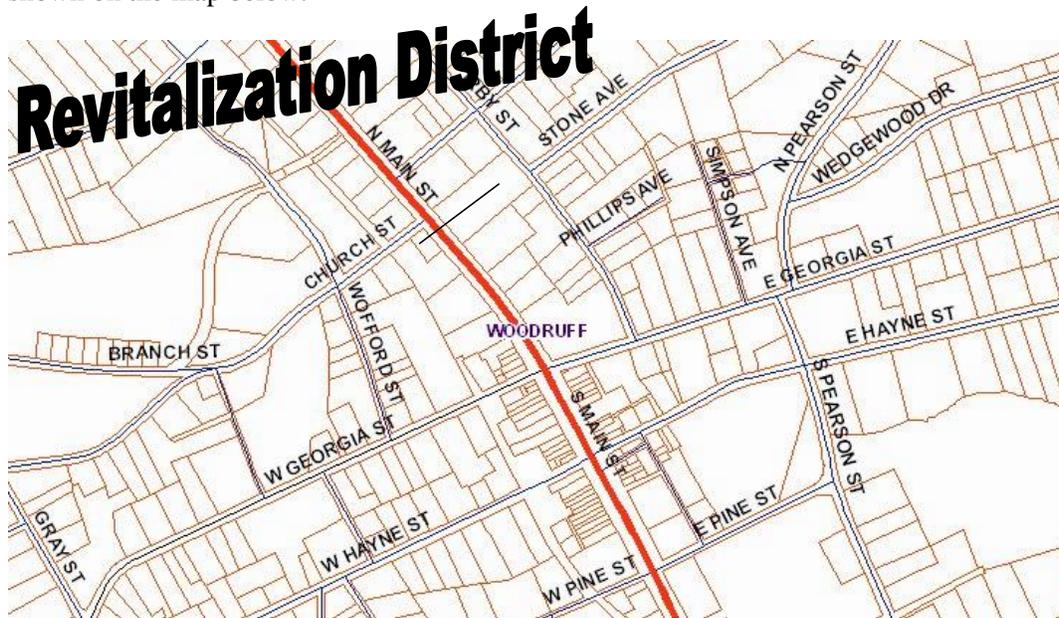
1. Those uses permitted in C-1 and C-2.
2. Light manufacturing – retailing establishments such as bakeries, dairy products processing, laundries and soft drink bottling and distribution and other approved by the Board of Zoning Appeals.
3. Those uses listed in the approved zoning use table.

Prohibited Uses

Sexually Oriented Businesses
Public and Private Warehousing
Manufactured Homes

Revitalization District: (3/27/2006)

A Revitalization District shall exist in the C-3 District and shall encompass all of the property outlines as shown on the map below:



The City of Woodruff Revitalization District if referenced above. The district originates at the northern most point of the intersection of Irby St. and Chamblin Street, south along Irby to the corner of Irby and E. Georgia, from that point to E. Georgia and Pearson, south along Pearson to the intersection of S. Pearson and E. Pine, west along E. Pine across S. Main then to W. Pine to the CSX Railroad right-of-way; along the CSX R-O-W north to the CSX/W. Hayne Street intersection; then west for approximately 75 FT. along W. Hayne Street and again north to W. Georgia; east to the intersection of W. Georgia and the CSX Railroad right-of-way; north along the CSX R-O-W to Church Street; east along Church Street to the intersection of N. Main; at N. Main north to Chamblin Street; Chamblin Street east to the originating point at Irby Street.

In addition to those requirements for the C-3 District the following shall apply:

Permitted Uses: Those uses permitted in C-1 ,C-2,C-3 and those listed in the Woodruff Zoning Use Table with specific prohibited uses listed below.

Light manufacturing is permitted as a use for businesses that manufacture a product primarily for retail sale (see Light Manufacturing in definitions)

Prohibited Uses in Revitalization District: (09/28/09)

All those prohibited in C-3	Commercial Parking Lots
Video Poker Machines	Utility Substations
Taverns	Manufactures Homes
Pool/Billiard Businesses	Service Stations
Churches	
Metal or Pole Type Buildings	

Sidewalk restrictions: The use of sidewalks for vending machines or the display of merchandise, except as may be permitted during a special, planned community event, is prohibited. (see city council amendment \to zoning ordinance dated 3/27/2006)

Section IX I-1 Light Industry

The purpose is to provide an area for certain commercial enterprise that requires a large area with low density use of land, light industrial plants, and directly related services. These uses shall not be of a nature as to generate excessive noise, odor smoke or possess any characteristic that would have an undue detrimental effect on bordering residential properties.

Permitted Uses

1. All uses permitted in C-3 and those uses listed in the zoning use table.
2. Drive-in theaters – however, conforming to the following conditions:
 - a. No part of the theater screen, projection booth or other building shall be located closer than four hundred (400) feet to any residential district nor closer than fifty (50) feet to any property line or public right-of-way; and no parking shall be located closer than one hundred (100) feet to any residential district.
 - b. The theater screen shall not face a way or street or highway.
3. Wholesaling, warehousing, supply and distribution in a building or structure shall be screened by a permanent fence, wall, earth embankment or other approved material so as not to be visible from a public street. Such screen shall be at least six (6) feet in height and two (2) feet higher than the stored material, whichever is higher.
4. Automobile junkyards provided not more than twenty (20) automobiles are kept on the premises at any one time and provided no wrecks, materials or other supplies shall be stored or permitted to remain on the premises outside a permanent structure unless outside storage is screened from view from all property lines by chain link fencing with filler strips or other appropriate screening.
5. Trucking terminals.
6. Fabricating shops.
7. Farm equipment sales and services.
8. Textile plants.
9. Parks and related open spaces.
10. Suppliers for industrial equipment and services.
11. Research and development centers.

Conditional Uses

1. **Sexually Oriented Businesses** – subject to the following conditions

(A) Purpose and Intent

It is the purpose of this Ordinance to regulate Sexually Oriented Businesses and to promote the health, safety, morals and general welfare of the citizens of the City of Woodruff by establishing reasonable and uniform regulations. It is not the intent or effect of the Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their market. Neither is the intent or effect of the Ordinance to condone or legitimize the distribution of obscene materials.

(B) Sexually Oriented Businesses

Notwithstanding any other provision of the Zoning Ordinance, Sexually Oriented Businesses shall be permitted only in the I-1 districts, and no other, provided permits for Sexually Oriented Businesses and any other licenses required and governed by municipal ordinance have been secured.

(C) Restrictions

No Sexually Oriented Business shall be operated within one thousand (1,000) feet of:

- (1) A religious institution;
- (2) A day care center or other school;
- (3) A boundary of a residential district;
- (4) A property line of a lot containing a structure having a residential use;
- (5) A public park or recreation area;
- (6) A public building;
- (7) A youth activity center;
- (8) There shall be no establishment, substantial enlargement or transfer of ownership or operation of a Sexually Oriented Business within one thousand (1,000) feet of another Sexually Oriented Business.

No person shall cause or permit the establishment or operation of more than one Sexually Oriented Business in the same building, structure, or portion thereof, or the increase of floor areas of any Sexually Oriented Business in any building, structure, or portion thereof containing another Sexually Oriented Business.

(D) Measurement of Distance

The distance between any two Sexually Oriented Businesses shall be measured in a straight line, without regard to intervening structures, from the closest property lines of the pertinent premises. The distance between any Sexually Oriented Business and any religious institution, a school, a boundary of a residential district, a public park or recreation area, a property line of a lot containing a structure having a residential use, a public building, or a youth activity center shall also be measured in a straight line, without regard to intervening structures or objects from the nearest property line of the premises where

the Sexually Oriented Business is conducted, to the nearest property line of the premises of a religious institution, a school, or a boundary of a residential district, a property line of a lot containing a structure having a residential use, a public park or recreation area, a public building, or a youth activity center.

(E) Existing Non-Conforming Sexually Oriented Businesses

Any Sexually Oriented Business lawfully operating on the effective date of this Ordinance that is in violation of the Ordinance shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one (1) year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use.

(F) Sexually Oriented Permit Fee

Any individual wishing to operate a Sexually Oriented Business or any person wishing to be employed by such Sexually Oriented Business must first obtain a Sexually Oriented Permit from the City of Woodruff. Each Sexually Oriented Business Establishment shall pay a permit fee of Five Hundred and No/100 Dollars (\$500.00.) annually to the City of Woodruff and each individual wishing to be employed at a Sexually Oriented Business have an annual license and pay a fee to the City of Woodruff of Fifty and No/100 Dollars (\$50.00.) and shall submit on a form to the City with the following information:

- (1) The applicant's name or any other name including "Stage names" or aliases;
- (2) Age, date and place of birth;
- (3) Height, weight, color of hair and color of eyes;
- (4) Permanent address and telephone number;
- (5) Driver's license or identification number;
- (6) Social Security number;
- (7) Whether such individual has been convicted of any criminal act, and if so, the date, place, nature of such conviction, plea and identity of the convicting jurisdiction. Clearance by the Woodruff Police Department is required.

The application process shall be completed within ten (10) days from the date the completed application is filed. After investigation, the City shall issue a license unless the information generated or gathered includes one or more of the following findings of fact:

- (1) That the applicant has knowingly made any false, misleading, fraudulent statement of material fact;
- (2) That the applicant does not comply with this Ordinance or other City Ordinances;
- (3) That the applicant does not have all other licenses including a City Business License;
- (4) That the applicant is under the age of eighteen (18) years of age;
- (5) That the applicant has been convicted of a felony criminal act within five (5) years;

- (6) That the applicant has previously had a Sexually Oriented Business license revoked by the City of Woodruff or a license revoked by a municipality with an ordinance similar to the ordinance of the City of Woodruff related to Sexually Oriented Businesses, within three (3) years from the date of the current application.

A license granted pursuant to this Section will be subject to annual renewal by the City.

Section X I-2 Heavy Industry

The purpose is to provide space for orderly, planned development of industries that are not compatible with bordering land uses, and, in addition, to assure careful design, placement and grouping of heavy industrial uses.

Permitted Uses

1. All uses permitted in I-1 and those listed in the zoning use table..
2. Chemical refineries.
3. Manufacturing of cement, lime and gypsum.
4. Explosive manufacturing and storage.
5. Slaughter yards – abattoirs.
6. Mineral processing plants.
7. Stock yards.
8. Dye stuff manufacturing.
9. Paper, rags, cloth or fiber reclamation recycling if operation is within an enclosed building.
10. Sewage disposal plants, except where publicly owned and operated.
11. Tar distillation or manufacturing.

Prohibited Uses

Sexually Oriented Businesses

Section XI Double Wide Mobile Homes

The intent of the Double Wide Mobile Home District (DWMH) is to provide a sound and healthy residential environment sufficient to meet the unique needs of inhabitants living in double wide mobile homes. The regulations which apply within this district are designed to encourage the formation and continuation of a stable, healthy environment for several types of double wide mobile homes or modular homes. Unless otherwise set forth herein, double wide mobile home zones shall be permitted only in an approved DWMH district for which a Certificate of Occupancy has been issued.

Permitted Uses

Uses permitted in the DWMH district shall include all uses permitted in R-1 and R-2 single family residential districts as shown in Article V, Section 1. Such uses shall be subject to development specifications included in Article V.

Conditional Uses

The following uses shall be permitted in the DWMH zoning district on a conditional basis, subject to the provisions set forth in Article VIII, Non-conforming use.

1. Doublewide mobile homes sought to be located on a lot shall be owned and occupied by person who owns lot.
2. Doublewide mobile homes shall have a pitched roof.
3. Foundation: Doublewide mobile homes must have all piers double blocked. Piers may be no further than ten (10) feet apart.

Piers or load bearing supports or devices shall be designed and constructed to evenly distribute the loads. Piers shall extend at least six (6) inches from the centerline of the frame member. Manufactured load bearing supports or devices shall be listed or approved for the use intended, or piers shall be constructed as follows:

- A. Except for corner piers, piers less than forty (40) inches high shall be constructed of masonry units, placed with cores or cells vertically. Piers shall be installed with their long dimensions perpendicular to the main (I Beam) frame member it supports and shall have a minimum cross sectional area of 119 square inches. Piers shall be capped with a minimum 2-inch solid masonry unit or concrete cap, or equivalent.
 - B. Piers between 40 and 80 inches high and all corner piers over 24 inches shall be at least 16 x 16 inches consisting of interlocking masonry units and shall be capped with a minimum 4 inch solid masonry unit or equivalent.
 - C. Piers over 80 inches high shall be constructed in accordance with the provisions of paragraph 2 above provided the piers shall be filled solid with grout and reinforced with continuous No. 5 bars. One bar shall be placed in each corner cell of hollow masonry unit piers, or in each corner of the grouted space of piers constructed of solid masonry units.
 - D. Cast-in-place concrete piers meeting the same size and height limitations of paragraphs 1, 2 and 3 above may be substituted for piers constructed on footings of solid concrete, poured in place or pre-cast concrete not less than 16 x 16 x 4 inches.
4. Tie downs and skirting – All double wide mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and/or frame ties to ground anchors. Specific requirements shall be that:
 - a. Tie-downs shall conform to SSBC standards
 - b. Skirting shall be installed before a Certificate of Occupancy will be issued. The skirting is to be of masonry material. Walls shall be joined by mortar and all gaps filled completely. Materials are to be erected in a fashion as not to create a fire hazard or harbor trash or rodents. Skirting must have an access door and be properly vented. Skirting shall be maintained in a good state of repair. The outside skirt wall shall have a concrete fitting no less than 6” X 16”.
 5. Tongue, wheels and axles must be removed.
 6. Sewer and water must be available. A separate sewer cut off is required for each mobile home.
 7. Certificates of Occupancy will be issued after all requirements are approved by the building official.
 8. Minimum lot acreage – seven thousand (7,000) square feet
 9. Minimum land area per dwelling unit – seven thousand (7,000) square feet.
 10. Minimum side yard – No less than ten (10) feet for one side, provided that the total of both side yards is no less than twenty (20) percent of the total width. For side yard requirements pertaining to corner lots, see Article VIII, Section VII.
 11. Minimum front yard depth measured from the nearest right-of-way line – thirty-five (35) feet. For exceptions to this requirement, the setback requirement of this Ordinance shall not apply to any lot where the average setback on already built upon lots, wholly or in part within one hundred (100) feet of each such lot and within the lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback but not less than the average of the existing setbacks of the developed lots. However, in no case shall setbacks be less than fifteen (15) feet. Double frontage lots – on lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided in accordance with the regulations set forth in the Ordinance on all the street frontages.
-
-

12. Minimum rear yard – Fifteen (15) feet. On lots having frontages on two streets, but not located on a corner, the minimum rear yard shall be provided on each street in accordance with the provisions of this Ordinance. On lots having frontage on more than two streets, the minimum rear yard shall be provided in accordance with the regulations set forth in the Ordinance on all of the street rear yards.
13. Additional requirements – uses permitted in the DWMH zoning district shall meet all standards set forth in Article VIII, Section III pertaining to off-street parking, loading and other requirements.
14. Signs – Signs permitted in the DWMH zoning district including the conditions under which they may be located, are set forth in Article VI.
15. As proof of his/her ownership of the double wide mobile home, the owner shall furnish a title or bill of sale.
16. A permanent landing and steps with handrails are required for each outside doorway. The structure must include steps which lead to ground level. The landing, handrails, and steps must meet the requirements below:
 - a. A minimum 3ft. by 3ft. landing shall be required outside of each exit door.
 - b. The landing shall not be more than 8 ½ inches below the threshold.
 - c. Steps shall be 8 ¼ inches maximum in height. Treads shall be a minimum of 9 inches wide.
 - d. All wood components in contact with the ground must be treated and approved for ground contact.
 - e. If steps are 30 inches or greater in height, permanent handrails are to be installed.

Section XII FH-1 Flood Hazard Zone

The purpose is to ensure that adequate openings will be maintained for the passage of flood waters; to prevent, in areas subject to flooding, encroachments that will restrict flood channels and increase flood heights, and to reduce risk of loss of life and excessive damage to property as a result of flood waters. The boundary of the flood hazard zone is the boundary defined by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development for issuance of flood insurance and coincides with the one hundred (100) year flood plain area.

Permitted Uses

1. Recreation uses.
2. Open space.
3. Waste treatment facilities.

However, the permitted uses as listed must adhere to the following criteria:

1. Structures must be anchored to prevent flotation and lateral movement.
2. Flood resistant construction materials and utility equipment must be used.
3. Construction methods which minimize flood damage must be used.
4. New and replacement sanitary sewer systems must be designed to minimize infiltration of flood waters into the system and discharges from the system into flood waters.

ARTICLE VI DIMENSIONAL REQUIREMENTS

Minimum Lot Requirements

District	Area	Lot Width at Front Property Line	Average Width	Maximum Building Height	Maximum Building Coverage	Front Yard	Side Yard	Rear Yard
R-1	15,000	80	90	45	20%	40	15	40
R-1A	7,000	45	50	45	35	25	7.5	30
R-2	8,000	60	65	35	35%	30	10	30
R-2A	6,000	45	65	35	35%	25	10	30
R-3	6,000	45	50	45	35%	25	10	30
R-3A	2,500					60*	10	
C-1	6,000	50	50	45	50%	25	10	10
C-2		50	50	45		25	30**	10
C-3								10
I-1						50	60**	60
I-2						50	60**	60
DWMH	7,000					35	10	15

* 60' Setback from public thoroughfare ** If abutting residential property

ARTICLE VII SIGN REGULATIONS

The purpose of these regulations is multi-faceted, benefiting property owners by preserving property values, the community by promoting an aesthetically harmonious environment in all areas, and the business man by preventing signs from reaching such excessive size or number that they obscure one another, which is to the detriment of all concerned.

Section I Signs for Which a Permit is Not Necessary

A permit is not required for the following types of signs in any zoning district.

1. Traffic directional, warning or information signs authorized by any public agency.
2. Official notices issued by any court, public agency or officer.
3. One non -illuminated "for sale," "for rent," or "for lease" sign not exceeding six (6) square feet in area in residential districts and located not less than ten (10) feet back from the street right-of-way line, unless attached to the front wall of the building.
4. Non-illuminated signs for home occupations and professional offices indicating only names of persons and their occupations or professions, not to exceed one (1) square foot in area.
5. Indirectly illuminated and non-illuminated signs indicating names of residents and house numbers, not to exceed one (1) square foot in area
6. Non-illuminated signs indicating the name and purpose of a non-residential building or apartment and the name of its management, not to exceed three (3) square feet in area.
7. Indirectly illuminated and non-illuminated signs of churches, schools, or other public or semi-public institutions and civic bodies, located at least ten (10) feet inside any lot line and not to exceed twelve (12) square feet in area.
8. Non-illuminated signs providing directions to churches or synagogues are permitted within all residential districts provided that: no such sign shall exceed three (3) square feet in area and will contain only pertinent directional information; no individual churches or synagogues may erect only three (3) such signs within the city limits; and, such signs shall be kept in good repair at all times.

Section II General Regulations

1. Existing Signs: No sign erected before the effective date of this Ordinance shall be repaired, altered or moved unless it be brought into compliance with the requirements herein. This section shall not prevent repairing or restoring to a safe condition any part of the structural supports of any sign or maintenance operations performed thereon. Any sign or any substantial part now existing which, for any reason or purpose, is blown down, destroyed, dismantled or removed, shall be made to comply with this Ordinance.
2. Roof Signs: Not more than one (1) roof sign structure may be erected on the roof of any one building. Said sign shall not, extend more than ten (10) feet above the elevation of the roof,
3. Wall Signs: These are signs attached to the walls of a building, including those both painted and projected, which shall meet the following requirements:
 - a. Subject to other provisions of this Section, the total area of all business signs for each establishment shall not exceed the square footage shown below for each linear foot of front building wall or front lot line, whichever is greater.

Zoning District	Front Building Wall	Front Lot Line
C-1	1.5 sq. ft. or	0.6 sq. ft.
C-2	3.0 sq. ft. or	1.0 sq. ft.
C-3	4.0 sq. ft. or	3.0 sq. ft.
I-1	3.0 sq. ft. or	1.5 sq. ft.
I-2	3.0 sq. ft. or	1.0 sq. ft.

- b. If an establishment has walls fronting on two or more streets, the sign area for each such street shall be computed separately.
 - c. If any sign or signs of such establishment projects more than eighteen (18) inches beyond any property line, the maximum permitted under a) above shall be reduced by one-third (1/3). Also, signs projecting over a sidewalk must be a minimum of ten (10') feet above the sidewalk.
 - d. Signs painted on or affixed to the inside or outside of windows on the ground floor, shall, not be included in this computation, unless their combined area exceeds fifty percent (50%) of the area of the window which they occupy.
 - e. The total sign area permitted on all sides of a structure must not exceed the total area permitted within the zoning district where the sign or signs are to be located.
 - f. Canopies and Canopy Signs are permitted in the Revitalization District. Signage must comply with the area limitations of this ordinance. Canopies must be a minimum ten (10') feet above sidewalks or pedestrian ways. Canopies may project no more that four (4') feet from the building wall to a vertical plane at the vehicle curb/street. (adopted as "d" by city council on 9/28/09)
4. Signs on Work Under Construction: One (1) non-illuminated sign not exceeding forty (40) square feet in area displaying the name of the building and the development agencies is permitted upon the premises of any work under construction,, alteration, or removal. Such sign shall be set back ten (10) feet from the front lot line and be removed from the site within thirty (30) days after the completion of the project.
5. Temporary Subdivision Signs: Temporary signs, not exceeding twenty (20) square feet in area, announcing a land subdivision development are permitted on the premises of the land subdivision. They shall be set back not less than ten (10) feet from the right-of-way of any street or from any boundary line of the land subdivision, Such signs shall be spaced not less than three hundred (300) feet apart. They shall be removed when seventy-five (75) percent of the lots are conveyed.
6. Private Directional Signs: Signs indicating the location and direction of premises available for, or in process of development, but not erected upon such premises and containing the name of the owner, developer, builder, or agent, may be erected and maintained provided they conform to the following specifications:

- a. The size of any such sign shall not exceed six (6) square feet and not in excess of three (3) feet in length.
- b. Not more than one (1) such sign shall be erected in each five hundred (500) feet of street frontage.
7. Sign Illumination: A sign employing motion or lighting of a flashing or intermittent type that could possibly create a nuisance to neighboring residential dwellings or a hazard to vehicular movement, shall be strictly prohibited. At no time, shall a sign, employing an operation that resembles a light of an emergency vehicle, whether connected to a sign or separately, be permitted,
8. Yard Limitations on Signs: Except as otherwise specified, no regulated sign shall be erected within the front yard set back, side yard, or rear yards required for all buildings and structure in the district.
9. A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted and shall be assessed by the proper authorities.
10. Signs must be constructed of durable materials, maintained in good condition, and not permitted to deteriorate to any unsafe and unkempt appearance.
11. Height, Setback and Location:
 - a. A projecting wall sign
 1. shall not project more than five feet from building
 2. shall have bottom at least ten feet from grade and top no higher than whichever is lowest: 25 feet above grade or the height of the building at building line
 3. shall have no exposed guy wires or turnbuckles
 - b. Free standing signs, awning signs, canopy signs, marquee signs and temporary signs must have a minimum setback from the curb of the street and in no case be installed within the street right-of-way or project into the vertical plane of the street right-of-way.
 - c. Facia signs shall not project more than 18 inches from the wall of building and shall not extend more than six inches above the parapet, eaves or building facade.
 - d. Roof mount signs may not project more than ten feet above the highest point of the roof or parapet.
 - e. No sign shall obstruct any fire escape, or any window, door, or opening used as a means on ingress or egress for fire fighting purposes, or so as to prevent free passage from one part of a room to any other part thereof. No sign shall be attached in any manner to a fire escape or be so placed as to interfere with any opening required for legal ventilation.
 - f. Temporary Signs: There are a number of instances in which a temporary sign may be necessary to advertise a unique event or business sale of short duration. Therefore, the zoning administrator may permit temporary signs in addition to the allowed permanent signs subject to the following conditions:
 - *.All temporary signs must receive a permit prior to being displayed or erected, and may not be permanently attached to the ground, buildings, or other structures.
 - *.All temporary signs must be located on the premises for which they are advertising.
 - *.Temporary signs shall be permitted for not more than 30 days in any six-month period in increments of not less than ten business days (Monday—Friday).
 - *.No signs may be placed in the public right-of-way.
 - *.A business may only have one temporary sign at a time.
 - *.Multi-tenant sites (less than five tenants): A multi-tenant site may only have one temporary sign at a time. Two stores on the same property may not have temporary signs at the same time. When that sign is removed a different business may have a temporary sign for 30 days. Under no circumstances shall a single store have a sign for more than 30 days in a six-month period, and cannot be permitted more than 45 days prior to placement.
 - *.Multi-tenant sites (more than five tenants): A multi-tenant site may only have two temporary signs

at the same time. The temporary signs must be for different businesses. When one sign is removed a different business may have a temporary sign for 30 days. Under no circumstances shall a single store have a sign for more than 30 days in a six-month period, and cannot be permitted more than 45 days prior to placement.

g. Street furniture placed along the street to aid pedestrians shall not be used for advertising purposes. Examples of such items include benches, waste receptacles bike racks, drinking fountains, and public telephones.

12. Construction of Signs – The design, selection of materials, supports, installations, and electrical wiring for all permanent signs erected in the City of Woodruff shall conform to the Southern International Building Code and the National Electric Code.

13. Banners over Public Streets: (adopted by city council 09/28/2009)

(a) The purpose of this section is to establish regulations which govern the hanging of banners across public right-of-way within the corporate limits of the city.

(b) This section shall apply to all roads within the corporate limits of the city which are city or county roads. All roads, which are within the state highway system, shall not be governed by this section, but rather by the policies of the state highway department.

(c) All persons desiring to fly banners over rights-of-way covered by this section shall be required to receive authorization from the office of the city manager. All requests to fly banners shall be submitted in writing to the city manager who will rule on the request within seven days of receipt of the request.

(d) The following regulations shall govern the approval to fly a banner over applicable city streets:

(1) The request must be for a nonprofit eleemosynary activity. Private for-profit activities are specifically barred from approval.

(2) All banners must be erected by the city and meet the city's specifications for material and size. There shall be a fee of \$25.00 which covers the cost of installation and removal of such banner.

(3)The banner must advertise an event occurring within the city

(4) The maximum length of time the banner can fly is for a two-week period.

(5)The time period for flying the banner must be within one week of the actual event advertised on the banner.

(6) The city shall have sole discretion as to the point where such banner will be permitted to cross the public right-of-way.

14. POLITICAL SIGNS: Political signs shall mean any sign advocating or supporting a political candidate or political view defined as any matter upon which an election, general or special, is held. Political signs shall be permitted on private property for a period not to exceed sixty (60) days before the applicable election and seven (7) days after the election. Political signs shall not exceed a total of sixteen (16) square feet (eight (8) square feet per side of a two-sided sign or two (2) feet by four (4) feet). Political signs shall not be placed on public property or on public right-of ways, except when a portion of the right-of-way is maintained by a private property owner, provided that the private property owner consents to the placement of a political sign. Any sign that the city determines to be a visual obstruction

shall be removed. No sign shall be placed between the sidewalk and the street/road. (see city council ordinance amendment dated 6/22/09)

Section III Prohibited Signs

1. No sign shall use words such as "stop," "danger," or a similar word or phrase, symbol or character in a manner that might mislead or confuse an automobile or other vehicular driver.
2. Except as stated here, no sign except traffic signs and signals and information signs erected by a public agency is permitted within any street or highway right-of-way.
3. Certain Attached and Painted Signs: Signs painted or attached to trees, fence posts, and telephone or other utility poles is prohibited. Also, signs painted on, or attached to rocks or other natural features, or painted on the roofs of buildings are prohibited.
4. Non-Rigid Signs: Signs constructed of muslin or similar fabric, either tacked completely to a surface or used as a banner or similar devices, are prohibited except the flags of governments and any public agency.
5. No sign of any kind shall be erected in such a manner as to obstruct the line of sight of traffic or traffic lights at an intersection.
6. Mobile signs employing flashing lights.
7. Signs which are no longer relevant to the occupying business or enterprise for which the occupancy has changed. A six month time frame is given for altering, amending, or removing the non conforming sign. (Adopted by city council 9/28/09)
8. Skeletal or structural supports for signage no longer in use or relevant to the occupying business or enterprise. (9/28/09)

Section IV Signs in Zoning Districts

The following signs are permitted in R-1, R-1A, R-2, R.2A, R-3, and R-3A districts:

1. Signs for which permits are not required,
Signs for multiple family dwellings, group dwellings and for buildings other than residential permitted in the residential areas or non-illuminated business identification signs or bulletin boards, which shall be set back not less than ten (10) feet from any street right-of-way line unless attached to the front, wall of a structure.

The following requirements shall apply to all signs in C-1, C-2, C-3, I-1, and I-2 districts.

1. All signs permitted in residential districts are permitted in commercial and industrial areas. On any occupied zoning lot in a commercial or in an industrial district, not more than four signs of any type having a total area of not more than six hundred (600) square feet shall be permitted. Appeals may permit additional sign area not to exceed seven hundred (700) square feet for each commercial and industrial enterprise.
2. Commercial or industrial uses located on major streets or controlled access thoroughfares in commercial or industrial districts may include as part of their total permitted sign area one business identification pylon sign, which shall be erected so that no portion of the sign shall be less than ten (10) feet back from, the street right-of-way.
3. Roof signs and wall signs shall in no case exceed the requirements herein.
4. On any lot in a commercial or industrial district on which no business enterprise is located, one free-standing structure having a combined total sign area not exceeding six hundred (600) square feet is permitted, Additional sign structures, each of which does not exceed six hundred (600) square feet in

combined total sign area, are permitted providing they are spaced not, closer than three hundred (300) linear feet from any other sign structure on the same side of the street.

5. Signs in any commercial or industrial area may be illuminated provided they conform to the standards herein.

SECTION V. ENCROACHMENT PERMITS (Adopted by City Council Sept.28, 2009)

Purpose.

The provisions of this article shall apply to the establishment, operation and maintenance of encroachments within the Revitalization District on public rights-of-way, public areas, and sidewalks. The purpose of this article is to promote the general economic development and atmosphere of the district for the benefit of the general public. No rights of individuals or individual businesses are created herein. The city shall have broad discretion to grant, modify, or revoke permits pursuant to this article in the interests of improving the public health, safety, and welfare.

Community events by the city of Woodruff or an entity of the city of Woodruff are exempt from the requirements of this section.

Definitions.

For the purpose of this article, the following words shall have the meanings respectively ascribed in this section:

Design requirements mean the standards adopted with this article that guide design and materials in encroachment areas.

Encroachment means awnings, canopies, stands, tables, umbrellas, chairs, displays, signs, banners, flags, objects related to the business, or other items for sale on the public right-of-way, sidewalk or common area on public property.

Outdoor cafe means the placing, locating, or permitting of the placing or locating of chairs and tables on the right-of-way, such as sidewalks, adjacent to a business licensed to operate as an eating establishment.

Permittee means the recipient of an encroachment permit under the terms and provisions of this article.

Sidewalk means that area of public right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines reserved for pedestrian traffic, not including street crossings.

Permit required.

(a) It shall be unlawful for any person to create, establish, operate, maintain or otherwise be engaged in the business of operating an encroachment or place any items upon the sidewalks or public property in the zoned Revitalization District in the city unless he shall hold a current valid permit issued under the terms of this article.

(b) Permits shall be issued only to validly licensed businesses that wish to provide encroachments related to their business on the public property adjacent to their businesses for use by the general public.

Permit application.

(a) Application for a permit shall be made at the office of the Zoning Official in a form deemed appropriate by the city. Such application shall include, but not be limited to, the following information:

- (1) Name, home and business address, and telephone number of the applicant, and the name and address of the owner, if other than the applicant of the business;
- (2) Name, home address and telephone number of a responsible person whom the city may notify or contact at any time concerning the applicant's encroachment;
- (3) A copy of a valid business license to operate a business establishment adjacent to the public property as the subject of the application;
- (4) Proof of current liability insurance, issued by an insurance company licensed to do business in the state, protecting the licensee and the city from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the encroachment permit. Such insurance shall name the city as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advanced written notice to the city. The policy shall be a minimum of \$300,000.00 or higher, if deemed necessary by the city;
- (5) A sketch to scale of the proposed location of encroachment/s showing the lay-out and dimensions of the existing public area and adjacent private property;
- (6) Proof of any licenses required by other agencies involving the operation of the subject business in the public right-of-way; and
- (7) Photographs, drawings, or manufacturers' brochures fully describing the appearance of all proposed tables, chairs, umbrellas, or other encroachments related to the business.

(b) After the filing of a completed encroachment permit application, the applicant shall be notified by the city of the decision on the issuance or denial of the permit. Upon application approval and payment of a fifty dollar (\$50) application fee a permit will be issued. This fee is in addition to the business license required for operation within the city.

(c) Application for a permit shall be made within 48 hours of written notice for failure to obtain a permit. Where the same owner, occupant, or person responsible has been given notice for the same violation at the same location within the previous 180 days, such requirements of written notice may be waived and legal proceedings commenced immediately.

Prohibited conduct.

(a) No merchant, vendor, business or property owner shall:

- (1) Allow any encroachment on any portion of the public property other than directly in front of or adjacent to his existing place of business.

- (2) Block or restrict the passageway to less than six feet in width or block the ingress/egress to any building. In areas of congested pedestrian activity, the city is authorized to require a wider pedestrian path, as circumstances dictate. Also, no items shall be placed so as to block any driveway, crosswalk, bus stop, or counter service window.
- (3) Sublicense the encroachment area separately to non-occupants of the adjacent and subject business premises.
- (4) Place objects around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier.
- (5) Use tables, chairs, umbrellas and any other objects of such quality, design, materials, and workmanship which are not authorized by the city according to the permit and regulations herein described.
- (6) Use umbrellas or other decorative material which is not fire-retardant, pressure-treated, or manufactured of fire-resistive material.
- (7) Fail to secure permission of the landlord where a building has multiple occupants/tenants.
- (8) Use or display without the insurance coverage specified.
- (9) Sound or permit the sounding of any device on the public property which produces a loud noise or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device in violation of the noise ordinance unless authorized by the city to do so.
- (10) Fail to pick up, remove and dispose of all trash or refuse left by the business on the public right-of-way.
- (11) Store, park, or leave any stand or items of merchandise overnight on any street or sidewalk except for tables and chairs which may be kept in the permitted area at the permittee's risk.
- (12) Store, park, or leave any vehicle, truck, or trailer within the encroachment area.
- (13) Encroachments permits shall not be issued for vending, arcade or similar machines.

(b) The encroachment permit is a temporary license which may be denied, suspended or revoked for any conduct which is contrary to the provisions of this section or for conduct of the business in such a manner as to create a public nuisance, or constitute a danger to the operator's or public's health, safety, or welfare. No property right is created by this article and the decision of the city shall be final.

Form and conditions of permit.

The permit shall be issued on a form deemed suitable by the administrator. In addition to naming the permittee and any other information deemed appropriate by the administrator, the permit shall contain the following conditions:

- (a) Each permit shall be effective for one year, from January 1 to December 31 subject to annual renewal, unless revoked or suspended prior to expiration. When a permit is revoked, No fees will be refunded .
- (b) The permit issued shall be personal to the permittee only and shall not be transferable in any manner.
- (c) The permit may be suspended by the city when necessary to clear the public property for public safety when a "community or special event" has been authorized by a permit issued by the city.
- (d) The city may require the temporary removal of items within the encroachment area when street, sidewalk, common areas or utility repairs necessitate such action.
- (e) The permit shall be specifically limited to the area shown on the "exhibit" attached to and made part of the permit.
- (f) The encroachment area covered by the permit shall be maintained in a neat and orderly appearance at all times and the area shall be cleared of all debris on a periodic basis during the day, and again at the close of each business day.
- (g) No advertising, except for the posting of prices, on any stand or item except to identify the name of the product. EXCEPTION: Canopy/Awning use for advertising name of establishment and /or address in compliance with area limitations established by the current zoning ordinance.
- (h) No tables and chairs nor any other parts of the business shall be attached, chained, or in any manner affixed to any tree, post, sign, or other fixtures, curb or sidewalk within or near the permitted area. No additional outdoor seating authorized herein shall be used for calculating seating requirements pertaining to the primary business establishment; or, be used as the basis for computing required seating for restaurants and dining rooms, or as grounds for claiming exemption from such requirements under the provisions of any city ordinance or state law.
- (i) The issuance of a permit does not grant or infer vested rights for use of the area by the permittee. The city retains the right to deny the issuance of a permit or the renewal of a permit for any reason.
- (j) Tables, chairs, umbrellas, and any other objects provided shall be maintained with a clean and attractive appearance and shall be kept safe and in good repair at all times.
- (k) The city retains the right to suspend the privilege of using glass containers within the encroachment area during major festivals and events and when streets are closed. The use of glass containers will be revoked if an incident jeopardizes the health, safety and welfare of customers or the general public. Any violation of state or local laws will also result in a revocation of this privilege. Repeated offenses may result in revocation or denial of the encroachment permit.
- (l) The city may use discretion in allowing special exceptions where the general welfare, safety, and health of the public is not jeopardized.

Denial, revocation or suspension of permit; removal and storage fees; emergencies.

(a) The city or designee may deny, revoke, or suspend a permit at any time for any business authorized in the city if it is found that:

(1) Any necessary business or health permit has been suspended, revoked, or canceled.

(2) The permittee does not have insurance in force which is correct and effective in the minimum amount.

(3) Changing conditions of pedestrian or vehicular traffic cause congestion necessitating removal of the encroachment. Such decision shall be based upon findings of the city that the minimum six-foot pedestrian path is insufficient under existing circumstances and represents a danger to the health, safety, or general welfare of pedestrians or vehicular traffic.

(4) The permittee has failed to correct violations of this article or conditions of his permit upon receipt of the administrator's notice of same delivered in writing to the permittee.

(5) The permittee has failed to take positive actions to prohibit violations from reoccurring.

(6) The permittee has failed to make modifications upon receipt of the city's notice of same delivered in writing to the permittee.

(7) Tables, chairs and other encroachments of said business may be removed by the city, and a reasonable fee charged for labor, transportation, and storage, should the permittee fail to remove said items within 36 hours of receipt of the city's final notice to do so for any reason provided for under this article. If the action is taken based on subsection (a)(2) or (3) above, the action shall become effective upon the receipt of such notice and the permittee shall have four hours to remove said items.

(b) Upon denial or revocation, the city shall give notice of such action to the applicant or the permittee in writing stating the action which has been taken and the reason thereof. The action shall be effective upon giving such notice to permittee.

(c) Any person violating any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$500.00 or imprisonment for a period not to exceed 30 days, or by both. Each day any violation of this section shall continue, shall conviction, shall be punished by a fine not to exceed \$500.00 or imprisonment for a period not to exceed 30 days, or by both. Each day any violation of this section shall continue, shall constitute a separate offense. (09/28/2009).

ARTICLE VIII COMMUNICATION TOWER AND ANTENNA AS A CONDITIONAL USE

Section I General Requirements

General requirements for all structures are applicable to communications towers. All applicable health, nuisance, noise, fire, building, and safety code requirements shall apply in addition to the conditions of this ordinance. Regulations covering visibility, fencing, screening, landscaping, parking, access, lot size,

exterior illumination, sign age, storage, and all other general zoning regulations except those specifically superseded by this section shall apply to the use.

1. Standards for Approval of Communications Towers

- a. A communications tower shall be permitted by the Building Official upon determination that all of the applicable conditions in this ordinance are met.

Section II Location

1. Permitted Zoning Districts - New towers New communications towers are permitted in the following zoning districts and according to the following standards:

- a. C-2, Core Commercial District, I-1, Limited Industrial, I-2, General Industrial, and I-3 Heavy Industrial. Setbacks for towers in these districts are as described in Section V- 11.
- b. Planned Development Districts as approved in the development plan.

2. Existing towers - Existing towers shall adhere to the registration requirements as described in Section 8 of this ordinance.

3. Distance from other towers

If the applicant proposes to establish a new tower within 1,300 feet of an existing tower, then the applicant shall submit information that each such tower does not meet the applicant's structural specifications or technical design requirements or that space on such other tower is not available at fair market value. The applicant may present evidence that multiple towers not more than 66% of the highest permitted tower height in such-district would better serve the public interest. The Building Official shall afford the owner(s) of such existing tower(s) an opportunity for comment before making a decision.

4. Co-location

- a. Any new tower shall be designed to accommodate the principal provider and at least one (1) additional carrier. The applicant shall make unused tower space available at fair market value. The applicant shall furnish information, satisfactory evidence that alternative towers, buildings, or other structures are not available for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria or provide a location free of interference from other communication towers.
- b. In any zoning district, existing water tanks, towers, antennae, and similar structures shall be encouraged for consideration of co-location according to the following standards. The maximum height for such is 30 feet above the highest part of the existing tank, tower, antennae, or similar structures. For purposes of this subsection a tower is not considered a structure on which another tower may be erected.
- c. For C-2, I-1, I-2 districts, the height limitation for communications towers mounted on existing buildings, the maximum height is one-half the height of the existing building or 90 feet; whichever is less.

Section III Height Limitations

1. Height limitations for ground-mounted, free-standing, or guyed towers:

- a. Residential R-1, R-2, R-3, R1A, R-2A, R-3, R-3A, DWMH: Free standing tower not exceeding 100 feet is a permitted conditional use; height exceeding 100 feet requires special exception.
- b. Commercial C-1, C-2, C-3: Free standing tower or guyed tower not exceeding 180 feet is a permitted conditional use; height exceeding 180 feet requires special exception.
- c. Industrial I-1, I-2: Free Standing Tower not exceeding 360 feet is a permitted conditional use; height exceeding 360 feet requires special exception.
- d. Development Agricultural: Free standing tower not exceeding 500 feet is a permitted conditional use; height exceeding 500 feet requires special exception.
- e. Planned Development DWMH: Tower with height specified in approved plan is permitted under conditions set forth in plan.

2. Special Exceptions and Variances

- a. All districts except planned unit development: Free standing or guyed tower and/or antenna exceeding height limitations may be permitted by the Zoning Board of Appeals as a special exception.
- b. All districts: Variances from conditions imposed by this section may not be granted by the Zoning Board of Appeals. Variances from other general districts regulations may be granted under standards in S.C. Code §6-29-800.

Section IV Application Requirements

The application for a conditional use zoning permit for construction of a communications tower or placement of a commercial communications antenna on an existing structure other than the tower previously permitted must file with the Zoning Administrator an application accompanied by a fee of \$35 and the following documents, if applicable:

- i. Specifications: One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material;
- ii. Site Plan: A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design or 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);
- iii. Tower Location Map: A current map or update for 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 within the City;
- iv. Antenna Capacity Load: A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards;

- v. Antenna Owner: Identification of the owners of all antennae and equipment to be located on the site;
- vi. Owner Authorization: Written authorization from the site owner for application;
- vii. FCC License: Evidence that a valid FCC license for the proposed activity has been issued;
- viii. Visual Impact Analysis: A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts;
- ix. Removal Agreement: A written agreement to remove the tower and/or antenna within 180 days after cessation of use;
- x. Conditions Met: Evidence that applicable conditions in subsection V are met;
- xi. Additional Information: Additional information required by the Zoning Administrator for the determination that all applicable zoning regulations are met.

Section V Conditions

1. Location Visual Impact: The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements
2. Inability to Locate on Existing Structure: Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements without unreasonable modifications on any existing structure or tower under the control of applicant.
3. Necessity for Location in Residential District: Applicant for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a non-residential district for valid technical reasons.
4. Public Property or Other private Property not Suitable: Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements.
5. Design for Multiple Use: Applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant's present and future requirements.
6. Safety Codes Met: Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.
7. Paint Illumination: A communications tower must not be painted or illuminated unless otherwise provided by state or federal regulations.
8. Distance from Existing Tower: A permit for a proposed tower site within the height of tower plus 100 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower

does not meet the applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.

9. Indemnity Claim Resolution: Applicants must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Zoning Administrator a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in the form approved the the municipality's attorney.
10. Application of Zoning Regulations: Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except setback and height, shall apply to the use. Set back and height conditions in this section apply.
11. Minimum Setbacks: A tower must be a minimum distance equal to one-half the height of the tower from property designation (Historic or architecturally) significant, and must be set back from all lot lines distances equal to the district setback requirements or 25% of the tower height, whichever is greater.

Section VI Appeal to Board

1. Applicant may appeal to the Zoning Board of Appeals as follows:
 - a. Time Limit for Action by Zoning Administrator on Completed Application: Failure of the Zoning Administrator to act upon an application which is determined to be complete under this section within 45 days, unless extended by agreement, may be considered by applicant to be a denial of a permit which is subject to appeal by the Zoning Board of Appeals.

ARTICLE IX BUFFERYARDS

Section I General Provision

1. The purpose of the bufferyard is to ameliorate the relationship between adjacent land uses including:
 - a. minimizing nuisances
 - b. promoting compatibility.
2. The bufferyard offers several options, each of which will buffer to an equivalent degree by varying distance (setback) and/or density (mass).
3. Definition. A bufferyard is a permanent unit of land, together with planting, fences, berms, walls, and other screening devices required thereon.
4. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing public or private right-of-way.
5. Determination of Bufferyard Requirements. To determine the bufferyard required between two adjacent parcels, the following procedure shall be followed:
 - a. Identify the proposed land use;
 - b. Identify the use of lands adjacent to the proposed use;
6. Determine the bufferyard required on each boundary (or segment thereof) of the proposed land use by referring to the Table of Bufferyard Requirements and Illustrations contained in Appendix B, which specify the bufferyard options required between a proposed use and the existing adjacent uses.
7. Responsibility for Bufferyard/Screening. A buffer shall be required along any property line that borders a property of less intense zoning, as specified in this Ordinance.
8. Bufferyard Specifications. The illustrations in this section specify the type and quantity of plant materials required by each bufferyard. The requirements are stated in terms of width of the bufferyard and the number of plants required per 100 feet of bufferyard. The requirements of a bufferyard may be specified by any one of the options illustrated. The "plant unit multiplier" is a factor by which the basic number of plant materials required for a given bufferyard is determined given a change in the width of that yard. Each illustration depicts the total bufferyard required between two uses. Whenever a wall, fence, or berm is required within a bufferyard, these are shown as "structures" in the following illustrations wherein their respective specifications also are shown.

The exact placement of required plants shall be the decision of the developer except that evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival and increase screening.

All bufferyard areas shall be seeded with lawn grass or suitable ground cover.

9. **Minimum Plant Size.** Plants shall be sufficiently sized to insure buffering and screening at the time of installation. Where the Bufferyard Illustration indicate a mass or line of plants parallel the length of the property line, the plant materials shall be sufficiently sized to insure obscurity at the time of installation. However, seeding plants may be used where berms or structures are required as part of the bufferyard.

Bufferyard Minimum Plant Sizes

Plant Material Type	Planting in Buffer yards Abutting Structures, Fences, Berms	All Other Plants
Canopy Tree Single Stem Multi-Stem Clump	1-1/2" Caliper 6' Height	2-1/2" Caliper 10' Height
Understory Tree	4' Height	1-1/2" Caliper
Evergreen Tree	3' Height	5' Height
Shrub Deciduous Evergreen	15" Height 12" Height	24" Height 18" height

10. **Bufferyard Substitutions.**

- a. Any existing healthy, well-formed plant materials which are greater than or equal to the recommended buffer and which otherwise satisfy the requirements of this section may be counted towards satisfying all such requirements.
- b. Structures, where required, may be substituted with approval of the Planning Commission.

11. **Use of Bufferyards.** A bufferyard may be used for passive recreation; however, no plant material may be removed and such use shall not be a nuisance.

12. **Containers and Dumpsters.** All exterior dumpsters or exterior garbage containers (excluding containers of groups of containers with a combined capacity of less than six cubic yards) shall be screened on all but one side by a fence or wall, intensive landscaping, or other suitable opaque enclosure. The average height of the enclosure shall be one (1) foot more than the height of the container but shall not be required to exceed eight (8) feet in height. The open side shall not be visible from the street.

13. **Fences and Walls - Appearance.** All fences and walls used as part of the bufferyard requirements must have a finished side facing adjoining property. The interior side of the fence or wall may be finished as the owner deems appropriate. Where fences or walls are applicable bufferyard requirements, they shall be established along the inside line of the bufferyard, toward the proposed use, except for ornamental fences, which may be built on the property line.

14. **Berms.** Where required, berms may be located anywhere within the bufferyard, provided they parallel the property line.

15. **Required Maintenance.** The maintenance of required bufferyards shall be the responsibility of the property owner. And all such yards shall be properly maintained so as to assure continued buffering. Failure to do so is a violation of this Ordinance, and may be remedied in the manner prescribed for violations.

Bufferyard Table

Proposed Land Use	Existing Adjacent Land Uses											
	Single Family Residential on Local Streets	All Single Residential	Other Family Residential	Mobile Home Park	Multi-Family & All Other Residential	Religious Recreation & Child Care	Office & Commercial	Industrial	Research & Institutional	Vacant Industrial & Commercial **	Vacant Family Residential***	Single Streets
Single Family Residences and Duplexes	0	0	0	0	0	0	0	0	0	0	0	0
Multi-Family Residential:												
1-3 units per gross acre	2	0	0	0	1	1	1	1	1	2	1	
4-11 units per gross acre	4	1	1	1	1	1	2	2	1	4	1	
12 or more units per gross acre	5	2	1	2	1	1	2	2	1	5	1	
Mobile Home Park	4	2	0	2	2	1	2	2	2	2	2	
Religious, Recreational, or Child Care	2	2	2	2	0	0	0	0	0	2	0	
Office & Commercial Use:												
less than .35 F.A.R. *	4	2	1	2	2	0	0	2	0	2	1	
.35 to 1.00 F.A.R. *	5	3	2	3	3	0	0	2	0	3	1	
1.00 F.A.R. * to shopping Centers	6	5	4	4	4	3	0	6	0	5	2	
Industrial	6	5	4	5	5	3	0	5	3	5	2	
Research & Institutional Uses	4	3	2	3	3	1	1	0	2	3	1	

Legend: If the value is 0, then no buffer yard is required. For any other value, the number refers to the class of the buffer yard required.

* F.A.R. refers to the floor area ratio

Note: Uses not general included in one of the above shall be assigned by the administrative official to one of the buffer yard categories illustrated by the ordinance, at appropriate scale and intensity of the proposed use relative to existing adjacent land uses.

** Vacant land zoned as CCD, GCD, or NCD.

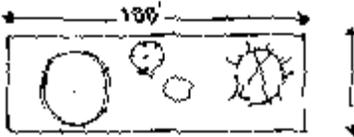
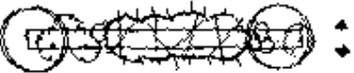
*** Vacant land zoned as RS-1 or RS-2.

BUFFERYARD 1

Required Plants Per 100' of Length

- 2 Canopy Trees 
- 4 Understory Trees 
- 4 Evergreens/Conifers 
- 4 Shrubs 

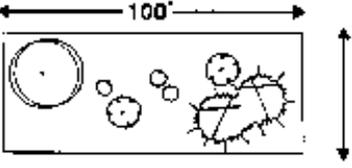
14 Total

Percentage of Required Plant Material		Buffer Yard Width
25%	<p>Proposed Use</p>  <p>Adjacent Use</p> 	30 feet
50%		20 feet
75%		10 feet
100%		5 feet

BUFFERYARD 2

Required Plants Per 100' of Length

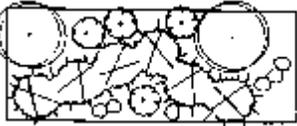
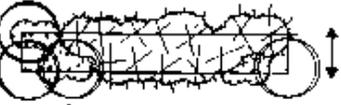
- 4 Canopy Trees 
 - 6 Understory Trees 
 - 8 Evergreen/Conifers 
 - 10 Shrubs 
- 28 Total

Percentage of Required Plant Material		Buffer Yard Width
25%	<p>Proposed Use</p>  <p>Adjacent Use</p>	40 feet
50%		30 feet
75%		20 feet
100%		10 feet

BUFFERYARD 3

Required Plants Per 100' of Length

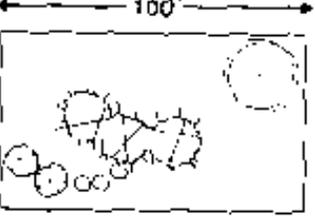
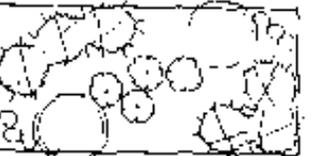
- 4 Canopy Trees 
 - 8 Understory Trees 
 - 12 Evergreens/Conifers 
 - 12 Shrubs 
-
- 36 Total

Percentage of Required Plant Material		Buffer Yard Width
25%	<p>Proposed Use</p>  <p>Adjacent Use</p> 	50 feet
50%	 <p>structure required B1</p>	40 feet
75%	 <p>structure required B3</p>	25 feet
100%	 <p>structure required F3</p>	15 feet

BUFFERYARD 4

Required Plants Per 100' of Length

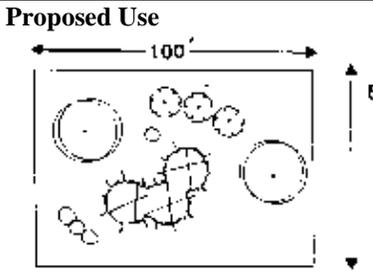
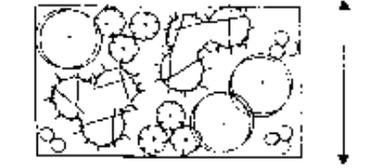
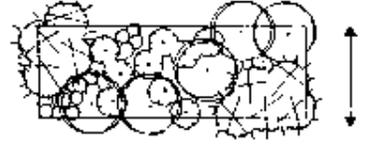
- 4 Canopy Trees 
 - 8 Understory Trees 
 - 12 Evergreens/Conifers 
 - 12 Shrubs 
- 36 Total

Percentage of Required Plant Material		Buffer Yard Width
25%	<p>Proposed Use</p>  <p>Adjacent Use</p> 	60 feet
50%	 <p>structure required B1</p>	50 feet
75%	 <p>structure required B3</p>	30 feet
100%	 <p>structure required F3</p>	20 feet

BUFFERYARD 5

Required Plants Per 100' of Length

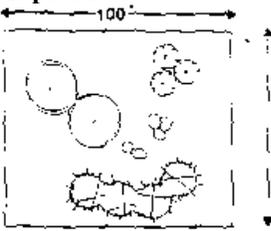
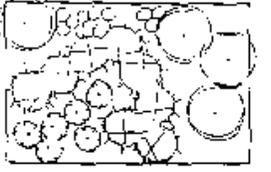
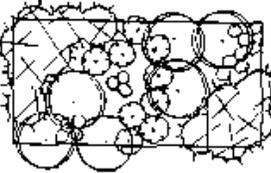
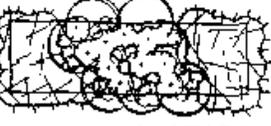
6	Canopy Trees	
12	Understory Trees	
12	Evergreen/Conifers	
16	Shrubs	
46	Total	

Percentage of Required Plant Material	Proposed Use	Buffer Yard Width
25%	 <p style="text-align: center;">Adjacent Use structure required B1</p>	75 feet
50%	 <p style="text-align: center;">structure required B2</p>	60 feet
75%	 <p style="text-align: center;">structure required B3/F1</p>	35 feet
100%	 <p style="text-align: center;">structure required F3</p>	25 feet

BUFFERYARD 6

Required Plants Per 100' of Length

8	Canopy Trees	
12	Understory Trees	
16	Evergreens/Conifers	
20	Shrubs	
56	Total	

Percentage of Required Plant Material		Buffer Yard Width
25%	<p>Proposed Use</p>  <p>Adjacent Use structure required B1</p>	90 feet
50%	 <p>structure required B2</p>	70 feet
75%	 <p>structure required F3/B3</p>	45 feet
100%	 <p>structure required F4/B1</p>	30 feet

STRUCTURE ILLUSTRATIONS

FENCES:

<u>Symbol</u>	<u>Height</u>
F1	3 feet
F2	4 feet
F3	6 feet



Wood Stockade/Opaque Fence (non-perishable supports)

WALLS:

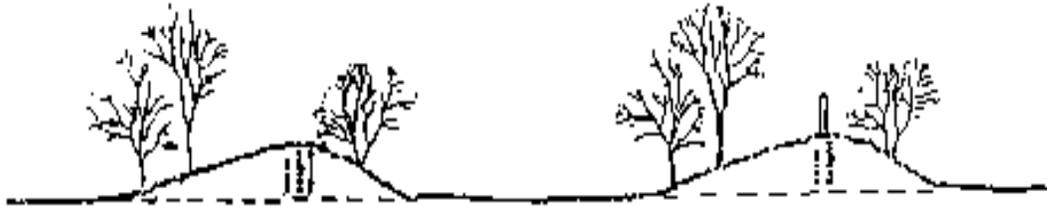
<u>Symbol</u>	<u>Height</u>
F4	6 feet
F5	8 feet



Masonry Wall (poured concrete, stucco, concrete block, brick, etc.)

BERMS:

BERMS/FENCES



<u>Symbol</u>	<u>Height</u>	<u>Material</u>	<u>Symbol</u>	<u>Height</u>
B1	3 feet	Earth	BF1	3 foot berm with 3 foot stockade fence
B2	4 feet	Earth	BF2	4 foot berm with 4 foot stockade fence
B3	5 feet	Earth	BF3	5 foot berm with 5 foot stockade fence

ARTICLE X GENERAL PROVISIONS

Section I Non-Conforming Uses

1. Continuance of non-conforming Uses: The existence of any building or structure not conforming to this Zoning Ordinance at its time of enactment shall be permitted to continue, however, it shall be subject to the following restrictions:
 - a. Shall not be changed to another non-conforming use.
 - b. No alterations such as additions or enlargements shall be permitted except in accord with this Ordinance.
 - c. Shall not be permitted to re-establish after a vacancy or discontinuance of one (1) year.
 - d. Shall not be rebuilt as a non-conforming use if existing facilities are razed or destroyed.
 - e. Shall not be rebuilt, repaired, or altered after damage resulting from fire, explosion, Act of God or criminal act, exceeding fifty (50) percent of its replacement cost at the time of destruction.
 - f. Nothing, however, shall prohibit the repairing of a structure to comply with public safety requirements provided that such action be taken upon the order of an official of the local governing body.
2. Discontinuance of non-conforming Uses: The discontinuance of certain non-conforming uses shall be effected within the indicated periods upon the activation of this Ordinance,
 - a. Non-conforming outdoor advertising signs five (5) years.
 - b. Automobile junk yards - two (2) years.
 - c. Non-conforming use of land involving no building other than accessory buildings - two (2) years.
 - d. Display of merchandise for sale in required front yards two (2) years.
 - e. All mobile home parks other than those designated on the Official Zoning Map, provided they meet acceptable standards shall be allowed to remain open for a period of ten (10) years in order that the owners may receive adequate compensation for their investment. This time period will entail eight (8) years of regular use and a two (2) year phasing out period.

Section II Off-Street Automobile Parking and Storage

In accordance with the standards set forth below, adequate parking shall be provided with the erection or enlargement of any principal building or increase the capacity by the addition of dwelling units, guest rooms, seats, or floor area. Also, if there is conversion from one use to another requiring additional parking or increased loading and docking space, changes must conform to the below standards: If parking cannot be provided on the premises, adequate off-street facilities must be provided no greater than four hundred (400) feet from the main entrance of the principal use.

3. All off-street automobile parking and storage shall be so arranged so that it is not necessary to back onto a public street, road or highway when leaving the premises. This applies to all parking except in residential areas.
4. Both external and internal movement in and about parking areas shall be so arranged as to provide free and safe movement of vehicles and pedestrians using the facilities.
5. To conform with this Ordinance, off-street parking spaces shall contain at least two-hundred (200) square feet each to accommodate one (1) vehicle,
6. The number of parking spaces shall conform at least to the below minimum requirements:
 - a. Residential Uses:

Single Family Dwelling Units	2 per Dwelling Unit
Duplex	1.5 per Dwelling Unit
Hotels, Motels and Motor Courts	1 per 3 Employees
Efficiencies or Pats. for the Elderly	1 per Dwelling Unit

b. Public & Semi-Public

Hospitals, Sanitariums and Nursing Homes (Shift with highest number of Employees)	1 per bed and 1 per 2 Employees
Assembly Halls, Gyms, Theaters (Shift with highest number of Employees)	1 per 200 sq. ft. and 1 per 2 Employees
Synagogues, Churches, Funeral Homes and Other Places of Worship	1 per 4 Seats
Schools – Elementary and Junior High	1 per Classroom and 1 per Office
Schools – High Schools	1 per 15 Students, 1 per Classroom and 1 per Office
Public Buildings	1 per 200 sq. ft.

c. Commercial Uses

Auto Sales and Repair	1 per 150 sq. ft.
Service Station (Shift With Highest Number of Employees)	4 per Grease Rack and 1 per Employee
Medical Offices	4 per Medical Professional
Professional Offices	1 per 200 sq. ft. Gross Floor Space
Banks	1 per 200 sq. ft. Gross Floor Space
Retail Stores, Service Facilities and Repair Shops	1 per 200 sq. ft. Gross Floor Space
Restaurants (Shift With Highest Number of Employees)	1 per 3 Seats and 1 per 2 Employees
Shopping Centers	1 per 150 sq. ft. Gross Floor Space

d. Industry & Wholesaling

Industry (Shift With Highest Number of Employees)	1 per 2 Employees
--	-------------------

7. Off-Street Loading and Docking Space - Any structure or building constructed after the enactment of this Ordinance shall provide docking space as specified herein. The use of such a space shall not in any way hinder the free movement of either vehicular or pedestrian traffic when in use. This space shall have the minimum dimensions of twelve feet by thirty-five feet (12 X 35') with fourteen feet overhead clearance. Utilizing vehicles shall not be required to back onto a major public thoroughfare when leaving the premises. Docking facilities shall be required to conform to the following requirements:

Retail Business	1 per 5,000 sq. ft. Gross Floor Area
Industry and Wholesaling	1 per 10,000 sq. ft. Gross Floor Area
Truck Terminal	Sufficient space to accommodate the maximum number of trucks to be stored or to be loaded or unloaded at the terminal at any one time.

8. (9/28/09) *Parking surfaces.* All off-street parking which is constructed after adoption of this ordinance shall be constructed of permanent, non-erodible surface treatment limited to masonry, concrete, or asphalt, with the following two exceptions:

(a) Parking facilities for outdoor athletic facilities or outdoor theaters with 1,500 or more permanent seats, or design capacity, may use grass as the parking surface.

(b) Alternative surfaces which allow greater water infiltration in floodplain areas.

9.(9/28/09) Maintenance, markings, and use. Required parking spaces shall be properly maintained and shall not be converted to other uses. Each required parking space shall be clearly delineated by painted lines at least four inches wide and at least as long as the stall depth. Alternate means of delineation may be approved by the zoning administrator.

10. (9/28/09) STRIPING: All parking stalls shall be striped.

Exception: A private garage or parking area for the exclusive use of a single family dwelling.

11.(9/28/09) .LIGHTING: All lights illuminating a parking area shall be designed and located so as to reflect away from any street and adjacent property.

Section III Vision Clearance at Intersection (Clear-Sight Triangle)

In any residential area on any corner lot, no fence, wall, shrubbery or other obstruction shall be permitted to rise more than three and one-half (3 1/2) feet above established street grade or to a height that obstructs vision from an automobile proceeding into and through the intersection.

Section IV Accessory Building

In R-1 zones, no accessory building shall be constructed in any area but the rear yard not occupying more than twenty-five (25) percent of that space and shall be no less than sixty (60) feet from the front property line. In R-2, R-2A, and R-3 zones, no accessory building shall be constructed in any area but the rear yard not occupying more than forty (40) percent of that space and shall be no less than sixty (60) feet from the front property line. Said structure shall be no less than six (6) feet from the principal or bordering building.

Section V Principal Building

Only one principal building and its customary accessory building (s) may be erected on any lot after the enactment of this ordinance.

Section VI Street Access

Every building either constructed or moved on to its respective lot shall have safe and convenient access to a public thoroughfare after enactment of this Ordinance.

Section VII Lot Requirements

1. Lot Area Reduction: No lot or yard shall be reduced to a size below minimum standards herein upon enactment of this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirement established by this Ordinance.
2. Front Yard Set Back for Dwelling Units: The front yard set back requirements of this Ordinance for dwellings shall not apply on any lot where the average set back of existing buildings located wholly or in part within one hundred (100) feet on each side of such lot within the same block and zoning districts and fronting on the same side of the street is less than the minimum required set back, In such cases, the set back on such lot may be less than the required set backs of the aforementioned existing buildings.

3. **Corner Lots:** Minimum side yards for corner lots in residential districts shall conform to the minimum front yard requirements on the side abutting the street.

Section VIII Group Housing Development

A group housing development consisting of two (2) or more buildings shall be located on a lot no less than two (2) acres not subdivided into customary streets and lots and which will not be so subdivided, may be constructed if it conforms to the following parameters:

1. Uses are limited to those permitted within the district which the project is located.
2. There shall be at least a fifteen (15) foot planted buffer strip at the property line that abuts residential lots.
3. Off-street parking shall conform to the standards herein.
4. Any building in connection with such group housing project which cannot properly be served by emergency or service vehicles from an abutting street shall be made accessible to such vehicle by a paved driveway having a roadbed of not less than 20 feet in width, exclusive of parking spaces.
5. The intensity of use in the project shall not exceed, nor the standard of open space fail to conform to the requirements of the district in which the development is located.
6. The set back of all buildings from the nearest property line shall conform to those set back requirements of the district in which the project is located.
7. No dwelling constructed in connection with a housing project shall be situated on a lot as to face the rear of another building, a structure within the development, or on adjoining properties for a distance of one hundred (100) feet.

Section IX: (section IX added to official zoning ordinance by act of city council 6/22/09)

YARD SALE(s):

1. a. It shall be unlawful for any person to conduct a yard sale within the city limits, unless such person shall first obtain a permit from the city clerk/treasurer. The cost of such permit shall be established and/or amended by city council from time to time.
b. The term yard sale shall include garage sale(s), tag sales, attic or carport sales and similar types of sales or events. See DEFINITIONS of Yard Sale(s).
2. Yard sales shall be held only on property owned, leased or rented for residential purposes by the person applying for the permit. EXCEPTION: Yard Sales may be held on lots of record owned, rented/leased or granted by the property owner to/ by churches or similar 501c organizations or at areas within the city specifically designated for community events approved by city council.
3. It shall be unlawful for the owner of any property within the city to knowingly permit any person to hold or conduct a yard on such property:
 - a. without having first secured a permit therefore in accordance with this chapter; or
 - b. if the property is not used for purposes for residential use or otherwise exempt as defined in this ordinance
4. a. At least 24 hours prior to conducting a yard sale, a permit for the yard sale shall be secured from the city clerk/treasurer.
b. Information presented by the applicant for a yard sale shall include the following:
 - a. The name and address of the applicant, or event organization with appropriate contact information
 - b. Location at which the sale is conducted

- c. The dates of the proposed sale
- d. The time period for the sale

5. All permits issued for Yard Sales must be displayed at the location and presented to appropriate law and/or code enforcement officers upon request

6. No more than four (4) permits shall be issued to any location during a calendar year

7. Yard Sales are prohibited on Sundays in the City of Woodruff.

8. Yard Sale signs shall comply with the City of Woodruff Zoning Ordinance. Signs shall be removed within twenty-four (24) hours of completion date listed on the application.

9. Failure to comply with the regulations set forth shall result in the refusal to issue Yard Sale permits for the designated property for twelve months or other penalties as prescribed. (6/22/09)

ARTICLE X Section X: Uses Not Permitted are Prohibited: (6/22/09) Permitted uses, conditional uses and special exceptions are listed for each zoning district. Unless the contrary is clear from the context of the lists or other regulations of this ordinance, uses not specifically listed are prohibited.

ARTICLE X Section XI: Zoning of Annexed Property (6/22/09)

On property to be annexed into the corporate limits by petition, as prescribed in the South Carolina Code of Laws, Title 5, Chapter 3, the zoning may be determined at the time of annexation subject to the following:

a. If the property to be annexed is vacant and the property owner request zoning less restrictive than the existing zoning for all adjacent property, the request for zoning shall be referred to the Planning Commission and recommendation made thereon;

b. . In all other cases, City Council may designate the zoning of the property being annexed in the annexation ordinance after considering the existing use of the property, if any, and the zoning of adjacent property. (6/22/09)

ARTICLE X Section XII: Historic Preservation Ordinance (adopted by city council on January 25, 2010)

I. IN GENERAL

Title.

The title of this chapter shall be "the City of Woodruff Historic Preservation Ordinance."

Purpose.

(a) The purpose of this chapter is:

(1) To protect, preserve and enhance the distinctive architectural and cultural heritage of the city;

(2) To promote the educational, cultural, economic and general welfare of the people of the city;

(3) To foster civic pride;

(4) To ensure harmonious, orderly and efficient growth and development of the city;

(5) To strengthen the local economy; and

(6) To improve property values.

(b) It is the hope of the city that by encouraging a general harmony of style, form, proportion and material between buildings of historic design and those of contemporary design, the city's historic buildings and historic districts will continue to be a distinctive aspect of the city and will serve as visible reminders of the significant historical and cultural heritage of the city and the state.

(c) This chapter is part of the zoning ordinance of the city and is enacted pursuant to the S.C. Code 1976, §§ 6-29-870--6-29-890 and the provisions of Act No. 487 of 1967.

(Code 1982, § 14.5-2)

Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration means a change in the external architectural features of any historic structure or in the interior of any such structure if the interior feature is specifically included in the historic designation; a change in the landscape features of any historic site or place.

Certificate of appropriateness means a document issued by the board of historic review, following a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property or the historic district.

Historic district means an area, designated by the city council, upon the recommendation of the planning commission and pursuant to the provisions of this chapter.

Historic property means any place, building, structure, work of art, fixture or similar object that has been individually designated by city council or designated as a contributing property within a historic district.

Public space within a building means spaces designed for use by the public, such as auditoriums, courtrooms, lobbies, entrance halls, etc. These spaces are usually gathering places as opposed to corridors for public use.

Substantial hardship means hardship, caused by unusual and compelling circumstances, based on one or more of the following:

- (1) The property cannot reasonably be maintained in the manner dictated by this chapter;
- (2) There are no other reasonable means of saving the property from deterioration, or collapse; or
- (3) The property is owned by a nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.

BOARD OF HISTORIC REVIEW

Creation.

To implement the provisions of this chapter, there is hereby established a board of historic review for the city consisting of five members. Members of the board of historic review shall be appointed by the city council .

Composition and qualifications.

- (a) All members of the board of historic review shall have a demonstrated interest in historic preservation. If available in the community, the board should have at least one member who is qualified as:
 - (1) A historian, knowledgeable in local history.
 - (2) An architect or, if an architect is not available to serve, someone knowledgeable in building design and construction. Other designated members can be listed, such as a lawyer, a real estate agent, engineer, and representative of the historical society. No members shall hold any other municipal office.
 - (3) The board shall also consist of one ex officio member from city council.
- (b) Members of the board of historic review shall assume their duties at the first regular meeting after their appointment. Members of the board of historic review shall serve without compensation except for reimbursement for authorized expenses attendant to the performance of their duties.

Terms of office.

The members of the board of historic review shall serve three-year terms, except that the initial five members shall be appointed to serve terms as follows: one member for three years; two members for two years; and two members for a one-year term, except for ex officio members.

Officers. The board of historic review shall elect from its membership a chair and a vice-chair who shall serve for one year or until their successors are elected. No member of the board of historic review shall be elected chair or vice-chair for more than three consecutive years. The board of historic review shall appoint a secretary. The secretary of the board of historic review shall have the following duties:

- (1) Take minutes at each board meeting;
- (2) Be responsible for publication and distribution of copies of the minutes, reports and decisions of the board of historic review to its members and filing the minutes, reports and decisions with city council;
- (3) Notify the city clerk of vacancies on the board, including the expiring term of members.

Regular meetings. Regular meetings for transaction of business of the board of historic review may be held with such frequency as the board may determine, but not less than four times a year.

Annual organizational meeting. The first regular meeting of the board of historic review following the beginning of the city's fiscal year shall be designated the annual organizational meeting for the election of officers and organization of the board.

Special meetings. Special meetings of the board of historic review may be held at any time upon call by the chair at the direction of the city manager or city council.

Appeals and hearings. Appeals relating to application, interpretation and enforcement of the Historic Preservation Ordinance must be submitted to the Woodruff Board of Zoning Appeals as outlined in Article XII.

Public notice. All meetings of the board of historic review shall be open to the public and reasonable notice of the time and place shall be given to the public. Notices of the meeting of the board of historic review shall be posted at city hall and sent to the news media as required by the Freedom of Information Act.

Rules and records. The board of historic review shall adopt rules of procedure and shall keep records or minutes of its recommendations, findings and approvals and denials. These rules will govern the application process for a certificate of appropriateness and will be in compliance with state law and due process requirements of the United States Constitution. Such rules and all records will be made public record. A quorum, consisting of a majority of the total membership of the board of historic review, shall be required to conduct business.

Board action. Decisions or actions by the board of historic review shall be by a majority vote of qualified members present and voting. Proxy votes shall not be permitted.

Annual report. The board of historic review shall make an annual report to the city council at the end of the city's fiscal year citing applications brought before the board and the approvals, denials

or other resolutions issued by the board. This report will be a public record and will be kept along with minutes of the meetings at city hall.

Conflicts of interest. Any member of the board of historic review who has a personal or financial interest, either directly or indirectly, in any property which is the subject of, or affected by, a decision of the board shall be disqualified from participating in the decision of the board of historic review concerning the property.

Liability of members. Any member of the board of historic review acting within powers granted by this chapter shall be relieved from personal liability for any damage and held harmless by the city. Any suit brought against any member of the board of historic review shall be defended by a legal representative furnished by the city until the termination of the proceedings.

Powers and duties. The responsibility of the board of historic review is to promote the purposes and objectives of this chapter, to review and recommend to the planning commission the designation of individual historic properties. The board of historic review shall have the power to approve, approve with modifications or deny approval for such applications in accordance with the prescribed procedures and guidelines of individual properties within the city of Woodruff which have been submitted for participation in the historic review process by the property owner(s). Upon a majority vote of city council the board of historic review will perform other functions outside the specific guidelines of this ordinance.

Historic property inventory.

The board of historic review shall maintain a local inventory of buildings, structures, objects, and sites more than 50 years old. These records shall be available to the public.

DESIGNATION OF HISTORIC PROPERTIES

Criteria for historic designation.

The board of historic review shall review the local inventory and make recommendations for historic designation to the planning commission based on the following criteria. A property may be designated historic if it:

- (1) Has significant inherent character, interest, or value as part of the development or heritage of the community, state, or nation;
- (2) Is the site of an event significant in history;
- (3) Is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation;
- (4) Exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation;
- (5) Individually, or as a collection of resources, embodies distinguishing characteristics of a type, style, period, or specimen in architectural or engineering;

- (6) Is the work of a designer whose work has influenced significantly the development of the community, state or nation;
- (7) Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation;
- (8) Is part of or related to a square or other distinctive element of community planning;
- (9) Represents an established and familiar visual feature of the neighborhood or community; or
- (10) Has yielded, or may be likely to yield, information important in pre-history or history.

Owner participation mandatory.

Owners of properties proposed to be designated historic shall be notified in writing by the board of historic review . Owners of properties designated by the board of historic review shall have the option to participate or not in the provisions of this ordinance. The board of historic review must maintain on file a written request from the property owner to be subject to their review and the provisions of this ordinance. The owner of property may at any time petition to be removed from the provisions of this ordinance by submitting a written request to the planning commission and a concurring majority vote.

Historic Designation. Upon completion of application for designation by the owner of a property identified by the board , the board will meet and vote upon recommendation of the property to the planning commission to be designated as a local property/structure of historic significance. With a majority vote of the planning commission, the board of historic review will provide a placard or other certificate identifying the structure as being of local historic significance. Such placard/certificate will be presented to the owner of the property to display in an appropriate manner.

Jurisdiction of the board of historic review. The jurisdiction of the board of historic review, in general, is the city limits.

Nominations to the National Register of Historic Places. The board of historic review shall conduct first review and evaluation of all proposed nominations for the National Register of Historic Places for properties that are within its jurisdiction, prior to consideration by the state board of review. The board of historic review may send its recommendations to the state historic preservation office for consideration at the meeting of the state board of review. The board of historic review shall not nominate properties directly to the national register; only the state board of review shall have this final review authority.

CERTIFICATE OF APPROPRIATENESS

General regulation.

Certificate required.

- (a) A certificate of appropriateness is required before a building permit can be issued for the new constructions, exterior alteration, modification or addition to a participating historic property. Any building permit not issued in conformity with this chapter shall be considered void.

- (b) Application for a certificate of appropriateness must be signed by the owner or his authorized representative and the form must be signed by the chair or vice-chair of the board of historic review stating its approval, denial, or approval with conditions and the reasons for the decision.

Required procedures.

An application for a certificate of appropriateness shall be obtained from and, when completed, filed with the city zoning administrator .

Time limits. Applications for a certificate of appropriateness shall be considered by the board of historic review at its next regular meeting, provided they have been filed at least seven calendar days before the regularly scheduled meeting of the board. If the board of historic review fails to take action upon any application within 45 days after the complete application is received, the application shall be considered approved.

Board of historic review action on application. The board of historic review shall review the application, using the design guidelines given in article V of this chapter to make findings of fact to decide whether or not the applicant's plans are appropriate. The decision of the board of historic review with the reasons for each decision will be recorded in the minutes that will be available as a public reference for preservation procedures.

Contents of application. The board of historic review shall, in its rules of procedure, require data as are reasonably necessary to determine the nature of the application. An application shall not be considered complete until all the required data have been submitted.

Notification of affected property owners. Prior to the issuance of an approval or denial of a certificate of appropriateness, the board of historic review shall inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard.

Submission of a new application. If the board of historic review determines that a certificate of appropriateness should be denied, a new application affecting the same property may be submitted only if substantial change is made in the plans for the proposed construction, alteration or restoration.

Maintenance, repair, and interior projects. Nothing in this document shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of structures designated as historic when that repair does not involve a change in design, material, color, or outer appearance of the structure. The board of historic review shall not consider the interior arrangements or alterations to the interior of a building unless the interior of a public building or the public space of a private building, is specifically described and designated as historic.

Substantial hardship.

- (a) If a certificate of appropriateness is denied, the property owner may apply for an exemption based on the substantial hardship of maintaining the property according to the design guidelines for historic properties. Substantial hardship is to be considered by the board where there is one or more of the following unusual and compelling circumstances:

- (1) The property cannot reasonably be maintained in the manner dictated by this chapter;
 - (2) There are no other reasonable means of saving the property from deterioration, or collapse; or
 - (3) The property is owned by a nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.
- (b) The owner may be required to submit documents to show that he cannot comply with the design guidelines and earn a reasonable rate of return on his investment in the property. Information required may include:
- (1) Costs of the proposed development with and without modification needed to comply with the design guidelines as determined by the board of historic review;
 - (2) Structural report and/or a feasibility report;
 - (3) Market value of the property in its present condition and after completion of the proposed project;
 - (4) Cost of the property, date purchased, relationship, if any, between seller and buyer, terms of financing;
 - (5) For the past two years, annual gross income from the property with operating and maintenance expenses, depreciation, and annual cash flow before and after debt service during that time; and
 - (6) Other information considered necessary by the board of architectural review to determine whether or not the property may yield a reasonable return.

DESIGN GUIDELINES

Intent.

It is the intent of this chapter to ensure, insofar as possible, that buildings or structures designated as historic shall be in harmony with the architectural and historical character of the city. In granting a certificate of appropriateness, the board shall take into account the architectural and historical significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.

The Secretary of the Interior's Standards for Rehabilitation.

When considering an application for a certificate of appropriateness for new construction, alteration, repair, or restoration, the board shall use the Secretary of Interior's Standards for Rehabilitation as guidelines in making its decisions. In addition, the board may adopt more specific guidelines for local historic districts and local historic buildings. These guidelines serve as the basis for determining the approval, approval with modifications, or denial of an application. The Secretary's Standards for Rehabilitation are:

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change overtime; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize property shall be preserved.
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

ARTICLE XI **ZONING ADMINISTRATION**

The provision of this Ordinance shall be administered and enforced by the Zoning Administrator of the City of Woodruff.

Section I **Zoning Inspection: Duties Specified**

If the Zoning Administrator shall find that any of the provisions of the Ordinance are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering that necessary actions be taken to correct the deficiency. He shall order a discontinuance of the illegal use of land, buildings, or structure; removal of illegal buildings or structures, or of illegal additions, alterations or structural changes, discontinuance of

any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or to prevent violation of its provisions.

Section II Zoning Permit

It shall be unlawful to commence the excavation or filling of any lot for the construction of any building, or to begin the construction of any building, moving or alteration of any structure, or to begin the development of land for a use not requiring a building, until the building inspector has issued a Zoning Permit for such work,

Section III Application for Zoning Permit

Application for a Zoning Permit shall be made prior to construction, alteration, or moving of any structure or change of land use. The applicant shall submit the following information:

1. Two (2) copies of the dimensional plan, scaled not less than one (1) inch to one hundred (100) feet.
2. Dimension Plan shall indicate the exact shape, size and location of the lot to be built upon; the exact shape, size, light, use and location of existing structures on the land; and the number of dwelling units.
3. Additionally, the Dimension Plan shall show the set back lines of buildings on adjoining lots, off-street parking space, and such additional information as may be necessary to determine conformance with and provide for the enforcement of this Ordinance. If the proposed excavation, filling, or construction as set forth in the application are in conformity with the provisions of this Ordinance, the Building Inspector shall issue a Zoning Permit and return one copy of the approved plan to the applicant. The Building Inspector shall mark the plan as approved and attest to the same by his signature. The second copy of the plan, similarly marked, and a copy of the Zoning Permit shall be retained by the Building Inspector.

Section IV Expiration of Zoning Permit

Any zoning permit shall become invalid unless the work authorized by it shall have been substantially begun within a period of six (6) months of the date of issue of the permit. If a vacant parcel of land for which a permit has been issued is not used for the purpose for which the permit was issued, within three (3) months of the date of issuance, the permit shall expire and be cancelled by the Building Inspector; and notice shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a zoning permit has been obtained.

Section V Certificate of Occupancy

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises or both parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy has been issued by the Building Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance.
2. No non-conforming structure or use shall be renewed, changed or extended until a Certificate of Occupancy shall have been issued by the Building Inspector. The Certificate shall state specifically how the non-conforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of non-conforming uses or structures shall have six (6) months to apply for Certificates. Failure to

make such application within six (6) months shall be considered evidence that the property was a nonconforming use at the time of enactment or amendment of this Ordinance.

3. A temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending completion, provided that such temporary permit may require such conditions and safeguards as will protect the safety of the occupants and general public.

Section VI Conditions for Approval

Zoning Permits and Certificates of Occupancy issued on the basis of plans and applications approved by the Building Inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, Use, arrangement, or construction that differs from that authorized shall be deemed a violation of the Ordinance and punishable as indicated under Section XII of this Code.

Section VII Records

The Building Inspector shall maintain a record of all Certificates of Occupancy on file at his office, and copies shall be made available on request to interested parties.

Section VIII Violations

Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance and punishable as indicated under Section X.

Section IX Right of Appeal

If a request for a Zoning Permit is disapproved, or if a Certificate of Occupancy is denied, the applicant may appeal the action of the Building Inspector to the Zoning Board of Adjustment.

Section X Penalties for Violation

Any individual, group or corporation violating by act or commission, any provision of this Ordinance shall be guilty of a misdemeanor and shall be punishable as allowed by law. When such an act or omission is continued in violation of the provisions of these regulations after being served notice of such violation by the Building Inspector each and every day during which such act or omission continues shall be deemed a separate violation. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Section XI Remedies

In case any building or structure erected, constructed, reconstructed, altered, repaired, converted, or maintained, or building structure or land is used in violation of this Ordinance, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violations, in addition to other remedies may institute an injunction or other appropriate action in proceeding to prevent the violation in the case of such building, structure, or land.

Section XII Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the course and basis thereof shall be filed with the Building Inspector. He shall record properly such complaint, immediately investigate, and take action as provided by this Ordinance.

ARTICLE XII BOARD OF ZONING APPEALS

Section I Establishment of Board of Zoning Appeals

A Board of Zoning Appeals is hereby created with the powers and duties set forth below:

Section II Membership

The Board of Zoning Appeals shall be composed of five members. Each member is appointed for a three (3) year term, provided, that the City Council in the appointment of the original members of the Board, or in filling vacancies caused by the expiration of the terms of existing members of any such Board, may make appointments of certain members for less than three (3) years to the end that thereafter the terms of all members shall not expire at the same time. The City Council may, at its discretion, appoint not more than two (2) alternate members to serve on such Board in the absence, for any cause, of any regular members. Such alternate member or members shall be appointed in the same manner as regular members and at the regular times for appointment. Each alternate member, while attending any regular or special meeting of the Board and serving in the absence of any regular or special meeting of the Board shall have and exercise all the powers and duties of such regular members so absent, The members of the Board shall have initial terms of office as follows: One (1) member appointed for terms of one (1) year; two (2) members appointed for terms of two (2) years; and two (2) members appointed for terms of three (3) years. At completion of the initial term of office for each member all additional appointments to vacancies of the Board shall be for three (3) year terms. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by a majority vote of the total membership of the City Council upon written charges and after public hearing.

Section III Proceedings

The Board of Zoning Appeals shall draw up and adopt rules governing the conduct of the affairs which are in keeping with the provisions of this Ordinance. The rules shall provide and require the following, in addition to other rules and regulations the Board shall adopt:

1. Officials: At the first meeting after its establishment, the Board shall elect a Chairman, a Vice-Chairman and such other officers as necessary from among the members, Such officers shall serve one (1) year terms and may succeed themselves. The Chairman, or in his absence, the Vice-Chairman, shall preside at all meetings, may administer oaths, and compel the attendance of witnesses.
2. Meetings: Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Due notice shall be given to all parties in interest. All meetings of the Board shall be open to the public, and all evidence and testimony shall be presented publicly.
3. Minutes of Proceedings: The Board shall keep minutes of its proceedings, showing the vote of each member upon every question or his absence or failure to vote indicating such fact, and also keep records of its examinations, findings, determinations, and any other official

action. No final action shall be taken unless a majority of the total membership of the Board is present.

Section IV Appeals and Hearings

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by an officer, department, board or bureau of the City. Such appeal shall be taken within such time as shall be prescribed by the Board of Zoning Appeals by general rule, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal, specifying the grounds. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after notice of appeal shall have been filed with him, that by reason or facts stated in the Certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Zoning Appeals shall fix a reasonable time for hearing the appeal, give due notice of the hearing to the parties concerned, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make such order, requirements, decisions or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

Section V Powers and Duties

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

1. Review: The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector in the enforcement of this Ordinance.
2. Variations: The Board of Zoning Appeals may authorize upon written appeal in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or peculiar and exceptional practice difficulties. Before action is taken on a request for a variance, the Board of Zoning Appeals shall hold one or more public hearings, at which any party may appear in person, or by agent or attorney. Notice shall be given at least fifteen (15) days in advance of a public hearing. The owner of the property for which the variance is requested or his agent shall be notified by mail. Notice of hearings shall be made in a newspaper of general circulation, posted on the property for which a variance is requested, and posted at the City Hall. A variance from the terms of this ordinance may be granted by the Board of Zoning Appeals upon a finding that:
 - a. There are special conditions and circumstances which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures, or buildings in the same district;
 - b. A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - c. The special conditions and circumstances do not result from the actions of the applicant;

- d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district;
 - e. The variance requested will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;
 - f. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved.
3. Uses Permitted on Review: The Board of Zoning Appeals may hear and decide upon uses permitted on review specifically authorized by the terms of this Ordinance. A use permitted on review shall not be authorized by the Board of Zoning Appeals unless and until:
 - a. A written application is submitted;
 - b. Notice shall be given at least fifteen (15) days in advance of a public hearing.
 - c. A public hearing shall be held;
 - d. The Board shall make findings;
 - e. The Board shall make written findings certifying compliance with the regulations governing the special use.
 4. Additional Power: in addition to the powers conferred upon the Board of Zoning Appeals, the Board shall have authority to interpret district boundaries where boundaries on the ground are at variance with those shown on the Official Zoning Map, In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards shall be a violation of this Ordinance and punishable under Article X. Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved.

Section VI Decisions

The concurring vote of four (4) members of the Zoning Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector charged with the enforcement of this Ordinance, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance, or to grant a variance from the provisions of this Ordinance,

Section VII Appeals

Every decision of the Zoning Board of Adjustment shall be subject to review by a court of record, in the manner provided by the laws of the State of South Carolina and particularly by Act Number 487, Acts of 1967.

Section VIII Fee

A fee of thirty-five (35) dollars shall be paid to the Building Inspector for each application for a variance or appeal to cover the necessary administrative costs,

Section IX Duties of Administrative Officials, Board of Zoning Appeals, City Council, and Courts on Matters of Appeal

It is the intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance, the City Council shall have only the duty of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law.

ARTICLE XIII AMENDMENTS

The regulations, restrictions, and boundaries set forth in this Ordinance may, from time to time, be amended, supplemented, changed, or repealed by the City Council, after study by the Planning Commission, and in accordance with the following procedures.

Section I Action by the Applicant

The following action shall be taken by the applicant for an amendment to this Ordinance.

1. Initiation of Amendment: Proposed changes or amendments may be initiated by the City Council, Planning Commission, and in accordance with the following procedures.
2. Application: An application for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be changed, and the names and addresses of the owner or owners of the property. Such application shall be filed with the City Clerk not later than thirty (30) days prior to the Planning Commission meeting at which the application is to be considered.
3. Fee: When a proposed amendment is initiated by an individual or parties other than the City Council, Planning Commission, or Board of Zoning Appeals, a fee of thirty-five (\$35) dollars shall be paid to the City Clerk for each application for administrative expenses involved.

Section II Action by the Planning Commission

The Planning Commission shall consider and make written recommendations to the City Council concerning each proposed zoning amendment. The Planning Commission may hold separate Public hearings or may sit concurrently with the public hearing held by the City Council.

Section III Action by the City Council

1. City Council Consideration: The City Council shall consider changes and amendments to this Ordinance not more than six (6) times a year at one (1) meeting during the months of January, March, May, July, September and November. The City Council may waive this part of the Ordinance if it finds that an emergency exists by a favorable vote of three-fourths (3/4) of all the members, including the mayor.
2. Public Hearing: No amendment shall be adopted by the City Council until after public notice and hearing.
3. Notice of Hearing: Notice of a public hearing shall be published in a newspaper of general circulation, at least fifteen (15) days prior to the hearing, The notice shall be blocked in, carry an appropriate descriptive title, and shall state the time, dates, and place of the hearing. When a proposed amendment affects the district classification of property, notice shall also be made by posters the property concerned or by mailing notices to the owners of the

surrounding property. The City Council, at the close of the public hearing, may defer taking lawful action on the proposed amendment until it has sufficient time to consider any new evidence or suggestions presented at the public hearing.

4. Action by City Council: Before taking such lawful action as it may deem advisable, the City Council shall consider the recommendation of the Planning Commission on each proposed zoning amendment. If no recommendation is received from the Planning Commission within thirty (30) days from the date of the public hearing, it shall be deemed to have approved the proposed amendment. If the Planning Commission fails to recommend approval of a request for an amendment, the City Council may reject the recommendation of the Planning Commission by a favorable vote of three fourths (3/4) of all the members of the Council, including the Mayor,
5. Protests: In case of a protest against any proposed zoning change signed by the owners of twenty (20) percent or more of the lots included in the proposed change, or of those immediately adjacent to in the rear or on either side extending two hundred and fifty (250) feet, or of those directly opposite extending two hundred and fifty (250) feet from the street frontage of such opposite lots, any amendment shall not become effective except by favorable vote of a majority of all the members of the City Council, including the Mayor, No protest petition shall be valid unless it is (1) written, (2) bear the actual signature of the requisite number of property owners and states that they protest the proposed amendment, and (3) is received by the Building Inspector in time to allow at least two (2) normal working days (excluding weekends and legal holidays) prior to the public hearing on the amendment,, as to allow time for municipal personnel to check the accuracy and sufficiency of the petition.
6. Reconsideration of Request for Amendment: When the City Council shall have denied a request for an amendment, it shall not consider another request for an amendment affecting the same property until one (1) year from the date of the previous denial.

ARTICLE XIV PROVISION OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

The provisions of this Ordinance shall be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the higher standards, shall govern.

ARTICLE XV COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis of the alleged violations shall be filed with the Building Inspector. He shall record properly the complaints, immediately investigate, and take action as provided by this Ordinance,

ARTICLE XIV SEPARABILITY

If for any reason one or more sections, sentences, clauses, or parts of this Ordinance are held unconstitutional or invalid, such decision shall not affect, impair, or invalidate the remaining provisions of this Ordinance.

ARTICLE XV EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its passage and adoption.
