



ZONING ORDINANCE

Adopted: December 2005

Effective Date: March 1, 2006

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GENERAL PROVISIONS

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1.1 AUTHORITY

The Rock Hill City Council is authorized to adopt this Ordinance pursuant to the enabling authority contained in the S.C. Code of Laws, Sections 6-29-710, *et. seq.*, and all other relevant laws of the State of South Carolina.

1.2 PURPOSE AND INTENT

The purpose and intent of this ordinance is to guide development in accordance with the existing and future needs of the City and its Comprehensive Plan, and to promote the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the landowners and residents of the City, and other members of the public.

The purpose and intent of this ordinance is more specifically to:

- A. Implement the Comprehensive Plan adopted by City Council, and other plans adopted by City Council to guide development, such as but not limited to small-area or corridor plans, transportation plans, connectivity plans, and parks and open space plans.
- B. Encourage and ensure that new residential and business development is consistent with the general character of the City, and is compatible with surrounding uses.
- C. Incorporate quality urban design principles in both residential and business development.

- D. Encourage compact and sustainable growth and development where appropriate, while avoiding undue concentrations of population.
- E. Protect and preserve the character of existing neighborhoods.
- F. Promote and encourage the development of moderate-density neighborhoods that are mixed-use in character, connected, pedestrian-friendly, and sensitive to natural features, except along the edges of the community that are more rural in nature, in which case the intent is to promote development of less density to create a better transition to the rural surroundings.
- G. Promote quality housing and encourage a diversity of housing options.
- H. Encourage the development of growth centers that are mixed-use in character and are located on major growth corridors as identified in the Comprehensive Plan.
- I. Promote the downtown as a center of commerce, government, arts, culture, entertainment, and residential life.
- J. Encourage infill development that is consistent with its context and compatible with surrounding uses.
- K. Facilitate the adequate provision or availability of transportation, police protection, fire protection, water, sewage, schools, parks, and other public facilities.
- L. Lessen congestion in the streets.
- M. Protect and preserve, scenic, historic, and environmentally sensitive areas.
- N. Provide standards and incentives for tree preservation and protection.
- O. Protect riparian areas.
- P. Provide for adequate and meaningful open space.
- Q. Provide for adequate light and air.
- R. Secure safety from fire, flood, and other dangers.
- S. Regulate the use, density, distribution of population, and character of development on land to carry out these purposes.

1.3 COMPONENTS OF ORDINANCE

These regulations are officially known as the “Zoning Ordinance of Rock Hill,” and may be referred to as the “Zoning Ordinance,” or within these regulations as “this Ordinance.” This Ordinance has two parts: this text, and the Official Zoning District Map, which is hereby incorporated by reference and made part of this Ordinance. General regulations that apply to each component follow.

1.3.1 TEXT

- A. **Severability:** It is the legislative intent of the City Council in adopting this ordinance that all provisions be liberally construed to guide development in accordance with the existing and future needs of the City as established in this ordinance and to promote the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the land owners and residents of the City. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and any section, subsection, sentence, clause and phrase, thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.
- B. **Rules for Interpretation:** The following rules apply for construing or interpreting the terms and provisions of this Ordinance.
 - 1. **Definitions:** Definitions of specific terms that need clarification or additional description than those found in regular dictionaries are listed at the end of each chapter. Each term is listed in

the chapter where it is used the most frequently, however, the same definition would apply to the term if it is used in any other chapter.

2. **Meanings and Intent:** All provisions, terms, phrases, and expressions contained in this Ordinance will be construed according to the general purposes set forth in *Section 1.3: Purpose and Intent*, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations gives a different meaning than the general definition provided in the associated chapter, the specific section's meaning and application of the term will control.
3. **Headings, Illustrations, and Text:** In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text will control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.
4. **Lists and Examples:** Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," "including but not limited to," and "such as," or other similar language are intended to provide examples and are not exhaustive lists of all possibilities.
5. **Computation of Time:** The time in which an act is to be done will be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action will be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.
6. **References to Other Regulations/Publications:** Whenever a reference is made to a resolution, ordinance, statute, regulation, or document, it will be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.
7. **Delegation of Authority:** Any act authorized by this Ordinance to be carried out by a specific official of the City may be carried out by a professional-level designee of such official.
8. **Technical and Non-Technical Terms:** Words and phrases will be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law will be construed and understood according to such meaning.
9. **Public Officials and Agencies:** All public officials, bodies, and agencies to which references are made are those of the City of Rock Hill, unless otherwise indicated.
10. **Mandatory and Discretionary Terms:** The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with a particular provision. The words "may" and "should" are permissive in nature.
11. **Conjunctions:** Unless the context clearly suggests the contrary, conjunctions will be interpreted as follows: "and" indicates that all connected items, conditions, provisions, or events apply; and "or" indicates that one or more of the connected items, conditions, provisions, or events apply.
12. **Tenses, Plural, and Gender:** Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

1.3.2 OFFICIAL ZONING DISTRICT MAP

- A. **Official Zoning District Map:** The Official Zoning District Map designates the location and boundaries of the various zoning districts established within the City. The Official Zoning District Map is available on the City's website for public viewing at any time as well as in the offices of the Planning & Development Department during regular business hours. It is the final authority as to the status of the current zoning district classification of land in the City, and can only be amended in accordance with this ordinance.

- C. **Zoning District Boundaries:** Unless otherwise expressly stated in the ordinance adopting an amendment to the Official Zoning District Map, or otherwise specified, zoning district boundaries are lot lines or the centerline of streets, alleys, railroad rights-of-way, streams and rivers, City limit boundaries, or such lines extended.
- D. **Changes to Zoning District Map:** Changes made in zoning district boundaries or other matters portrayed on the Official Zoning District Map must be made in accordance with the provisions of this Ordinance. Changes must be entered on the Official Zone District Map by the Planning & Development Director promptly after the amendment has been approved by the City Council.

1.4 APPLICABILITY

The provisions of this ordinance apply to the development of all land within the corporate limits of the City of Rock Hill, unless expressly exempted by a specific section of this ordinance.

1.5 JURISDICTION

- A. **Application to Governmental Units:** Except as stated herein, the provisions of this ordinance apply to:
 - 1. **City:** Development of land owned or held in tenancy by the City or its agencies or departments.
 - 2. **County:** Development of land owned or held in tenancy by any county of South Carolina and its agencies or departments.
 - 3. **State:** Development of land owned or held in tenancy by the state of South Carolina, its agencies, departments, or political subdivisions to the extent allowed by state law.
 - 4. **Federal Government:** To the full extent permitted by law, development of land owned or held in tenancy by the government of the United States, its agencies, departments, or corporate services.
- B. **Exemptions:** This Ordinance does not apply to the following, nor does it apply in other cases that are not listed here but for which state or federal law requires an exemption.
 - 1. **Acquisition of Interest in Land by State for Public Purposes:** This ordinance does not require the formal subdivision of land as a result of actions taken by the State of South Carolina and its political subdivisions to acquire land or interests in land for public rights-of-way and easements.
 - 2. **Emergency Action by City:** The City or City agencies or departments may be exempt from the provisions of this ordinance when an emergency exists such that it is impossible to submit to the normal procedures and requirements of this ordinance, and quick and instant action is necessary to secure the public health, safety, or welfare. The City Council must ratify such exemption after the fact at its next regularly scheduled meeting, and must base its ratification on specified findings of fact related to the emergency involved.

Additionally, specific sections of this Ordinance exempt certain types of uses or activities from their provisions.

1.6 RELATIONSHIP TO OTHER CODES, ORDINANCES, AND LAWS

- A. **Conflicts with Other City Codes or Laws:** If the provisions of this ordinance are inconsistent with one another, or if the provisions of this ordinance conflict with provisions found in other adopted codes or ordinances of the City, the more restrictive provision will govern unless the terms of the provisions specify otherwise.
- B. **Conflicts with Private Agreements:** If the provisions of this ordinance conflict with the provisions of private easements, covenants, or restrictions, the more restrictive provision will govern. The City is not responsible for monitoring or enforcing private covenants and restrictions, although the City must inquire as to whether land is subject to covenants and restrictions during the review of development applications.

- C. Conflicts with State or Federal Law:** If the provisions of this ordinance are inconsistent with the law or regulations of the state or federal government, the more restrictive provision will govern to the extent permitted by law.

Additionally, whenever any provision of this Ordinance refers to or cites a section of the S.C. Code of Laws or federal law, and that section is later amended or superseded, this Ordinance is deemed to be amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.7 TRANSITIONAL PROVISIONS

- A. Effective Date:** The effective date of this ordinance is March 1, 2006.
- B. Violations Continue:** Any violation of the previous Zoning Code (Ordinance 65-101, as amended) and Land Development Regulations (Ordinance 98-57, as amended) of the City continues to be a violation under this ordinance and any other applicable ordinances, laws, or statutes, and is subject to the penalties and enforcement set forth in *Chapter 11: Enforcement*, and any other applicable ordinances, laws, or statutes, unless the use, development, construction, or other activity complies with the express terms of this ordinance.
- C. Transition for Eliminated Zoning Districts:** The City has determined to eliminate certain zoning districts summarized below and more fully described in *Appendix 1-A: Eliminated Zoning Districts*. As a result, the referenced zoning districts (“Eliminated District(s)”) are hereby eliminated and any properties and associated rights-of-way previously zoned as one of the Eliminated Districts are hereafter zoned within the zoning district as provided in Appendix 1-A.

SUMMARY OF ELIMINATED ZONING DISTRICTS		
	ZONING DISTRICT PRIOR TO SEPT. 2017	ZONING DISTRICT THAT WOULD BE ASSIGNED UPON THE ADOPTION OF THESE AMENDMENTS
Property zoned Master Planned Traditional Neighborhoods (MP-TN)		
No property is zoned this way	Master Planned Traditional Neighborhoods (MP-TN)	N/A
Property zoned Multi-Family 8 (MF-8)		
Undeveloped parcel near entrance to Waterford neighborhood on Waterford Glen Way	Multi-Family 8 (MF-8)	Single-Family Attached (SF-A)
White Oak Manor	Multi-Family 8 (MF-8)	Neighborhood Office (NO)
Beauty salon on Ebenezer Road adjacent to White Oak Manor	Multi-Family 8 (MF-8)	Neighborhood Office (NO)
Property zoned Rural Holding (RH)		
Three developed single-family parcels off Rambo and Vernsdale roads, an undeveloped parcel off Farrow Dr., and an undeveloped parcel off Mt. Gallant Rd.	Rural Holding (RH)	Single-Family 2 (SF-2)
Three developed single-family parcels off Farrow Dr.	Rural Holding (RH) and Single-Family 3 (SF-3)	Single-Family 3 (SF-3)
York Preparatory Academy	Rural Holding (RH)	Office and Institutional (OI)
Property zoned Mobile Home Park (MHP)		
Eight parcels off Ferris, Burton, and Farlow streets	Mobile Home Park (MHP)	Single-Family 5 (SF-5)
Property zoned Neighborhood Mixed Use (NMU)		
Portion of Highland Creek that is developed with single-family detached uses	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
Portion of Walker’s Ridge that is developed with single-family detached uses or is undeveloped; portion of Pennington Place that is developed with single-family detached uses	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
Tavern Court residences; the portion of Pennington Place that is developed with single-family attached uses	Neighborhood Mixed Use (NMU)	Single-Family Attached (SF-A)
Cushendall Commons apartments; Bradford Park apartments; the Walk2Campus student housing area off Rose, Lee, and Adams streets and N. Columbia Ave.; Brookstone Apartments; apartments off Heatherhill Road; undeveloped	Neighborhood Mixed Use (NMU)	Multi-Family Residential (MFR)

property in India Hook area		
Undeveloped outparcel of Highland Creek that is on Heckle Blvd.	Neighborhood Mixed Use (NMU)	Neighborhood Office (NO)
Aquatics center and parking lot off Rawlinson Rd.	Neighborhood Mixed Use (NMU)	Office and Institutional (OI)
National Tire and Battery, Comfort Suites, telecommunications tower, and an undeveloped remnant parcel, all off Dave Lyle Boulevard; and commercial office/retail and senior living buildings at India Hook Rd. and Herlong Ave.	Neighborhood Mixed Use (NMU) (some of the India Hook Rd./Herlong Ave. area is split-zoned with Office and Institutional (OI))	Limited Commercial (LC)
Undeveloped parcel owned by the SCDOT off Dave Lyle Blvd.	Neighborhood Mixed Use (NMU) and Community Commercial (CC)	Community Commercial (CC)

D. Transition for Creation of Design Overlay District: The City has determined to add a design overlay district to the following parcels:

6280501005	6340701010	6620701014	6620701128	6670101001	6670101103	6690401123
6300305014	6340701011	6620701015	6620701151	6670101002	6670101105	6690901149
6300305015	6340701012	6620701016	6620701160	6670101003	6670101106	6690901150
6300305016	6340701013	6620701017	6620701168	6670101006	6670101107	7000101010
6300305017	6340701016	6620701018	6620701170	6670101007	6670101108	7000101012
6300305018	6340701017	6620701019	6620701187	6670101010	6670101109	7000101013
6300306001	6340701019	6620701020	6620701195	6670101019	6670101110	7000101014
6300306005	6340701020	6620701021	6620701289	6670101020	6670101111	7000101018
6300306006	6340701021	6620701022	6620701290	6670101022	6670101114	7000101020
6300306007	6340701022	6620701023	6620701292	6670101023	6670101116	7000101023
6300306008	6340701023	6620701024	6620701293	6670101025	6670101122	7000101026
6300401009	6340701024	6620701025	6620701294	6670101026	6670101123	7000101027
6300401010	6340701025	6620701027	6620701295	6670101030	6670101124	7000101029
6300401011	6340701026	6620701030	6620701296	6670101031	6670101129	7000101030
6300401013	6340701028	6620701033	6620701297	6670101037	6670101130	7000101034
6300401014	6340701029	6620701034	6620701298	6670101038	6670101131	7000101035
6300401015	6340701030	6620701035	6620701299	6670101039	6670101132	7000101037
6300401016	6340701031	6620701036	6620701302	6670101040	6670101133	7000101040
6300401017	6340701032	6620701037	6620701305	6670101041	6670101134	7000101042
6300401018	6340701033	6620701038	6620701306	6670101042	6670101141	7000101090
6300401020	6340701041	6620701039	6620701307	6670101045	6670101145	7000101094
6300401021	6340701042	6620701040	6620701308	6670101046	6670101147	7000101095
6300401022	6340701043	6620701041	6620701309	6670101047	6670101148	7000101096
6300401025	6340701057	6620701043	6620701310	6670101048	6670101150	7000101098
6300401026	6340701068	6620701046	6620701311	6670101050	6670101153	7000101099
6300401027	6620000027	6620701047	6620701312	6670101053	6670101156	7000101101
6300401028	6620000044	6620701049	6620701313	6670101054	6670201005	7000101104
6300401029	6620000047	6620701050	6620701314	6670101055	6670201006	7000101105
6300401030	6620101002	6620701051	6620701315	6670101056	6670201007	7000101106
6300402010	6620101017	6620701052	6620701316	6670101057	6670201008	7000101107
6300402011	6620101018	6620701053	6620701318	6670101058	6670201009	7000101108
6300402012	6620201001	6620701054	6620701319	6670101062	6670201010	7000101109
6300402013	6620201002	6620701056	6620701320	6670101063	6670201016	7000101110
6300402014	6620201004	6620701057	6620701321	6670101064	6670401001	7000101111
6300402015	6620201005	6620701058	6620701322	6670101067	6670401002	7000101112
6300402016	6620201006	6620701059	6620701326	6670101068	6670401003	7000101113
6300402017	6620201007	6620701060	6620701327	6670101070	6670401004	
6300402019	6620201008	6620701061	6620701328	6670101071	6670401005	
6300405002	6620301022	6620701062	6620701330	6670101072	6670401006	
6300405003	6620301023	6620701063	6620701331	6670101076	6670401007	
6300405004	6620501004	6620701064	6620701332	6670101077	6690401008	
6300405005	6620501006	6620701065	6620701334	6670101078	6690401009	
6300405006	6620501007	6620701066	6620701336	6670101079	6690401012	
6300801001	6620501008	6620701068	6620701337	6670101080	6690401014	
6320902004	6620501009	6620701070	6620701338	6670101081	6690401018	
6320902005	6620501010	6620701073	6620701339	6670101082	6690401028	
6320902007	6620501249	6620701075	6620701340	6670101083	6690401029	
6320902008	6620501255	6620701076	6620701341	6670101084	6690401030	
6320903020	6620501257	6620701078	6620701342	6670101085	6690401031	
6320903021	6620701003	6620701079	6620701343	6670101087	6690401034	
6320903035	6620701004	6620701080	6620701345	6670101089	6690401036	
6320903036	6620701005	6620701082	6620701346	6670101090	6690401044	
6321201001	6620701006	6620701083	6620701347	6670101091	6690401046	
6321201002	6620701007	6620701086	6620701348	6670101092	6690401064	
6321201005	6620701008	6620701087	6620701350	6670101093	6690401070	
6321201006	6620701009	6620701104	6620701383	6670101094	6690401093	
6321201008	6620701010	6620701125	6620701384	6670101095	6690401095	
6321201009	6620701012	6620701126	6640000004	6670101098	6690401107	
6321201013	6620701013	6620701127	6640000065	6670101100	6690401109	

Other properties in this area that are currently located in the unincorporated area of York County are expected to have the Design Overlay District added upon annexation into the City of Rock Hill.

Additionally, the Design Overlay District standards will be applied through the City's utility service agreement to properties located in the County's jurisdiction that are shown on the map of subject properties in the Design Overlay District standards manual.

APPENDIX 1-A

ELIMINATED ZONING DISTRICTS

PARCEL	ZONING DISTRICT PRIOR TO SEPTEMBER 2017	ZONING DISTRICT THAT WOULD BE ASSIGNED UPON THE ADOPTION OF THESE AMENDMENTS
PROPERTY ZONED MASTER PLANNED TRADITIONAL NEIGHBORHOODS (MP-TN)		
None	Master Planned Traditional Neighborhoods (MP-TN)	N/A
PROPERTY ZONED MULTI-FAMILY 8 (MF-8)		
597 and 599 Waterford Glen Way Undeveloped (TMS#700-01-01-090)	Multi-Family 8 (MF-8)	Single-Family Attached (SF-A)
White Oak Manor 1915 Ebenezer Rd.	Multi-Family 8 (MF-8)	Neighborhood Office (NO)
Beauty salon 1925 Ebenezer Rd.	Multi-Family 8 (MF-8)	Neighborhood Office (NO)
PROPERTY ZONED RURAL HOLDING (RH)		
125 Rambo Rd. (TMS#530-01-01-005) Single-family residential	Rural Holding (RH)	Single-Family 2 (SF-2)
2876 Vernsdale Rd. (TMS#530-01-01-006) Single-family residential	Rural Holding (RH)	Single-Family 2 (SF-2)
2854 Vernsdale Rd. (TMS#530-01-01-006) Single-family residential	Rural Holding (RH)	Single-Family 2 (SF-2)
1770 Farrow Dr. (TMS#537-01-01-003) Undeveloped	Rural Holding (RH)	Single-Family 2 (SF-2)
1812 Farrow Dr. (TMS#537-04-01-050) Single-family residential	Rural Holding (RH) and Single-Family 3	Single-Family 3 (SF-3)
1814 Farrow Dr. (TMS#537-10-01-061) Single-family residential	Rural Holding (RH) and Single-Family 3	Single-Family 3 (SF-3)
1808 Farrow Dr. (TMS#537-10-01-060) Single-family residential	Rural Holding (RH) and Single-Family 3	Single-Family 3 (SF-3)
York Preparatory Academy 1015 Golden Gate Ct., 1025 Golden Gate Ct., 1965 Golden Gate Ct., 1047 Golden Gate Ct., and 1113 Golden Gate Ct. (TMS#502-03-01-112)	Rural Holding (RH)	Office and Institutional (OI)
4580 Mt. Gallant Rd. (TMS#546-06-01-028) Undeveloped	Rural Holding (RH)	Single-Family 2 (SF-2).
PROPERTY ZONED MOBILE HOME PARK (MHP)		
2224 Ferris St. (TMS#634-07-01-053) Mobile/manufactured home	Mobile Home Park (MHP)	Single-Family 5 (SF-5)
2236 Ferris St. (TMS#634-07-01-054) Mobile/manufactured home	Mobile Home Park (MHP)	Single-Family 5 (SF-5)
1113 Burton St. (TMS#634-07-01-055) Stick-built/modular home	Mobile Home Park (MHP)	Single-Family 5 (SF-5)
2227 Farlow St. (TMS#634-07-01-048) Mobile/manufactured home	Mobile Home Park (MHP)	Single-Family 5 (SF-5)
2231 Farlow St. (TMS#634-07-01-049) Mobile/manufactured home	Mobile Home Park (MHP)	Single-Family 5 (SF-5)
2237 Farlow St. (TMS#634-07-01-050) Mobile/manufactured home	Mobile Home Park (MHP)	Single-Family 5 (SF-5)
2245 Farlow St. (TMS#634-07-01-051) Mobile/manufactured home	Mobile Home Park (MHP)	Single-Family 5 (SF-5)
2253 Farlow St. (TMS#634-07-01-052) Mobile/manufactured home	Mobile Home Park (MHP)	Single-Family 5 (SF-5)

PROPERTY ZONED NEIGHBORHOOD MIXED USE (NMU)		
Cushendall Commons apartments		
TMS#669-04-01-041 (multiple addresses)	Neighborhood Mixed Use (NMU)	Multi-Family Residential (MFR)
Bradford Park apartments		
TMS#669-04-01-066 (multiple addresses)	Neighborhood Mixed Use (NMU)	Multi-Family Residential (MFR)
National Tire and Battery (NTB)		
1383 Old Springdale Rd. (TMS# 6690401020)	Neighborhood Mixed Use (NMU)	Limited Commercial (LC)
Comfort Suites		
1323 Old Springdale Rd. (TMS#669-04-01-068)	Neighborhood Mixed Use (NMU)	Limited Commercial (LC)
Telecommunications tower		
AAPP Properties, LLC 478 Bilwyn Dr. (TMS#669-04-01-069)	Neighborhood Mixed Use (NMU)	Limited Commercial (LC)
Undeveloped land off Dave Lyle Blvd.		
Dave Lyle Family Holdings, LLC Undeveloped strip of land 1389 Old Springdale Rd/477 Bilwyn Dr. (TMS#669-04-01-084)	Neighborhood Mixed Use (NMU)	Limited Commercial (LC)
SCDOT 1384 Old Springdale Rd. (TMS#669-04-01-088) Undeveloped—functions as ROW but is a parcel	Neighborhood Mixed Use (NMU) and Community Commercial (CC)	Community Commercial (CC)
Walk2Campus student housing area		
610 and 630 Rose St. (TMS#598-04-01-002) Walk2Campus student housing building	Neighborhood Mixed Use (NMU)	Multi-Family Residential (MFR)
620 Rose Street (TMS#598-04-01-003) Walk2Campus student housing building	Neighborhood Mixed Use (NMU)	Multi-Family Residential (MFR)
233 Lee St. and 236 Adams St. (TMS#598-04-04-008) Walk2Campus parking lot	Neighborhood Mixed Use (NMU)	Multi-Family Residential (MFR)
233 and 235 Adams St. (TMS#598-04-03-007) Walk2Campus parking lot	Neighborhood Mixed Use (NMU)	Multi-Family Residential (MFR)
294 Columbia Ave. N. (TMS#598-04-02-004) Walk2Campus parking lot	Neighborhood Mixed Use (NMU)	Multi-Family Residential (MFR)
320 Columbia Ave. N. (TMS#598-04-02-002) Walk2Campus parking lot	Neighborhood Mixed Use (NMU)	Multi-Family Residential (MFR)
Portion of Highland Creek		
402 Berwick Dr. (TMS#597-04-01-140)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
405 Berwick Dr. (TMS#597-04-01-141)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
408 Berwick Dr. (TMS#597-04-01-139)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
411 Berwick Dr. (TMS#597-04-01-142)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
417 Berwick Dr. (TMS#597-04-01-143)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
421 Berwick Dr. (TMS#597-04-01-144)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
427 Berwick Dr. (TMS#597-04-01-145)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
433 Berwick Dr. (TMS#597-04-01-146)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
439 Berwick Dr. (TMS#597-04-01-147)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
445 Berwick Dr. (TMS#597-04-01-148)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
451 Berwick Dr. (TMS#597-04-01-149)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
753 Heckle Blvd. (TMS#597-04-01-004)	Neighborhood Mixed Use (NMU)	Neighborhood Office (NO)
805 Heckle Blvd. (TMS#597-04-01-051)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
531 Jedburgh Way (TMS#597-04-01-125)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
532 Jedburgh Way (TMS#597-04-01-150)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
535 Jedburgh Way (TMS#597-04-01-126)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
536 Jedburgh Way (TMS#597-04-01-151)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
539 Jedburgh Way (TMS#597-04-01-127)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
540 Jedburgh Way (TMS#597-04-01-152)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
543 Jedburgh Way (TMS#597-04-01-128)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
544 Jedburgh Way (TMS#597-04-01-153)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)

548 Jedburgh Way (TMS#597-04-01-003)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
551 Jedburgh Way (TMS#597-04-01-129)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
559 Jedburgh Way (TMS#597-04-01-130)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
563 Jedburgh Way (TMS#597-04-01-131)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
556 Jedburgh Way (TMS#597-04-01-135)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
560 Jedburgh Way (TMS#597-04-01-134)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
567 Jedburgh Way (TMS#597-04-01-132)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
571 Jedburgh Way (TMS#597-04-01-133)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
815 Prestwick Dr. (TMS#597-04-01-094)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
819 Prestwick Dr. (TMS#597-04-01-095)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
823 Prestwick Dr. (TMS#597-04-01-096)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
831 Prestwick Dr. (TMS#597-04-01-097)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
835 Prestwick Dr. (TMS#597-04-01-098)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
839 Prestwick Dr. (TMS#597-04-01-099)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
843 Prestwick Dr. (TMS#597-04-01-100)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
849 Prestwick Dr. (TMS#597-04-01-101)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
857 Prestwick Dr. (TMS#597-04-01-102)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
530 Strathclyde Way (TMS#597-04-01-124)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
533 Strathclyde Way (TMS#597-04-01-103)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
534 Strathclyde Way (TMS#597-04-01-123)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
537 Strathclyde Way (TMS#597-04-01-104)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
538 Strathclyde Way (TMS#597-04-01-122)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
541 Strathclyde Way (TMS#597-04-01-105)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
542 Strathclyde Way (TMS#597-04-01-121)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
545 Strathclyde Way (TMS#597-04-01-106)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
546 Strathclyde Way (TMS#597-04-01-120)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
549 Strathclyde Way (TMS#597-04-01-107)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
550 Strathclyde Way (TMS#597-04-01-119)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
553 Strathclyde Way (TMS#597-04-01-108)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
554 Strathclyde Way (TMS#597-04-01-118)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
557 Strathclyde Way (TMS#597-04-01-109)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
558 Strathclyde Way (TMS#597-04-01-117)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
561 Strathclyde Way (TMS#597-04-01-110)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
562 Strathclyde Way (TMS#597-04-01-110)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
565 Strathclyde Way (TMS#597-04-01-111)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
566 Strathclyde Way (TMS#597-04-01-115)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
569 Strathclyde Way (TMS#597-04-01-112)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
570 Strathclyde Way (TMS#597-04-01-114)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
573 Strathclyde Way (TMS#597-04-01-113)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
406 Tweeddale Ct. (TMS#597-04-01-136)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
407 Tweeddale Ct. (TMS#597-04-01-137)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
415 Tweeddale Ct. (TMS#597-04-01-138)	Neighborhood Mixed Use (NMU)	Single-Family 4 (SF-4)
Brookstone Apartments		
TMS#634-09-05-001: 1911, 1918, 1926, 1933, 1939, 1945, 1946, 1960, 1961, 1981 Brookstone Way; 1240, 1243, 1256, 1276 Priestly Dr.; 1808, 1827, 1830, 1848, 1863, 1864 Rock Glen Dr.; and 1800, 1808, 1819, 1855, 1920, 1935 Marett Blvd.	Neighborhood Mixed Use (NMU)	Multi-Family Residential (MFR)
Walker's Ridge		
1911 Pinevalley Rd/1935 Marett Blvd. (TMS#633-01-03-076) (undeveloped)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
1665 Midbrook Dr. (TMS#633-01-01-001) Walker's Ridge (undeveloped)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
TMS#630-01-03-078 (undeveloped)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
107 Front Porch Dr. (TMS#633-01-03-043)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
111 Front Porch Dr. (TMS#633-01-03-044)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)

434 Red Door Dr. (TMS#633-01-03-059)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
435 Red Door Dr. (TMS#633-01-03-070)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
309 Village Loop Dr. (TMS#633-01-03-079)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
316 Village Loop Dr. (TMS#633-01-03-054)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
317 Village Loop Dr. (TMS#633-01-03-002)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
323 Village Loop Dr. (TMS#633-01-03-003)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
329 Village Loop Dr. (TMS#633-01-03-004)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
339 Village Loop Dr. (TMS#633-01-03-006)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
345 Village Loop Dr. (TMS#633-01-03-007)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
351 Village Loop Dr. (TMS#633-01-03-008)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
354 Village Loop Dr. (TMS#633-01-03-075)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
355 Village Loop Dr. (TMS#633-01-03-009)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
359 Village Loop Dr. (TMS#633-01-03-010)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
363 Village Loop Dr. (TMS#633-01-03-011)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
368 Village Loop Dr. (TMS#633-01-03-074)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
369 Village Loop Dr. (TMS#633-01-03-012)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
373 Village Loop Dr. (TMS#633-01-03-013)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
374 Village Loop Dr. (TMS#633-01-03-073)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
378 Village Loop Dr. (TMS#633-01-03-072)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
379 Village Loop Dr. (TMS#633-01-03-014)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
388 Village Loop Dr. (TMS#633-01-03-071)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
389 Village Loop Dr. (TMS#633-01-03-015)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
India Hook area		
1920, 1922, 1924, and 1926 India Hook Rd. (TMS#594-16-01-010) Commercial center with office/retail types of uses	Neighborhood Mixed Use (NMU)	Limited Commercial (LC)
Beaver Chiropractic 1906 India Hook Rd. (TMS#594-16-01-013)	Neighborhood Mixed Use (NMU)	Limited Commercial (LC)
1872 India Hook Rd (TMS#594-16-01-014) Office bldg.	Neighborhood Mixed Use (NMU)	Limited Commercial (LC)
1892 India Hook Rd. (TMS#594-16-01-011) Undeveloped (Cornerstone Development)	Neighborhood Mixed Use (NMU)	Limited Commercial (LC)
727 Dilworth Ln. (TMS#594-16-01-019) Chandler Commons Commercial Center with retail types of uses	Neighborhood Mixed Use (NMU) and Office and Institutional (OI)	Limited Commercial (LC)
1846 India Hook Rd. (TMS#594-16-01-012) Undeveloped (Chandler Commons, LLC)	Neighborhood Mixed Use (NMU)	Limited Commercial (LC)
1888 India Hook Rd. (TMS#594-16-01-018) Centura Bank	Neighborhood Mixed Use (NMU)	Limited Commercial (LC)
745 Dilworth Ln. (TMS#594-16-01-017) Brookdale Chandler (senior living)	Neighborhood Mixed Use (NMU) and Office and Institutional (OI)	Limited Commercial (LC)
1173 Ragin Ln. (TMS#594-16-01-016) Undeveloped (Cornerstone Development)	Neighborhood Mixed Use (NMU)	Multi-Family Residential (MFR)
770 Dilworth Ln. (TMS#594-16-01-008) Undeveloped (Cornerstone Development)	Neighborhood Mixed Use (NMU) and Office and Institutional (OI)	Multi-Family Residential (MFR)
1743-1749 Heatherhill Rd. (TMS#594-20-01-013) Apartments	Neighborhood Mixed Use (NMU)	Multi-Family Residential (MFR)
760 Herlong Ave and 748 Herlong Ave. (TMS#594-16-01-015) National Bank of South Carolina	Neighborhood Mixed Use (NMU)	Limited Commercial (LC)
Tavern Court townhouses		
710 Tavern Ct. (TMS#594-16-01-023)	Neighborhood Mixed Use (NMU)	Single-Family Attached (SF-A)
712 Tavern Ct. (TMS#594-16-01-024)	Neighborhood Mixed Use (NMU)	Single-Family Attached (SF-A)
720 Tavern Ct. (TMS#594-16-01-025)	Neighborhood Mixed Use (NMU)	Single-Family Attached (SF-A)
722 Tavern Ct. (TMS#594-16-01-026)	Neighborhood Mixed Use (NMU)	Single-Family Attached (SF-A)
730 Tavern Ct. (TMS#594-16-01-027)	Neighborhood Mixed Use (NMU)	Single-Family Attached (SF-A)
732 Tavern Ct. (TMS#594-16-01-028)	Neighborhood Mixed Use (NMU)	Single-Family Attached (SF-A)
740 Tavern Ct. (TMS#594-16-01-029)	Neighborhood Mixed Use (NMU)	Single-Family Attached (SF-A)

4061 Pennington Road (TMS#589-06-01-008)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
4053 Pennington Road (TMS#589-06-01-007)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
4045 Pennington Road (TMS#589-06-01-006)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
4037 Pennington Road (TMS#589-06-01-005)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
4029 Pennington Road (TMS#589-06-01-004)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
4021 Pennington Road (TMS#589-06-01-003)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
4013 Pennington Road (TMS#589-06-01-002)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
4005 Pennington Road (TMS#589-06-01-001)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
585 Airport Road (TMS#589-06-01-022)	Neighborhood Mixed Use (NMU)	Single-Family 5 (SF-5)
Aquatics Center		
Aquatics Center 325 Rawlinson Rd. (TMS#542-03-01-010)	Neighborhood Mixed Use (NMU)	Office and Institutional (OI)
Parking lot for aquatics center TMS#542-03-01-004	Neighborhood Mixed Use (NMU)	Office and Institutional (OI)

ADMINISTRATION

2

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PART I: INTRODUCTION

2.1 PURPOSE AND INTENT

The purpose of this Chapter is to set forth the general processes for the administration of this Ordinance—to explain the processes for making various types of requests and the reviewing authority for making decisions on those applications.

2.2 APPLICABILITY

This Chapter applies to all applications for development under this Ordinance, unless otherwise stated.

PART II: GENERAL PROCESSES

2.3 GENERAL APPLICATION PROCESSES

2.3.1 THE CREATION OF APPLICATIONS

- A. Responsibilities of Staff:** The Planning & Development Director is responsible for establishing the content of the various types of application forms, the submission schedule, and the time frames for review of the various types of applications.
- B. Responsibilities of City Council:** The City Council is responsible for establishing the application fees.

2.3.2 THE FILING OF APPLICATIONS

- A. Who May Submit Applications:** The following people may submit applications of any type that are authorized by this Ordinance:
 - 1. The property owner; or
 - 2. Any other person having a recognized interest in the land upon which the development is proposed; or
 - 3. The authorized agent of either of the above.
- B. When Others Have Property Interests:**
 - 1. If the applicant is not the current property owner of the land, the applicant must submit a letter signed by the property owner that consents to the submission of the application.
 - 2. If the applicant is not the sole current property owner of the land, the applicant must submit a letter signed by the other owners or an entity representing the owners as a whole that consents to or joins in the submission of the application.

2.3.3 PRE-APPLICATION MEETING

A pre-application meeting serves to allow City staff to become familiar with the proposed application so as to provide information to the applicant about the relevant ordinance provisions and the preparation of the application and the application process.

This meeting is required prior to the submission of any application that is reviewed by the City Council, the Planning Commission, the Zoning Board of Appeals, or the Board of Historic Review. They are recommended but are optional for all other types of applications. Pre-application meetings can also take the form of a phone call if necessary due to the unavailability of the applicant to attend in person.

Processing times for applications do not start until a formal application is submitted and is determined to be complete based on the next section.

Discussions held during the pre-application meeting are not binding on the City.

2.3.4 DETERMINATION OF COMPLETENESS

- A. Review of Completeness:** Upon receipt of an application, the Planning & Development Director will determine whether the application is complete. A complete application is one that contains all information and materials established by the Planning & Development Director as required for submittal of the particular type of application; is in the form established by the Planning & Development Director for the particular type of application; includes information in sufficient detail to evaluate the application to determine whether it complies with the relevant standards of this Ordinance; is accompanied by the fee established for the particular type of application; and includes proof that any design professional used to prepare an application holds a City business license. When the application is determined complete, it will be reviewed in accordance with the procedures and standards of this Chapter.
- B. Incomplete Applications:** If it is determined the application is incomplete, the Planning & Development Director must send written notice to the applicant of the deficiencies within five business days of submittal, and the application will not be processed. The applicant may correct the deficiencies and resubmit the application. If an application is determined incomplete three times, an applicant may request that the Planning & Development Director process it anyway, and the Planning & Development Director must do so.

2.3.5 SIMULTANEOUS PROCESSING OF APPLICATIONS

Whenever two or more forms of review and approval are required under this Ordinance, the Planning & Development Director may allow the applications to be processed simultaneously as long as all applicable state and local requirements are satisfied.

2.3.6 APPLICATIONS REVIEWED BY ADVISORY AND DECISION-MAKING BODIES

- A. Staff Report:** When an application goes to the City Council, the Planning Commission, the Zoning Board of Appeals, or the Board of Historic Review for consideration, staff will prepare a written report about the application. The report will be made available to the Board and to the public no later than 5 p.m. on the Friday prior to the first public meeting on the application.

The staff report will summarize the request, will analyze any required criteria for granting the request, and will make a recommendation to approve it, approve it with conditions, or deny it. Some types of applications have certain standards upon which staff will base its recommendation; these are listed in the section for each applicable application type.

- B. Deferral or Withdrawal of Application:** An applicant may defer or withdraw an application by submitting a statement of deferral or withdrawal to the Planning & Development Director prior to a public meeting or by making a verbal statement of deferral or withdrawal during a public meeting. When an applicant defers or withdraws an application prior to a public hearing, staff will attempt to notify known interested parties regarding the deferral or withdrawal.

- 1. Fee Refunds:** When an application is deferred, the application may be subject to additional application fees to defray the costs of processing the application. When an application is withdrawn, a refund of 50% of the fee will be given if the withdrawal takes place at least 20 calendar days before the meeting; no refund will be given if the withdrawal takes place after that.

- C. Conditions of Approval:** Decision-making bodies are allowed to place restrictions or conditions on approvals for all types of applications that go before them, except for rezoning applications that are not for Master Planned developments. The restrictions or conditions may be made to ensure compliance with the general goals and policies of this Ordinance or with particular standards of this Ordinance, or to prevent or minimize adverse effects from the proposed development on surrounding lands. All conditions must be expressly set forth in the permit approval.

2.3.7 APPLICATIONS REVIEWED BY STAFF

After the application is determined complete, staff will review the application and approve it, approve it with conditions, or deny it, based on the appropriate review standards for the particular permit. See the Planning & Development Director section below for more information about this.

2.3.8 NOTIFICATION OF DECISION

Within a reasonable period of time after a decision on an application, the Planning & Development Director must notify the applicant of the decision in writing in accordance with the requirements of the S.C. Code of Laws and must make the decision available to the public during normal business hours.

2.3.9 RUNS WITH THE LAND

Approvals issued according to this Chapter run with the land are not affected by a change in ownership unless specifically stated otherwise in the approval to the extent that is allowed under state law.

Additionally, approvals relating to the use of a property expire upon the discontinuance or abandonment of a use for a continuous period of six months or more, or upon a change to another use. For the purposes of administering this provision, discontinuance or abandonment exists when the legal use of the property ceases as shown by a totality of the circumstances. If the totality of the circumstances indicates that the legal use of the property has ceased for a continuous period of six months or more, the property owner or operator of the use is presumed to have discontinued or abandoned the use. For example, the mere continuance of utilities on an otherwise unused property does not constitute a use being in operation during a specific timeframe. Intent to abandon or discontinue the use is not required.

2.3.10 RECORDATION

The applicant must record certain types of approvals with the York County Clerk of Court before they are considered valid—specifically, subdivision and final plats. The Planning & Development Director may require an applicant to record other types of approvals that are issued according to this Chapter with the York County Clerk of Court.

When recording is required, the applicant must promptly record the approval. In cases where recordation is delayed for any reason, the approvals remain subject to the vested rights provision that are explained later in this Chapter.

2.3.11 RELATION OF APPROVALS TO EACH OTHER

The approval of one type of application does not mean that other types of application requests associated with the proposed development will be approved. Each is reviewed separately based on the standards of this Ordinance for the particular type of application. All required permits must be obtained before any development authorized under these applications can occur.

2.3.12 VESTED RIGHTS TO DEVELOP PROPERTY

A. Findings

1. The General Assembly of the State of South Carolina, by Act 287 of 2004, amended the South Carolina Local Government Comprehensive Planning Enabling Act (Title 6, Chapter 29 of the S.C. Code) to add Article 11 cited as the “Vested Rights Act.”
2. The General Assembly of the State of South Carolina passed two joint resolutions (A297/R215/H4445 on May 6, 2013, and R123/H3774 on June 20, 2013) that together suspend the running of approval timeframe on any site-specific development plan that was valid on or after January 1, 2008, until December 31, 2016. Site-specific development plans that are valid on December 31, 2016, then have the benefit of the remainder of their original vesting period. For example, if a site-specific development plan was approved on March 31, 2007, it would have originally had a two-year vesting period under the State Code of Laws Section referenced in 1-1000(A)(1). At the time the first joint resolution was passed, it would have used nine months of this two-year vesting period. The effect of the two joint resolutions is to make its approval valid through December 31, 2016. At that time, it would have fifteen months remaining in its vesting period (two years minus the nine months it used prior to the passing of the joint resolutions).
3. The City Council has determined that it is in the best interest of the City to avoid the default provisions and maintain and allow for local government control and flexibility of local planning and zoning functions to the extent allowed by law.

B. Establishment and Conditions of Vested Rights

1. **What is a Vested Right?** Vested right means the right to undertake and complete the development of property under the terms and conditions of a site-specific development plan or a phased development plan.
2. **What is a Site-Specific Development Plan?** Site-specific development plans are those that describe with reasonable certainty the types and density or intensity of uses for a specific property or properties. Depending on whether that definition is met on a specific plan or not, the following may be considered site-specific development plans: Master Planned district approvals, conditional use permits, special exception permits, variance permits, administrative adjustments, site plan approvals, subdivision plat approvals, and certificates of appropriateness. Approvals of other types may also be considered site-specific development plans if they meet the above definition.

Components of a site-specific development plan that do not give reasonable the types and density or intensity of uses for a specific property or properties are not considered vested. For example, areas on a site plan that are shown in a lighter color than the remainder of the plan (usually shown in light gray instead of hard black lines) or that are called out as “future” are not considered vested.

3. **Is a Phased Development Plan Considered a Site-Specific Development Plan?** No. Each phase of a development plan must have a separate site-specific development plan approved before it is considered to have vested rights.
4. **When Does a Vested Right Begin?** A vested right to develop property in accordance with a site-specific development plan is triggered upon:
 - The final approval of the site-specific development plan by the final official or decision-making body authorized to approve the site-specific development plan; and
 - The payment to the City of all applicable established fees.

Note that while the City may approve grading, installation of utilities, streets or other infrastructure under separate permits in anticipating of site-specific development plan approval, any such construction or any expenditure in preparing documents for further permits is done at risk, since rights are not vested until a site-specific development plan is approved and the associated fees are paid.

5. **How Long does a Vested Right Last?** A vested right lasts for two years unless extended according to the provisions below.
 6. **What if a Site-Specific Development Plan is Amended?** Approval or conditional approval of an amendment to any plan or permit approval does not re-set or re-start the expiration period of a vested right.
 7. **Can a Vested Right Be Extended?** Pursuant to Title 6, Chapter 29, Article 11 of the South Carolina Code of Laws, all approvals of site-specific development plans must be granted up to five annual extensions consistent with the following procedures and criteria:
 - The applicant must apply for an extension of approval no earlier than 90 days and no later than 30 days before the expiration of the approval or previously approved extension. Application must be made on a form provided by the City.
 - The City Council must approve an application for extension unless the Zoning Ordinance or other land development ordinances or regulations have been amended in such a way that prohibits approval of the extension.
- C. How Long Do Approvals Last if They Are Not Considered a Site-Specific Development Plan?** Approvals that do not meet the definition to be considered a site-specific development plan are subject to expiration or extension as specified by this Ordinance for each particular type of application. If no expiration is specified for a particular type of approval, the permit or approval will expire after one year if development is not commenced or a subsequent permit is not obtained.

2.4 NEIGHBORHOOD MEETINGS

2.4.1 REQUIRED NEIGHBORHOOD MEETINGS

Some types of applications require a neighborhood meeting. Neighborhood meetings are mandatory for requests to create or amend a Master Planned District and to create or amend a Land Development Agreement. The Planning & Development Director, Mayor, and/or Chair of the Planning Commission can also direct an applicant to conduct a neighborhood meeting for requests involving a potentially impactful land use in terms of compatibility with surrounding uses, traffic, aesthetics, or other areas of concern.

2.4.2 OPTIONAL NEIGHBORHOOD MEETINGS

While not required, neighborhood meetings are strongly encouraged for all other types of rezoning applications. Neighborhood meetings are optional for all other applications under this Ordinance.

2.4.3 PROCEDURE

A. Before the Neighborhood Meeting:

1. **Select a Date, Time, and Location:** The neighborhood meeting must take place at least 15 calendar days before the Planning Commission meeting on the application. It must take place after 6 p.m. on a Monday, Tuesday, Wednesday, or Thursday, and it must take place in a location that is generally accessible to neighbors who reside in close proximity to the land that is the subject of the application.
2. **Give Public Notice:** At least 14 calendar days before the neighborhood meeting, the applicant must mail a notice that states the time, place, location and reason for the meeting to the same people who will receive notice of the public hearing, as well as the City Council member for the ward that is involved. Staff will provide the applicant with a list of addresses for the required invitees to the neighborhood meeting.

B. During the Neighborhood Meeting:

The applicant must explain the development proposal, and must answer any questions and respond to any concerns voiced by people who attend the meeting. City staff may attend the neighborhood meeting for the purpose of advising the attendees regarding the procedures or standards of this Ordinance, but will not serve as facilitators or become involved in negotiations during the neighborhood meeting. The applicant must provide a sign-in sheet for attendees and must take notes during the meeting.

C. After the Neighborhood Meeting:

The applicant must provide the Planning & Development Director with a written summary of the neighborhood meeting within five business days of its conclusion. The written summary must include a list of those in attendance, a summary of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information that the applicant deems appropriate.

Within 10 business days of the meeting, any person in attendance may submit an additional written summary stating his/her understanding of the issues related to the development proposal, comments by those in attendance about the development proposal, and any other information deemed appropriate. This written summary may include a response to the applicant's written summary of the neighborhood meeting.

These summaries will be included as part of the application materials that go forward for consideration, and will be made available to the public for review during regular business hours.

2.5 PUBLIC HEARINGS

2.5.1 REQUIRED PUBLIC HEARINGS

The *Summary of Powers and Duties* table in *Part III* of this Chapter shows which decision-making bodies are responsible for holding public hearings for different types of applications.

2.5.2 PUBLIC NOTIFICATION

All applications that require public hearing(s) must comply with the S.C. Code of Laws and the provisions of this section with regard to public notification. However, failure to receive notice in accordance with this section does not invalidate the proceedings for which notice was required, nor does it constitute a basis for legal action against the City.

- A. Public Notice Content:** All notices for public hearings must either provide the following information or explain where this information is accessible to the public.
1. **Identify Application and Explain Request:** Identify the applicant, the application number and the type of application submitted.
 2. **Describe Land Involved:** Describe the land involved by street address, tax map number, legal description or nearest cross streets, and by approximate size.
 3. **Describe the Public Hearing:** Indicate the date, time, and place of the public hearing, and explain that interested parties may make comments or submit information to be considered during the public hearing or in writing before the public hearing.
 4. **How to Learn More:** Describe where the application can be reviewed and how interested parties may learn more about the request.
- B. Ways Public Notice Must Be Given:** When state law or this Ordinance requires a public hearing on an application, members of the public must be given notice using all of the following methods.
1. **Written Notice:** Staff will send written notice to all of the following:
 - All landowners of the land subject to the application.
 - All property owners and occupants within 300 feet of the land that is the subject of the application. For apartment and condominium complexes, all property owners will be notified, but only occupants who live in units that are located in buildings that fall within the 300-foot radius will be included.
 - Any neighborhood organization registered with the City of Rock Hill Neighborhood Empowerment Office that includes residences within 300 feet of the land that is the subject of the application.
 - Any organizations or persons who have registered with the City to receive notification of development permit applications. (Any person, neighborhood organization, or other organization in the City may register with the Planning & Development Director to receive written notice of all applications that involve a public hearing. To be eligible for registration, the applicant must provide a fee to defray the costs. To continue to receive such notice, a person or organization must re-register every two years.)
 2. **Legal Advertisement:** Staff will place a legal advertisement in a newspaper of general circulation in the City.
 3. **Public Hearing Signs:** Staff will post a public hearing sign or signs on the land that is subject to the application along each public thoroughfare that abuts or runs through the land. The sign or signs must be posted in such a way to ensure visibility from public thoroughfares. The applicant must ensure that the sign or signs remain on the land until the completion of the public hearing. Staff will remove the signs afterwards.
 4. **Exceptions:** Written notice and public hearing signs are not required for applications to amend the Zoning Ordinance or the Historic Design Guidelines, nor for appeals of a decision or interpretation of the director.
- C. Timing of Notice:** Unless otherwise expressly provided in the S.C. Code of Laws or this Ordinance, all three methods of public notice must be provided at least 15 calendar days prior to the public hearing. (Where an application requires multiple public hearings, such as Land Development Agreements, all three methods of public notice must be provided at least 15 calendar days prior to each public hearing.)

2.5.3 CHANGES TO APPLICATION AFTER NOTICE OF PUBLIC HEARING

If the applicant would like to change components of the application during the public meeting, or after it has occurred, the following processes apply:

- A. The application must be referred back to the Planning & Development Director for review, and back to any advisory or decision-making bodies for changes that involve substantive changes in in major elements of the development proposal relating to land uses, densities, intensities, and/or access.
- B. The application is not required to be referred back to the Planning & Development Director for review and back to any advisory or decision-making bodies for proposed changes that are of a non-substantive nature, such as but not limited to minor additions, deletions, or corrections to clerical errors in an application, to minor changes in the development standards for the project, and to changes made solely to satisfy staff or reviewing body recommendations or conditions.

2.5.4 PUBLIC HEARING PROCEDURES

All public hearings for applications held in accordance with this Ordinance must comply with the following procedures, and if established, any additional public hearing procedures adopted by the individual advisory or decision-making body.

A. Conduct of Public Hearing

- 1. **Time:** Any board or commission conducting the hearing must act in accord with any time limits established in this Ordinance or the board's own Rules of Procedure. Action must be taken as promptly as possible in consideration of the interests of the applicant and the citizens of the City.
- 2. **Burden of Proof or Persuasion:** The burden of demonstrating that an application complies with the applicable review and approval standards of this Ordinance is on the applicant. The burden is not on the City or other parties to show that the standards have not been met by the applicant.
- 3. **Rights of All Persons:** Any person may appear at a public hearing and submit testimony, consistent with the Rules of Procedure of the advisory or decision-making body, either individually or as a representative of a person or an organization. Each person who appears at a public hearing must identify him/herself, state an address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

For appeals of the decision or interpretation of the director, both the City and the appellant may call witnesses on their behalf, but members of the general public otherwise may not appear and submit testimony.

- 4. **Exclusion of Testimony:** The body conducting the public hearing may exclude testimony that it finds to be irrelevant, immaterial, or unduly repetitious.
- 5. **Offers of Testimony:** In the event that any testimony is excluded as irrelevant, immaterial, or unduly repetitious, the person offering such testimony will have an opportunity to offer such testimony for the record in writing, provided that it is presented prior to the close of the public hearing.
- 6. **Continuance of Public Hearing:** The body conducting the public hearing may continue the public hearing to a fixed date, time, and place, consistent with state law, upon good cause shown.

- B. **Meeting Minutes:** The decision of the Board must be recorded in minutes of the meeting.

2.5.5 WAITING PERIOD AFTER DENIAL

Whenever any application for a development permit that requires a public hearing is denied, an application for all or a part of the same land will not be accepted for a period of one year after the date of denial unless a waiver of the waiting period is subsequently approved by the decision-making body in accordance with the requirements of this section.

- A. Applicant-Initiated Request to Waive the Waiting Period:** The applicant may request to waive the waiting period in accordance with the following:
1. After the meeting where the request was denied, the owner or the owner's authorized agent may submit the request to the Planning & Development Director, along with a fee to defray the cost of processing the request. No one else may submit the request.
 2. The applicant must show substantial evidence of one of the following in the request:
 - **Substantial Change in Circumstances:** There is a substantial change in circumstances relevant to the issues and/or facts that were considered during the review of the application that might reasonably affect the decision-making body's decision.
 - **New or Additional Information:** New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's decision.
 - **New Application Materially Different:** A new application is proposed to be submitted that is materially different from the prior application.
 - **Material Mistake of Fact:** The final decision on the application was based on a material mistake of fact.
 3. The decision-making body will evaluate the written information provided by the applicant or the applicant's representative as well as statements made by the applicant or the applicant's representative at the meeting during which the request is heard. If at least two-thirds of the members of the decision-making body find that the applicant or the applicant's representative have presented substantial evidence that at least one of the four standards listed immediately above is met, the request will be granted.
 4. Only one request for a waiver of the waiting period may be submitted by the applicant during the one-year period.

PART III: REVIEW OF SPECIFIC TYPES OF APPLICATIONS

2.6 INTRODUCTION

The Planning & Development Department issues permits of various types to ensure that proposed development complies with the standards of this Ordinance, and to otherwise protect the public health, safety, and welfare of the citizens of the City. Unless otherwise stated, the requirements of this section apply to all development in the City. Unless otherwise stated, the process to amend, extend, or modify any of these permits is the same as the original approval.

The Planning & Development Director must maintain records of the applications and any associated permits that are issued according to state laws and regulations.

The purpose of the following sections is to explain the basic processes and standards for several types of commonly issued permits. Nothing in this section is intended to suggest that all permits issued by any City Department must be listed here.

The following is a summary of the primary powers and duties of the various reviewing authorities. The sections in this Chapter below this table explain the nuances of these processes in more detail.

SUMMARY OF POWERS AND DUTIES					
R = MAKE A RECOMMENDATION TO CITY COUNCIL D = FINAL DECISION A = HEARS APPEAL					
TYPE OF APPLICATION	PLANNING & DEVELOPMENT DIRECTOR	PLANNING COMMISSION	ZONING BOARD OF APPEALS	BOARD OF HISTORIC REVIEW ¹	CITY COUNCIL
Zoning and Building Code Compliance, Sketch Plans, Minor Site Plans, Minor Subdivisions, Civil Construction Plans, Grading Permits, and Final Plats for Subdivisions	D		A		
Major Site Plans and Major Subdivisions (Preliminary Plats)	R	D			
Administrative Adjustments	D		A		
Certificates of Appropriateness	R/D			A/D	
Interpretations and Decisions of the Planning & Development Director	D		A	A	
Special Exception Uses and Other Types of Special Exceptions, Variances, and Reduction in Separation	R		D		
Rezoning	R	R		R	D
Amendments to the Zoning Ordinance	R	R		R	D
Land Development Agreements	R	R			D
Design Guidelines for Historic Properties	R			R	D
¹ The Board of Historic Review has some nuances that are described in full below. In summary: <ul style="list-style-type: none"> Some types of Certificates of Appropriateness are decided by staff, with an appeal going to the Board of Historic Review. Other types are decided by the Board of Historic Review with a recommendation from staff. The Board of Historic Review holds a hearing in both cases, although the procedures for the hearing on an appeal are slightly different than for other types of public hearings, which is explained below. The Board of Historic Review hears appeals on topics involving historic preservation only; the Zoning Board of Appeals hears appeals on all other topics. The Board of Historic Review makes recommendations only regarding rezonings into or out of the Historic Overlay District. (The Planning Commission makes the recommendation regarding rezonings of the base zoning district even within the Historic Overlay District.) The Board of Historic Review makes recommendations only for Zoning Ordinance amendments related to historic preservation. The Planning Commission makes recommendation about Zoning Ordinance amendments all other topics. 					

2.7 APPLICATIONS REVIEWED BY PLANNING & DEVELOPMENT DIRECTOR

2.7.1 AUTHORITY

The Planning & Development Director is designated by the City Manager as the zoning administrator responsible for administering and enforcing the provisions of this Ordinance. In addition to the authority and duties that may be conferred on the Planning & Development Director by general law and the City Code of Ordinances, the Planning & Development Director and his/her designees are authorized to review and approve, approve with conditions, or deny the below-listed types of application as well as to review and approve, approve with conditions, or deny applications of all types not designated for review and decision by another authority; to establish application content requirements and a submission schedule for review of applications and appeals; and to maintain the official zoning map and other such records and official materials that relate to the adoption, amendment, enforcement, or administration of this Ordinance.

For all of these applications, the Planning & Development Director may approve an application only if it complies with all relevant standards for development in this Ordinance.

2.7.2 ZONING ORDINANCE COMPLIANCE FOR BUSINESS LICENSES

Before any person starts a new business or non-profit organization within the City of Rock Hill, or moves into a new location or changes other information about how the business or organization operates, he/she must request a business license. Staff will review the information provided and will determine whether the business or organization is allowed to operate as proposed under the standards of this Ordinance.

Each zoning district allows different use types through three types of mechanisms: permitted uses, conditional uses, and special exception uses. Permitted and conditional uses are a staff-level review; special exceptions go to the Zoning Board of Appeals for consideration. This process and the associated standards for each are explained in full in *Chapter 4: Land Use: Primary Uses*.

2.7.3 BUILDING PLANS

In addition to reviewing them for compliance with all building codes adopted by the City, staff will review building plans and associated documents for compliance with the standards of this Ordinance. In many cases, this will require the applicant to submit additional information with details of architectural design beyond what is required for building code compliance review.

Where a Home Owners Association has put the City on notice that it requires architectural approval, staff will verify that approval has been obtained prior to reviewing building plans. Additionally, staff will verify that the Home Owners Association also has approved any significant changes regarding exterior materials or design prior to approving associated change orders.

2.7.4 BYLAWS AND RESTRICTIVE COVENANTS

Proposed bylaws for Homeowner's or Property Owners Associations as well as restrictive covenants for single-family detached and attached uses must be submitted along with the final plat for subdivision. Staff will review proposed bylaws and restrictive covenants for new single-family detached and attached neighborhoods for compliance with the standards of this Ordinance and stamp the plat for recording. The documents must be recorded prior to or concurrently with the recording of the approved final plat, and we must see evidence of that prior to the issuance of building permits for the project. Covenants must run with the land, and they must be disclosed to future property buyers.

2.7.5 SKETCH PLANS

- A. **Pre-application meeting:** The applicant may request a staff meeting prior to preparing a sketch plan to obtain basic information relative to this Ordinance's application to the prospective project.
- B. **Review process:** Staff will review sketch plans for any project where the owner/developer wants direction and information on code requirements prior to submitting detailed plans. A sketch plan is a very basic plan that usually consists of a one-sheet conceptual drawing. Staff will provide written comments regarding the sketch plan within 5 to 10 business days of submittal.
- C. **No vested rights obtained:** The approval of a sketch plan does not give an applicant vested rights to develop the project.

2.7.6 MINOR SITE PLANS

Site plans are engineered drawings that show the propose use(s), layout and general design of proposed development.

- A. **Applicability:** All development is required to have a site plan approved prior to the issuance of a building permit.
- B. **Exemption:** Development that includes only internal construction that does not increase gross floor area, increase the density or intensity of use, or affect parking requirements, is not required to have a site plan.
- C. **Types of Site Plans Reviewed at a Staff Level:** Some types of site plans are reviewed at a staff level, and some types of site plans are reviewed by the Planning Commission.

Staff reviews the following types of site plans, which are referred to as minor site plans.

1. Site plans for the development of 25 or fewer residential units except for single-family and two-family development on a single lot. (Site plans are also required during the plan review of single-family or a two-family residence on a single lot, but they are not required to provide the level of engineering detail that constitutes a minor site plan under this section.)
2. Site plans for non-residential development of less than 20,000 square feet.
3. Site plans for projects within approved business parks that are larger than 20,000 square feet when the parcel in question is accessed off a road that is internal to the approved business park.

See the Planning Commission section below for information about the types of site plans that it reviews.

2.7.7 MINOR SUBDIVISIONS

Subdivision plats show the division or combination of parcels of land.

- A. Applicability:** The following types of development are required to have land subdivided in accordance with the procedures and standards of this section prior to the transfer of title or sale of any lots, or the issuance of a building permit for development.
 - 1. The division of land into two or more lots, building sites, or other divisions for the purpose of immediate or future sale, lease, or building development;
 - 2. All divisions of land involving a new street or change in existing streets;
 - 3. Re-subdivision involving the further division or relocation of lot lines of any lot or lots within an already approved subdivision; and
 - 4. The combination or consolidation of lots of record.
- B. Exemptions:** The following are exempt from the requirement to have a subdivision plat approved prior to the issuance of a building permit:
 - 1. The combination or re-combination of portions of previously platted lots where the total number of lots is not increased, and where the Planning & Development Director determines there are no significant changes to or encroachment upon the public street systems required, and where the lot sizes comply with the standards set forth in the zoning district where the land is located;
 - 2. The public acquisition by purchase of strips of land for the widening or opening of new streets; and
 - 3. The partition of land by Court decree.
- C. Types of Subdivisions Reviewed at a Staff Level:** Some types of subdivisions are reviewed at a staff level, and some types of subdivisions are reviewed by the Planning Commission. Staff reviews the subdivision of land into fewer than four lots, which is called a minor subdivision, when the subdivision:
 - 1. Does not create any new streets, alleys, or other public ways;
 - 2. Does not make changes to the existing rights-of-way of any streets, alleys, or other public ways;
 - 3. Complies with the standards of *Chapter 6: Community Design Standards*; and
 - 4. Has lots that have direct access or otherwise legal access (such as through an easement for a shared driveway) onto a public street that has been accepted for maintenance by the appropriate agency.
- D. Surveying Requirements:** The preparation of minor subdivision plats must follow all state laws that govern surveying, and must tie to geodetic control points as explained in the City's State Plane Coordinate Checklist.
- E. Certificates for Recording:** The minor subdivision must include the applicable certificates listed in Appendix 2-A prior to recording.
- F. Types of Subdivisions Reviewed by the Planning Commission:** A person cannot repeatedly request minor subdivisions of land within a short timeframe in order to circumvent review by the Planning Commission. See the Planning Commission section below for information about the types of subdivisions that the Board reviews.

2.7.8 CIVIL CONSTRUCTION PLANS

Civil construction plans are engineered drawings depicting the precise design, location, and profile of all public facilities proposed for development of the subdivision, including, but not limited to streets, street markings, street signs, sidewalks, public pedestrian pathways or trails, potable water lines, sanitary sewer lines, public utility meter locations, storm drains, fire suppression systems, and locations of conduit crossings for private utilities.

In addition to complying with the standards of this Ordinance, civil construction plans must also substantially conform to the approved preliminary plat for subdivision, the City's construction standards, and the City's Stormwater Management and Erosion Control Design Manual.

2.7.9 GRADING PERMITS

- A. Purpose:** The purpose of the grading permit application is to limit negative impacts on adjacent lands from soil erosion and sedimentation, and to protect existing vegetation on sites or parcels of land subject to land-disturbing activities in cases where grading permits or other development approvals are not existing or required.
- B. Applicability and Exceptions:**
1. **Applicability:** A grading permit is required prior to undertaking any activities that disturb the land from a vacant site or parcel or land.
 2. **Exceptions:** Exceptions exist for the following:
 - Minor land disturbance on a site, provided that the site has an approved site plan.
 - Sites covered by building permits, the approval of which included civil construction plans.
 - Land-disturbing activities on agricultural land for production of plants and animals useful to man, except when a building permit is required;
 - Land-disturbance activities that are exempted from City permitting through State or Federal law;
 - The removal of vegetation by public or private agencies within the lines of any right-of-way, easement, or other City-owned property as may be necessary to provide public services; and
 - Land-disturbing activities conducted under another state or federal environmental permitting, licensing, or certification program where the state or federal environmental permit, license, or certification is conditioned on compliance with the minimum standards and criteria developed under this Ordinance.
 3. **Phased Projects:** Residential and commercial development projects can be phased as agreed to by the Planning & Development Director. However, the infrastructure may not be considered as a separate project from the lot grading or building pad areas. All grading and design within a phase must be included in the plans and calculations and the applicant must obtain a land disturbance permit from DHEC for all of the work necessary to fully develop each phase. If the home builder or commercial builder is a separate entity from the developer, then each builder must obtain their own land disturbance permit for each lot in accordance with current DHEC requirements.
- C. Approval of Stormwater Management and Sediment Control Plan Required:** Before issuing a grading permit, the Planning & Development Director must review a Stormwater Management and Sediment Control Plan application for the project according to the standards in *Chapter 7: Construction Standards for Subdivisions, Public Improvement, and Site Infrastructure*.
1. **Waivers:** Stormwater mitigation waivers for water quality and/or peak flow (quantity) management may be considered on a case-by-case basis, at the discretion of the Planning & Development Director. Factors that are considered when determining whether to grant a waiver will include hydrologic location within the watershed, flooding history of downstream properties or structures, the size of overall development, and existing or proposed implementation of off-site stormwater infrastructure improvements
 2. **Stamping:** The plan is not considered approved without the inclusion of an approval stamp, signed, and dated by the Planning & Development Director. The stamp is solely an acknowledgement of satisfactory compliance with the requirements of these standards. The approval stamp does not constitute a representation or warranty to the applicant or to any other person concerning the safety, appropriateness, or effectiveness of any provision, or omission from the Stormwater Management and Sediment Control Plan.

3. **Written Notification of Denial:** If the Planning & Development Director denies a Stormwater Management and Sediment Control Plan after the review of the application, written notification must be sent to the applicant indicating the reason or reasons for denial.
- D. **Other Required Authorizations:** The applicant is responsible for any authorization, permit, bonds, insurances, or other securities as required by applicable Federal, State, or local laws, regulations or ordinances for any part of the proposed work to be performed under the grading plan.
- E. **Pre-Construction Meeting Required:** Before beginning any work under a grading permit, the applicant must first schedule and attend a pre-construction meeting with the City. At the preconstruction meeting, the developer will be authorized to install initial phase controls only.

The developer must call for an inspection of the initial phase controls. Only after the City has accepted the initial phase controls is the developer authorized to proceed with mass grading and other development processes in accordance with the civil construction plans.

F. **Inspections:**

1. **Applicant Responsibilities:** During any land disturbance operation, the applicant is responsible for carrying out the proposed work in accordance with the required erosion and sediment control measures, the specifications of the grading permit, the approved Stormwater Management and Sediment Control Plan specifications, the time schedule as shown on the application, and with all other the requirements of this Ordinance.
2. **Right to Inspect and Enforce:** The City has the right to enter the property at any time to conduct inspections to ensure adherence to the approved plans and permits. If it is found that construction activity is not in accordance with the approved plans, the inspectors will notify the developer of the deficiency and how to correct it. If the developer does not come into compliance, a stop work order may be issued, the grading permit may be revoked, or other enforcement action may be taken according to *Chapter 11: Enforcement*.
3. **Right to Require Additional Sediment and Erosion Control:** The City has the right to require sediment and erosion control measures beyond what is specified on the approved plans if the City determines that field conditions necessitate additional controls to meet the intent of the design.

- G. **As-Built Plans Required:** The person responsible for the land-disturbing activity must submit as-built or record plans unless waived by the City for minor improvements or areas that can be verified in the field. In addition, the person responsible for the land-disturbing activity must submit written certification from the design professional preparing the plans the land-disturbing activity was accomplished according to the approved Stormwater Management and Sediment Control Plan and any approved changes. Failure to do so will constitute a violation of this Ordinance.

H. **Processes Related to Long-Term Maintenance of Stormwater Facilities:**

1. **For Facilities Maintained by Property Owner:** For permanent stormwater management facilities that will be maintained by the property owner, the property owner must submit a Stormwater Mitigation and Maintenance Plan and a Stormwater Maintenance and Responsibility Agreement for review. This plan and agreement must provide adequate access to permit City or State authorities to inspect and, if necessary, to take corrective action.

The property owner is responsible for maintaining in good condition all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, stormwater detention and retention ponds, and other protective devices. See *Section 7.3.4.E*. If repairs or restorations are needed, they must be done in accordance with the approved plans and the approved Stormwater Mitigation and Maintenance Plan.

If the owner or any other person or agent in control of such property fails to maintain properly the facilities for which he is responsible under the provisions of this Ordinance, the Public Works Stormwater Division must give such owner, person, or agent in control written notice describing specifically the deficiency. If the owner, person, or agent fails, within 10 days from the date of receipt of such notice, to take or commence corrective action, the owner will be subject to the penalties found in *Chapter 11: Enforcement*.

2. **For Facilities Maintained by City:** In limited cases at the discretion of the City, the City may agree during the development review process to accept stormwater facilities built for private development after construction. In such cases, the stormwater management facilities must be designed and

constructed in accordance with the requirements of this Ordinance. All such facilities must be dedicated to the City by deed with attached record drawings, after the City has accepted the conveyance of such facilities. The deed must include sufficient easements to permit the City to properly maintain such facilities. Any facilities conveyed by the City under the provisions of this Ordinance must contain a covenant obligating the grantor to be responsible for the maintenance of such facilities for a period of two years after such facilities have been accepted by the City.

2.7.10 FINAL PLATS FOR SUBDIVISION

After construction of the required public or private improvements approved through the civil construction plans, or the posting of a bond in lieu of completion of the public improvements and/or privately-owned improvements in accordance with *Chapter 7: Construction Standards for Subdivisions, Public Improvements, and Site Infrastructure*, applicant must prepare a final plat for subdivision.

- A. Standards:** In addition to complying with the standards of this Ordinance, the final plat for subdivision must be in substantial conformance with the configuration of the approved preliminary plat for subdivision and the approved civil construction plans; indicate the location of required public and private improvements in accordance with the approved civil construction plans; include all of the certificates listed in *Appendix 2-A*; be tied to geodetic survey points as is explained in the City's State Plane Coordinate Checklist; and be consistent with all other relevant City ordinances and regulations.
- B. Completion of Required Public Improvements Prior to Issuance of Building Permits:** Except for sidewalks deferred in accordance with *Chapter 7: Construction Standards for Subdivisions, Public Improvement and Site Infrastructure*, all public improvements must be completed, inspected, and approved in accordance with the procedures outlined in that chapter prior to the issuance of the first building permit for development within the subdivision.
- C. Completion of Required Private Improvements:** All private improvements must be completed, inspected, and approved prior to the approval of the Final Plat or Certificate of Occupancy, in accordance with approved civil phasing plan requirements.
- D. Effect of Final Plat:** The approval of a final plat for subdivision does not constitute acceptance by the City of the dedication of any street, public utility line, or other public facility shown on the plat. Upon satisfactory completion of the warranty period explained in *Chapter 7: Construction Standards for Subdivisions, Public Improvement and Site Infrastructure*, streets, utility lines, and other public improvements will be accepted by the City.

The City may also accept any dedication made to the public of lands or facilities for streets, parks, or public utility lines by resolution. However, the City has no obligation to build any street even after acceptance of dedication of right-of-way.

2.7.11 ADMINISTRATIVE ADJUSTMENTS

The Planning & Development is authorized to grant minor adjustments to specified development standards when the following required findings are met.

- A. Required Findings for all Types of Administrative Adjustments:** The Planning & Development Director must make a finding that the applicant who is requesting an administrative adjustment has shown that all of the following standards are met, in addition to any required findings for specific types of administrative adjustment requests that are listed in the table below.
 - 1. General:** The proposed administrative adjustment would not be inconsistent with the character of the development in the surrounding area, and would not result in incompatible uses.
 - 2. Mitigates Adverse Impacts:** Any adverse impacts resulting from the proposed administrative adjustment would be mitigated to the maximum extent practicable.
 - 3. Technical Nature:** The proposed administrative adjustment is of a technical nature (i.e., relief from a dimensional or design standard), and is either:
 - Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
 - Supporting an objective or goal from the purpose and intent statements of the zoning district where located; or

- Proposed to save healthy existing trees.
- Not Substantially Interfere with Convenient and Enjoyable Use of Adjacent Land:** The proposed administrative adjustment would not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety.
 - Not One of The Following Uses:** An administrative adjustment of this type is not allowed for any of the following uses: Adult Entertainment; Bars & Nightclubs; Teen Clubs; Alternative Financial Services; Flea Market; and Personal Services (Type B).

B. Types of Zoning Standards that are Subject to Requests for Administrative Adjustment: Only the following types of zoning requirements are subject to requests for administrative Adjustments. The Planning & Development Director may place reasonable conditions on approvals of administrative adjustment requests.

ALLOWED TYPES OF ADMINISTRATIVE ADJUSTMENT REQUESTS			
ZONING STANDARD	ALLOWABLE MODIFICATION		REQUIRED FINDINGS (in addition to those listed above)
	OLD TOWN OR MX DISTRICT	OUTSIDE OLD TOWN OR MX DISTRICT	
Any numerical dimensional standard from the <i>Table of Dimensional Standards for Residential Districts</i> and from the <i>Table of Dimensional Standards for Business Districts</i> in <i>Chapter 6: Community Design Standards</i>	≤20%	≤10%	None if within Old Town or MX None outside of Old Town or MX up to 10% Otherwise, adjustment must be needed to protect root zones of existing healthy trees retained on a site during or after construction
Required separation of a proposed use from certain zoning districts or other uses, as specified in the <i>Use-Specific Standards</i> section of <i>Chapter 4: Land Use: Primary Land Uses</i>	≤20%	≤10%	The adjustment would not result in any greater impact on the protected uses that would be experienced if the spacing standard were met. Any such impacts must be mitigated by conditions of approval. Mitigation measures may include, but are not limited to landscaping and buffering, fencing, operational limitations, and other measures.
Where an existing building has a documented history of housing the same use or a use with similar impact characteristics to a proposed use within the past 5 years, the required separation of the proposed use from certain zoning districts or other uses, as specified in the <i>Use-Specific Standards</i> section of <i>Chapter 4: Land Use: Primary Land Uses</i>	≤100%	≤100%	The building has a back-to-back relationship with the use (or uses) from which it must be separated, meaning that this adjustment is not available when the two uses have a side-to-side or side-to-rear orientation. There must be the ability to create or maintain a buffer area between the two uses that meets the specific requirements of this Ordinance, or a buffer that is enhanced by other factors such as building location, building orientation or natural or man-made features that results in a buffer of similar effectiveness. Other mitigation measures may be required as conditions of approval depending on the nature of the proposed use and its location relative to the protected properties requiring the separation.
Building, parapet, or appurtenance height limits as described in <i>Chapter 6: Community Design Standards</i>	≤10%	≤25%	N/A
Limitation on the maximum number of off-street parking spaces located between a primary building façade and the street it faces in the <i>Placement of Parking Areas on Lots</i> section of <i>Chapter 8: Development Standards</i>	≤20%	≤20%	The re-location of off-street parking is required to adjust for an unusual physical aspect or natural feature on the site that is not shared by other landowners in general, or is required due to the unusual physical design of the development's buildings; The re-location of the off-street parking is consistent with surrounding lands uses and development; and For lots within Old Town only, the re-location of the off-street parking is consistent with the development patterns of surrounding lands uses and development.
Front and side yard setbacks for corner lots developed with a commercial, public, or institutional use in Old Town	≤5 feet	N/A	N/A
Maximum building footprint for lots developed with a commercial, public, or institutional use in Old Town	≤25%	N/A	N/A
Amount of glazing required on the primary façade, found within <i>Chapter 9: Site and Building Design Standards</i>	≤25%	≤25%	The reduction in glazing is needed to address a unique circumstance related to building location, or unique topographic or physical feature; The development exceeds the minimum façade massing standards; and Additional architectural details are included on the façade to account for a decrease in glazing.

2.7.12 CERTIFICATES OF APPROPRIATENESS

- A. Purpose:** A Certificate of Appropriateness is a mechanism for reviewing requests for work on properties that are located within the Historic Overlay District to ensure they comply with processes set forth in this section and the standards of the City's Historic Design Guidelines.
- B. Applicability:** All work on properties located within the Historic Overlay District is subject to the processes set forth in this section and the standards of the City's Historic Design Guidelines.
- C. Exemptions:** For properties that are subject to these Guidelines, interior changes or alterations do not require review unless the interior of a particular building is identified in the historic designation ordinance creating that designation.

Additionally, landscaping and exterior paint colors do not require a review for a Certificate of Appropriateness of their own, but if the property is already undergoing a Certificate of Appropriateness review for other proposed changes, they may be reviewed as part of that process.

- D. Framework for delineating review authority:** Some work that does require a review of these standards can be reviewed by City staff members, while some requires further review by the City's Board of Historic Review (BHR). Who reviews which types of requests for Certificates of Appropriateness is set forth in the chart below, and is largely dependent upon the categorization of the property based upon these three tiers. *Appendix A* contains a list of the properties located within the City's Historic Overlay District by these tiers.

- 1. National Register-listed or -eligible properties:** These are properties that are listed on or are eligible for listing on the National Park Service's National Register of Historic Places. The standards for listing on the National Register of Historic Places include:
 - Generally at least 50 years old and looks much the same as it did in the past.
 - One or more of the following:
 - Associated with significant people, events, activities, or developments important in the past;
 - Has a significant architectural, landscape, or engineering history; or
 - Yields or has the potential to yield important information about our past.
- 2. Contributing properties:** These are properties that are not listed on or eligible for listing on the National Register of Historic Places, but that contribute to the character of the district nonetheless. These properties generally exhibit architectural features that help define the historic district in which it exists. Typically, these structures were built during the district's "era of significance," the time period in which the majority of the structures were constructed, but do not meet the standards for listing on the National Register of Historic Places.
- 3. Noncontributing properties:** Properties that do not contribute to the character of the district. These are those properties that exist within the City's Historic Overlay District but that do not exhibit features that help define the district. Most often, these structures were built after the district's "era of significance" but before the City adopted these Historic Design Guidelines. In many of the City's historic districts, these buildings include fast food restaurants, convenience stores, office buildings, and small strip shopping centers mixed in with residential structures.

E. Reviewing Authority for Different Types of Certificate of Appropriateness Requests

The following chart shows which types of requests for Certificates of Appropriateness that staff reviews and which types of requests for Certificates of Appropriateness that the Board of Historic Review reviews based on the three-tier categorization system explained above.

For requests that are designated to be reviewed by staff, staff may at any time and for any reason choose to refer an application to the Board of Historic Review.

Type of request	Reviewing authority	
	Staff	Board of Historic Review
National Register-listed or -eligible		
Primary structures		
• Repairs and ordinary maintenance to existing primary structure when there is no change in design, material, color, or outer appearance	✓	
• All other exterior changes to existing primary structure		✓
• New construction of primary structure		✓
Accessory structures and site design components		
• Parking lots and driveways	✓	
• Light fixtures	✓	
• Signs ¹	✓	
• Handicap ramps	✓	
• Heating and air conditioning units	✓	
• Solar panels	✓	
• Satellite dishes	✓	
• Accessory structures	✓	
• Fences and retaining walls on rear and secondary façades	✓	
• Fences and retaining walls on front façade		✓
• Sidewalks and street improvements	✓	
Other		
• Relocation of historic structures		✓
• Demolition		✓
• Reconstruction of historic structures		✓
• Hardship exemptions		✓
• Appeals of staff decisions		✓
Contributing property		
Primary structures		
• All exterior changes to existing primary structure except as indicated in the three boxes immediately below	✓	
• Significant additions to existing primary structure visible from public streets		✓
• Alterations to existing primary structure when changing from residential to commercial use		✓
• Full-scale replacement with wood, cementitious siding, or engineered wood on one or more facades		✓
• New construction of primary structure		✓
Accessory structures and site design components		
• Parking lots and driveways	✓	
• Light fixtures	✓	
• Signs ¹	✓	
• Handicap ramps	✓	✓
• Heating and air conditioning units	✓	
• Solar panels	✓	
• Satellite dishes	✓	
• Accessory structures	✓	
• Fences and retaining walls on rear and secondary façades	✓	
• Fences and retaining walls on front façade		✓
• Sidewalks and street improvements	✓	
Other		
• Demolition		✓
• Hardship exemptions		✓
• Appeals of staff decisions		✓
Non-contributing		
Primary structures		
• All except for new construction of primary structures	✓	
• New construction of primary structures		✓
Accessory structures and site design components		
• All ¹	✓	✓

Other		
• Appeals of staff decisions		✓
¹ Staff has the authority to review all sign requests except for requests to continue a nonconforming sign that otherwise the Zoning Ordinance would require to be removed; those types of requests are reviewed by the Board of Historic Review.		

- 4. Review Process:** The Certificate of Appropriateness process is triggered through an application for a building permit. Staff will provide the applicant with the COA application. Once that application is completed, along with documents such as photographs and drawings, staff will determine whether the request for a Certificate of Appropriateness is reviewed at a staff level or by the BHR.

If it is reviewed at a staff level, staff will discuss the request with the applicant and generally will determine whether the standards have been met to grant the request within a few business days.

5. Appeals

See section 2.15.4 regarding appeals from the decisions and interpretations of the Planning and Development Director.

- 6. Standards of Review:** Regardless of who the reviewing authority is, Certificate of Appropriateness has a set of standards applied in order to assess a request for changes to historic properties.

- Will the changes affect the exterior appearance of the property?
- Will the change be consistent with historical, architectural, or other relevant qualities of the property or surrounding historic district?
- Will the request create a negative or positive impact on the surrounding historic district?
- Does the request comply with the specific standards of the *Historic Design Guidelines*?

The reviewing authority may also refer to the Secretary of the Interior’s Standards for Rehabilitation found in *Appendix D* of the City’s *Historic Design Guidelines* if desired or other technical briefs, but they do not override any of the City’s standards in the *Historic Design Guidelines*.

- 7. Other Permits Required:** If the application is approved, the property owner may then receive a building permit for the work, provided that all other relevant applications are also approved by the other applicable approving authorities. It is the responsibility of the property owner to obtain the appropriate building permits prior to beginning any work.

If the application is not approved, no building permit can be issued. Property owners may then either choose not to proceed with the work, resubmit a new application with changes as suggested by staff or the Board of Historic Review, or appeal the decision according to the procedures in the Zoning Ordinance.

- 8. Enforcement:** If a property owner initiates work without obtaining a Certificate of Appropriateness and, if required for the work, a building permit, a stop work order may be issued. If the requirements are not met, the owner may face fines or an order to restore the original condition of the property. See *Chapter 11: Enforcement* of the Zoning Ordinance for specifics about the enforcement process and the remedies available to the City for enforcement action.

- 9. Vested Rights:** Certificates of Appropriateness that meet the definition for a site-specific development plans are subject to the vested rights section above.

For all other Certificates of Appropriateness, the Planning & Development Director may prescribe a time limit within which the approved activity must begin or be completed or both; if no time limit is set, the approved activity must occur within 12 months of the approval date. The Certificate of Appropriateness will automatically expire if the activity does not follow this designated schedule unless the Planning & Development Director grants a request for an extension.

To submit a request for an extension, the applicant must submit a written request at least 30 days prior to the expiration of the Certificate of Appropriateness. Upon showing of good cause, the Planning & Development Director may grant one extension not to exceed six months.

2.7.13 PERFORMANCE AND WARRANTY BONDS

The Planning & Development Director or designee is responsible for reviewing performance and warranty bonds through the processes described in Section 7.4: *Performance and Warranty Bonds*.

2.7.14 INTERPRETATIONS OF PLANNING & DEVELOPMENT DIRECTOR

- A. How to Request an Interpretation:** The Planning & Development Director is authorized to interpret all provisions of this Ordinance. In case of confusion or disagreement about an interpretation that the Planning & Development Director has made, anyone who owns property or resides within the City, or any person who has a contractual interest in land in the City may request a written interpretation of a provision of this Ordinance from the Planning & Development Director.
- B. What Happens After a Request for Interpretation Is Made:** After review of the request within a reasonable amount of time, the Planning & Development Director must issue a written interpretation to the applicant. If the applicant disagrees with the interpretation, he/she may appeal it to the following decision-making bodies:
1. The Board of Historic Review, for any decision related to the application of the historic design guidelines related to property located within the Historic Overlay District of the City;
 2. The Zoning Board of Appeals for any other topic.

See the Board of Historic Review and Zoning Board of Appeals sections below for more information about appealing an interpretation of the Planning & Development Director.

2.7.15 APPLICATIONS FOR WHICH THE PLANNING & DEVELOPMENT DIRECTOR MAKES A RECOMMENDATION

The Planning & Development Director makes a recommendation to all reviewing Boards on all types of applications except for appeals. The Board with the authority to review and consider the application ultimately decides whether to approve the request.

2.7.16 MAPPING DISPUTES

The Planning & Development Director has the authority to interpret the Official Zoning District Map and determine where the boundaries of the different zoning districts fall, if in dispute.

2.7.17 OTHER

In addition to the above, the Planning & Development Director has the authority to take any other action necessary to administer the provisions of this Ordinance, including but not limited to action necessary to enforce this Ordinance in accordance with *Chapter 11: Enforcement*.

2.8 AUTHORITY OF CITY MANAGER

In addition to the authority and duties that may be conferred upon the City Manager by general law and the Code of Ordinances, the City Manager hears appeals from interpretations and decisions of the Planning & Development Director on the architecture of multi-family and single-family attached developments.

2.9 AUTHORITY OF CITY ATTORNEY

In addition to the authority and duties that may be conferred upon the City Attorney by general law and the Code of Ordinances, the City Attorney counsels the City Council, Planning Commission, Zoning Board of Appeals, Board of Historic Review, Planning & Development Director, and City departments in regard to the legal issues that may arise in the review of applications for permits and permit approval and the general implementation of this Ordinance.

2.10 ESTABLISHMENT, ORGANIZATION, AND OPERATIONS OF ADVISORY AND DECISION-MAKING BOARDS

2.10.1 ESTABLISHMENT

The Planning Commission, Zoning Board of Appeals, and Board of Historic Review (collectively below, “Boards”) are hereby established in accordance with the South Carolina Code of Laws. The following sections apply to each of these Boards.

2.10.2 ORGANIZATION

- A. Membership:** Each of the Boards will consist of seven members appointed by City Council, each of whom must be a resident of the City and a qualified voter. Members of City Council, anyone who holds an elected public office in the City or County, and City employees are disqualified from serving on any of the Boards. Members can serve on only one of these Boards at one time.
- B. Terms of Office:** Staggered terms of office for each of the Boards shall be for a set number of days to be determined by a vote of the city council at the time of such appointment, but for no more than three years, or until their successors are appointed and qualified. Members may serve any number of consecutive terms.
- C. Attendance:** The roles of these Boards are very important. At any given meeting, a decision may affect real estate transactions, other business dealings, and the lives and property of residents.

Because a quorum of Board members must attend each meeting in order for it to take place, reliable attendance of all members is important. The cancellation of a meeting due to lack of a quorum reflects poorly on the City. Board members should make every effort to schedule their professional and personal activities around these meetings. Board members should also make staff aware if they will not be able to attend a given meeting as far in advance as possible.

- D. Compensation:** The members of each of the Boards will serve without compensation.
- E. Officers:** Each of the Boards must elect a Chair and Vice-Chair from among its members, and may create and fill other offices as it determines appropriate. The term of office of the Chair and Vice-Chair must be for one year. The duties of the chair and vice chair are assigned in each of the Board's Rules of Procedure.
- F. Staff:** The Planning & Development Director serves as the professional staff to each of these Boards and provide it with administrative support.
- G. Resignation:** Any member who resigns prior to the end of the member's term must do so in writing to the Chair.
- H. Removal by City Council:** City Council may remove any member of any of the Boards for malfeasance or failure to carry out the duties of the appointment.
- I. Filling of Vacancy:** Vacancies occurring other than through expiration of a term must be filled for the remainder of the unexpired term in the same manner as the original appointment.

2.10.3 OPERATIONS

- A. Meetings:** Each of these Boards will hold at least one regular meeting in each month unless no applications are submitted for consideration, or a modified schedule is necessary due to City-approved holidays or due to federal, state, or local elections that are held in the usual meeting room of the Board. These meetings are subject to the State's regulations about public meetings and record-keeping, and will be open to the public unless a valid reason for an executive session exists under those regulations.
- B. Rules of Procedure:** Each of these Boards will adopt Rules of Procedure that will govern its activities.

2.11 APPLICATIONS REVIEWED BY PLANNING COMMISSION

2.11.1 MAJOR SITE PLAN

Site plans are engineered drawings that show the propose use(s), layout and general design of proposed development.

- A. **Applicability:** All development is required to have a site plan approved prior to the issuance of a building permit.
- B. **Exemption:** Development that includes only internal construction that does not increase gross floor area, increase the density or intensity of use, or affect parking requirements, is not required to have a site plan.
- C. **Types of Site Plans Reviewed by Planning Commission:** Some types of site plans are reviewed at a staff level, and some types of site plans are reviewed by the Planning Commission. The Planning Commission reviews the following types of site plans, which are referred to as major site plans:
 - 1. Any residential development of more than 25 units;
 - 2. Any non-residential development of 20,000 square feet or more (except for site plans for projects within approved business parks when the parcel in question is accessed off a road that is internal to the approved business park, which are reviewed by staff).
 - 3. Any development that is associated with a project that was reviewed as a minor site plan, if the additional components of the plan would cause it to constitute a major site plan.

See the Planning & Development Director section above for information about the types of site plans that that staff reviews.

2.11.2 PRELIMINARY PLATS (MAJOR SUBDIVISIONS)

The Planning Commission reviews all requests for subdivision of land that are not exempted or reviewed by staff as a minor subdivision, as is explained in the minor subdivision section above. These subdivision requests are commonly referred to as preliminary plats. They establish the general layout and design for a subdivision of land. If a subdivision is to be phased, the infrastructure related to entrances or turn lanes must be completed in Phase I.

The Planning Commission must act on the application for preliminary plat within 60 days of the application's referral from the Planning & Development Director (unless a longer review period is agreed upon between the Planning Commission and sub-divider).

For single-family detached and attached developments, a phasing plan and architectural renderings of amenities also must be reviewed by the Planning Commission as part of the preliminary plat review process. See sections 4.3.3.2.1.A. and B.

In approving a preliminary plat, the Planning Commission may impose appropriate conditions on the permit approval.

Approval of a preliminary plat constitutes approval of the development with the general lot shapes and alignments of streets identified on the preliminary plat, and allows the applicant to proceed to the development of civil construction plans and to apply for a grading permit necessary for construction of streets and public utilities. Those are all reviewed by the Planning & Development Director.

Because the City's architectural standards for single-family detached developments determine much about the arrangement and size of lots within the development, the City encourages builders to submit architectural plans at the same time as the preliminary plat if the builder has been selected at that time.

2.11.3 APPLICATIONS FOR WHICH THE PLANNING COMMISSION IS A RECOMMENDING BODY

In certain instances, the Planning Commission acts as a recommending body to City Council. For the following types of applications, the Planning Commission makes a recommendation to City Council after holding a public hearing on the request. City Council ultimately decides whether to approve the request.

- A. Rezoning (whether to a traditional zoning district or through a Master Plan, and also regarding overlay districts);
- B. Amendments to the Zoning Ordinance; and
- C. Land Development Agreements.

See more details about these types of applications in the City Council section.

2.11.4 OTHER

The Planning Commission also has the authority to carry out any other powers and duties delegated to it by City Council, consistent with state law.

2.12 APPLICATIONS REVIEWED BY ZONING BOARD OF APPEALS

2.12.1 GENERAL

- A. **Authority:** Unless otherwise stated in this Ordinance, the Zoning Board of Appeals is authorized to review and approve, approve with conditions, or deny the below-listed types of applications.
- B. **Public Hearing:** All applications to the Zoning Board of Appeals require a public hearing. See the public hearing section above for more information about the public hearing process. Appeals have slightly different hearing procedures, which are explained in the appeals section below.
- C. **Appeals from the Zoning Board of Appeals:** Any person having a substantial interest affected by a decision of the Zoning Board of Appeals may appeal the decision to the Circuit Court in and for York County by filing with the Clerk of the Court a petition setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Zoning Board of Appeals is mailed. For the purposes of this subsection, “person” includes persons jointly or severally aggrieved by the decision of the Zoning Board of Appeals.

2.12.2 SPECIAL EXCEPTION USES

- A. **Purpose:** A special exception use is a use that is generally compatible with other uses permitted in a zoning district, but something about its nature, such as its potential impacts on neighboring properties, means that it is subject to review by the Zoning Board of Appeals after a public hearing on the request.

An “S” in a cell in the *Table of Primary Uses* in *Chapter 4* indicates that the Zoning Board of Appeals may consider whether the proposed use is appropriate in a given location based on the criteria listed below, or other criteria listed for the particular use, such as in the use-specific standards section of *Chapter 4*.

- B. **Standards:** Staff will base its recommendation on an analysis of these standards, and the Zoning Board of Appeals may approve a special exception use only upon a finding that the applicant has demonstrated that the applicable standards listed below are met. The Board may find that not all of these standards are applicable to every request for a special exception use.
 1. **Complies with Use-Specific Standards:** The proposed use complies with all use-specific standards.
 2. **Compatibility:** The proposed use is appropriate for its location and compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands.
 3. **Design Minimizes Adverse Impact:** The design of the proposed use minimizes adverse effects, including visual impacts on adjacent lands; furthermore, the proposed use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and does not create a nuisance.
 4. **Design Minimizes Environmental Impact:** The proposed use minimizes environmental impacts and does not cause significant deterioration of water and air resources, significant wildlife habitat, scenic resources, and other natural resources.

5. **Roads:** There is adequate road capacity available to serve the proposed use, and the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.
 6. **Not Injure Neighboring Land or Property Values:** The proposed use will not substantially and permanently injure the use of neighboring land for those uses that are permitted in the zoning district, or reduce property values in a demonstrative manner.
 7. **Site Plan:** A site plan has been prepared that demonstrates how the proposed use complies with the other standards of this subsection.
 8. **Complies With All Other Relevant Laws and Ordinances:** The proposed use complies with all other relevant City laws and ordinances, state and federal laws, and regulations.
- C. Effect of Rezoning on Special Exception Use:** An existing use that is subsequently rezoned such that the new zoning district would require the use to have one or more special exception uses (and/or any of the other types of special exceptions listed below) is deemed to have been granted such special exceptions automatically upon the rezoning.
- D. Effect of Text Amendment on Special Exception Use:** In 2017 and 2018, the City comprehensively updated the Zoning Ordinance. Where those changes would require an existing permitted or conditional use to have one or more special exceptions, that approval is deemed to have been granted automatically.

In all years after that, if changes to the *Table of Primary Uses in Chapter 4: Land Use: Primary Uses* or other changes made to the text of the Zoning Ordinance require an existing permitted or conditional use to have one or more special exceptions, that use is considered a nonconforming use.

2.12.3 OTHER TYPES OF SPECIAL EXCEPTIONS

In addition to the above, the Zoning Board of Appeals is authorized to hear the following types of requests. These will follow the same procedures as special exceptions for use, except that they may have different criteria for review that are listed in the sections where they are detailed. If they do not, the criteria for special exception uses listed above apply. Staff will base its recommendation on the standards that apply to each type of request.

- A. Special exception to have more than 20 small animals, or in some cases relief from the location of an outdoor run area as part of an animal care use as explained in the use-specific standards for animal care uses (see *Chapter 4* in the *Use-Specific Standards: Public and Commercial Uses* section)
- B. Special exception for outdoor areas for bar/nightclub and teen club uses (see *Chapter 4* in the *Use-Specific Standards: Public and Commercial Uses* section)
- C. Special exception for additional height for a new wireless communication tower in specified zoning districts or to increase the degree of nonconformity on an existing tower (see *Chapter 4* in the *Use-Specific Standards: Public and Commercial Uses* section)
- D. Special exception for temporary structures during the expansion or replacement of existing facilities (see *Chapter 5* in the *Temporary Uses and Structures* section)
- E. Special exception for a shared parking area on a site with a less intensive use as explained in the *Alternative Parking Plan* section in *Chapter 8: Development Standards*
- F. Special exception to determine whether a proposed nonconforming use type on a site with an existing, different nonconforming use type should be allowed (see the *Nonconforming Uses* section of *Chapter 10: Nonconformities*)
- G. Special exception to re-establish certain types of non-conforming uses in certain residential districts (see the *Nonconforming Use* section of *Chapter 10: Nonconformities*)
- H. Special exception to establish a permitted or conditional use on a nonconforming lot in a business district (see the *Nonconforming Lots* section of *Chapter 10: Nonconformities*)

An existing use that is subsequently rezoned such that the new zoning district would require the use to have one or more special exceptions (whether a special exception use or one or more of the above types of special exceptions) is deemed to have been granted such special exceptions automatically upon the rezoning.

2.12.4 VARIANCES

- A. Purpose:** Variances allow deviations from certain standards of this Ordinance when the applicant demonstrates that the below standards are met.
- B. Limitations:** Variance requests are allowed only for the following:

1. Standards that can be measured (quantitative standards), such as dimensional standards or numbers of a certain requirement. Examples include height, setbacks, yard areas, lot coverage, parking spaces, number of trees required, etc.
2. Locational standards, such as where on a property a building is allowed to be placed.
3. Relative to signs, variance requests are allowed only for non-residential signs located in business zoning districts on the topics of sign face area size, height, or setbacks.
4. Relative to the Airport Overlay District, variance requests are allowed only for height of structures or the planting of trees that would grow taller than the District allows.

Variance requests are not allowed for other standards of this Ordinance. This specifically includes but is not limited to variance requests pertaining to the use of property, the extension of a nonconforming use of land, a change in the zoning district of a property, the installation of infrastructure, components of site design, or architectural standards.

C. Standards:

1. **Required Findings:** Staff will base its recommendation on an analysis of these standards, and the Zoning Board of Appeals may approve a variance only upon a finding that the applicant has demonstrated that all four of the following standards are met:
 - **Extraordinary and Exceptional Conditions:** There are extraordinary and exceptional conditions pertaining to the particular piece of land.
 - **Unique Conditions:** These conditions do not generally apply to other property in the vicinity.
 - **Strict Application Deprives Use:** Because of the conditions, the application of this Ordinance to the land would effectively prohibit or unreasonably restrict the utilization of the land.
 - **Not Detrimental:** The authorization of variance will not result in substantial detriment to adjacent land, or to the public good, and the character of the district will not be harmed by the granting of the variance.
2. **Not Grounds for a Variance:** The fact that land may be utilized more profitably if a variance is granted is not grounds for the approval of a variance.

2.12.5 REDUCTION IN SEPARATION

The Zoning Board of Appeals has the authority to review and decide applications for a reduction or waiver in the required separation certain uses must have from other types of uses as explained in *Chapter 4: Land Use: Primary Uses*. Staff will base its recommendation on the standards in that section.

2.12.6 APPEALS FROM DECISIONS AND INTERPRETATIONS OF PLANNING & DEVELOPMENT DIRECTOR

- A. Who May Appeal:** Any person who is aggrieved by a decision or interpretation of the Planning & Development Director on any topic that does not fall under the Board of Historic Review's purview may appeal the decision or interpretation to Zoning Board of Appeals.
- B. How to File an Appeal:** The aggrieved party must file a written notice of appeal within 20 calendar days of the date of the decision or interpretation with the Planning & Development Department. The written notice of appeal must specify the decision or interpretation that the applicant believes is incorrect, including the date that it was made, and the grounds for the appeal. The applicant may submit other supporting materials related to the decision.

- C. **Effect of Filing an Appeal:** A pending appeal stays all proceedings in furtherance of the action appealed from, unless the Planning & Development Director certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life or property. In such case, proceedings can only be stayed through a restraining order, which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Planning & Development Director, and on due cause shown.
- D. **Hearing of Appeal:** A hearing for an appeal is a public hearing according to the standards listed in the section above related to public hearings, except that while both the City and the appellant may call witnesses on their behalf, members of the general public otherwise may not appear and submit testimony. During the hearing, the applicant must state the grounds for the appeal and must identify any materials or evidence from the record to support the appeal.
- E. **Decision of the Zoning Board of Appeals:** The Zoning Board of Appeals is charged solely with determining whether the decision or interpretation of the Planning & Development Director is consistent with the provisions of the Zoning Ordinance that are in question. The Board does not function as a judge of whether the policies in question are or are not wise or beneficial. After the conclusion of the hearing, the Zoning Board of Appeals must affirm, partly affirm, modify, or reverse the decision or interpretation based on whether it finds the decision or interpretation to be consistent with the provisions of the Zoning Ordinance in question.

2.13 APPLICATIONS REVIEWED BY BOARD OF HISTORIC REVIEW

2.13.1 GENERAL

- A. **Authority:** Unless otherwise stated in this Ordinance, the Board of Historic Review is authorized to review and approve, approve with conditions, or deny the below-listed types of applications.
- B. **Public Hearing:** All applications to the Board of Historic Review require a public hearing. See the public hearing section above for more information about the public hearing process. Appeals have slightly different hearing procedures, which are explained in the appeals section below.
- C. **Appeals from Decisions of the Board of Historic Review:** Any person having a substantial interest affected by a decision of the Board of Historic Review may appeal the decision to the Circuit Court in and for York County by filing with the Clerk of the Court a petition setting for plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after affected party receives actual notice of the decision of the Board of Historic Review. For the purposes of this subsection, "person" includes persons jointly or severally aggrieved by the decision of the Board of Historic Review.

2.13.2 CERTIFICATE OF APPROPRIATENESS

The standards and processes listed in the Planning & Development Section above apply to Certificates of Appropriateness requests that are reviewed by the Board of Historic Review, with the following differences:

- A. **Meeting Processes:** If reviewed by the Board of Historic Review, the process will follow that explained in the *Public Hearing* and *Applications Reviewed by Advisory and Decision-Making Bodies* sections above. The Board of Historic Review will determine whether the request meets the standards listed in the Planning & Development Director section above as well as the standards of the City's *Historic Design Guidelines*.
- B. **Hardship Exemptions:** The Board of Historic Review may issue a hardship exemption for requests would not meet the standards of the City's *Historic Design Guidelines* according to the following.
 1. In cases of a demolition request that the City's Certified Building Official has not determined is necessary based on public safety and welfare considerations, the applicant has provided an engineer's report that evaluates the property, and the Board of Historic Review has determined that demolition is in the best interest of the public.
 2. In all other cases, the applicant must provide three estimates for performing the work based on the Guidelines, and three estimates for doing work as proposed by the applicant. At least one of each type must come from a contractor who has verifiable experience with rehabilitation and restoration projects. The Board will determine whether the requested hardship exemption is reasonable based on the level of workmanship and experience associated with each estimate,

the cost of the improvements compared to the value of the structure, the importance of the work to the structure, whether the change would affect the character of the district, where the structure falls within the categorization range explained above, whether the structure is located within the heart of a historic district or is on its fringes, and other criteria that the Board determines are relevant to the particular request.

While staff will present the application information to the Board, the burden of proof that the request is relevant and necessary lies on the applicant, and staff will not make a recommendation relative to hardship exemptions.

2.13.3 APPEALS FROM DECISIONS AND INTERPRETATIONS OF PLANNING & DEVELOPMENT DIRECTOR

- A. Who May Appeal:** Any person who is aggrieved by a decision or interpretation of the Planning & Development Director related to the application of the historic design guidelines related to property located within the Historic Overlay District of the City may appeal that interpretation or decision to the Board of Historic Review. In order to ensure this right can be exercised by those interested in doing so, staff will notify anyone who requests to be placed on a notification list that action has been taken on a Certificate of Appropriateness request. This notification will occur every time that a staff decision takes place.
- B. How to File an Appeal:** The aggrieved party must file a written notice of appeal within 20 calendar days of the date of the decision or interpretation with the Planning & Development Department. The written notice of appeal must specify the decision or interpretation that the applicant believes is incorrect, including the date that it was made, and the grounds for the appeal. The applicant may submit other supporting materials related to the decision.
- C. Effect of Filing an Appeal:** A pending appeal stays all proceedings in furtherance of the action appealed from, unless the Planning & Development Director certifies to the Board of Historic Review that a stay would cause imminent peril to life or property. In such case, proceedings can only be stayed through a restraining order, which may be granted by a court of record on application, on notice to the Planning & Development Director, and on due cause shown.

Hearing of Appeal: A hearing for an appeal is a public hearing according to the standards listed in the section above related to public hearings, except that while both the City and the appellant may call witnesses on their behalf, members of the general public otherwise may not appear and submit testimony. During the hearing, the applicant must state the grounds for the appeal and must identify any materials or evidence from the record to support the appeal.

- D. Decision of the Board of Historic Review:** The Board of Historic Review is charged solely with determining whether the decision or interpretation of the Planning & Development Director is consistent with the provisions of the Zoning Ordinance that are in question. The Board does not function as a judge of whether the policies in question are or are not wise or beneficial. After the conclusion of the hearing, the Board of Historic Review must affirm, partly affirm, modify, or reverse the decision or interpretation based on whether it finds the decision or interpretation to be consistent with the provisions of the Zoning Ordinance in question.

2.13.4 APPLICATIONS FOR WHICH THE BOARD OF HISTORIC REVIEW IS A RECOMMENDING BODY

In certain instances, the Board of Historic Review acts as a recommending body to City Council. For the following types of applications, the Board of Historic Review makes a recommendation to City Council after holding a public hearing on the request. City Council ultimately decides whether to approve the request:

- A.** Rezoning into or out of the Historic Overlay District;
- B.** Amendments to the Zoning Ordinance specifically related to properties within the Historic Overlay District; and
- C.** Amendments to the historic design guidelines.

See more details about these types of applications in the City Council section.

2.13.5 OTHER

The Board of Historic Review also has the authority to carry out any other powers and duties delegated to it by City Council, consistent with state law.

2.14 CITY COUNCIL

2.14.1 GENERAL

- A. Legislative Decision:** Decisions on all applications listed below constitute a legislative decision of City Council.

2.14.2 STANDARD REZONING (for any zoning district except for a Master Plan)

- A. Who Can Initiate:** An application for rezoning of property in the City may be initiated by the City Council, the Planning Commission, the Board of Historic Review (for an amendment related to the Historic Overlay District only), or by a land owner or any other person having a recognized interest in the land upon which the development is proposed or his/her authorized agent.
- B. Recommendations:**
1. **Staff:** For all rezoning requests, Planning and Development Department staff will make a recommendation based on an assessment of the overall effect of the proposed rezoning on the community. Some possible considerations include:
 - Whether the proposed rezoning is consistent with the Comprehensive Plan, relevant adopted corridor or small-area plans, and other provisions of this Ordinance or other local regulations;
 - Whether there are changed conditions that suggest a rezoning is appropriate or whether the rezoning would encourage premature development;
 - Whether the proposed rezoning is compatible with existing and proposed uses surrounding the subject land, and is an appropriate zoning district for the land, or whether it would result in significant adverse impacts on surrounding lands;
 - Whether the proposed rezoning would result in a logical development pattern in support of the community design standards of this Ordinance; and
 - Whether the proposed rezoning would further or hinder adopted City goals and policies.
 2. **Planning Commission:** For all rezoning requests, the Planning Commission will make its recommendation after holding a public hearing on the issue. (See the public hearing section above for information about that process.) The Planning Commission should evaluate the proposed rezoning using the possible considerations that are listed in the staff section above as a basis.
 3. **Board of Historic Review:** For all rezoning requests that involve adding or removing the Historic Overlay District on a property, the Board of Historic Review will make its recommendation after holding a public hearing on the issue. (See the public hearing section above for information about that process.) The Board of Historic Review should evaluate the overall effect of the proposed rezoning based on considerations such as:
 - Whether the proposed rezoning would further or hinder adopted City goals and policies relative to the Historic Overlay District;
 - Whether the proposed rezoning would reinforce the intent of the Historic Overlay District as described in *Chapter 3: Zoning Districts*;
 - Whether the property exhibits historic character of the era of significance; and

- Whether the property is an important example of historical architecture in the City of Rock Hill.

C. Special Rezoning Issues:

1. **Rezoning as Part of a Request for Annexation:** When land is annexed into the City, it is assigned a new zoning district. City Council will consider the associated rezoning of the property from a York County zoning district to a City of Rock Hill zoning district concurrently with the annexation petition.

The Planning Commission makes a recommendation on the rezoning request but not on the annexation request.

When land is annexed into the City, it is assigned the Single-Family 2 (SF-2) zoning district classification under this ordinance unless City Council assigns it a different zoning district classification upon annexation.

2. **Split Zoning:** Assigning two or more zoning districts to a property (“split zoning” a property) is discouraged unless it makes sense in a given situation based on proposed land uses on the property or land development patterns in the area.
3. **Effect of Rezoning on a Special Exception Use:** An existing use that is subsequently rezoned such that the new zoning district would require the use to have one or more special exceptions (whether a special exception use or another type of special exception, as listed above) is deemed to have been granted such special exceptions automatically upon the rezoning.

2.14.3 MASTER PLANNED REZONINGS

A rezoning to a Master Planned zoning district is largely the same as for any other district, but does have a couple of key differences:

- A. **Neighborhood Meeting and Public Hearing Required:** For rezoning requests involving a Master Planned zoning district, a neighborhood meeting must be held prior to the Planning Commission public hearing on the request. See the neighborhood meeting and public hearing sections above for more information about those processes.
- B. **Making Changes to Plan If Approved:** For other types of zoning districts, the process for changing the district again in the future is another rezoning request. Master Planned zoning districts are different in that some minor deviations are allowed outside of this full process.

A minor deviation is limited to technical considerations that could not reasonably be anticipated during the approval process of any other change which has no material effect on the character of the approved MP development or any of its approved terms or conditions.

1. The following constitute minor deviations that the Planning & Development Director may approve: Driveway relocations, structure floor plan revisions, and facility design modifications for amenities and the like.
2. The Planning Commission also may approve minor deviations to Master Planned Districts in the following limited circumstances:
 - **Site Access:** Driveway and street relocations, provided these are internal to the Master Planned District (MP) and do not change external project access. Also, minor modifications to external access points based on final design considerations, provided that location and operation are functionally the same as originally approved.
 - **Parking Lot Designs:** Parking lot designs, provided that the proposed changes are internal to the Master Planned District (MP) and do not change external project access.
 - **Architectural Design:** Architectural design, provided that the proposed changes consist of minor differences in materials and/or façade design.

- **Signage:** Signage, provided that the proposed changes consist of minor differences in the location, design, and/or intensity of lights.
- **Lighting:** Lighting, provided that the proposed changes consist of minor differences in the location, design, and/or intensity of lights.
- **Change in Proportion of Housing Types:** Change in proportion of housing types by 15% or less.

Changes that materially affect the basic concept of the Master Plan are not considered minor deviations, and may only be changed as amendments to the Master Plan and/or the Terms and Conditions.

If an applicant determines it is necessary to alter the concept or intent of the Master Plan, and/or the Terms and Conditions, the Master Plan and/or Terms and Conditions may be amended, extended, or modified only in accordance with the procedures and standards for its original approval.

- C. Standards:** For standards and other information related to Master Plans, see *Chapter 3: Zoning Districts*.

2.14.4 LAND DEVELOPMENT AGREEMENTS

The City may enter into Land Development Agreements with developers regarding the development of property, provided that they meet the standards and follow the processes of state law and the following.

- A. Findings:** Land Development Agreements encourage comprehensive planning and capital facilities planning, ensure the provision of adequate public facilities for development, and encourage the efficient use of resources, while providing certainty in the process of obtaining development permits and reducing the economic costs of development by providing greater regulatory certainty. For these reasons, the City Council finds and determines that Land Development Agreements may be useful to both the City and developers by providing more regulatory certainty, establishing a schedule for development, and assisting both developers and the City coordinate the provision of adequate public facilities to serve development, coordinate the phasing of development, and administer and manage efforts to maintain open space and environmentally sensitive lands.
- B. Authority:** The City has the authority to adopt this section for the purpose of entering into Land Development Agreements in accordance with S.C. Code of Laws Section 6-31-10 et. seq., the “South Carolina Local Government Development Agreement Act.”
- C. Content of Development Agreement:** The Land Development Agreement must include a plan for the development of the land that contains the following components, in addition to those set forth under state law:
1. The current zoning district of the land, and the proposed zoning district, if different;
 2. The proposed uses;
 3. The general location of development;
 4. The densities/intensities, area, height, and other dimensional standards that will be applied to the development;
 5. At the City’s discretion, an evaluation of the traffic impact of the development proposed and methods by which the impact would be mitigated;
 6. How the development will connect to external streets, greenways, trails, open space areas, and recreational facilities, and its internal traffic circulation system;
 7. How environmentally sensitive lands will be protected;
 8. A development schedule including commencement dates and interim completion dates of no greater than five-year intervals;
 9. A statement indicating that the developer must obtain all land development permits at his sole cost;

10. A statement indicating that the developer is obligated to follow all laws and ordinances, not only those that may be referenced in the Land Development Agreement;
11. A statement indicating which laws in force at the time of the execution of the Land Development Agreement apply and recognition that other subsequently adopted laws may be applied by the City in accordance with this section of the Zoning Ordinance and state law; and
12. Any other matter determined appropriate for the plan for development of the land.

D. Local Review and Permitting Process:

1. **Public Hearings:** State law provides that two public hearings must take place on the proposed development agreement. This section details that process in the City of Rock Hill.

- **Planning Commission:** The Planning Commission must conduct a public hearing on the proposed development agreement. For information about the public hearing process, see the public hearing process section above.

The Planning Commission must make recommendation to City Council regarding whether it is in the best interests of the City to enter into the Land Development Agreement based on the goals of the City as identified in this section, this Ordinance, the Comprehensive Plan, and other relevant and appropriate City policies.

At its discretion, the Planning Commission may defer action on its recommendation on a proposed Land Development Agreement for the purpose of clarifying issues and information related to the proposal.

- **City Council:** City Council must also conduct a public hearing on the request to enter into a Land Development Agreement.

After the close of the public hearing, the City Council, in its sole discretion, will determine whether or not to enter into the Land Development Agreement, based on such factors as whether the goals of the City, as identified in this section, this Ordinance, the Comprehensive Plan, and other relevant and appropriate policies, is best achieved by the City entering into the Land Development Agreement.

2. **Execution of Land Development Agreement:** A Land Development Agreement must be executed by all persons having legal or equitable title in the land subject to the Land Development Agreement, including the fee simple owner and any mortgagees, and the Mayor, on behalf of the City.
3. **Permits for Development:** The developer must obtain all land development permits at his sole cost. In the event that any such local development permits are not received, no further development of the land subject to the Land Development Agreement will be allowed until such time as the City Council has reviewed the matter and determined whether or not to terminate the Land Development Agreement, or to modify it in a manner consistent with the public interest.

E. Associated Legal Provisions:

1. **Legislative Act:** A Land Development Agreement is a legislative act of the City in the furtherance of its powers to plan and regulate development, and as such, is superior to the rights of existing mortgagees, lien holders, or other persons with a legal or equitable interest in the land subject to the Land Development Agreement, and the obligations and responsibilities arising there under on the landowner are superior to the rights of said mortgagees or lien holders and are not be subject to foreclosure under the terms of mortgages or liens entered into or recorded prior to the execution and recordation of the Land Development Agreement.
2. **Burdens/Benefits:** All burdens of a Land Development Agreement are binding upon, and the benefits of the Land Development Agreement inure to, all successors in interest to the parties to the Land Development Agreement.
3. **Amendment or Cancellation:** A Land Development Agreement may be amended or cancelled by mutual consent of the parties to the Land Development Agreement, or by their successors in interest. A Land Development Agreement may be amended, extended, or modified only in accordance with the procedures established for its original approval.

4. **Effect of Contrary State or Federal Laws:** In the event that state and federal laws are enacted after the execution of a Land Development Agreement that are applicable to and preclude the parties compliance with the terms of the Land Development Agreement, such Land Development Agreement must be modified or revoked as is necessary to comply with the relevant state or federal laws. Such modification or revocation may occur only after notice and a public review is conducted in accordance with this section.

5. **Enabling Legislation:** In the event a court of competent jurisdiction determines S.C. Code of Laws Section 6-31-10 et. seq., or any part thereof, invalid or unenforceable, or in the event that the South Carolina General Assembly amends or repeals S.C. Code of Laws Section 6-31-10 et. seq., in whole or in part, any Land Development Agreement adopted in accordance with this section must be reviewed to determine if such change in the state act results in a substantial impairment of the City's rights or obligations in relation to such Land Development Agreement. The City has the right to immediately terminate the Land Development Agreement as to all parties thereto by written notice to the parties to the Agreement in the event a change in the state act results in a substantial impairment to the City's rights in relation to such Land Development Agreements.

2.14.5 AMENDMENTS TO ZONING ORDINANCE

- A. **Who May Initiate:** An application to amend the text of this Ordinance may be initiated by the City Council, the Planning Commission, or the City Manager.

- B. **Recommendations:**
 1. **Staff:** For all Zoning Ordinance amendments requests, Planning and Development Department staff will make a recommendation based on an assessment of the overall effect of the proposed amendment to land development and use in the City. Some possible considerations include:
 - Whether the proposed amendment is consistent with the Comprehensive Plan, relevant adopted corridor or small-area plans, and other provisions of this Ordinance or other local regulations;
 - Whether the proposed amendment would address a demonstrated community need;
 - Potential impacts that the proposed amendment may have to existing land uses or development processes in the City; and
 - Whether the proposed amendment would further or hinder adopted City goals and policies.

 2. **Planning Commission:** For all Zoning Ordinance amendments requests, the Planning Commission will make its recommendation after holding a public hearing on the issue. (See the public hearing section above for information about that process.) The Planning Commission should evaluate the proposed amendment using the possible considerations that are listed in the Board of Historic Review section below on historic preservation topics, and should evaluate the proposed amendment using the possible considerations that are listed in the staff section above on other topics.

 3. **Board of Historic Review:** For all Zoning Ordinance amendments requests involving historic design standards, the Board of Historic Review will make its recommendation after holding a public hearing on the issue. (See the public hearing section above for information about that process.) The Board of Historic Review should evaluate the overall effect of the proposed amendment based on considerations such as:
 - Whether the proposed amendment would further or hinder adopted City goals and policies relative to the Historic Overlay District;
 - Whether the proposed amendment would reinforce the intent of the Historic Overlay District as described in *Chapter 3: Zoning Districts*;
 - Whether the proposed amendment would address a demonstrated community need within the Historic Overlay District;

- Whether the proposed amendment conforms to generally accepted practices for historic preservation;
- Whether the proposed amendment is generally in line with other jurisdictions in the State that have historic preservation standards; and
- Whether the proposed amendment would overly burden the owners of properties within the Historic Overlay District.

C. Effect of Text Amendment on Special Exception Use: In 2017 and 2018, the City comprehensively updated the Zoning Ordinance. Where those changes would require an existing permitted or conditional use to have one or more special exceptions, that approval is deemed to have been granted automatically.

In all years after that, if changes to the *Table of Primary Uses* in *Chapter 4: Land Use: Primary Uses* or other changes made to the text of the Zoning Ordinance require an existing permitted or conditional use to have one or more special exceptions, that use is considered a nonconforming use.

2.14.6 HISTORIC DESIGN GUIDELINES

City Council has the authority to amend the City's adopted design guidelines for properties within the Historic Overlay District using a process that is the same as for text amendments to the Zoning Ordinance except for the following modifications:

- A.** The Board of Historic Review will hold the public hearing instead of the Planning Commission.
- B.** The Board of Historic Review will make a recommendation to the City Council about the proposed changes instead of the Planning Commission using the standards listed above for recommendations on proposed Zoning Ordinance amendments as a guide.
- C.** City Council may approve the changes by resolution instead of by Ordinance.

2.14.7 SCHEDULE OF FEES

City Council has the authority to approve by resolution a schedule of fees governing applications for permits and other permit approvals reviewed under this Ordinance.

2.14.8 OTHER

City Council also has the authority to take any other action not delegated to the Planning Commission, Zoning Board of Appeals (ZBA), Board of Historic Review (BHR), the Planning & Development Director, the City Attorney, or other heads of City departments as City Council may deem desirable and necessary to implement the provisions of this Ordinance.

APPENDIX 2-A: CERTIFICATES REQUIRED FOR RECORDING

MINOR SUBDIVISION PLATS

The following certificates are required on minor subdivision plats. They must be signed by the appropriate party prior to recording by the York County Register of Deeds office.

CERTIFICATE OF ACCURACY

I hereby state to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class ____ survey as specified therein; also there are no visible encroachments or projections other than shown.

By _____

Registered South Carolina Surveyor's Number _____

Date _____

CERTIFICATE OF OWNERSHIP

I (we) hereby state that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby consent to the subdivision and easements as shown.

Date

Owner

Owner

CERTIFICATE OF APPROVAL OF RECORDING

I hereby certify that this plat has been approved for recording by the York County Register of Deeds office.

Date

City of Rock Hill Planning & Development Director or designee

FINAL PLATS

The following certificates are required on final plats. They also must be signed by the appropriate party prior to recording of the plat by the York County Register of Deeds office.

CERTIFICATE OF ACCURACY

I hereby state to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class ____ survey as specified therein; also there are no visible encroachments or projections other than shown.

By _____

Registered South Carolina Surveyor's Number _____

Date _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby state that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby consent and covenant to the subdivision, covenants, conditions and easements as shown and as provided by the within certifications all of which shall run with the land and shall be binding on my (our) heirs, successors and assigns. I (we) hereby dedicate all streets, alleys, walks, stormwater piping, ponds, basins improvements and features, sidewalks, parks, and other sites to public or private use as noted; however, I (we) acknowledge that dedication does not mean acceptance by the City of Rock Hill. To the extent that the City of Rock Hill has not specifically and in writing accepted any of such areas or improvements, I (we) are jointly and severally liable for compliance with City of Rock Hill standards and regulations regarding any common area/open space maintenance including, but not limited to, detention ponds, stormwater piping, ponds, basins improvements and features, sidewalks, private roads, alleys, trees and landscaping.

Date

Owner

Owner

CERTIFICATE OF APPROVAL OF RECORDING

I hereby certify that this plat has been approved for recording by the York County Register of Deeds office.

Date

City of Rock Hill Planning & Development Director or designee

CERTIFICATE OF APPROVAL OF THE INSTALLATION AND CONSTRUCTION OF STREET, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS

I hereby certify that streets, utilities, and other required improvements have been installed in an acceptable manner and according to City specifications and standards in the development entitled _____, or that a guarantee of the installations of the required improvements in an amount or manner satisfactory to the City of Rock Hill has been received.

Date

Engineer, City of Rock Hill Planning & Development Department

CERTIFICATION OF APPROVAL OF COMPLIANCE WITH THE STORMWATER MANAGEMENT AND SEDIMENT REDUCTION ACT OF 1991, AS AMENDED

I hereby certify that the stormwater management and sedimentation control system designed and installed for _____ (development name) addresses required improvements as cited in the City of Rock Hill Zoning Ordinance and Stormwater and Erosion Control Manual; complies with the standards established and amended by the South Carolina Department of Health and Environmental Control (DHEC)/their designee; and was approved on _____ (date) by DHEC/their designee.

NDPES# _____

SCR# _____

By _____

Registered P.E. Number _____

Date _____

CERTIFICATE RELATED TO TRAILS AND SHARED USE PATHS

I hereby certify that I will be responsible for the maintenance and liability resulting from the use of trails and shared use paths, whether available for public use or available only for private use.

Date

Owner

Date

Owner

IF SUBJECT TO A PERFORMANCE GUARANTEE

THIS FINAL PLAT IS SUBJECT TO A PERFORMANCE GUARANTEE, WHICH MEANS THAT ALL REQUIRED PUBLIC IMPROVEMENTS AND PRIVATE AMENITIES HAVE NOT BEEN COMPLETED. IN THE EVENT THE DEVELOPER DEFAULTS AND THE CITY MUST COMPLETE THE PUBLIC IMPROVEMENTS OR PRIVATE AMENITIES, THE DEVELOPER OR FUTURE PROPERTY OWNERS' ASSOCIATION WILL BE ASSESSED ANY DIFFERENCE BETWEEN THE AMOUNT OF THE PERFORMANCE GUARANTEE AND THE ACTUAL CONSTRUCTION COST.

APPENDIX 2B: ASSOCIATED DEFINITIONS

Adverse impact

A significant negative impact.

Aggrieved party

A person, with a legally recognized interest (i.e., fee simple ownership) and standing to appeal, that is injuriously affected by a decision from any decision-making body of the City, including any officer or agent of the City.

Applicant

A person, firm, or governmental agency executing the necessary forms to obtain approval or a permit for a land disturbing activity.

Authorized agent

A person with express written consent to act upon another's behalf.

Developer

A person undertaking, or for whose benefit, activities covered by this Ordinance are commenced and/or carried out. This person may or may not also be an Applicant.

Development

The construction, reconstruction, remodeling, conversion, structural alteration, relocation, enlargement, or demolition of any structure, portion of a structure, or sign; any change in use in land, building, or structure, or material change in the appearance of any structure; any increase in the number of dwelling units, businesses, manufacturing establishment, or offices; any mining, excavation, filling, grading, paving, or land disturbance; and any act of subdivision of land.

Planning & Development Director (or "Director")

The person responsible for administering this Ordinance or a designee. The zoning administrator, as designated by the City Manager.

Register of Deeds

The duly designated Register of Deeds of York County, South Carolina.

ZONING DISTRICTS

3

SECTIONS

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3.1 PURPOSE AND INTENT

The purpose of this Chapter is to:

- Establish the base and overlay zoning districts for the City;
- Describe the general intent for the residential, business, and master plan districts;
- Describe the specific intent of each base zoning district;
- List the development standards for master plan districts; and
- List the regulations for each overlay district.

3.2 ESTABLISHMENT OF BASE ZONING DISTRICTS

The following underlying, or base, zoning districts are established. All land in the City is assigned to one of these base zoning districts.

BASE ZONING DISTRICTS	
ABBREVIATION	DISTRICT NAME
RESIDENTIAL DISTRICTS	
RU	Rural
SF-2	Single-Family Residential-2
SF-3	Single-Family Residential-3
SF-4	Single-Family Residential-4
SF-5	Single-Family Residential-5
SF-8	Single-Family Residential-8
SR	Senior Residential
SF-A	Single-Family Attached
MFR	Multi-Family Residential
MF-15	Multi-Family-15
MX	Mixed Use
BUSINESS DISTRICTS	
NO	Neighborhood Office
NC	Neighborhood Commercial
OI	Office and Institutional
LC	Limited Commercial
GC	General Commercial
CC	Community Commercial
CI	Commercial Industrial
DTWN	Downtown
MUC	Mixed Use Corridor
IB	Industry Business
IG	Industry General
IH	Industry Heavy
MASTER PLANNED DISTRICTS	
MP-R	Master Planned Residential
MP-C	Master Planned Commercial
MP-BIP	Master Planned Business/Industrial Park
MP-CU	Master Planned College/University

3.3 DESCRIPTIONS OF INTENT FOR BASE DISTRICTS

3.3.1 RESIDENTIAL DISTRICTS

The residential zoning districts contained in this section are established and intended to provide a comfortable, healthy, safe, and pleasant environment in which to live, and more specifically to:

- A. Provide appropriately located lands for residential development that are consistent with the goals, objects, and policies of the *Comprehensive Plan*.
- B. Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of noise, traffic congestion, undue concentration of population, and other significant adverse environmental effects.
- C. Provide for residential lands with varying density together with public and semi-public buildings and facilities, accessory structures, and non-residential services as may be compatible with such development.

The City has the following base residential zoning districts. This is a general description of the specific purpose and intent for each district. For the specific uses that are allowed in each district, see *Chapter 4: Land Use: Primary Uses*.

- A. **Rural:** This district is established to primarily provide for uses related to or compatible with agriculture. It is limited to areas that are shown as Edge Management on the Comprehensive Plan’s Future Land Use Map or on parcels of at least five acres in areas that are shown as Neighborhood Residential areas on the Comprehensive Plan’s Future Land Use Map. The district is intended to discourage rapid growth in these rural areas and to support the right to farm within the district, including the continuation of existing farm uses and the establishment of new farm uses. A few complementary uses customarily found in rural zoning districts, such as low-density residential uses, religious institutions and agricultural uses, may also be allowed; however, any new single-family detached neighborhood must grant a right-to-farm easement to the property owners of any adjacent farmland to allow operations using generally acceptable agricultural management practices on adjacent parcels to generate noise, odors, dust, light, and other impacts from said practices. Properties that are at least five acres and are zoned with the Rural zoning district shall not be required to connect to City water and/or sewer utilities unless both of the following are true: (a) the services are available immediately adjacent to the subject use, and (b) the cost to connect is within 10% of the cost for the property owner to install well and/or septic instead. However, properties that are zoned with the Rural zoning district may request connection to City water and/or sewer services at the property owner’s discretion at any time.
 - 1. Property owners in the Rural zoning district are allowed to build more than one residence per lot, provided that:
 - i. The property owner lives on the property;
 - ii. The person(s) for whom the dwelling unit(s) are being built are related to the owner of the property by blood, marriage, or adoption; and
 - iii. The total number of units is limited to 1 unit per every 2 acres, with a maximum of 7 units; and
 - iv. The land is not conveyed to anyone not related to the property owner by blood, marriage, or adoption within 5 years from the approval of the use.
 - 2. Property owners in the Rural zoning district are allowed to locate any non-residential land use that is allowed in the Rural zoning district by permitted use according to the use chart of Chapter 4 on the same parcel as where they live. The same is allowed for conditional uses, provided that the required conditions for the use are met according to Chapter 4. Special exception uses in the Rural zoning district also may be allowed to be located on the same parcel where the property owner lives if the Zoning Board of Appeals determines that the proposed non-residential use would not have any negative off-site impacts during its consideration of the special exception request for the use.
- A. **Single-Family Residential-2 (SF-2), Single-Family Residential-3 (SF-3), Single-Family Residential-4 (SF-4), and Single-Family Residential-5 (SF-5):** These residential districts are established to primarily provide for single-family detached residential development. A few complementary uses customarily found in residential zoning districts, such as religious institutions, may also be allowed.

One primary difference between these districts is the minimum lot size for development and other dimensional standards that are listed in full in *Chapter 6: Community Design Standards*. The following chart summarizes the differences in lot sizes for single-family residential development.

Zoning District	Minimum Lot Size for Single-Family Residential Development
SF-2	20,000 square feet
SF-3	14,000 square feet
SF-4	9,600 square feet
SF-5	7,800 square feet

Another primary difference between these zoning districts is the locations where they are intended to be located after August 8, 2022. The Comprehensive Plan's Future Land Use Map is included in Appendix 3-D. These statements are meant to serve as general guidance regarding the intensity of residential development in different areas of the City; at any time, City Council may determine through rezoning requests that additional locations are suitable for development according to a particular zoning district.

- **SF-2:** Besides the Rural zoning district, this district is intended to be the only zoning district allowed in the Edge Management areas shown on the Comprehensive Plan's Future Land Use Map. This is regardless of the lot sizes that are present in nearby existing neighborhoods, whether they were approved in York County or in the City prior to the above date.
 - **SF-3 and SF-4:** These districts are intended to be located in the Neighborhood Residential areas shown on the Comprehensive Plan's Future Land Use Map. To determine whether SF-3 or SF-4 is more appropriate, the lot sizes in nearby existing neighborhoods will be considered as well as adjacent land uses and the designations of adjacent land on the Comprehensive Plan's Future Land Use Map. For example, if the property proposed to be developed is adjacent to an Edge Management area shown on the Comprehensive Plan's Future Land Use Map and is developed with large-lot residential uses, SF-3 would be considered a more appropriate zoning district for the development, whereas if the property to be developed is located more towards the center urban area of the City and is adjacent to mid-density residential subdivisions, SF-4 would be considered a more appropriate zoning district.
 - **SF-5:** This district is intended to be located only in the Old Town area shown on the Comprehensive Plan's Future Land Use Map or within Neighborhood Residential areas shown on the Comprehensive Plan's Future Land Use Map that are bounded by Interstate 77 to the east, Celanese Road/Old York Road to the north, Heckle Boulevard to the west, and Albright Road/East Main Street/South Anderson Road to the south. This zoning district is generally not allowed in the Edge Management areas of the Comprehensive Plan's Future Land Use Map.
- B. Single-Family Residential-8 (SF-8):** The SF-8 district is established as a district in which the principal use of land is single-family detached development at moderate to high densities in recognition of the historic development patterns within neighborhoods in Old Town, which is the only area of the City where this district is allowed. A few complementary uses customarily found in residential zoning districts, such as religious institutions, may also be allowed. The regulations of this district are intended to discourage any use that would substantially interfere with infill and redevelopment in the district. Rezoning requests to this district are not allowed after August 8, 2022.
- C. Senior Residential (SR):** The senior residential district is intended to allow smaller detached lots and fewer parking requirements than is allowed in the other single-family residential districts as well as a few complementary uses, such as assisted living facilities and adult day care centers. This district is limited to developments that deed restrict the properties for ownership by citizens ages 55 and older. It also is limited to the Old Town area shown on the Comprehensive Plan's Future Land Use Map; within the Neighborhood Residential areas shown on the Comprehensive Plan's Future Land Use Map that are bounded by Interstate 77 to the east, Celanese Road/Old York Road to the north, Heckle Boulevard to the west, and Albright Road/East Main Street/South Anderson Road to the south; or in the other Neighborhood Residential areas shown on the Comprehensive Plan's Future Land Use Map if part of a larger single-family neighborhood of lower density (e.g., SF-3 or SF-4) with the senior housing component no more than 20% of the total number of lots. See map in Appendix 3-D. These statements are meant to serve as general guidance regarding the location of small-lot senior residential development; at any time, City Council may determine through rezoning requests that additional locations are suitable for the use types allowed in this zoning district.
- D. Single-Family Attached (SF-A):** The SF-A district is established and intended to allow single-family attached housing products such as townhouses, duplexes, and quadruplexes, or other products where each unit has a separate parcel of land associated with it. This district is designed with the intent of developing single-family attached products and conveying them to owner-occupants in fee simple.

The maximum residential density allowed is eight dwelling units per developable acre. The intent is to generally limit areas of single-family attached projects to concentrations of 200 units.

Rezonings to this zoning district should involve land that is:

1. Located only in the Old Town area shown on the Comprehensive Plan's Future Land Use Map or within Neighborhood Residential areas shown on the Comprehensive Plan's Future Land Use Map that are bounded by Interstate 77 to the east, Celanese Road/Old York Road to the north, Heckle Boulevard to the west, and Albright Road/East Main Street/South Anderson Road to the south. See map in Appendix 3-D.
2. Located in areas that support the City's long-term redevelopment and development goals and have long-term value by the amenity of their location.
3. Located adjacent to areas with existing or emerging walkable environments near restaurants, shopping, recreation, colleges, and major employment centers, and near areas where the potential for future transit service has been identified.
4. Located in areas that do not negatively impact existing neighborhoods or constrain higher-value uses such as prime commercial and industrial areas.
5. Of a size that is in scale and able to be integrated with the surrounding mix of uses to create an overall sense of place and community.
6. Large enough to support on-site amenities suitable to the location, but not so large so as to become repetitive and overwhelming to the surrounding development.

- E. Multi-Family Residential (MFR):** The MFR district is established and intended to allow multi-family residential uses, including apartments and condominiums.

The intent is to generally limit areas of multi-family projects to concentrations of 225 units. The maximum density is 20 units per developable acre. For purposes of calculating maximum density and evaluating properties for rezoning to this zoning district, land that is not easily developable, such as land within the 100-year floodplain, steep slopes, wetlands, and other areas that are similarly constrained, would not be counted.

Rezonings to this zoning district should involve land that is:

1. Located in areas that support the City's long-term redevelopment and development goals and have long-term value by the amenity of their location. Such locations are generally central to high-activity corridors and centers.
2. Located adjacent to areas with existing or emerging walkable environments near restaurants, shopping, recreation, colleges, and major employment centers, and near areas where the potential for future transit service has been identified.
3. Located in areas that do not negatively impact existing neighborhoods or constrain higher-value uses such as prime commercial and industrial areas.
4. Of a size that is in scale and able to be integrated with the surrounding mix of uses to create an overall sense of place and community. For example, the project size should be less than 5 developable acres in low-density areas, less than 10 developable acres in medium-density areas, and less than 15 developable acres in high-density areas.
5. Large enough to support on-site amenities suitable to the location, but not so large so as to become repetitive and overwhelming to surrounding development.

- F. Multi-Family-15 (MF-15):** Although originally established to allow a wide range of medium to high-density housing types, it is the intent of this ordinance that the MF-15 district be phased out over time by not allowing new rezonings to the MF-15 district after October 12, 2015. In order to avoid creating nonconforming uses, and to allow properties that have this zoning district to develop with specific uses, the district continues to allow single-family detached, single-family attached, multi-family, and a few other specified uses.

- G. Mixed Use (MX):** The MX district is intended to allow live/work units, upper-story dwellings above a non-residential use, other products that combine residential and non-residential uses, and a mix of stand-alone residential uses in the same geographic area as existing non-residential uses. Non-residential uses are allowed only as part of a mixed-use building with a residential component. This district should be located along a major road corridor that ordinarily would support commercial zoning districts.

The maximum density is 30 units per developable acre, with a maximum unit count of 250. The maximum acreage per project is 10 developable acres.

Upper-story dwelling above a non-residential use is allowed only in this zoning district, the Downtown zoning district, and Master Planned districts. Dwellings of that type would be required to meet the development and design standards for multi-family projects.

3.3.2 BUSINESS DISTRICTS

The business zoning districts are established for the general purpose of ensuring there are lands in the City that provide a wide range of office, retail, service, industrial, and related uses to meet household and business needs, and more specifically to:

- A. Provide appropriately located lands for the full range of business uses needed by the City's residents, businesses, and workers, consistent with the goals, objectives and policies of the *Comprehensive Plan*.
- B. Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities.
- C. Create suitable environments for various types of business uses, and protect them from the adverse effects of incompatible uses.
- D. Create suitable environments for various types of mixed-use development, where business, office, retail, and residential uses are designed and integrated in compatible ways.
- E. Preserve the unique character and historic resources of the downtown.
- F. Minimize the impact of business development on residential districts and uses.

The City has the following base business zoning districts. This is a general description of the specific purpose and intent for each district. For the specific uses that are allowed in each district, see *Chapter 4: Land Use: Primary Uses*.

- A. **Neighborhood Office (NO):** The NO district is established to provide for a mix of small-scale professional office uses together with limited service uses and single-family detached dwellings in close proximity to one another, subject to design and compatibility standards. Non-residential uses must be located in buildings that are consistent with surrounding residential uses in physical design, scale, and character, and they must not exceed 10,000 square feet in area.

All non-residential development in the NO district must limit its public operating hours to between 6 a.m. and 10 p.m.

- B. **Neighborhood Commercial (NC):** The NC district is established and intended to provide for small-scale retail, service, and professional offices that provide goods and services to serve the residents of the surrounding neighborhood. The district should not include establishments that attract traffic from areas of the City outside the neighborhood that is being served by the use. Non-residential uses in the NC district are limited to 10,000 square feet in area per use in an individual building.

The district should typically be located at the intersection of two collector (residential or commercial) streets or a collector street and arterial/major collector street in close proximity to the residential neighborhood which these serve.

The district is subject to development standards to ensure development is consistent with the neighborhood scale and form of the district, and compatible with surrounding uses through setbacks, height limitations, bulk, and other dimensional standards, connectivity requirements, controls on lighting, and site design. In addition, all non-residential development in the NC district must limit its public operating hours to between 6 a.m. and 10 p.m.

- C. **Office and Institutional (OI):** The OI district is established to provide a wide variety of professional and business offices and institutions proximate to residential and the more intense business districts so as to satisfy the City's demand for services. These regulations are designed to encourage the formation and continuance of a quiet, compatible, and uncongested environment for offices intermingled with residential and institutional uses.
- D. **Limited Commercial (LC):** The LC district is established as a mid-level intensity commercial district that allows a wider range of non-residential uses at increasing intensities than the NC district. The uses allowed in this district include a wide range of general retail, business, and

service uses, as well as professional and business offices as allowed in the NC district. Uses in this district are intended to serve groups of neighborhoods instead of individual neighborhoods.

- E. **General Commercial (GC):** Although originally established to apply to lands being used commercially that did not fit into one of the other commercial districts, it is now the intent of this ordinance that the GC district be phased out over time by not allowing new rezonings to the district.
- F. **Community Commercial (CC):** The CC district is established and intended to provide lands for business uses that provide goods and services to residents of the entire community, including shopping centers and large retail establishments. These commercial uses should provide appropriate appearance, parking, traffic movement, and landscaping elements, and protect abutting residential areas from adverse impacts. The CC district should typically be located along major arterials, at the intersection of arterials, and along growth corridors as identified in the *Comprehensive Plan*, but should not create or promote strip commercial development.
- G. **Commercial Industrial (CI):** The CI district is established and intended to provide lands for more intense commercial and light industrial uses that are compatible with one another, but are generally less compatible with residential areas. These uses have less of a need for prime retail locations at major intersections, but benefit from the accessibility and exposure of locations along arterial or collector roads away from major intersections and residential uses. They are particularly suited for automobile oriented or service-oriented businesses.
- H. **Downtown (DTWN):** The DTWN district is established and intended to encourage the development of the City's downtown as the focal point in Rock Hill with an intense mix of office, retail, service, restaurant, entertainment, cultural, government, civic, and residential uses, with no density or intensity limitations. More specifically, the district is intended to:
 - 1. Provide services to persons shopping, working, or living in the downtown area;
 - 2. Provide for a range of downtown business uses, as well as residences above the street-level as by-right uses;
 - 3. Encourage retail and restaurant uses on the street-level to support and encourage greater foot traffic;
 - 4. Encourage infill of vacant lands, and redevelopment of existing and under- utilized lands in the downtown area;
 - 5. Require new development to be consistent with the existing template of development in the downtown;
 - 6. Support uses and activities which add to the hours of use of the downtown; and
 - 7. Promote the economic and investment potential of downtown Rock Hill.
- I. **Mixed Use Corridor (MUC):** The MUC district is intended to foster a compatible mix of land uses along the Saluda Street corridor, where commercial land uses closely abut residential areas. The standards for the MUC district are set forth in an appendix to this chapter.
- J. **Industry Business (IB):** The IB District is established and intended to accommodate a wide range of employment-generating office, institutional, research and development, and light manufacturing uses and associated commercial uses that serve the employment-generating uses. Such uses must take place entirely inside buildings, or must be developed in a manner compatible with surrounding land uses, so as to minimize potential nuisances or damage to the environment. In addition, by allowing a wide range of permitted uses, the IB District is intended to accommodate the development of "flex space" arrangements, where the developer can establish different combinations of allowable uses on a site over time, as the market dictates, as long as all uses and development conform to the standards established by this ordinance.
- K. **Industry General (IG):** The IG District is established and intended to provide lands for light and general industrial uses that can be operated in a relatively clean and quiet manner and that will not be obnoxious to adjacent residential or business districts. Some commercial uses are allowed, but are considered incidental to the predominantly light industrial nature of the district. Areas of Industry General zoning should contain at least 10 acres, although individual parcels within the area must only meet the minimum lot size as shown in *Chapter 6: Community Design Standards*.

- L. **Industry Heavy (IH):** The IH District is established and intended to primarily provide lands for industrial uses that have high impacts to neighboring properties. Areas of Industry Heavy zoning should contain at least 10 acres, although individual parcels within the area must only meet the minimum lot size as shown in *Chapter 6: Community Design Standards*.

3.3.3 MASTER PLANNED DISTRICTS

The Master Planned (MP) districts are established for the purpose of encouraging innovative land planning and site design concepts that support a high quality of life, and that achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals by:

- A. Reducing or diminishing the uniform design that results from the strict application of zoning and development standards that are designed primarily for individual lots.
- B. Allowing greater freedom in selecting the means to provide access, open space, and design amenities.
- C. Allowing greater freedom in providing a well-integrated mix of residential and non-residential land uses throughout the development and on individual lots, including a mix of housing types, lot sizes, and densities.
- D. Providing of an efficient use of land resulting in smaller networks of utilities and streets, and thereby lowering development and housing costs.
- E. Promoting quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and uses.
- F. In specific instances, encouraging quality design and environmentally sensitive development by allowing increases in residential density or non-residential square footage when such increases can be justified by superior design or the provision of additional amenities, such as public open space.

The City has the following master plan districts. This is a general description of the specific purpose and intent for each district. For more information about the standards of Master Planned districts, see *Appendix 3-A*.

- A. **Master Planned Residential (MP-R):** The purpose of the MP-R district is to provide a mix of residential uses using innovative and creative design elements, while at the same time providing an efficient use of open space. Limited commercial uses will be allowed in the MP-R district to serve the needs of the residents in the development (unless it can be demonstrated that commercial/retail that is targeted towards the larger community is justified).

Master Planned Residential (MP-R) zoning requests for single-family detached and attached developments will only be allowed after August 8, 2022, for:

1. Affordable housing proposals targeted to serve families that earn 100% or less of the actual median income in Rock Hill (not the area median income of the greater Charlotte region); and/or
2. Other residential development proposals that are truly innovative in character. A mix of non-residential and residential land uses that are fully integrated together (not just commercial outparcels in front of a residential development) generally will be expected for the development to be considered “innovative,” but the proposal should also have other unique aspects to be considered under the Master Plan rezoning process. The intent of this provision is to ensure that the Master Planned zoning process is not used by traditional or tract housing subdivision developers as a mechanism to avoid meeting the regular design and development standards of this Ordinance.

Two local examples include:

- Riverwalk, which remediated a contaminated industrial site and converted it into a neighborhood with public recreation uses and complementary commercial and institutional uses integrated into the community; and
- Baxter Village, which also integrates commercial and institutional uses including a library and a school with several different types of residential uses.

- B. Master Planned Commercial (MP-C):** The purpose of the MP-C district is to provide mixed-use retail and office development, with limited moderate and higher-density residential uses integrated into the development above street levels and as separate stand-alone uses.
- C. Master Planned Business/Industrial Park (MP-BIP):** The purpose of the MP-BIP district is to encourage the development of a mix of employment and residential uses (office, research, light industrial, limited commercial, and high-density residential) at appropriate major intersections and corridors within the City in a planned and aesthetically pleasing way. This is done by allowing design flexibility as well as a mix of uses that are reviewed as a plan for development.
- D. Master Planned College/University (MP-CU):** The purpose of the MP-CU district is to encourage growth and development of accredited college and university campus sites, while ensuring the development impacts from the college or university campus site will not have an adverse effect on surrounding lands. This is accomplished by integrating campus uses so that such uses can be linked by pedestrian ways, bikeways, and other transportation systems, and properly siting such uses in order to reduce automobile use, mitigate environmental impacts, conserve energy resources, and achieve visual continuity.

3.4 RELATIONSHIP OF OVERLAY ZONING DISTRICTS TO BASE ZONING DISTRICTS

Lands within the City must be classified into one of the base zoning districts established above, and also may be classified into one or more of the overlay districts set forth below. Where land is classified into an overlay district as well as a base zoning district, the standards governing development in the overlay district will apply in addition to the standards governing development in the underlying base zoning district. In the event of an express conflict between the standards governing a base zoning district and those governing an overlay district, the standards governing the overlay district will control.

3.5 HISTORIC OVERLAY DISTRICT (HOD)

3.5.1 ESTABLISHMENT OF DISTRICT

The Historic Overlay District (HOD) is established through identification on the Official Zoning District Map, and in the boundary descriptions listed in the document, *Historic Properties and Districts within the City of Rock Hill*.

3.5.2 DESCRIPTION OF INTENT

The purpose of Historic Overlay District is to promote the educational, cultural, economic, and general welfare of the public by providing a mechanism for the identification, recognition, preservation, maintenance, protection, and/or enhancement of old, historic, and architecturally valuable structures, properties, districts, and/or neighborhoods which serve as visible reminders of the social, cultural, economic, political, and/or architectural history of the City. More specifically, the purpose of the district is to:

- A. Foster civic pride;
- B. Preserve the City's heritage;
- C. Preserve the character and desirable historic, architectural, and aesthetic features of the City;
- D. Conserve and improve the value of land designated under the district;
- E. Protect and enhance the attractiveness of the City to residents, businesses, tourists, visitors, and shoppers;
- F. Protect and enhance the quality of life for local residents;
- G. Foster wider public knowledge and appreciation of structures that provide a unique and valuable perspective on the social, cultural, and economic mores of past generations;
- H. Foster architectural creativity by preserving physical examples of outstanding architectural techniques of the past; and

- I. Encourage new structures and developments that will be harmonious with existing structures, properties, areas, and sites designated in accordance with this section, and complement the character or existing structures.

3.5.3 CONSIDERATIONS FOR DISTRICT DESIGNATION

The procedures to designate a property with the Historic Overlay District are the same as for any map amendment set forth in *Chapter 2: Administration*, except that the Board of Historic Review will also review the request and make a recommendation to City Council about it.

In designating a Historic Overlay District, the City Council should consider whether lands, buildings, or structures have historical or archaeological significance. This may be shown by virtue of the property:

- A. Being located within a district listed on the National Register of Historic Places;
- B. Being a site of archaeological significance;
- C. Being associated with a significant person or event of historical noteworthiness;
- D. Having distinctive architectural characteristics of a significant type, period, or method of construction; and
- E. Being within a geographically-definable area that possesses a significant concentration, or continuity of sites, pattern of development, buildings, objects or structures united in past events of historical significance.

3.5.4 DEVELOPMENT STANDARDS

The standards for properties within a Historic Overlay District are listed in the *City of Rock Hill's Design Review Guideline Manual for Historic Properties*, which is hereby made part of this ordinance by reference.

3.5.5 REVIEW PROCESS

The process for the review of proposed development projects and architectural changes on properties within this overlay district is explained in *Chapter 2: Administration*.

3.6 AIRPORT OVERLAY DISTRICT (AOD)

3.6.1 ESTABLISHMENT OF AIRPORT OVERLAY DISTRICT

The Airport Overlay District (AOD) and its various zones are established through identification on the Official Zoning District Map. This district is based on the *Airport Master Plan* as approved by City Council, as revised or amended.

The zones of the Airport Overlay District are divided into two categories:

- A. **Airport Height and Hazard Protection Zones:** These are areas where planes ascend and descend, and therefore where the regulation of the height of structures and the activities that take place below this flight path area are of paramount importance.
 - 1. **Runway Approach Zones:** The inner edge of these approach zones coincides with the width of the primary surface and is 1,000 feet wide. The approach zones expand outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - 2. **Transitional Zones:** The transitional zones are the areas beneath the transitional surfaces.
 - 3. **Horizontal Zone:** The horizontal zone is established by swinging arcs of 10,000 feet from the center of each end of the primary surface of the runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

4. **Conical Zone:** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

B. Airport Land Use Protection Zones: These are areas within proximity of the airport where the noise and activities of planes may be disruptive to the quality of life of residents or businesses, and where certain types of land uses, such as those that bring large numbers of people together, are not appropriate due to the risk of accidents involving planes occurring in the area.

1. **Airport Use Zone:** Defined as those areas in proximity to the Rock Hill-York County Airport exposed to an average day-night sound level equal to or greater than 65 decibels as established by the *Airport Noise Contour Study*.
2. **Airport Compatibility Zone:** Defined as those areas located within a half-mile of the Airport runway.
3. **Airport Influence Zone:** Defined as those areas in proximity to the Rock Hill-York County Airport exposed to an average day-night sound level equal to or greater than 55 decibels as established by the *Airport Noise Contour Study*.

3.6.2 DEFINITIONS

Definitions related to the Airport Overlay District are located in *Appendix 3-B: Definitions for Airport Overlay District*.

3.6.3 DESCRIPTION OF INTENT

The Airport Overlay District is established to strive for greater compatibility between the airport and surrounding land uses. More specifically, the district is designed to:

- A. Strive for development consistency with the *Rock Hill/York County Airport (Bryant Field) Airport Master Plan*;
- B. Prevent the impairment of the airport;
- C. Promote the utility and safety of the airport;
- D. Protect and promote the general economy and welfare of the airport;
- E. Promote land use compatibility for future uses proximate to the airport; and
- F. Protect the character and stability of existing land uses in the vicinity of the airport.

3.6.4 APPLICABILITY AND EXCEPTIONS

A. Applicability: The provisions of this section apply to all land within the Airport Overlay District.

B. Exceptions:

1. **New Approved Residential Development:** New residential development included as part of a final plat or major site plan approval prior to the effective date of this ordinance (October 27, 2008) is exempt from the use limitations within the Compatibility Zone and the density limitations found in the chart below.

If such development has been issued a building permit prior to the effective date of this ordinance, it will also be exempt from the *Noise Level Reduction Standards*.

2. Parcels Located in Multiple Zones:

- A parcel located in more than one of the Airport Land Use Protection Zones will be subject to the requirements of all the applicable zones.
- If only a portion of a parcel lies within an Airport Land Use Protection Zone, the entire parcel will be subject to the requirements of the applicable zone unless the Planning & Development Director determines that the intent of this section can be met without strict adherence to the restrictions.

- An area located in more than one of the Airport Height and Hazard Protection Zones is considered to be only in the zone with the more restrictive height limitation.

3.6.5 DEVELOPMENT STANDARDS

The following standards apply to all types of development in the Airport Overlay District.

- A. Consistency with the Rock Hill/York County Airport (Bryant Field) Master Plan:** Development within the District must be consistent with the goals and objectives of the *Airport Master Plan* (as amended).
- B. Height Limitations:** Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any Airport Field Height and Hazard Protection Zone created by this chapter to a height in excess of the applicable height established in this chapter for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:
- 1. Runway Approach Zones:** Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes outward 40 feet horizontally for each foot upward to an additional horizontal distance of 40,000 feet along the extended runway centerline.
 - 2. Transitional Zones:** Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where these intersect the conical surface. Where the runway approach zones project beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at ninety (90) degree angles to the extended runway centerline.
 - 3. Horizontal Zone:** Established at 150 feet above the airport elevation.
 - 4. Conical Zone:** Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

Nothing in this chapter will be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 50 feet above the surface of the land.

- C. Use Restrictions:** The following chart shows the types of land uses that are prohibited in the various zones within the Airport Overlay District. The chart is intended to temper and modify the use and development standards of the base zoning district to the extent necessary to achieve the objectives of the district.

LAND USE RESTRICTIONS IN AIRPORT OVERLAY DISTRICT					
An "X" designates that the use is prohibited in the listed zone "All use types" means all the use types listed in the Table of Primary Uses for the broader use category					
Use Categories	Prohibited Land Uses	All Airport Height and Hazard Protection Zones	Land Use Protection Zones		
			Airport Use Zone	Airport Compatibility Zone	Airport Influence Zone
Residential uses					
Household living	Single-family residential at a density of more than two units per acre			X	
	Single-family attached			X	
	Multi-family			X	
Elder care	All use types			X	
Group living	All use types			X	
Public and commercial					
Community services	All use types			X	

Day care	All use types			X	
Educational institutions	All use types			X	
Event and entertainment	All use types			X	
Health care	All use types			X	
Recreation	All use types			X	
Religious institutions	All use types			X	
Utilities	Wireless communication towers (except as authorized by the Federal Aviation Administration)		X	X	X
Industrial					
General industrial	Outdoor storage		X	X	X
Waste-related services	All use types		X	X	X
Other					
Any use that:		X	X	X	X
<ul style="list-style-type: none"> creates electrical interference with navigational signals or radio communication between the airport and aircraft diminishes the ability of pilots to distinguish between airport lights and other lights results in glare in the eyes of pilots impairs visibility in the vicinity of the airport creates wildlife or bird strike hazards, or otherwise in any way endangers or interferes with the landing, takeoff, or maneuvering of aircraft 					
Radio and television broadcasting studios			X	X	X
Above-ground storage of explosive, hazardous, flammable, or combustible materials, and related facilities or operations that could pose a threat to the welfare of the public in the event of an aircraft crash or other mishap			X	X	X
Petroleum refining and other related uses that may be susceptible to explosion or fire			X	X	X
Wildlife sanctuaries, refuges, and other uses that may be an attraction to birds or other flying wildlife			X	X	X

D. Noise Level Reduction Standards

- 1. Use types that require noise level reductions:** The following use types are required to provide noise level reductions in the Airport Influence Zone:
 - Residences of all types
 - Eating establishments
 - Offices
 - Retail sales
 - Visitor accommodations
- 2. The amount of required noise-level reduction:** The buildings must be structurally designed and constructed to temper and minimize noise sensitive uses by achieving an outdoor-to-indoor peak noise-level reduction of at least 25 decibels. Normal construction can be expected to provide a noise level reduction of 20 decibels, thus the actual required reduction is 5 decibels.
- 3. How noise-level reduction may be accomplished:** Lowering the noise by the specified number of decibels can be achieved through incorporation of appropriate sound insulation materials and methods for improving acoustic insulation performance into the design and construction of all proposed uses. A qualified professional must certify that the design standards, construction standards, and/or materials used to construct the structure will achieve the required noise level reductions prior to the issuance of a building permit.

3.6.6 PROPERTY DISCLOSURES

- A. Zones Must Be Depicted on Plats:** The Airport Land Use Protection Zones must be depicted on any preliminary or final subdivision plat, master plan, site specific development plan, or any other document filed as part of any approval process with the Planning & Development Department.
- B. Required Disclosure Statement:** All preliminary or final subdivision plats, master plans, site specific development plans, or any other document filed as part of any approval process with the Planning & Development Department involving property within an Airport Land Use Protection Zone must contain the following disclosure statement. This applies regardless of whether the land uses shown are residential or non-residential in nature.

Airport Land Use Protection Zone Disclosure Statement

All or a portion of this property lies within an Airport Overlay District, Airport Land Use Protection Zone which applies to property in proximity to the Rock Hill-York County Airport/Bryan Field Airport (UZA). Persons on the premises may be exposed to noise and other effects as may be inherent in Airport operations. The City has placed certain restrictions on the development and use of property within these areas. All or a portion of this property lies within (please check all that apply):

- ____(a) Airport Use Zone
- ____(b) Airport Compatibility Zone
- ____(c) Airport Influence Zone

- C. Required Disclosure Form for Non-Residential Properties:** All real estate transactions involving non-residential property located within an Airport Land Use Protection Zone must include the following form, which must be signed by the buyer(s), seller(s), and witnesses as part of the sales contract and must be filed with the deed and/or plat at the York County Clerk of Court's Office upon closing.

Airport Land Use Protection Zone Non-Residential Property Disclosure Form

All or a portion of the non-residential property at _____ (address/tax parcel number) is located within an Airport Overlay District, Airport Land Use Protection Zone in proximity to the Rock Hill-York County Airport/Bryan Field Airport (UZA). Persons on the premises may be exposed to noise and other effects as may be inherent in Airport operations. The City has established certain Airport Land Use Protection Zones within its Zoning Ordinance. All or a portion of this property lies within (please check all that apply):

- ____(a) Airport Use Zone
- ____(b) Airport Compatibility Zone
- ____(c) Airport Influence Zone

The City has placed certain restrictions on the development use of property within these areas. Before purchasing the above property, you should consult the City of Rock Hill Planning & Development Department to determine if this property is subject to any additional restrictions.

CERTIFICATION

As the owner(s) of the subject non-residential property, I/we hereby certify that I/we have informed _____, the purchaser(s), that all or a portion of the subject property is located in an Airport Overlay District, Airport Land Use Protection Zone.

Dated this _____ day of _____, 20____.
Witness _____ Owner(s) _____

As the purchaser(s) of the subject non-residential property, I/we hereby certify that I/we have been informed that all or a portion of the subject property is in an Airport Overlay District, Airport Land Use Protection Zone, and I/we understand that it is my/our responsibility to consult with the City of Rock Hill Planning and Development Department to determine if this property is subject to any additional restrictions.

Dated this _____ day of _____, 20____.
Witness _____ Owner(s) _____

3.6.7 NONCONFORMING USES AND VARIANCES

- A. **Nonconforming Uses Abandoned or Destroyed:** Uses and structures that deviate from the requirements of this chapter are governed by *Chapter 10: Nonconformities*.
- B. **Regulations Not Retroactive:** The regulations prescribed in this section will not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of May 13, 1985, or otherwise interfere with the continuance of a nonconforming use.
 - 1. **Exception:** The owner of any existing nonconforming structure or tree must allow the City to install, operate, and maintain (at its expense) any markers and lights as are deemed necessary by the City Manager to indicate to the operators of aircraft in the vicinity of the Airport the presence of such aircraft obstruction.
- C. **Variances:** Any person desiring to do any of the following may apply to the Zoning Board of Appeals from a variance from the regulations:
 - 1. Erect or increase the height of any structure beyond that allowed by this ordinance.
 - 2. Permit the growth of any tree taller than that allowed by this ordinance.

The variance will follow the process described in *Chapter 2: Administration* with these two additional steps:

- 1. The application for variance must include an assessment from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.
- 2. A copy of the application must be provided to the Rock Hill-York County Airport Commission for advice as to the aeronautical effects of the variance. If the Airport Commission does not respond to the application within 10 days after receipt, the Zoning Board of Appeals may act on its own to grant or deny the application.

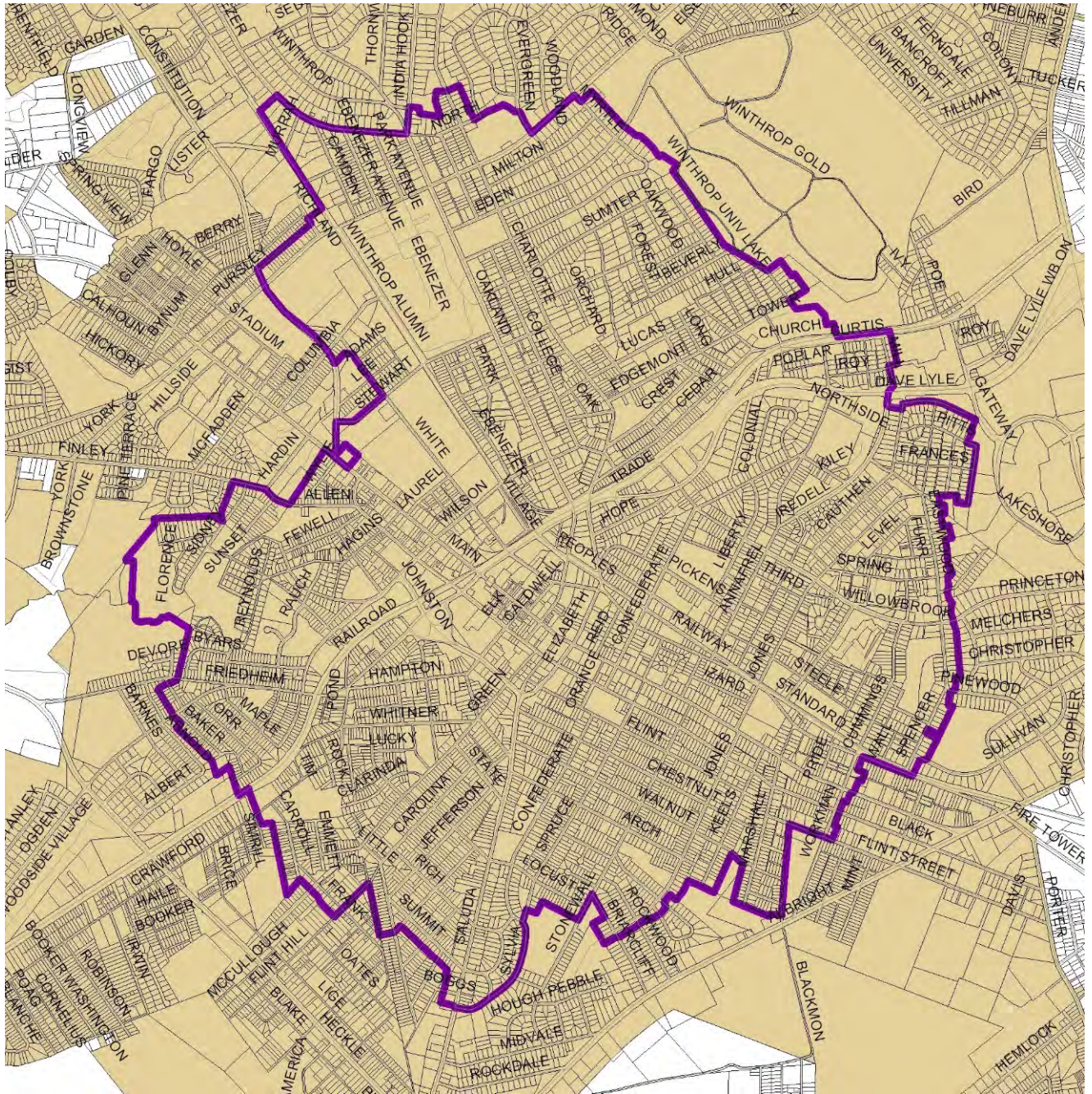
3.6.8 SOUTH CAROLINA AERONAUTICS COMMISSION

State law requires that the City notify the South Carolina Aeronautics Commission about specific types of applications involving land use around the airport that may or may not be located in the City's Airport Overlay District. When such notification is required, the City will follow the regular procedures and timelines set forth in *Chapter 2: Administration* and will administer the regular standards of this Ordinance in its other Chapters to the greatest extent allowed by state law.

3.7 OLD TOWN

Certain development and design standards throughout this Ordinance are modified for properties that are located within the Old Town boundaries as defined by this Ordinance. This is because these properties were often subdivided and developed many years ago, or they are surrounded by properties that were subdivided and developed many years ago, such that applying modern standards in areas such as setbacks or parking do not always make sense.

Whenever "Old Town" is used in this Ordinance, it refers to those properties that are shown within the boundary on the next page. Old Town is neither a base zoning district nor an overlay zoning district, but rather a description of properties that receive the benefit of some modified standards as set forth in particular sections of this Ordinance by virtue of being included on this Old Town map.



3.8 DESIGN OVERLAY DISTRICT

3.8.1 ESTABLISHMENT OF DISTRICT

The Design Overlay District (DOD) is established through identification on the Official Zoning District Map. Properties assigned to have the Design Overlay District at the creation of the district are also listed in Chapter 1. Other properties in this area that are currently located in the unincorporated area of York County are expected to have the Design Overlay District added upon annexation into the City of Rock Hill.

Additionally, the Design Overlay District standards will be applied through the City's utility service agreement to properties located in the County's jurisdiction that are shown on the map of subject properties in the Design Overlay District standards manual.

3.8.2 DESCRIPTION OF INTENT

The purpose of the Design Overlay District is to promote the economic and general welfare of the public by providing enhanced architectural and site design standards for specified key redevelopment areas of the City. More specifically, the purpose of the district is to:

- A.** Conserve and improve the value of the land designated under the district;
- B.** Protect and enhance the attractiveness of the City to residents, businesses, tourists, visitors and shoppers;
- C.** Protect and enhance the quality of life for local residents; and
- D.** Encourage economic development by providing a more visually inviting atmosphere to attract commerce for existing and potential businesses.

3.8.3 DEVELOPMENT STANDARDS AND REVIEW PROCESS

The standards and review processes for the development or redevelopment of properties within the Design Overlay District are listed in the City of Rock Hill's Design Overlay Standards manual, which is hereby made part of this ordinance by reference, as amended.

APPENDIX 3-A STANDARDS FOR MIXED USE CORRIDOR (MUC) ZONING DISTRICT

APPLICABILITY

A Mixed Use Corridor (MUC) district is established on lands along the Saluda Street Corridor between Johnston Street and Heckle Boulevard as depicted in the *Saluda Street Corridor Master Plan*.

RELATIONSHIP TO OTHER REGULATIONS

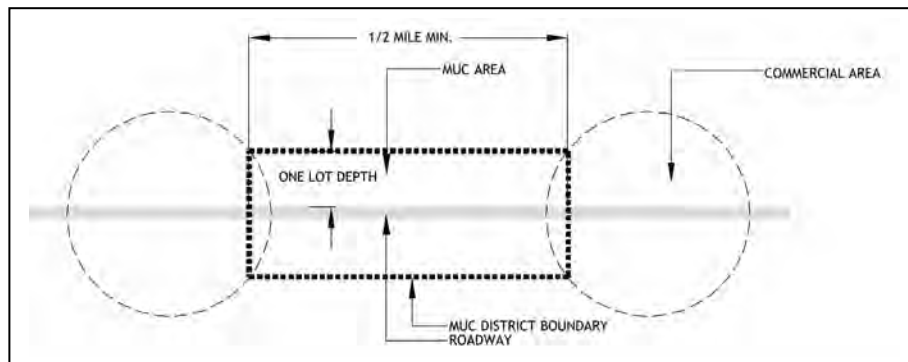
- A. Development within the MUC district must comply with the standards of this section and the applicable corridor or area plan. Except for lands within the Historic Overlay District (HOD), when there is a conflict between the corridor or area plan and this section, this section will control.
- B. With the exception of the standards in the Historic Overlay District (HOD), if the standards in this section conflict with other standards in this ordinance, the standards in this section will control.
- C. In cases where the standards in this section conflict with the standards in Historic Overlay District (HOD) or the standards in the *Historic Design Review Guideline Manual*, the standards of the Historic Overlay District and the *Design Review Guideline Manual* will control.

GENERAL DISTRICT STANDARDS

The following general standards apply to all development and redevelopment in the MUC district:

- A. **District Form:** The MUC district has a linear form with its width typically defined by the depth of the parcels on either side of the roadway; however, the district may extend beyond those parcels under special circumstances (i.e., to accommodate uses that typically locate within residential neighborhoods, such as religious institutions and community centers).

MUC DISTRICT FORM



- B. **Residential Density:** Vertical density in multi-story buildings is encouraged as long as the residential scale of the area is maintained. Small-lot residential development is encouraged.
- C. **On-Site Circulation:** The siting of structures must provide adequate vehicle and pedestrian circulation. Sidewalks and alleys are encouraged, especially when used as a means for pedestrians to reach parking behind buildings. Alleys, intended to provide access to parking, garage, rear and service entrances, and ancillary uses should be included wherever possible in order to minimize the number of access points to the primary street.
- D. **Compatibility:** The impact of the proposed use as designed must demonstrate compatibility with other existing or planned uses in close proximity, and must fit in with the residential neighborhood in terms of scale and appearance. Uses which are potentially noxious, dangerous, or offensive to adjacent occupancies in the same or neighboring districts, or to those who pass on public ways by reason or odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, or

radiation, or likely for other reasons to be incompatible with the character of the district, are prohibited.

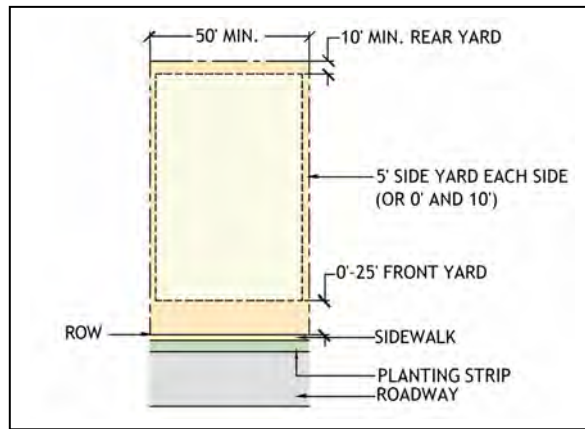
- E. **Hours of Operation:** Non-residential development in the MUC district must operate only between the hours of 6 AM and 10 PM.

DEVELOPMENT DESIGN STANDARDS

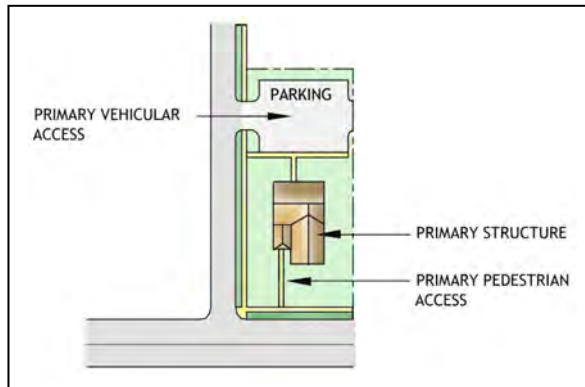
- A. **Residential Density:** Maximum residential density is limited to 10 units per acre.
- B. **Lot Configuration:** Lots in the MUC district must comply with these standards:

LOT ELEMENT	STANDARD
Minimum Lot Area	6,000 square feet
Minimum Lot Width	50 feet; 22 feet for Townhouse lots
Front Yard Depth	None required [1]
Side Yard Depth	0 feet; 10 feet both sides [2]
Rear Yard Depth	10 feet
NOTES:	
[1] In no instance shall a front yard be deeper than 25 feet from the edge of the right-of-way, or more than 15 feet from the edge of the sidewalk.	
[2] Principal structures on different lots must be a minimum of 10 feet apart.	

The typical lot configuration is depicted in this figure:



- C. **Site Design:** Development and redevelopment in the MUC district must comply with the following site design standards:



Components of this include:

1. Structures must be located proximate to the street upon which the structure fronts.

2. If a new structure is to be located in an existing developed area, the structure must be substantially aligned with the adjacent buildings, provided that it is not located within the right-of-way;
3. If additions or expansions are made to existing single-family residential structures, such expansions should be made toward the street the building fronts.
4. Except for single-family residential uses, off-street parking must be located behind the building it serves. Up to 50% of the off-street parking may be placed to the side of a building with approval of an Administrative Adjustment as explained in *Chapter 2: Administration*, but in no instance can any off-street parking be located between the building and the street it fronts.

D. Vehicular Access: Vehicles should not impede the pedestrian nature of the district, or cross pedestrian paths without giving proper care to the pedestrian right-of-way. Lots in the MUC district must comply with the following standards:

1. Vehicular access should be from the rear via alleys, driveways connecting to side streets, and cross-access ways to minimize the number of driveways connecting to the primary roadway.
2. Driveways are limited to a maximum of one driveway per parcel.
3. Corner lots must have the driveway located so that access is provided from the side street.
4. Driveway access options include:
 - Access from a side street, with the driveway to the rear of the structure;
 - Access from the primary street that is shared with more than one use; and
 - Access from the primary street that is not shared with more than one use but has separation of at least 40 feet between driveways of adjacent uses.

E. Connectivity

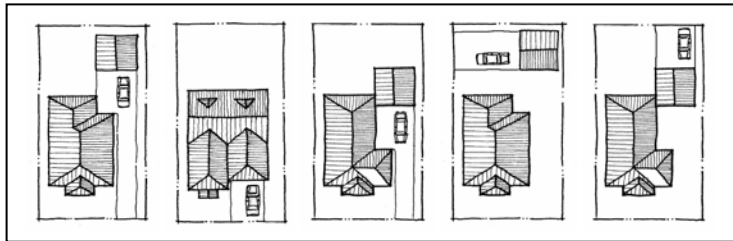
1. **Cross Access:** Cross-access ways that meet the standards for such (see the parking section of *Chapter 8: Development Standards*) must be provided to the maximum extent practicable between off-street parking lots.
2. **Pedestrian Connections:** Sidewalks along streets must be continuous so as to connect corridor development to adjacent neighborhoods. Pedestrian access, at a minimum must be provided at the front of all buildings in the form of a sidewalk connecting the primary building entrance to the public sidewalk.

F. Building Design

1. **Orientation:** Buildings and these primary entrances must be oriented to the primary street.
2. **Height:** Building height is limited to a maximum of 35 feet.
3. **Footprint:** Building area is limited to a maximum of 15,000 square feet.
4. **Maximum Width:** Maximum building width is 100 feet for public and institutional use types, and is 50 feet for all other uses.
5. **Facades:**
 - The primary street side façade of a building cannot consist of an unarticulated blank wall or an unbroken series of garage doors. Building facades must be varied and articulated in accordance with the *Chapter 9: Site and Building*

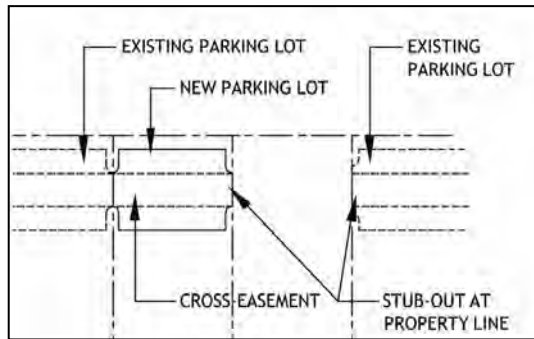
Design Standards to provide visual interest to pedestrians. Porches, bays, and balconies are encouraged.

- Windows, doors, and openings must comprise a minimum of 50% of the length of the first floor front façade. Where there is secondary frontage on an alley or side street, the doors and windows may comprise a minimum of 25% of the length of the first floor façade.
 - Transparent windows allowing visual access into and out of non-residential buildings are required on the first floor frontage.
 - At least one of the principal entrances should orient to the primary street or to plazas, parks, or walkways that connect the building to the primary street.
6. **Canopies:** Canopies, awnings, and similar appurtenances are permitted and encouraged on all front access points to a building. These may be constructed of wood or flexible material designed to complement the appearance of the building and the surroundings. A minimum overhead clearance of 9 feet from the sidewalk must be maintained. These structures may extend no more than 9 feet from the front façade or may be no closer than 18 inches to the back of curb, whichever is more restrictive.
- G. **Garages:** Garages should be positioned to reduce visual impact on the street. At a minimum, a garage must be located behind the front façade of the building it serves. This figure indicates the range of garage placement options.



- H. **Outside Structures and Activities:** Outside activities such as sidewalk cafes, vendors with carts, or displays of items or goods by adjacent businesses are encouraged in accordance with the following standards:
1. All structures or tables placed outside for use in sales or display of goods must be sturdily constructed and kept in good repair.
 2. Structures or tables must not be placed where these impede the safety of pedestrian or vehicular traffic.
 3. Goods for sale may not be placed outside of the area designated for placement.
 4. Outdoor storage is prohibited.
- I. **Parking and Loading:** Development and redevelopment must comply with the off-street parking and loading standards in *Chapter 8: Development Standards*, and the following standards:
1. New construction, expansion, or areas where parking lot renovation comprises more than 50% of the current tax assessed value of the land where located must comply with the following requirements:
 - All off-street parking areas must be located to the rear of buildings unless an alternative placement is approved as an Administrative Adjustment.
 - Each off-street parking area must be designed and located so that parking lots on adjacent parcels may be linked.
 - As each parcel is developed or redeveloped for higher density residential or non-residential use(s), a cross-access way to adjacent parcels must be established.

- Off-street parking lots must be designed to facilitate rear access by providing future connections to lots where no adjacent parking lot exists, or by connecting to adjacent parking lots where these do exist, as illustrated in this figure:



- J. Landscaping and Street Trees:** Landscaping and street trees must be provided in accordance with *Chapter 8: Development Standards* and *Chapter 6: Community Design Standards* for all development and redevelopment.

APPENDIX 3-B STANDARDS FOR MASTER PLANNED DISTRICTS

APPLICABILITY

After September 11, 2017, all Master Planned districts must be reviewed in accordance with the following standards.

Master Planned districts, and precursor districts such as Planned Unit Developments (PUDs), Planned Residential Developments (PRDs) and Planned Developments (PDs) approved prior to this date are subject to the standards and conditions included within their approvals and the Zoning Ordinance provisions in place at the time of adoption. If approval of the plans associated with these districts expires, the provisions of this ordinance will apply.

FOUNDATION PRINCIPLES

Unless otherwise stated in a particular Master Plan, the following foundation principles apply.

- A. Zoning Ordinance Serves as Foundation for Standards:** The Zoning Ordinance serves as the foundation of regulations applying to the project. Unless the Master Plan exhibits or Terms and Conditions document specifically call out deviation from Zoning Ordinance standards, the Zoning Ordinance's standards in place at the time of creation of the Master Plan apply.

Environmental regulations such as riparian buffers and open space should only be modified when the *specific* intent of those regulations within the Zoning Ordinance is met. Other types of regulations, such as but not limited to land-use buffers, parking standards, and architectural standards, may be modified based on the unique design of the project, provided that the *general* intent of the regulations within the Zoning Ordinance is met.

- B. Status of Exhibits:** The Master Plan and other attached exhibits are specifically designed to reflect the overall design intent, as well as the required elements and commitments defined for the project. No inadvertent detail or graphic not clearly specified on the exhibits is intended to contradict the specific requirements of the Zoning Ordinance. The Master Plan and other attached exhibits are intended to be conceptual in nature, with civil and construction drawings submitted and reviewed according to the process set forth in the Zoning Ordinance for individual buildings and other project components as the overall plan is developed.

- C. Order of Control:** In the case of a contradiction, the order of control is:

1. The Master Plan Terms and Conditions;
2. The Master Plan or other exhibits where specific details have been called out;
3. The Zoning Ordinance (if amended after the creation of this document, then the amended version of the Zoning Ordinance applies); and
4. The Master Plan or other exhibits for general items that have not been specifically called out.

COMPONENTS OF MASTER PLAN

Master Planned districts are established through the creation of a Master Plan and associated Terms and Conditions.

- A. Master Plan:** A master plan must:

1. Be prepared by a licensed engineer, architect, landscape architect, or land planner;
2. Identify the general location of land uses within individual development areas or development pods, and the mix of land uses;
3. Calculate the acreage, number, type, and mix of land uses, including the total number of residential units, residential densities and non-residential intensities within each

development area or development pod, and the total number, type, and mix of land uses for the entire Master Plan;

4. Identify the general location, amount, and type (whether designated for active or passive recreation) of open space;
5. Identify the on-site transportation circulation system, including all public and private streets, existing or projected transit corridors, pedestrian and bicycle pathways, and how such on-site improvements will connect with existing adjacent City facilities;
6. Identify the location of environmentally-sensitive lands such as riparian buffers, wildlife habitat, and stream corridors;
7. Establish the general location of on-site potable water and wastewater facilities, and how these would connect to the existing utility infrastructure in the area.
8. Establish the general location and function of on-site stormwater management facilities.
9. Identify the general location of all public facility sites serving the development, including transportation, potable water, wastewater, parks, emergency management services, stormwater management, and schools.

B. A Terms and Conditions document must include the following components:

1. A brief statement of planning objectives and intent for the project.
2. A list of principal and accessory uses allowed, and by what mechanism (permitted by right, by conditional use, or by special exception).
3. Any modifications being requested from use-specific standards for principal and accessory uses.
4. Lot standards (such as but not limited to setbacks, land-use buffers, height, and size of buildings).
5. Development and design standards on topics such as but not limited to parking, landscaping, lighting, and architectural design.

C. Other Exhibits: Depending on the particular project, other exhibits may be included as well. Examples include the following.

1. **Traffic Impact Analysis:** In cases where a proposed Master Plan triggers the threshold requirements of the *Traffic Impact Standards*' section of *Chapter 8: Development Standards*, a traffic impact analysis (TIA) must be prepared.
2. **Phasing Plan:** If the Master Planned district is proposing to have multiple phases, a development phasing plan must be provided that identifies the general sequence or phases in which the land is proposed to be developed, including how residential and non-residential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the City's capital improvements program. The phasing plan may allow modification based on future market conditions.
3. **Conversion Schedule:** The Master Plan may include a conversion schedule that identifies the range of conversion that may occur between different types of uses. These conversions may be from one residential use to another residential use, from one non-residential to another non-residential use, from a residential use to a non-residential use, or from a non-residential use to a residential use.
4. **Other Specialized Plans:** Other specialized plans, such as but not limited to the following, may be included as well: a lighting plan; a signage plan; an open space plan; a landscape plan; an amenities plan; and architectural renderings, elevations or examples.

GENERAL STANDARDS FOR ALL MASTER PLAN DISTRICTS

- A. Consistency with the Comprehensive Plan:** The MP zoning district designation and the Master Plan must be consistent with the *Comprehensive Plan*.
- B. Compatibility with Surrounding Areas, Especially Residential Areas:** Development along the perimeter of an MP district must be compatible with adjacent existing or proposed future development. In cases where there are issues of compatibility, the Master Plan must provide for transition areas at the edges of the MP district that allow for appropriate buffering and/or ensure a complementary character of uses. Complementary character is identified based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, and siting of service areas.
- C. Location:** All Master Planned districts may be located anywhere within the City, including on any land proposed for annexation.
- D. Size:**
 - 1. Master Plan-Residential (MP-R) districts must be at least 5 acres.
 - 2. Master Planned Commercial (MP-C) and Master Planned Business/Industrial Park (MP-BIP) districts must be at least 10 acres.

However, City Council may reduce these size requirements where appropriate based on physical development constraints, protection of environmentally-sensitive natural areas, or the promotion of a community goal when more conventional development or subdivision would be difficult or undesirable given the constraints on development.

APPENDIX 3-C DEFINITIONS FOR AIRPORT OVERLAY DISTRICT

The following words, terms, and phrases, when used in this subsection, will have the following meanings ascribed, except where the context clearly indicates a different meaning:

Airport: Rock Hill-York County Airport/Bryant Field.

Airport Elevation: 667 feet above mean sea level.

Airport Master Plan: A long-term development plan for the airport adopted by the airport proprietor and local jurisdictions including documents and drawings related to the development of a specific airport from a physical, economic, social, and political jurisdictional perspective. The airport layout plan is a part of this plan.

Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this chapter.

Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

Day-Night Average Sound Level: The A-weighted average sound level in decibels during a 24-hour period with a 10-decibel weighting applied to nighttime sound levels.

Hazard to Air Navigation: An obstruction determined to have an adverse effect on the safe and efficient utilization of the navigable airspace.

Height: For the purpose of determining the height limits in the Airport Overlay District set forth in this ordinance and shown on the height and hazard protection map, the datum will be mean sea level elevation unless otherwise specified.

Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the outer perimeter of which in plane coincides with the perimeter of the conical zone.

Noise Contour: A line connecting points of equal noise exposure.

Noise Contour Study: Mapping analysis that depicts the 20-year anticipated future noise contours for the airport environs prepared for the Rock Hill-York County Airport/Bryan Field in August 2007, or as periodically revised upon *Airport Master Plan* updates.

Noise Level Reduction: The amount of noise level reduction in decibels achieved through incorporation of noise attenuation (between outdoor and indoor levels) in the design and construction of a structure.

Obstruction: Any structure, growth, or other object, including a mobile or manufactured home, which exceeds a limiting height set forth in this chapter.

Person: An individual, firm, partnership, corporation, company association, joint stock association, or government entity, including a trustee, a receiver, an assignee, or a similar representative of any of these.

Primary Surface: A surface longitudinally centered on the runway and extending 200 feet beyond each end of the runway. The width of the primary surface is 1,000 feet. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

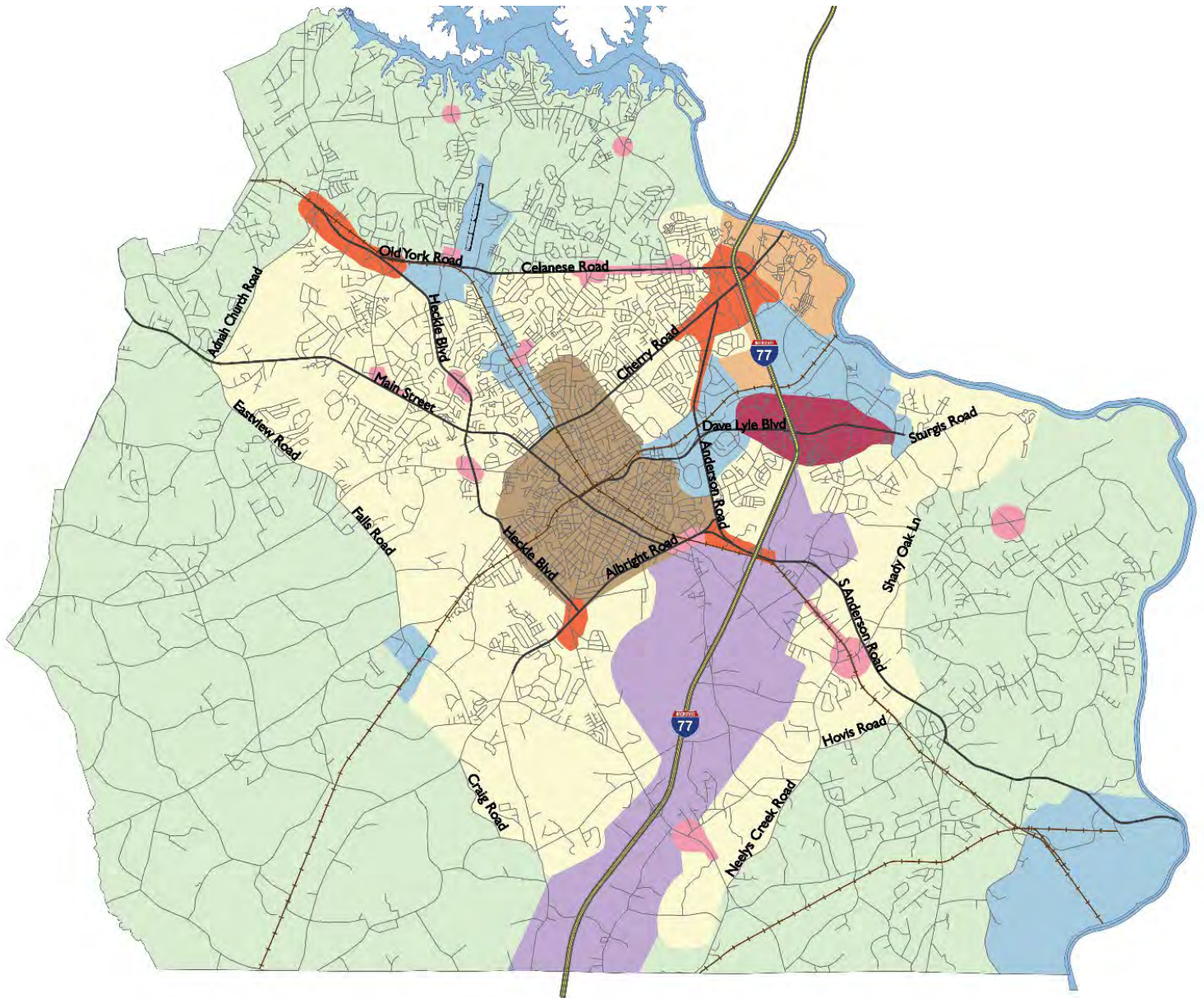
Runway: The defined area on the airport prepared for landing and takeoff of aircraft along its length.










Structure: An object, including a mobile object, constructed or installed by man, including, without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

Transitional Surfaces: Surfaces extending outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where these intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the approach surfaces which project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

Tree: Any object of natural vegetation.

**APPENDIX 3-D
FUTURE LAND USE MAP FROM CITY'S COMPREHENSIVE PLAN**



- | | | | |
|---|----------------------|---|-----------------------|
|  | EDGE MANAGEMENT |  | OLD TOWN |
|  | NEIGHBORHOOD |  | MIXED-USE CENTER |
|  | NEIGHBORHOOD |  | EMPLOYMENT CENTER |
|  | COMMUNITY COMMERCIAL |  | INTERSTATE EMPLOYMENT |
|  | REGIONAL COMMERCIAL | | |

LAND USE: PRIMARY USES

4

SECTIONS

4.1 PURPOSE AND INTENT P. 1

4.2 APPLICABILITY P. 1

4.3 TABLE OF PRIMARY USES

4.3.1 Explanation of Table P. 2

4.3.2 Table of Primary Uses P. 3

4.3.3 Use-Specific Standards P. 7

APPENDIX 4-A: DESCRIPTIONS OF
PRIMARY USES P. 48

APPENDIX 4-B: PUMP STATION PERPETUAL
MAINTENANCE FEE CALCULATION FORMULA
P. 72

4.1 PURPOSE AND INTENT

The purpose of Chapter 4 is to set forth the primary uses that are allowed in each zoning district, and the mechanisms by which they are allowed, as well as specific standards that apply to some types of uses. This is to:

- Encourage the most appropriate uses of land in the different zoning districts of the City;
- Protect the health, safety, morals, and general welfare of the community;
- Conserve property values;
- Provide residential areas, religious institutions, day cares and preschools, schools, and public parks adequate separation from potentially impactful uses; and
- Encourage economic development activities that provide desirable employment opportunities.

4.2 APPLICABILITY

All land in the City is subject to the standards of this chapter.

4.3 TABLE OF PRIMARY USES

4.3.1 EXPLANATION OF TABLE

- A. Descriptions of Uses:** A description of each use category that is listed in the Table of Primary Uses is located in *Appendix 4-A: Descriptions of Primary Uses*. The description includes the use category's characteristics, some examples, associated accessory uses and structures, and exceptions.
- B. Ways Uses May Be Allowed:** Uses may be allowed in three ways—as a permitted use, a conditional use, or a special exception use.
- 1. Permitted Uses (uses allowed “by right”):** A “P” in a cell indicates that a use is allowed in the respective district. These uses have no use-specific standards but are subject to all other applicable regulations in this ordinance. This is a staff-level review.
 - 2. Conditional Uses:** A “C” in a cell indicates that a use is allowed in the respective district, provided that all use-specific standards and all other applicable regulations in this ordinance are met. This is a staff-level review.
 - 3. Special Exception Uses:** An “S” in a cell indicates that the Zoning Board of Appeals may consider whether the proposed use is appropriate based on the criteria in *Chapter 2: Administration*, or other criteria listed for the particular use, such as in the use-specific standards section of this ordinance. These uses are subject to all other applicable regulations in this ordinance, including all use-specific standards if any are listed, as well as any additional conditions imposed by the Zoning Board of Appeals.

Some developments are zoned as part of a Master Plan (MP) district (or a precursor district, such as a Planned Unit Development (PUD) or Planned Development (PD)). In these cases, the zoning documents will specify whether uses are permitted uses, conditional uses, or special exception uses. If they do not, the standards in the Zoning Ordinance in place at the time of approval will apply.

- C. Use-Specific Standards:** Conditional uses and some special exception uses have use-specific standards, the existence of which is noted in the *Table of Primary Uses*. These regulations apply to all zoning districts unless otherwise specified. The use-specific standards for primary uses can be found after the *Table of Primary Uses*.
- D. Sites with Multiple Principal Uses:** When a development includes multiple uses, each use must be allowed by the underlying district and must meet all applicable regulations for that use.
- E. Prohibited Uses:** A blank cell indicates that the use is prohibited in the respective district.
- F. Unlisted Uses:** The Planning & Development Director will determine whether an unlisted use is sufficiently similar to an existing use type to be classified the same, or is prohibited. The Director must give due consideration to the intent of this ordinance concerning the zoning district involved, the character of the uses allowed in the district, and the character of the use in question.

In order to determine that the proposed use has an impact that is similar in nature, function, and duration to the other uses allowed in a specific district, the Planning & Development Director must assess all relevant characteristics of the proposed use, including but not limited to the following:

1. The volume and type of sales (retail or wholesale), size and type of items sold, and nature of inventory on the premises;
2. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;

3. The nature and location of storage and outdoor display of merchandise, and predominant types of items stored;
4. The type, size and nature of buildings and structures;
5. The number and density of employees and customers in relation to business hours and employment shifts;
6. Traffic and transportation impacts (for people and freight);
7. Parking needs;
8. The amount and nature of any nuisances generated on the premises such as noise, smoke, odor, glare, vibration, radiation and fumes;
9. Whether any special public utilities are needed to serve the proposed use; and
10. Whether the impact on adjacent properties created by the proposed use will be greater than that of other uses in the district.

4.3.2 TABLE OF PRIMARY USES

TABLE OF PRIMARY USES																									
P = Permitted Use C = Conditional Use S = Special Exception Blank Cell = Prohibited																									
USE CATEGORY	USE TYPE	RESIDENTIAL										BUSINESS								USE-SPECIFIC STANDARDS					
		RU	SF-2	SF-3	SF-4	SF-5	SF-8	SR	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC	CC	CI		DTWN	MUC	IB	IG	IH
Residential																									
Household living	Single-family detached	C	C	C	C	C	C	C	C	C	C	C	C	C	C	S	S	S		S	C		S		4.3.3.2.1(A)
	Single-family attached								C	C	C									C					4.3.3.2.1(B)
	Multiple family								C	C	C									C					4.3.3.2.1(C)
	Residential infill						S				S		S	S	S					S	S				4.3.3.2.1(D)
Group living	Dormitories/student housing										P					P				P					None
	Fraternity or sorority house									S					C										4.3.3.2.2(A)
	Group home (Type A)											S	S	S	S	S		S	S	S					4.3.3.2.2(B)
	Group home (Type B)											S	S	S	S	S		S	S	S					4.3.3.2.2(B)
	Halfway house														S	S	S	S							4.3.3.2.2(B)
Elder care	Assisted living facility; nursing home facility; continuing care facility	S					S		P	P	P	S		P	P	P	P		S	P					None
	Independent living apartments for seniors								C	C	C								C						4.3.3.2.3(A)
Other	Live/work; upper-story dwelling(s) over commercial use										C								C						4.3.3.2.4(A)
Public and commercial																									
Agriculture and Hunting	Agricultural Support Sales and Services	P																							None
	Agritourism	C																							4.3.3.3.05(A)
	Farming		S																				P		None
	Plant nursery (production)														P	P	P	P				P	P		None
	Hunting with bow or cross bow, as regulated by the S.C. Department of Natural Resources	As allowed by City Code of Ordinances and S.C. Department of Natural Resources																					None		

TABLE OF PRIMARY USES

P = Permitted Use C = Conditional Use S = Special Exception Blank Cell = Prohibited

USE CATEGORY	USE TYPE	RESIDENTIAL											BUSINESS							USE-SPECIFIC STANDARDS					
		RU	SF-2	SF-3	SF-4	SF-5	SF-8	SR	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC	CC	CI		DTWN	MUC	IB	IG	IH
	Hunting with firearms as regulated by the S.C. Department of Natural Resources	P																							None
Animal services	Animal care (limited)	C									S	S	S	S	C	C	C	C	C	C	C	C	C		4.3.3.3.1(A)
	Animal care (general)	C													S	C	C	C	C		S	S	C		4.3.3.3.1(B)
	Equine Stable	C	S																						4.3.3.3.1(C)
Cemeteries, columbaria, and mausoleums	Cemetery; columbaria; mausoleum	S	S	S	S	S	S	S						S	S	C	C	C	C	S	C				4.3.3.3.2(A)
	Community center; youth center; senior center										S	P	P	P	P	P	P	P	P	P	P				None
Community services	Museums and libraries										P	P	P	P	P	P	P	P	P	P	P				None
	Community garden	C	C	C	C	C	C	C				C	S	C	S	C	C	C	C	S	C				4.3.3.3.3(A)
	Adult day care center							S			P	P	P	P	S	P	S	S	P	S	S				None
Day care	Child day care center/ Preschool										C	C	C	C	S	C	S	S	C	S	S				4.3.3.3.4(A)
	College/university campus														P										None
Educational institutions	School, elementary	S	S	S	S	S	S								C	S	S	S		S	S				4.3.3.3.5(A)
	School, middle/junior or senior high														C	S	S	S		S	S				4.3.3.3.5(A)
	Vocational/trade school														P	S	S	P	P	P	P	P	P	S	None
	Adult entertainment																C						C		4.3.3.3.6(A)
Event and entertainment	Bar/nightclub															S	S	S	C			C			4.3.3.3.6(B)
	Conference center/convention center										C			S	C	C	C	C	C	C	S	C			4.3.3.3.6(C)
	Event venue	S												S	C	C	C	C	C	C	S				4.3.3.3.6(D)
	Teen club															S	S	S	C	S		C			4.3.3.3.6(B)
	Theater/indoor concert hall/auditorium										S			S	S	P	P	P	P	S	P				None
	Fraternal organization or lodge														S	C	C	C	C	C	C				4.3.3.3.6(E)
	Commissary/catering kitchen/food production														S	C	C	C	C	C	C	C	C		4.3.3.3.7(A)
Food service	Restaurant (without alcohol sales)										C	S	C	C	C	C	C	C	C	C	C	C	S		4.3.3.3.7(B)
	Restaurant serving alcohol										C	S	S	S	C	C	C	C	C	C	C	C	S		4.3.3.3.7(C)
	Extended hours restaurant serving alcohol											S			S	C	C	C	C	C		S			4.3.3.3.7(D)
	Specialty eating establishment										C	S	C	C	C	C	C	C	C	C	C	C	S		4.3.3.3.7(E)
	Craft brewery														S	C	C	C	C	C	S	S	C		4.3.3.3.7(F)
	Detention center																						S	S	4.3.3.3.8(A)
Government facilities	Emergency response facilities (fire, EMS, police)											S	S	S	P	P	P	P	P	P	P	P	P	P	None
	Government operations center													S	S	P	P	P	P	S	P	P	P	P	None
	Post office (regional or headquarters)													P	S	P	P	P	P	S	P	S	S		None

TABLE OF PRIMARY USES

P = Permitted Use C = Conditional Use S = Special Exception Blank Cell = Prohibited

USE CATEGORY	USE TYPE	RESIDENTIAL											BUSINESS							USE-SPECIFIC STANDARDS						
		RU	SF-2	SF-3	SF-4	SF-5	SF-8	SR	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC	CC	CI		DTWN	MUC	IB	IG	IH	
Health care	Hospice												P	P	P	P	P	P	P	P	P				None	
	Hospital														C			C		S	S				4.3.3.3.9(A)	
	Mental health treatment facility														C			C	C	C	S				4.3.3.3.9(B)	
Offices	Business or professional office											P	P	P	P	P	P	P	P	P	P	P	P	P	None	
	Contractor's office (Type A)														S	C	S	P			P	P			None	
	Contractor's office (Type B)															C		C					C	C	4.3.3.3.10(A)	
Parking & transportation	Airport/helicopter facilities																					S	S	S	4.3.3.3.11(A)	
	Fleet maintenance and storage yard																	C				C	C	C	4.3.3.3.11(B)	
	Parking lot/structure														P	P	P	P	P	P	P	P	P		None	
	Passenger bus terminal														S	S	S	S	S	S	S		S	S	None	
Recreation	Indoor recreation uses of ≤3,000 sf										P	S	P	P	P	P	P	P	P	P	P	S	S		None	
	Indoor recreation uses of >3,000 sf										S	S	S	S	P	P	P	P	P	P	P	S	S		4.3.3.3.12(A)	
	Commercial outdoor recreation (Type A)	S															C	C	C	C	C				4.3.3.3.12(B)	
	Commercial outdoor recreation (Type B)	S	S	S				C															S		None	
	Indoor firing range																	S	S				S	S	S	4.3.3.3.12(C)
Public parks and neighborhood common areas	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			4.3.3.3.12(D)	
Religious institution	Religious institution (small)	C	S	S	S	S	S	S		P	S	P	P	P	P	P	P	P	P	P	P	S			None	
	Religious institutions (medium)	C				S	S	S		C		S	S	C	C	C	C	C	C	C	C				4.3.3.3.13(A)	
	Religious institution (large)	S				S	S	S		S		S	S	C	C	C	C	C	C	C	C				4.3.3.3.13(A)	
Retail	Alternative financial services															S							S		4.3.3.3.14(A)	
	Bank/credit union										C	S	C	C	C	C	C	C	C	C	C		S		4.3.3.3.14(B)	
	Flea market															S							S		4.3.3.3.14(C)	
	Funeral home											S	S	P	P	P	P	P	P	P	S				None	
	Gasoline station / convenience store that sells gasoline										S		S		C	C	C	C	C		C	C	S		4.3.3.3.14(D)	
	Liquor store										C		C		C	C	C	C	C	C	C				4.3.3.3.14(E)	
	Personal instruction										P	C	C	P	P	P	P	P	P	P	P	S	S		4.3.3.3.14(F)	
	Personal services (Type A)										P	C	C	P	P	P	P	P	P	P	P	S	S		4.3.3.3.14(F)	
	Personal services (Type B)															S	S	S						C		4.3.3.3.14(G)
	Retail sales or services (indoor)	S									C	S	C	S	C	C	C	C	C	C	C		S		4.3.3.3.14(H)	
Retail sales or services (outdoor); outdoor storage (as a principal use)																	C	C	C		S		C	C	4.3.3.3.14(I)	
Self-storage	Self-storage														S	S	S	S	S		S	S	C	C	4.3.3.3.15(A)	
	Minor utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	4.3.3.3.16(A)	
	Major utilities (Type A)										S		S	S	S	C	C	C	C	S	S	C	C	C	4.3.3.3.16(B)	
	Major utilities (Type B)															S							S	S	4.3.3.3.16(B)	
	Freestanding wireless communications tower and/or antenna	S										S	S	S	S	S	S	S	S	S	S	S	S	S	4.3.3.3.16(C) and 4.3.3.3.16(D)	

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		RU	SF-2	SF-3	SF-4	SF-5	SF-8	SR	SF-A	MFR	MF-15	MX	NO	NC	OI	LC		GC	CC	CI	DTWN	MUC	IB	IG	IH
	Manufacturing, special heavy uses																							S	4.3.3.4.3(E)
	Printing and publishing																P	S	P	P	P	P	P	P	None
Wholesaling, warehouse, and freight movement	Parcel services' terminal																		C			C	C		4.3.3.4.4(A)
	Truck or freight terminal																						C	C	4.3.3.4.4(A)
	Flex space																P	S	P	P	P	P	P		None
	Wholesale and Warehouse (limited)																S		C	S		C	C	C	4.3.3.4.4(B)
	Wholesale and Warehouse (general)																		S			S	C	C	4.3.3.4.4(A)
	Recycling drop-off center																		S				S	S	4.3.3.4.5(A)
Waste-related services	Municipal/commercial recycling facility																						S	4.3.3.4.5(B)	
	Landfill																							S	4.3.3.4.5(C)
	Solid waste composting facility																						S	S	4.3.3.4.5(C)
	Tire disposal/recycling facility																							S	4.3.3.4.5(B)
	Junkyard																							S	4.3.3.4.5(B)
	Energy recovery plant																						S	S	4.3.3.4.5(C)
	Hazardous waste collection site																							S	4.3.3.4.5(C)
	Incinerator																							S	4.3.3.4.5(C)

4.3.3 USE-SPECIFIC STANDARDS

4.3.3.1 GENERALLY

- A. Use-Specific Standards:** Conditional uses and some special exception uses have use-specific standards, the existence of which is noted in the last column of the Table of Primary Uses. These regulations apply to all zoning districts unless otherwise specified.

Additionally, the following use-specific standard applies to all conditional and special exception uses, unless a different standard called *Road Capacity* is listed for a particular use.

- 1. Site and emergency access:** All conditional and special exception uses must have adequate road capacity available to serve the use. Additionally, the use must be designed to ensure safe ingress onto and egress from the site, safe road conditions around the site, and adequate access onto the site for fire, police, and emergency medical services.

- B. How to Measure Separation Requirements:** Some uses are required to be separated a specified distance away from other uses or zoning districts. The measurement rules for the separation requirement are as follows.

- For the following specified uses, the separation requirement will always be measured from lot line to lot line. These uses are not eligible to reduce the separation requirement by any mechanism.

- Adult Entertainment
- Bars & Nightclubs

- Teen Clubs
 - Alternative Financial Services
 - Flea Market
 - Personal Services (Type B)
2. For all other types of uses, separation will be measured from lot line to lot line unless the use is the part of a multiple-use site, or part of a larger tract containing significant vacant land, in which case the requirement will be measured from the activity area attributed to the subject use, including buildings, service areas, storage areas, and required parking for that use.

For these types of uses, the zoning of a road is immaterial in determining the separation requirement. (For example, a residentially-zoned road does not necessitate separation for uses that require separation from residential zoning districts.)

C. Possible Reduction in Separation Requirements: After the separation requirement has been determined, a use may receive a reduction in the separation requirements down to any number, including zero, if the approving authority for the particular use determines that the following two standards are met:

1. The uses that necessitate the separation would experience no greater adverse impacts from the proposed use than those that are generally experienced in the area from permitted uses in the district. For this standard, the impacts measured may include but are not limited to noise, lighting, and traffic.
2. Any impacts of the proposed use can be mitigated through buffering, screening, or other mechanisms that are made a part of the site plan for the property.

Two mechanisms exist for receiving this reduction:

1. The Planning & Development Director may grant an administrative adjustment if the use has existed on the property within the previous three years. The process for administrative adjustments is set forth in *Chapter 2: Administration*.
2. The Zoning Board of Appeals may grant a separation reduction in situations where the use has not existed on the property within the previous five years. The process for separation reductions is set forth in *Chapter 2: Administration*.

D. Possible Reduction in Lot Standards and Other Dimensional Requirements: The Zoning Board of Appeals is allowed to hear requests for variances on any use-specific standard that is a lot standard, such as but not limited to lot area, lot width, lot coverage, maximum height of structures, and required setbacks, or other dimensional requirements such as the height or location of a fence. The process for variances is set forth in *Chapter 2: Administration*. The Zoning Board of Appeals is not allowed to hear variances for any other type of use-specific standard.

4.3.3.2 USE-SPECIFIC STANDARDS: RESIDENTIAL USES

4.3.3.2.1 Household Living

A. Single-Family Detached

1. Single-family detached dwellings and lots have numerous conditions related to site design and architecture, which are found in *Chapter 9: Site and Building Design Standards* and *Chapter 6: Community Design Standards*.

2. Additionally, in the business zoning districts, the dimensional standards for single-family detached dwellings are as follows:

MIN LOT AREA (SQ FT)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE	
				MAX HT (FT)	REQUIRED SETBACKS (FT)
6,000	60	75%	N/A	35	

3. **Amenities:** For projects that receive preliminary plat approval after August 8, 2022, except for affordable housing proposals targeted to serve families that earn 100% or less of the actual median income in Rock Hill, single-family detached uses must provide fully developed, targeted amenities of an appropriate size and scale with the number of units as follows:

SIZE OF COMPLEX	NUMBER OF REQUIRED AMENITIES*
Fewer than 20 units	0
21 to 50 units	1
51 to 100 units	2
101 to 150 units	3
151 to 300 units	4
301 or more units	5

* Projects that are located such that the surrounding neighborhood itself is an amenity may have one fewer amenity than shown above. An example of a project meeting this standard is one located in an extremely pedestrian-oriented, mixed-use environment with many nearby restaurants and retail stores.

The Planning Commission will review amenities during the preliminary plat review process to ensure that they meet the following standards:

- i. **Type:** Many options exist for types of amenities, including but not limited to the following. The specific types of proposed amenities must be called out on the preliminary plat.

INDOOR AMENITIES
<ul style="list-style-type: none"> • Fitness center with fitness equipment • Recreation or game room including features such as billiards tables, game tables, or movie viewing area • Solarium, sauna, steam room, or other type of relaxation room • Business center with conference rooms and business equipment (computers, printers, copiers, etc.) • Common cooking and/or dining facility, which may include a fully equipped coffee and snack bar • Swimming pool
OUTDOOR AMENITIES
<ul style="list-style-type: none"> • Fenced dog park with access to fresh drinking water • Bike workshop and storage area • Community vegetable and flower garden • Outdoor lounge area such as with a fire pit and grills or outdoor kitchen • Playground with commercial-grade equipment • Basketball court (full or half court); tennis court; volleyball court; or soccer field that is

graded properly to an amateur or practice-level facility, is grassed, and has goals

- Canoe/kayak launch on navigable bodies of water
- Putting green, bocce courts, horseshoe courts, or shuffleboard courts
- Swimming pool
- Trails or Shared Use Paths (see requirements below)

- ii. **Parking:** Each amenity area must include off-street or on-street parking spaces sufficient to serve the specific activities, proximately located to the amenity; if on-street is used, the spaces must be in addition to any spaces counted towards the number of parking spaces required for each residence. During the preliminary plat review process, the Planning Commission will review the proposed amount of parking for each amenity area to determine if it is adequate for the type and size of the proposed amenity, and the size of the neighborhood.
- iii. **High-quality design:** The Planning Commission will review color architectural renderings of the proposed amenities to ensure that they are of high-quality design that will benefit the future residents and have lasting value to the neighborhood.
- iv. **Time of installation:** Each amenity area must be shown on the preliminary plat, and if the development is proposed to consist of more than one phase, also on the phasing plan for the development. Unless the amenity is a trail, the required amenities must be installed before 50% of the homes in the development receive a Certificate of Occupancy if the development has only one phase, or before 50% of the homes in the designated phase of development receive a Certificate of Occupancy if the development is phased.
- v. **Shared Use Paths or Trails:**
 - a. In some circumstances, developers of single-family neighborhoods are required to provide shared use paths for bicycle and pedestrian use by the public as well as by residents of the neighborhood. See Section 6.7.19 for more information. When a shared use path is provided in accordance with that section, it may count as an amenity for the neighborhood as well.
 - b. When the developer is not required to provide a public shared use path for a particular development, the developer may choose to provide a private trail or shared use path system for use by only the residents of the neighborhood as an amenity. If trails or shared use paths are being provided as a private amenity for the neighborhood, the following standards apply.
 - They must be designed according to the U.S. Access Board's Guidelines for Outdoor Developed Areas.
 - They must be at least six feet wide for a walking path, or at least eight feet wide for a shared use path for the use of both bicycles and pedestrians.
 - They must be paved, except in environmentally sensitive areas in accordance with Section 8.4.3;
 - They must be shown on the preliminary plat. They also must be shown on the final plat along with a certification that the City is not responsible for maintenance or liability resulting from the use of the trail or shared use path;

- They must be shown on the civil plans for the project, covered under the grading and land disturbance permits for the project, and inspected through that process; and
 - They must be installed prior to the sale of all adjacent home lots to individual property owners.
4. **Sewer pump stations:** Gravity lines are required to serve single-family detached neighborhoods that receive preliminary plat approval after August 8, 2022, unless one of the following applies:
- a. At least 1,000 residential units and/or an analogous amount of non-residential development would be served by the pump station; or
 - b. The City determines that the topography is such that the property cannot be served by gravity sewer extensions, or that the gravity line would have to be extended such a great distance that it is not financially feasible to serve the property by gravity sewer. In this case, the developer must pay a perpetual maintenance fee to the City prior to the final plat for the neighborhood being approved according to the fee calculation in Appendix 4-B.
5. **Home Owners Association:** New subdivisions of single-family detached uses that received preliminary plat approval after August 8, 2022, and that have any common open space areas, stormwater ponds, amenities, or similar improvements must form a Home Owners Association to handle the maintenance of those improvements.

Proposed bylaws for Home Owners Associations as well as restrictive covenants must be submitted along with the final plat for subdivision. Staff will review proposed bylaws and restrictive covenants for compliance with the standards of this Ordinance and stamp the plat for recording. The documents must be recorded prior to or concurrently with the recording of the approved final plat, and we must see evidence of that prior to the issuance of building permits for the project.

Membership in the association must be automatic (mandatory) for all purchasers of land therein and their successors in title.

In a development with only one phase, the developer must turn the neighborhood over to a resident-controlled Home Owners Association before 80 percent of the homes have received a Certificate of Occupancy.

In a development with multiple phases, the developer must turn each phase of the development over to a resident-controlled Home Owners Association before 80 percent of the homes within the phase have received a Certificate of Occupancy. The developer may choose to establish an umbrella Home Owners Association to help coordinate the Home Owners Associations for each phase.

Covenants must prohibit homeowners from leasing their homes for one year after purchase unless exigent circumstances exist.

6. **Phasing:** For any neighborhood that has more than one phase and seeks preliminary plat approval after August 8, 2022, a proposed phasing plan must accompany the preliminary plat to the Planning Commission for consideration of approval. The plan must show the proposed delineation and construction order of the phases, the amenity or amenities that will be built as part of each phase, and all construction entrances.

Although the Planning Commission can allow a different number of homes per phase through the preliminary plat review process based on different road or utility infrastructure installation phasing needs, generally neighborhoods that are smaller than 50 homes should

have only one phase, and neighborhoods that are larger should contain at least 50 homes per phase.

7. **Accessibility:** Homes built in the Senior Residential zoning district must be designed for accessibility in accordance with the Fair Housing Act Design Manual, April 1998, as amended, to the maximum extent practical or to the extent required by law. This includes both the site grading and internal features of the home.
8. **Right-to-Farm Easements:** The developer of any new residential neighborhood in the Rural zoning district must provide a right-to-farm easement to the property owners of any adjacent farmland to allow operations using generally acceptable agricultural management practices on adjacent parcels to generate noise, odors, dust, light, and other impacts from said practices. This easement must be recorded prior to or concurrently with the recording of the approved final plat, and we must see evidence of that prior to the issuance of building permits for the project. The easement must run with the land, and must be disclosed to future property buyers.

B. Single-Family Attached

1. Single-family attached uses have numerous conditions related to site design and architecture, which are found in *Chapter 9: Site and Building Design Standards* and *Chapter 6: Community Design Standards*.
2. **Ownership of Land:** Each single-family attached project must have units that touch the ground, and each unit must own the land under it.
3. **Cannot Transition to Multi-Family Use:** Projects developed with single-family attached products cannot later combine the individual lots to create a multi-family use on the property.
4. **Parcel configuration:** Single-family attached uses must have the required parking spaces for the unit, the required yard for the unit, and all accessory items related to each unit (the air conditioning unit, for example) on individual parcels that are transferred with each unit. Alternatively, the required parking spaces for the unit may be made part of common area provided that they are specifically assigned to each unit. However, this does not remove alley requirements as specified below.
5. **Parking and Alleys:** The alley and parking standards for single-family attached products are found in the *Neighborhood Design Standards* section of *Chapter 6: Community Design Standards*.
6. **Special Parking Needs:** The storage of trailers, boats, recreational vehicles, or other major recreational equipment, as well as box trucks, cabs from tractor trailers, trailer beds from tractor trailers, and other specialized commercial vehicles must either be prohibited through management's rules or must be provided in a parking area separate from regular automotive parking for the residents. These types of vehicles will not be permitted to take up regular automotive parking spaces; the minimum required parking spaces for the development must be used for ordinary passenger vehicles driven on a regular basis. Parking lots will be reviewed for adequate distribution of spaces around each building.

7. **Amenities:** Single-family attached uses must comply with the same standards for amenities as single-family detached uses as described in section 4.3.3.2.1.A., except that the number of amenities must be as follows:

SIZE OF COMPLEX	NUMBER OF REQUIRED AMENITIES*
Fewer than 25 units	1
25-74 units	2
75 to 149 units	3
150 or more units	4
Projects that are located such that the surrounding neighborhood itself is an amenity may have one fewer amenity than shown above. An example of a project meeting this standard is one located in an extremely pedestrian-oriented, mixed-use environment with many nearby restaurants and retail stores.	

8. **Single-family detached use:** A small number of single-family detached units that are of the same character as the single-family attached development may be allowed in corners or other remnants of land in an single-family attached neighborhood.
9. **Property Owners Association:** Single-family attached uses must follow the requirements for Home Owners Associations described in section 4.3.3.2.1.A. Additionally, Property Owners Associations for attached uses must also agree to maintain or otherwise ensure the maintenance of the structures' exteriors such as roofs and walls.
10. **Sewer pump stations:** Single-family attached uses must follow the requirements for Home Owners Associations described in section 4.3.3.2.1.A.
11. **Phasing:** Single-family attached uses must follow the requirements for phasing described in section 4.3.3.2.1.A.

C. **Multiple Family**

1. **Management:** Apartment complexes and other projects that function as rental communities and have more than 50 units must have an on-site manager present on the premises during business hours. Complexes that are smaller than that are not required to have an on-site manager but are required to have an office within a five-mile radius that is open during business hours.
2. **Meeting with Police Department:** Prior to a certificate of occupancy being issued for the first building in a new apartment complex or other type of rental community, the owner and manager must meet with the City of Rock Hill Police Department to discuss crime prevention strategies and similar information. It is strongly encouraged that owners and managers execute agency agreements with the Police Department, which will be discussed during this meeting as well.
3. **Special Parking Needs:** The storage of trailers, boats, recreational vehicles, or other major recreational equipment, as well as box trucks, cabs from tractor trailers, trailer beds from tractor trailers, and other specialized commercial vehicles must either be prohibited through management's rules or must be provided in a parking area separate from regular automotive parking for the residents. These types of vehicles will not be permitted to take up regular automotive parking spaces; the minimum required parking spaces for the development must be used for ordinary passenger vehicles driven on a regular basis. Parking lots will be reviewed for adequate distribution of spaces around each building.

4. **Amenities:** Multi-family uses must provide fully developed, targeted amenities of an appropriate size and scale with the number of units as follows:

SIZE OF COMPLEX	NUMBER OF REQUIRED AMENITIES*
Fewer than 25 units	1
25-74 units	1
75 to 149 units	2
150 or more units	3
<p>*Age-restricted communities of more than 75 units that have features such as handicap accessible doorways, elevators, grab bars, and panic buttons may have one fewer amenity than shown above. Additionally, projects that are located such that the surrounding neighborhood itself is an amenity may have one fewer amenity than shown above. An example of a project meeting this standard is one located in an extremely pedestrian-oriented, mixed-use environment with many nearby restaurants and retail stores.</p>	

Allowed amenities include the following. The Planning & Development Director may approve alternative amenities that meet the intent of this section.

INDOOR AMENITIES
<ul style="list-style-type: none"> • Fitness center with fitness equipment • Recreation or game room including features such as billiards tables, game tables, or movie viewing area • Solarium, sauna, steam room, or other type of relaxation room • Business center with conference rooms and business equipment (computers, printers, copiers, etc.) • Common cooking and/or dining facility, which may include a fully equipped coffee and snack bar • Swimming pool
OUTDOOR AMENITIES
<ul style="list-style-type: none"> • Fenced dog park with dog wash station • Bike workshop and storage area • Community vegetable and flower garden • Outdoor lounge area such as with a fire pit and grills or outdoor kitchen • Playground with commercial-grade equipment • Basketball court (full or half court); tennis court; volleyball court; or soccer field that is graded properly to an amateur or practice-level facility, is grassed, and has goals • Canoe/kayak launch on navigable bodies of water • Putting green, bocce courts, horseshoe courts, or shuffleboard courts • Swimming pool

5. **Fencing:** Fences are required between multi-family and single-family detached uses unless the two are part of a cohesive overall development plan. These fences must be at least six-feet-tall and solid unless a significant natural buffer exists between the uses. They must be constructed of a material other than wood. Otherwise, they must meet the fencing standards of *Chapter 5: Land Use: Accessory and Temporary Uses*.
6. **Security Cameras:** In order to deter criminal activity and to create a safer environment for residents, all new multi-family uses must install visible security cameras at key locations around the property along with signs warning people that they are being recorded. Locations of security cameras will be coordinated with the Police Department during the building plan review process.
7. **Lighting:** Lighting will be reviewed in conjunction with the Police Department using CPTED (Crime Prevention Through Environmental Design) principles.
8. **Outdoor Storage:** The storage of items outside units except for items traditionally stored outside, such as bicycles, grills, and outdoor furniture, is not allowed. Outdoor items that are allowed must be located to the unit's patio or balcony area and not on adjacent grass, sidewalks, or other areas. Developers are encouraged to build

storage capacity for items traditionally kept outside (such as, but not limited to, outdoor toys and bicycles) into the design of each unit to ensure that this requirement is met.

D. Residential Infill

1. When the Zoning Board of Appeals is considering special exception requests for residential infill uses, the Board must evaluate the following criteria in addition to the other standard questions regarding special exception uses from *Chapter 2: Administration*:

Administration:

- Does the surrounding area have a mix of commercial and residential uses, or a mix of residential use types of varying densities?
- Does the proposed residential infill use meet a sufficient number of the standards of *Chapter 9.4: Design Standards for Residential Infill Uses* for it to be compatible with its surroundings?

4.3.3.2.2 Group Living

A. Fraternity or Sorority House

1. **Lot Standards:** Fraternity or sorority houses must meet the following lot standards. For explanations of these terms, see *Chapter 6: Community Design Standards*.

- *Minimum lot area:* 7,500 square feet
- *Minimum lot width:* 90 feet
- *Maximum lot coverage:* 70%
- *Maximum height:* 35 feet
- *Required setbacks for primary structure:* 20 feet all sides
- For accessory structure height and setbacks, see *Chapter 5: Land Use: Accessory and Temporary Uses*.

B. Group Home (Type A and B) and Halfway House (Type A and B)

1. **Lot Standards:** These uses must meet the following lot standards. For explanations of these terms, see *Chapter 6: Community Design Standards*.

- *Minimum lot area:* 43,560 square feet
- *Minimum lot width:* 160 feet
- *Maximum lot coverage:* 70%
- *Maximum height:* 35 feet
- *Required setbacks for primary structure:* 25 feet front; 30 feet sides; and 15 feet rear, or 30 if an adjacent property to the rear is used or zoned for single-family
- For accessory structure height and setbacks, see *Chapter 5: Land Use: Accessory and Temporary Uses*.

2. **Separation:** Group home and halfway house uses must not be located within a radius of 3,000 feet of another group home or halfway house use.

3. **Description of Services:** The application for these uses must include the following:

- A description of the services to be provided and relevant licensing requirements;
- A description of the administrative support to be provided, including office space, equipment, qualified staff to perform the specific activities proposed, and staff supervision;
- A description of the number and qualifications of staff operating the use;
- A description of how volunteers may be used in the provision of services, and the training and supervision volunteers will receive;
- A description of how service records for each client using the facility will be maintained and kept current; and
- A description of how public awareness and education will be promoted on a neighborhood level.

4.3.3.2.3 Elder Care

A. Independent Living Apartments for Seniors

1. Independent living apartments for seniors must follow the same use-specific standards as multi-family uses, as well as the design standards for multi-family uses in Chapter 9.
2. Independent living apartments for seniors cannot be converted to multi-family use that is not designed specifically for seniors.

4.3.3.2.4 Other

A. Live/Work; Upper-Story Dwelling(s) Over Commercial Use

1. **Multi-Family Standards Apply:** Multi-family lot standards and design standards apply to these use types.

4.3.3.3 USE-SPECIFIC STANDARDS: PUBLIC AND COMMERCIAL USES

4.3.3.3.05 Agriculture and Hunting

A. Agritourism

1. Special events:

- Agritourism businesses are allowed to hold special events for any number of days per year, such as corn mazes, seasonal festivals, “pick your own” days, hayrides, York County’s Ag + Art tours, and similar activities. These events are considered part of the allowed primary use of the property and do not require a temporary use permit from the Planning & Development Department; however, if they are proposed to involve the closure or use of a public street or other area, they must be reviewed through the City’s special events permit process.
- As long as they are contained entirely on the property approved for agritourism use, parking spaces for these events are not required to be paved except as necessary to meet Americans with Disabilities Act requirements, regardless of how often the special events occur.
- Live music is allowed as long as it meets the City’s Noise Ordinance.
- Prepared food may be sold, provided that all state law requirements governing food service are met. On- and off-premise alcohol sales also are allowed, provided

that all state law requirements are met and that on-premise alcohol sales cease between 6 p.m. and 6 a.m. daily. Food trucks are allowed in accordance with the standards of Chapter 5.

4.3.3.3.1 Animal Services

A. Animal Care (Limited)

1. **No Unreasonable Noise or Odor:** Animal care (limited) uses must be sufficiently insulated so no unreasonable noise or odor can be detected off-premises.
2. **Number of Animals:** Animal care (limited) uses must not have more than 20 small animals (such as cats and dogs but not including fish, small reptiles, and rodents kept as domesticated pets) at any given time, unless a special exception permit is obtained to increase the number of animals. As part of the analysis of the special exception criteria (see *Chapter 2: Administration*), the Zoning Board of Appeals must specifically consider the following:
 - Compatibility with residential and other uses that would be especially sensitive to noise and odors, such as offices or establishments that sell food.
 - Whether the business practices demonstrate an ability to minimize noise and odor nuisances, especially when the proposed location is near residential and other uses that would be especially sensitive to noise and odors, such as offices or establishments that sell food.
 - Whether the business practices demonstrate how the applicant will handle animal waste without significant adverse impact on the environment.
3. **Hours of Operation:** Animal care (limited) uses must not have animals on site before 7 a.m. nor after 7 p.m., except under veterinary care.

B. Animal Care (General)

1. **Meet “No Unreasonable Noise or Odor” and “Number of Animals” Standards for Animal Care (Limited):** Animal care (general) uses must meet the use-specific standards for animal care (limited) regarding “no unreasonable noise or odor” and “number of animals.”
2. **Hours of Operation:** Animal care (general) uses must house all animals indoors between 7 p.m. and 7 a.m.
3. **Setbacks:** Animal care (general) uses must locate all buildings used to house animals and all open runs at least 75 feet away from all property lines.
4. **Land-Use Buffers:** For the purpose of determining the size of the land-use buffer, this use will be considered to have a land-use intensity factor of seven. (See the land-use buffer standards in *Chapter 8: Development Standards*.)

C. Equine Stable: Equine stables must be located 300 feet from any existing single-family detached dwelling on a different lot. The associated pastures may be located with the fences along the property lines, provided that any applicable setbacks are met.

4.3.3.3.2 Cemeteries, Columbaria, or Mausoleums

A. Cemeteries, Columbaria, or Mausoleums:

1. **Parking:** At least two off-street parking spaces must be provided according to the standards of *Chapter 8: Development Standards*. If the cemetery will allow funeral processions or graveside services, the institution will need to show how parking for these events will be accommodated on site.

2. **Setbacks:** Grave sites must be located at least 20 feet away from all property lines unless a greater land-use buffer is required, in which case the setback standard would equal the land-use buffer.
3. **Land-Use Buffer:** For the purpose of determining the size of the land-use buffer, this use will be considered to have a land use intensity factor of five for the grave site areas and seven for all support areas. (See the land-use buffer standards of *Chapter 8: Development Standards*.)

4.3.3.3.3 Community Services

A. Community Garden

1. **Setbacks:** All structures and gardening activities except for composting must take place outside of all required setback and land-use buffer areas. Composting activities must take place at least 50 feet from all property lines.
2. **Screening:** A screen fence at least 6 feet tall along with perimeter landscaping is required around all sides visible from public view according to the fencing standards of *Chapter 5: Land Use: Accessory and Temporary Uses* and landscape screening standards of *Chapter 8: Development Standards*. The height of stored materials and equipment must not exceed the height of the screening fence or wall such that they would be visible from public areas of the subject property or adjacent sites, or the public road.

4.3.3.3.4 Day Care

A. Child Day Care Center/Preschool

1. **Outdoor Play Areas:** If an outdoor play area is provided, it must include a fence that is at least 4 feet tall that completely encloses the play area. The play area must not be located within any required yard or land-use buffer area. The center must not conduct outdoor play activities after 8 p.m.
2. **Parking:** Parking areas and vehicular circulation patterns must be designed to support the safety of children at the facility. Depending on the size and type of facility, the design should include features such as a flow-through instead of a dead-end parking lot traffic pattern, provision of sidewalks to allow foot traffic to stay out of the vehicular areas, and the design and reservation of as many customer parking spaces as possible adjacent to a sidewalk directly accessing the building entrance.

4.3.3.3.5 Educational Institutions

A. Schools (all types)

1. **Road Capacity:** All schools must be located on streets that have adequate capacity for the ultimate size of the campus. For schools with an enrollment of more than 100 students at expected ultimate capacity, this means that the use will have direct access to an arterial or collector road without passing residential properties. The access points must be located to minimize vehicular traffic through local streets in residential areas. The school also must be designed to ensure safe ingress onto and egress from the site, safe road conditions around the site, and adequate access onto the site for fire, police, and emergency medical services.
2. **Athletic Facilities:** Athletic facilities must be located and designed to minimize impacts, especially noise and light, on any surrounding residential property.

4.3.3.3.6 Event and Entertainment

A. **Adult Entertainment:** It is the purpose of this ordinance to regulate through zoning adult businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult businesses within the City. The provisions of this ordinance have neither the purpose nor the effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access to the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

1. **Comply with City Code:** Adult entertainment uses must comply with all requirements contained in the City Code of Ordinances, including sections related to prostitution and the definition of nudity.
2. **Separation:** Adult entertainment uses must be separated by at least 1,000 feet, measured lot line to lot line, from all of the following: all other adult entertainment uses; all existing residential uses; all undeveloped residential zoning districts; all undeveloped portions of a Master Planned (MP) zoning district designated for residential use; all religious institution uses; all day care/preschool uses; all school uses (elementary, middle/junior, or senior high); and all public parks.
3. **Signage:** Signage must not be visible from outside the premises that is illustrative of activity, services, or merchandise offered on the premises.
4. **Prohibited Services:** Adult entertainment uses must not offer showers or other baths, or alcoholic beverages for off-premises consumption, or sell fuel, whether or not for a fee.
5. **Limitation on Scope:** No more than one sexually-oriented business use may occupy a single building or lot.
6. **Accessory Use:** Adult entertainment uses must not be established as an accessory use to another business.

B. **Bar/Nightclub; Teen Clubs**

1. **Separation:** Bar/nightclub and teen club uses must be separated by at least 300 feet, measured lot line to lot line, from all of the following: all existing residential uses; all undeveloped residential zoning districts; all undeveloped portions of a Master Planned (MP) zoning district designated for residential use; all religious institution uses; all day care/preschool uses; all school uses (elementary, middle/junior, or senior high); and all public parks. For the purpose of administering this standard, the bar/nightclub or teen club use is considered to include all customer areas, such as but not limited to all structures where the activities are taking place; any outdoor seating, smoking, or recreational areas; and parking lots.

This standard does not apply when the use that necessitates the separation is located in the Downtown (DWTN) or Mixed Use (MX) zoning district, or a Master Plan (MP) where the Terms and Conditions contemplated a mix of uses including bar/nightclubs and teen clubs.

2. **Hours of Operation:** Bar/nightclub uses must be closed between the hours of 2 a.m. and 6 a.m. Teen club uses must be closed 30 minutes prior to the City's curfew.
3. **Management of Impacts Plan:** Bar/nightclub and teen club uses must provide a written plan to manage potential impacts on the surrounding neighborhoods and businesses, including:
 - Acknowledgement of the City noise ordinance standards and monitoring noise created by the establishment and its patrons.

- Provision of lighting to secure parking lots and other outside areas while complying with the lighting standards of *Chapter 8: Development Standards*.
 - Provision of appropriate security to control crowds based on size and type of activity, including the discouragement of parking lot loitering.
 - Advising patrons to park only in appropriate locations on the establishment's property or neighboring properties where written permission has been granted.
4. **Outdoor Areas:** Bar/nightclub and teen club uses must not have an outdoor area for seating, music/live entertainment, or outdoor games unless such feature is approved through a special exception process. If approved through that process, the following requirements will apply in addition to any conditions that the Zoning Board of Appeals places on the use:
- The outdoor area must be designed and located so as not to obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
 - The outdoor area must provide parking using the bar/restaurant measure. (See the parking standards in *Chapter 8: Development Standards*.)

This special exception process is not required when the use that necessitates the separation is located in the Downtown (DWTN) or Mixed Use (MX) zoning district, or a Master Plan (MP) zoning district where the Terms and Conditions contemplated a mix of uses including bars/nightclubs and teen clubs.

C. **Conference Center/Convention Center**

1. **Separation:** The building must be located at least 300 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

This standard does not apply when the use that necessitates the separation is located in the Downtown (DTWN) or Mixed Use (MX) zoning district, or a Master Plan (MP) where the Terms and Conditions contemplate a mix of uses.

2. **Road Capacity:** The use must be located on streets that have adequate capacity for the ultimate size of the center. Generally, this means that the use will have direct access to an arterial or collector road without passing residential properties. Additionally, the site must be designed to ensure safe ingress onto and egress from the site, safe road conditions around the site, and adequate access onto the site for fire, police, and emergency medical services.

D. **Event Venue**

1. **Separation:**
- The building must be located at least 150 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use.
 - Outdoor areas located within 200 feet of any of the following must not operate the outdoor portions of the use after 10 p.m.: any existing residential uses, any undeveloped residential zoning districts, and any undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

These standards do not apply when the use that necessitates the separation is located in the Downtown (DTWN) or Mixed Use (MX) zoning district, or a Master Plan (MP) where the Terms and Conditions contemplate a mix of uses.

2. **Management of Impacts Plan:** Event venue uses must provide a written plan to manage potential impacts on the surrounding neighborhoods and businesses, including:
 - Acknowledgement of the City noise ordinance standards and monitoring noise created by the establishment and its patrons.
 - Provision of lighting to secure parking lots and other outside areas while complying with the lighting standards of *Chapter 8: Development Standards*.
 - Provision of appropriate security to control crowds based on size and type of activity, including the discouragement of parking lot loitering.
 - Advising patrons to park only in appropriate locations on the establishment's property or neighboring properties where written permission has been granted.
3. **Not a Bar/Nightclub:** Event venues are prohibited from offering their facilities for lease for others to hold promoted parties or otherwise operating as a bar/nightclub even on an occasional basis unless they are also approved as a bar/nightclub.

E. **Fraternal Organization or Lodge**

1. **Not a Bar/Nightclub:** Fraternal organizations/lodges are prohibited from offering their facilities for lease for others to hold promoted parties or otherwise operating as a bar/nightclub even on an occasional basis unless they are also approved as a bar/nightclub.
2. **Not an Event Center:** Fraternal organizations/lodges are not considered an event center use unless they are also approved as an event center use.

4.3.3.3.7 **Food Service**

A. **Commissary/Catering Kitchen/Food Production:**

1. **Size:** These uses must be less than 10,000 square feet.
2. **Impacts:** These uses must be low-impact (meaning no noise, odor, vibration, or other discernable impacts external to the building).
3. **Retail sales:** These uses can have limited retail sales of their own products.
4. **In Downtown (DTWN):** The following use-specific standards apply to these uses in the Downtown (DTWN) District:
 - **On-Site Deliveries:** They must be located on a site that can accommodate all loading and unloading activities and can provide access for anticipated truck traffic without requiring backing into public streets or other impacts to traffic flow.
 - **Truck Traffic Generated:** They must average fewer than 10 tractor trailer trips per week, and no more than three on any day.
 - **Present a Business Presence to the Street:** They must be designed to present a finished business appearance to the street, including the use of appropriate professionally designed signage, using window displays or otherwise maintaining visual access through existing building storefronts, and

rehabilitating and maintaining established landscape areas, parking areas, sidewalks, and other building façade and entry features.

B. Restaurants (without alcohol sales)

1. In Industrial Districts: Restaurants in Industry Business (IB) or Industrial General (IG) zoning districts must:

- Be located along arterial or collector roads, or in designated or clustered retail service areas at entrances to or locations central to major employment areas; and
- Be designed and located such that customer traffic, cooking smells, or other impacts do not adversely affect nearby businesses, or otherwise change the business and industrial character of the district.

2. With Drive-Through Facilities: Restaurants having drive-through facilities must:

- Design and locate the drive-up window or outdoor area so as not to obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
- Have the order box and/or pickup window located no closer than 100 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use.
- If a drive-through order box or window is oriented towards any existing residential use, any undeveloped residential zoning district, or any undeveloped portions of a Master Planned (MP) zoning district designated for residential use, the land-use intensity differential for that side of the property is increased by one. (See the land-use buffer standards of *Chapter 8: Development Standards*.)

This standard does not apply when the use or district that necessitates the land-use buffer is located in the Downtown (DTWN) or Mixed Use (MX) zoning district, or a Master Plan (MP) where the Terms and Conditions contemplate a mix of uses.

3. With Outdoor Areas: Restaurants having outdoor areas for seating, music/live entertainment, or outdoor games must comply with the following standards:

- The outdoor area must be designed and located so as not to obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
- The outdoor area must be located at least 100 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

This standard does not apply when the use that necessitates the separation is located in the Downtown (DTWN) or Mixed Use (MX) zoning district, or a Master Plan (MP) where the Terms and Conditions contemplate a mix of uses.

- Outdoor areas located within 200 feet of any of the following must not operate the outdoor portions of the use after 10 p.m.: any existing residential uses, any undeveloped residential zoning districts, and any undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

This standard does not apply when the use that necessitates the separation is located in the Downtown (DTWN) or Mixed Use (MX) zoning district, or a Master Plan (MP) where the Terms and Conditions contemplate a mix of uses.

- The outdoor area must provide parking using the restaurant measure. (See the parking standards of *Chapter 8: Development Standards*.)

C. Restaurants Serving Alcohol

1. **Hours of Operation:** Restaurants serving alcohol must be closed between midnight and 6 a.m.
2. **In Industrial Districts:** Restaurants serving alcohol that are located in the Industry Business (IB) or Industry General (IG) zoning district must follow the standards for such as listed in the section for restaurants without alcohol sales.
3. **Drive-Through Facilities:** Restaurants serving alcohol that have drive-through facilities must follow the standards for such as listed in the section for restaurants without alcohol sales.
4. **With Outdoor Seating:** Restaurants serving alcohol that have outdoor areas must follow the standards for such as listed in the section for restaurants without alcohol sales.

D. Extended Hours Restaurants Serving Alcohol

1. **Separation:** Extended hours restaurants serving alcohol must be located at least 300 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use. For the purpose of administering this standard, the extended hours restaurant use considered to include all customer areas, such as but not limited to all structures where the activities are taking place; any outdoor seating, smoking, or recreational areas; and parking lots.

This standard does not apply when the use that necessitates the separation is located in the Downtown (DTWN) or Mixed Use (MX) zoning district, or a Master Plan (MP) where the Terms and Conditions contemplate a mix of uses.

2. **Hours of Operation:** Extended hours restaurants serving alcohol must be closed between 2 a.m. and 6 a.m.
3. **Management of Impacts Plan:** Extended hours restaurants serving alcohol must provide a written plan to manage potential impacts on the surrounding neighborhoods and businesses, including:
 - Acknowledgement of the City noise ordinance standards and monitoring noise created by the establishment and its patrons.
 - Provision of lighting to secure parking lots and other outside areas while complying with the lighting standards of *Chapter 8: Development Standards*.
 - Provision of appropriate security to control crowds based on size and type of activity, including the discouragement of parking lot loitering.
 - Advising patrons to park only in appropriate locations on the establishment's property or neighboring properties where written permission has been granted.
4. **In Industrial Districts:** Extended hours restaurants serving alcohol that are located in the Industry Business (IB) or Industry General (IG) zoning district must follow the standards for such as listed in the section for restaurants without alcohol sales.

5. **With Drive-Through Facilities:** Extended hours restaurants serving alcohol that have drive-through facilities must follow the standards for such as listed in the section for restaurants without alcohol sales.

6. **With Outdoor Areas:** Restaurants having outdoor areas for seating, music/live entertainment, or outdoor games must comply with the following standards:

- The outdoor area must be designed and located so as not to obstruct the movement of pedestrians along sidewalks for through areas intended for public use.
- The outdoor area must be located at least 100 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

This standard does not apply when the use necessitates the separation is located in the Downtown (DTWN) or Mixed Use (MX) zoning district, or a Master Plan (MP) where the Terms and Conditions contemplate a mix of uses.

- Outdoor areas located within 200 feet of any of the following must not operate the outdoor portions of the use after 10 p.m.: any existing residential uses, any undeveloped residential zoning districts, and any undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

This standard does not apply when the use that necessitates the separate is located in the Downtown (DTWN) or Mixed Use (MX) zoning district, or a Master Plan (MP) where the Terms and Conditions contemplate a mix of uses.

- The outdoor area must provide parking using the restaurant measure. (See the parking standards of *Chapter 8: Development Standards*.)

E. Specialty Eating Establishments

1. **In Industrial Districts:** Specialty eating establishments that are located in the Industry Business (IB) or Industry General (IG) zoning district must follow the standards for such as listed in the section for restaurants without alcohol sales.

2. **With Drive-Through Facilities:** Specialty eating establishments that have drive-through facilities must follow the standards for such as listed in the section for restaurants without alcohol sales.

3. **With Outdoor Areas:** Specialty eating establishments serving alcohol that have outdoor areas must follow the standards for such as listed in the section for restaurants without alcohol sales.

F. Craft Brewery

1. **Maximum Annual Production:** Craft breweries are limited to production of 15,000 barrels per year.

2. **Facility Size:** The overall facility size is limited to 10,000 square feet of production area, up to 3,000 square feet of tasting room/brewpub, and up to 3,000 square feet of outside seating and activity area. All support functions (restrooms, storage, offices, etc.) must be contained within this overall space limitation.

3. **Loading, Unloading, and Circulation:** There must be specific provisions to accommodate truck loading and unloading compatible with the circulation of customer

parking. Space for food trucks or similar vendors must be provided independent of customer parking and circulation, and is considered part of the overall facility area.

4. **Parking:** Tasting room/brewpubs must provide parking as required for a restaurant, including provision of spaces to serve outside seating or activity areas.
5. **Setback from Residential District for Outdoor Seating:** Any outdoor seating/activity area must be located no closer than 100 feet from any single-family attached or detached dwelling.
6. **Hours of Operation:** Deliveries or outside production operations are limited to between 6 a.m. and midnight. Hours of operation for tasting room/brewpubs are limited to between 11 a.m. to 11 p.m. Sunday through Thursday and 11 a.m. to midnight Friday and Saturday.
7. **With Outdoor Areas:** Craft breweries having outdoor areas for seating, music/live entertainment, or outdoor games must comply with the following standards:

- The outdoor area must be designed and located so as not to obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

The outdoor area must be located at least 100 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

This standard does not apply when the use that necessitates the separation is located in the Downtown (DTWN) or Mixed Use (MX) zoning district, or a Master Plan (MP) where the Terms and Conditions contemplate a mix of uses.

- Outdoor areas located within 200 feet of any of the following must not operate the outdoor portions of the use after 10 p.m.: any existing residential uses, any undeveloped residential zoning districts, and any undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

This standard does not apply when the use that necessitates the separation is located in the Downtown (DTWN) or Mixed Use (MX) zoning district, or a Master Plan (MP) where the Terms and Conditions contemplate a mix of uses.

- The outdoor area must provide parking using the restaurant measure. (See the parking standards of *Chapter 8: Development Standards*.)

8. **Music or Entertainment:** Small-scale entertainment can be provided as an accessory use, but may not be located or amplified to the degree that it creates a nuisance to adjoining properties.
9. **Exceptions to These Standards:** Establishments wishing to have exceptions to these standards, such as to exceed public area size limitations or to stay open after the above hours, must meet the requirements for a bar or for an extended hours restaurant serving alcohol, whichever is applicable. Establishments wishing to exceed production size requirements must meet the standards of limited manufacturing.
10. **Management of Impacts Plan:** Craft breweries must provide a written plan to manage potential impacts on the surrounding neighborhoods and businesses, including:
 - Acknowledgement of the City noise ordinance standards and monitoring noise created by the establishment and its patrons.

- Provision of lighting to secure parking lots and other outside areas while complying with the lighting standards of *Chapter 8: Development Standards*.
- Provision of appropriate security to control crowds based on size and type of activity, including the discouragement of parking lot loitering.
- Advising patrons to park only in appropriate locations on the establishment's property or neighboring properties where written permission has been granted.

4.3.3.3.8 Government Facilities

A. Detention Center

1. **Size:** Detention centers must be on a parcel that is at least 20 acres in size.
2. **Separation:** Detention centers must be located at least 1,500 feet from any existing residential use, any undeveloped residential zoning district, and any undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

4.3.3.3.9 Health care

A. Hospital

1. **Size:** Hospitals must be located on at least 5 acres.
2. **Road Capacity:** All hospitals must be located on streets that have adequate capacity for the ultimate size of the campus. For hospitals with more than 100 beds, this means that the use will have direct access to an arterial or collector road without passing residential properties. Additionally, hospitals must be designed to ensure safe ingress onto and egress from the site, safe road conditions around the site, and adequate access onto the site for fire, police, and emergency medical services.

B. Mental Health Treatment Facility

1. **Separation:** Be located at least 300 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

4.3.3.3.10 Offices

A. Contractors' offices (Type B):

1. **Outdoor Storage Area:** These uses may provide an outdoor storage area, provided that the area is limited to 25% of the total lot area (or to 25% of the tenant's parking and loading areas area in a multi-tenant situation) and is located behind the front plane of the structure. A screen fence at least 6 feet tall along with perimeter landscaping is required around all sides visible from public view according to the fencing standards of *Chapter 5: Land Use: Accessory and Temporary Uses* and the landscape screening standards of *Chapter 8: Development Standards*. The height of stored materials and equipment must not exceed the height of the screening fence or wall such that they would be visible from public areas of the subject property or adjacent sites, or the public road.

4.3.3.3.11 Parking and Transportation

A. Airport/Helicopter Facilities

1. **Airports:** Uses and accessory uses associated with Bryant Field must comply with the requirements and standards in the *Rock Hill/York County Airport Master Plan* and this ordinance's Airport Overlay District.

2. **Helicopter Facilities:** Helicopter facilities must be located at least 500 feet from any existing residential use, any undeveloped residential zoning district, and any undeveloped portions of a Master Planned (MP) zoning district designated for residential use.
- B. **Fleet Maintenance and Storage Yard:** A screen fence at least 6 feet tall along with perimeter landscaping is required around all sides visible from public view according to the fencing standards of *Chapter 5: Land Use: Accessory and Temporary Uses* and the landscape screening standards of *Chapter 8: Development Standards*.

4.3.3.3.12 Recreation

A. Indoor Recreation Uses of >3,000 Square Feet

1. **Specialized Building:** As part of the application for a special exception for indoor commercial recreation uses in the IB (Industry Business) and Industry General (IG) zoning districts, the Zoning Board of Appeals must evaluate whether a specialized industrial building is required for the use. Applicants must provide information about the nature of the proposed activity and the need for an industrial-scale building, such as but not limited to specialized equipment needs, noise impacts, or high ceiling height.

B. Commercial Outdoor Recreation

All arenas or stadiums must:

1. **Separation:** Be located at least 500 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

This standard does not apply when the use that necessitates the separation is located in the Downtown (DTWN) or Mixed Use (MX) zoning district, or a Master Plan (MP) where the Terms and Conditions contemplate a mix of uses.

2. **Road Capacity:** All arenas and stadiums must be located on streets that have adequate capacity for the ultimate size of the facility. This means that the use will have direct access to an arterial or collector road without passing residential properties. Additionally, arenas or stadiums must be designed to ensure safe ingress onto and egress from the site, safe road conditions around the site, and adequate access onto the site for fire, police, and emergency medical services.
3. **Fencing:** All arenas and stadiums must provide safety fences up to a height of 8 feet, if necessary, to protect the general health, safety, and welfare in accordance with the fencing standards of *Chapter 5: Land Use: Accessory and Temporary Uses*.

C. Indoor Firing Range:

1. **Separation:** An indoor firing range must be located at least 250 feet from any residential zone district or residential use, or portion of a Master Planned (MP) District designated for exclusive residential use.
2. **Hours of Operation:** An indoor firing range must limit the hours of operation to between 6 a.m. and 10 p.m.
3. **Impenetrable Walls, Ceilings, and Floors:** An indoor firing range must have walls, ceilings, and floors that are impenetrable to the ammunition discharged by firearms being used within it or have internal baffling built so that the ammunition discharged cannot hit the walls or ceiling.

4. **Sound Insulation:** An indoor firing range must be constructed and insulated in such a manner that prevents sound from the discharge of firearms within the facility to exceed a maximum limit of 60 decibels at the property line.
5. **Ammunition Storage:** An indoor firing range must store all ammunition within a magazine that is fully enclosed by construction materials per applicable building and fire codes.

D. **Public Parks and Neighborhood Common Areas:**

1. **Stadiums and arenas:** Stadiums and arenas must meet the use-specific standards shown for commercial outdoor recreation.
2. **Neighborhood recreation centers:**
 - **Off-Street Parking:** Neighborhood recreation centers must provide parking in accordance with the standards for an outdoor commercial recreation use, except that the total number of off-street parking spaces may be reduced by 0.25 spaces for every dwelling unit within 500 feet of the lot or site containing the center.

4.3.3.3.13 Religious Institutions: The Planning & Development Director has the authority to grant modifications to any of the standards listed in this section in order to eliminate a substantial burden on religious exercise as guaranteed by the 1 Religious Land Use and Institutionalized Persons Act of 2000 (42 U.S.C. Sec. 2000 et seq.), as amended. In granting such a modification, the Planning & Development Director may require conditions consistent with the federal act that will secure substantially the objectives of the modified standards and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

A. **Religious Institution (Medium and Large)**

1. **Road Capacity:** All medium and large religious institutions must be located on streets that have adequate capacity for the ultimate size of the facility. This means that the use will have direct access to an arterial or collector road without passing residential properties. Additionally, religious institutions (medium and large) must be designed to ensure safe ingress onto and egress from the site, safe road conditions around the site, and adequate access onto the site for fire, police, and emergency medical services.

4.3.3.3.14 Retail

A. **Alternative Financial Services**

1. **Separation:** Alternative financial services must be separated by at least 1,000 feet, measured lot line to lot line, from any other alternative financial service business. Alternative financial services must also be separated by at least 300 feet, measured lot line to lot line, from all of the following: all existing residential uses; all undeveloped residential zoning districts; all undeveloped portions of a Master Planned (MP) zoning district designated for residential use; all religious institution uses; all day care/preschool uses; all school uses (elementary, middle/junior, or senior high); and all public parks.
2. **Minimum Development Size:** Alternative financial services must be located within either a multi-tenant commercial structure of a minimum of 30,000 square feet, or totally within (without separate public access) a grocery store or other large retail establishment with a minimum of 30,000 square feet.

B. **Bank/Credit Union**

1. **Drive-through facilities:** Drive-through facilities associated with a financial institution must have a substantial roof structure in keeping with the style, scale, and materials of the primary building. The drive-through facilities must be situated to the side or to the

rear of the building, with the rear preferred unless site constraints make the rear impractical.

C. Flea Market

1. **Separation:** Flea markets must be separated by at least 1,000 feet, measured lot line to lot line, from all of the following: all existing residential uses; all undeveloped residential zoning districts; all undeveloped portions of a Master Planned (MP) zoning district designated for residential use; all religious institution uses; all day care/preschool uses; all school uses (elementary, middle/junior, or senior high); and all public parks.
2. **Site Plan:** Flea markets must obtain approval of a site plan that depicts stall/booth/table placement.
3. **Business License:** Flea markets must be operated by a person who possesses a City Business License, and who must ensure that all vendors also possess a City Business License.
4. **Facilities:** Flea markets must provide adequate restroom facilities (whether fixed or portable) and trash receptacles.
5. **Displays:** Flea markets must maintain all stalls, booths, and tables in good repair. Items for sale may not be displayed or stored within customer pathways. In the case of an outdoor flea market, all items for sale as well as display tables, booths, or any other non-permanent fixtures must be returned to an enclosed structure at the end of the business day.

D. Gasoline stations/convenience stores that sell gasoline

1. **Separation:** Convenience store/gasoline station uses must be located at least 250 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

This standard does not apply when the use that necessitates the separation is located in the Downtown (DWTN) or Mixed Use (MX) zoning district, or a Master Plan (MP) where the Terms and Conditions contemplated a mix of uses including convenience stores/gasoline stations.

2. **Design:** Primary gasoline station buildings must be designed like traditional commercial structures, to include wooden or vinyl siding, stone, brick, or stucco-type exterior and a sloped roof or a flat roof that is screened with a parapet façade. Gasoline pump canopies must mimic rooflines and surface materials of the roof of the principal structure. Gasoline pumps must be located to the side or rear of buildings to allow for direct pedestrian connection from the building to the primary street. Layouts with pumps between the street and building may be approved by the Planning & Development Director for highway-oriented locations where automobile-serving land uses predominate, and pedestrian activity is limited.
3. **In Industrial Districts:** Convenience stores/gasoline stations located in the Industry Business (IB) or Industry General (IG) zoning districts must be located in designated or clustered retail service areas at entrances to or locations central to major employment areas. They must be designed and located such that customer traffic or other impacts do not adversely affect nearby businesses, or otherwise change the business and industrial character of the district.

E. Liquor Store

1. **Separation:** A liquor store must be separated by at least 300 feet from all of the following: all existing residential uses; all undeveloped residential zoning districts; all undeveloped portions of a Master Planned (MP) zoning district designated for

residential use; all religious institution uses; all day care/preschool uses; all school uses (elementary, middle/junior, or senior high); and all public parks.

F. **Personal Services (Type A) and Personal Instruction**

1. **Hours of Operation:** Personal services (Type A) uses and personal instruction uses must limit the hours of operation to between 6 a.m. and 10 p.m. within the Neighborhood Office (NO) and Neighborhood Commercial (NC) district.
2. **Location:** As part of the special exception process for personal services (Type A) and personal instruction uses in Industry Business (IB) and Industry General (IG) districts, the Zoning Board of Appeals must evaluate whether the establishment is located in designated or clustered retail service areas at entrances to or locations central to major employment areas, and whether it is designed and located such that customer traffic or other impacts do not adversely affect nearby businesses, or otherwise change the business and industrial character of the district.

G. **Personal Services (Type B)**

1. **Separation:** Personal services (Type B) must be separated by at least 1,000 feet, measured lot line to lot line, from all of the following: all existing residential uses; all undeveloped residential zoning districts; all undeveloped portions of a Master Planned (MP) zoning district designated for residential use; all religious institution uses; all day care/preschool uses; all school uses (elementary, middle/junior, or senior high); and all public parks.
2. **Other Services:** Personal services (Type B) cannot engage in other business or services, including but not limited to the retail sales of goods.
3. **Display Signage:** Personal services (Type B) cannot display signage visible from outside the premises that are illustrative of services offered on the premises.

H. **Retail Sales or Services (Indoor)**

1. **Drive-through facilities:** Indoor retail sales or services with drive-through facilities must have a substantial roof structure or awning in keeping with the style, scale, and materials of the primary building. The drive-through facilities must be situated to the side or to the rear of the building, with the rear preferred unless site constraints make the rear impractical.
2. **In Industrial Districts:** Business services establishments located in the Industry Business (IB) or Industry General (IG) districts must be located along arterial or collector roads, or in designated or clustered retail service areas at entrances to or locations central to major employment areas, and must be designed and located such that customer traffic or other impacts do not adversely affect nearby businesses, or otherwise change the business and industrial character of the district.

I. **Retail Sales or Service (Outdoor)** (examples include landscaping materials, storage sheds, and similar use types); **Outdoor Storage** as a principal use

1. **Types of Materials:** For outdoor retail sales and service use types, materials sold for inside use cannot be placed for sale outdoors except as part of an approved sidewalk or parking lot sale. Examples of these item types include but are not limited to clothing, furniture, and other home goods. (See temporary use section of *Chapter 5* for the regulations on sidewalk and parking lot sales.)
2. **Display Areas:** For outdoor retail sales and service use types, one unit of each item to be sold may be placed in a customer display area in any yard or parking area, provided that the required parking and landscaping standards for the use type are met.
3. **Inventory Areas:** For outdoor retail sales and service use types, all additional units of each item being offered for sale are considered inventory and must meet the following

standards. For outdoor storage use types, all units being stored are considered inventory and must meet the following standards.

- **Setbacks:** They must be kept outside of the required front, side, and rear yard.
- **Separation between structures:** A 5-foot separation between structures must be maintained.
- **Screening:** A screen fence that is at least 6 feet tall along with perimeter landscaping is required around any area with bulk materials that are visible from public view according to the fencing standards of *Chapter 5: Land Use: Accessory and Temporary Uses* and the landscape screening standards of *Chapter 8: Development Standards*. The height of stored materials and equipment must not exceed the height of the screening fence or wall such that they would be visible from public areas of the subject property or adjacent sites, or the public road.

A screen fence is not required for structures that are inherently taller than 6 feet, such as storage buildings, car ports, play sets, and gazebos, but perimeter landscaping must be installed according to the standards of *Chapter 8: Development Standards*.

Screening is not required for plant materials such as trees and bushes sold by plant nurseries.

- **Surfacing:** The storage area inside the fence may be gravel or grass, but the drive areas within the fenced area must be paved.

4.3.3.3.15 Self-storage

A. Self-storage

1. **Lot Area:** Self-storage uses must have at least 3 acres, or be an accessory use behind a primary commercial use on an overall site of at least 3 acres.
2. **Hours of Operation:** Hours of public access to a self-storage use adjacent to any of the following are restricted to between 6 a.m. and 10 p.m.: any existing residential use, any undeveloped residential zoning district, and any undeveloped portions of a Master Planned (MP) zoning district designated for residential use.
3. **Not Legal Address:** Individual storage bays or private postal boxes within a self-storage facility use will not be considered premises for the purpose of assigning a legal address.
4. **Commercial Uses Permitted On-Site:** Commercial uses unrelated to self-storage cannot take place at self-storage facilities unless they are listed as an accessory use in the accessory use section of this ordinance. Examples of prohibited activities include the manufacturing, fabrication, or processing of goods; the service or repair of vehicles, small engines, or electrical equipment; the conducting of garage sales or retail sales of any kind; the provision of any service; and the practicing of music or the holding of concerts.
5. **Security or Caretaker Quarters:** Only one security or caretaker quarters may be developed on the site, and must be occupied by a full-time employee of the self-storage business.
6. **Lighting:** Outdoor lighting must be the minimum necessary to discourage vandalism and theft.
7. **Architectural Standards:** In addition to meeting the design standards in *Chapter 9: Site and Building Design Standards*, self-storage uses must:

- Face storage doors away from any abutting property located in a residential district or visible from any public street to the extent practical.
 - Provide uniform architectural treatment on the exterior-facing façades of all structures, including masonry, stucco, and painting of surfaces. The colors selected must be compatible with the character of the neighborhood.
 - Not use corrugated metal, except on interior-facing walls. (However, architectural-grade metal with stucco-like finish may be allowed on exterior walls.)
- 8. Outdoor Storage:** All property must be stored entirely within enclosed buildings, except that recreational vehicles, travel trailers, boats and other vehicles may be stored outdoors, provided that the following standards are met:
- All vehicles must be operational and in good repair.
 - The storage occurs only within a clearly delineated, designated area.
 - The outside storage area does not exceed 25% of the buildable area of the site.
 - The area is located on the site such that it is minimally visible from public streets and any surrounding residential property.
 - The area is screened with a fence at least 8 feet tall along with perimeter landscaping around all sides that are visible from public view according to the fencing standards of *Chapter 5: Land Use: Accessory and Temporary Uses* and the landscape screening standards of *Chapter 8: Development Standards*.
 - Storage does not occur within the area set aside for minimum building setbacks.
 - A five-foot separation between structures must be maintained.
 - No dry stacking of boats is permitted.
 - The storage area must be paved.
- 9. Truck and Trailer Leasing:** When truck and trailer leasing are offered on the site, parking of trucks along road frontages shall be limited to a small representation of the vehicles available and the area shall be designated on the approved site plan. Additional equipment shall be parked in a designated area away from the frontage of the property.
- 10. Self-storage in Commercial and Industrial Zoning Districts requiring Special Exception:**
- The following additional criteria shall apply to self-storage facilities in these districts:
- Self-storage facilities shall not be located in designated redevelopment corridors or other areas subject to specific area plans, unless identified in such plans as an acceptable use.
 - Self-storage buildings shall not be located along street fronts or major pedestrian ways in walkable, high-density commercial areas.

- Self-storage facilities shall not be located in high-visibility locations such as at major intersections, or adjacent to tourist destinations such as parks, sports venues, cultural facilities and major shopping destinations.
- The type, size and scale, and external facing architectural design of self-storage buildings should be compatible with existing and planned development. For example, in urban density areas, multi-story internal corridor buildings may be more compatible whereas in suburban density areas, single-story buildings may be more appropriate.
- Self-storage sites should include a minimum of frontage along collector and arterial roads, primarily for exposure of the entrance, office and commercial services offered on the site. Properties with significant frontage should reserve areas for other commercial uses on the balance of the frontage.
- Offices and other support functions adjacent to collector and arterial roads shall utilize glass storefronts or other similar treatments to support the scale and mixed use character of such corridors.
- No vehicle washing is allowed, unless within a designated and approved wash area.

11. Additional Standards for Buildings with Exterior Storage Doors:

- **Height:** With the exception of a structure used as security or caretaker quarters, the maximum height of a self-storage facility must be 20 feet. In addition, a parapet wall must be constructed to screen roof-mounted heating and air conditioning and other equipment, if any. The combined height of the building and the parapet wall must not exceed 25 feet.
- **On-Site Circulation:** Drive aisles of at least 18 feet between storage bays must be provided. Appropriate access and circulation by vehicles and emergency equipment must also be ensured through the design of internal turning radii of drive aisles.
- **Screening:** A screen fence at least 6 feet tall along with perimeter landscaping is required around all sides visible from public view according to the fencing standards of *Chapter 5: Land Use: Accessory and Temporary Uses* and the landscape screening standards of *Chapter 8: Development Standards*.

12. Additional Standards for Buildings with Interior Storage Doors (such as climate-controlled storage buildings):

- **Building Design:** On facades that are visible off-site, the building must comply with the *design standards of Chapter 9: Site and Building Design Standards*.
- **Primary Entrances:** All units must be accessed through one or more primary entrances that may be separate from the office entrance. Access may also be provided from the office when it is open.
- **Loading Area:** The loading area, including adequate turnaround space for emergency vehicles, must be located to the side or rear of the proposed structure and, if necessary, screened by a permanent architectural or landscape feature from view of public rights-of-way and public areas of adjoining sites.

4.3.3.3.16 Utilities

A. Minor Utilities

1. **Location:** Minor utilities must be located within reasonable proximity of the area to be served.
2. **Compatibility:** Minor utilities must provide adequate setbacks, screening, and buffering around the perimeter of the proposed use if it is deemed necessary to ensure land use compatibility with surrounding uses.

B. Major Utilities (Types A and B)

1. **Location:** Major utilities must be located within reasonable proximity of the area to be served by the facility.
2. **Setbacks:** Major utilities (Type A) must be located at least 50 feet away from all lot lines or provide an appropriate alternative land-use buffer to ensure they do not have an adverse impact on surrounding uses. Major utilities (Type B) must be located at least 100 feet away from all lot lines or provide an appropriate alternative land-use buffer to ensure they do not have an adverse impact on surrounding uses.

C. General Standards That Apply to All Wireless Communication Tower/Antenna, and Small-Cell/DAS Telecommunications Towers/Antennas Uses

1. **Purpose and Intent:** The purpose and intent of these sections are to:
 - Protect residential areas and land uses from potential adverse impacts of towers and antennas;
 - Encourage the location of towers in non-residential areas;
 - Minimize the total number of new towers throughout the City;
 - Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
 - Encourage users of towers and antennas to locate these, to the extent possible, in areas where the adverse impact on the community is minimal;
 - Encourage users of towers and antennas to configure these in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
 - Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
 - Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
2. **Applicability:** Unless exempted below, all wireless communication towers and antennas in the City are subject to these standards and those of the applicable subsection (4.3.3.3.16 (D) through (I)).
3. **Exemptions:** The following are exempt from the standards of this section and the applicable subsection below (4.3.3.3.16(D) through (I)), but are required to comply with other relevant standards in this ordinance, such as accessory use and design standards:
 - Receive-only “dish” antennas with a diameter of 39 inches or less.

- Receive-only television or radio antennas for non-commercial use.
 - Antennas legally operated by FCC-licensed amateur radio operators.
4. **Interference:** No wireless communications tower, antenna, or supporting equipment is allowed to interfere with equipment operated by the Rock Hill/York County airport or radio equipment operated at a fixed site by the City, or other public safety communications.
 5. **Radiation Reporting:** It must be demonstrated the proposed tower, antenna, and supporting equipment complies with FCC non-ionizing radiation requirements for individual and combined facilities.
 6. **Compliance with State or Federal Laws and Regulations:** Towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government that regulates towers and antennas. If such standards and regulations change, owners are responsible for bringing the towers and antennas into compliance with the changed standards and regulations within six months of the effective date, unless a different compliance schedule is mandated by the controlling regulations. (Failure to bring towers and antennas into compliance constitutes grounds for removal of the tower or antenna at the owner's expense.)
 7. **Franchises and Licenses:** It must be demonstrated that all franchises and licenses required by law for the construction and/or operation of a tower or antenna have been obtained. Additionally, if the owner/applicant is not a communications provider, then the owner/applicant must obtain a business license from the City.
- D. **Freestanding Wireless Communication Tower and/or Antenna:** The general standards listed in the section above (4.3.3.3.16(C)) apply to freestanding wireless communication tower and/or antenna, as well as these.

1. **User Must Be Identified:** Wireless communication towers must have at least one user at the time of construction.
2. **Height:** Freestanding wireless communication towers must comply with these height standards:

ZONE DISTRICT(S)	MAXIMUM HEIGHT
IG, IH, IB	400 feet
CC, GC	250 feet
NO, NC, LC, MUC	100 feet
OI, DTWN	100 feet, unless the Zoning Board of Appeals allows additional height as part of a special exception for the use. ¹
MP	As specified in Master Plan

¹ The Zoning Board of Appeals may allow the tower to be up to 200 feet tall, provided that the following conditions are met:

The primary use of the property has a special need for on-site communications. Examples include a hospital or emergency management services facility, a broadcasting or television studio, or a communications company.

The primary use needs the tower on site for security reasons. (It is generally acknowledged that such locations may not meet the separation required from other towers, but the location of the tower is justified due to the special needs of the primary use in having the tower be located on site.)

The height allowed must be the minimum height necessary to achieve the needs of the use in getting its signal to other facilities covering its service area.

3. **Setbacks:** Outside of the Historic Overlay District, self-supporting towers must meet the minimum setback standards for the zoning district where located, plus an additional distance equivalent to 10% of the height of the tower. Inside the Historic Overlay District, self-supporting towers must meet the minimum setback standards for

the zoning district where located, or a distance equal to one-half the height of the tower (whichever is greater).

Guyed towers must meet the minimum setback standards for the zoning district where located. The setback will be measured from a line connecting the outermost anchor points for guy wires.

Equipment buildings associated with a wireless communication facility must meet the minimum setback requirements for the zoning district where located.

- 4. Color:** Towers must either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color (i.e., light grey) to reduce visual obtrusiveness.

At a tower site, the design of buildings and related structures must, to the maximum extent practicable, use materials, colors, textures, screening, and landscaping that will blend these into the natural setting and surrounding buildings.

- 5. Lighting:** Towers must not be artificially lighted, unless required by the FAA or other applicable authority. Subject to approval by the FAA, obstruction lights must strobe in the daytime and must be red, and non-flashing from dusk until dawn. If lighting is required, the lighting alternatives and design must result in the minimum disturbance to surrounding views from the ground.
- 6. Landscaping:** Tower facilities (including equipment structures and cabinets) must be landscaped with a land-use buffer of plant materials that effectively screens the view of the ground-based portion of the tower facility from existing residential development, public portions of non-residential sites, and public rights-of-way.

Existing mature tree growth and natural land forms on the site must be preserved to the maximum extent possible. In some cases, large wooded lots or sites with natural growth around the property perimeter may be a sufficient land-use buffer.

- 7. Security Fencing:** Towers, guy anchor supports, and ground-based equipment buildings must be enclosed by security fencing not less than eight feet in height and equipped with an appropriate anti-climbing device.
- 8. Signage:** A single sign measuring no more than two square feet in size must be located on or near the tower, and must identify the tower owner, the street address of the tower, the owner's identification code for the tower, and a 24-hour emergency contact telephone number.
- 9. Single Lot:** Towers, guy anchors, equipment buildings, and any other appurtenances related to a wireless communications tower must be located on a single parcel or tract of land.
- 10. Separation:** If an applicant proposes a new wireless communications tower within 1,200 feet of an existing tower, the applicant must submit a statement indicating the reasons why the existing tower(s) was inadequate or unavailable. The Zoning Board of Appeals must allow the owner of the existing tower an opportunity to comment prior to making a decision. For purposes of measurement, tower separation distances will be calculated and applied to facilities irrespective of City and County jurisdictional boundaries.
- 11. Collocation:** New wireless communication towers should be designed to accommodate the present and futures needs of the owner and at least one comparable user. Unused space on an existing tower must be made available to other users at a fair market value.
- 12. Nonconforming Wireless Communications Towers:**-Nonconforming wireless communication are governed according to the standards in *Chapter 10: Nonconformities*, with the following differences:

- Additional equipment may be added to the tower provided that such additions do not increase the degree of nonconformity.
- Additions that increase the degree of nonconformity of an existing tower may be approved by the Zoning Board of Appeals as a special exception when such proposals meet the standards of freestanding wireless communication towers to the greatest extent possible, and the Zoning Board of Appeals finds that the impacts of the proposed addition are less than the likely impacts of an additional telecommunications tower to accommodate the facilities to be added to the proposed addition or replacement.
- If a tower is not used for a period of 90 consecutive days, the Planning & Development Director may send notice to the tower owner indicating that the tower must be removed within 180 days from the date of notice.

13. Conditional Use in Some Circumstances: Freestanding wireless communication towers that are not located within public right-of-way and that have an overall height (including antennas) of 60 feet or less are considered a conditional use. The standards of this section and the general standards of section 4.3.3.3.16 (C) apply, but a special exception for the use is not required.

E. Collocation of Antenna on Existing Wireless Communication Tower: Antennas may be collocated on existing towers if the following standards are met in addition to the general standards listed above in section 4.3.3.3.16(C).

1. **Accommodate Additional Loading:** It must be demonstrated that the tower can accept the additional loading created by the collocation.
2. **Same Tower Type:** A tower that is modified or reconstructed to accommodate the collocation of an additional antenna must be of the same tower type as the existing tower, unless a monopole is determined to be more appropriate at the specific location.
3. **Other Standards:** The tower must comply with the height, landscaping and security fencing requirements for wireless communications towers as described in the section above.

F. Antenna Placement onto an Existing Structure: An antenna may be attached to an existing structure located outside of the public right-of-way, provided that the following standards are met in addition to the general standards above in section 4.3.3.3.16(C).

1. **Type of Existing Structure:** The primary structure must be a water tank or similar existing structure, or a non-residential or multi-family building.
2. **Height:** The antenna is limited to one-half the height of the structure, or 30 feet, whichever is less.
3. **Location:** The antenna must be located at least 10 feet away from all property lines that abut a street, and at least 5 feet away from all other property lines.
4. **Color:** The antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or compatible with, the color of the structure on which it is located to make the antenna and related equipment as visually unobtrusive as possible.
5. **Ground-based equipment:** Ground-based equipment must comply with the landscaping and security fencing requirements for wireless communications towers.
6. **Small towers:** Building-mounted wireless communications towers with an overall height (including antennas) of 20 feet or less are exempt from this section and the general standards of 4.3.3.3.16(C).

G. **Freestanding small-cell/DAS telecommunications pole as a conditional use**: Freestanding small-cell/DAS telecommunications facilities are a conditional use when located in the public right-of-way of roadways classified as arterial, freeway/expressway, or interstate, or on private property, if they meet all of the general standards listed above in section 4.4.4.16(C) and all of the following requirements.

1. **Impacts**: Telecommunications facilities located within a right-of-way must not negatively impact the public health, safety and welfare, interfere with the safety and convenience of ordinary travel over the right-of-way, or otherwise negatively impact the right-of-way or its users. In determining compliance with this standard, the City may consider one or more of the following factors:
 - The extent to which right-of-way space where the permit is sought is available, including the placement of the underground equipment.
 - The potential demands for the particular space in the right-of way.
 - The applicability of ordinances or other regulations of the right-of-way that affect location of equipment in the right-of-way.
 - The extent to which the placement of the telecommunications facilities creates adverse impacts on adjacent property. The following are examples of siting aspects that must be considered as part of this standard:
 - In higher-density areas where multiple-story buildings are available, installation on buildings instead of freestanding poles must be considered first. Installation of or on freestanding poles will only be allowed if it is determined that installation on buildings is infeasible.
 - Collocations on existing towers must be considered first so as to avoid the concentration of multiple towers in one area. Installation of a freestanding pole proximately located to an existing freestanding pole will only be allowed if it is determined that collocation is infeasible.
 - The facility must not be located adjacent to residentially-zoned property unless the applicant demonstrates by providing a study prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and no other location is feasible in a non-residential zone.
 - The availability of other locations in a right-of-way that would have less public impact.
2. **Encroachment Permits**: Telecommunications facilities within a City right-of-way must receive an encroachment permit from the City. Facilities within a right-of-way owned by the South Carolina Department of Transportation must receive an encroachment permit from the City and the State.
3. **Separation**: Small-cell/DAS poles must be placed at least 100 feet from another small-cell/DAS pole.
4. **Stealth Pole**: A “stealth” (also referred to as “slick”) pole must be used.



Example of Stealth Pole



Examples of Non-Stealth Poles

5. **Height:** The facility, including attachments other than lightning rods, must not exceed 40 feet in height measured from grade in residential and commercial zones, and must not exceed 75 feet in industrial zones. City Council may waive this height standard for a facility used wholly or partially for essential public services, such as public safety.
6. **Diameter:** The support structure for the antennas cannot exceed the diameter of the predominant public utility pole by more than 50 percent, and in no event may exceed 18 inches in diameter.
7. **Appearance:** The support structure for the antennas must reasonably blend in with the materials and color of the closest public utility structures in the right-of-way.
8. **Equipment Location:** The telecommunications equipment is located either inside the pole, underground, or in a ground-mounted cabinet.

If a ground-mounted cabinet is used, the following requirements apply:

- The equipment must not disrupt traffic or pedestrian circulation or create a safety hazard.
- The equipment must minimize impacts on adjacent property.
- Equipment must be located at least 15 feet from the existing or planned edge of the pavement, at least 3 feet from a sidewalk or trail, and at least 50 feet from the nearest intersection right-of-way line and from the nearest principal residential structure.
- Equipment must be no larger than 3 feet in height above grade and 27 cubic feet in size in residential districts. Equipment must be no larger than 5 feet in height above grade and 81 cubic feet in size in non-residential districts.
- Equipment must be screened by vegetative or other screening compatible with the surrounding area if deemed necessary by the Planning & Development Director.

9. **Overhead wires:** No overhead wires may be used if the other electrical utilities in the area are located underground.
10. **Removal and Relocation:** The telecommunication facility must be removed and relocated at the owner's expense when required by the City or the South Carolina Department of Transportation for road maintenance, widening, or other modifications within the right-of-way.

H. **Freestanding small-cell/DAS freestanding telecommunications pole as a special exception use:** Freestanding small-cell/DAS telecommunications facilities are a special exception use when located in public right-of-way of roadways classified as arterial, freeway/expressway, or interstate, or on private property, if they do not meet all of the requirements for a conditional use. The following standards apply, in addition to the general standards in section 4.3.3.3.16(C).

1. **Meet Some Conditional Use Standards:** The poles must meet all standards listed in the conditional use section above except for the use of a stealth pole and the equipment parameters (standards 4 and 8 above).
2. **Size:** Antennas and other components must be designed to minimize their size. They must not project out from the side of the support structure by more than two feet in residential and commercial districts or by more than three feet in industrial districts.

The telecommunication equipment, not counting the antenna, must be no larger than seven cubic feet and must have no individual surface larger than four square feet. Any additional associated equipment must be located either inside the pole or underground.

3. **Appearance:** Antennas and other components must be designed to minimize their appearance. They must reasonably blend in with the color of the pole. For example, if a wooden pole is used, the equipment must be brown, and if a metal pole is used, it must match the color of the metal.

I. **Attachment of small cell/DAS telecommunications equipment onto existing pole:** Small cell/DAS telecommunications equipment may be attached to existing utility, street light, or traffic signal poles in public rights-of-way or to existing poles on private property if the following standards are met, in addition to the general standards listed above in section 4.3.3.3.16(C).

1. **Permission from Owner of Pole:** The owner of the pole must give permission for the attachment.
2. **Height:** The equipment may not extend more than five feet above the top of the existing pole. The height of the existing pole may not be increased to accommodate the equipment.

Any replacement pole must not exceed the height of the existing utility structure (however, a five-foot extension for an antenna is allowed), including the telecommunications equipment, and must not exceed the diameter of the existing pole by more than 50 percent.

3. **Other Standards:** The standards for overhead wires in the *Freestanding small-cell/DAS telecommunications pole as a conditional use* section applies, and the standards for size and appearance in the *Freestanding small-cell/DAS freestanding telecommunications pole as a special exception use* section apply.

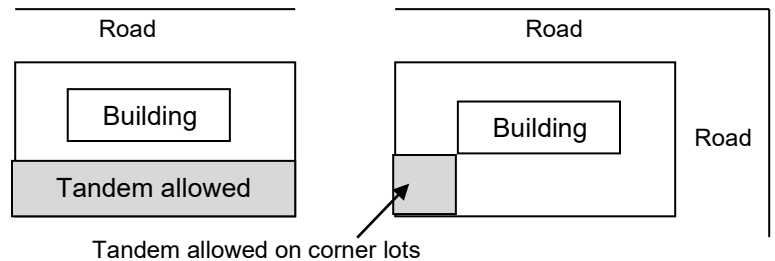
4.3.3.3.17 Vehicle Sales and Rentals

A. **Automobile Sales**

1. **Vehicle Display Pads:** Automobile sales uses can have up to one vehicle display pad for every 100 feet of street frontage. The vehicle display pad may be elevated up to

two feet above adjacent displays or grade level. Any rack that tilts the vehicles in any way to show the underside must be located inside a showroom.

2. **Public Address Systems:** Automobile sales use cannot have an outdoor speaker or public address system that is audible off-site.
3. **Other Materials for Sale:** Automobile sales uses cannot display any other materials including but not limited to tires, rims, and other parts and accessories for sale between the principal structure and the street.
4. **Test Drives:** Automobile sales uses cannot test drive vehicles on residential streets.
5. **Off-Street Parking Standards:** Automobile sales uses must pave vehicle display, vehicle storage, and customer parking, including all access and driving surfaces, with concrete or asphalt. These areas must otherwise comply with all applicable off-street parking standards in *Chapter 8: Development Standards*, except:
 - Vehicular display parking spaces may be 8 feet by 18 feet (customer parking must be sized according to *Chapter 8: Development Standards*).
 - Smaller sizes than otherwise would be required may be used for vehicles that typically are smaller than automobiles, such as golf carts, motorcycles, and all-terrain vehicles used for recreational purposes.
 - Tandem/valet-style spaces may be allowed behind the building's rear plane, as long as fire access and traffic patterns within the site are maintained according to an approved site plan.



- Parking lot islands will not be required for vehicle display and vehicle storage areas located to the rear of the principal structure as long as the principal structure meets all applicable setbacks and the area is not located along a public street.
6. **Vehicle Signage:** Automobile sales uses are allowed to have signage displayed on vehicles, provided that the maximum letter size is 6 inches and the overall area is 10 square feet per vehicle.
 7. **Special Exception:** As part of the special exception process for automobile sales in some zoning districts, the Zoning Board of Appeals must evaluate the following.
 - *Compatibility with Land-use Plans:* The proposed location conforms with land-use plans prepared for the City, including but not limited to the Comprehensive Plan and the Cherry Road Revitalization Strategy.
 - *Avoidance of key redevelopment areas and pedestrian-oriented corridors:* The proposed location is not in a key redevelopment area of the City, such as Downtown or Knowledge Park. The proposed use is located in automobile-dominated environments and not in pedestrian-oriented environments, such as Oakland Avenue, Charlotte Avenue, and Ebenezer Avenue, nor ones that are planned to become pedestrian-oriented, such as portions of Cherry Road.

- *Site Plan*: The applicant must show a site plan to scale that depicts the proposed location of the vehicles that are offered for sale. If the special exception is approved, the parking of cars must be limited to the area shown on the site plan. Any applicant who wants to expand vehicles offered for sale into other areas of the site must return to the Zoning Board of Appeals with a request to modify the original special exception approval.

8. **Automobile Sales in Industry Business (IB) District**: Automobile sales uses in the Industry Business (IB) district are limited to sales of specialty vehicles, except where located on an arterial or collector road. Such vehicles include collector vehicles, racing vehicles, vehicles modified for the disabled, or other vehicles that have a similar limited market. All vehicles must be stored inside the building or in lots to the rear of the building.

B. [Automobile Rental; Commercial Truck or Equipment Rental or Sales; Recreational Vehicle Rental or Sales](#)

These uses must follow use-specific standards Nos. 1-4 and 7 of the automobile sales uses. They also must follow use-specific standard No. 5 for automobile sales, except that the parking spaces must be sized according to the parking standards of *Chapter 8: Development Standards*. Additionally, the following standard applies to automobile rental in the IB district:

1. **Automobile Rental in Industry Business (IB) District**: Automobile rental uses in the IB district must store all vehicles inside the building or in lots to the rear of the building.

C. [Boat Sales](#)

Boat sales uses must follow use-specific standards Nos. 1-3 and 7 of the automobile sales uses. Additionally, the following standard applies:

1. **Displays within Setbacks and Land-Use Buffers**: Boat sales uses cannot locate boat and marine equipment displays within a required setback or land-use buffer.

4.3.3.3.18 [Vehicle Services](#)

A. [Automobile Repair](#)

1. **Enclosed Building**: Automobile repair uses must repair all vehicles within an enclosed building.
2. **Outdoor Storage Area**: Automobile repair uses must provide a temporary vehicle storage area where any vehicle kept overnight must be stored. This area can be any size, provided that it is not located within required setback or land-use buffer areas. A screen fence at least 6 feet tall along with perimeter landscaping is required around all sides visible from public view according to the fencing standards of *Chapter 5: Land Use: Accessory and Temporary Uses* and the landscape screening standards of *Chapter 8: Development Standards*. The height of stored materials and equipment must not exceed the height of the screening fence or wall such that they would be visible from public areas of the subject property or adjacent sites, or the public road.
3. **Time Limitation**: Automobile repair uses cannot store or park any vehicle for more than 30 consecutive days. However, in cases where a vehicle has been abandoned by its lawful owner prior to or during the repair process, the vehicle may remain on site for more than 30 days, provided the owner or operator of the establishment can demonstrate that steps have been taken to obtain legal title to the vehicle, and that the vehicle is removed from the site no later than three days after the legal process is complete.
4. **On-Site Circulation**: Automobile repair uses must be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.

5. **No Junk Vehicles:** Automobile repair uses cannot park or store any vehicle as a source of parts, or that is inoperable, even within an enclosed storage area.
6. **No Vehicles for Sale or Lease:** Automobile repair uses cannot park or store any vehicle for the purpose of sale or lease/rent.
7. **Test Drives:** Automobile repair uses cannot test drive vehicles on residential streets.
8. **Public Address Systems:** Automobile repair uses cannot have an outdoor speaker or public address system that is audible off-site.
9. **Trash Storage:** Automobile repair uses must provide adequate trash storage on site. For example, tires or oil drums must be kept in a four-sided enclosure (not necessarily with a roof).

B. Automobile Painting/Body Shop

Automobile painting/body shop uses must meet all use-specific standards for automobile repair uses, plus this additional one:

1. **Separation:** Automobile painting/body shop uses must be located at least 250 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

C. Automobile Wrecker Service

1. **Separation:** Automobile wrecker service uses must be located at least 250 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use.
2. **Outdoor Storage Area:** Automobile wrecker service uses must meet the outdoor storage area requirement for automobile repair uses.
3. **Time Limitation:** Automobile wrecker service uses cannot store or park any vehicle for more than 30 consecutive days. However, in cases where a vehicle has been abandoned by its lawful owner prior to or during the repair process, the vehicle may remain on site for more than 30 days, provided the owner or operator of the establishment can demonstrate steps have been taken to obtain legal title to the vehicle, and that the vehicle is removed from the site no later than three days after the legal process is complete.

D. Car Wash

1. **Separation:** Car washes must be located at least 250 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use, unless all of the following conditions are met:
 - An attendant is on-site at all times that the establishment is open for business.
 - All washing, waxing, and machine drying is conducted inside the building. (Vacuuming, hand drying, and hand waxing of vehicles may take place outside.)
 - Building openings for vehicle entry do not face any adjacent residential property line (a minimum 60-degree offset required).
 - All vacuums and air compressors located outside must be designed such that noise does not exceed 60 decibels at or beyond any property line.

2. **Screening:** A screen fence at least 6 feet tall along with perimeter landscaping is required around all sides visible from public view according to the fencing standards of *Chapter 5: Land Use: Accessory and Temporary Uses* and landscape screening standards of *Chapter 8: Development Standards*.
3. **Trash Receptacles:** A trash receptacle must be provided at every vacuum station.
4. **Accessory to Convenience Store or Gasoline Station:** If an automatic car wash is an accessory use to a convenience store or gasoline station, it is governed by the use and dimensional standards applicable to the gasoline station use and not the above.

E. **Truck Stops**

1. **Separation:** Truck Stop uses must be located at least 500 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

This standard does not apply when the use that necessitates the separation is located in the Downtown (DWTN) or Mixed Use (MX) zoning district, or a Master Plan (MP) where the Terms and Conditions contemplated a mix of uses including truck stops.
2. **Design:** Primary truck stop buildings must be designed like traditional commercial structures, to include wooden or vinyl siding, stone, brick, or stucco-type exterior and a sloped roof or a flat roof that is screened with a parapet façade. Gasoline pump canopies must mimic rooflines and surface materials of the roof of the principal structure. Gasoline pumps must be located to the side or rear of buildings to allow for direct pedestrian connection from the building to the primary street. Layouts with pumps between the street and building may be approved by the Planning & Development Director for highway-oriented locations where automobile-serving land uses predominate, and pedestrian activity is limited.
3. **Location:** Truck stops must be located at interstate highway interchanges or along highway truck routes.

4.3.3.3.19 **Visitor Accommodations**

A. **Bed and Breakfast**

1. **Owner-Occupied:** Bed and breakfast uses must be owner-occupied with the owner-operator residing on the premises.
2. **Alterations:** Bed and breakfast uses must limit exterior alterations to those necessary to ensure the safety of the structure or to enhance the compatibility of the bed and breakfast with the surrounding neighborhood.
3. **Signage:** Bed and breakfast uses must limit signage to one on-site sign that is a maximum of nine square feet in area.

B. **Campground**

1. **Minimum Area:** Campgrounds must have a minimum area of 10 acres.
2. **Not Permanent Residence:** Campgrounds cannot be used as permanent residences, except for the owner or manager and permanent maintenance personnel who must reside in caretaker quarters. Campgrounds must meet the use-specific standard for hotels regarding extended stays.
3. **Setbacks:** Active use areas of a campground must be located at least 100 feet away from the front yard lot line and 50 feet from the side and rear lot lines.
4. **Size of Camping Sites:** Campgrounds must have camping sites that are at least 1,200 square feet and at least 25 feet in width.

5. **Recreational Area:** Campgrounds must provide a recreational area consisting of 100 square feet per campsite.
6. **Lighting:** Campgrounds must light streets and walks.
7. **Service Buildings:** Campgrounds must provide service buildings with restrooms and related facilities.
8. **Groundcover:** Campgrounds must provide sufficient groundcover to prevent erosion.

C. **Hotel or Motel**

1. **Restaurants and Bar/Nightclubs:** Restaurants of all types, and bars/nightclubs are allowed as part of a hotel or motel only if those uses are also allowed in the zoning district and their associated use-specific standards can be met.
2. **Hotels Shall Not Be Places of Residence:** Except for one property owner/manager unit allowed under the provisions of *Chapter 5: Land Use: Accessory and Temporary Uses*, both guests and hotel owner/operators are responsible for ensuring the following provisions are met:
 - The total length of stay for an occupant must not exceed 30 consecutive days in any hotel or combinations of hotels in the City of Rock Hill, except in the circumstances listed below. Multiple 30-day periods within any consecutive 12-month period are not allowed, unless one of the exceptions listed below is present.
 - A hotel must only be used for occupancy by transients, and must not be used as a residence. An occupant who reports the hotel as a residential address for any purpose including but not limited to registering children for school, obtaining a driver's licensure, paying income taxes, or voting shall be deemed a resident of the hotel.

Exceptions: In the following situations, an occupant who stays at a hotel for longer than 30 days is not considered a resident:

- An occupant using a room because of the loss or damage to a permanent residence by fire or other casualty, or because of the remodeling of the residence; or
- An occupant using a room because of a re-location to the Charlotte Metropolitan region due to an employment transfer or new employment; or
- An occupant using a room due to having a short-term business or employment contract in the Charlotte Metropolitan area.

In all the above exceptions, the occupant must show evidence of having a permanent domicile other than the hotel, as well as evidence of the specific need, such as but not limited to a fire report, an insurance claim, an employment contract, or similar. The maximum stay in any of the above situations is six months. However, the Planning & Development Director may approve a longer stay if the guest can show evidence warranting a longer stay that meets the intent of this section. Hotels must make their guest registers available upon request to facilitate enforcement of this provision.

3. **Rooms Can Be Rented Twice a Day:** Hotel rooms can be rented no more than twice in any 24-hour period. The hotel owner/operator is responsible for ensuring that this provision is met.

D. Short-term rental

1. Short-term rentals as a primary use must follow the processes and meet the standards set forth in the City Code of Ordinances for the use.

4.3.3.4 **USE-SPECIFIC STANDARDS: INDUSTRIAL USES**

4.3.3.4.1 Extractive Industry

A. All Uses

1. **Separation:** All extractive uses must be located at least 1,000 feet from all of the following: all existing residential uses; all undeveloped residential zoning districts; all undeveloped portions of a Master Planned (MP) zoning district designated for residential use; all religious institution uses; all day care/preschool uses; all school uses (elementary, middle/junior, or senior high); and all public parks.
2. **Screening:** All extractive uses must be surrounded by a solid fence that is at least 8 feet high, is located at least 100 feet away from any public right-of-way, and is located at least 50 feet away from any other adjacent property. The fence must meet the fencing standards in *Chapter 5: Land Use: Accessory and Temporary Uses*.

4.3.3.4.2 General Industrial

A. Crematory

1. **Separation:** Crematory uses must be located at least 500 feet from all of the following: all existing residential uses; all undeveloped residential zoning districts; all undeveloped portions of a Master Planned (MP) zoning district designated for residential use; all religious institution uses; all day care/preschool uses; all school uses (elementary, middle/junior, or senior high); and all public parks.
2. **Land-Use Buffer:** A crematory must provide a land-use buffer according to a land-use intensity differential of 4 on any side that is adjacent to any existing residential use, any undeveloped residential zoning district, or any undeveloped portion of a Master Planned (MP) zoning district designated for residential use. (See the land-use buffer requirements of *Chapter 8: Development Standards*.)

B. Equipment Repair

1. **Enclosed Building:** Equipment repair uses must repair all machines within an enclosed building.
2. **Outdoor Storage Area:** These uses may provide an outdoor storage area, provided that the area is limited to 25% of the total lot area and is located behind the front plane of the structure. A screen fence at least 6 feet tall along with perimeter landscaping is required around all sides visible from public view according to the fencing standards of *Chapter 5: Land Use: Accessory and Temporary Uses* and the landscape screening standards of *Chapter 8: Development Standards*. The height of stored materials and equipment must not exceed the height of the screening fence or wall such that they would be visible from public areas of the subject property or adjacent sites, or the public road.

C. Heavy Equipment Sales, Rental, or Repair

1. **Displays within Setbacks and Land-Use Buffers:** Heavy equipment sales, rental, or repair uses cannot locate heavy equipment displays within a required setback or land-use buffer.
2. **Vehicle Display Pads:** Heavy equipment sales, rental, or repair uses can have up to one display pad for every 100 feet of street frontage.

3. **Public Address Systems:** Heavy equipment sales, rental, or repair uses cannot have an outdoor speaker or public address system that is audible off-site.

D. **Laundry, Dry Cleaning, and Carpet Cleaning Facilities**

1. **Enclosed Building:** Laundry, dry cleaning, and carpet cleaning facility uses must take place within an enclosed building.
2. **Nonflammable Enclosure:** Laundry, dry cleaning, and carpet cleaning facility uses must use nonflammable liquids in the cleaning processes that emit no odor, fumes, or steam detectable to normal senses from off the premises.

E. **Solar installations**

1. **Height:** Ground-mounted solar installations must be as close to the ground as practicable.
2. **Screening:** Every effort must be made to completely screen the devices from view from public streets. In instances where complete screening is not possible, the devices must be screened and/or located as to have a minimal visual impact as seen from public streets.
3. **Color:** The mounting framework must be neutral in color or screened from the view of public streets.

F. **Taxidermist:**

1. **No Processing:** Taxidermists must not slaughter animals on site.
2. **Waste Disposal:** Animal remains must be disposed of at a landfill according to S.C. Department of Health and Environmental Control requirements.
3. **Outdoor Storage:** Taxidermists must not store materials outdoors.
4. **Separation:** The building in which the taxidermy takes place must be located at least 300 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

4.3.3.4.3 **Manufacturing and Production**

A. **Maker Space:**

1. **Size:** Maker spaces are limited to 1,000 square feet per person, and 10,000 square feet total.
2. **Impacts:** This use must be low-impact, which means that it cannot have any noise, odor, vibration, or other discernable impacts external to the building.

B. **Limited Manufacturing**

1. **Scale:** This use must be small-scale (generally less than 10,000 square feet and with conventional business hours of operation).
2. **Impacts:** This use must be low-impact, which means that it cannot have any noise, odor, vibration, or other discernable impacts external to the building.
3. **In Downtown (DTWN):** The following use-specific standards apply to Limited Manufacturing uses in the Downtown (DTWN) District:
 - **On-Site Deliveries:** Limited Manufacturing uses in DTWN must be located on a site that can accommodate all loading and unloading activities and can

provide access for anticipated truck traffic without requiring backing into public streets or other impacts to traffic flow.

- **Truck Traffic Generated:** Limited Manufacturing uses in DTWN are limited to those that average less than 10 tractor trailer trips per week, and no more than three on any day.
- **Present a Business Presence to the Street:** Limited Manufacturing uses in DTWN must be designed to present a finished business appearance to the street, including the use of appropriate professionally designed signage, using window displays or otherwise maintaining visual access through existing building storefronts, and rehabilitating and maintaining established landscape areas, parking areas, sidewalks, and other building façade and entry features.
- **Limited Outdoor Storage:** Limited Manufacturing uses in DTWN must be designed with only limited outdoor storage. A screen fence at least 6 feet tall along with perimeter landscaping is required around all sides visible from public view according to the fencing standards of *Chapter 5: Land Use: Accessory and Temporary Uses* and the landscape screening standards of *Chapter 8: Development Standards*. The building material for the screening will be determined at the time of special exception approval, but generally must be a masonry wall or other appropriate higher-quality design when facing a street or public areas of an adjacent property, but may be a wooden fence when facing non-public or service areas on adjoining properties. The height of stored materials and equipment must not exceed the height of the screening fence or wall such that they would be visible from public areas of the subject property or adjacent sites, or the public road.
- **Transitional Use:** Limited Manufacturing in DTWN is intended to be a transitional use in existing industrial/warehouse buildings in areas that have not redeveloped to the mix of dense uses reflected in the purpose statement and permitted uses of the district.

C. Manufacturing, General

1. **Enclosed building:** General manufacturing uses must be wholly confined within an enclosed building.
2. **Impacts:** General manufacturing uses cannot include processing of hazardous gases and chemicals, and cannot emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration that are discernible off the business site.

D. Manufacturing, Heavy

1. **Separation:** Heavy manufacturing uses must be located at least 500 feet from all of the following: all existing residential uses; all undeveloped residential zoning districts; all undeveloped portions of a Master Planned (MP) zoning district designated for residential use; all religious institution uses; all day care/preschool uses; all school uses (elementary, middle/junior, or senior high); and all public parks.
2. **Outdoor Storage Areas:** Outdoor storage areas are allowed past the front plane of the primary structure. A screen fence at least 6 feet tall along with perimeter landscaping is required around all sides visible from public view according to the fencing standards of *Chapter 5: Land Use: Accessory and Temporary Uses* and the landscape screening standards of *Chapter 8: Development Standards*. The height of stored materials and equipment must not exceed the height of the screening fence or wall such that they would be visible from public areas of the subject property or adjacent sites, or the public road.
3. **Road Capacity:** Heavy manufacturing uses must be located on streets that have adequate capacity for the ultimate size of the facility. This means that the use will have

direct access to an arterial or collector road, or local roads that only traverse the Industry Heavy (IH) district and do not pass residential properties. Additionally, heavy manufacturing uses must have adequate road capacity available to serve the use and must be designed to ensure safe ingress onto and egress from the site, safe road conditions around the site, and adequate access onto the site for fire, police, and emergency medical services.

E. **Manufacturing, Special Heavy**

Special heavy manufacturing uses must meet all of the standards of heavy manufacturing uses, plus these:

1. **Performance Standards:** Special heavy manufacturing uses must demonstrate that all external impacts have been mitigated to protect surrounding uses to the greatest extent practicable through the use of noise-mitigating construction and emission scrubbing technology, as well as oversized land-use buffers to mitigate impacts that could affect the marketability of surrounding properties.
2. **Sanitation:** Animal waste must be disposed of in a landfill according to S.C. Department of Health and Environmental Control standards.

4.3.3.4.4 **Wholesaling, Warehouse, and Freight Movement**

A. **Parcel Services; Truck or Freight Terminal; Wholesale and Warehouse (General)**

1. **Separation:** These uses must be located at least 250 feet from all existing residential uses. On large tracts, the use area is considered the residence and its proximate outdoor activity areas.
2. **Outdoor Storage Areas:** Outdoor storage areas are allowed past the front plane of the primary structure. A screen fence at least 6 feet tall along with perimeter landscaping is required around all sides visible from public view according to the fencing standards of *Chapter 5: Land Use: Accessory and Temporary Uses* and the landscape screening standards of *Chapter 8: Development Standards*. The height of stored materials and equipment must not exceed the height of the screening fence or wall such that they would be visible from public areas of the subject property or adjacent sites, or the public road.
3. **Public Address Systems:** Parcel services, truck or freight terminals, and wholesale or warehouse uses cannot have an outdoor speaker or public address system that is audible offsite.
4. **Road Capacity:** Parcel services, truck or freight terminals, and wholesale and warehouse (general) uses must be located on streets that have adequate capacity for the ultimate size of the facility. This means that the use will have direct access to an arterial or collector road without passing residential properties. Additionally, these uses must be designed to ensure safe ingress onto and egress from the site, safe road conditions around the site, and adequate access onto the site for fire, police, and emergency medical services.

B. **Wholesale and Warehousing (Limited)**

1. **Scale:** This use must be small-scale (generally less than 50,000 square feet and operational fewer than 16 hours a day).
2. **On-Site Deliveries:** Be located on a site that can accommodate all loading and unloading activities and can provide access for anticipated truck traffic without requiring backing into public streets or other impacts to traffic flow.
3. **Truck Traffic Generated:** Be limited to uses that average fewer than 10 tractor trailer trips per week, and no more than three on any day.

4. **Present a Business Presence to the Street:** Be designed to present a finished business appearance to the street, including the use of appropriate professionally designed signage, using window displays or otherwise maintaining visual access through existing building storefronts, and rehabilitating and maintaining established landscape areas, parking areas, sidewalks, and other building façade and entry features.
5. **Limited Outdoor Storage:** Limited wholesale and warehousing uses in DTWN must be designed with only limited outdoor storage. A screen fence at least 6 feet tall along with perimeter landscaping is required around all sides visible from public view according to the fencing standards of *Chapter 5: Land Use: Accessory and Temporary Uses* and the landscape screening standards of *Chapter 8: Development Standards*. The building material for the screening will be determined at the time of special exception approval, but must generally be a masonry wall or other appropriate higher-quality design when facing a street or public areas of an adjacent property, but may be a wooden fence when facing non-public or service areas on adjoining properties. The height of stored materials and equipment must not exceed the height of the screening fence or wall such that they would be visible from public areas of the subject property or adjacent sites, or the public road.
6. **Transitional Use:** Limited Wholesale and Warehousing in the Downtown (DTWN) District is intended to be a transitional use in existing industrial/warehouse buildings in areas that have not redeveloped to the mix of dense uses reflected in the purpose statement and permitted uses of the district.

4.3.3.4.5 Waste-Related Services

A. Recycling Drop-Off Center

1. **Separation:** A recycling drop-off center use must be located at least 250 feet from all of the following: all existing residential uses; all undeveloped residential zoning districts; all undeveloped portions of a Master Planned (MP) zoning district designated for residential use; all religious institution uses; all day care/preschool uses; all school uses (elementary, middle/junior, or senior high); and all public parks.
2. **Minimum Lot Area:** A recycling drop-off center use must be a minimum of five acres.
3. **Configuration:** The active areas of the use cannot be located within 50 feet of any property line (except for a freestanding office).
4. **Screening:** A recycling drop-off center use must effectively screen storage areas from view by walls, fences, or buildings. Such screening must be designed and installed to ensure that no part of a storage area can be seen from rights-of-way or adjacent lots. In no case shall the height of recyclable or recovered materials or non-recyclable residue stored in outdoor areas exceed 20 feet or the height of the principal building on the lot, whichever is greater. A recycling center use must be surrounded by a solid fence that is at least 8 feet high, is located at least 100 feet away from any public right-of-way, and is located at least 50 feet away from any adjacent property.
5. **Material Storage:** A recycling drop-off center use must contain recyclable materials within a leak-proof bin or trailer, and must not store materials on the ground. No hazardous or biodegradable wastes may be stored on the site.
6. **Limited Processing of Materials:** A recycling drop-off center use must include only limited sorting or other processing of deposited materials.
7. **Public Address System:** A recycling drop-off center use cannot have an outdoor speaker or public address system that is audible off-site.

B. [Junk Yard; Tire Disposal/Recycling Facility; Municipal/Commercial Recycling Facility](#)

1. **Separation:** These uses must be located at least 250 feet from all of the following: all existing residential uses; all undeveloped residential zoning districts; all undeveloped portions of a Master Planned (MP) zoning district designated for residential use; all religious institution uses; all day care/preschool uses; all school uses (elementary, middle/junior, or senior high); and all public parks.
2. **Minimum Lot Area:** These uses must be a minimum of three acres.
3. **Configuration:** The active areas of the use cannot be located within 50 feet of any property line (except for a freestanding office).
4. **Screening:** A screen fence at least 6 feet tall along with perimeter landscaping is required around all sides visible from public view according to the fencing standards in *Chapter 5: Land Use: Accessory and Temporary Uses* and the landscape screening standards of *Chapter 8: Development Standards*. The height of stored materials and equipment must not exceed the height of the screening fence or wall such that they would be visible from public areas of the subject property or adjacent sites, or the public road.

C. [Energy Recovery Plant; Hazardous Waste Collection Site; Incinerator; Landfill; Solid Waste Composting Facility](#)

1. **Separation:** These uses must be located at least 1,000 feet from all of the following: all existing residential uses; all undeveloped residential zoning districts; all undeveloped portions of a Master Planned (MP) zoning district designated for residential use; all religious institution uses; all day care/preschool uses; all school uses (elementary, middle/junior, or senior high); and all public parks.
2. **Screening:** These uses must be surrounded by a solid fence that is at least 8 feet high, is located at least 100 feet away from any public right-of-way, and is located at least 50 feet away from any other adjacent property.
3. **Road Capacity:** These uses must be located on streets that have adequate capacity for the ultimate size of the facility. This means that the use will have direct access to an arterial or collector road, or local roads that only traverse the Industry Heavy (IH) district and do not pass residential properties. Additionally, they must be designed to ensure safe ingress onto and egress from the site, safe road conditions around the site, and adequate access onto the site for fire, police, and emergency medical services.

APPENDIX 4-A DESCRIPTIONS OF PRIMARY USES

PURPOSE

Use classifications organize land uses and activities into general "use categories" and specific "use types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. The use classifications provide a systematic basis for assigning present and future land uses into appropriate districts.

STRUCTURE OF THIS SECTION

- A. Characteristics:** The "characteristics" subsections describe common characteristics of each use category. Principal uses are assigned to the category that most closely describes the nature of the principal use.

- B. Examples:** The "examples" subsections list common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself.

For example, a use that calls itself "wholesale sales," but sells mostly to consumers, is included in the retail sales and service category rather than the wholesale sales category. This is because the activity on the site matches the characteristics of the retail sales and service category.

- C. Definitions:** The "definitions" subsections list definitions that differ from ordinary dictionary definitions or need further explanation.

- D. Accessory uses and structures:** The main accessory uses and structures' section of this ordinance is in *Chapter 5: Land Use: Accessory and Temporary Uses*. Listed here are examples of accessory uses and structures that are so specialized to specific uses that they are not included in that section instead.

- E. Exceptions:** This section describes use types that are similar to the listed use but are categorized differently.

- F. Exclusions:** This section describes particular situations that are excluded from regulation.

- G. Temporary uses** are regulated in *Chapter 5: :Land Use: Accessory and Temporary Uses*.

RESIDENTIAL USES

Household Living

Characteristics

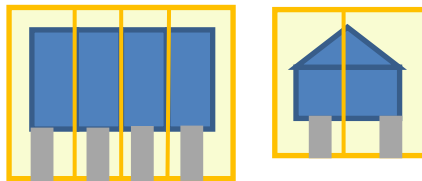
Uses characterized by the residential occupancy of a dwelling unit by a family. Tenancy is for a 30-day period or longer.

Use types: examples and definitions

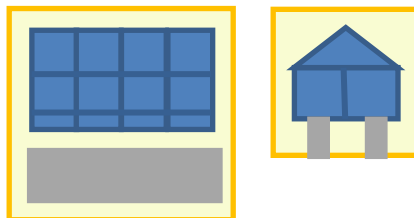
Single-family detached: A dwelling unit that is not attached to any other dwelling unit, that is occupied by only one family, and that is located on an individual lot that is owned in fee. May be built entirely on site or may be modular. (Modular dwellings are those that are composed of components manufactured and substantially assembled in a separate location and transported to the building site for final assembly on a permanent foundation; they meet all state and local building code requirements). Mobile/manufactured homes are not permitted in any zoning district. (Mobile/manufactured homes are structures built before June 15, 1976, on an internal chassis and designed to be used as a dwelling unit when connected to the required utilities; they do not carry the HUD Code Seal. Manufactured homes are structures built after June 15, 1976, on an internal chassis and designed to be used as a dwelling unit when connected to the required utilities; they do carry the HUD Code Seal.)



Single-family attached: A dwelling unit that is located on an individual lot that is owned in fee but that shares a property line(s) with another dwelling unit, each of which is totally separated from the other by an unpierced wall extending from ground to roof. Can take the form of a townhouse, duplex, or other arrangement as long as the above definition is met.



Multi-family: A building designed for or occupied by two or more families on a single lot, with only one family occupying each dwelling unit. Can take the form of apartments, condominiums, duplexes, or other arrangement as long as the above definition is met. Apartments or other multi-family units that are age-targeted or age-restricted but that do not provide services that support the residents in living independently, such as the provision of meals, retail services (barbershop/salon, etc.), or organized social activities, are also considered a multi-family use.

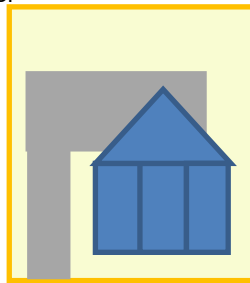


Residential infill: The residential infill use consists of small-scale residential uses with multiple dwellings on one lot. Examples include:

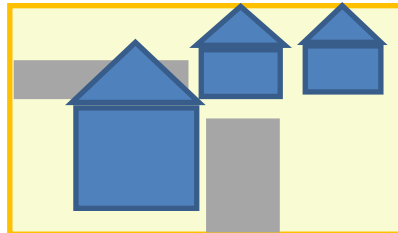
- the construction of one or a small number of single-family detached dwellings, duplexes, triplexes, or quadruplexes on an undeveloped lot, or on a lot with an existing single-family detached residence, duplex, triplex, or quadruplex;



- a residential structure that has historically been used as a single-family dwelling but that is now divided into multiple units; or



- the construction of one or a small number of accessory dwelling units on a lot with an existing single-family detached residence, duplex, triplex, or quadruplex; or



Other associated definitions

Dwelling unit: Any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one family.

Family: Family means any of the following: (a) One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together in a dwelling unit; or (b) a group of not more than five persons not related by blood, marriage, adoption, or legal guardianship, including foster children, living together in a dwelling unit; or (c) two unrelated persons and their minor children living together in a dwelling unit.

Accessory uses and structures

Single-family attached and multi-family uses are allowed to have any accessory uses listed in the use-specific standards' section.

Exceptions

- Lodging in a dwelling unit or where units are rented on a less-than-monthly basis is classified as Visitor Accommodations.
- The raising of pets is an accessory use, but any residential operation that is specifically geared towards the commercial breeding and selling of pets and contains more than one litter at any given time is considered an animal care use.

Group Living
Characteristics
Uses characterized by a group of people who share living quarters but do not meet the definition of "family."
Use types: examples and definitions
<p><i>Fraternity/sorority house:</i> A building used as group living quarters for members of a fraternity or sorority that has been officially recognized by a university or college in York County.</p> <p><i>Dormitory/student housing:</i> A building used to house students of an accredited college or university that is located in York County. May be publicly or privately owned, and may be located on or off campus. Student housing is contrasted from multi-family apartments because it is specifically for students of a specified college or university and generally is oriented such that multiple students share bedrooms surrounding shared common areas, such as central living spaces and restrooms.</p> <p><i>Group home:</i> A facility used as group living quarters for more than five people at a time with special needs beyond sheltering, such as the provision of food, personal care, the arrangement of counseling or medical services, education, or job training and placement. Examples include homes for abused children, homes for the mentally and/or physically handicapped, or emergency or transitional housing shelters. There are two types of group homes:</p> <ul style="list-style-type: none"> • Type A is a facility for 20 or fewer persons. • Type B is a facility for more than 20 persons. <p><i>Halfway house:</i> A place where persons live while they are aided in readjusting to society following a period of imprisonment or institutionalized treatment.</p>
Other associated definition
<p><i>Family:</i> Family means any of the following: (a) One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together in a dwelling unit; or (b) a group of not more than five persons not related by blood, marriage, adoption, or legal guardianship, including foster children, living together in a dwelling unit; or (c) two unrelated persons and their minor children living together in a dwelling unit.</p>
Exceptions
<ul style="list-style-type: none"> • Lodging where residents meet the definition of "family" and where tenancy is arranged on a month-to-month basis or for a longer period is classified as household living. • Hospice is a health care (inpatient) use. • Assisted living facilities, nursing homes, and continuing care facilities are an elder care use.
Exemptions
<p>Pursuant to S.C. Code of Laws Section 6-29-770(E), the provisions of this ordinance do not apply to a home serving nine or fewer mentally or physically handicapped persons if the home provides care on a 24-hour basis and is approved or licensed by a state agency or department or is under contract with the agency or department for that purpose. Pursuant to S.C. Code of Laws Section 6-29-770(E), prior to locating a home for handicapped persons in the City, the appropriate state agency or department or the private entity proposing to operate the home must first give prior notice to the City, advising of the exact location of the proposed home, and comply with the other requirements of that provision, state law, and federal law. If the City objects to the selected site, it may follow the procedures outlined under S.C. Code of Laws Section 6-29-770(E).</p>

Elder Care
Characteristics
Uses that provide living arrangements, with or without a medical component, to senior citizens, or to younger people with special medical needs that require custodial care.
Use Types: Examples and Definitions
<p><i>Assisted living facility:</i> A facility that provides housing for those who need assistance with daily activities, such as dressing, grooming, and bathing, and the administration of medication.</p>

Nursing home: A facility that provides nursing services and custodial care on a 24-hour basis for people who, for reasons of illness, physical infirmity, or advanced age, require such services.

Independent living apartments for seniors: A use that provides age-targeted or age-restricted living units as well as some services that support the residents' abilities to live independently, such as the provision of meals, retail services (barbershop/salon, etc.), and organized social activities.

Continuing care facilities: A retirement community that accommodates a range of living options designed for senior citizens to move to different parts of the community as their health care needs change. Components may include independent living (whether in single-family or multi-family residences), assisted living and nursing home care, provided that these different uses are integrated as part of a continuum of care.

Exclusions

Stand-alone hospice facilities are considered a health care use, although any of the above may have hospice services offered.

PUBLIC/COMMERCIAL USES

Agriculture and Agricultural Support
Characteristics
Uses characterized by general agricultural and agricultural support activities.
Use types: examples and definitions
<p>Agricultural Support Sales and Services: Agriculture-oriented retail and services providers that primarily sell materials related to agricultural production and farming, such as animal and livestock feed, fertilizers, pesticides, and small tools and implements (but not large farm equipment such as tractors), as well as livestock markets.</p> <p>Agritourism: Agritourism businesses invite the general public to a farm or ranch where the members of the general public are invited to participate in rural activities for recreational, entertainment, or educational purposes. These uses may include direct sale of agricultural products through roadside farm stands, farmers markets, or produce stands; farm-to-table restaurants or specialty eating establishments; and special events.</p> <p>Farming: Agriculture (the practice of cultivating the soil, producing crops, raising livestock, and preparing, packing, treating, processing, storing, and marketing the resulting products) and aquaculture (the cultivation of aquatic organisms such as fish or shellfish). The keeping of all types of farm animals such as but not limited to cattle, hogs, pigs, poultry, sheep and goats, bees, horses and other equines, and fur-bearing animals, is allowed. The planting and production of timber also is allowed in accordance with section 8.5.9.</p> <p>Plant nursery (production): A place where plants are propagated and grown to usable size; plants may be sold on or off-site to the general public at retail or to other businesses at wholesale.</p>
Accessory uses and structures
Stables, pens, feeding areas, paddocks, haylofts, grain or other feed silos, equipment storage buildings, greenhouses, corrals, and similar structures necessary to conduct agricultural uses are allowed accessory structures.
Exceptions
<ul style="list-style-type: none"> • Community gardens are classified as community services. • The boarding of horses or ponies owned by people who do not reside on-site is an animal care use. • Plant stores that do not grow on site are classified as a retail use. • Produce stands located on property that has not been approved for an agritourism use are treated as a temporary use.

Animal Services
Characteristics
Uses related to the provision of medical services, general care, and boarding services for domestic animals.
Use types: examples and definitions
<p><i>Animal care, limited:</i> Includes animal care uses with neither an outdoor facility nor an overnight component. Examples may include animal grooming facilities and veterinary clinics without boarding.</p> <p><i>Animal care, general:</i> Includes animal care uses with either an outdoor facility or an overnight component, or both. Examples may include animal day cares, animal shelters, overnight boarding facilities, veterinary clinics with boarding or nighttime emergency services, kennels, and pet stores that sell cats, dogs, and/or birds larger than 12 inches.</p> <ul style="list-style-type: none"> • <i>Note about kennels:</i> Any residential operation that is specifically geared towards the commercial breeding and selling of pets and contains more than one litter at any given time is considered a kennel. <p><i>Equine stable:</i> A use associated with the boarding of horses or ponies for persons who do not reside on the property. The owner of the stable may live on the property and may keep horses or ponies in the stable as well as board horses or ponies for others. The equine stables use includes stalls, feeding areas, paddocks, haylofts, corrals, and other similar outdoor exercise/ performance areas. Lessons and performance practice may take place in this type of facility.</p>
Accessory uses and structures
<ul style="list-style-type: none"> • Grooming is allowed as accessory to any animal services use.
Exceptions
<ul style="list-style-type: none"> • The boarding of horses or ponies owned by persons living in a dwelling located on the property is an accessory use. • Pet stores that sell only products, or only products and small animals that do not make noise or have odors that would be noticeable outside the walls of the building or tenant space are considered a retail use. Examples of animals that fit this description include fish, amphibians, reptiles, small mammals such as hamsters or gerbils, and birds 12 inches or smaller.

Cemeteries, columbaria, and mausoleum
Characteristics
Uses intended for the interment or entombment of the dead.
Use type examples
Cemeteries, columbaria, and mausoleum.
Accessory uses and structures
Chapels; the memorialization of the dead through religious or other memorial services.
Exceptions
<ul style="list-style-type: none"> • Funeral homes are classified as a retail use. • Crematoria are classified as an industrial use.

Community Services
Characteristics
Uses of a public, non-profit or charitable nature that are open to the public and provide an ongoing service for the benefit of people in the community.
Use types: examples and definitions
<p><i>Community center:</i> A use operated by a public agency, or non-profit or charitable organization that provides ongoing activities for the general benefit of people in the community, such as educational enhancement, training or tutorial experiences; arts classes; general health, wellness, and nutrition activities; and recreation or social activities.</p>

Youth center: A community center use restricted to youth.

Senior center: A community center use restricted to senior citizens.

Museum: A building devoted for the procurement, care, study, and display of objects of lasting interest or value.

Library: A building in which literary, musical, artistic, or reference materials (such as books, manuscripts, recordings, or films) are kept for public use.

Community garden: Land gardened by multiple individuals or groups on a shared parcel that has been divided into smaller plots for the use of each.

Exceptions

Gardens operated by and for the use of an individual day care, educational institution, group home, food service, bed and breakfast, or neighborhood are considered accessory uses to those primary uses.

Day care

Characteristics

Uses that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence, typically for less than 24 hours per day. Care can be provided during daytime or nighttime hours.

Use types: examples and definitions

Adult day care center: A facility licensed by the State as a day care facility for adults 18 years of age or older.

Child day care centers/preschools: A facility licensed by the State to provide day care or preschool services for more than 5 children under the age of 18 other than members of the family.

Exceptions

- Public and private schools are classified as educational facilities. Both day cares and schools may serve children in pre-kindergarten classes, so the classification of these uses will be based on the other age groups served, whether the general services provided are more similar to those provided by a day care or by a school, and whether the facility is licensed by the Department of Social Services as a child care center or by the Department of Education as a school.
- Facilities operated in connection with an employment use, shopping center, religious institution, or other principal use where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity are allowed as an accessory use to those primary uses.

Educational Institutions

Characteristics

Uses that primarily provide educational services.

Use types: examples and definitions

College/university: A campus for a post-secondary institution of higher learning that grants associate, bachelor, master, and/or doctoral degrees. Associated off-campus uses would be classified according to the descriptions in this appendix. For example, a college/university office that is located off the primary campus of the college/university would be classified as a business/professional office; a college/university bookstore located off-campus would be classified as retail sales (indoor).

School: A public or private institution for the State-mandated teaching of children or a comparable equivalent. Elementary schools may include grades 4K through 6. Middle school/junior highs and high schools may include grades 5 through 12.

Vocational/trade school: An instructional institution that provides on-site training of vocational or trade skills in specialized areas of study.

Accessory uses and structures

- *Accessory uses and structures* at schools include offices, play areas, cafeterias, recreational and sport facilities, auditoriums, laboratories, libraries, and before- or after-school day care.
- *Accessory uses and structures* at colleges/universities include offices; dormitories; food service and student unions; health centers; research facilities; laboratories, health and sports facilities; auditoriums; theaters; maintenance facilities; supporting retail uses such as bookstores; and chapels.

Exceptions

- Child day care/preschool is classified as a day care use. Both day cares and schools may serve children in pre-kindergarten classes, so the classification of these uses will be based on the other age groups served, whether the general services provided are more similar to those provided by a day care or by a school, and whether the facility is licensed by the Department of Social Services as a child care center or by the Department of Education as a school.
- The on-site training of employees of a business is considered accessory to the business and not a vocational/trade school.

Event and Entertainment

Characteristics

Facilities used for business or professional conferences, seminars, and training programs, or facilities used to provide recreation and entertainment activities in an indoor environment such as banquets, weddings, and private parties.

Use Types: Examples and Definitions

Adult entertainment: Uses that sell or distribute material or provide activities with sexually explicit content. Use types include but are not limited to sexually-oriented book stores, retail stores, video stores, cabarets, and theaters.

Bar or nightclub: An establishment where the primary business is the sale of alcoholic beverages, which may be in conjunction with the provision of live music, dancing, or other entertainment, such as comedy, theatre, or the viewing of televised sporting events. Food may be served, but is not the primary focus of the establishment.

- **Special notes:**
 - State alcohol licensing classification, such as but not limited to classification as a “private club” or “non-profit organization,” does not determine the City’s classification of the use.
 - Any other use type in this ordinance that holds promoted parties, offers its facilities for lease for others to hold promoted parties, or otherwise operates as a bar/nightclub even on an occasional basis must also be approved as a bar/nightclub.

Craft brewery: A facility that brews beer primarily for on-site consumption and retail sale, but also including wholesale or off-site sales, consistent with State law and the use-specific standards of this ordinance. Such uses may or may not include an on-site tasting room (brewpub) or food service.

Conference center/convention center: A facility used for conferences, seminars, product displays, recreation activities, and entertainment functions that primarily occur during the day. Food may be prepared on-site or brought in from off-site.

Event venue: A facility for lease by private parties for events that are not open to the general public, such as parties, banquets, or receptions. Food may be prepared on-site or brought in from off-site.

Teen club: An establishment similar to a nightclub but that is geared towards people under age 21 and does not provide alcohol. It is different from a youth center community services’ use because a teen club generally involves dancing, music, and other entertainment, whereas a youth center generally is operated by a public agency, or non-profit or charitable organization that provides ongoing activities for the general benefit of youth in the community, such as educational enhancement, training or tutorial experiences; arts classes; general health, wellness, and nutrition activities; and recreation or social activities.

Theater/indoor concert hall/auditorium: A use devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Fraternal organization or lodge: A membership-based organization whose members meet regularly to advance a common interest of a cultural, religious, professional, or charitable nature. If a fraternal organization or lodge holds promoted parties, offers its facilities for lease for others to hold promoted parties, or otherwise operates as a bar/nightclub even on an occasional basis, it must also be approved as a bar/nightclub. If a fraternal organization or lodge wants to operate as an event center, it must also be approved as an event center.

Other related definition

Promoted party: A party that is open to the public and is marketed by an event promoter who is directly or indirectly compensated for providing that service. This definition includes both parties where admission is limited to those of legal age to consume alcohol and where alcohol is sold for on-premise consumption, and parties that are oriented towards minors such as “teen clubs” or “teen nights.” Included within this definition are events held in part or in whole for the benefit of government, religious, or charitable organizations but that are not organized and managed by the beneficiary itself. Excluded from this definition are community festivals or special community-wide events held by government, religious, or charitable organizations.

Exclusions

- Conference centers and event centers that are incidental and customary to other primary uses, such as within religious institutions and hotels, are considered part of those other primary uses.

Food Service

Characteristics

Uses characterized by establishments that sell prepared food for on- or off-premise consumption.

Use types: examples and definitions

Commissary/catering kitchen/food production: The cooking, assembly, and packaging of food products; the use must be small-scale (generally less than 10,000 square feet and with conventional operational hours) and low-impact (meaning no noise, odor, vibration, or other discernable impacts external to the building).

Restaurant (without alcohol sales): An establishment where food and beverages other than alcohol are served to customers for consumption on the premises.

Restaurant serving alcohol: An establishment where food and beverages are served to customers for consumption on the premises, and where the vast majority of customers consume full meals during conventional meal times. The serving of alcoholic beverages, provision of a bar area, or provision of entertainment is clearly secondary to meal service.

Extended hours restaurant serving alcohol: An establishment where the primary business is the serving of meals or prepared food during conventional meal times, but the business may stay open until 2 a.m. Such restaurants often feature televised sporting events or late night entertainment, but food is available until closing.

Specialty eating establishments: Establishments selling specialty food items that normally do not constitute a full meal. Examples include but are not limited to ice cream parlors; dessert cafes; snack shops; doughnut shops; or juice, smoothie, or coffee shops.

Accessory uses and structures

Billiards, live entertainment, and dance floors, provided that the accessory uses are clearly subordinate to the primary function of food service. Outdoor seating areas (decks and patios), game/recreation activities, and drive-through or drive-in service are allowed as an accessory use with any restaurant type provided that the separate use-specific standards for those activities are met.

Exceptions

- Bar/nightclub uses are classified as an event and entertainment use.
- Grocery stores and other food stores that primarily offer food and beverages for off-premise consumption are classified as a retail sales and service use.

- Food production of a scale larger or more intense than is allowed under the commissary/catering kitchen/food production use type is considered general manufacturing.

Government Facilities
Characteristics
Facilities for the operation of local, state, or federal government.
Use types: examples and definitions
<i>Detention center:</i> A publicly or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.
<i>Emergency response facilities:</i> Facilities for the provision of emergency service response, such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles, and equipment and facilities for the housing and feeding of emergency personnel while on duty.
<i>Government operations center:</i> A facility operated by the government primarily for the storage, maintenance, and fueling of fleet vehicles; the storage of equipment and supplies in warehouses or outdoor storage yards; and/or the dispatching and training of field employees.
<i>Post office:</i> A regional office or headquarters of a governmental postal system at which postal vehicles are stored, and mail is received, sorted, and dispatched for distribution.
Accessory uses and structures
Fueling facilities.
Exceptions
<ul style="list-style-type: none"> • Government offices are classified as offices. • Post offices that are not of a regional or headquarters' scale and do not store postal vehicles on site are considered retail. • Water, sewer, electrical and other types of utilities are classified as a utilities use.

Health Care Facilities
Characteristics
Uses providing in-patient medical or surgical care and treatment to patients.
Use types: examples and definitions
<i>Hospice:</i> A facility that provides palliative and supportive medical and other health services to meet the needs of terminally ill patients and their families in a group residential setting.
<i>Hospital:</i> An institution licensed by the State to provide medical and surgical care of an acute or emergency nature to people.
<i>Mental health treatment facility:</i> A facility for the medical treatment of mental health issues, including but not limited to substance abuse, where patients are provided with care, meals, and lodging, and which may include outpatient follow-up care.
Accessory uses and structures
For all: Laboratories.
For hospitals only: helicopter landing facilities.
Exceptions
<ul style="list-style-type: none"> • Assisted living facilities, nursing homes, independent living facilities for seniors, and continuing care facilities are classified as elder care. • Outpatient medical services are considered an office use.

Offices
Characteristics
Uses that are conducted in an office setting and that generally focus on business, or professional services.
Use types: examples and definitions
<p><i>Business or professional office</i> includes offices for business people and professionals, such as but not limited to accountants, financial advisors, insurance agencies, government, sales, law, engineering, architecture, or outpatient medical and dental. It also includes offices for contractors (building, heating, plumbing, electrical, landscaping, and similar trades), provided that they do not have warehouse areas nor outdoor storage areas on site.</p> <p><i>Contractor's office (Type A)</i>: Offices for contractors (building, heating, plumbing, electrical, landscaping, and similar trades) that have a warehouse area but do not have an outdoor storage area.</p> <p><i>Contractor's office (Type B)</i>: Offices for contractors (building, heating, plumbing, electrical, landscaping, and similar trades) that include outdoor storage areas.</p>
Exceptions
<ul style="list-style-type: none"> • In-patient medical services are classified as health care. • Business services such as mailing and packing services, or photocopying and blueprint services are classified as retail sales and service. • Government facilities besides offices are classified as government facilities. • Offices that are part of and located within a principal use in another Use Category are considered accessory to the establishment's primary activity. • Banks/credit unions are a retail sales and service use.

Parking and Transportation
Characteristics
Facilities that provide public parking or parking for profit, and facilities that serve as a base for transportation services.
Use types: examples and definitions
<p><i>Airport/helicopter landing facility</i>: Any area set aside for the landing and takeoff of aircraft or helicopters, including all necessary facilities for the housing and maintenance of aircraft or helicopters and the service of passenger needs.</p> <p><i>Fleet maintenance and storage yard</i>: Land used for the storage and maintenance of fleet vehicles or other automobiles such as school buses. This does not include junkyard activities.</p> <p><i>Parking lot/structure</i>: A use that provides public parking or parking for profit through lots or structures.</p> <p><i>Passenger bus terminal</i>: A facility that receives and discharges passengers on public transportation, and/or at which facilities and equipment required for operation of public transportation vehicles are provided.</p>
Exceptions
<ul style="list-style-type: none"> • Parking facilities that are accessory to a principal use, but that charge the public to park for occasional events nearby, are classified as an accessory use. • Bus stops are not considered a primary use.

Recreation
Characteristics
Uses with the primary function of providing passive or active recreation.
Use types: examples and definitions
<p><i>Indoor recreation</i>: An indoor (entirely within an enclosed structure) use providing for sports and recreational activities. Examples may include gymnasiums; fitness centers; dance/gymnastics/martial</p>

arts' studios; swimming pools; skating rinks; bowling alleys; "bounce houses"; climbing centers; trampoline centers; and billiards' halls. These are divided into two types:

- Indoor recreation uses of 3,000 square feet or less;
- Indoor recreation uses of more than 3,000 square feet.

Indoor firing range: A building that is used for the purpose of organized sporting events or practice using rifles, shotguns, and pistols.

Commercial outdoor recreation (Type A): An outdoor, or combination indoor/outdoor use, providing for sports and recreational activities. Examples may include arboretums and botanical gardens; stadiums, amphitheatres, and arenas; golf driving ranges; swimming pools; ball fields and courts; outdoor archery ranges; canoe, kayak, and water tube launches; and trail complexes. Outdoor firing ranges are not an allowed use in any zoning district.

Commercial outdoor recreation (Type B): A golf course.

Public parks and neighborhood common areas: Includes all of the activities listed under commercial outdoor recreation, as well as neighborhood common areas and recreation centers such as community pool complexes or tennis courts.

Accessory uses and structures

A driving range is allowed as accessory to a golf course.

Exceptions

Any indoor or outdoor recreation use that holds promoted parties, offers its facilities for lease for others to hold promoted parties, or otherwise operates as a bar/nightclub even on an occasional basis must also be approved as a bar/nightclub. See event and entertainment use for definition of promoted party.

Religious Institutions

Characteristics

A structure or place in which workshop, ceremonies, rituals, and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group.

Use types: examples and definitions

Churches, temples, mosques, and other places of worship. All of these will fall under one of the following use types:

- *Religious institution (small)*—Any religious institution with an occupancy of 50 or fewer in the main gathering area.
- *Religious institution (medium)*—Any religious institution with an occupancy of between 50 and 299 in the main gathering area.
- *Religious institution (large)*— Any religious institution with an occupancy of 300 or more in the main gathering area.

Accessory uses and structures

Pastor housing; group living facilities for clergy such as convents or monasteries; and addiction support meetings provided that no medical care is provided. Nurseries and day care during the provision of religious services is considered accessory to the religious institution.

Exceptions

- Day cares/preschools outside of regular religious service times are considered a separate primary use
- Schools that operate outside of regular religious service times are regulated as primary uses in the educational institution category.

Retail Sales and Services

Characteristics

Uses involved in the provision of goods and services to the general public.

Use types: examples and definitions

Alternative financial services:

- *Bail bonds:* An establishment providing contracts wherein a defendant or surety promises to forfeit the sum of money determined by the court to be commensurate with the gravity of the alleged offense if the defendant fails to return for the trial date.
- *Check cashing establishment:* An establishment that regularly cashes checks, drafts, and money orders for a fee, service charge, or other consideration, such as those services regulated by the State Board of Financial Institutions under Chapter 41 of Title 34 of the South Carolina Code of Laws.
- *Title loan lender:* An establishment that is a supervised lender which regularly extends short-term vehicle secured loans, such as those regulated by Section 37-3-413 of the South Carolina Code of Laws and accepts as security title to motor vehicles. The term does not include supervised lenders other than those specializing in short-term vehicle secured loans or banks, credit unions, savings banks and like depository institutions.
- *Deferred presentment lender:* An establishment that is a business that regularly accepts a check from a borrower, drawn on the borrower's bank account, to be presented for payment at a later date, and that charges a fee for the service, such as those regulated under Chapter 39 of Title 34 of the South Carolina Code of Laws.
- *Debt relief company:* Any establishment that advertises and/or promises to reduce unsecured debt through settlement and accepts any funds, payments, or fees in advance of said settlement. This also applies to any firm that offers debt management, consolidation, advice, assistance, elimination, financing, negotiation, payoff, relief, settlement, or other solution that requires discontinuation of legitimate debt payments. It does not apply to depository institutions or attorneys properly licensed by South Carolina and the City of Rock Hill.
- *Small loan company:* Establishments that are restricted lenders regulated under Chapter 29 of Title 34 of the South Carolina Code of Laws and supervised lenders regulated under Chapter 3 of Title 37 of the South Carolina Code of Laws; however, the term does not include deferred presentment lenders, pawn shops, or those supervised lenders primarily providing short-term vehicle loans.
- *Pawn shop:* An establishment doing business under South Carolina Code of Laws Sections 40-39-10 et. seq.; also, any business that holds personal property as security for a loan.

Banks and credit unions: An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses.

Flea markets: A market held 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 edible items.

Funeral home

Gasoline station/convenience store that sells gasoline: A small retail establishment selling gasoline, and convenience food, household items, or automobile accessories.

Liquor store: An establishment licensed by the State exclusively as a retail liquor store.

Personal services: Small-scale retail uses that provide convenience or personal services. There are two types:

- *Type A:* Laundromats; dry-cleaning establishments; clothing alterations; shoe repair; photographic studios; hair, tanning, and nail salons; aesthetician services; weight loss organizations; and massage therapy and day spas.

- *Type B:*
 - *Body piercing establishment:* An establishment outside of a medical office that provides services where one person pierces the skin of another the intention of inserting any object including but not limited to jewelry. Jewelry stores that provide ear piercing services only as an accessory use are considered retail sales establishments.
 - *Tattoo parlors:* An establishment where the principal business activity is the practice of one or more of the following: Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.
 - *Psychics and mediums:* Establishments where psychics provide predictions of the future based on intuitive or mental powers or supernatural influences and not statistical or otherwise empirical evidence, or communication with spirits.

Personal instruction: Art studios and classes, do-it-yourself project studios, and non-medical group therapy.

Retail Sales or Services, Indoor: An establishment that provides goods and/or services directly to the consumer from an enclosed building. Some examples include grocery stores; book stores; gift shops; home improvement stores; furniture stores; pharmacies; jewelry stores; pet stores that sell only products, or only products and small animals that do not make noise or have odors that would be noticeable outside the walls of the building or tenant space (with examples of such animals including birds 12 inches and smaller, fish, amphibians, reptiles, small mammals such as hamsters or gerbils); small consumer repair shops such as but not limited to small appliance and equipment repair, locksmiths, and upholsters; business services such as photocopying and mailing; and convenience stores that do not sell gasoline.

Retail Sales or Services, Outdoor; Outdoor Storage (as a principal use): An establishment that provides goods and/or services directly to the consumer outside of an enclosed building. Examples include the sale of storage buildings, gazebos, bulk landscape materials, and retail plant stores. Also, the keeping, in an unroofed area, of any material, merchandise, or vehicles in the same place for more than 24 hours. A common outdoor storage use includes contractors' materials kept by contractors in a separate location from their office use.

Exceptions

- A convenience store that does not sell gasoline is considered a retail sales use.
- A crematory is not an accessory use to a funeral home. A crematory is classified as an industrial use.
- Laundry and dry-cleaning plants with operations more extensive than a small-scale operation in a retail storefront are classified as industrial services.
- Truck stops are considered a vehicle services' use.
- The storage of recreational equipment (such as but not limited to trailers, boats, and recreational vehicles) by vehicle owners is considered a self-storage use.

Self-Storage

Characteristics

Self-storage uses provide storage areas for individuals or businesses. This may include indoor facilities ("mini-warehouses" or climate-controlled storage units), outdoor storage yards for the storage of recreational equipment (such as but not limited to trailers, boats, and recreational vehicles) by vehicle owners, or a combination of indoor facilities and outdoor storage yards.

Accessory uses and structures

Use of the storage areas for sales, service, repair, manufacturing operations, or band practices is prohibited and not considered accessory to the use.

Utilities
<i>Characteristics</i>
The public or private provision of electric, water, sewer, gas, or communications services.
<i>Use types: examples and definitions</i>
<p><i>Communication towers:</i> Towers for wireless communications. May include free-standing and roof-mounted communication towers and associated facilities for transmitting wireless services, and television and radio broadcasting equipment.</p> <p><i>Minor utilities:</i> Infrastructure services that need to be located in or near the neighborhood or use where the service is provided, including but not limited to water and sewage pump stations that serve an individual neighborhood, stormwater retention and detention facilities, telephone exchanges, and ground-based electrical/telephone/cable vaults.</p> <p><i>Major utilities (Type A):</i> Infrastructure services providing regional or community-wide service with a limited impact to adjacent lands, such as but not limited to water towers, electrical substations, and water and sewerage pump stations that serve an overall region.</p> <p><i>Major utilities (Type B):</i> Infrastructure services providing regional or community-wide service with a higher impact on adjacent lands than Major Utilities (Type A), including but not limited to wastewater and water treatment facilities.</p>

Vehicle Sales and Rentals
<i>Characteristics</i>
Uses primarily involved with the sales or rentals of vehicles, such as automobiles, aircraft, and boats and other recreational equipment.
<i>Use types: examples and definitions</i>
<p><i>Automobile sales:</i> Uses that offer vehicles on-site for sale or long-term lease to the general public, whether at retail or through an auction. The vehicles must include only those customarily used for personal use, such as automobiles, pick-up trucks, and vans, as well as recreational vehicles that are smaller than automobiles, such as all-terrain vehicles, golf carts, motorcycles and similar. These uses may have any number of vehicles being offered for sale as the site can accommodate under the requirements listed in Chapters 4 and 6 of the Zoning Ordinance.</p> <p><i>Automobile rentals:</i> Uses involving the short-term rental of a vehicle.</p> <p><i>Boat sales:</i> Uses that offer boats and other marine vessels for sale or long-term lease to the general public.</p> <p><i>Commercial truck or equipment rental or sales:</i> Uses that offer commercial trucks, such as tractor trailers or large utility, delivery, or moving trucks; farm equipment such as tractors; construction equipment; or utility or other trailers for sale, lease, or rental.</p> <p><i>Recreational vehicle/travel trailer rental and sales:</i> Uses that offer recreational vehicles (RVs), travel trailers, and other similar products for sale, lease, or rental.</p>
<i>Other definitions</i>
<ul style="list-style-type: none"> • <i>Long-term lease:</i> A lease period of one or more years • <i>Short-term rental:</i> A rental period of less than one year; generally for a few days through a few weeks
<i>Exceptions</i>
The wholesale sale of vehicles is considered a business office use, provided that no vehicles that are offered for sale are kept on-site.

Vehicle Services
Characteristics
Uses primarily involved with the service of vehicles, such as automobiles, aircraft, and boats and other recreational equipment.
Use types: examples and definitions
<p><i>Aircraft parts, sales, and maintenance:</i> The use of any land area for the sale or general repair of aircraft or aircraft parts.</p> <p><i>Automobile repair:</i> General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; also, the sale and installation of parts such as but not limited to tires, batteries, audio systems, mufflers, brakes, lubricants such as engine oil, and upholstery. This use does not include bodywork, framework, welding, and major painting service.</p> <p><i>Automobile painting/body shop:</i> Repair of automobiles or trailers, including bodywork, framework, welding, and major painting service.</p> <p><i>Automobile wrecker service:</i> An establishment operated for the purpose of temporary storage on-site of wrecked or inoperable vehicles for a period of no longer than 90 days.</p> <p><i>Car wash:</i> An establishment providing the exterior and/or interior washing of vehicles. Car washes may be automatic or full-service.</p> <p><i>Truck stop:</i> A facility providing services to the trucking industry, including but not limited to the dispensing of fuel, repair shops, automated washes, restaurants, restrooms, scales, and overnight parking facilities.</p>
Exceptions
<ul style="list-style-type: none"> • Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if these are located on the site of the principal use. • Storage of inoperable vehicles or parts for longer than 90 days is a waste-related service. • Convenience stores that sell gasoline are considered a retail sales use.

Visitor Accommodations
Characteristics
Uses that involve the short-term rental of overnight accommodations.
Use types: examples and definitions
<p><i>Campground:</i> An outdoor facility designed for overnight accommodation of persons in tents, rustic cabins, and shelters for recreation, education, naturalist, or vacation purposes and not for transitory housing purposes.</p> <p><i>Bed and breakfast:</i> A private residence, generally a single-family residence, engaged in the regular business of renting one or more dwelling rooms on a daily basis to tourists, vacationers, and business people. Individual rooms may be rented to different parties. This is a permanent, primary use that is advertised and acknowledged as a tourist destination.</p> <p><i>Hotel or motel:</i> A hotel or motel means a commercial building or a group of buildings in which guests rent a bedroom or a bedroom suite for temporary occupancy on an overnight basis. Hotels and motels are not intended to serve as a permanent residence.</p> <p><i>Short-term rental as a primary use:</i> When a non-owner occupied, residentially-used property is rented in whole or in part for an overnight stay of less than 30 days at a time to one guest party. Exceptions: When an owner-occupied residentially-used property is rented in whole or in part for an overnight stay of less than 30 days at a time to one guest party, that is considered an accessory use; see <i>Chapter 5: Land Use: Accessory and Temporary Uses</i>.</p>

Accessory uses
<ul style="list-style-type: none"> • <i>Campgrounds</i>: Office, retail, and other commercial uses commonly established in such facilities and related parking structures are allowed as accessory appurtenances. • <i>Hotels and motels</i>: Restaurants of all types, and bars/nightclubs are allowed as part of a hotel or motel only if those uses are also allowed in the zoning district and their associated use-specific standards can be met. Hotels and motels are allowed to have conference rooms and business office spaces.

INDUSTRIAL USES

Extractive Industry
Characteristics
Extractive industry uses are characterized by businesses that are engaged in the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources. Such uses also include quarrying, well operation, mining, or other procedures typically done at an extraction site.
Use types: examples and definitions
Quarries, borrow pits, sand, and gravel operations.
Accessory uses and structures
Limited wholesale sales.
Exclusions
<ul style="list-style-type: none"> • Grading and removal of dirt associated with an approved site plan or subdivision is considered part of the land development process.

General Industrial
Characteristics
General industrial uses are uses of an industrial nature that do not fall under one of the other industrial categories.
Use Types: Examples and definitions
<p><i>Crematory</i>: A facility containing furnaces for the reduction of dead bodies to ashes by fire.</p> <p><i>Equipment repair</i>: Uses that involve the repair and maintenance of small equipment, small engines (chain saws, leaf blowers, lawn mowers, and similar), tools, and instruments. Repair of heavy equipment falls under the heavy equipment sales, rental, repair, or storage use.</p> <p><i>Fuel oil distributors</i>: An establishment that distributes fuel oil or bottled gases, such as propane or liquid petroleum, for compensation.</p> <p><i>Heavy equipment sales, rental, repair, or storage</i>: An establishment engaged in the sale, leasing, repair or storage of heavy equipment of 12,000 or more pounds gross vehicular weight.</p> <p><i>Laundry, dry-cleaning, and carpet cleaning plants</i>: A facility used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in water or volatile solvents.</p> <p><i>Taxidermist</i></p>
Accessory uses and structures
Limited retail or wholesale sales and warehousing.

Manufacturing and Production
Characteristics
Manufacturing and production uses are characterized by firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers.

Custom industry is included (i.e., establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, these are a subordinate part of sales. Relatively few customers come to the manufacturing site.

Use types: examples and definitions

Machine shops: An establishment where metal is cut and shaped by machine tools.

Maker space: A place in which people with shared interests, students, mentors and entrepreneurs can gather to work on projects while sharing ideas, equipment, and knowledge. The maker space may be equipped with 3D printers, laser cutters, various milling devices, woodworking and crafting tools and other equipment. It is typically shared space with grouped workstations for collaboration on various projects.

Research and Development Facilities: A business that engages in low-impact research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multimedia, and video technology. Development construction of prototypes may be associated with this use. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration that are discernible external to the building.

Limited Manufacturing: The processing, fabrication, assembly, and packaging of products predominantly from previously manufactured parts and materials; to be considered limited manufacturing, the use must be small-scale (generally less than 10,000 square feet and with conventional business hours of operation) and low-impact (meaning no noise, odor, vibration, or other discernable impacts external to the building).

General Manufacturing: The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration that are discernible off the business site.

Heavy Manufacturing: The manufacture or compounding process of raw or partially processed materials. These activities may involve noise, odor, dust, or vibration that is noticeable off the business site and may involve outdoor operations as part of the manufacturing process.

Special heavy manufacturing: Uses include rendering, abattoirs, petroleum refining, asphalt/concrete plants, the manufacture of chemicals, fertilizers, explosives, paint, and turpentine, slaughter houses, tanneries, and stock yards.

Printing and publishing company: An establishment primarily engaged in the production of books, magazines, newspapers, and other printed matter, as well as engraving and photoengraving, but excluding photocopying, small-scale offset printing, and blueprinting services offered to retail and small business customers.

Exceptions

- Manufacturing and production of goods from salvage materials or organic material is classified as Waste-Related Services.
- Photocopying, small-scale offset printing, and blueprinting services offered to retail and small business customers is considered a retail use.

Wholesaling, Warehouse and Freight Movement

Characteristics

Use includes the storage or movement of goods for itself or sale to or distribution by other firms or businesses.

Examples

Parcel services terminal: A building or area in which parcels are transferred for routing in intrastate or interstate shipment, and in which parcels are made available for customer shipment and pick-up but where the latter is not the primary function of the space.

Truck or freight terminal: A building or area in which freight brought by truck is stored and/or transferred for routing in intrastate or interstate shipment by truck.

Flex Space: A flex space facility is an industrial property that can easily be adapted to different uses and normally includes a mix of both warehouse and office space; it also may include retail sales or showrooms, or other limited, low-impact industrial uses such as research and development or limited manufacturing. Typically, flex space buildings are at least 10,000 square feet with storefront-type windows along the front, and 16- to 25-foot clear ceilings with dock height and/or drive-in loading.

Wholesale and Warehousing, Limited: Firms involved in smaller-scale storage or the sale and distribution of goods to other locations for ultimate use or sale. Limited wholesale and warehouse uses are generally less than 50,000 square feet in area, and generally operate less than 16 hours a day. Such uses may include distributor showrooms designed to display products for selection by customers. While retail sales are a permitted accessory use, sales are predominantly to businesses, contractors, and other wholesale customers. Products are generally delivered to the customer, although there may be provisions for customer pick-up.

Wholesale and Warehousing, General: Firms involved in storage, or the sale and distribution of goods to other locations for ultimate use or sale, as well as similar uses involving high turnover or large-scale storage of goods and equipment. This may also include a cold storage plant, which is a use involved with the freezing or storing of frozen food products. Businesses may or may not be open to the general public. While retail sales are a permitted accessory use, sales are predominantly to businesses, contractors, and other wholesale customers. Products are generally delivered to the customer with limited will-call pick-up on site.

Accessory uses and structures

Accessory uses include product repair, and minor fabrication and repackaging of products.

Exceptions

- Parcel services businesses that primarily offer customer shipping and pick-up in a retail setting such as a tenant space in a commercial shopping center are considered a retail use.
- Use Types that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related Services.

Waste-Related Services

Characteristics

Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location; that collect sanitary wastes; that manufacture or produce goods or energy from the composting of organic material, or processing of scrap or waste material; or that receive hazardous wastes from others.

Definitions

Recycling drop-off center: Property used for the collection of recyclables and waste, such as York County waste collection and recycling centers. Materials are stored temporarily until they reach a quantity large enough for removal elsewhere for processing.

Municipal/commercial recycling facility: A facility for the sorting and processing of municipal or commercial waste.

Landfill: An area of land or an excavation where solid wastes or construction and demolition wastes are or have been placed for disposal. This definition does not include landfills for hazardous wastes.

Solid waste composting facility: Uses where solid wastes are stored, transferred, or composted. Accessory uses may include offices and repackaging, and transshipment of by-products.

Tire disposal/recycling facility: A facility that disposes of or recycles waste tires or waste tire residuals.

Junkyard: An establishment where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like, are brought, sold, exchanged, baled, packed, disassembled, store, or handled, including used lumber and building material yards, house wrecking yards, heavy equipment wrecking yards, and yards or places for the storage, sale, or handling of salvaged house wrecking or structural steel materials. This does not include automobile wrecker service yards.

Energy recovery plant: A facility that specializes in the reuse of resources for energy, usually those present in solid wastes or sewage. Energy recovery is when all or a part of the solid waste materials are processed to utilize the heat content, or other forms of energy, of or from the material. This excludes those materials or solid waste under the control of the Nuclear Regulatory Commission.

Hazardous waste collection site: All structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste, including all operations or storage areas, diked overflow, or emergency spillway areas. A hazardous waste disposal facility may consist of several treatment, storage, or disposal operational units; it includes all areas where hazardous waste may be received, stored, handled, or processed.

Incinerator: A facility that burns waste, especially industrial waste, at high temperatures to reduce the volume of waste or to reduce it to ash.

Exceptions

- Waste treatment plants and potable water treatment plants are classified as Utilities.
- Secondhand stores such as consignment stores or thrift stores are considered a retail use.

APPENDIX 4-B PUMP STATION PERPETUAL MAINTENANCE FEE CALCULATION FORMULA

Determination of Annual Operation, Maintenance and Repair Costs:

$$AOM = 3,066(Q_p)^{-.63} (PF)(OMI/100) + 6,532 (Q_a/Q_p) (PC)(H_p) + 12 (FC+DC)$$

Where:

AOM = annual operation and maintenance expense in \$/yr

Q_p = pump station capacity in MGD

PF = pump factor = pump TDH/150

Where:

TDH = pump Total Dynamic Head in feet

OMI = EPA Quarterly Indexes of direct Cost for Operation, Maintenance and

Repair = Pumping Station Index

Q_a = average flow contributed by pump station in MGD

PC = Duke Power Energy cost in \$/KWH for first block of rate schedule

H_p = installed pump station horsepower with largest pump out of service

FC = Duke Power Facility Charge

DC = Duke Power Demand Charge:

For H_p ≤ 40.13 = 0

For H_p > 40.13 = \$/KW (H_p - 40.13)

Final Calculation:

Determination of Perpetual Maintenance Fee:

$$PMF = AOM (P/A, I, INF)$$

Where:

PMF = A Perpetual maintenance Fee in \$

(P/A, I, INF) = Series Present Worth Factor = 100/I

Where:

$$I = IE - IR$$

Where:

IE = Interest rate earned on Town Deposited Account in %

IR = Most recent annual operation and maintenances inflation rate as measured by EPA Quarterly indexes of Direct Cost for

Operation, Maintenance and Repair - Pumping Station Index in %

LAND USE: ACCESSORY AND TEMPORARY USES

5

SECTIONS

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5.1 PURPOSE AND INTENT

The purpose of Chapter 5 is to set forth the accessory and temporary uses that are allowed in each zoning district or for each primary use type, and the mechanisms by which they are allowed, as well as specific standards that apply to some types of uses.

The purpose of these regulations is to ensure that accessory and temporary uses and structures:

- Complement the principal land use of developed sites;
- Do not negatively impact adjacent properties; and
- Do not harm the general public, such as by competing with local businesses, by contributing to blight in the community, or by creating a nuisance to others.

5.2 APPLICABILITY

All land in the City is subject to the standards of this chapter.

5.3 ACCESSORY USES AND STRUCTURES

5.3.1 INTENT

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. The City's intent in adopting this section is to allow a broad range of accessory uses, so long as such uses comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

The general intent of all accessory uses and structures is to:

- A. Directly serve the principal use or structure.
- B. Be customarily accessory and clearly incidental and subordinate to principal use or structure.
- C. Be subordinate in area, extent, and purpose to the principal use or structure.
- D. For residential uses, be located on the same lot as the principal use or structure. For non-residential uses, be located on a contiguous lot or directly across the street from the principal lot.
- E. Together with the principal use or structure not violate the bulk, density, parking, landscaping, or open space standards of this ordinance.
- F. Not be constructed or established prior to the time the principal use or structure is constructed or established.

5.3.2 DEFINITIONS

Appendix 5-1: Descriptions of Accessory Uses and Structures lists definitions for accessory uses and structures that differ from ordinary dictionary definitions or need further explanation.

5.3.3 EXPLANATION OF TABLE OF ACCESSORY USES AND STRUCTURES

A. Ways Accessory Uses and Structures May Be Allowed:

1. **As Part of a Description of a Primary Use:** In a few cases, the description of a primary use will include a specifically allowed accessory use. (See *Appendix 4-A: Descriptions of Primary Uses*.) These are situations where the listed accessory use is not common enough to be included in this accessory use section. The general standards for accessory uses found later in this chapter apply.
2. **As Part of the *Table of Accessory Uses and Structures*:** The *Table of Accessory Uses and Structures* is established as a guide to identify the appropriateness of the more common accessory uses associated with particular primary uses.
 - **Permitted accessory uses and structures:** In the *Table of Accessory Uses and Structures*, a "P" in a cell indicates that an accessory use or structure is allowed for a listed primary use. When accessory uses and structures are permitted by right, they have no use-specific standards but are subject to all other applicable regulations in the ordinance.
 - **Conditional accessory uses and structures:** In the *Table of Accessory Uses and Structures*, a "C" in a cell indicates that an accessory use or structure is allowed as a conditional use for a listed primary use. When accessory uses and structures are permitted as a conditional use, they are allowed for the listed primary use, provided that all use-specific standards and all other applicable regulations in this ordinance are met.
 - **Special exception accessory uses and structures:** An "S" in a cell indicates that the Zoning Board of Appeals may consider whether the proposed accessory use or structure is appropriate based on the criteria for special exceptions in *Article 2: Administration*. These uses are subject to all other applicable regulations in this ordinance, including all use-specific standards if any are listed, as well as any additional conditions imposed by the Zoning Board of Appeals.

Some developments are zoned as part of a Master Plan (MP) district (or a precursor district, such as a Planned Unit Development (PUD) or Planned Development (PD)). In these cases, the zoning documents will specify whether accessory uses and structures are permitted, conditional uses, or special exception uses. If none are specified, the accessory use standards in place at the time of approval will apply. If the regulations in place at the time of approval were silent as to the proposed accessory use, the Planning & Development Director will determine whether the proposed accessory use or structure is allowed based on the criteria outlined below for unlisted uses.

- B. Use-Specific Standards:** Conditional accessory uses and structures, and some of the special exception accessory uses and structures, have use-specific standards, the existence of which is noted in the *Table of Accessory Uses and Structures*. These regulations apply regardless of the associated primary use unless otherwise specified. The use-specific standards for accessory uses and structures can be found after the *Table of Accessory Uses and Structures*.
- C. Unlisted Uses:** The Planning & Development Director will evaluate potential accessory uses and structures that are not identified in the *Table of Accessory Uses and Structures* on a case-by-case basis to determine whether they allowed. In making the interpretation, the Planning & Development Director will apply the following analysis:
 1. Whether the proposed accessory use or structure meets the general intent for accessory uses and structures stated above.
 2. Whether the proposed accessory use or structure meets the general accessory use standards.
 3. Whether the proposed accessory use or structure meets the purpose and intent of the zoning district in which it is proposed to be located.
 4. Whether the proposed accessory use or structure is compatible with the primary use of the property.
 5. Whether the proposed accessory use or structure would have any potential adverse impacts on other lands in the area.
 6. Whether use-specific standards for similar types of accessory uses should be applied.
- D. Permits:** Accessory uses and structures may be required to have separate permits from the primary use.

5.3.4 TABLE OF ACCESSORY USES AND STRUCTURES

TABLE OF ACCESSORY USES AND STRUCTURES			
ACCESSORY USE OR STRUCTURE	REQUIRED PRIMARY USE	HOW USE IS ALLOWED	USE-SPECIFIC STANDARDS
RESIDENTIAL			
Accessory dwelling unit	Single-family detached	C	5.3.5.2(A)
Home-based business	Any household living use type	C	5.3.5.2(B)
In-home day cares	Single-family detached	C	5.3.5.2(C)

TABLE OF ACCESSORY USES AND STRUCTURES

ACCESSORY USE OR STRUCTURE	REQUIRED PRIMARY USE	HOW USE IS ALLOWED	USE-SPECIFIC STANDARDS
Security or caretaker's quarters; sleeping and bathing quarters	<ul style="list-style-type: none"> • Multiple family residential • All elder care use types • Emergency response facilities • Self-storage facility • Campground • Cemetery/columbarium/mausoleum • Funeral home • All healthcare facilities • Religious institution • Hotel or motel • Airport/helicopter facilities • Passenger bus terminal • Truck stop • Extractive industry 	C	5.3.5.2(D)--for security or caretaker's quarters only
Owner/manager living unit	<ul style="list-style-type: none"> • Any commercial use type 	S	5.3.5.2(D)
Short-term rental as an accessory use	<ul style="list-style-type: none"> • Any household living area 	C if apply for permit on or before December 31, 2020; S otherwise	5.3.5.2(E)
AUTOMOTIVE			
Parking of recreational equipment	<ul style="list-style-type: none"> • All use types, when allowed in the district as specified in the use-specific standards 	C	5.3.5.3(A)
Automated car wash	<ul style="list-style-type: none"> • Convenience store/gasoline station • Fleet maintenance and storage yard 	P	None
Automobile rentals	<ul style="list-style-type: none"> • Automobile repair and servicing • Automobile painting/body shop • Automobile sales • Retail sales use of 20,000 square feet or more • Hotels or motel • Self-storage facilities 	C	5.3.5.3(B)
Commercial truck and equipment rentals	<ul style="list-style-type: none"> • Automobile repair and servicing • Retail sales use of 20,000 square feet or more • Self-storage facility 	C	5.3.5.3(B)
Automotive restoration	<ul style="list-style-type: none"> • Single-family detached 	C	5.3.5.3(C)
Vehicle maintenance facilities	<ul style="list-style-type: none"> • Commercial outdoor recreation • Public parks • Government facilities • Parcel services • Truck or freight terminals • Wholesale and warehouse (limited and general) • Religious institutions • Educational institutions • Utilities 	C	5.3.5.3(D)

TABLE OF ACCESSORY USES AND STRUCTURES

ACCESSORY USE OR STRUCTURE	REQUIRED PRIMARY USE	HOW USE IS ALLOWED	USE-SPECIFIC STANDARDS
AGRICULTURAL			
Community garden	<ul style="list-style-type: none"> • All household living uses • All group living uses • Agritourism; farming; plant nursery (production) • Community center; youth center; senior center • Adult day care center • Child day care center/preschool • All elder care uses • Religious institutions • Educational institutions • All food service uses • Bed and breakfasts • Public parks 	C	5.3.5.4 (A)
Equine stable	<ul style="list-style-type: none"> • Single-family detached • Farming; agritourism 	C	5.3.5.4(B)
Greenhouses	<ul style="list-style-type: none"> • Single-family detached • Agricultural support sales and services; agritourism; farming; plant nursery (production) • Community garden (whether primary or accessory use) • Commercial outdoor recreation • Public parks • Educational institutions 	P	None
RECREATIONAL			
Piers/docks, boathouses, and similar	<ul style="list-style-type: none"> • Any waterfront property 	P	None
Recreational facilities (e.g., playground equipment, indoor athletic facilities or fitness facilities; and non-illuminated athletic fields)	<ul style="list-style-type: none"> • All household living uses • All group living uses • Animal care (general) • Community center; youth center; senior center • Child day care center/preschool • All educational institution uses • Business or professional office • Indoor recreation uses of >3,000 sf • Religious institutions • Campground • Business or professional office 	P	None
Swimming pools and hot tubs, and associated decks	<ul style="list-style-type: none"> • All household living uses • All group living uses • Cemeteries, columbaria, and mausoleums • Community center; youth center • College/university • Indoor recreation uses of >3,000 sf • All visitor accommodation uses 	P	None
COMMERCIAL			
Automated Teller Machine (ATM), freestanding	<ul style="list-style-type: none"> • Bank or credit union • Retail sales (indoor) 	P	None

TABLE OF ACCESSORY USES AND STRUCTURES

ACCESSORY USE OR STRUCTURE	REQUIRED PRIMARY USE	HOW USE IS ALLOWED	USE-SPECIFIC STANDARDS
Day care (both adult day care center and child day care center/preschool); after-school program; camps	<ul style="list-style-type: none"> Community center; youth center; senior center All educational institutions Indoor recreation uses (all sizes) Commercial outdoor recreation uses Public parks Business and professional offices Religious institutions—nursery/day care during regular services times and other temporary events such as camps or parents' morning/night out programs (anything more extensive requires approval of day care as primary use) 	P	None
Mobile food vendors	<ul style="list-style-type: none"> Agritourism Craft breweries Retailers of more than 100,000 square feet 	C	The conditions listed in the temporary use section for mobile food vendors apply. See section 5.4.5(E).
Retail sales and services	<p>Indoor:</p> <ul style="list-style-type: none"> Allowed as accessory use to any non-retail primary use as long as use-specific standards are met <p>Outdoor:</p> <ul style="list-style-type: none"> Retail sales (indoor) Contractor's offices 	C	5.3.5.5(A)
Outdoor storage	<ul style="list-style-type: none"> Agricultural support sales and service; agritourism; farming; plant nursery (production) Cemeteries, columbaria, and mausoleums Government facilities Contractor's office Retail sales (indoor) Self-storage Automobile repair Automobile painting/body shop Automotive wrecker service All equipment repair use types All industrial use types All utilities uses 	C	5.3.5.5(B)
Property maintenance facilities	<ul style="list-style-type: none"> Cemeteries, columbaria, and mausoleums Agritourism; farming; plant nursery (production) All government facilities All health care facilities Extractive industry All parking and transportation uses Utilities Commercial outdoor recreation Public parks College/university Educational institutions Religious institutions 	P	None
Outdoor vending machines, donation bins, and similar	<ul style="list-style-type: none"> Retail sales (indoor) 	C	5.3.5.5(C)
OTHER			
Air conditioning unit	<ul style="list-style-type: none"> All use types 	P	None
Fences and walls	<ul style="list-style-type: none"> All use types 	C	5.3.5.6(A)
Ornamental ponds	<ul style="list-style-type: none"> All use types 	P	None
Outdoor living areas (hardscaping, kitchens, permanent fireplaces, permanent fire pits, fountains greater than four feet tall, etc.)	<ul style="list-style-type: none"> All use types 	P	None
Satellite dish antenna	<ul style="list-style-type: none"> All use types 	C	5.3.5.6(B)

TABLE OF ACCESSORY USES AND STRUCTURES			
ACCESSORY USE OR STRUCTURE	REQUIRED PRIMARY USE	HOW USE IS ALLOWED	USE-SPECIFIC STANDARDS
Solar installations, ground-mounted	<ul style="list-style-type: none"> All use types 	C	5.3.5.6(C)
Storage building, equipment shed, carport, or garage	<ul style="list-style-type: none"> All use types 	C	5.3.5.6(D)

5.3.5 STANDARDS

5.3.5.1 GENERAL STANDARDS

- A. Accessory Uses or Structures with Separation Requirements:** Some accessory uses or structures are required to be separated a specified distance away from other uses. Where this is the case, see the section regarding how to measure the requirement and the mechanisms by which it is possible to seek a reduction in the separation requirements in the use-specific standards' section of *Chapter 4: Primary Uses*.
- B. Possible Reduction in Lot Standards and Other Dimensional Requirements:** The Zoning Board of Appeals is allowed to hear requests for variances on any use-specific standard for accessory uses or structures that is a lot standard, such as but not limited to lot area, lot width, lot coverage, maximum height of structures, and required setbacks, or other dimensional requirements such as the height or location of a fence. The process for variances is set forth in *Article 2: Administration*. The Zoning Board of Appeals is not allowed to hear variances for any other type of use-specific standard.
- C. Setbacks:** The following setback standards apply to all accessory uses and structures including all those listed in the *Table of Accessory Uses and Structures* except air conditioning units, fences and walls (see the use-specific standards for fences below instead), and signs (see the signage section of *Chapter 8: Development Standards* instead). These setback standards explicitly apply to outdoor kitchens, pools and pool decks, and ornamental ponds.
- Accessory uses and structures that are less than one-story tall must be located behind the front plane of the primary structure and at least 5 feet away from all property lines. They also must be located at least five feet from a principal structure or any other structure.
 - Accessory structures taller than one story must be located behind the front plane of the primary structure and at least 10 feet away from all property lines.
 - For the purpose of this section, one story is defined as a floor-to-ceiling height of 12 feet or less.
 - The following are allowed to encroach within the above-described setback areas:

ALLOWABLE ENCROACHMENTS	
FEATURE	LIMITATION
Dumpsters and dumpster enclosures	<p>When adjacent to a non-residentially used property, dumpsters and dumpster enclosures can have a minimum 5-foot setback, provided that they encroach no more than 10 feet into a land-use buffer.</p> <p>When adjacent to a residentially used property, dumpsters and dumpster enclosures must remain outside of the land-use buffer area.</p>
Ground-mounted solar installations	<p>These are not permitted in front of the plane of the primary structure, but for side and rear yards, installations that are 6 feet tall or less may encroach up to 2 feet into a required setback area. Installations taller than 6 feet in side and rear yards may not encroach into the required yard area unless approved as a variance by the Zoning Board of Appeals.</p>

- D. Additional Locational Requirements:** Accessory structures cannot be placed within any platted or recorded easement, or over any known utility, unless an encroachment permit is granted.

E. Size:

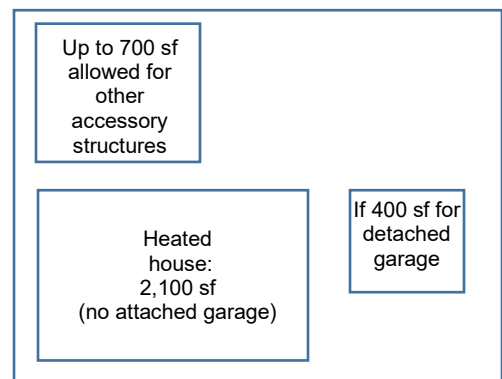
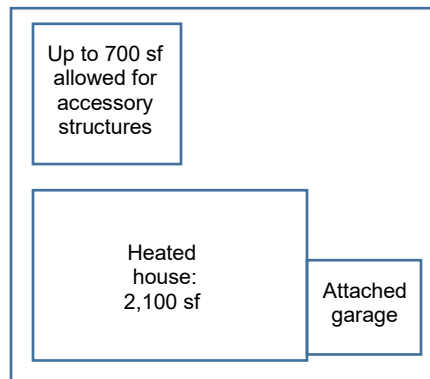
- Single-family residential units may have detached accessory structures that collectively do not exceed the following sizes:

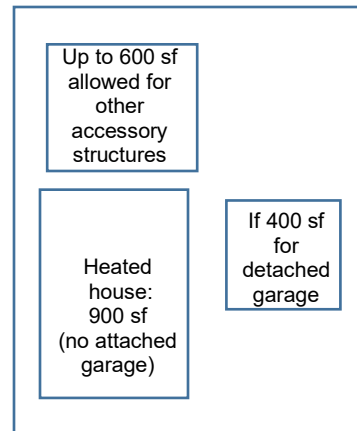
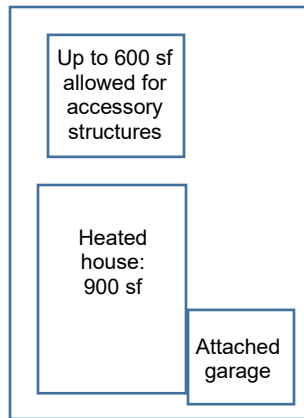
Allowed combined floor area of all detached accessory structures	
When residence has an existing two-car garage/carport	The greater of 30% of the floor area of the principal structure or 600 square feet.
When residence has an existing one-car garage/carport	The greater of 30% of the floor area of the principal structure or 800 square feet, provided that at least 200 square feet is used for a detached garage or carport. (Otherwise, the standard in the first box would apply instead.)
When residence has no garage/carport	The greater of 30% of the floor area of the principal structure or 1,000 square feet, provided that at least 400 square feet is used for a detached garage or carport. (Otherwise, the standard in the first box would apply instead.)

For the purpose of calculating the allowed area for these accessory structures, the following rules will apply:

- Attached garages or carports share at least 50% of the length of the shortest garage wall with a primary structure. Attachment by means of a breezeway (whether open or enclosed) does not constitute an attached garage or carport. Additionally, a carport that is not architecturally integrated into the primary structure is not considered an attached carport. The size allowed for attached garages and carports that meet these descriptions is limited only by setbacks for the primary structure and impervious surface requirements (see *Chapter 6: Community Design Standards*).
- The total heated square footage of the primary structure is counted, and not just the footprint of the structure in the case of multiple-story buildings.
- Loft space of accessory structures is counted as part of the square footage of the accessory structure if it could be used as future habitable space. If it is designed such that it would perpetually remain an attic/storage area, it does not count as part of the square footage of the accessory structure.

Examples:





The following images illustrate what is considered attached and not attached for the purpose of administering this size provision.

Attached garage (architecturally integrated into primary structure)



Attached carports



Not considered an attached garage or carport because of breezeway separation





Not considered an attached carport because not architecturally integrated into primary structure



2. Accessory dwelling units must be at least 480 square feet.

F. Height: Accessory structures cannot exceed the lesser of two stories or the height of primary structure. An exception exists in the following situation: For an industrial use, the Planning Commission may allow additional accessory structure height up to 100 feet, if it finds that the following criteria are met:

1. The additional height is necessitated by a specific function of the building or structure, or by a special constraint on the site.
2. The building is set back at least one foot for every foot of height, and two feet for every foot of height when adjacent to a residential district.

5.3.5.2 USE-SPECIFIC STANDARDS FOR RESIDENTIAL ACCESSORY USES

A. Accessory Dwelling Unit

1. **Owner Must Reside In Principal Structure:** The property owner must live on the property. For the first five years that the accessory structure is created, the owner must live in the primary structure; after that, the owner may live in the accessory dwelling unit if preferred.
2. **Prohibited forms:** Mobile homes, manufactured homes, recreational vehicles, and travel trailers must not be used as accessory dwelling units.
3. **Limit on number:** There must be no more than one accessory dwelling unit on a lot in addition to the principal single-family detached dwelling.
4. **Off-street parking:** At least one off-street parking space must be provided for each bedroom located in an accessory dwelling unit.
5. **Density:** Accessory dwelling units will not count toward any applicable maximum residential density requirements.
6. **Resale:** Accessory dwelling units must not be sold apart from the principal dwelling unit upon the same lot where it is located.
7. **Rental:** Accessory dwelling units must not be leased or rented for tenancies of less than 30 days, nor leased to more than 11 different individuals in any calendar year.

An exception exists if the property is approved as a short-term rental as an accessory use.

8. **Home-based businesses:** Offices for home-based businesses are allowed within an accessory dwelling unit. No other types or components of home-based businesses are allowed to take place within an accessory dwelling unit.
9. **Size:** Accessory dwelling units must be at least 480 square feet.
10. **Other standards:** An accessory dwelling unit must comply with all other applicable standards for principal dwelling units in the zone district in which the accessory dwelling is located.

B. Home-Based Businesses:

1. **Types of Allowed Home-Based Businesses:** Home-based businesses of a limited scale that are generally compatible with a residential setting and do not create adverse impacts to the surrounding neighborhood, such as but not limited to parking congestion, noise, or aesthetics, are generally allowed as accessory to any household living type, provided that they can meet the below use-specific standards.
2. **Types of Prohibited Home-Based Businesses:** Business types that are not generally consistent with a residential setting and/or would be expected to create adverse impacts to the surrounding neighborhood, such as but not limited to parking congestion, noise, or aesthetics, are prohibited. The following are examples of businesses that are prohibited for those reasons:
 - Automotive service uses
 - Any performance of invasive procedures (acupuncture, tattooing, body piercing, and the like), even if the person performing the procedure is licensed to do so
 - Restaurants
 - Bars
 - Private clubs
 - Commercial animal care uses
 - Wholesale or retail sales, unless they occur only online
 - All industrial uses
3. **Size:** The home-based business cannot exceed 30% of the heated floor area of the principal structure or 600 square feet, whichever is less.
4. **Residency:** The principal owner of the home-based business must be a permanent resident of the dwelling.
5. **Sales are Limited:** The retail or wholesale sale of goods cannot occur on the premises, except that a direct sales business (such as but not limited to Tupperware or Avon) may host one sales event per month in the home. Additionally, Internet sales are allowed for any home-based business.
6. **Services are Limited:** The home-based business may offer limited services on site, such as tax preparation, provided that only one customer is served at one time.
7. **Employee Interactions are Limited:** While a home-based business may employ any number of people, the business operator may meet with only one employee at a time at the residence.
8. **No Outdoor Storage of Materials:** The home-based business cannot store materials or other evidence of the business outside.
9. **No Change in External Appearance:** The home-based business cannot cause a change in the external appearance of the existing dwelling and structures on the property.

10. Use of Vehicles:

- **Number of allowed vehicles:** Home-based businesses are restricted to keeping no more than two vehicles used in the course of the business on site at any time. For the purpose of this calculation, trailers count as a vehicle.
- **Allowed types of vehicles, and allowed parking locations:** The following types of vehicles are allowed, in the following locations:

TYPE OF VEHICLE ALLOWED	LOCATION ALLOWED
<p>A regular passenger vehicle typically seen in residential settings such as a sedan, sports utility vehicle, van (mini- or full-sized), or pick-up truck; or</p> <p>An enclosed or open trailer that is less than 15,000 pounds gross weight, 20 feet in length, and 9 feet in height</p>	<p>A paved vehicle use area such as a driveway; or</p> <p>On an unpaved surface, provided that it is located behind the front plane of the house in a side or rear yard.</p>
<p>Cabs from tractor trailers; or</p> <p>If the parcel is more than 0.5 acres, the trailer component of a tractor trailer or any other vehicle that is larger than 15,000 pounds gross weight, or 20 feet in length, or 9 feet in height.</p>	<p>On a paved or unpaved vehicle use area, provided that it is located behind the front plane of the house in a side or rear yard and is at least 10 feet off all property lines.</p>

- Prohibited parking locations for all vehicle types include any location that causes pedestrian obstructions (such as blocking a sidewalk) or traffic visibility issues, as well as along the street.

11. Permitted Signage: A one-square-foot wall sign may be affixed adjacent to the entrance identifying a home-based business within. No permit is required for this sign.

12. Permit: A home-based business requires a home-based business permit.

C. In-Home Day Cares:

- 1. Outdoor Play Area:** If an outdoor play area is provided, it must be fenced with a solid fence at least four feet high.
- 2. Permit:** This accessory use requires an in-home day care permit.
- 3. Parking:** Three off-street parking spaces are required.

D. Security or Caretaker’s Quarters; Owner/Manager Living Unit

- 1. One Unit per Principal Use:** Only one such dwelling unit per principal use is allowed.
- 2. Off-Street Parking:** At least one off-street parking space must be provided for each bedroom in a dwelling unit, in addition to the required parking for the principal use.
- 3. Occupant:** Only the designated person listed in the definition for each use type, plus that person’s immediate family as defined in the appendix to this chapter, may occupy the dwelling unit.

E. Short-term Rental as an Accessory Use

- 1.** Short-term rentals as an accessory use must follow the processes and meet the standards set forth in the City Code of Ordinances for the use.

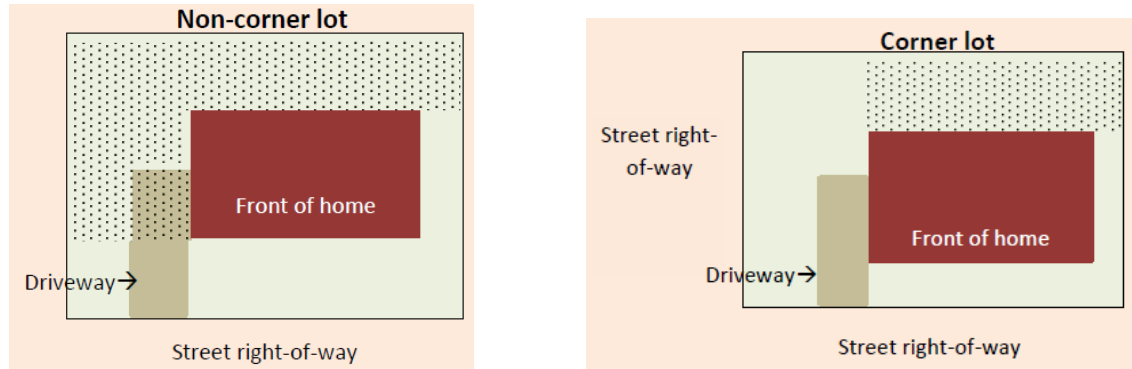
5.3.5.3 USE-SPECIFIC STANDARDS FOR AUTOMOTIVE ACCESSORY USES

- A. Parking of Recreational Equipment:** Parking of major recreational equipment (including but not limited to boats, boat trailers, camping trailers, recreational vehicles, motorized homes, and house trailers) is allowed in all zoning districts except for DTWN.

The following standards must be met:

1. When the Primary Use is Residential:

- If a resident is loading or unloading recreational equipment, he/she may keep it in the driveway or in the side or rear yard area for up to 72 hours.
- If the recreational equipment weighs less than 20,000 pounds and the property is residentially zoned, the resident may keep it permanently in the dotted area below.



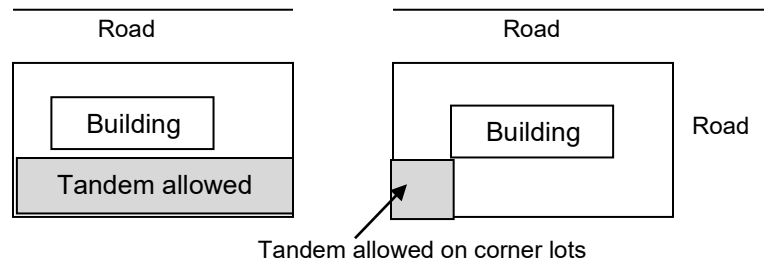
- Visitors may stay in a recreational vehicle of any size up to two times a year for a maximum of two weeks each time, provided that the vehicle is located in the dotted area above.
- For standards in the Single-Family Attached (SF-A) and Multi-Family Residential (MFR) districts, see the use-specific standards for single-family attached and multi-family residential in the primary use chapter of this ordinance.

2. When the Primary Use is Non-Residential: Recreational equipment of any size that is owned by the same person who owns the property may be parked in a side or rear yard or parking area, provided that it is not visible from any adjacent roads.

B. Automobile rental; commercial truck or equipment rental

- 1. Automobile Sales:** Automobile sales uses are not allowed as part of this accessory use unless automobile sales are the primary use on the property.
- 2. Number of Vehicles:** The use is limited to 10 vehicles and/or trailers on the property at any one time. More than 10 vehicles and/or trailers on the property at any one time would be considered a primary use of *Automobile Rental* or *Commercial Truck or Equipment Rental or Sales*, and would be allowed only if all requirements for such primary uses are met.
- 3. Off-Street Parking Standards:** These uses must have vehicle display, vehicle storage, and customer parking, including all access and driving surfaces, paved with concrete or asphalt and otherwise in compliance with all applicable off-street parking standards in Section 6-100, *Off-Street Parking and Loading*, except:
 - Smaller sizes than otherwise would be required may be used for vehicles that typically are smaller than automobiles, such as golf carts, motorcycles, and all-terrain vehicles used for recreational purposes.

- Tandem/valet-style spaces may be allowed behind the rear plane of the building, as long as fire access and traffic patterns within the site are maintained according to an approved site plan.



- Parking lot islands will not be required for vehicle display and vehicle storage areas located to the rear of the principal structure so long as the principal structure meets all applicable setbacks and the area is not located along a public street.
- The vehicles and equipment for rent cannot occupy spaces that are required to meet the minimum number of off-street parking standards for the property.

C. Automotive Restoration

1. **Vehicle Ownership:** The vehicle being restored must be owned by a person residing at the address.
2. **Number of Vehicles:** No more than one vehicle may be restored at one time. In addition, no more than one parts vehicle may be kept on the premises at one time.
3. **Derelict Vehicles:** Any vehicle that is not operable, registered, and licensed must be kept in a carport or garage. This includes both the vehicle being restored, and the parts vehicle if one is kept on the premises.
4. **Limitation on Hours:** The vehicle may be worked on any day of the week, provided that any work that generates noise audible off site is conducted between the hours of 7 a.m. to 7 p.m.

D. Vehicle Maintenance Facilities

1. **Screening:** A screen fence at least 6 feet tall along with perimeter landscaping is required around all sides visible from public view according to the fencing standards of *Chapter 5: Accessory and Temporary Uses* and landscape screening standards of *Chapter 8: Development Standards*.

5.3.5.4 USE-SPECIFIC STANDARDS FOR AGRICULTURAL ACCESSORY USES

A. Community Garden:

1. **Screening:** A screen fence at least 6 feet tall along with perimeter landscaping is required around all sides visible from public view according to the fencing standards of *Chapter 5: Accessory and Temporary Uses* and landscape screening standards of *Chapter 8: Development Standards*. The height of stored materials and equipment must not exceed the height of the screening fence or wall such that they would be visible from public areas of the subject property or adjacent sites, or the public road.
2. **Setbacks Generally:** All gardening activities and structures must take place outside of all required yard or buffer areas. Additionally, they must take place behind the front plane of the primary structure.
3. **Setbacks for Composting:** All composting activities must take place at least 30 feet from all adjacent property lines.

B. Equine stable:

Numbers 1 through 3 apply to equine stables outside the Rural zoning district only.

1. **Horses and Ponies Only:** Equine stables accessory to a single-family detached dwelling must keep only horses and ponies.
2. **No Commercial Operation:** Equine stables accessory to a single-family detached dwelling must be used for boarding only horses and/or ponies owned by residents who reside on-site.
3. **Grazing Area:** Equine stables accessory to a single-family detached dwelling must provide at least 900 square feet of pasture for each horse or pony boarded.
4. **Separation:** Equine stables and associated pasture areas accessory to both single-family residential and farming use must be located at least 300 feet away from any existing single-family detached dwelling on a different lot.

5.3.5.5 USE-SPECIFIC STANDARDS FOR BUSINESS-ORIENTED ACCESSORY USES

A. Retail Sales and Services

1. For Indoor Retail Sales by Non-Retail Businesses:

- **Location:** All retail sales must be conducted within the principal structure, unless the product being sold is a product intended for use outdoors. If the product is sold outdoors, the use-specific standards for outdoor retail sales and services apply.
- **Size:** Maximum gross floor area of the accessory retail use must be either 20% of the total gross floor area of the principal use or 5,000 square feet, whichever is less.
- **Signage:** There must be no additional signage for the retail sales operation.

2. For Outdoor Retail Sales by Retail Businesses:

- **Meet Primary Use Standards:** Outdoor retail sales by retail businesses must meet the use-specific standards for the primary use type of retail sales and services (outdoor).

B. Outdoor Storage:

1. **Meet Primary Use Standards:** Outdoor storage must meet the use-specific standards for the primary use of outdoor storage.

C. Outdoor Vending Machines, Donation Bins, and Similar:

Vending machines for drinks, food, movie videos, and similar items; bins for the public to drop off articles of clothing and similar items for donation; propane tank racks; ice machines; and similar accessory uses must meet these requirements:

1. **Location:** Each machine or similar accessory use must not be placed in a parking lot or landscaping area but instead must be placed against the building within 50 feet of a primary entrance to the business in a location and manner that meets all applicable Building and Fire Code provisions. Be aware that clothing donation bins (textile recycling bins) have specific Fire Code requirements that prohibit their placement in certain locations, such as under building awnings or overhangs, and that propane tank return stations are regulated and inspected by the State. If a building does not have a location for the placement of these accessory uses within 50 feet of the primary building entrance that meets Building and Fire Codes, the building cannot have any public vending machines and similar accessory uses on site.

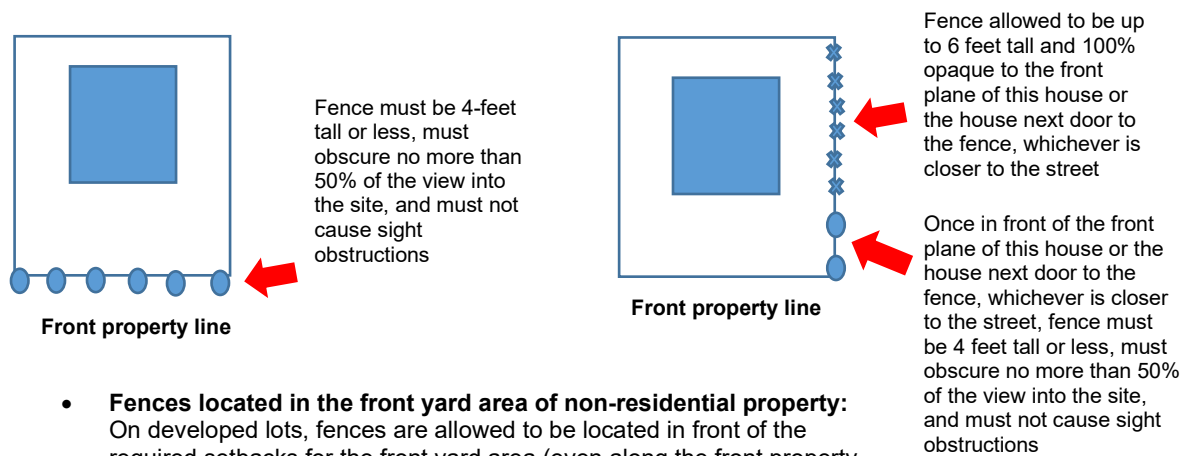
2. **No Pedestrian Obstruction:** Each machine or accessory use must be located such that they do not block sidewalks in a manner that prevents the sidewalk from complying with the accessibility standards of the Americans With Disabilities Act.
3. **Size:** Each public vending machine or similar accessory use will be limited in size to 5 cubic yards or less.
4. **Scope:** Each building can have public vending machines and similar accessory uses on a total of no more than 25% of the building frontage on each qualifying façade, or 50 total linear feet, whichever is less.
5. **Contact Information:** Each public vending machine or similar accessory use must have the owner's name, corporate address, and phone number prominently displayed.
6. **Maintenance:** The public vending machines and similar accessory uses and adjacent areas must be maintained in good appearance and free from trash.

5.3.5.6 USE-SPECIFIC STANDARDS FOR OTHER ACCESSORY USES AND STRUCTURES

A. Fences and Walls:

1. **Maintenance Required:** All fences and walls must be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements. All fences and walls must receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged, or decayed fence materials must be promptly repaired, and any fence or wall post or section that leans more than 20 degrees from vertical must be promptly repaired to correct that condition.
2. **No Vegetation Disturbance:** Fences and walls must be installed so as not to disturb or damage existing vegetation or installed plant material.
3. **Drainage Flow:** Fences must not be installed in a way that blocks or diverts natural drainage flow.
4. **Easements:** Fences are prohibited within occupied utility easements unless an encroachment permit is obtained from the utility company. In no instance will this provision be construed to prevent fencing around stormwater retention or detention facilities required by the ordinance.
5. **Sight Obstructions:** Fences and walls must be placed in accordance with the standards in *the Sight Obstruction* section of *Chapter 6: Community Design Standards*.
6. **Placement within Setback Areas:** Fences and walls have different setback requirements than other types of structures.
 - **Fences located in the front yard area of residential property:** Fences are allowed to be located in front of the required setbacks for the front yard area (even along the front property line), provided that if they are running parallel to the residence, they are 4 feet tall or less, obscure no more than 50% of the view into the site, and do not create sight obstructions.

Fences that run along a side property line are allowed to be up to 6 feet tall and 100% opaque to the front plane of the subject house or the house next door to the fence, whichever is closer to the street. Once in front of the front plane of this house or the house next door to the street, the fence must be 4 feet tall or less, must obscure no more than 50% of the view into the site, and must not cause sight obstructions.



- Fences located in the front yard area of non-residential property:**
 On developed lots, fences are allowed to be located in front of the required setbacks for the front yard area (even along the front property line), provided that they are 4 tall or less, are decorative in nature, and do not create sight obstructions.

On undeveloped lots, fences must meet the setback lines for buildings.

- Fences located in the side and rear yard area (for all use types):** Fences are allowed to be located in side and rear yard areas, or even along the side or rear property lines. (See above for more information on fences located along the side property lines in front of the front setback line on property used residentially.)

However, for corner lots, the required setback for fences and walls on the secondary front is half the distance required for the front yard, or 10 feet, whichever is less.

Additionally, for through lots, the following rules apply. If the fence is 4 feet tall or less, obscures no more than 50% of the view into the site, and does not cause sight obstructions, it may be placed at the front corner of the house, go out to the side property lines, and run along the side property lines and along the rear property line. If the fence does not meet all of those specifications, it can run along the side property lines, but must be placed 10 feet off the rear property line, and landscaping must be placed between the fence and the street. The landscaping must be approved by the Planning & Development Department's Registered Landscape Architect and must be designed to reach 1/2 the height of the fence within a 6-month period. Landscaping material installed as part of this requirement is to be maintained in good repair at all times. Which side is the front of the residence will be determined through an assessment of where the front door is located, where the driveway is located, which street is used in the residence's address, and which street other residences in the vicinity front upon.

- 7. Separation from Other Structures:** Fences and walls are not required to be separated from primary structures and other types of accessory structures.
- 8. Maximum Height:** These are the maximum heights allowed. Heights are measured from natural grade. If a fence is constructed on top of a freestanding wall or berm, the combined height of the fence and wall or berm must not exceed the maximum height that would apply to a fence or wall alone. However, in the case of retaining walls, a minimum four-foot high fence may be constructed on top of the wall for safety, regardless of the height of the wall.

FOR RESIDENTIAL USES ¹	
In front yard	See above
In side and rear yards	See above
FOR NON-RESIDENTIAL USES ¹	
In front yard (after behind required setback)	6 feet tall
In side and rear yards	10 feet tall
¹ Major utility, wireless communication towers, government facilities, and other similar uses must be allowed to increase maximum fence heights to 8 feet in front, side, and rear yards, unless further increased through an approved security plan (see the <i>Exemption for Security Plan</i> section).	

- 9. Finished Side to Outside:** Wherever a fence or wall is installed, if one side of the fence or wall appears more “finished” than the other (i.e., one side has visible support framing and the other does not), then the more “finished” side of the fence must face the perimeter or outside of the lot, rather than facing the interior of the lot. This provision will not be applied when the unfinished side will not be visible to the public or other properties.
- 10. Uniformity of Materials:** Fencing is allowed to change materials at logical points of change, such as at corners or where the height changes.



11. Allowed Materials:

- Fences and walls must be constructed of customary fencing materials, including wood, brick, masonry, stone, wrought iron, decorative metal materials, or products designed to resemble these materials.
- Vinyl-coated and colored dark green, brown or black, chain-link fencing is allowed as long as it is located (a) in the rear yard of any zoning district, or (b) in the front yard of industrial uses, provided that landowner can demonstrate through a security plan (see the *Exemption for Security Plan* section), that such fencing is necessary to maintain public safety or on-site security.

12. Prohibited Materials:

- Metal-slat fencing
- Barbed wire and above-ground electrified fences
- Fences made of debris, junk, rolled plastic, sheet metal, plywood, or other waste materials.

13. Replacing nonconforming materials: If 50% or more of a fence that is made of materials not meeting these requirements is replaced, the new section must be brought into conformance with the materials requirement.

14. Screen Fencing

- Whenever a primary or accessory use requires a screen fence, the fence must be solid (100% opaque). Alternatively, a landscaped berm the same height as the required fence may be allowed in lieu of the fence.

- The appearance of screen fencing must be softened with landscaping. In most cases, this will be accomplished through the land-use buffer or perimeter landscaping standards of *Chapter 8: Development Standards*. In cases where landscaping is not required by one of these sections, landscaping must be provided on the external side of a screen fence according to the following: an understory tree every 50 feet and a shrub every 15 feet along the perimeter of the fence that is visible from any roadway or public areas of the subject site or any adjacent properties. Trees and shrubs should be grouped to enhance rather than to obscure the screen.
- Screen fences required for specified primary and accessory uses, or for service areas, may be exempted from the location standards as part of an overall screening and landscaping plan.

15. Perimeter Fences and Walls Abutting Public Right-of-Way:

- The perimeter fencing or wall for a single subdivision or development must be of a uniform style.
- Perimeter fencing or walls must be located outside the right-of-way associated with a public street.
- Perimeter fencing or walls must be located outside the public right-of-way and any required streetscape landscaping. Decorative fencing may be permitted within or in front of the streetscape landscaping area as part of an overall landscape design on larger parcels where sight distance is assured.
- Perimeter fencing or walls must include breaks in a wall plane at least every 200 feet.

16. Security Fences: The owner or tenant of any land in a business district, Master Plan (MP) district, or representative of a public agency responsible for a public facility may request a security exception in order to have fences or walls:

- Taller than those permitted by this subsection;
- In yard areas where not otherwise permitted in this subsection;
- The ability to utilize barbed wire on a fence or wall; or
- Above-ground electrified fencing.

The Planning & Development Director will approve the request for the security exemption, or approve it with conditions, upon a finding that:

- The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land; an
- The additional height of fences or walls indicated in the site security plan will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

B. Satellite Dish Antennae: Satellite dishes are subject to the standards set forth below to the maximum extent feasible, but only where there is no impairment of acceptable signal quality. These regulations are not intended to impose unreasonable delays or impose unreasonable costs on the installation, maintenance, or use of satellite dishes, and must not be interpreted or enforced in any manner contrary to federal or state law.

- 1. Location:** Satellite dishes must be located to the rear of the principal building, but not within 5 feet of any side or rear property line or in any required buffer, and not within 10 feet of any property line adjoining a street.
- 2. Wind Resistance:** Satellite dishes must be erected in a secure, wind-resistant manner.

3. **Visual Impact:** Small satellite dishes (39 inches or less in diameter) must be located and designed to reduce visual impact from surrounding properties at street level and from public streets. Large satellite dishes (more than 39 inches in diameter) must be screened so that no more than 40% of the area of the satellite dish antenna is visible from any public street or private street open to the public. The screen may consist of, but is not limited to, fences, buildings, plantings, or any other opaque vegetation or structure permanently affixed to the structure.
4. **Number:** Residential uses may have one satellite dish larger than 39 inches in diameter; non-residential uses may have two.

C. Solar Installations, Ground-Mounted

1. **When Allowed:** Ground-mounted solar installations are allowed only when roof-mounting of solar panels or collectors is not practicable due to efficiency or aesthetic considerations.
2. **Height:** The ground-mounted solar installations must be as close to the ground as practicable and in no case higher than the principal structure.
3. **Screening:** Residential ground-mounted solar installations must be located to the rear of the principal structure and screened from view from public streets. For non-residential ground-mounted solar installations, every effort must be made to completely screen the devices from view from public streets. In instances where complete screening is not possible, the devices must be screened and/or located as to have a minimal visual impact as seen from public streets.
4. **Color:** The mounting framework must be neutral in color or screened from the view of public streets and surrounding residential properties.

D. Storage Building, Equipment Shed, Carport, or Garage

1. **Design Standards:** These accessory buildings must meet the design standards of *Chapter 9: Site and Building Design Standards*.

5.4 TEMPORARY USES AND STRUCTURES

5.4.1 INTENT

This section allows specified temporary uses of a limited duration to take place, provided that such uses do not negatively affect adjacent properties.

5.4.2 EXPLANATION OF TABLE OF TEMPORARY USES AND STRUCTURES

- A. Ways Temporary Uses and Structures May be Allowed:** The *Table of Temporary Uses and Structures* is established as a guide to identify the appropriateness of the more common temporary uses in each zoning district.
1. **Permitted Temporary Uses and Structures:** In the *Table of Temporary Uses and Structures*, a “P” in a cell indicates that a temporary use or structure is allowed in the respective district. These uses must meet all applicable regulations in the ordinance.
 2. **Conditional Temporary Uses and Structures:** In the *Table of Temporary Uses and Structures*, a “C” in a cell indicates that an accessory use or structure is allowed as a temporary use in the respective district. These uses are subject to all use-specific standards listed for the temporary use, as well as all other applicable regulations in the ordinance.
 3. **Special Exception Temporary Uses and Structures:** An “S” in a cell indicates that the Zoning Board of Appeals may consider whether the proposed use in a particular zoning district is appropriate based on the criteria in *Article 2: Administration* for special exceptions. These uses are subject to all other applicable regulations in this ordinance, including all use-specific standards if any are listed, as well as any additional conditions imposed by the Zoning Board of Appeals.

- B. Use-Specific Standards:** Conditional temporary uses and structures, and some special exception temporary uses and structures, have use-specific standards, the existence of which is noted in the *Table of Temporary Uses and Structures*. These regulations apply to all districts unless otherwise specified. The use-specific standards for temporary uses and structures can be found after the *Table of Temporary Uses and Structures*.
- C. Prohibited Uses:** The following uses are prohibited in all districts:
- Activities within Right-of-Way:** The retail sale or display of goods, products, or services within the public right-of-way is prohibited, except as part of an authorized non-profit, special, or City-recognized event.
 - Activities from Vehicles:** The retail sale or display of goods, products, or services from a motor vehicle, trailer, or shipping container except as part of a permitted seasonal sale.
- D. Unlisted Uses:** The Planning & Development Director will evaluate potential temporary uses and structures that are not identified in the *Table of Temporary Uses and Structures* on a case-by-case basis. In making the interpretation, the Planning & Development Director will apply the following analysis:
- Whether the proposed temporary use or structure meets the intent described above.
 - Whether the proposed temporary use meets the general temporary use standards.
 - Whether the proposed temporary use meets the purpose and intent of the zoning district in which the temporary use is proposed to be located.
 - Whether the proposed temporary use is compatible with other lands in the area.
 - Whether similar temporary uses have any use-specific standards that should be applied.

5.4.3 TABLE OF TEMPORARY USES AND STRUCTURES

TABLE OF TEMPORARY USES AND STRUCTURES														PERMIT REQUIRED?	USE-SPECIFIC STANDARDS										
TEMPORARY USE OR STRUCTURE	GENERAL DESCRIPTION/ EXAMPLES	RESIDENTIAL										BUSINESS													
		RU	SF-2	SF-3	SF-4	SF-5	SF-8	SR	SF-A	MF-15 AND MFR	MX	NO	NC	OI	LG	GC	CC	CI	DTWN	MUG	IB	IG	HI		
Temporary uses																									
Sidewalk and parking lot sales	Sales by businesses on their own property and non-profit fundraising sales at business locations										C	C	C	C	C	C	C	C	C	C	C	C	C	No	5.4.5(A)
Seasonal sales of agricultural products	Seasonal sales of Christmas trees, pumpkins, and seasonal produce; produce stands.	C												C	C	C	C	C	C	C	C	C	C	Yes	5.4.5(B)
Fireworks sales	Fireworks sales.															C	C	C				C		Yes	5.4.5(C)
Car washes	Car wash fundraisers held by non-profit organizations.										C	C	C	C	C	C	C	C		C	C	C	C	No	5.4.5(D)
Mobile food vendors	Food trucks, trailers, carts, and trucks; prepared food products such as boiled peanuts.	P if move through multiple sites in a meal period (such as but not limited to visiting active construction sites, or industrial developments, or ice cream trucks), or for special events; otherwise, C if set up in one place for one meal period														Yes, if conditional use	5.4.5(E)								
Mobile services other than mobile food vendors	Dog groomers, vehicle repair or cleaning, and similar services.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Home-based business permit if owner lives in City	5.4.5(F)
Special events	Outdoor events such as cultural or musical events, festivals, and similar events.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Yes	5.4.5(G)

TABLE OF TEMPORARY USES AND STRUCTURES																									
P = Permitted Use C = Conditional Use S= Special Exception Use Blank Cell = Prohibited																									
TEMPORARY USE OR STRUCTURE	GENERAL DESCRIPTION/ EXAMPLES	RESIDENTIAL										BUSINESS					PERMIT REQUIRED?	USE-SPECIFIC STANDARDS							
		RU	SF-2	SF-3	SF-4	SF-5	SF-8	SR	SF-A	MF-15 AND MFR	MX	NO	NC	OI	LC	GC			CC	CI	DTWN	MUC	IB	IG	IH
Temporary structures (general)																									
Construction-related structures and uses	Temporary construction offices; construction storage buildings, trailers, and similar; outdoor storage areas; construction material recycling facilities; and employee parking areas.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Yes	5.4.6(A)
Real estate sales office/model home	An on-site office for real estate sales; or a model home.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Yes	5.4.6(B)
Portable moving containers	Shipping containers used for moving and portable on-demand storage containers (PODS).	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Yes	5.4.6 (C)
Temporary storage containers	Shipping containers used for storage or donation collections, trailer sections of tractor-trailers, and similar.									C	C	C	C	C	C	C	C	C	C	C	C	C	C	Yes	5.4.6(D)
Temporary structures during the expansion or replacement of facilities—see Section 5.4.4.2(E)																									

5.4.4 GENERAL STANDARDS

All temporary uses and structures must meet the following general standards, unless otherwise specified in this ordinance:

- A. No Adverse Impacts:** The temporary use, structure, or special event must not be detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare.
- B. Compliance with Other Laws and Ordinances:** All temporary uses are subject to the requirements in the City Code of Ordinances or other provisions related to business licenses, vendor permits, or other City authorization, as well as other state and federal laws and regulations.
- C. Permanent Alterations Prohibited:** Permanent alterations to the site are prohibited.
- D. Temporary Signs:** Signs are regulated through the temporary sign or temporary use permit processes. Signage must be removed from the location after the temporary use ends or the temporary structure is removed.
- E. Primary Use Conditions:** The temporary use or structure must not violate any applicable conditions of approval that applies to the principal use on the site.
- F. Undeveloped Property:** If the property is undeveloped, it must contain sufficient land area to allow the temporary use or structure to occur, as well as adequate land to accommodate any parking and traffic movement associated with the temporary use or structure without disturbing environmentally-sensitive lands.
- G. Developed Property:** If the property is developed, the temporary use or structure must be located so as to not interfere with the normal operations of any permanent use located on the property or to create a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, sensitive or protected resources, or parking space availability.
- H. Off-Street Parking:** Adequate off-street parking must be provided to accommodate the proposed temporary use or structure.
- I. Inspections:** All inspections and permits required by applicable building codes must be approved by the appropriate person and/or agencies prior to the commencement of the use.

- J. **Denial for Past Violations:** The City can deny approval for temporary use or structure when the business or organization's owner, manager, or employees have been found to have violated temporary use or structure regulations in the past, or other City ordinances, such as the signage regulations of *Chapter 8: Development Standards*.

5.4.5 USE-SPECIFIC STANDARDS—TEMPORARY USES

- A. **Sidewalk and Parking Lot Sales:** All primary uses may have a sidewalk or parking lot sale, provided that the following standards are met.
1. The sidewalk or parking lot sale must be located on the same site as the merchant's or organization's permanent place of business. Businesses without a permanent physical location in the City cannot hold retail sales, whether in a parking lot, on vacant property, or in the right-of-way. The seasonal sale of agricultural goods is considered a separate use type.
 - Exception: Organizations and institutions of a non-profit or charitable nature (such as but not limited to religious institutions, Boy and Girl Scout troops, and the Salvation Army) may hold a sidewalk or parking lot sale on a site other than where their principal use takes place, provided that they have a physical location somewhere in the City. This type of temporary sale may take place on a developed site, such as in front of a retail store with the permission of the store owner/manager, or on undeveloped land with the permission of the property owner. This type of temporary use does not require a permit.
 - *Exception:* Businesses without a permanent physical location in the City can hold retail sales in an approved farmers' market or flea market.
 2. If the sale is by a business, the items sold must be related to the primary use and regularly sold on site.
 3. Each business or organization location may have sidewalk or parking lot sales for up to 90 days per calendar year.
- B. **Seasonal Sales of Agricultural Products:** Seasonal sales of agricultural products, including the sale of such items as Christmas trees, pumpkins, and seasonal produce may take place on an undeveloped or developed lot, provided that the following standards are met:
1. **Applicability:** These standards apply to all undeveloped or developed lots except those approved for agritourism or farming.
 2. **Duration:** Seasonable sales of items such as Christmas trees and pumpkins are limited to 90 days or less per site per year. If the seasonal sale is of agricultural produce from a produce stand, the seasonal sales are limited to 180 days or less per site.
 3. **Produce stands:** If a produce stand is used, it must:
 - Be of sound construction quality.
 - Not exceed 750 square feet in area nor 15 feet in height.
 - Be exclusively for the retail sale of agricultural and related products.
 - Comply with the signage standards in *Chapter 8: Development Standards*.
 - Meet the City's design standards in terms of colors and materials used.
 - In lieu of a paved parking lot, a well-maintained gravel parking area of sufficient size to meet expected or actual customer demand must be provided to give customers reasonable access to the site.
 - If a dumpster is used, it must be screened.
 - Only one produce stand is allowed per site.

Produce stands are not required to be moved off site during their non-sales period provided that they are a) secured to limit the ability of trespassers to access them; b) maintained in good repair; and c) are removed immediately when the use ceases for a period of 12 months.

- C. Fireworks sales:** Fireworks sales are limited to two sales per year per location of up to 14 days each.
- D. Car Washes (non-profit):** Car washes for a non-profit or charitable purpose are allowed on each parcel for a maximum of 30 days per year.
- E. Mobile Food Vendors:** Mobile food vendors who do not actively move to multiple sites during one meal time are subject to the following requirements.
- 1. Location:** Mobile food vendors are permitted at the following locations:
 - Space(s) approved by the Planning Commission in a pedestrian oriented area (whether on public or private property) such as in downtown, an urban scale mixed- use area, major park, athletic venue or similar destination facility, or a multi-building college or employment campus;
 - As part of a special event as defined and allowed under this ordinance; or
 - As a conditional accessory use to a primary business that justifies the provision of food service for its customers (see accessory uses above).
 - 2. Location on site:** Mobile food vendors shall be located to serve major pedestrian flows, event attendees and on-site customers. Vendors shall not be oriented to attract business from nearby roads or other off-site areas.
 - 3. Permission of property owner:** The food vendor must obtain the written permission of the property owner. If the food vendor is proposing to locate within the right-of-way, it must have the written permission of the City.
 - 4. Safety:** The unit must be parked in a location that does not create traffic or safety problems, and does not impede the activities of other uses at the location.
 - 5. Garbage:** The vendor is responsible for removing all garbage from the site, and keeping the surroundings free from litter at all times.
 - 6. Attendance:** The vendor must be present at the unit at all times.
 - 7. No overnight stays:** The unit cannot be left on site overnight.
 - 8. Restroom facilities:** The vendor is responsible for securing access to proximately located restrooms for employees.
 - 9. State approvals:** Documentation of approval by a state licensing agency from any state is required to be kept on site and made available upon request.
- F. Mobile Services (Other than Food):** The on-site provision of commercial services (such as but not limited to dog grooming, or vehicle repair or cleaning) or community services (such as but not limited to health and dental exams, or library services) is allowed. For-profit mobile services must only provide services to residents or employees of the site; explicitly prohibited is the solicitation or provision of commercial service to drive-up customers or pre-arranged provision of commercial services to customers from other locations.
- G. Special Events:** The City regulates special events held on public property through the City Code of Ordinances and not the Zoning Ordinance. The following are the standards for special events held on private property.
- 1. Applicability:** The procedures and standards of this subsection apply to all special events held outdoors (including but not limited to cultural events, musical events, celebrations,

festivals, fairs, carnivals, circuses, and communal camping) on private property within the City, except for those that are:

- Held on the grounds of a private residence, or on the common areas of a single-family attached or multi-family residential development for a resident.
- Sponsored in whole or in part by the City or state.
- Held at sites or facilities where the primary use has an inherent special event component. Examples include but are not limited to sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; wedding services conducted at event venues; funeral services conducted at funeral homes or cemeteries; community events held in the buildings of religious institutions; and agritourism events held on property approved for that land use.

2. **Conditions:** The Planning & Development Director will issue a special event permit after a finding that all of the following conditions are met:

- **No unreasonable risk:** The special event will not likely create an unreasonable risk of significant damage to public or private property, beyond normal wear and tear; injury to persons; public or private disturbances or nuisances; unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel; additional and impracticable or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; nor other adverse effects upon the public health, safety, or welfare.
- **Control of Nuisance Factors:** The special event has a plan to control nuisance factors such as but not limited to the prevention of noise and traffic congestion.
- **Location:** The special event is located such that its size can be reasonably accommodated on the proposed site.
- **Time:** The special event takes place at a time that has not already been permitted or reserved for other activities at the proposed location or nearby.
- **Parking:** The special event will provide adequate parking facilities, including vehicular access and egress.
- **Temporary buildings and tents:** The special event will meet all ordinance and other standards for tents and for temporary buildings, structures, and facilities, including placement, height, and size; location of equipment and open spaces, including buffer areas and other yards.
- **Sanitary and medical facilities:** The special event will provide sanitary and medical facilities in proportion to its expected size.
- **Solid waste collection and disposal:** The special event demonstrates a plan for solid waste collection and disposal.
- **Security and safety measures:** The special event will take security and safety measures appropriate to its expected size and the nature of the event.

After evaluating these standards, the Planning & Development Director may place any or all of the following conditions on the special event:

- A condition to hold the event at an alternative location or date.
- A condition that modifies or eliminates certain proposed activities;
- A condition that limits the duration of the special event to a shorter time period than that requested or specified in this subsection;
- A condition that a performance guarantee be provided to the City to ensure that any temporary facilities or structures used for such proposed special event will be

removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

3. **Duration of Permit:** A special event is limited to two events per site per calendar year. Each event is limited to no more than 14 days.

5.4.6 USE-SPECIFIC STANDARDS—TEMPORARY STRUCTURES

- A. **Construction Offices and Other Construction-Related Structures and Uses:** Temporary construction offices; construction storage buildings, trailers, and similar; outdoor storage areas; construction material recycling facilities; and employee parking areas may occur:
 1. On the same site as the construction activity, provided that the structures and areas are removed within 30 days after issuance of a certificate of occupancy.
 2. On an adjacent or nearby site when necessary to accommodate the construction activities.
- B. **Real Estate Sales Office/Model Home:** Real estate sales office/model homes are allowed incidental to new development, provided that the following standards are met:
 1. **Number:** Only one temporary real estate sales office/model sales home is allowed per 50 lots in a residential subdivision. Only one real estate sales office is allowed for each large commercial or industrial development.
 2. **Parking:** Handicap parking must be provided according to the International Building Code standards. At least three additional spaces must be provided; these may be gravel, or may be located in designated street spaces or on an adjacent site.
 3. **Duration and termination:** The real estate sales office/model home will be allowed to remain for up to six months after 90% of the structures for the overall development, or the associated phase of it, are built.
- C. **Portable Moving Containers:** One portable moving container (such as a shipping containers used for moving or a portable on-demand storage container (PODS)) is allowed for all types of primary uses, provided that it is located on site for no more than 30 days per calendar year, unless the property has an open building permit for remodeling or other major work, in which case it will be allowed to remain on site for up to 6 months of the calendar year. These are also allowed as temporary storage containers in non-residential settings, provided that the standards for that use are met.
- D. **Temporary Storage Containers:** Shipping containers used for storage collection, trailer sections of tractor-trailers, donation collection trailers, and similar temporary storage structures are allowed for non-residential uses, provided that the following standards are met:
 - Any number may be placed on site permanently, provided that they are located out of public view, such as in a truck dock area or behind the front plane of the building and screened with landscaping.
 - For uses developed after September 11, 2017, two at a time may be placed on more visible areas of the site, such as in public parking lot areas, for up to 60 days per year, provided that they do not take up required parking spaces. For uses developed prior to September 11, 2017, any number may be placed perpetually on more visible areas of the site, such as in public parking lot areas, provided that the user can demonstrate that the containers were in continual use prior to 2014.
 - Storage container locations must not block fire lanes or other circulation on the site.
 - Donation collection trailers may not be placed on undeveloped parcels or in parking lots except on a site where the primary use is the collection of donations.

E. Temporary Structures During the Expansion or Replacement of Existing Facilities:

Temporary structures are allowed according to the following during the expansion or replacement of existing facilities, or due to the primary building being subject to casualty damage due to natural disaster.

Primary use type	How temporary structure is allowed	Maximum duration
Manufacturing	<ul style="list-style-type: none"> conditional use if expected to be located on the site for ≤24 months 	Two years
	<ul style="list-style-type: none"> special exception if expected to be located on the site for >24 months 	Zoning Board of Appeals to establish
Religious institution, health care use, or government facilities use	<ul style="list-style-type: none"> conditional use if expected to be located on the site for ≤36 months 	Three years
	<ul style="list-style-type: none"> special exception if expected to be located on the site for >36 months 	Zoning Board of Appeals to establish
Schools (must be accredited)	<ul style="list-style-type: none"> conditional use 	None
All other public/commercial uses	<ul style="list-style-type: none"> conditional use 	Three years
Residential uses	<ul style="list-style-type: none"> only allowed in cases of replacement of facilities due to natural disaster; method is as a conditional use 	Three years

- Standards:** Regardless of the type of review process (conditional use or special exception use), the standards for temporary buildings for the expansion or replacement of existing facilities include:

 - The City must have received plans for the permanent expansion or replacement of the existing facilities.
 - The temporary building must be factory-fabricated and transportable, meeting International Building Code standards.
 - The City must approve a sketch plan that demonstrates that the building is located clear of site improvements such as parking, vehicle circulation areas, and landscaping and buffer areas to the extent practical.
 - The use must be able to continue to meet its parking demands.
 - The building must be compatible with the existing buildings on the site in terms of exterior color.
 - The temporary building must be located on the same development site as the existing, permanent building to be expanded or replaced.
 - The landscaping standards of *Chapter 8: Development Standards* must be met.

APPENDIX 5-A DESCRIPTIONS OF ACCESSORY USES AND STRUCTURES

Some accessory uses and structures may also be a primary use. When this is the case, see *Appendix 4-A: Descriptions of Primary Uses* for their definitions. Examples of these include but are not limited to car wash, automobile rentals, commercial truck and equipment rentals, community garden, equine stable, and outdoor storage.

Other accessory uses and structures may not also be a primary use. Those that require a definition other than with a common dictionary definition or need further explanation are listed here.

Accessory dwelling unit

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot. The accessory dwelling unit will contain all the necessary components of a dwelling, including a bathroom, kitchen, and sleeping quarters.

Accessory structure

A structure that is subordinate in use and square footage to a principal structure or use.

Air conditioning unit

The portion of a heating and/or cooling system that is located outside of, but adjacent to, the structure being heated and/or cooled.

Automatic teller machine (ATM)

An automated mechanized consumer banking device operated by a financial institution for the convenience of its customers.

Automotive restoration

An activity related to the restoration of an automobile for hobby purposes. The regulations related to this use do not include exterior washing and regular maintenance of a personal vehicle such as oil changes and battery replacement.

Carport

A roofed structure not more than 75% enclosed by walls and attached to or adjacent to the principal structure that is provided for the purpose of sheltering one or more motor vehicles.

Fence

A structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.

Garage

An outbuilding or accessory structure for the purpose of parking vehicles.

Home-based business

A home-based business within a residential dwelling unit for the economic gain or support of a resident of the dwelling, and is incidental and secondary to the residential use of the lot, and does not adversely and/or perceptively affect the character of the lot or surrounding area.

In-home day care

A dwelling in which a permanent occupant provides for the care of up to five children or adults, including the operator's own children or adult dependents. Those receiving care are not all related to the occupant or to each other by blood or marriage, and are not the legal wards or foster children of the attendant adults. Those receiving care and who are not dependents of the occupant do not reside on the site.

Opaque/opacity

A measurement indicating the degree of obscuration of light or visibility.

Owner/manager living unit

An accessory dwelling unit located on the premises of another principal use for the occupancy of the property owner, business owner, or executive employee.

Immediate family for the purpose of this accessory use type is defined as an individual's spouse, mother, father, sister, brother, grandparents, children, stepchildren, stepparents, stepsiblings, grandchildren, aunts, uncles, mother-in-law, father-in-law, brother-in-law, and sister-in-law.

Property maintenance facility

Accessory buildings or other structures used for storage of materials or equipment necessary for the day-to-day operations of a principal use. Such facilities may also include a limited area for actual maintenance activities such as cleaning, repair, or assembly.

Satellite dish antennas

A round or parabolic antenna and its supporting structure for the purposes of sending and/or receiving radio or electromagnetic signals.

Security or caretaker's quarters

An accessory dwelling unit located on the premises of another principal use for the occupancy of a caretaker, security guard, or other person charged with oversight and/or protection of the principal use.

Immediate family for the purpose of this accessory use type is defined as an individual's spouse, mother, father, sister, brother, grandparents, children, stepchildren, stepparents, stepsiblings, grandchildren, aunts, uncles, mother-in-law, father-in-law, brother-in-law, and sister-in-law.

Short-term rental as an accessory use

When an owner-occupied, residentially-used property is rented in whole or in part for an overnight stay of less than 30 days at a time to one or more guest parties.

COMMUNITY DESIGN STANDARDS

6

SECTIONS

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6.1 PURPOSE AND INTENT

The purpose of this chapter is to establish design standards for various types of development within the City. The intent of the design standards is to:

- Promote quality development practices in new development and redevelopment that promote a sense of identity for the community.
- Promote and encourage the development of neighborhoods that are mixed-use in character, connected, pedestrian-friendly, and sensitive to natural features.
- Encourage and ensure that new residential and business development is consistent with the general character of the City, and is compatible with surrounding uses.
- Encourage compact and sustainable growth and development where appropriate, while avoiding undue concentrations of population.
- Encourage the development of an efficient, interconnected road network that provides multiple routes to and from destinations, minimizes emergency response times, and maximizes the effective delivery of City services.
- Encourage the development of a transportation network that promotes walking and cycling as convenient, safe, and healthy forms of transportation.

- Promote visually appealing streetscapes.
- Generate site designs that are sensitive to the context of surrounding lands and that help define the desired character of different areas.

6.2 APPLICABILITY

- A. General:** These Community Design Standards apply to all development in the City. However, other sections of this Ordinance may further limit or modify these standards. In particular, some uses have use-specific standards in Chapter 4 that impose stricter requirements than set forth in the lot standards section of this chapter.
- B. Deviations:** The Planning Commission may approve deviations to the construction standards of this chapter where it is determined that a proposed design, detail or material is equivalent in quality, durability and functionality, and meets the overall design intent.

6.3 NEIGHBORHOOD DESIGN STANDARDS (FOR SINGLE-FAMILY DETACHED AND ATTACHED USES)

6.3.1 BLOCK DESIGN

A. Block Length:

1. The maximum distance between intersecting streets on each block must be in accordance with this chart. Both the maximum distance between intersecting streets and the maximum number of residences within that distance must be met. (Please note that the maximum distance between intersecting streets is shown as a larger number than the total width of the allowed number of residences to allow some common open space area on the block if desired.)

Land use	Maximum distance between intersecting streets serving the land use	Maximum number of residences that can be located within that distance
Single-family detached	800 feet	7 residences at SF-2 width 8 residences at SF-3 width 9 residences at SF-4 width 11 residences at SF-5 width
Alley-loaded detached in Senior Residential zoning district	600 feet	10
Single-family attached	575 feet	24 (i.e., four buildings of six units each)

2. Notwithstanding the above, the Planning & Development Director may determine that a shorter block length is required based on traffic safety concerns such as speeding or cut-through traffic.
3. Additionally, on blocks where environmental or topographical constraints exist, or the property has an irregular shape, or is constrained by surrounding existing development, the Planning & Development Director may allow an additional distance between intersecting roads as follows.

Land use	Additional maximum distance between intersecting streets serving the land use	Maximum number of additional residences that can be located within that distance
Single-family detached	400 feet	3 residences at SF-2 width 4 residences at SF-3 width and SF-4 width 5 residences at SF-5 width
Alley-loaded detached in Senior Residential zoning district	400 feet	6
Single-family attached	150 feet	6 (i.e., one building of six units each)

6.3.2 ALLEYS

Alleys must meet the standards of this section, the street specifications table in section 6.7.15, and all other applicable City construction and design standards, and they must be designed in accordance with the street cross sections in Appendix 6-A.

A. When Rear Alleys Are Required: Alleys meeting the standards below must be provided along the rear property lines of lots in three circumstances for projects seeking preliminary plat approval after August 22, 2022:

1. To serve all single-family attached homes in new developments;
2. To serve all single-family detached homes when the homes front a collector or arterial road that is designed to be unloaded; and
3. To serve all single-family detached homes in the Senior Residential zoning district, unless the lots are at least 65 feet wide.

An exception exists for homes being constructed on infill lots under section 9.2.1.C.

B. Must be Private and Must be Privately Maintained: All alleys must be private roads. Alleys must be maintained in good repair in perpetuity by the developer until such time that the neighborhood or the applicable phase of the neighborhood is turned over to a homeowners or property owners association, and thereafter by the homeowners or property owners association.

C. Design Standards:

1. Where lots are served by alleys or similar off-street shared driveway access, such lots must access garages and/or off-street parking areas from the alley or similar off-street shared driveway access and not from a street.
2. Lots served by alleys must not have driveways in front or corner side yard areas.
3. No dead-end alleys will be permitted except in rare circumstances where staff determines that due to topography issues, nearby curb cuts, or other physical constraints, a dead-end alley is the only practical option to serve the residences. When dead-end alleys are allowed by staff, a T turnaround (also called a hammerhead turnaround) large enough to accommodate a sanitation truck servicing the last lot on the block must be provided.
4. Intersections of alleys or turns in alleys are discouraged, and will be approved only where existing development precludes a through route, or where road configuration or a significant urban design feature, such as a public square or other open space, justifies a turn or intersection. All such intersections or turns must be configured to accommodate a 25-foot to 30-foot turning radius within the pavement where necessary to provide City service access.
5. Alleys must be designed for two-way travel with two-way directional arrow pavement markings.
6. Parking is not allowed in alleys nor associated turnaround areas at any time.
 - i. "No Parking in Alleys" signage must be conspicuously posted at the entrance to each alley.
 - ii. Additionally, "No Parking" pavement markings may be required in long alleys.
 - iii. All turnaround areas must include signage to indicate "No Parking" (MUTCD code R8-3a) with "Towing Enforced" plate (R7-201P) attached.

D. On-Street Parking On Other Streets Is Required: When alleys are provided, on-street parking that is striped and delineated with bulb-outs must be provided on both sides of each street other than an alley within the neighborhood.

Two exceptions exist that would allow the on-street parking to be placed on only one side of the street:

1. Where the other side of the street is not part of the proposed development.
2. Where the other side of the street would have driveways.

6.3.3 PARKING

A. Number of Spaces Required: Single-family detached and attached neighborhoods seeking preliminary plat approval after August 8, 2022, must provide parking according to the following. This is required regardless of whether the structure is front-loaded, side-loaded, or rear-loaded, and regardless of lot size.

1. The following number of spaces must be contained completely on the subject property (i.e., not in the right-of-way, and not overhanging sidewalks, road or alley surfaces):

	Required number of driveway spaces ^[1]	Minimum driveway dimensions
Single-family detached	4	18 feet wide by 50 feet deep
Single-family attached	2 spaces if a 2-car garage is provided and covenants require it to be used for parking; 4 spaces otherwise	18 feet wide by 25 feet deep if a garage is provided; 18 feet wide by 50 feet deep if a two-car garage is not provided
<p>[1] Spaces in a garage or under a carport do not count.</p> <p>[2] The Planning & Development Director may allow different dimensions based on unusual lot shape, topography, or other physical considerations, provided that the required number of on-site spaces are still provided and that at least two vehicles can enter or exit the driveway without another vehicle having to move.</p>		

2. Additionally, unless the on-site driveway area can contain one additional area that is at least 9 feet wide by 25 feet deep beyond the number specified above, each residence also must provide one additional off-site parking space that is within 500 feet of the dwelling within the neighborhood.

Due to sanitation collection needing to take place along the street, overflow lots are the required method for providing these additional spaces except where lots are served by alleys and formalized, striped on-street parking exists.

3. Two exceptions for the above listed number of required parking spaces exist:
 - i. The number of spaces provided for infill lots under section 9.2.1.C. must be consistent with the parking provided by surrounding and nearby homes.
 - ii. Provided that the lot has at least a one-car garage that is at least 12 feet wide by 20 feet deep, and provided that the neighborhood's covenants require one car to be parked in the garage instead of allowing it to be used as additional living space or storage space, homes that are built in the Senior Residential zoning district may provide a driveway that is at least 9 feet wide and 25 feet deep plus one additional space within 500 feet of the dwelling within the neighborhood using on-street parking spaces or overflow lots.

Due to sanitation collection needing to take place along the street, overflow lots are the required method for providing these additional spaces except where lots are served by alleys and formalized, striped on-street parking exists.

B. Driveways for Single-Family Detached Uses: The following standards apply to parking areas located within the front yard and/or corner yard:

1. **Allowed Parking Locations:** Vehicles, whether parked or stored, must be located in a garage, carport, driveway or parking pad.
2. **Surfacing**
 - **Hard Surfacing:** Vehicle use areas must be surfaced with asphalt, concrete, brick, pavers, or an equivalent material unless otherwise allowed below.
 - **Gravel:** Single-family detached residential development may use gravel or decorative stone in the following circumstances:

- When located outside of established subdivisions on parcels greater than five acres in size, gravel may be used after the first 100 feet of paved driveway surface.
- Residential rental properties in Old Town on adjacent parcels under common ownership may be allowed to have gravel surfacing through an alternative parking plan.
- To maintain existing gravel areas that are in need of repair. However, gravel cannot be used to expand an existing gravel driveway or parking area; any new surfacing area must consist of approved materials.
- The decorative stone or gravel must be at least two inches deep throughout.

6.4 LOT STANDARDS (FOR ALL USE TYPES)

Lots must comply with the following standards.

6.4.3 GENERAL REQUIREMENTS

The size, shape, and location of lots must be established with due regard to topographic conditions, environmental constraints, allowed uses, and the established character of the surrounding area.

6.4.4 CITY LIMIT AND ZONING DISTRICT LINES

A new lot must not be created that is divided by City limit or zoning district lines.

6.4.5 INDIVIDUAL LOT ACCESS

Every lot must front or abut upon a street that meets the standards of this ordinance and the City Code of Ordinances.

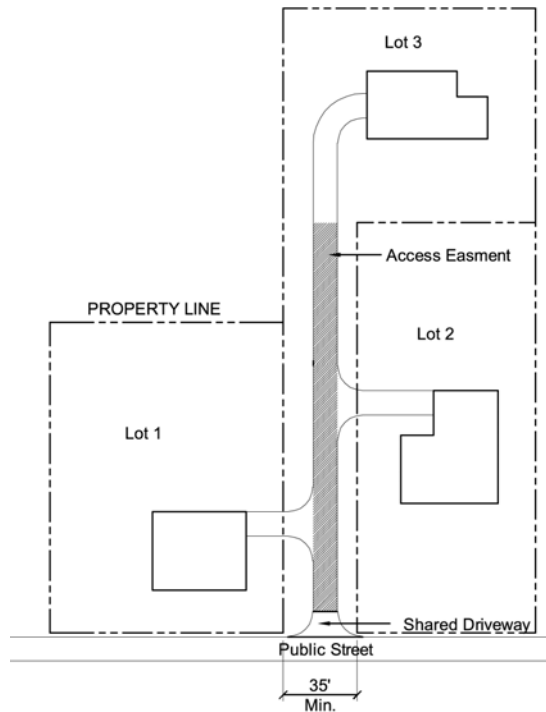
- A. No Direct Access to Arterial Streets:** Driveways serving individual lots must not have direct access onto arterial streets, unless no alternative means of access, such as alleys or parallel access streets, exists, and it is unreasonable or impractical to require an alternative means of access.
- B. Limited Access to Collector Streets:**
 - 1. Lots containing multiple-family dwellings, commercial, and industrial and related uses may have direct driveway access onto collector streets, provided that these requirements are met:
 - Driveway separation of 200 linear feet or more per street side is maintained.
 - The configuration does not result in any backing movements onto the collector street.
 - 2. Lots for single-family detached and attached uses are not allowed to have direct driveway access onto collector streets unless no alternative means of access exists, such as an alley or parallel access street, and it is unreasonable or impractical to require an alternative means of access.
- C. Maximum Driveway Widths:** Driveways providing parking for all development must not exceed 24 feet in width for two lanes of traffic, unless it is determined that a larger width is required because of projected traffic volumes, anticipated truck movements, the need for exclusive turn lanes, South Carolina Department of Transportation requirements, or the driveway serves a surface parking lot of 500 or more spaces.

6.4.6 THROUGH LOTS

Through lots are prohibited except where deemed essential to provide separation of Household Living and Group Living use types from railroad or arterial street right-of-way, or where they are necessary due to topographical conditions.

6.4.7 FLAG LOTS

- A. **When Allowed:** Flag lots are prohibited except where they are necessary to eliminate access onto arterial or collector streets.
- B. **Minimum Width:** A flag lot must have a minimum lot width of at least 35 feet at the edge of the street right-of-way.
- C. **Consolidate Access:** Use of a single driveway, granted through an easement to serve existing adjoining flag lots or to serve a flag lot and an existing adjoining conventional lot, is permitted and encouraged to reduce access points on public streets as depicted this figure.



- D. **Authority of the South Carolina Department of Health and Environmental Control (SCDHEC):** Nothing in this chapter will be construed as preventing SCDHEC from requiring that all or any portion of a development not be built upon, or from requiring minimum lot sizes to be increased for protection of the public health.

6.4.5 CREATING MULTI-FAMILY USES BY REMOVING LOT LINES IS PROHIBITED

Projects developed with single-family attached products cannot later combine the individual lots to create a multi-family use on the property.

6.4.6 ANGLES AND RADII OF LOT LINES

To the maximum extent possible, side lot lines must be at right angles to straight street lines and radial to curved street lines. Property lines at street intersections must be rounded with a minimum radius of 10 feet on local and sub-collector roads, and 20 feet where one or both intersecting roads are collectors or arterials.

6.4.7 MINIMUM LOT AREA

The minimum lot area is the smallest lot area on which a use or structure may be located in a particular zoning district. Utility easements are included in calculating lot area but public right-of-way is not.

6.4.8 MINIMUM LOT WIDTH

Every lot must meet the required minimum lot width for the applicable zoning district. Minimum lot width is measured at the front setback line, not the public right-of-way edge or at the edge of pavement for private drives.

In cases where a lot is bounded by two or more streets, the minimum lot width is only required at the setback line for the front yard.

The distance between side lot lines at the front property line must be at least 80% of the required lot width, except for lots fronting the turning circle of a cul-de-sac street.

6.4.9 LOT COVERAGE

Lot coverage represents the portion of a site that is covered by the principal use; accessory structures; and all impervious surfaces, including but not limited to pools, parking areas, driveways, streets, sidewalks, areas of concrete, asphalt, gravel or other compacted aggregate, and areas covered by the outdoor storage of goods or materials that do not absorb water.

6.4.10 DENSITY

Density refers to the number of residential dwelling units for single-family attached or multi-family uses that can be built per acre of land. The Ordinance uses two manners to calculate density for a property based on the use of the property:

- A. For multi-family uses, the calculation does not include land that is difficult to develop, such as land within the 100-year floodplain, steep slopes, wetlands, and other areas that are similarly constrained.
- B. For single-family attached use, the calculation includes all land within the parcel, both that which is developable and that which is constrained such as due to one or more of the examples listed above.

The Zoning Ordinance does not establish maximum density for single-family detached use because the number of that type of dwelling that can fit onto a property is driven by other parameters, such as the required amount of open space and buffer areas, as well as the number and size of roadways and other infrastructure.

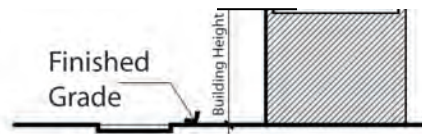
6.5 BUILDING PLACEMENT AND BULK (FOR ALL PRIMARY USES)

6.5.5 HEIGHT OF PRIMARY STRUCTURES

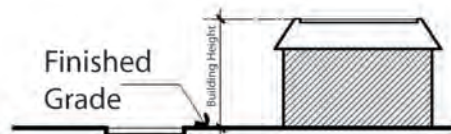
This section explains the height limitations on primary structures. The height limitations on accessory structures is located in *Chapter 5: Land Use: Accessory and Temporary Structures*.

- A. **Measurements:** Height of building means the vertical distance measured from the established grade at the corner of a front of a building to:

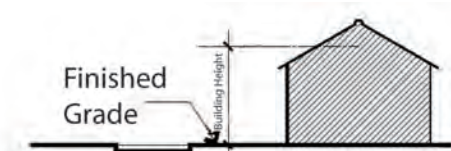
- the highest point of the roof surface of a flat roof; and



- the deck line of a flat mansard or Bermuda roof; and



- the mean height level between eaves and ridge of gable, hip, cone, gambrel, and shed roofs.



Established grade is the finished grade following grading, excavation, or other land disturbing activity.

B. Allowances for Additional Height: The following are given allowances for additional height beyond that allowed in the *Tables of Dimensional Standards* below, so long as they are not intended for human occupancy, and do not exceed any height limitations prescribed by the Federal Aviation Administration (FAA):

1. Clerestories, chimneys, and elevator shaft enclosures may extend a maximum of one additional story over the roofline of the building.
2. Steeple, spires, and belfries may extend a maximum of twice the height of the principle building.
3. Cupolas, clerestories, sky lights, water tanks, and ventilators may extend a maximum of 10% of the principle building height.
4. Airport control towers and observation towers are exempt from height restrictions, so long as the structures meet the standards of the Airport Overlay District and are approved by the Federal Aviation Administration.
5. Parapets may exceed height limitations by a maximum limit of 10 feet, or 30% of the building height, whichever is less.
6. Minor additional building or appurtenance height may be allowed beyond that set forth in *Table of Dimensional Standards for Business Districts* through an administrative adjustment process that is laid out in *Chapter 2: Administration*.
7. Furthermore, additional height may be allowed under the following processes:
 - The Planning & Development Director may allow additional height according to the standards of administrative adjustment section of *Chapter 2*; and
 - The Planning Commission may allow additional primary building or appurtenance height up to 100 feet if it finds that the additional height is necessitated by a specific function of the building or structure, or by a special constraint on the site; and the building is set back at least one foot for every foot of height, and two feet for every foot of height when adjacent to a residential district.

6.5.6 SETBACKS FOR PRIMARY STRUCTURES

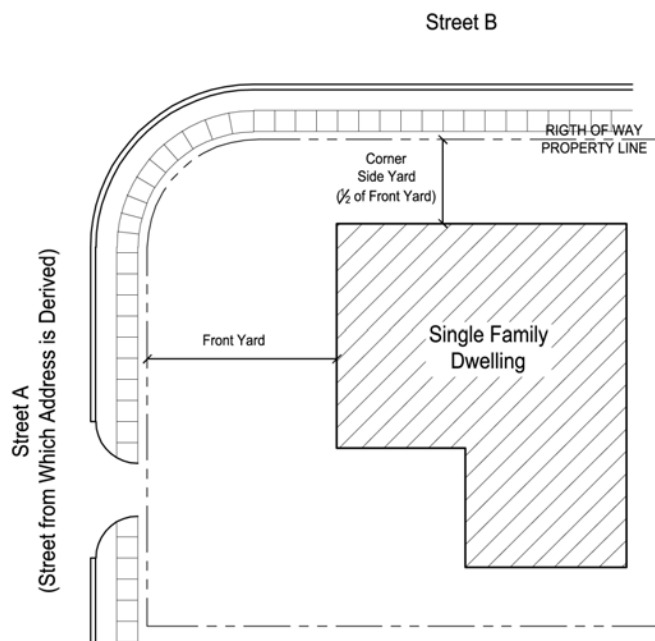
This section explains the setback regulations for primary structures. The setback regulations for accessory structures are located in *Chapter 5: Land Use: Accessory and Temporary Structures*.

A. Measurement:

1. *General:* Buildings must be placed at or more internal to the property than the setback line.

The setback line is drawn parallel to the designated property line at the required building setback distance.

2. *Corner Lots for Single-Family Detached Dwellings:* In the case of corner lots for single-family detached dwellings, a front setback of the required depth must be provided on the street that the building faces, and half of the required depth must be provided on the other street(s). The following figure shows an example of applying setbacks to corner lots for single-family detached dwellings. This rule does not apply to any other type of use.



- B. Allowed encroachments into setbacks:** Provided that they meet Building Code requirements and do not encroach into utility easements without the approval of the easement holder, the following building appurtenances are allowed in the required setback areas, with the following limitations:

ALLOWED ENCROACHMENTS INTO SETBACKS	
FEATURE	LIMITATION
Movable awnings	Must not project more than 3 feet into a required yard, provided that where the yard is less than 5 feet in width, the projection must not exceed ½ of the width of the yard
Chimneys, Fireplaces, Bay Windows, or Pilasters	Must not project more than 2 feet into a required yard
Fire Escapes, Stairways, and Balconies (unenclosed)	Must not project more than 5 feet into a required yard, or more than 3 feet into a required yard for a multiple family dwelling, hotel, or motel
Hoods, Canopies, Roof Overhangs, or Marquees	Must not project more than 3 feet into a required yard, and must come no closer than 1 foot to the lot line
Cornices and Gutters	Must not project more than 3 feet into a required yard, provided that where the yard is less than 6 feet in width, the projection must not exceed ½ the width of the yard
Porches	Must not project more than 5 feet into the required yard area

C. How Buffers Relate to Setbacks

In addition to setbacks, riparian buffers apply adjacent to bodies of water and land use buffers apply between different types of uses (see *Chapter 8: Development Standards*). If the width of the buffer is required to be larger than the required setback area, the buffer width supersedes the required setback area.

6.5.7 SIZE OF PRIMARY STRUCTURES

This section explains the size limitations on primary structures. The size limitations on accessory structures are located in *Chapter 5: Land Use: Accessory and Temporary Structures*.

The following uses and building features for primary structures have size requirements that are different from those listed in the tables of lot standards:

1. *Architectural Elements:* Turrets, cupolas, steeples, spires, widow walks, and other similar architectural features must be of a size that is in scale with the structure.
2. *Minimum House Size:* Single-family detached dwellings must comply with these minimum size standards:
 - 2 or fewer bedrooms: 850 square feet of heated floor area
 - 3 or more bedrooms: 1,000 square feet of heated floor area

These standards do not apply to accessory dwelling units, which are regulated in *Chapter 5: Land Use: Accessory and Temporary Structures*.

6.6 TABLES OF DIMENSIONAL STANDARDS

6.6.1 APPLICABILITY AND EXCEPTIONS

These tables show the required minimum lot area and width; maximum lot coverage; maximum density; and maximum height of primary structures and the required setbacks for primary structures for different uses in each zoning district. All standards apply whether the lot abuts a non-residential or residential zoning district, unless an asterisk (*) is shown, in which case the requirement that follows is when the lot abuts a residentially used or zoned property.

Whenever a single lot is located within two or more different zoning districts, each portion of that lot is subject to all the regulations applicable to the district in which it is located.

The dimensional standards for Residential Infill Housing uses are set forth in *Chapter 9.4: Residential Design Standards for Residential Infill Uses*.

Lots in Master Plan (MP) developments will follow the lot standards specific to those projects. Where none are specifically listed for those types of projects, the development will follow the lot standards in place at the time of plan approval.

TABLE OF DIMENSIONAL STANDARDS FOR RESIDENTIAL DISTRICTS

USE	MIN. LOT AREA (SQ FT)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE	
					MAX HT (FT)	REQUIRED SETBACKS (FT) (Note that driveway and garage considerations will further limit building setbacks for single-family uses*)
Rural (RU)						
Single-family detached	43,560	350 if on arterial or major collector road; 200 otherwise	50%	N/A	50	<p>10 10 25 25 Front 50 if on arterial or major collector, 25 otherwise</p>
Non-residential	43,560	350 IF ON ARTERIAL OR MAJOR COLLECTOR ROAD; 100 OTHERWISE	50%	N/A	50	<p>10 10 25 25 Front 50 if on arterial or major collector, 25 otherwise</p>
Single-Family 2 (SF-2)**						
Single-family detached	20,000	100	70%	N/A	35	<p>10 10 25 25 Front</p>
Non-residential	43,560	160	75%	N/A	35	<p>30 30 30 25 Front</p>

TABLE OF DIMENSIONAL STANDARDS FOR RESIDENTIAL DISTRICTS

USE	MIN. LOT AREA (SQ FT)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE	
					MAX HT (FT)	REQUIRED SETBACKS (FT) (Note that driveway and garage considerations will further limit building setbacks for single-family uses*)
Single-Family 3 (SF-3)**						
Single-family detached	14,000	90	70%	N/A	35	<p>Diagram showing a yellow square building with setbacks: 10 ft front, 10 ft side, and 25 ft rear.</p>
Non-residential	43,560	160	75%	N/A	35	<p>Diagram showing a blue square building with setbacks: 30 ft front, 30 ft side, and 25 ft rear.</p>
Single-Family 4 (SF-4)**						
Single-family detached	9,600	80; 50 if lot was legally platted before March 1, 2006, as long as lot area is ≥5,000 sf.	70%	N/A	35	<p>Diagram showing a yellow square building with setbacks: 10 ft front, 10 ft side, and 25 ft rear.</p>
Non-residential	43,560	160	75%	N/A	35	<p>Diagram showing a blue square building with setbacks: 30 ft front, 30 ft side, and 25 ft rear.</p>

TABLE OF DIMENSIONAL STANDARDS FOR RESIDENTIAL DISTRICTS

USE	MIN. LOT AREA (SQ FT)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE	
					MAX HT (FT)	REQUIRED SETBACKS (FT) (Note that driveway and garage considerations will further limit building setbacks for single-family uses*)
Single-Family 5 (SF-5)**						
Single-family detached	7,800	65; 50 if lot was legally platted before March 1, 2006, as long as lot area ≥5,000 sf.	75%	N/A	35	
Non-residential	43,560	160	75%	N/A	35	
Single-Family 8 (SF-8)**						
Single-family detached	5,000	50	75%	N/A	35	
Non-residential	20,000	100	75%	N/A	35	

TABLE OF DIMENSIONAL STANDARDS FOR RESIDENTIAL DISTRICTS						
USE	MIN. LOT AREA (SQ FT)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE	
					MAX HT (FT)	REQUIRED SETBACKS (FT) (Note that driveway and garage considerations will further limit building setbacks for single-family uses*)
Senior Residential (SR)						
Single-family detached	6,000	55	75%	N/A	35	<p>Diagram showing setbacks for a yellow square building: Front: 25, Rear: 20, Left: 5, Right: 5.</p>
Non-residential	43,560	160	75%	N/A	35	<p>Diagram showing setbacks for a blue square building: Front: 30, Rear: 25, Left: 30, Right: 30.</p>
Single-Family Attached (SF-A)**						
Single-family detached	7,800	65	75%	N/A	35	<p>Diagram showing setbacks for a yellow square building: Front: 25, Rear: 25 (driveway must be in rear), Left: 7, Right: 7.</p>
Single-family attached	5,000 minimum overall project size; 25 max acres	20	80% for overall project	8	35	<p>Front: 10</p> <p>Side: 5 (on end of buildings); 0 (if attached to another unit on the side)</p> <p>Rear: 25 (driveway must be in rear)</p> <p>Note: Also must be able to accommodate all required recreation area on each lot. (See Chapter 9)</p>

TABLE OF DIMENSIONAL STANDARDS FOR RESIDENTIAL DISTRICTS

USE	MIN. LOT AREA (SQ FT)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE	
					MAX HT (FT)	REQUIRED SETBACKS (FT) (Note that driveway and garage considerations will further limit building setbacks for single-family uses*)
Multi-Family Residential (MFR)**						
Single-family detached	7,800	65	75%	N/A	35	<p>Diagram showing setbacks: 7 ft (left), 7 ft (right), 25 ft (top), 25 ft (bottom). The front of the building is labeled 'Front'.</p>
Multi-family	See Ch. 3: Zoning Districts for project size requirements	100	75%	20 (physically constrained land not counted—see Ch. 3: Zoning Districts)	Maximum height is 60 feet, unless building is within 100 feet of property that is used or zoned for single-family detached or attached use, in which case the maximum height is 25 feet.	<p>Diagram showing setbacks: 20 ft (*30) (left), 20 ft (*30) (right), 20 ft (*30) (top), 10 ft (bottom). The front of the building is labeled 'Front'.</p>
Multi-Family 15 (MF-15)						
Single-family detached	7,800	65; 50 if lot was legally platted before March 1, 2006, as long as lot area ≥5,000 sf.	75%	N/A	35	<p>Diagram showing setbacks: 10 ft (left), 10 ft (right), 25 ft (top), 25 ft (bottom). The front of the building is labeled 'Front'.</p>
Single-family attached	5,000 minimum overall project size; 25 max acres	18	80% for overall project	8	35	<p>Front: 25</p> <p>Side: 10 (on end of buildings); 0 (if attached to another unit on the side)</p> <p>Rear: 25 (driveway must be in rear) unless an infill lot, then 10 feet</p>
Multi-family	5 acres after Oct. 27, 2015	100	75%	At least 4 and not more than 15	35	<p>Diagram showing setbacks: 20 ft (*35) (left), 20 ft (*35) (right), 20 ft (top), 25 ft (bottom). The front of the building is labeled 'Front'.</p>

TABLE OF DIMENSIONAL STANDARDS FOR RESIDENTIAL DISTRICTS						
USE	MIN. LOT AREA (SQ FT)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE	
					MAX HT (FT)	REQUIRED SETBACKS (FT) (Note that driveway and garage considerations will further limit building setbacks for single-family uses*)
Non-residential	7,500	60	75%	N/A	35	
Mixed Use (MX)						
Single-family attached	5,000 minimum overall project size; 25 max acres	18	80% for overall project	8	40	<p>Front: 10</p> <p>Side: 5 (on end of buildings); 0 (if attached to another unit on the side)</p> <p>Rear: 25 (driveway must be in rear) unless an infill lot, then 10 feet</p> <p>Note: Also must be able to accommodate all required recreation area on each lot. (See Chapter 9)</p>
Multi-family	20,000; mix. project size is 10 developable acres	50	85%	30 (physically constrained land not counted—see Ch.3: Zoning Districts); max. units is 250	Maximum height is 60 feet, unless building is within 100 feet of property that is used or zoned for single-family detached or attached use, in which case the maximum height is 25 feet.	
Non-residential; and mixed-use buildings such as residential over office or retail	20,000	50	85%	N/A	Maximum height is 60 feet, unless building is within 100 feet of property that is used or zoned for single-family detached or attached use, in which case the maximum height is 25 feet.	

TABLE OF DIMENSIONAL STANDARDS FOR RESIDENTIAL DISTRICTS						
USE	MIN. LOT AREA (SQ FT)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE	
					MAX HT (FT)	REQUIRED SETBACKS (FT) (Note that driveway and garage considerations will further limit building setbacks for single-family uses*)
<p>* Single-family uses have other standards that can affect setback lines:</p> <ul style="list-style-type: none"> • See section 6.3.2, <i>Alleys</i>, regarding when a lot is required to be accessed using a driveway off a rear alley. • See section 6.3.3 for required driveway dimensions. Please note for single-family detached products that while the required setbacks in this chart are often much less than the required driveway dimensions, this is to allow for side-loaded garages and driveways that run alongside the home, extending beyond the front plane of the structure. If a driveway leads to a front-loaded garage, the front setback of the residence must be at least 50 feet. • See sections 9.2.7, <i>Garages and Carports</i> for garage design standards that can affect the location of structures; for example, if the garage is front-loaded, it must be located at least two feet behind the front plane of the rest of the structure. <p>** All new structures and extensions of existing structures on single-family detached and/or attached lots located in the SF-2, SF-3, SF-4, SF-5, SF-8, SF-A, MFR, MF-15, and MX zoning districts that were platted prior to August 8, 2022, may use the dimensional standards that were in place on August 7, 2022 (the day before adoption), instead of the ones shown in this chart.</p>						

TABLE OF DIMENSIONAL STANDARDS FOR BUSINESS DISTRICTS						
USE	MIN LOT AREA (SQ FT)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE	
					MAX HT (FT)	REQUIRED SETBACKS (FT)
Neighborhood Office (NO)						
Non-residential	None	None	60%; and max building size is 10,000 sf	N/A	35	<p>Diagram showing setbacks for Neighborhood Office (NO): 20 ft front, 10 ft side, 10 ft rear.</p>
Neighborhood Commercial (NC)						
Non-residential	None	None	60%; and max building size is 10,000 sf	N/A	35	<p>Diagram showing setbacks for Neighborhood Commercial (NC): 20 ft front, 10 ft side, 10 ft rear.</p>

TABLE OF DIMENSIONAL STANDARDS FOR BUSINESS DISTRICTS						
USE	MIN LOT AREA (SQ FT)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE	
					MAX HT (FT)	REQUIRED SETBACKS (FT)
Office and Institutional (OI)						
Non-residential	None	None	75%	N/A	45	
Limited Commercial (LC)						
Non-residential	None	None	75%	N/A	45	
General Commercial (GC)						
Non-residential	None	None	75%	N/A	45	
Community Commercial (CC)						
Non-residential	None	None	75%	N/A	60	

TABLE OF DIMENSIONAL STANDARDS FOR BUSINESS DISTRICTS						
USE	MIN LOT AREA (SQ FT)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE	
					MAX HT (FT)	REQUIRED SETBACKS (FT)
Commercial Industrial (CI)						
Non-residential	None	None	75%	N/A	Maximum height is 60 feet, unless building is within 100 feet of property that is used or zoned for single-family detached or attached use, in which case the maximum height is 45 feet.	
Downtown (DTWN)						
Single-family attached	5,000 minimum overall project size; 25 max acres	18	80% for overall project	8	40	None
Multi-family	None	20 for lots platted after March 1, 2006	N/A	N/A	75; 90 for bldgs with street-level retail or restaurants	None
Non-residential; and mixed-use buildings such as residential over office or retail	None	20 for lots platted after March 1, 2006	N/A	N/A	75; 90 for buildings with street-level retail or restaurants	None
Mixed Use Corridor (MUC): See Chapter 3: Zoning Districts for information about dimensional standards for the MUC zoning district.						
Industry Business (IB)						
Non-residential	20,000	100	85%	N/A	Maximum height is 60 feet, unless building is within 100 feet of property that is used or zoned for single-family detached or attached use, in which case the maximum height is 45 feet.	
Industry General (IG)						
Non-residential	43,560	None	85%	N/A	Maximum height is 60 feet, unless building is within 100 feet of property that is used or zoned for single-family detached or attached use, in which case the maximum height is 45 feet.	

TABLE OF DIMENSIONAL STANDARDS FOR BUSINESS DISTRICTS						
USE	MIN LOT AREA (SQ FT)	MIN. LOT WIDTH (FT)	MAX. LOT COVERAGE	MAX. DENSITY (GROSS UNITS PER ACRE)	PRIMARY STRUCTURE	
					MAX HT (FT)	REQUIRED SETBACKS (FT)
Industry Heavy (IH)						
Non-residential	43,560	None	85%	N/A	60	

6.7 STREET DESIGN STANDARDS (FOR ALL USE TYPES)

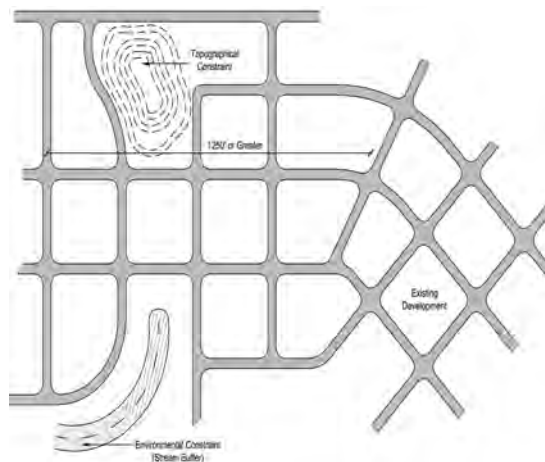
6.7.1 GENERAL

- A. Consistency with Transportation Plan:** Public street design must conform to the arrangement, width, and location standards specified in the Transportation Element of the City's Comprehensive Plan, any applicable plans of RFATS (Rock Hill-Fort Mill Area Transportation Study), and the road classification system of the City's GIS (Geographic Information System) maps.
- B. Accommodation of New Streets:** Development must be designed and located to accommodate existing and proposed streets in accordance with adopted small-area plans; redevelopment plans; transportation plans; other plans adopted by the City, County, State, or RFATS; or site-specific traffic studies.
- C. Gated Streets:** For the purposes of preserving access to public and private lands by utility companies, emergency service providers, and other agents of the City, gates, barriers, or other devices intended to obstruct vehicular or pedestrian traffic along a public or private street right-of-way are prohibited.

6.7.2 GRID PATTERN

Development should support a grid or modified grid street network to the maximum extent practicable. Curvilinear street networks should only be used when topographic or environmental constraints prevent use of the grid pattern, when established development patterns on adjacent lands make the grid pattern infeasible, or in conjunction with a grid pattern to limit exceptionally long vistas exceeding 1,200 feet down straight streets.

MODIFIED GRID PATTERN



6.7.3 ARTERIAL AND COLLECTOR STREET LOCATION

If an arterial or collector street is located on or adjacent to a development, the development must continue the street to a logical termination point.

6.7.4 STREET CONNECTIVITY

- A. Street Connectivity Required:** The arrangement of streets in a development must provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and intended for future development or in which the adjoining lands are developed and include opportunities for such connections.

Street rights-of-way must be extended to or along adjoining property boundaries such that a roadway connection or street stub is provided at least every 1,000 feet for each direction (north, south, east, and west) in which development abuts vacant lands, unless precluded by topographic or environmental constraints, or the configuration of adjacent or nearby existing development.

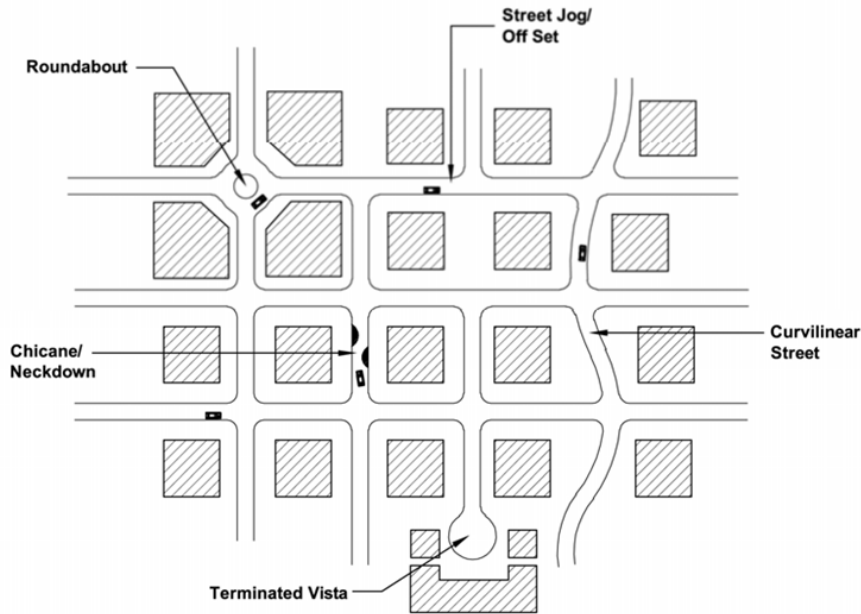
Unless exempted below, all subdivisions and site plans must provide access from the development to the greater City street system as follows:

REQUIRED SUBDIVISION AND SITE ACCESS	
USE CATEGORY	MINIMUM REQUIRED NUMBER OF ACCESS POINTS
RESIDENTIAL USE TYPES	
≤ 80 units	1
81-159 units	2
≥160 units	3
ALL OTHER USE TYPES	
<2,500 estimated trips per day	1
≥2,500 estimated trips per day	2, plus 1 for every additional 5,000 trips over 5,000

- B. Exceptions:** The number of access points to a subdivision or site may be reduced if it is demonstrated that all the following conditions apply:
1. The minimum number of access points cannot be obtained or located due to parcel configurations, absence of connecting streets, or environmental or topographic constraints;
 2. The access points provided are designed with no access until a point where the road layout disperses traffic so that the anticipated traffic on any given link with access to a parcel or a parking lot drops below 800 trips per day in residential projects and 2,500 trips per day in other projects; and
 3. In accordance with a traffic study, adequate dedicated turn lanes are provided to accommodate peak turn traffic.

6.7.6 TRAFFIC CALMING MEASURES

- A.** Minimal street widths, short block lengths, delineated on-street parking, roundabouts, and other design features that discourage speeding must be used on all one-way, place, lane, and sub-collector streets to the maximum extent practicable.
- B.** In cases where residential development has been organized around a grid street network, measures to interrupt or terminate long vistas exceeding 1,200 feet in length must be employed to the maximum extent practicable.
- C.** The following illustration depicts some examples of traffic calming measures.



6.7.7 CUL-DE-SACS

A. Total Road Footage:

1. **Residential Development:** Cul-de-sac streets are limited to a maximum of 15% of the total road frontage in a residential development.
2. **Non-Residential and Mixed-Use Development:** Cul-de-sac streets are limited to no more than 10% of the total road footage in a non-residential or mixed-use development.

B. Maximum Length:

1. Cul-de-sac streets must not extend for more than 500 feet as measured from the center of the cul-de-sac turn-around to the nearest right-of-way boundary of the adjoining street right-of-way intersection.
2. A cul-de-sac will not be allowed to serve more than 20 lots in a development.

C. Termination

1. Cul-de-sac streets that are longer than 150 feet must terminate in a circular turn-around (“cul-de-sac bulb”). The turn-around must have a right-of-way radius of at least 50 feet and a paved turning radius of at least 40 feet. Cul-de-sac bulbs must be built to the collector/commercial/industrial pavement section design.
2. T-head turn-arounds may be used instead of a circular turn-around based on topography or other unique site constraints.

- D. Deviations for Existing Development and Topographic Conditions:** When the Planning Commission determines that existing development patterns or topographic conditions preclude avoiding a cul-de-sac or dead-end area meeting the above restrictions, the Planning Commission may approve a deviation to these standards. Any deviation will only be granted after reasonable design modifications have been made to reduce the number of isolated lots and maintain connectivity to the greatest extent feasible.

6.7.8 TEMPORARY DEAD-END STREETS

- A. Limitation on Length:** Temporary dead-end streets must not extend for more than 500 feet. Temporary dead-end streets of more than 150 feet in length must be provided with a temporary paved turn-around.
- B. Limitation on Number of Lots Served:** A temporary dead-end street must not serve more than 20 lots in a development.

- C. **Identification on Final Plat Required:** Temporary dead-end streets must be identified on the final plat with a note stating that the street will be extended as part of a future phase of the development.

6.7.9 HALF STREETS

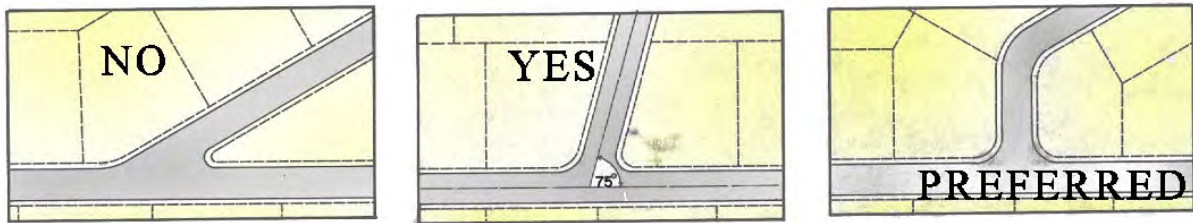
The construction of half streets is prohibited. Half streets are streets with only half of the required right-of-way width typically proposed along the boundary or edge of a tract or parcel being subdivided.

6.7.10 PRIVATE STREETS

- A. **When Allowed:** All streets constructed as part of conventional subdivisions must be public streets. Private streets may be approved when internal to a master planned commercial area, or in limited cases as part of a Master Planned Residential (MP-R) district or multi-family development. In determining whether private streets are to be approved, the Planning Commission must consider the rationale for private versus public maintenance, the financial mechanism for and viability of private maintenance, and potential future need for public control of the streets.
- B. **Must Meet City Standards:** Any private streets must be built to City standards in accordance with the *Street Specification Standards* table and all other applicable City standards. Additionally, all private driveways and parking areas, except for those serving four dwelling units or less, must be built in accordance with *Section 6.7.16: Road Sections and Materials*.
- C. **Identification on Plans Required:** Any approved private streets must be identified on the detailed construction plans, intermediate field survey plat, and final plat for subdivision.

6.7.11 INTERSECTIONS

- A. **Number of Streets Allowed to Intersect:** The centerline of only two streets will be allowed to intersect at any one point.
- B. **Angle of Intersections:** Streets must be laid out so as to intersect as nearly as possible at right angles. No street or driveway will be allowed to intersect any other street at any angle of less than 75 degrees, as depicted in this image.



- C. **Property Lines and Setback Lines at Intersections:** The property line at street intersections must be either rounded with a radius of 10 feet on local and sub-collector roads and 20 feet minimum where one or both roads are collector or arterial roads, or chamfered at the equivalent chord. When determining setback lines, the setbacks will be measured as if using the rounded 10- or 20-foot radius regardless of the method used. This standard may be reduced by the Planning & Development Director when the angle of intersection is less than 85 degrees, or increased when the intersection includes an arterial or collector street, to provide a minimum of 10 feet between the property line and the curb line.
- D. **Street Jogs:** Street jogs or offsets must be avoided to the maximum extent practicable except where needed to interrupt or terminate long vistas on streets in residential developments as explained above. Where unavoidable, street jogs at the intersection of two streets must have a centerline offset of at least 125 feet, as depicted in this image.



6.7.12 REVERSE AND HORIZONTAL CURVES

A. Tangent Distances:

1. Tangent distances of at least 100 feet on places and lanes and 150 feet on collector streets must be provided between reverse curves.
2. Tangent distances on arterial streets must conform to the requirements of the South Carolina Department of Transportation.
3. A minimum tangent of 50 feet must be provided between curves and intersections.

B. Radius Standards: The minimum centerline radius of curvature for horizontal curves must be in accordance with the following table.

HORIZONTAL CURVE MINIMUM CENTERLINE RADIUS STANDARDS		
STREET TYPE	MINIMUM RADIUS OF CURVATURE	DESIGN SPEED
Residential Local	125 feet	20 miles per hour
Sub-Collector	150 feet [1]	20-25 miles per hour
Residential Collector, Major Collector, and Arterial	As determined by the South Carolina Department of Transportation or the American Association of State Highway and Transportation Officials	
NOTES:		
[1] All collector roads and above must be super-elevated with a maximum super-elevation of 4%.		

MINIMUM RADII STANDARDS AT 4% SUPER-ELEVATION RATE	
DESIGN SPEED	MINIMUM RADII
20 miles per hour	130 feet
25 miles per hour	205 feet
30 miles per hour	305 feet
35 miles per hour	425 feet
40 miles per hour	565 feet
45 miles per hour	735 feet

A curve of reasonable radius must be introduced wherever a deflection angle occurs in the alignment of a place, lane, sub-collector, collector, or arterial street.

6.7.13 VERTICAL CURVES

Vertical curves must be designed per the standards of the South Carolina Department of Transportation or The American Association of State Highway and Transportation Officials.

6.7.14 SIGHT OBSTRUCTION

Objects and signs must not interfere with visibility within the sight distance triangle of an intersection of public streets per the intersection sight distance standards of the South Carolina Department of Transportation or The American Association of State Highway and Transportation Officials.

6.7.15 STREET SPECIFICATION STANDARDS

Alleys and streets must adhere to the specifications in the below table. Additional cross-section information is located in *Appendix 6-A: Street Cross-Section Diagrams*.

The determination of the street specification to be used will be based on the density and intensity of development and function of the street. Staff will make a recommendation about this, with the Planning Commission having the approval authority on the final cross-section design of all streets, including the provision of on-street parking, during the preliminary plat review process. The requirement for on-street parking will be based on density and intensity of development, ability to accommodate guest parking needs off-street, and the parking history of similar development types.

Roadway standards must comply with current applicable South Carolina Department of Transportation (SCDOT) and American Association of State Highway and Transportation Officials (AASHTO) construction standards, ADA and United States Access Board Proposed Guidelines for Pedestrian Facilities in the Public ROW, as amended.

STREET SPECIFICATION STANDARDS									
STREET TYPE	MINIMUM PAVEMENT WIDTH			MINIMUM RIGHT-OF-WAY WIDTH	MAX. GRADE	MAX. VOLUME [1]	SIDEWALK REQUIREMENT	CURB AND GUTTER WIDTH	REC. CURB RADIUS [3]
	NO ON-STREET PARKING	ON-STREET PARKING ON ONE SIDE [4]	ON-STREET PARKING ON BOTH SIDES [4]						
Alley (Two-Way; Private)	16 feet	N/A	N/A	22 feet	12%	N/A	None	1 foot on each side	25 to 30 feet
One Way	16 feet	18 feet	22.5 feet	41-47.5 feet	12%	N/A	1 side	2 feet on each side	25 to 30 feet
Residential Local	20 feet	26.5 feet	33 feet	50-63 feet	12%	≤ 250 trips per day	Both sides [5]	2 feet on each side	25 to 30 feet
Sub-Collector or Mixed Use Local	22 feet	28.5 feet	35 feet	52-65 feet	12%	≤ 1,000 trips per day	Both sides	2 feet on each side	25 to 30 feet
Residential [2] Collector	24 feet	30.5 feet	37 feet	54-77 feet	10%	≤ 3,000 trips per day	Both sides	2 feet on each side	30 feet
Commercial Collector	28 feet	34.5 feet	41 feet	58-81 feet	8-10%	> 2,000 trips per day	Both sides	2 feet on each side	30 feet
Arterial/Major Collector	As determined by the South Carolina Department of Transportation					> 3,000 trips per day	Both sides	2 feet on each side	Per the South Carolina Department of Transportation

NOTES:

[1] Residential volumes will be estimated based on the following traffic generation:

- single family detached – 9.6 trips per day
- single-family attached/townhouse – 5.9 trips per day
- low-rise apartments – 6.6 trips per day
- high-rise apartments - 4.2 trips per day

[2] Additional width must be provided when bike lanes are required.

[3] These are recommended radii based on expected traffic volumes and vehicle types. Where streets of two different types intersect, the larger radius is required. These dimensions may be modified by the Planning & Development Director during the civil plan review process based on engineered design for the turning radii that is necessary for trucks or other large vehicles that will need to use the road (e.g., sanitation trucks, fire trucks, and school buses) or where unusual traffic or land-use conditions warrant.

[4] On-street parking must be 8 feet from the edge of the travel lane to the face of the curb. A standard two-foot curb has an 18-inch gutter pan.

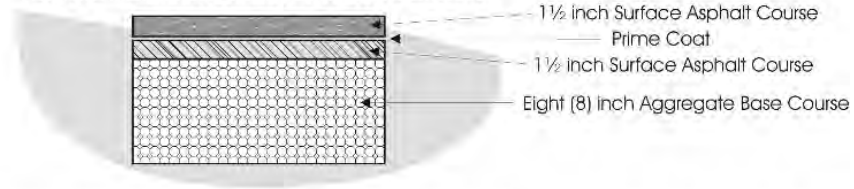
[5] If a sidewalk on each side of the road would not serve a public benefit, such as on very short streets, the Planning Commission may allow this road type to have sidewalk on only one side through the preliminary plat process.

6.7.16 ROAD SECTIONS AND MATERIALS

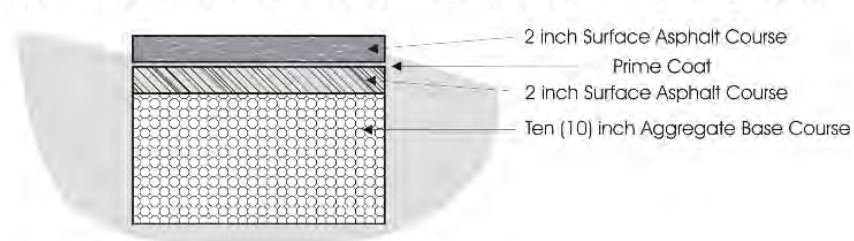
Road sections for all streets must meet SCDOT standards and one of the following standards. The City may require a larger road section than shown below based on soil conditions or traffic loading.

	Aggregate Base Course	Surface Asphalt Course	Surface Asphalt Course
Residential Subdivisions and Private Streets	8 inches	1 ½ inches	1 ½ inches
Residential Collector, Commercial/Industrial Streets, Cul-de-sac Bulbs	10 inches	2 inches	2 inches
Parking lots (including driveway and parking spaces)¹	6 inches	N/A	2 inches
¹ Driveways that access dumpsters and loading/unloading areas require heavy-duty pavement to ensure that they will withstand the weight of the trucks over time. The standards of this pavement area will be determined based on the conditions of each individual site.			

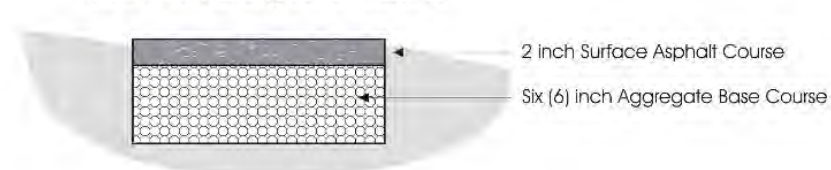
Residential Subdivisions or Private Streets



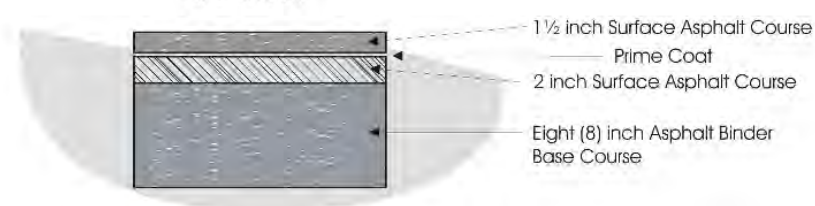
Residential Collector & Commercial/Industrial Streets & Cul-de-sac Bulbs



Minimum Parking Lot Standards



Entrances



Additionally, all concrete construction (including sidewalks and curb and gutter) must be a minimum strength of 3,500 PSI (pound-force per square inch).

6.7.17 CURB AND GUTTER AND RIBBON CURB

Concrete curbing and gutters (or for alleys, ribbon curb) must be installed on all streets in accordance with the construction standards established in this ordinance unless an open drainage system is approved by the Planning Commission based on staff recommendation and in accordance with Low-Impact Design (LID) principles.

6.7.18 MEDIANS

Medians with trees and landscaping may be allowed along the entrance to a neighborhood or at other key locations, provided that sight visibility is maintained, the minimum lane width is maintained for each lane, and irrigation is carefully designed so as not to create traffic safety issues or road surface issues. Where allowed, the covenants for the neighborhood must state that it is the responsibility of the Home Owners Association to maintain the landscape material as well as to repair the surrounding road surface if the median causes any disrepair of it. Additionally, the developer is responsible for maintaining the landscape materials and the surrounding road surface area during the warranty period.

6.7.19 SIDEWALKS

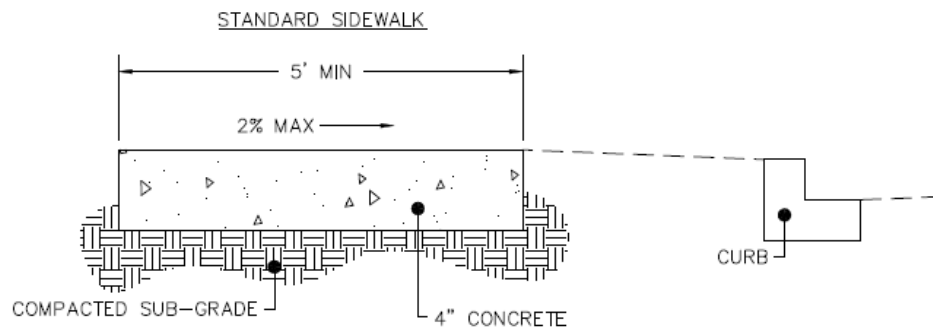
- A. **General:** Except as specifically exempted below, sidewalks must be provided along new or existing streets in conjunction with new development and/or redevelopment. All required sidewalks must connect with existing or planned sidewalks at property boundaries. See the *Street Specifications Standards* table above for sidewalk requirements for various street types.

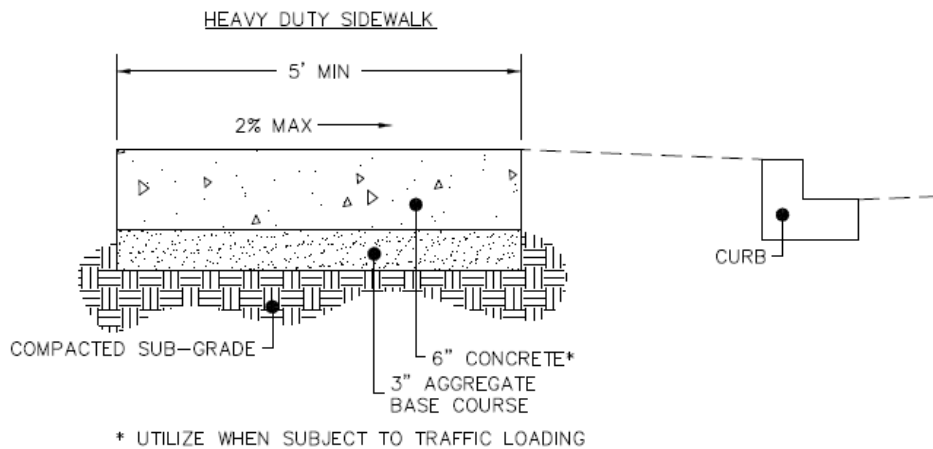
- B. Width:** Minimum sidewalk widths must be 10 feet along collectors and arterials in the Downtown (DTWN), Neighborhood Commercial (NC), and Mixed Use (MX) zoning districts, 8 feet in these districts otherwise, and 5 feet along all other streets. Sidewalks must be tapered by one foot in width for every five feet in length in areas where an eight-foot section meets a five-foot section.
- C. Internal Pedestrian Access:** All multi-family, public and institutional, commercial, and industrial and related uses must provide at least one improved internal pedestrian access to connect all new buildings to existing or planned sidewalks in the adjacent public right-of-way.
- D. When Sidewalks Are Not Required:** The approving authority may not require sidewalks where the applicant shows that:
 1. An alternative pedestrian pathway can serve the same function as a sidewalk;
 2. Construction of a sidewalk is impractical due to environmental or topographical constraints; or
 3. The sidewalk would be located on the non-loaded side of a single-loaded road, and access to the non-loaded side is not necessary or desirable, and the overall connectivity of the surrounding network is not affected.

This may result in a wider sidewalk being required across the street or otherwise in the nearby vicinity.

E. Construction Standards:

1. Sidewalks must be designed in accordance with the Americans with Disabilities Act and the United States Access Board Proposed Guidelines for Pedestrian Facilities in the Public ROW, as amended.
2. Sidewalks must be concrete, with a minimum strength of 3,500 PSI (pound-force per square inch).
3. Sidewalks must be designed for site and soil conditions.
4. Sidewalks must be located seven feet from the back of the curb as shown in Appendix 6-A, Street Cross-Section Diagrams, but need not be a uniform distance from the curb. When sidewalks meander as part of a design concept or to avoid obstructions, sufficient room must be maintained for mailboxes, signage, sidewalk furniture, utility easements or corridors, and at least three feet of landscaping or lawn between the curb and the sidewalk.
5. Sidewalks must be in harmony with roadway, curbs and access points of entry, and must not impede positive drainage patterns.
6. Accessible ramps must be installed at all intersections and pedestrian crossings and comply with the most current applicable ADA guidelines.
7. The developer must use the following design, and must show that on all plats and civil site construction plans.





6.7.20 BIKE LANES

- A. **Where Required:** Bike lanes meeting South Carolina Department of Transportation Standards must be constructed on all new arterial and collector streets, or as shown on *Connect Rock Hill: Bicycle and Pedestrian Master Plan*.
- B. **Exceptions:** The requirement to construct bike lanes on residential and commercial collectors may be waived when the anticipated traffic count is less than 2,000 vehicles per day, the road does not connect to or have prospects of connecting to other existing or planned bike facilities, bicycle traffic has been accommodated on a parallel off-road facility, or other factors suggest that bicycle traffic can be safely accommodated in the design street section.
- C. **Construction Standards:** Bike lane construction shall conform to the South Carolina Department of Transportation standards and the American Association of State Highway and Transportation Officials (AASHTO)'s Guide for the Development of Bicycle Facilities and ADA Access Board's Proposed Architectural Barriers Act Accessibility Guidelines for Outdoor Developed Areas, as amended.
- D. **Bike Lane Widths:**
 1. **Bike lane not adjacent to on-street parking:** Four feet from edge of gutter.
 2. **Bike lane adjacent to on-street parking:** Five feet from edge of parking space.

6.7.21 SHARED USE PATHS FOR PUBLIC USE

- A. **Required findings:** The approving authority may require any of the dedications or exactions described in this section only after first making findings that:
 1. Explain the purpose for the dedication or exaction; and
 2. Demonstrate that there is an essential nexus and rough proportionality between the need for the dedication or exaction and the characteristics and impacts of the development which the dedication or exaction is required.

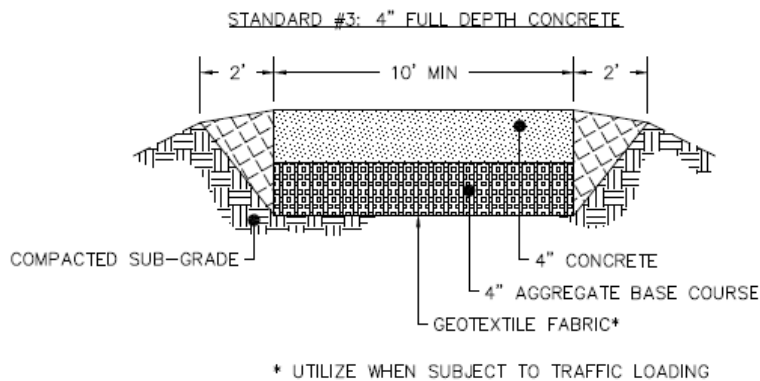
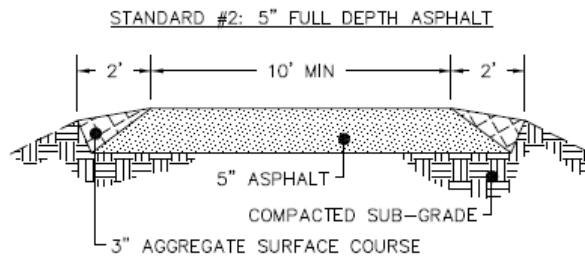
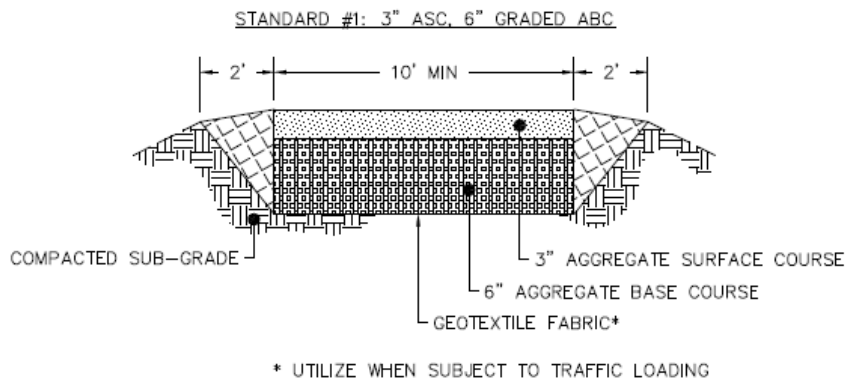
Additionally, the City finds that shared use paths will relieve traffic congestion, reduce automobile usage, provide recreational activities (and alternative access to recreational activities), and provide for a more harmonious development of the City.

- B. **When shared use paths are required:** The developer of any land use type, residential or non-residential, must install a shared use path on or through the development site when:
 1. One is shown on the Connect Rock Hill Bicycle and Pedestrian Master Plan, as amended, in accordance with the descriptions and intent of that plan; and/or
 2. The development is located less than half of a mile from an existing or planned public park, school, greenway, existing trail, or other major public amenity; and/or

3. The property is zoned Master Plan, Planned Development, or Planned Unit Development, and the approved development plans require a shared use path for public use to be installed.

Also note that in some circumstances, developers of single-family neighborhoods may choose to provide private shared use paths for the use of the residents of the neighborhood as an amenity. See the use-specific standards in section 4.3.3.2.1.A. for more information about the standards when that situation applies, as they are different from those in this section.

- C. **Ownership and maintenance:** The shared use path may be required to be turned over to the City upon completion for public ownership and maintenance, or it may be required to be owned and maintained privately but available for public use through a public access easement. The latter situation is typically found when the shared use path is a designated connection to public shared use path access or is needed for emergency services or City maintenance vehicles.
- D. **Construction Standards:** When shared use paths are required, the following standards apply:
 1. **Width**
 - a. Two-way path shall have an operational surface minimum width of 10 feet, with a cross slope between one and two percent, and a two-foot clear shoulder on each side, for a total width of 14 feet. Where the shared use path is located within a public road right-of-way, the two-foot shoulder must be grass.
 - b. Two-way path may have an operational surface minimum width of eight feet for limited distances, where physical and/or environmental constraints reasonably prohibit a standard path width.
 - c. Two-way path operational surface may be increased to a maximum 12 feet width, if the volume of pedestrian and/or bicycle loading or geometric conditions yield a safety consideration for such.
 - d. The requirement to construct Shared Use Paths may be waived when it can be proved that an alternative route is physically and environmentally more viable and will satisfy the intent of the *Connect Rock Hill Bicycle and Pedestrian Master Plan*.
 - e. The final surface and width will be determined by the City based on approved plans, anticipated use, limitations of existing or proposed infrastructure, and overall connectivity with existing facilities and community.
 2. They must be shown on the preliminary plat or major site plan for the project, along with a certification that the City is not responsible for maintenance or liability resulting from the use of the shared use path;
 3. They must be shown on the civil plans for the project, covered under the grading and land disturbance permits for the project, and inspected through that process; and
 4. If part of a residential neighborhood, they must be installed prior to the sale of all adjacent home lots to individual property owners.
 5. Shared use path design must be in accordance with American Association of State Highway and Transportation Officials (AASHTO)'s Guide for the Development of Bicycle Facilities and ADA Access Board's Proposed Architectural Barriers Act Accessibility Guidelines for Outdoor Developed Areas, as amended.
 6. Shared-use path shoulder: In areas where path longitudinal slope is steep and/or erosive stormwater velocities are expected, the two-foot shoulder must be designed to withstand erosion by utilizing 3-inch aggregate stone or other acceptable mitigating measures. Aggregate stone cannot be used within or immediately adjacent to any public road right-of-way.



E. Fee in lieu of shared use path installation: In lieu of required shared use path construction, the City may allow the developer to provide funds that the City will use for the construction at a later date of the shared use path. All funds received by the City pursuant to this paragraph must be used only for the development of a shared use path system, including design, land acquisition, and construction. However, the City may undertake these activities in conjunction with another development or governmental project. The fee calculation is based upon 125% of the estimated construction costs for the shared use path located on the developer's property. The City Manager will determine whether or not to allow a fee-in-lieu after hearing a recommendation from the Planning & Development Director.

6.7.22 ON-STREET PARKING

On-street parking must be delineated by striping and curb bulbs at intersections and mid-block crossings for all two-sided parking streets, and for all one-sided parking on streets classified as sub-collector or higher.

6.7.23 STREET TREES

See sections 8.7.7, *Landscaping for Single-Family Uses*, and 8.7.8, *Street Trees for Non-Residential and Multi-Family Uses*.

6.7.24 STREET NAMES

- A. The names of new streets must be approved as part of the preliminary plat for subdivision.
- B. The names of new streets must not duplicate or be phonetically similar to existing street names in the City or York County, irrespective of the use of the suffix (e.g., street, avenue, circle, way, boulevard, drive, place or court).

6.7.25 SETBACKS FOR LAND AFFECTED BY FUTURE ROADWAY CONSTRUCTION PROJECTS

- A. **Purpose:** The Rock Hill City Council finds that additional setbacks are necessary for property located adjacent to planned roadway construction projects in order to minimize the cost to the public and the impacts to private property owners associated with the public improvement projects.
- B. **Applicability:** All property that is located adjacent to a road construction project that is listed within one or more of the following plans is subject to an increased setback standard as is described:
 - 1. City of Rock Hill Capital Projects list
 - 2. City of Rock Hill Comprehensive Plan
 - 3. The Rock Hill – Fort Mill Area Transportation Study (RFATS) Long Range Transportation Plan
 - 4. The RFATS Congestion Management Plan
 - 5. York County Pennies for Progress Referendums

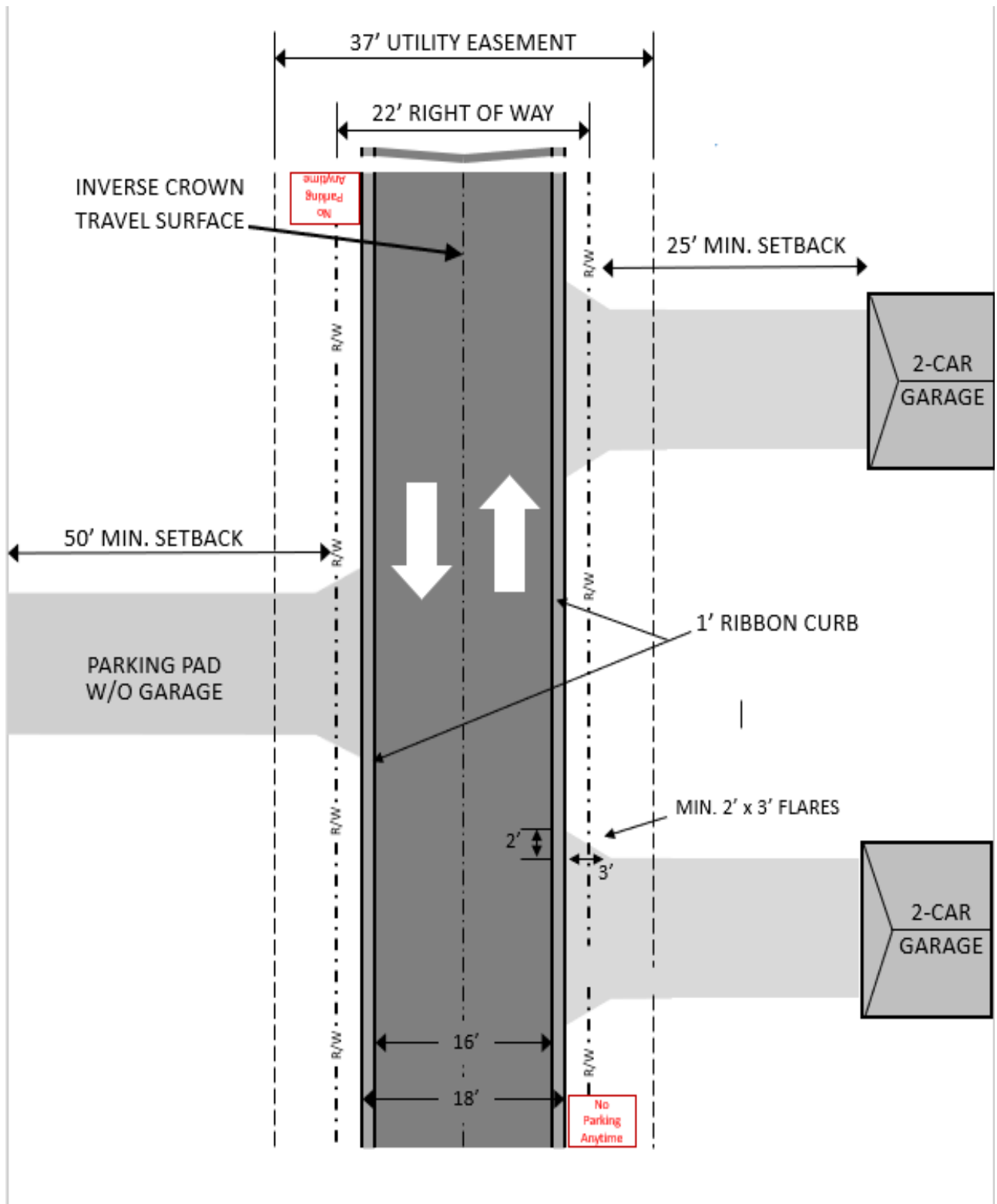
The applicable roadways are listed in the document titled “Roadways Subject to Planned Roadway Construction Projects,” which is adopted by reference, along with its subsequent amendments. The Planning Commission may amend this document from time to time, in order to assign the increased setbacks to new roads, roads with newly identified future roadway construction projects, or roads that were in advertently left off the list.

- C. **Establishment of Setbacks:**

- 1. No building, structure, sign or facility shall be erected, constructed, reconstructed, moved, added to, or structurally altered within the limits of the following:
 - a. When a future alignment of right-of-way for a road improvement has been established by the reviewing agency, the setback requirement will be the same as the approved alignment of right-of-way plus the regular setback of the applicable zoning district per Section 6.5.6.
 - b. When alignment for expanding an existing roadway has not been determined, the minimum setback is that which is listed in the chart below plus the regular setback of the applicable zoning district, unless the City determines, in coordination with the relevant agencies for the road construction project, that the proposed construction or development will not have a negative impact on the future construction project.

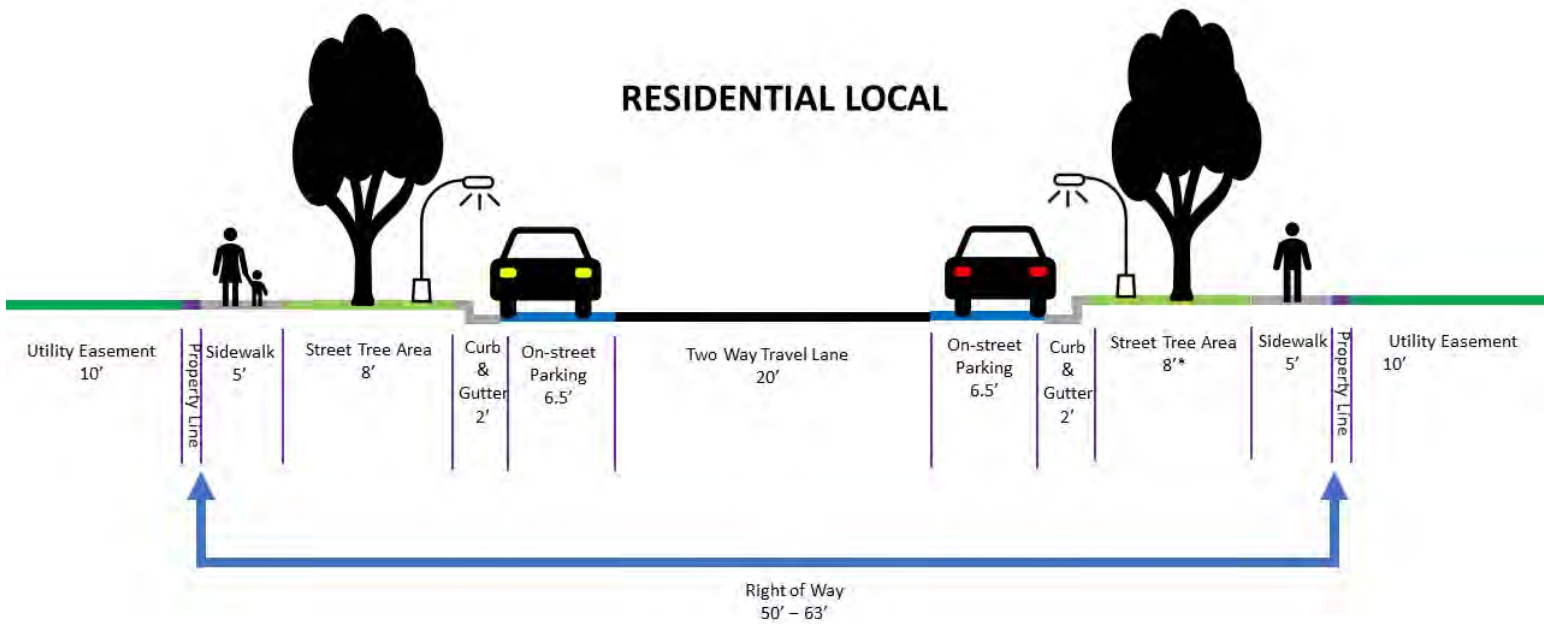
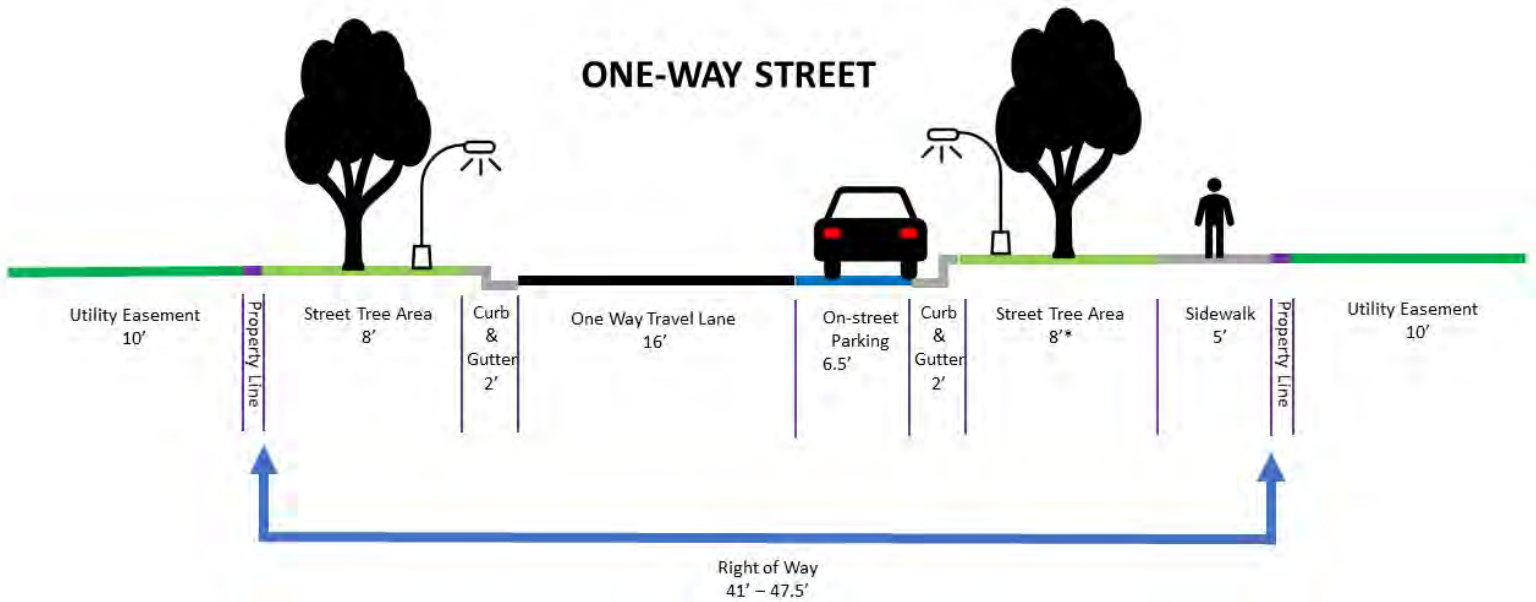
APPENDIX 6-A STREET CROSS-SECTION DIAGRAMS

ALLEYS

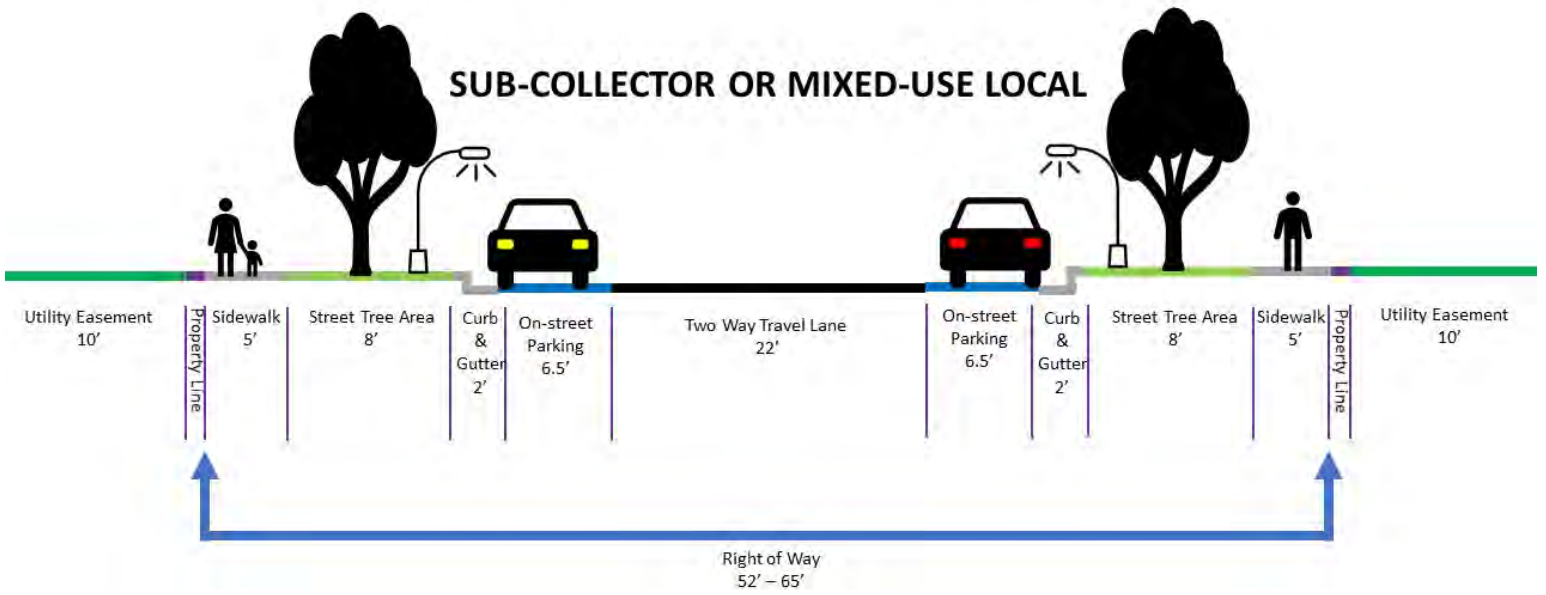


I. CROSS SECTIONS WITH STREET TREES

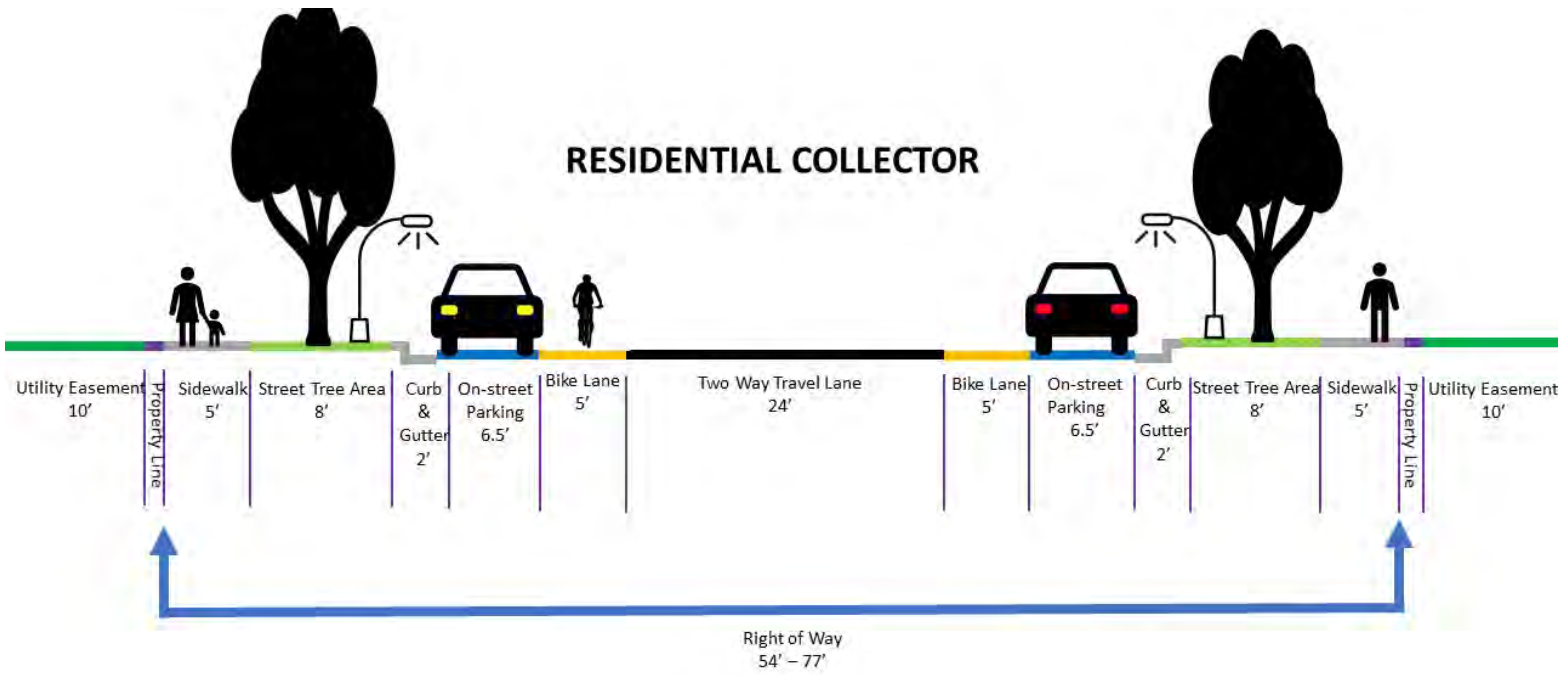
(for single-family land uses, developers may choose between providing street trees, streetscape landscaping, or tree save areas)

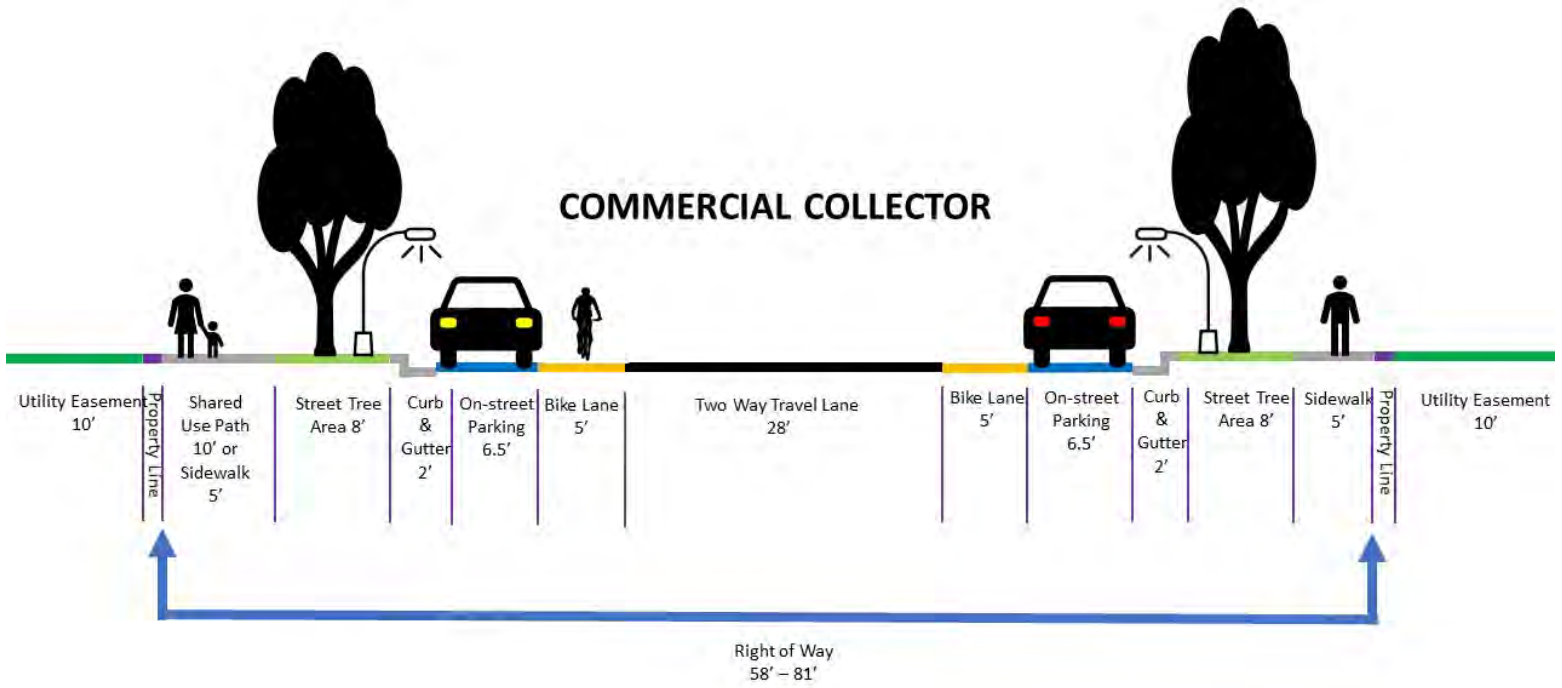


SUB-COLLECTOR OR MIXED-USE LOCAL



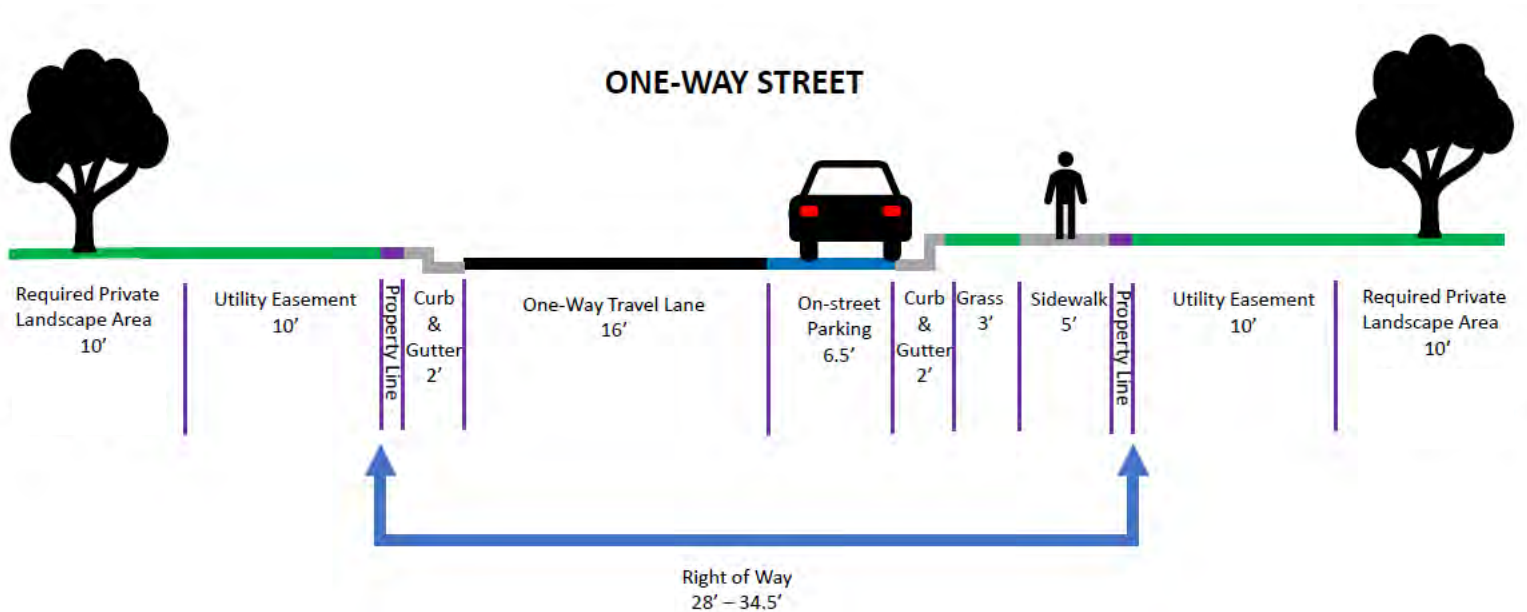
RESIDENTIAL COLLECTOR



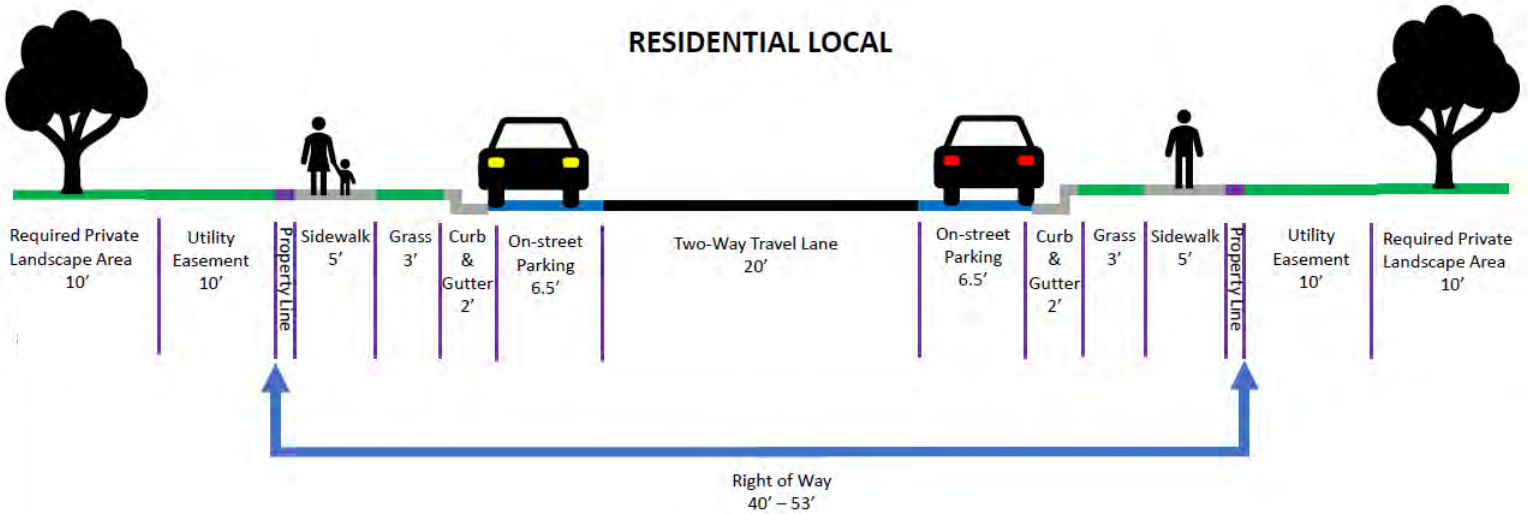


II. CROSS SECTIONS WITH YARD LANDSCAPING

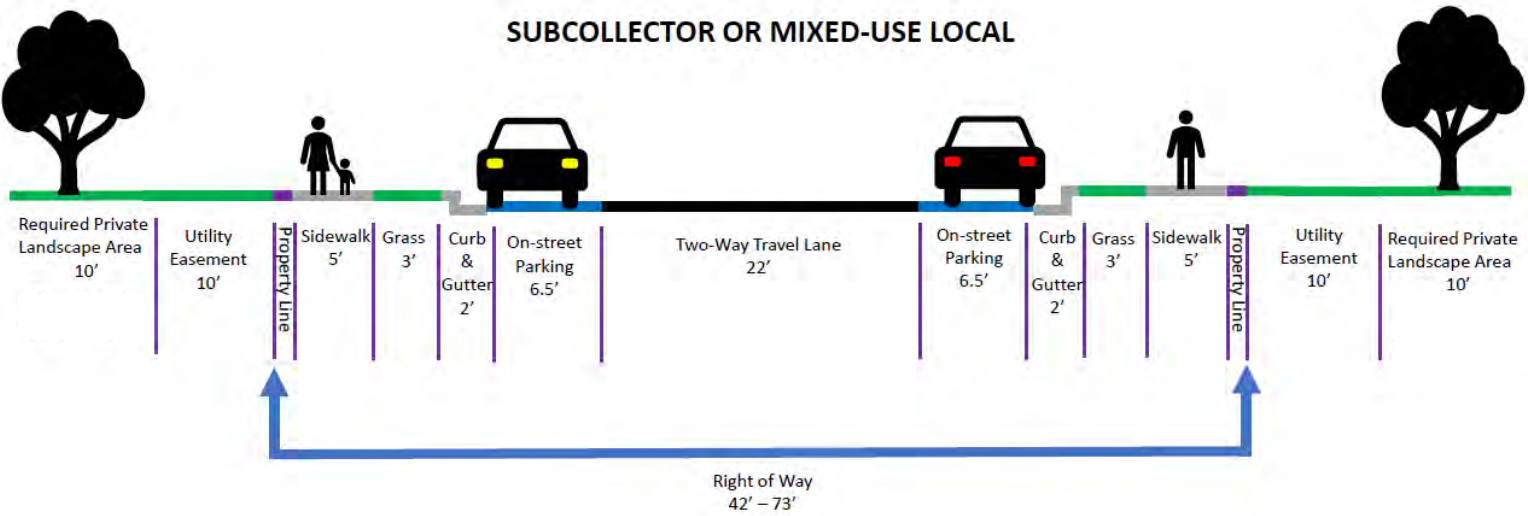
(for single-family land uses, developers may choose between providing street trees, streetscape landscaping, or tree save areas)



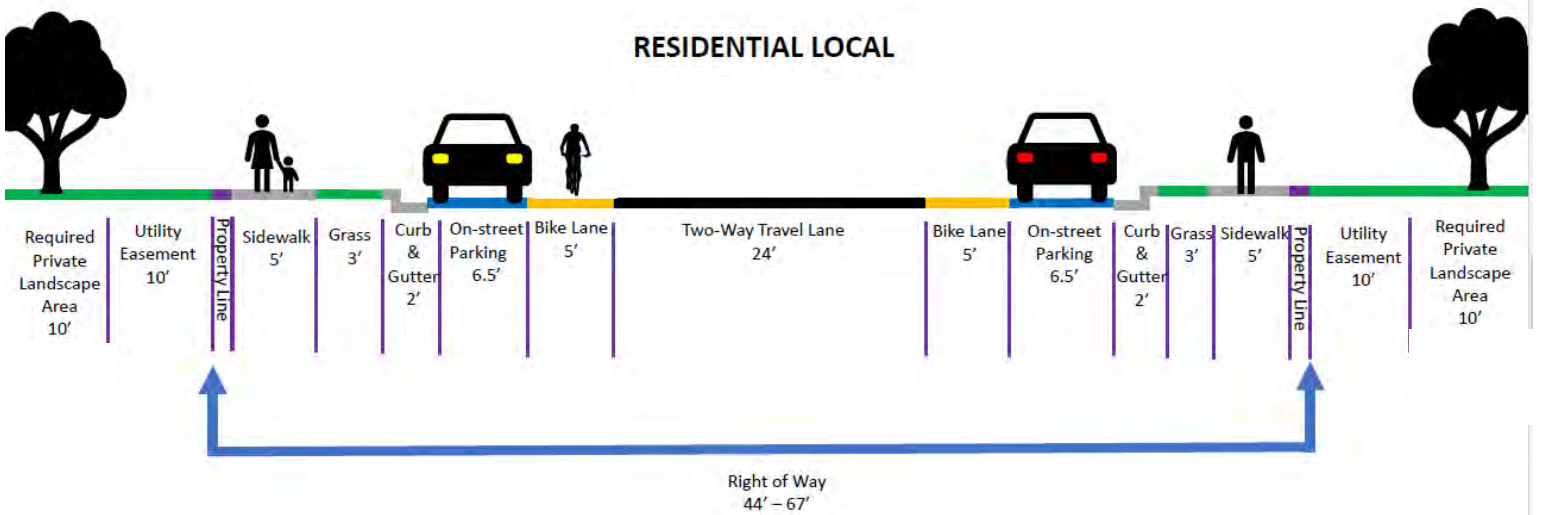
RESIDENTIAL LOCAL



SUBCOLLECTOR OR MIXED-USE LOCAL



RESIDENTIAL LOCAL



APPENDIX 6-B: ASSOCIATED DEFINITIONS

Alley

A minor way, typically 20 feet in width or less, intended to be used primarily for vehicular service access to the rear or side of properties otherwise abutting on a public street.

Arterial Road or Street

A street designed primarily for the movement of heavy vehicular traffic volumes. Existing and future locations of arterial streets are usually identified in the major street plan and the Rock Hill/For Mill Area Transportation Study (RFATS).

Awning

A structure made of wood, cloth, vinyl, or other flexible 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 a canopy).

Block

A group of parcels entirely surrounded by streets or by any combination of streets, parks, or railroad right-of-way.

Block face

The lands abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, watercourse, or un-subdivided land.

Chamfred

A reduction in the angle of intersection between two streets to less than 90 degrees by connecting the two streets with a third street segment located at less than 90 degrees to either roadway segment it connects.

City Street System

The network of existing arterial, major collector, and commercial collector streets within the City.

Collector Street

- **Major Collector:** A street that is used to conduct traffic between major arterial streets and/or activity centers. It is the principal traffic artery within commercial and large residential areas of 175 units or more, and carries relatively high volumes of traffic.
- **Minor Collector:** A residential collector that services within a development or neighborhood. This classification is generally limited to streets serving 800 to 1,500 vehicles a day, or 101 to 175 lots.

Connectivity

The relative degree of connection between streets, sidewalks, or other means of travel.

Corner Lot

A lot located at the intersection of two or more streets (other than alleys), regardless of whether such streets intersect at right angles.

Cul-de-sac

A street having one end open to traffic and the other terminated by vehicular turnaround.

Cupola

A domelike structure on top of a roof or dome, often used as a lookout or to admit light or air.

Curvilinear street network

A system of higher and lower order streets that are arranged in conformity with topographic or environmental elements, such as streams, lakes, wetlands, or areas of higher elevation. Typically, streets in such street networks are not arranged in a repeating pattern and not all streets connect to each other.

Easement

A grant by a landowner to another landowner or to the public for the right to occupy or use designated land for specific purposes, such as access, drainage, conservation, the location of public improvements, or other specified purpose. An easement does not constitute fee simple ownership of the land.

Eave

The projecting lower edges of a roof that overhangs the wall of a building.

Flag lot

A lot that abuts or gains access to a street through a narrow portion which does not meet the minimum frontage or lot width requirements for the zoning district where it is located.

Greater City Street System

The network of all existing public streets within the City.

Lane

A short street, cul-de-sac, or court. The primary purpose of a Lane is to conduct traffic to and from dwelling units to other streets. This classification will be utilized on streets serving a maximum of 250 vehicles per day or 11 to 25 dwelling units.

Local Street or Road

A road designed primarily for access directly to individual lots or developments. A local street serves vehicles traveling over relatively short distances compared with collectors and other higher systems. A local street comprises facilities not on higher systems.

Lot Line or Property Line

The bounds of a lot establishing ownership.

- **Front lot line, front property line, or frontage line:** The property line bounding the street from which the lot derives its street address.
- **Rear lot line or rear property line:** The property line that connects the two side lot lines along the edge of the lot opposite the front property line.
- **Side lot line or side property line:** The lot line connecting the front and rear lot lines or property lines, regardless of whether it abuts a right-of-way or another lot line.

Modified grid street network

A hybrid system of higher and lower order streets including elements of both a rectangular grid street network and curvilinear street network where streets are not arranged in a rigid grid pattern at right angles to one another, but which are arranged in some relationship to one another where most streets are connected, and dead end streets are minimized.

One-Way Street

A street that provides for travel in a single direction regardless of the number of travel lanes.

Place (Type of Street)

A short street, cul-de-sac, or court. The primary purpose of a Place is to conduct traffic to and from dwelling units to other streets. A Place is a street with no through traffic, limited on-street parking, and usually serves a maximum of 100 vehicles per day or 10 dwelling units.

Rectangular grid street network

A system of higher and lower order streets arranged at right angles to one another and evenly spaced so as to form a grid over the landscape. Typically, higher order through-streets are located at the periphery and are transected by lower order or local streets, which provide for localized mobility within the higher order streets.

Right-of-way

An area owned or maintained by the City, County, the State of South Carolina, federal government, a public utility, a railroad, or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, streets, pedestrian walkways, utilities, or railroads.

Road classification

A layer within of the City's Geographic Information Systems maps that shows the location and cross-section dimensions of existing public streets.

Setback or Setback Line

The setback line is drawn parallel to the designated property line at the required building setback distance.

Street or Road

A public or private right-of-way that is designed, dedicated, or used principally for vehicular traffic, and provides access for abutting properties.

- **Private Street:** A way of access to two (2) or more parcels of land that is open to vehicular ingress and egress, owned and maintained by affected property owners, but that is not considered to be a driveway.
- **Public Street:** Any street or road owned or maintained by a unit of government.

Street Frontage

The distance for which a lot line adjoins a public or private street from one lot line intersecting the street to the furthest lot line intersecting the same street.

Street Jog

An offset of two or more streets at the intersection where the centerlines of at least two of the street segments are not in alignment with one another on opposing sides of the intersection.

Street tree

A canopy tree planted or existing within or along either side of a street right-of-way.

Sub-Collector Street

A short street with branching places or lanes. Its primary purpose is to conduct traffic to and from dwelling units to other streets. The sub-collector classification is utilized on streets serving 250 to 800 vehicles a day or 26 to 100 dwelling units.

Subdivision

The division of a tract of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, for sale or building development. This includes all divisions of land involving the dedication of a new street or a change in an existing or proposed street or streets, and includes a re-subdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.

Tangent distance

The linear distance between shifts in the location or travel direction of a street.

Through lot

A lot with street frontage on both the front and rear lot lines.

Traffic calming device

A natural or constructed feature located within or adjacent to a street that is designed to reduce motorist speed and/or vehicle volumes, while at the same time increasing safety for pedestrians and non-motorized vehicles.

Travel Lanes

Portions of a public or private street intended solely for the movement of vehicles, not parking or standing.

Turning radius

The arc of a public or private street where it intersects with another street.

Yard

A required open area unoccupied by any building except as allowed by this Ordinance.

- **Front yard:** A yard extending between side property lines across the front of a lot between the front property line and the front building setback line.
- **Side yard:** A yard extending from the front building setback line to the rear building setback line.
- **Rear yard:** A yard extending from the rear of the primary structure to the rear property line.

CONSTRUCTION STANDARDS FOR SUBDIVISIONS, PUBLIC IMPROVEMENT AND SITE INFRASTRUCTURE

7

SECTIONS

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7.3 REQUIRED PUBLIC IMPROVEMENTS	P. 5
7.4 PERFORMANCE AND WARRANTY BONDS	P. 8
APPENDIX 7-A: ASSOCIATED DEFINITIONS	P. 13

7.1 PURPOSE AND INTENT

The purpose of this chapter is to establish standards for various types of development within the City related to construction standards for subdivisions, public improvements and site infrastructure. The intent of these standards is to:

- Protect the environment and adjacent property owners, water courses, and infrastructure from development activity.
- Outline basic engineering requirements and standards to ensure quality public and private infrastructure.

7.2 GENERAL CONSTRUCTION STANDARDS

The following construction standards apply to all development within the City. Construction details and specifications will default to South Carolina Department of Transportation or South Carolina Department of Health and Environmental Control standards unless the City has a specific detail or specification on the topic.

7.2.1 STORMWATER MANAGEMENT AND EROSION CONTROL

- A. Purpose:** These standards set forth the basic standards for all stormwater management and sediment control devices, activities, and practices undertaken within the City. The intent is to mitigate the effects of runoff volume and water quality on downstream properties, infrastructure, and water courses due to development activity. Specifically, the purpose and intent of this section are to:
1. Protect the land and waters from the adverse effects of excessive soil erosion, sedimentation, and stormwater through good and responsible development.
 2. Control stormwater runoff from development areas, and reduce the damage potential of flood water and protect properties near land-disturbing activities.
 3. Enhance the water quality of surface and groundwater, and promote groundwater recharge, and prevent pollution of watersheds, streams, and natural drainage channels.
 4. Ensure the design of the drainage system will be consistent with good engineering practices and design.
 5. Utilize appropriate public open spaces for both open space uses (parks, recreational use, etc.) and the temporary storage of excessive stormwater.
 6. Promote a comprehensive approach to the control of nuisance flooding and stormwater runoff.
 7. Assign responsibility for the upkeep of stormwater mitigation facilities, including those facilities set forth in Section 7.3.4.E to ensure their proper performance.
- B. Applicability:** The standards of this section apply to the redevelopment of existing properties as well as development of vacant properties.
- C. Stormwater Management and Sediment Control Plan:** Stormwater and sediment control devices located and operated in accordance with an approved Stormwater Management and Sediment Control Plan must comply with the standards in the approved plan. The plan must include appropriate measures and practices for stormwater management that are installed in a timely sequence during the land-disturbing activity process, and are maintained to ensure their proper functioning.

The plan will be approved only if:

1. It conforms to the standards listed below, and those located in the City of Rock Hill Stormwater Management and Erosion Control Design Manual and associated checklists;
2. It adheres to South Carolina Department of Health and Environmental Control (DHEC) requirements;
3. The site has no violations of other City ordinances; and
4. The application includes a written statement of financial responsibility and ownership that includes the mailing and street addresses of the principal place of business of the person financially responsible and the owner of the land or his/her registered agents; certifies that the land-disturbing activity will be accomplished pursuant to the approved plan and that responsible personnel will be assigned to the project; certifies that City officials have the authority to conduct on-site inspections both before and after approval of the plan; agrees to indemnify any person damaged by failure to comply therewith; and is signed by the applicant or authorized agent.

D. Minimum Design Requirements: Provisions for stormwater runoff control during the land disturbing activity and during the life of the facility must meet the following minimum design requirements:

1. **During Construction:** During construction, the developer must provide stormwater management for the 2-year and 10-year, 6-hour storm distribution. Additionally, the 10-year, 24-hour distribution must not exceed pre-development rates at all property line points of discharge. Management of the 25-year and 100-year, 6-hour storm distribution may be required where sites are located in sensitive watersheds and off-site flooding potential is high.
2. **After Construction:** After construction, flow rates for 2-year, 10-year, 25-year, and 100-year, 6-hour storm distributions and the 10-year, 24-hour Soil Conservation Service Type II storm distributions must not exceed pre-development rates at all property line points of discharge.
3. **Redevelopment:** The following applies to redevelopment sites of more than two acres. For the purposes of this section, comprehensive site improvements include a new parking lot layout and often but do not necessarily include a new building.

If the redevelopment site has existing stormwater mitigation facilities, and involves comprehensive site improvements, the developer must optimize or modify existing stormwater facilities to meet current design requirements to the maximum extent feasible.

If the redevelopment site does not have existing stormwater mitigation facilities, but involves comprehensive site improvements, the developer must implement stormwater mitigation measures to control peak runoff rates to the 2-year and 10-year, 6-hour storm events back to the virgin pervious condition to the maximum extent feasible.

If the redevelopment site does not have existing stormwater mitigation facilities, and does not involve comprehensive site improvements, the developer must demonstrate an increase in pervious surfacing (landscaped area) of 10% or greater to achieve a reduction in peak rate stormwater runoff. This increase in pervious surfacing can be achieved through a combination of pavement removal, landscaping, water quality implementation, and other solutions as accepted during site design.

Water quality can be addressed through a combination of structural and non-structural Best Management Practices, increased landscaping over standard requirements, or other proposals as agreed to during site design.

- E. **Points of Discharge:** Off-site or property line points of discharges for closed storm sewers or improved open channels will be permitted only at natural streams or man-made drainage channels with adequate outfall. All discharge points must be non-erosive for the 10-year, 24-hour storm.
- F. **Wetlands Permits:** The Stormwater Management and Sediment Control Plan must not be implemented until all Federal and State permits regarding wetlands management have been obtained.
- G. **Regional Approach Preferred:** A regional approach to stormwater management is an acceptable alternative to site-specific requirements and is encouraged.
- H. **Conversion to permanent post-development stormwater mitigation facilities:** Conversion to permanent post-development stormwater mitigation facilities shall occur in accordance with the approved civil plan NPDES Permit phasing requirements, as follows:
 - Generally, stormwater mitigation facilities will be converted as part of the as-built approval process, prior to Final Plat or Certificate of Occupancy, as applicable; or
 - Where facilities cannot be converted to a post-development configuration, due to NPDES Permit civil plan phasing, a partial stormwater as-built approval shall be obtained. Final as-built approval of stormwater mitigation facility conversion may be associated with a permit hold for specific lots or parcels, as defined on the approval civil plans; or
 - As required by Planning and Development Infrastructure, if deemed necessary to reduce potential adverse stormwater impacts to adjacent, upstream and/or downstream properties; or

- A Performance Guarantee shall be provided by the developer for all outstanding or incomplete stormwater mitigation improvements and as-builts, in accordance with Section 7.4, Performance Guarantees for Specified Private Improvements, with approval by the Planning & Development Director.

I. Conveyance without acceptance prohibited

Developer/owner(s) are prohibited from conveying stormwater facilities (including storm drainage/pond facilities) to Homeowners' or Property Owners' Associations or others unless such developer/owner(s) has(ve) fully complied with all of the relevant provisions of Chapters 2 and 7 of this Ordinance. This means that developer/owner(s) are expressly prohibited from recording an undelivered deed of land containing stormwater ponds. Without a valid conveyance of the deed, the deed is voidable. See *Section 7.2.1.H, Section 7.3.4.E, and Section 7.3.7.*

7.2.2 FLOOD HAZARD RISK AREAS

- A. Purpose and Intent:** This section is intended to protect human life and health; eliminate or reduce the risk of adverse impacts and damage potential associated with flood waters; preserve natural sensitive land areas and eco-systems; and to diminish the need for public investment toward stormwater infrastructure.
- B. Applicability:** The standards of this section apply to lands vulnerable or prone to flooding, such as Special Flood Hazard Areas designated by the most current FEMA FIRM and locally-designated flood-prone areas as defined by the City's Stormwater Master Plan; Dam or Reservoir Inundation Zones; and any site-specific areas vulnerable to flooding hazards. Structures within FEMA designated floodplains are typically subjected to federal flood insurance requirements, where structures in locally-designated flood-prone areas are not.
- C. General Design Standards:** Land disturbance and construction activities occurring within areas of flood hazard risk as listed below are subject to the following standards:
- 1. FEMA 100-year Floodplain:** Development must comply with the regulatory standards found in *Chapter 10, Article 7, Flood Damage Prevention*, of the City Code of Ordinances.
 - 2. Local 100-year Floodplain:** Development must comply with the City's Stormwater Master Plan and Local Flood Hazard Risk Policy Guide.
 - 3. 100-year Floodplain Storage:** No filling or net reduction of 100-year floodplain storage volumes shall be allowed (FEMA or local), without providing an analysis demonstrating no adverse impacts or rise in floodstage for upstream, downstream, and adjacent properties. Minimal filling or displacement of floodplain storage volumes may be allowed on a case-by-case basis for construction of utilities, stormwater improvements, minor grading or limited construction activities, or for previously subdivided single-family lots, per the discretion of the Planning & Development Director.
 - 4. Dam or Reservoir Inundation Zones:** Area identified as being located within a potential dam breach inundation zone shall be evaluated for an assessment of hazard risk in accordance with the City's Stormwater Master Plan and Local Flood Hazard Risk Policy Guide. High hazard dams, as classified by the South Carolina Department of Health and Environmental Control, shall also be subject to the South Carolina Dams and Reservoirs Safety Act regulations. This section does NOT include any regulatory oversight for potential inundation zones associated with the Catawba River drainage basin and the Lake Wylie Dam.
 - 5. Site-Specific:** Areas subject to a significant identifiable flood hazard risk, including non-regulated dams, reservoirs, or site-specific hydrologic/hydraulic conditions, as determined by accepted engineering principles and analysis or reasonable historic information. See Stormwater Master Plan and Local Flood Hazard Risk Policy Guide.
 - 6. Riparian Buffers:** Development affecting FEMA and locally-designated flood-prone areas must comply with the riparian buffer standards found in *Chapter 8: Development Standards*.

7.2.3 PRIVATE SITE CONSTRUCTION STANDARDS

Private development is to adhere to City standards with some special considerations.

- A. **Dumpsters:** Dumpster pads must be constructed per City details, enclosed per the requirements for dumpsters in *Chapter 8: Development Standards*, and located as specified on the civil plans. Sites must be designed with appropriate turning radii and access such that City vehicles can maneuver into the site, empty the dumpster, and navigate back out again. The path that City vehicles must take through the development to access the dumpster must use a heavy-duty paving section capable of supporting the collection vehicle.
- B. **Entrances:** Any existing entrances that will not be utilized after development must be closed.

Full depth paving of new entrances when connection to an existing City or State road must be provided between the tie-in point to either the right-of-way or the extents of the curb returns, whichever is larger.

On City roads, mill and overlay will be required adjacent to entrance tie-ins and utility trenches.

- C. **Compliance with the American Disabilities Act:** All site infrastructure components, such as the grade and surfacing of parking spaces and a route from them to the building entrance, are required to meet the standards of the Americans with Disabilities Act. The developer must provide as-built elevations after construction for verification that these standards have been met. As-built drawings may be waived for minor improvements or those that are easily verified.
- D. **As-Built Plans:** Private storm drains, permanent stormwater Best Management Practices, and water and sewer connections are required to be as-built and accepted by the City prior to issuance of a Certificate of Occupancy. Generally, prior to issuance of a Certificate of Occupancy, conversion will be required to permanent post-development stormwater mitigation facilities in accordance with the approved civil plan NPDES Permit phasing requirements; see Section 7.2.1.H.

7.3 REQUIRED PUBLIC IMPROVEMENTS

7.3.1 APPLICABILITY

Unless exempted by any provisions of Section 2.7.5, the standards in this section are the minimum standards that apply to all development of land in the City.

Unless waived or deferred by the standards in Section 2.7.5, all required public improvements must be installed prior to the approval of a final plat for subdivision, in accordance with the standards in this section.

The Planning Commission may approve deviations to the construction standards required in this chapter where it is determined that a proposed design, detail or material is equivalent in quality, durability and functionality, and meets the overall design intent.

7.3.2 STREETS

- A. **Construction:** Streets must be constructed based on the layout and design requirements of *Chapter 6: Community Design Standards*, the pavement designs shown below, and as approved in the Detailed Construction Plans.
- B. **Street Signs:**
 - 1. Prior to the approval of the final plat for subdivision, the owner/developer must determine the type and number of required street signs, and must provide payment to the City, who will then purchase and install all required street signs.
 - 2. The design, construction, materials and placement of all street name, regulatory, warning, and guide signs must conform to the standards of this Ordinance and be shown on the construction drawings.

3. Any program for decorative street signs must be approved by the City as part of the construction drawings, and an agreement regarding ongoing maintenance must be completed prior to approval of the final plat.
 4. The owner/developer is required to provide payment to the City for repair or replacement of any street sign that is damaged during construction.
- C. Utility Easements:** Utility easements must be dedicated to the City on both sides of every street (except alleys), primarily for the installation of electric and other wire-based utilities, and must comply with the following requirements:
1. Utility easements must have a minimum width of at least 10 feet.
 2. Trees must be located outside of utility easements, as must shrubs larger than 2 feet.
 3. Utility easements must be planted with grass, small shrubs (2 feet or less) or other appropriate groundcover.
 4. Sidewalks must be located outside of utility easements to the maximum extent practicable.
 5. Utilities must be located inside utility easements adjacent to the street right-of-way unless the Planning & Development Director approves an alternative configuration or a smaller easement width based on site constraints.

7.3.3 PUBLIC WATER AND SANITARY SEWER

- A. Timing:** Prior to the approval of the final plat for subdivision, the owner/developer must:
1. Install all potable water mains, valves, and sanitary sewer lines in accordance with City and South Carolina Department of Health and Environmental Control (SCDHEC) policies, standards, and specifications.
 2. Submit as-built drawings of all public water and sewer to the City for review and approval.
 3. Obtain a Permit to Operate from SCDHEC.
- B. Configuration:** When a water main or sewer line is installed in a street right-of-way, connections must be stubbed out to the property lines of each lot or adjacent tract.
- C. Easements:** When they are not contained within a public street right-of-way, water mains must be located in a 20-foot easement, and sanitary sewers must be located within a 30-foot easement (or a larger easement for sewer lines that are more than 15 feet deep), or both water and sewer may be combined within a 40-foot easement.

All easements for public utility lines must be dedicated to the City.

When water and sewer must leave the public right-of-way between lots within a subdivision, the system is to be located within a strip of land the width of the public easement and part of a larger open space track and will be maintained by the HOA.

- D. Design:** Water and sewer design and materials must be in accordance with City standard specifications and details.

7.3.4 STORM DRAINAGE

- A. General:** Prior to the approval of a final plat for subdivision, the owner/developer must install storm drainage facilities in accordance with this Chapter, the City's Stormwater and Erosion Control Design Manual, and the City Code of Ordinances. Storm drainage facilities must include, but are not be limited to necessary open ditches, pipes, culverts, storm sewers, intersectional drains, drop inlets, retention ponds, detention ponds, stormwater Best Management Practices (BMPs), and other necessary appurtenances. As-built drawings must be approved for all storm drainage systems prior to approval of the final plat.

- B. Use of Low-Impact Development (LID) Design:** The use of Low-Impact Development (LID) design concepts is strongly encouraged, and greater design flexibility is available for such designs that still meet the basic criteria of this Ordinance.

Low-Impact Development is a strategy that has the goal of maintaining or replicating the pre-development hydrology by creating a functionally equivalent hydrologic site design by:

1. Maintaining or replicating the hydrologic functions of storage infiltration and ground water recharge on the site, as well as the volume and frequency of discharges through the use of integrated and distributed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of run-off paths and flow time.
2. Incorporating the preservation and protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, floodplains, woodlands, and highly permeable soils.

- C. Standards:** Storm drainage facilities must meet the following standards:

1. **No Release into Sanitary Sewer:** No surface water drainage from a development shall empty into a sanitary sewer.
2. **Conform with City Standards:** The size, design and construction of drainage structures must conform with the standards in the City's Stormwater and Erosion Control Design Manual.

- D. Easements:** All stormwater pipes must be placed in a minimum 20-foot wide easement, unless a larger easement is necessary due to large or deep storm drain systems, open channels, or other surface conveyance.

Storm drains systems outside of the public right-of-way are private systems unless they are explicitly accepted as a public system.

Private easements are to be granted to all storm drain systems, open channels, or other conveyance measures that transmit drainage from upstream properties through a subject parcel that is being developed.

When storm drains leave the public right-of-way and must extend between lots, the lot is to be expanded beyond the minimum lot size such that the entire easement is located on a single lot. Any fencing of the lot can encompass the easement but gates large enough to allow vehicles to pass must be provided on both ends of the easement.

- E. Ownership and Maintenance of Storm Drainage/Pond Facilities**

1. **Dedication to Homeowners or Property Owners Association:** Subject to the provisions of Section 7.2.1 and Section 7.3.7 which require the developer/owner(s) to maintain ownership of certain stormwater facilities (including storm drainage/pond facilities) until established criteria and standards are followed, unless accepted by the City by dedication, such storm drainage facilities must be owned jointly or in common by the developer/owner(s) of the development through a recognized Homeowners or Property Owners Association, which should be established in accordance with the following:
 - a. The developer/owner(s) must submit documents for the creation of the Homeowners or Property Owners Association to the City for review and approval, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for the storm drainage facilities, including a legal description of such areas.
 - b. The developer/owner(s) must agree that the association is established by the developer/owner(s) or applicant and must be operating (with financial subsidization by the developer/owner(s) or applicant, if necessary) before approval of the first final plat for subdivision of the land, or building permit, whichever occurs first; and
 - c. Membership in the association must be automatic (mandatory) for all owners/purchasers of land in the development and their successors in title.

3. **Maintenance of Storm Drainage/Pond Facilities:** The developer/owner(s) of any land is (are) responsible for maintenance of all storm drainage facilities (including storm drainage/pond facilities) unless the City accepts their dedication or such storm drainage facilities are properly transferred to the Homeowners or Property Owners Association; see Section 7.3.4.E, Section 7.2.1, and Section 7.3.7. Failure to maintain storm drainage facilities in accordance with this Ordinance constitutes a violation of this Ordinance. See *Chapter 11: Enforcement*.

7.3.5 FUNCTIONAL FIRE PROTECTION

Development must include functional fire protection, including but not limited to adequate street access and water supplies for fire-fighting equipment, prior to commencing construction on structures within the development. Any required waterline extensions must be issued a permit to operate from SCDHEC in order to be included as part of the required protection.

7.3.6 PUBLIC IMPROVEMENTS ON PRIVATE PROPERTY

- A. **General:** When public infrastructure is necessary to support a private development or extensions of public infrastructure must be constructed beyond the public right-of-way, all City standards apply and the work must be performed under the supervision of City Inspectors.
- B. **Water and Sewer:** All City standards apply. When water or sewer is extended outside of the right-of-way, ductile iron is required to be used. All easements, extension agreements, and SCDHEC permitting is required. Encroachment agreements to access existing public easements or rights-of-way will also be required.
- C. **Storm Drains:** Storm drains are required to meet public standards for both private and public systems. Storm drains are considered private unless specifically accepted as public along with public easements.

Any conveyance of upstream drainage through a development via a private storm drain system, open channel, or other conveyance other than a natural water course will require a minimum private drainage easement of 20 feet.

- D. **Roads:** A public road will follow the same process as a subdivision if approved within a private development (preliminary plat, civil design, final plat, warranty period).

7.4 PERFORMANCE BONDS AND WARRANTY BONDS

7.4.1 APPLICABILITY

The City will hold performance bonds and warranty bonds for the specified improvements listed below to ensure that the improvements are completed and stand the test of time. The Planning & Development Director also may withhold permits on specific lots until the improvements are completed where the lots are integral to the improvement.

7.4.2 PERFORMANCE BONDS

- A. **Purpose:** The purpose of performance bonds is to ensure that the developer completes specified required improvements or the City has the funds to complete the specified required improvements in the developer's place if the developer fails to do so.
- B. **Completed Physical Improvements May Be Required:** The City shall have no obligation to allow developers to post a performance bond instead of completing the physical improvements; however, it may permit such bonding if it so desires.
- C. **Improvements for Which the City May Allow a Performance Bond:** The only types of improvements for which the City may allow a performance bond in lieu of the completion of the improvements at the otherwise required stage of the development process include:
 1. **Final lift of asphalt on roads,** if the City allows the installation of the final lift to be deferred until after the approval of the final plat for the applicable phase of the development. When deferral is allowed, the final lift must be installed no later than the time at which 80% of the structures in the

applicable phase of the development have received Certificates of Occupancy, or one year after the approval of the final plat of the applicable phase of the development, whichever comes first. (Note that a separate warranty bond is also required; see section 7.4.3, *Warranty Bonds*.)

2. **Sidewalks in single-family detached neighborhoods**, if the City allows the installation of sidewalks in single-family neighborhoods to be deferred until after the approval of the final plat for the applicable phase of the subdivision. When deferral is allowed, the sidewalks must be installed no later than the time at which 80% of the residences in the applicable phase of the development have received Certificates of Occupancy, or one year after the approval of the final plat of the applicable phase of the subdivision, whichever comes first. It is the City's discretion which sidewalk areas to allow to be constructed after approval of the final plat, if any. (Note that a separate warranty bond is also required; see section 7.4.3, *Warranty Bonds*.)
3. **Landscaping and street trees** in the public rights-of-way. (Note that a separate warranty bond is also required; see section 7.4.3, *Warranty Bonds*.)
4. **Stormwater detention and retention ponds, and water quality facilities, and associated as-built drawings**
5. **Private alleys**
6. **Shared use or recreation paths** as shown on approved civil plans
7. Retaining walls and infrastructure associated with critical grades
8. **Site-specific amenities** required by the Zoning Ordinance (clubhouse, pool, dog park, etc.)
9. Any items remaining to be completed under a temporary Certificate of Occupancy.

- D. **Statement of Guarantee:** When the City has decided to allow a performance bond for any of the items listed in section 7.4.2.C, the final plat for subdivision must include the following Statement of Guarantee:

THIS FINAL PLAT IS SUBJECT TO A PERFORMANCE GUARANTEE, WHICH MEANS THAT ALL REQUIRED PUBLIC IMPROVEMENTS AND PRIVATE AMENITIES HAVE NOT BEEN COMPLETED. IN THE EVENT THE DEVELOPER DEFAULTS AND THE CITY MUST COMPLETE THE PUBLIC IMPROVEMENTS OR PRIVATE AMENITIES, THE DEVELOPER OR FUTURE PROPERTY OWNERS' ASSOCIATION WILL BE ASSESSED ANY DIFFERENCE BETWEEN THE AMOUNT OF THE PERFORMANCE GUARANTEE AND THE ACTUAL CONSTRUCTION COST.

- E. **Performance Bond Amount:**

1. When the City has decided to allow a performance bond, the developer shall submit to the City actual cost estimates to cover the full cost of all physical improvements, including labor and materials. The cost estimates must be prepared by the developer's contractors or subcontractors who are licensed in South Carolina to complete the described work.
2. Provided that the City's Planning & Development Director or designee concurs with the cost estimates as submitted, the performance bond amount shall be 125% of the cost estimates for labor and materials for all items listed in section 7.4.2.C., except for the as-built drawings referenced in #4. The performance bond amount for as-built drawings shall be \$5,000.00.
3. If the City's Planning & Development Director or designee does not concur with the costs estimates as submitted, the developer may request to revise the estimates and resubmit them for reconsideration.

- F. **Form of Performance Bond:** The developer must provide a certified check in the amount specified for and on behalf of the City of Rock Hill. In limited cases, another form of guarantee instead of a certified check may be reviewed by the City Attorney and City Manager for possible acceptance.

- G. When to Submit the Performance Bond:** When the City has decided to allow a performance bond in lieu of the completion of the physical improvements listed in section 7.4.2.C., the performance bond must be submitted and deposited by the City prior to the following:
1. For items #1-8 except for the as-built drawings referenced in item #4, prior to the approval of the final plat for the applicable phase of the development.
 2. For the as-built drawings referenced in item #4, prior to the approval of a final plat for residential subdivisions and prior to the scheduling of the final Certificate of Occupancy inspection for non-residential developments.
 3. For item #9, prior to the approval of the temporary Certificate of Occupancy.
- H. Initial Performance Bonding Period:** The initial performance bond for the items listed in section 7.4.2.C. shall be as follows, subject to any conditions specified by the City:
1. For items #1-8 except for the as-built drawings referenced in item #4: one year
 2. For the as-built drawings referenced in item #4: 30 days
 3. For item #9, the length of time specified in the Temporary Certificate of Occupancy
- I. Constructing Required Improvements Under Performance Bond:** The developer is required to complete the work for which the performance bond was issued. Standard permitting and inspections are required.
- J. Developer's Responsibility:** During the period of the performance bond, all maintenance, claims, and complaints are the responsibility of the developer.
- K. Release of the Performance Bond:** Provided that the improvements are completed and pass a final inspection, and provided that the City has reviewed and approved as-built drawings as applicable, the City shall submit the amount of the performance bond back to the developer. The Planning & Development Director also may allow partial releases of the performance bond based on the completion of major milestones of the required work.
- L. If the Improvements Are Not Completed by the Developer:** If the improvements are not completed as required within the initial period of the performance bond, the City may at its discretion choose either of these options after notifying the developer by certified mail:
1. Use the money to complete the improvements or hire a contractor to complete the improvements. If the required improvements are located on private property and are not completed by the developer during the performance bond period, the City may enter upon the private property or cause its agents to enter upon the private property to complete the improvements. After completing the required improvements, the City must provide a complete accounting of the expenditures to the developer and, as applicable, refund all unused funds, without interest. Completion by the City of such improvements will not serve otherwise to release the developer of any of its other obligations under this Ordinance, particularly to the maintenance thereof; nor will it constitute acceptance by the City of the dedication of such improvement. If the improvements cost more than the bond amount, the developer or a future property owners association shall pay the City for the additional cost of the work immediately when invoiced. If the developer or future property owners association fails to do this, the City may lien the property for the difference.
 2. Extend the performance bond for a second year following the processes set for in section 7.4.2. E. and F using updated cost estimates. If the cost estimates are higher than those on which the existing performance bond was based, the developer shall provide a new bond at the increased amount to and for the benefit of the City.

The City has the same options at the end of each subsequent bond period.

7.4.3 WARRANTY BONDS

- A. Purpose:** The purpose of warranty bonds is to ensure that specified improvements were constructed such that they will stand the test of time.
- B. Improvements for Which the City Requires a Warranty Bond:**
1. **Roads, including pavement, curbs and gutters, storm drain infrastructure and other related features** within the public right-of-way.
 2. **Sidewalks**
 3. **Landscaping and street trees** in the City's rights-of-way
 4. **Water and sewer lines and associated infrastructure**
- C. Warranty Bond Amount:**
1. The developer shall submit to the City actual cost estimates to cover the full cost of all physical improvements, including labor and materials. The cost estimates must be prepared by the developer's contractors or subcontractors who are licensed in South Carolina to complete the described work.
 2. Provided that the City's Planning & Development Director or designee concurs with the cost estimates as submitted, the warranty bond amount shall be at least the percentage specified below of the complete cost to install the described items, including materials and labor:
 - a. Roads as described above: 50%
 - b. Sidewalks: 25%
 - c. Landscaping and street trees in the City's rights-of way: 25%
 - d. Water and sewer lines and associated infrastructure: 0% (zero)
 3. If the City's Planning & Development Director or designee does not concur with the costs estimates as submitted, the developer may request to revise the estimates and resubmit them for reconsideration.
- D. Form of Warranty Bond:** The developer must provide a certified check in the amount specified below for and on behalf of the City of Rock Hill. In limited cases, another form of guarantee instead of a certified check may be reviewed by the City Attorney and City Manager for possible acceptance.
- E. When to Submit the Warranty Bond:** Warranty bonds must be submitted and deposited by the City prior to the approval of a final plat for the applicable phase of development.
- F. Warranty Bonding Period:** The warranty period for each type of improvement is as follows:
1. Roads as described above: two years from the date of the recording of the final plat for the applicable phase of the development. (Note that if the City allows the deferral of the final lift installation until after the approval of the final plat under section 7.4.2.C, the final lift will in all cases be in place for at least one year of the warranty period.)
 2. **Sidewalks:** two years from the date of the recording of the final plat for the applicable phase of the development. (Note that if the City allows the deferral of the sidewalk installation until after the approval of the final plat under section 7.4.2.C, the sidewalk will in all cases be in place for at least one year of the warranty period.)
 3. **Landscaping and street trees** in the City's rights-of-way: two years after installation in a residential subdivision; one year after installation for a non-residential use.
 4. **Water and sewer lines** and associated infrastructure: One year from issuance of Permit to Operate from the South Carolina Department of Health and Environmental Control.
- G. Developer's Responsibility:** During the period of the warranty bond, all maintenance, claims, and

complaints are the responsibility of the developer. The developer is responsible for any damage that occurs to the required public improvements, such as to curbs or sidewalks by construction vehicles, during the warranty period.

- H. Construction-Related Damage After Warranty Period:** After the warranty period has ended, construction-related damage to required public improvements, such as to curbs or sidewalks by construction vehicles, is the responsibility of the party that did the damage.
- I. Release of the Warranty Bond:** The City will release a warranty bond at the end of the warranty period provided that the improvements pass a final inspection at that time.
- J. If the Improvements Do Not Pass Inspection:** If the improvements do not pass final inspection, the City may at its discretion after a 30-day notice sent to the developer by certified mail choose to use warranty bond money to correct the deficiencies or hire a contractor to correct the deficiencies. If the deficiencies are located on private property and are not corrected by the developer during the bond period, the City may enter upon the private property or cause its agents to enter upon the private property to correct the deficiencies. After correcting the deficiencies, the City must provide a complete accounting of the expenditures to the developer and, as applicable, refund all unused funds, without interest. Correction by the City of such deficiencies will not serve otherwise to release the developer of any of its other obligations under this Ordinance, particularly to the maintenance of the required improvements; nor will it constitute acceptance by the City of the dedication of such improvement. If it costs more to correct the deficiencies than the amount of the bond, the developer or a future property owners association shall pay the City for the additional cost of the work immediately when invoiced. If the developer or future property owners association fails to do this, the City may lien the property for the difference.

APPENDIX 7-A: ASSOCIATED DEFINITIONS

Accelerated erosion

Erosion is the wearing away of land surface by the action of wind, water, gravity, ice or any combination of those forces. Accelerated erosion is potentially destructive erosion caused to a large extent by man's activities. All references to erosion contained within this Ordinance refer to accelerated erosion.

As-Built Plans or Drawings

A set of engineering or site drawings that delineate the specific permitted development as actually constructed.

Best Management Practices

A wide range of management procedures, schedules of activities, prohibitions on practices, and other management practices that have been demonstrated to effectively control the quality and/or quantity of stormwater runoff, and that are compatible with the planned land use or other land disturbing activity.

Bonding

The process whereby an owner or a developer of land posts a performance guarantee that is available for use by the City to install and/or repair required public or private improvements agreed to as part of the site plan or other approval if the subdivider, owner, or developer fails to install or repair such facilities.

Drainage

General terms applied to the removal of surface or resurface water from a given area either by gravity via natural means or by systems constructed so as to remove water and is commonly applied herein to surface water.

Fill

A deposit of soil, rock, or other material placed by man.

Encroachment

The portion of a structure that intrudes into a required setback, or the point at which a driveway accesses a public street.

Erosion

The wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.

Erosion and Sediment Control

The control of solid material, both mineral and organic, during a land disturbing activity to prevent its transport out of the disturbed area by means of air, water, gravity, or ice.

Floodplain

Areas including and contiguous with lakes, streams, other bodies of water, as well as inland depressional areas where the elevation is equal to or lower than the projected 100-year flood elevation.

Grading

Excavating, filling (including hydraulic fill), or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

Land Disturbing Activity

Any use of the land by any person for development that results in a change in the natural cover (including removal of trees) or topography and that may cause or contribute to loss of vegetation, accelerated erosion, and/or sedimentation.

Runoff

That portion of precipitation which enters the stormwater management system.

Sediment

Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice, or gravity from its site of origin.

Sedimentation

The process by which sediment resulting from accelerated erosion has been or is being transported away from a land disturbing activity or into a lake or a natural watercourse.

Storms

- 2-year distribution storm: A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two years. It also may be expressed as an exceedance probability with a 50% chance of being equaled or exceeded in any given year.
- 10-year distribution storm: A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an exceedance probability with a 10% chance of being equaled or exceeded in any given year.
- 25-year distribution storm: A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 25 years. It also may be expressed as an exceedance probability with a 4% chance of being equaled or exceeded in any given year.
- 100-year distribution storm: A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It also may be expressed as an exceedance probability with a 1% chance of being equaled or exceeded in any given year.

Stormwater

The direct runoff response of a watershed to rainfall including the surface and subsurface runoff and any associated material that enters a ditch, stream, or storm sewer during a rainfall event.

Stormwater Management and Sediment Control Plan

A set of drawings, other documents, and supporting calculations submitted by a person as a prerequisite to obtaining a permit to undertake a land disturbing activity, which contains all of the information and specifications required by an implementing agency. The plan indicates necessary land management and treatment measures, including drawings and supporting calculations, best management practices (BMPs), maintenance guidelines, and a timetable for installation. Implementation of the plan will effectively minimize soil erosion and sedimentation, and provide for the successful management of excess stormwater.

Stormwater Runoff

Direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm sewer, or other concentrated flow during and following the precipitation.

Water Quality

Those characteristics of stormwater runoff from a land disturbing activity that relate to the physical, chemical, biological, or radiological integrity of water.

Water Quantity

Those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff to downstream area resulting from land disturbing activities.

Watershed

The drainage area contributing stormwater runoff to a single point.

DEVELOPMENT STANDARDS

8

SECTIONS

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8.1 PURPOSE AND INTENT

The purpose and intent of the development standards are included in the section for each topic below.

8.2 APPLICABILITY

The applicability provisions for each subject are included in the section for each topic below.

8.3 TRAFFIC IMPACT STANDARDS

8.3.1 PURPOSE AND INTENT

This section establishes the standards to determine when the submittal of a Traffic Impact Analysis is required. The intent of these standards is to:

- Ensure that proposed access points and circulation systems are designed to be safe and efficient.
- Determine how traffic associated with new development or redevelopment impacts the surrounding road network.
- Determine on-site and off-site improvements that are needed to accommodate the projected traffic from new development or redevelopment.

8.3.2 APPLICABILITY

- A. TIA Required for Development Generating More Than 100 Peak-Hour Trips:** Unless exempted below, a Traffic Impact Analysis (TIA) is required for any development anticipated to generate more than 100 peak-hour trips.
- B. Redevelopment:** In the case of redevelopment, trip generation will be defined as the number of net new trips generated by the proposed use beyond the trips generated by the previous use.
- C. Other Situations:** A TIA is required for development projects that do not otherwise meet the thresholds of a TIA if the application is for a project that:
 - 1. Shares Features with Other Developments:** Shares features such as site access, common ownership, or other infrastructure with nearby undeveloped property that is expected to develop in the future, and the cumulative impact of the entire development is expected to exceed the threshold for preparation of a TIA.
 - 2. Is Located in an Area with Localized Issues:** Is located in an area with localized safety, operational, or street capacity issues, including levels of service (LOS) of existing roadways.

8.3.3 EXEMPTIONS

Development that meets the following standards will be exempt from the TIA requirement:

- A. Downtown or Knowledge Park:** Developments located within the area subject to the Downtown Master Plan or within the Knowledge Park boundary; and
- B. Previously Submitted TIA:** Developments for which a TIA was submitted in conjunction with a previously approved preliminary plat for subdivision, major site plan, or Master Planned (MP) zoning district, provided that the TIA is less than three years old.

8.3.4 PROCEDURES

The TIA must be submitted along with applications for a preliminary plat for subdivision, major site plan, or Master Planned district. The TIA must be prepared according to the procedures and requirements outlined in the City's Guidelines for Development of Traffic Impact Analysis, and must follow these steps:

- A. Scoping:** Hold a scoping meeting with City staff to determine the study area and assumptions for the study. South Carolina Department of Transportation (SCDOT) and/or York County staff may be included in the scoping meeting if necessary, as determined by City staff.
- B. Estimate the Traffic Generated:** Estimate the traffic that will be generated as a result of the proposed development.

- C. **Evaluate Site Access:** Evaluate site access and internal circulation.
- D. **Evaluate Existing Capacity:** Evaluate the ability of the greater City street network to support the proposed development.
- E. **Identify Specific Improvements:** Identify specific improvements to the greater City street network that are necessary in order to support the traffic anticipated to be generated by the proposed development.

8.3.5 OTHER IMPROVEMENTS

A. Existing Neighborhood Streets: For projects that seek preliminary plat approval after August 8, 2022, developers of new single-family detached and attached neighborhoods that access through existing neighborhood streets must improve those streets according to the following:

1. Road surface must be repaired (if minor damage exists) or resurfaced (if major damage exists), with extent of damage determined by the City's Transportation Planner, with appeals to the City's Traffic Commission in cases of disagreement.
2. Road cross-section must be widened to accommodate the new number of proposed homes to the fullest extent practical. For example, if the road is currently classified as a local road, and enough new homes are proposed such that the overall number of homes would require it to be classified as a collector road instead, the road must be upgraded to collector road standards in terms of its cross section and depth of surface material to the fullest extent practical.

B. Collector Roads: For projects that seek preliminary plat approval after August 8, 2022, developers of new single-family detached and attached neighborhoods that have land shown on the RFATS Collector Streets Plan or City Collector Streets Plan must install the collector street.

8.4 RIPARIAN BUFFER STANDARDS

8.4.1 GENERAL PROVISIONS

- A. Intent:** The purpose of this section is to establish requirements for the design of riparian buffers. Riparian buffers are hereby established to protect streams, lakes, and other surface water bodies from disturbance and encroachment impacts associated with land development and to ensure that water resources and adjacent land fulfill their natural functions to:
 1. Protect the physical integrity of surface and ground waters by establishing vegetative riparian buffers for filtering runoff, which may contain excessive non-point source contaminants, including nutrients, sediments, chemicals, and pollutants;
 2. Promote the preservation of natural resources by enhancing fish and wildlife habitats and encouraging vegetative diversity;
 3. Prevent erosion and control flooding by better managing stormwater runoff and ensuring bank stability; and
 4. Provide scenic and recreational opportunities.
- B. Applicability:** All property adjacent to one or more of the following water resources is subject to the riparian buffer requirements of this ordinance, which means that they must meet the requirements of this section of this ordinance.
 1. Lake Wylie.
 2. Catawba River.
 3. Perennial Streams including portions of Hidden Creek, Big Dutchman Creek, Little Dutchman Creek, Tools Fork Creek, Stoney Branch Creek, Wildcat Creek, Fishing Creek, Manchester Creek, Burgis Creek, Taylors Creek, and Neelys Creek.

4. Intermittent Streams.
 5. Wetlands and ponds that meet the definition of “wetlands.”
 6. Locally-designated flood-prone areas.
- C. Water Bodies That Are Excluded from Riparian Buffer Regulations:** The following types of water bodies are not subject to the riparian buffer standards:
1. Ditches.
 2. Manmade ponds and lakes located outside of natural drainageways.
 3. Ephemeral streams, except that their banks must be vegetated or stabilized with approved materials in accordance with the *Stabilization* section below.
- D. Some Existing Structures Are Exempt from Riparian Buffer Regulations:**
1. **Lake Wylie or Catawba River Buffer:** Any structure located or under construction within a Lake Wylie or Catawba River Buffer area as of May 12, 2003, provided the land owner can document prior existence of the structure through property tax records, building permits, contracts for construction, or other clear evidence.
 2. **Perennial Streams, Intermittent Streams, or Wetland Buffer:** Any separately platted lot within a commercial or residential subdivision, and any structure (or addition or expansion thereto) located or under construction within a perennial stream, intermittent stream, or wetland buffer area as of May 27, 2008, provided the land owner can document prior existence of the lot or structure through property tax records, building permits, recorded subdivision plats, contracts for construction, or other clear evidence.
 3. **Locally-designated Flood-prone Area:** Any structure located or under construction within a locally-designated flood-prone area as of December 11, 2017, provided the land owner can document prior existence of the structure through property tax records, building permits, contracts for construction, or other clear evidence.
- E. Determination of Where Riparian Buffers Are Located:** Riparian buffers must be depicted on all preliminary and final subdivision plats, master plans, site-specific development plans, and all other documents filed as part of any approval process with the Planning & Development Department. The following process will determine where riparian buffers are located:
1. All perennial and intermittent streams and wetlands must be identified according to the most recent USGS (United States Geological Survey) Quadrangle Maps, NRCS (National Resources Conservation Service), and USDA (United States Department of Agriculture) Soil Survey maps.
 2. The Planning & Development Director will require an environmental study if it is determined that the sources listed above do not show all water resources that are subject to the riparian buffer requirements of this ordinance.

8.4.2 THE TWO AREAS OF A RIPARIAN BUFFER

- A. Riparian Buffers Consist of Two Areas:** Riparian buffers consist of two areas: an undisturbed buffer area and a transition area.
1. **Undisturbed Buffer Area:** The undisturbed buffer area is the land nearest to the bank of the water resource. It consists of undisturbed natural vegetation and is responsible for protecting the physical and ecological integrity of the stream system and for capturing pollutant and recharging groundwater. Because of its critical importance in protecting water quality, it has the most stringent restrictions.

<p>water, electrical, or stormwater services to a large area of the community.</p> <ul style="list-style-type: none"> Any disturbance of the natural area is minimized to the greatest extent possible. Crossings of the riparian buffer are as close to perpendicular to the riparian buffer edge as feasible. <p>This subsection is not intended to allow privately constructed utility facilities serving a limited development area to encroach into the riparian buffer areas other than as allowed by the next paragraph.</p> <p>Necessary intrusions into the riparian buffer by private facilities, most commonly stormwater outfalls, may be approved by the Planning & Development Director provided that the intrusion adheres to the above requirements to the greatest extent possible.</p>		
<p>Multi-use trails: Non-motorized impervious trails for walking or cycling, provided that:</p> <ul style="list-style-type: none"> The trail is in the public interest to allow the public to view, recreate near, and otherwise enjoy the natural resources of the community. Any disturbance of the natural area is minimized to the greatest extent possible. 	✓ [2]	✓
<p>Selective pruning and clearing: In order to preserve, conserve, and maintain native trees, shrubs, and vegetative ground cover within riparian buffers, pruning and clearing of vegetation is permitted only in accordance with the following standards. For all of these activities, only the minimal alteration of vegetation necessary to obtain a view is considered acceptable; clear cutting is not permitted. Any pruning or clearing of vegetation within a riparian buffer other than as specified herein is a violation of this ordinance and must comply with the <i>Additional Remedies for Tree Clearing Violations</i> section of this ordinance.</p> <ul style="list-style-type: none"> Selective clearing of trees ≤ 4 inches in diameter at breast height and brush that is ≤ 2 inches in caliper measured six inches from the ground; selective pruning of brush to a height of no less than three feet. [3] Selective clearing of vegetation for shoreline access paths [4] Selective removal of invasive species vegetation [5] Pruning of trees [6] and [7] Selective clearing of trees that are dead, diseased, or storm damaged [7] 	✓ (see notes for conditions on specific activities)	✓ (see notes for conditions on specific activities)
ACTIVITIES AND STRUCTURES ALLOWED ONLY IN TRANSITION AREA		
Uncovered decks	X	✓
Arbors, trellises, residential playground equipment (playsets), and similar uses without a fully enclosed roof	X	✓
Fences	X	✓
Grading for lawns, gardens, or permitted accessory structures, and residential/agricultural grasses	X	✓
ACTIVITIES AND STRUCTURES PROHIBITED IN BOTH AREAS		
<p>Activities and structures that create areas of impervious surface, including but not limited to:</p> <ul style="list-style-type: none"> Residential swimming pools, hot tubs, and ornamental ponds Patios Storage buildings or equipment sheds, gazebos Structures, other than those listed as a <i>Riparian Buffer Exemption</i>, or specified or accessory to the permitted activities listed for the zone 	X	X
Sheltering, grazing, or maintenance of livestock	X	X
<p>Notes:</p> <p>[1] Facilities must be located outside the undisturbed buffer area to the greatest extent possible as determined by the Planning & Development Director. Facilities may be allowed in the undisturbed buffer area if locating outside of that area is impractical due to topographic or other physical constraints of the property, or in the case of stormwater systems, to prevent erosion and to provide for adequate conveyance to the stream channel.</p> <p>[2] Multi-use trails cannot be located within 25 feet of a riparian buffer. After that, they must then be located outside of the undisturbed buffer area to the greatest extent possible as determined by the Planning & Development Director. This determination will be based on whether locating the trails outside of that area is impractical due to topographic or other physical constraints of the property, or whether the trails are providing access to docks, canoe launches, or other waterside recreation facilities.</p> <p>[3] Prohibited within 25 feet of riparian buffer. After that, allowed if manual labor and hand or chain saws are used.</p> <p>[4] Allowed with permit using only mini or compact equipment.</p> <p>[5] Allowed with permit using only mini or compact equipment; however, to ensure that native vegetation is restored to the buffer, a vegetation restoration plan must be submitted and approved.</p> <p>[6] The pruning of trees must be done using one of the following techniques: thinning (removing selected branches up the length of the trunk); windowing (removing selected branches from a specific area around or on one side of the trunk until you have a clear view through the tree, with the remaining branches acting as a frame above, below, and to the side of the view); or skirting (cutting all the branches off from the ground up to the desired level but in no case higher than half the visible height of the tree). Tree topping, removing the tops or large mature branches of trees, is expressly prohibited as it can damage a tree's trunk or roots, weaken its limbs, and increase the likelihood that it will fall in a storm, endangering people or property.</p> <p>[7] Allowed within 25 feet of riparian buffer, provided that only manual labor and hand or chain saws are used. After that, permitted if mini or compact equipment is used.</p>		

8.4.4 MITIGATION OF RIPARIAN BUFFERS FOR CONSTRAINED SITES

In cases where the configuration or topographical constraints of an existing site make strict adherence to the riparian buffer width requirements impractical, the Planning & Development Director may approve site-specific mitigation plans using the mitigation techniques established below upon determining that the mitigation plans are consistent with adopted plans and support the protection of public safety and welfare. However, under no circumstances will the minimum undisturbed buffer width be reduced to less than 50 feet on the Catawba River and less than 25 feet elsewhere.

Site-specific mitigation plans may consist of the following:

- A. Structural Best Management Practices (BMPs):** The installation of an on-site structural best management practice, preferably using low-impact development techniques, will allow for riparian buffer impacts on the specific site. The structural BMP must be designed to achieve pollutant removal including nutrients, herbicides, pesticides, sediment, and other illicit discharges to the maximum extent practicable. The BMP must remain outside of the Undisturbed Buffer Area. A detailed BMP design plan must be submitted to the Planning & Development Director for approval along with a long-term maintenance plan.
- B. Controlled Impervious Surface:** The owner or developer may commit to, and provide, a specific site development plan that limits the overall site impervious surface cover to less than or equal to 25%.
- C. Open Space Development:** A specific site development plan may be submitted that preserves an undisturbed, vegetative area on-site or near the development site as permanent open space equal to 200% of the riparian buffer encroachment area. The open space preserved must promote water quality protection.
- D. Stream Restoration:** The owner or developer may restore and preserve the riparian buffer area on any stream of equivalent or greater drainage area the condition of which is determined to be qualified for restoration by the Planning & Development Director on a one-to-one basis in linear feet of stream. This restoration must include stream bank improvements and re-vegetation within the Undisturbed Buffer Area.
- E. Stream Preservation:** The owner or developer may purchase, in fee simple, other stream segments within the City limits at equivalent or greater drainage area on a one-to-one linear-foot basis and convey fee simple and absolute title of the land to a public agency or conservation trust.
- F. Wetland Restoration:** On a two-to-one acreage basis for disturbed stream and riparian buffer area (two acres of wetland for each acre of disturbed area), the owner or developer may provide a combination of the preservation and/or restoration of wetlands with protective easements and the implementation of structural or non-structural BMPs to achieve specific pollutant removal targets within the impacted area.
- G. Bottomland Hardwood Preservation:** On a two-to-one acreage basis for impacted stream and riparian buffer area (two acres for each acre of disturbed area), the owner or developer may provide a combination of the preservation of existing bottomland hardwood forest or other specifically approved natural heritage area by conservation easement or other legal instrument, and the implementation of structural or non-structural BMPs to achieve specific pollutant removal targets within the impacted area.
- H. Other Mitigation Techniques:** Other creative mitigation techniques and plans may be considered if it is determined that they achieve the purposes of this section.

8.5 TREE AND VEGETATION PROTECTION STANDARDS

8.5.1 PURPOSE AND INTENT

Protection of existing tree and vegetation cover is intended to:

- A. Preserve Aesthetic Quality:** Preserve the visual and aesthetic qualities of the City.
- B. Preserve the Natural Environment:** Encourage site design techniques that preserve the natural environment and enhance the developed environment.

- C. **Control Erosion:** Increase slope stability, and control erosion, slippage, and sediment run-off into streams and waterways.
- D. **Protect Wildlife Habitat:** Protect wildlife habitat and migration corridors.
- E. **Conserve Energy:** Conserve energy by reducing heating and cooling costs.

8.5.2 APPLICABILITY

The standards of this section apply to all development in the City, unless exempted below. Existing vegetation must not be removed from a parcel of land or development site prior to the issuance of a zoning permit or land development permit, whichever is appropriate.

8.5.3 EXEMPTIONS

- A. **Removal of Dead Vegetation:** The removal of dead or naturally fallen trees or vegetation.
- B. **Maintaining Clear Visibility:** The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways or intersections, or for the purpose of performing authorized field survey work.
- C. **Utility Companies:** The actions of public and private utility companies within their utility easements.
- D. **Removal on Developed Lands:** The severe pruning or removal of vegetation from a parcel of land containing a use that has received a Certificate of Occupancy prior to March 1, 2006, provided that such vegetation is not a heritage tree nor is located inside a required landscaping area.
- E. **Removal on Land Platted for Single-Family Residential:** The severe pruning or removal of vegetation on lots within a single-family residential subdivision platted prior to March 1, 2006, provided that such vegetation is not a heritage tree nor is located inside a required landscaping area.
- F. **Land Zoned for Single-Family Detached Dwellings:** The severe pruning or removal of vegetation within an area up to one acre in size on a vacant parcel of land with a zoning district designation that allows single-family detached uses as permitted uses, provided that the vegetation to be removed does not include a heritage tree.
- G. **Development in Old Town:** Development in Old Town is exempt from the *Tree Canopy Retention Standards* section, but must comply with the *Protection of Heritage Trees* section.

8.5.4 RETENTION OF EXISTING TREE CANOPY

- A. **Tree Inventory:** Prior to beginning any tree clearing, development work, or land disturbance, the property owner subject to this section must submit an inventory of trees on the parcel.

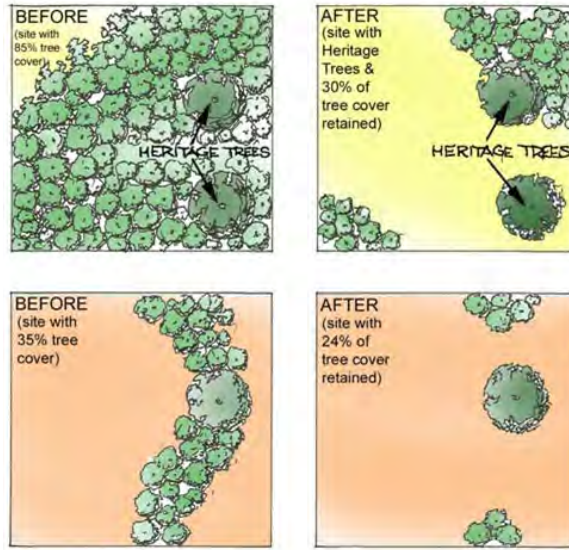
An aerial photograph may serve as this inventory except for hardwoods that are 18 inches or larger, in which case an inventory must be prepared by a licensed/registered landscape architect, surveyor, arborist, registered forester, or engineer registered in the state. In the latter case, the survey should depict any individual trees and areas of existing tree canopy that are planned to be saved, as well as known dead or diseased trees. Groups of trees in close proximity, such as within five feet of each other, may be designated as a clump of trees with the predominant species, estimated number, and average diameter or circumference indicated.

- B. **Tree Canopy Retention Standards:**

1. **Amount of Required Retention:** The existing tree canopy must be retained on a site in the following percentages. This is based off the total site area.

- Residential uses: 25%
- Public and institutional, commercial, and mixed-uses: 10%

- Industrial and related uses: 7%



“Tree canopy” is composed of “significant vegetation,” which means the crowns of all healthy self-supporting canopy trees with a diameter of 10 inches or greater, and understory trees with a caliper size of four inches or greater. Caliper refers to the diameter measurement of a tree’s trunk, taken 12 inches above the ground level.

2. Areas to Prioritize: The following is the priority order for tree retention areas:

- 1. Areas containing heritage trees, and their associated critical root zones.
- 2. Riparian buffers, wetlands, or wellhead protection areas.
- 3. Areas needed for required landscaping (i.e., perimeter buffers, perimeter landscape strips around vehicular use areas, and streetscape landscaping).
- 4. Wildlife habitat and other sensitive natural areas.

Streets, buildings, and lot layouts must be designed to minimize disturbance to all trees 10 inches diameter at breast height or larger.

3. Tree Protection Zone: The area containing the canopy and critical root zones of trees composing the existing tree canopy to be retained is known as the “Tree Protection Zone.” The Tree Protection Zones must be identified during the site plan review process through depiction on the preliminary plat for subdivision, site plan, master plan, and/or final plat, whichever is appropriate. The City’s standard tree protection barrier detail and notes must be depicted on all construction drawings.

When development of a site causes accidental damage or disturbance to trees inside the Tree Protection Zone, the disturbed area must be re-vegetated to preexisting conditions as follows:

- **Size:** For every tree that was damaged or removed, the replacement tree(s) must have a cumulative caliper or diameter at breast height measurement equal to or greater than the tree that was damaged, whichever is appropriate. Additionally, trees that have a 9-inch diameter at breast height or less must be replaced with one or more trees that have at least a 2-inch caliper; trees that have a 10-inch diameter at breast height or more must be replaced with one or more trees that have at least a 3-inch caliper.
- **Location:** Replacement trees must be either planted in the Tree Protection Zone, or in cases where adequate room is not available within the Tree Protection Zone, elsewhere on the development site. In cases when adequate room on the development site is not

available, mitigation may take the form of payment to the City's designated tree fund in accordance with the *Alternative Landscape Plan* section below.

- **Establishment Period:** Replacement trees must be maintained through an establishment period of at least three years. The applicant must guarantee the survival and health of all replacement trees during the establishment period and must guarantee any associated replacement costs in accordance with the *Performance Guarantees for Landscaping* section of this ordinance. If the replacement trees do not survive the establishment period, the applicant must purchase and install new replacement trees.

In cases where trees located within a Tree Protection Zone die within 12 months following the completion of construction activities on a site or portion of a site, and the death of the trees in the Tree Protection Zone can be linked to the construction activities, then replacement will be required in accordance with the *Accidental Damage* section of this ordinance.

- **Damage/Removal in Violation:** In cases where tree clearing, development work, land disturbance as part of construction, or intentional damage to trees occurs without a land development permit, or in clear violation of the standards of this section, remedies will be applied in accordance with the *Additional Remedies for Tree Clearing Violations* section of this ordinance.

4. Credit Towards Open Space and Landscaping Requirements:

- Tree Protection Zones are credited towards the open space requirements of this ordinance.
- Trees that are part of the tree canopy and are located within 30 feet of the parcel boundary are credited towards the planting requirements for perimeter buffers and site landscaping.
- Trees that are part of the tree canopy and are located within 20 feet of the edge of the right-of-way for an arterial or collector street are credited towards the planning requirements for streetscapes.

5. Alternative to Retention of Existing Tree Canopy Requirements: Replacement trees are allowed only when the required percentage of tree canopy either does not exist on the site or cannot be retained in order to meet other ordinance requirements and make reasonable use of the property. They must be planted in the same percentages that are required for the tree canopy retention, which are listed above, according to the following standards.

- **Size:** All replacement trees must be at least of a three-inch caliper measured 12 inches above ground level.
- **Location:** The areas to accommodate replacement trees must be clearly designated on the site development plan or subdivision construction plans, and designed in areas where they can create significant canopy area upon maturity. Replacement trees must be planted in larger contiguous landscaped or open space areas created for that purpose, as opposed to parking lot islands, perimeter landscape areas, or other strips of land. In general, replacement tree areas should be designed to reinforce or be the focal point of urban design features such as plazas, squares or gateways, or neighborhood parks. However, the use of replacement trees is permitted and encouraged in land-use buffer areas where mature canopy does not exist.
- **Number:** Replacement trees must be planted at the rate of one tree per 400 square feet of the required canopy.

8.5.5 PROTECTION OF HERITAGE TREES

- A. **Definition of Heritage Tree:** Heritage Trees are defined as canopy trees that are greater than 32 inches in diameter at breast height (or 10 inches diameter at breast height for understory species) that are free of

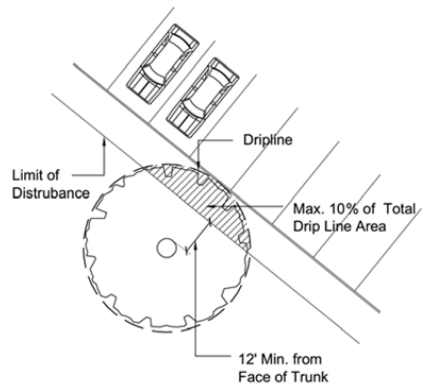
major damage, and that exhibit the growth habit and superior qualities to be considered a specimen of its species.

1. **Exempted Trees:** The following trees are exempt from the *Protection of Heritage Trees*' section: American elm, black cherry, black locust, Bradford pear, boxelder, cottonwood, Eastern red cedar, honey locust, mulberry, sweetgum, silver maple, water maple, white pine, and yellow pine.

B. **All Development Required to Protect Heritage Trees:** All development within the City is required to protect heritage trees, whether located on public or private land.

1. **Cutting, Removal, or Harm Prohibited:** Heritage trees must not be cut, removed, pushed over, killed, or otherwise harmed.

2. **Paving or Soil Compaction Prohibited:** The area within the drip-line of any heritage tree must not be subject to paving or soil compaction greater than 10% of the total drip-line square footage.



C. **When Removal of Heritage Tree is Allowed:**

1. **When Tree is Severely Diseased, High Risk, or Dying:** A severely diseased, high risk, or dying Heritage Tree, as certified by a qualified arborist or similar professional, may be removed from any property without a requirement for replacement trees to be planted.

2. **When Tree is Healthy:**

- The property owner of a lot with a single-family dwelling on it may remove a healthy heritage tree. For each heritage tree that is removed, replacement trees must be planted on the parcel of land from which the heritage tree was removed. The replacement trees must each have at least a three-inch caliper at breast height, and together they must provide at least 18 caliper inches at breast height.

Replacement trees must be maintained through an establishment period of at least three years. The applicant must guarantee the survival and health of all replacement trees during the establishment period and guarantee any associated replacement costs according to the *Performance Guarantees for Landscaping* section of this ordinance. If the replacement trees do not survive the establishment period, the applicant must purchase and install new replacement trees.

For all other land uses, the property owner may remove a healthy heritage tree if the property owner is otherwise in compliance with this section, the heritage tree is not located within a Tree Protection Zone, and, after significant attempts to design around a heritage tree, it is determined that the heritage tree is located such that preservation significantly affects the ability to develop the site for its approved uses and hinders compliance with the other standards of this ordinance.

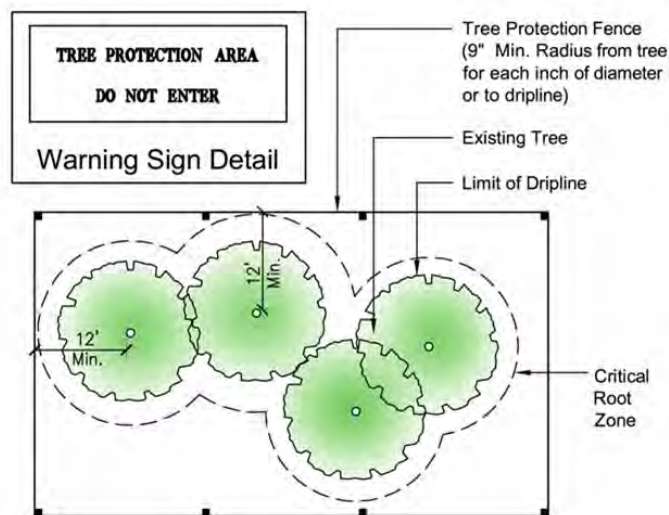
For each heritage tree that is removed, at least three replacement trees must be planted on the parcel of land from which the heritage Tree was removed. Each replacement tree must have at least six inches in caliper.

These must be planted within 12 months of the removal or destruction of the tree. Replacement trees must be maintained through an establishment period of at least three years. The applicant must guarantee the survival and health of all replacement trees during the establishment period and guarantee any associated replacement costs according to the *Performance Guarantees for Landscaping* section of this ordinance. If the replacement trees do not survive the establishment period, the applicant must purchase and install new replacement trees.

- D. **Fee-in-Lieu:** In cases where replanting is not possible, the Planning & Development Director may determine if a fee-in-lieu into the City’s designated tree fund is an appropriate form of mitigation. When a fee-in-lieu is identified as an option, the payment amount will be proportional to the impact that is being mitigated. Fee-in-lieu will only be considered after every reasonable attempt has been made to meet landscape standards and intent on the site.

8.5.6 TREE AND VEGETATION PROTECTION DURING CONSTRUCTION

- A. **Tree and Vegetation Protection Required:** The property owner and developer are responsible for the erection of any and all barriers necessary to protect any existing or installed vegetation from damage both during and after construction. No construction, grading, equipment or material storage, or any other activity is allowed within the fenced area.
- B. **Location of Required Fencing:** Heritage trees, trees in a Tree Protection Zone, trees and vegetation located within a Riparian Buffer, and other existing trees being used for credit towards landscaping requirements must be fenced with a sturdy and visible fence before grading begins. Fencing must extend as far as practical—preferably at least nine inches in radius from the tree for each inch of diameter at breast height, or to the drip-line, whichever is greater. The applicant and Planning & Development Director must consider existing site conditions in determining the exact location of any tree protection fencing. The fencing must be shown on the site plan or preliminary and final plat for subdivision.
- C. **Type of Fencing Allowed:** All fencing required by this section must be at least four feet high and of durable construction (i.e., chain link, or wooden post with livestock wire). Chain link or wire fencing utilized as tree protection fencing is not required to be vinyl coated. Passive forms of tree protection may be utilized to delineate tree save areas that are remote from areas of land disturbance.
- D. **Signage Required:** Signs must be installed on the tree protection fence visible on all sides of the fenced-in area at a rate of at least one for every 150 linear feet.



- E. **When to Remove Fencing:** Fencing must be maintained until the final site inspection prior to the Certificate of Occupancy or Certificate of Conformity is scheduled. The fencing must be removed prior to final site inspection for the Certificate of Occupancy.

F. Encroachments into Critical Root Zones: Encroachments within the critical root zones of trees protected in accordance with this subsection may occur only when no alternative exists. If such an encroachment is anticipated, the following preventative measures must be employed:

- 1. Clearing Activities:** The removal of trees adjacent to tree save areas can cause inadvertent damage to the protected trees. Extra care must be taken in the removal of vegetation adjacent to tree save areas, to include hand felling, and use of smaller equipment. Damage to protected trees may require the installation of replacement plantings. Prior to clearing activities, trenches located along the limits of land disturbance with a minimum width of 1½ inches, and a minimum depth sufficient to cut rather than tear tree roots, must be installed.
- 2. Soil Compaction:** Where compaction might occur due to traffic or materials through the Tree Protection Zone or other protection areas associated with heritage trees, or retained existing vegetation, the area must first be mulched with a minimum four-inch layer of wood chips. Equipment or materials storage is not allowed within a Tree Protection Zone.
- 3. Chemical Contamination:** Trees located within a Tree Protection Zone must be protected from chemical contamination from liquids or other materials, including but not limited to paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, or rinse water from vehicle cleaning, including the rinsing of concrete truck tanks and chutes.

8.5.7 TREE AND VEGETATION PRESERVATION INCENTIVES

A. Tree and Vegetation Preservation Credits: Credit is awarded towards other landscaping requirements for the retention of trees that are not already required to be retained as a heritage tree or as part of the tree canopy located inside a Tree Protection Zone, as well as for existing shrubs on the site.

For trees, the credit is 1.25 multiplied by the total caliper of additional trees that are retained, provided that they meet the following size requirements:

- 1. Canopy Trees:** Canopy trees, whether deciduous or evergreen, must be five inches in caliper or greater, measured six inches above ground level.
- 2. Understory/Ornamental Trees:** Understory or ornamental trees, whether deciduous or evergreen, must be three inches in caliper or greater, measured four inches above ground level.

The credit may be applied to any landscaping requirement for similar type trees required in the same general area of the site on a caliper-inch-for-caliper-inch basis.

For shrubs, the credit is 1.25 multiplied by the number of shrubs that are retained.

C. Reduction in Required Parking Spaces: Up to a 5% reduction in the number of off-street parking spaces required on the site will be allowed if the reduction in the amount of required pavement will preserve the root zones of existing healthy trees with a diameter of eight inches or greater at breast height. The amount of reduction can be determined only after taking into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be agreed upon by both the applicant and the Planning & Development Director.

Alternative paving materials (see the *Alternative Materials* section of this ordinance) may be required by the Planning & Development Director in cases where required parking areas encroach upon critical root zones.

8.5.8 MONITORING AND MAINTENANCE OF TREE AND VEGETATION PROTECTION

A. Maintenance Responsibility: Property owners and/or developers are responsible for the preservation and maintenance of all trees required to be saved and protected under this section.

8.5.9 TIMBERING

The City may allow trees to be cut for timber in accordance with state law and the following.

- A. Submittal of Plan:** A plan must be submitted that shows how the timbering activity will comply with the following standards.
- B. Prohibited Activities:**
 - 1. Timbering in riparian buffer areas is prohibited. The size of the riparian buffer area will be calculated according to the riparian buffer section of this Ordinance. The City will use the stream category shown on its Geographic Information Systems (GIS) to determine the size of the riparian buffer unless the applicant submits a stream study for consideration.
 - 2. Timbering in a 75-foot buffer around the perimeter of the property is prohibited.
 - 3. The timbering of heritage trees is prohibited.
- C. Construction Entrance:** A construction entrance must be installed on the site so that dirt is not tracked onto adjacent roadways.
- D. Limits of Disturbance:** The limits of disturbance must be flagged in the field prior to timbering. The City will verify the limits of disturbance in the field prior to the timbering.
- E. Tree stumps:** The stumps of trees must remain in place after the timbering activity has occurred.
- F. Subsequent Development:** If the property is developed subsequent to the timbering, the City will consider the existing conditions of the property as wooded for the purpose of determining the stormwater requirements.

The clearing of trees without a permit is a violation of this Ordinance. See *Chapter 11: Enforcement* for more information about penalties associated with that.

8.6 OPEN SPACE

8.6.1 PURPOSE AND INTENT

This section addresses the character and design of those portions of development that are not occupied by platted lots or streets and that are reserved for parks, trails, landscaping, and other open space uses. The standards of this section apply regardless of whether or not the land involved will be dedicated to the City, and regardless of whether or not such open space will be open to the public or to other residents of the development.

8.6.2 APPLICABILITY

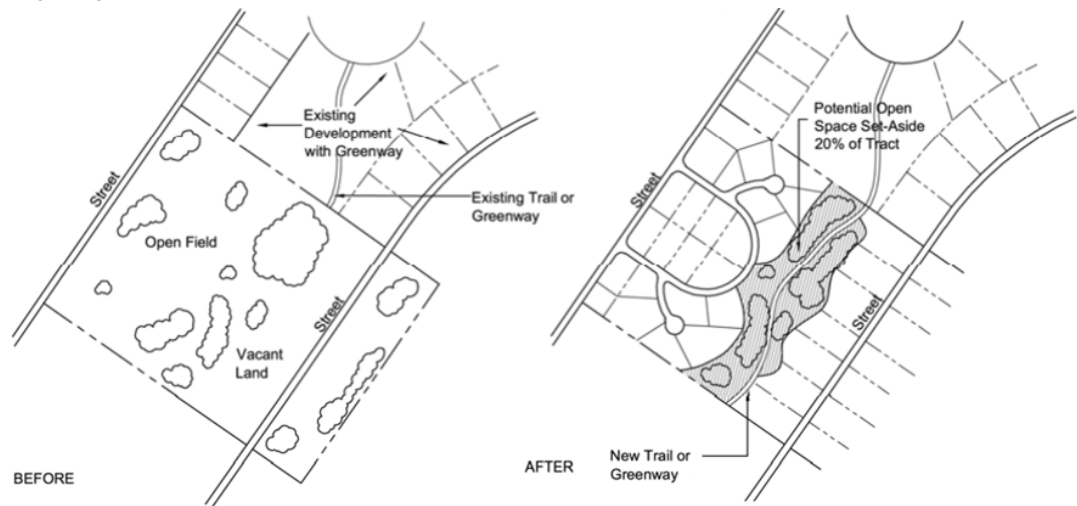
The provisions of this section apply to the development of all land in the City, except for development that occurs within the Downtown (DTWN) zoning district.

8.6.3 AMOUNT OF REQUIRED OPEN SPACE

Development must provide at least the minimum amounts of open space shown in the following table. The figures are the minimum percentages of the total project area that must be preserved as permanent open space.

REQUIRED AMOUNT OF OPEN SPACE		
LOCATION	RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL AND MIXED-USE DEVELOPMENT
Within Old Town or in the Mixed Use (MX) zoning district	10%	10%
All Other Areas	20%	15%

The following image illustrates this:



A. What Counts as Open Space: The following counts towards the required amount of open space:

1. **Unique Features:** Natural features (riparian areas, wetlands, wildlife corridors, steep slopes, etc.), natural hazard areas (floodplains, karst areas, etc.), water features (drainage canals, ditches, lakes, natural ponds, streams, rivers, etc.), and wildlife habitat areas for threatened and endangered species are counted as open space.
2. **Required Landscaping and Tree Protection Zones:** Except for areas devoted to internal landscaping within a parking lot, areas on approved multi-family or non-residential site plans occupied by required landscaping, Tree Protection Zones, and critical root zones for heritage trees are counted as open space.
3. **Active Recreational Areas:** Land occupied by active recreational uses such as pools, playgrounds, tennis courts, athletic fields, and clubhouses used primarily for recreation purposes are counted as open space.
4. **Passive Recreational Areas:** Land occupied by passive recreational uses such as shared use paths, gazebos, picnic areas, and plazas used primarily for recreation purposes are counted as open space. In single-family detached and attached neighborhoods, areas must have a minimum width and depth of at least 40 feet, not including right-of-way, in order to count as open space.
5. **Stormwater Management Devices:** Land area occupied by stormwater management devices, including retention ponds, fully vegetated detention ponds, and other bio-retention devices are counted as open space when the features are treated as a site amenity, and support passive or active recreation uses by providing access, gentle slopes less than three-to-one (3:1), and pedestrian elements such as paths, benches, and similar aspects.

B. What Does Not Count as Open Space: The following does not count towards the required amount of open space.

1. Private residential yards.
2. Public or private street rights-of-way, including sidewalks located within those rights-of-way.
3. Open parking areas and driveways for dwellings.
4. Land covered by structures not designated for active recreational uses.
5. Designated outdoor storage areas.

8.6.4 DESIGN STANDARDS FOR OPEN SPACE

Land set aside as open space must meet the following design standards:

- A. **Location:** Where the location is not dictated by site geography, open space must be located so as to be readily accessible and useable by residents and users of the development. Where possible, a portion of the open space should provide focal points for the development.
- B. **Configuration:** The lands must be compact and contiguous unless the land is used as a continuation of an existing trail, or if specific natural or topographic features require a different configuration.
- C. **Adjacent to Existing or Planned Open Space:** Where open areas, trails, parks, or other public spaces are planned or exist adjacent to the parcel, the open space must, to the maximum extent practicable, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.
- D. **Prioritization of Open Space:** To the maximum extent practicable, the open space should be located and organized to include, protect, or enhance as many of the following open areas and features as possible:
 - 1. Natural features such as riparian areas, wetlands, wildlife corridors, steep slopes, mature trees (four-inch caliper or greater), rock outcroppings, and natural hazard areas.
 - 2. Water features such as drainages, canals, ditches, lakes, natural ponds, and retention and detention ponds.
 - 3. Landscaped buffers or visual transitions between different types or intensities of uses.
 - 4. Natural or geologic hazard areas or soil conditions, such as unstable or potentially unstable slopes, faulting, landslides, rockfalls, expansive soils, or floodplains.
 - 5. Habitat for endangered species.
 - 6. Areas that accommodate multiple compatible open space uses rather than a single use.
- E. **Provision in Multi-Phase Developments:** In cases where less than 100% of the amount of open space required for a phase of a multi-phase development is provided within that phase, the balance of the remaining open space must be conveyed to the City in a temporary conservation easement based on the approved preliminary plat or other overall design for the project or another acceptable guarantee that the open space will be allocated with a future phase. If provided, this easement must be in force until superseded by a final plat or other dedication for the additional phases, or will become permanent after a period of five years.

8.6.5 OWNERSHIP AND MAINTENANCE OF OPEN SPACE

- A. Unless exempted below, all open space areas must be owned jointly or in common by the owners of the development through a recognized Homeowner's or Property Owner's Association.
 - 1. In some cases, certain lands designated as open space areas, such as floodplains, may be dedicated to the City during the development review process. City Council will determine which lands and under what conditions such dedications will be accepted by the City. This is different from the public recreation easement described in the above section because in this situation, the City would own the land, and with the public recreation easement, the City would not own the land but would have an easement over it.
 - 2. Open space for non-residential development on one lot is not required to be owner by a Homeowner's or Property Owner's Association but is required to be maintained in perpetuity as open space.

The owner of the land is responsible for maintenance of all open space areas unless dedicated to the City. Failure to maintain open space areas or other community facilities in accordance with the approved site plan, final plat for subdivision, or master plan constitutes a violation of this ordinance.

- B. In all new single-family detached and attached neighborhoods that seek preliminary plat approval after August 8, 2022, a public recreation easement is required along all floodplain areas. The intent is to allow the City to develop a shared use path or other public park area on this land in the future if desired. This easement area must be shown on all preliminary and final plats for the neighborhood and must be described as “public recreation easement.”

8.7 LANDSCAPING STANDARDS

8.7.1 PURPOSE AND INTENT

It is the purpose of this section to promote and protect the public health, safety, and general welfare by providing for the planting, maintenance, and preservation of trees, shrubs, and other plants within the City. The intent of this section is to promote this purpose by:

- A. **Ensuring Planting, Maintenance, and Restoration of Vegetation:** Ensuring and encouraging the planting, maintenance, restoration, and survival of trees, shrubs, and other plants.
- B. **Mitigating Against Erosion and Sedimentation:** Mitigating against erosion and sedimentation.
- C. **Reducing Stormwater Runoff:** Reducing stormwater runoff and the costs associated with stormwater runoff.
- D. **Preserving the Water Table:** Preserving and protecting the water table and surface waters.
- E. **Restoring Soils and Land:** Restoring soils and land denuded as a result of construction and/or grading.
- F. **Protecting Property Values:** Protecting and enhancing property values and aesthetic qualities.
- G. **Providing Screening:** Providing visual screening, where appropriate.

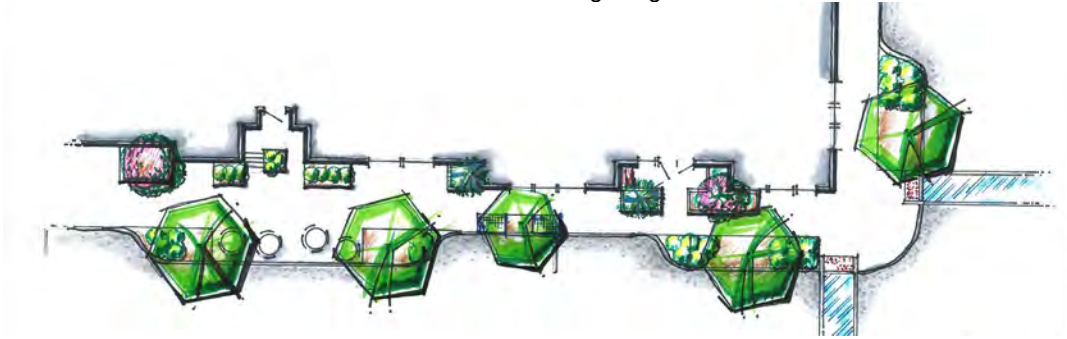
8.7.2 APPLICABILITY OF LANDSCAPING STANDARDS

- A. **General:** These standards apply to all development in the City except for single-family detached dwellings located on five or more acres in the Rural zoning district, where the dwelling is located farther than 100 feet from all public streets.

In some cases, existing trees and vegetation will be allowed to be credited towards the landscaping requirements. See the *Tree and Vegetation Preservation Credit* section above for more information.

- B. **Exception for Landscaping Standards in Urban Settings:** This ordinance recognizes that sites in urban, mixed-use settings such as Downtown may have unique circumstances that require modified landscape plans. Therefore, while projects in those areas must meet the landscaping standards as much as is practical, where it is impractical for the areas to do so, the projects must meet the intent of the landscaping section through landscaping treatments such as:
 - 1. The planting of shrubs or planters along retaining walls or knee walls.
 - 2. The planting of trees in landscaping strips.
 - 3. The use of outdoor seating areas or plazas.
 - 4. The use of containers/planters.
 - 5. The use of street trees.

These treatments are illustrated in the following image.



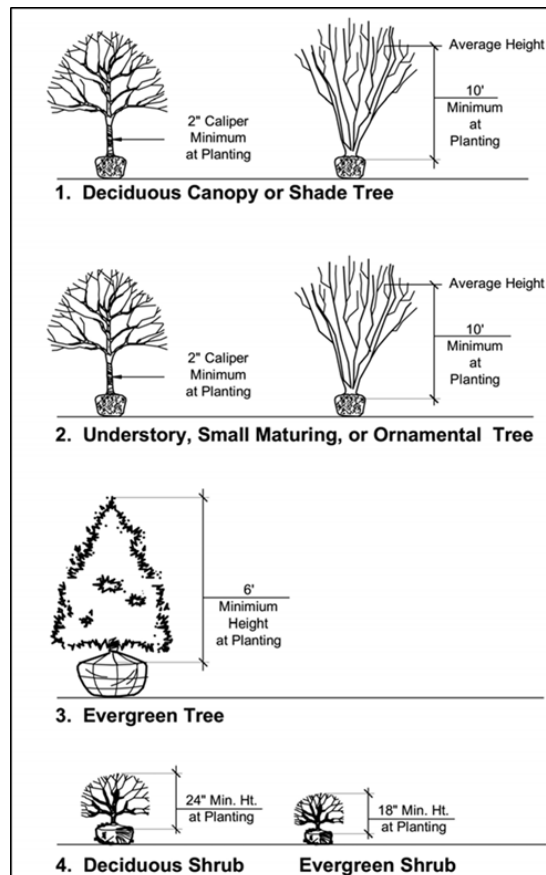
8.7.3 GENERAL REQUIREMENTS FOR LANDSCAPING

- A. Landscape plan:** In order to ensure compliance with the standards of this section, a landscape plan that demonstrates how landscaping will be planted on a development site must be included with any application for site plan, minor subdivision, preliminary plat for subdivision, or zoning permit, whichever is appropriate.

The plan must be prepared by a landscape architect or other qualified landscape designer. It must be fully specified and labeled, and must consist of a detailed graphic representation of the design that demonstrates knowledge of plant material characteristics and growth habits, as well as basic landscape design practice. Linear designs and monoculture planting schemes are not allowed.

The landscape plan must be drawn to scale similar to the site plan but in no cases smaller than one inch equals 20 feet.

- B. Size Requirements:** The following illustration shows the required calipers and height of new plantings according to the standards of the American Standard for Nursery Stock, ANSI Z60.1-2004, as amended.



- C. Quality Standards:** All landscaping plant materials must conform to the latest version of the American Standard of Nursery Stock (ANSI Z60.1, as amended). Plant material must be of standard quality or better, true to name and type of species or variety.
- D. Allowed Species:** All planting materials must correspond to the approved materials listed in *Appendix 8-A: Landscaping Materials List*, unless alternative materials are proposed as part of an alternative landscape plan. The City's landscape architect will help determine the appropriateness of species based on the physical circumstances on the site.
- E. Diversity Standards:** To curtail the spread of disease or insect infestation in a plant species, new plantings must comply with the following standards. The required number of different species must be in roughly equal proportions.

TREES		SHRUBS	
Required number of trees	Required number of different species	Required number of shrubs	Required number of different species
0-10	2	0-50	2
11-25	3	51-250	3
26-50	4	256-500	4
51+	5	501+	5

- F. How to Count Fractions:** In cases where the landscaping requirements result in a fraction in the number of trees or shrubs to be provided, the minimum number of trees or shrubs to be provided must be rounded upwards to the next highest whole number if the fraction is 0.5 or greater.
- G. Planting Notes:** All tree pits, shrub beds and prepared planting beds must be completely excavated in accordance with the planting details. The landscape plan detail sheet must show the cross-section details of all parking lot islands and the foundation planter strips.
- H. Soil Notes:** The landscape plan detail sheet must specify that full excavation is required, and that all stones, fill dirt, pavement, subgrade material and construction debris must be removed from landscape areas prior to planning. The sheet must also show the length, width and depth of planting areas.

Excavation is required to native material, and the area must be backfilled with viable topsoil and planting mix to a depth of at least 24 inches; a depth of 30 inches may be required in some instances where site conditions warrant greater soil volume and amendments. Soil in planting areas may be crowned.

Planting mixes must be provided by the contractor, who must load, haul, mix and distribute all topsoil and amendments such as organics, humus, composted material or native material as required by the approved landscape plan. The soil must be free of any other extraneous matter other than friable soil.

The planting mix must consist of natural, fertile agricultural topsoil that is capable of sustaining vigorous plant growth.

- I. Stabilization:** All landscape planting areas, the banks of ephemeral streams and prohibitive/severe slopes must be stabilized and maintained with ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.
- J. Berms:** All berms must comply with the following design standards:
 1. The slope of all berms must not exceed a three-to-one (3:1) ratio (horizontal to vertical) if mowing is required for maintenance and a two-to-one (2:1) ratio where plant materials do not require mowing. They must have a top width at least one-half the berm height. Landscape berms must generally be limited to a maximum height of eight feet above the toe of the berm. Berms used as part of a land-use buffer are not limited in height.
 2. All berms, regardless of size, must be stabilized with a ground cover or other suitable vegetation, based on the erosion potential and maintenance characteristics of the berm.

3. Berms proposed to be placed along a street right-of-way must be designed and constructed to provide adequate sight distances at intersections and along all other roads.
 4. In no case may berms damage the roots of existing healthy vegetation designated to be preserved.
 5. Berms must not impede natural drainage flows or divert flows onto adjoining properties.
- K. Easements:** Nothing except groundcover shall be planted or installed within any underground or overhead utility, drainage, or gas easement without the consent of the utility provider, easement holder, or the City. In general, shrubs are allowed to be planted in this area but trees are not.
- L. Landscaping Limited to 35% of Site Area**
1. Notwithstanding the other provisions of this section, the total amount of area occupied by required landscaping will not be required to exceed 35% of the developable site area.
 2. For the purposes of this subsection, “developable site area” includes the area of a site located outside predevelopment easements, rights-of-way, floodplains, wetlands and required riparian buffers, or other areas where structures are prohibited.
 3. The “total amount of area occupied by the required landscaping” will include the area inside required land-use buffers, parking lot landscaping areas, building landscaping areas, streetscape landscaping, and internal boundary landscaping. However, regardless of the width of the land-use buffer required, only the amount of land area necessary to provide a 40-foot buffer will be counted towards the total area occupied by landscaping in calculating the 35% maximum.
 4. The Planning Commission will determine the type and amount of required landscaping that may be waived in cases where the installation of the full amount of required landscaping would exceed 35% of the developable site area.

8.7.4 TIME OF INSTALLATION

- A. Installation Required before Certificate of Occupancy:** All landscaping, including mulching and seeding or sodding, must be completed prior to the issuance of a Certificate of Occupancy.
- B. Extensions:** The Planning & Development Director may grant an extension based on one the following circumstances:
1. Unusual environmental conditions, such as drought or extreme heat, ice or extreme cold, or over-saturated soil (deep mud).
 2. Inappropriate planting season for the plant species.
 3. Substitution or unavailability of plant species or acceptable plant size as specified on the landscape plan or alternative landscape plan in cases where such materials are not commercially available within a reasonable time.
 4. Circumstances beyond the developer’s or landowner’s control, such as incomplete road construction or utility work to occur in a proposed landscaped area within 180 days after expected site completion, provided the developer or land owner submits a letter from the responsible party or utility company stating the estimated installation date.

If an extension is allowed, the developer must submit performance and warranty bonds according to Chapter 7.4.

8.7.5 MAINTENANCE OF LANDSCAPING MATERIALS

- A. Required Level of Maintenance:** The property owner is responsible for the maintenance of all landscaping areas, including all land immediately adjacent to the property that is located within the public right-of-way. Specifically, this means:

1. The landscaping materials must be maintained in accordance with the approved landscape plan.
 2. The landscaping materials must present a healthy and orderly appearance that is free from refuse and debris.
 3. The landscaping materials must be protected from unnecessary damage during all facility and site maintenance operations.
 4. The landscaping materials must be maintained in a way that does not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, and/or interfere with the use of sidewalks or pedestrian trails.
 5. All required trees (whether canopy, understory, or otherwise) must be maintained in their characteristic natural shape, and must not be severely pruned, sheared, topped, or shaped as shrubs.
- B. When Replanting is Required:** Re-planting will be required when the death or damage of plant material results in the standards of the landscape plan no longer being met.
- C. Monitoring of Compliance with Landscaping Standards:** A Certificate of Occupancy or Certificate of Conformity will not be issued unless the required landscaping is installed and is healthy at the time of inspection. The site will also be inspected one year later, and at periodic times afterwards, in order to ensure compliance with the landscaping standards. Failure to maintain required landscaping areas (trees and shrubs) in accordance with the standards of this section constitutes a violation of this ordinance.

8.7.6 LAND-USE BUFFERS

- A. Applicability:** Land-use buffers are required between different uses as specified below.
- B. Exemption:** Development in the following districts is exempt from the provision of land-use buffers:
- The Downtown (DTWN) zoning district; and
 - Development internal to a Master Planned (MP) zoning district subject to an approved master plan, unless specifically required under the Terms and Conditions of approval.
- C. Design Intent:** Vegetated buffers are required between land uses of different intensities to provide partial to total visual screening, and a heightened sense of privacy through a combination of distance and density of vegetation. Where existing vegetation or topography meets some or all of these goals, preservation of existing material or enhancement of existing material is a priority.

Material should generally be planted in a free-form manner to simulate a more natural appearance, while maintaining consistent coverage for visual screening at all plant heights.

- D. Determining the Width of Buffers and Planting Requirements:** Required buffer widths vary based on the proposed use of the subject property as well as the existing use of adjacent properties.

Step 1: Determine the required buffer width using this chart for projects that seek preliminary plat or major site plan approval after August 8, 2022. In Old Town, a 10-foot buffer with a fence or a 20-foot buffer without a fence is required unless a narrower buffer width is indicated below. Otherwise, the following chart sets forth the required buffer widths between land uses, except where the land uses are part of a unified development such as in the Mixed Use or Master Planned zoning districts. Additionally, commercial and institutional uses on arterial roadways that are less than 100,000 square feet are not required to provide buffers against residential uses across a roadway; however, industrial uses are, and commercial and institutional uses that are 100,000 square feet or larger are.

PROPOSED LAND USE	EXISTING ADJACENT LAND USE	REQUIRED BUFFER WIDTH
Single-family detached or duplex on infill lot or within existing subdivision	All	0 feet or number of feet that were required at the time that the lot was platted
Single-family detached*	Arterial or collector road external to the proposed development, if the homes are oriented with their sides or rears to the road	30 feet
	Undeveloped	Half of distance required based on zoning district, or planned future land use if known
	Single-family detached or attached, or multi-family	50 feet
	Commercial uses or institutional uses (less than 10,000 square feet)	50 feet
	Commercial uses or institutional uses (more than 10,000 square feet)	75 feet
	Industrial uses up to 100,000 square feet except for heavy or special heavy industrial uses	100 feet
	Industrial uses of any type that are more than 100,000 square feet except for heavy or special heavy industrial uses	250 feet
	Heavy or special heavy industrial uses	500 feet
Single-family attached*	Arterial or collector road external to the proposed development, if the homes are oriented with their sides or rears to the road	30 feet
	Undeveloped	Half of distance required based on zoning district, or planned future land use if known
	Single-family detached or attached, or multi-family	50 feet
	Commercial uses or institutional uses (less than 10,000 square feet)	50 feet
	Commercial uses or institutional uses (more than 10,000 square feet)	75 feet
	Industrial uses up to 100,000 square feet except for heavy or special heavy industrial uses	100 feet
	Industrial uses of any type that are more than 100,000 square feet except for heavy or special heavy industrial uses	250 feet
	Heavy or special heavy industrial uses	500 feet
Multi-family	Undeveloped	Half of distance required based on zoning district, or planned future land use if known
	Single-family detached or attached, or multi-family	50 feet
	Commercial uses or institutional uses (less than 10,000 square feet)	50 feet
	Commercial uses or institutional uses (more than 10,000 square feet)	75 feet
	Industrial uses up to 100,000 square feet except for heavy or special heavy industrial uses	100 feet
	Industrial uses of any type that are more than 100,000 square feet except for heavy or special heavy industrial uses	250 feet
	Heavy or special heavy industrial uses	500 feet
Commercial uses or institutional uses (less than 10,000 square feet)	Undeveloped	Half of distance required based on zoning district, or planned future land use if known

	Single-family detached or attached, or multi-family	50 feet
	Commercial uses or institutional uses (regardless of size)	10 feet
	Industrial uses up to 100,000 square feet except for heavy or special heavy industrial uses	30 feet
	Industrial uses of any type that are more than 100,000 square feet except for heavy or special heavy industrial uses	75 feet
	Heavy or special heavy industrial uses	125 feet
Commercial uses or institutional uses (10,000 square feet or more)	Undeveloped	Half of distance required based on zoning district, or planned future land use if known
	Single-family detached or attached, or multi-family	75 feet
	Commercial uses or institutional uses (regardless of size)	10 feet
	Industrial uses up to 100,000 square feet except for heavy or special heavy industrial uses	10 feet
	Industrial uses of any type that are more than 100,000 square feet except for heavy or special heavy industrial uses	75 feet
	Heavy or special heavy industrial uses	125 feet
Industrial uses up to 100,000 square feet except for heavy or special heavy industrial uses	Undeveloped	Half of distance required based on zoning district, or planned future land use if known
	Single-family detached or attached, or multi-family	100 feet
	Commercial uses or institutional uses (less than 10,000 square feet)	30 feet
	Commercial uses or institutional uses (10,000 square feet or more)	20 feet
	Industrial uses of any size except for heavy or special heavy industrial uses	10 feet
	Heavy or special heavy industrial uses	125 feet
Industrial uses of any type that are more than 100,000 square feet except for heavy or special heavy industrial uses	Undeveloped	Half of distance required based on zoning district, or planned future land use if known
	Single-family detached or attached, or multi-family	100 feet
	Commercial uses or institutional uses (regardless of size)	75 feet
	Industrial uses of any size except for heavy or special heavy industrial uses	10 feet
	Heavy or special heavy industrial uses	125 feet
Heavy or special heavy industrial uses	Undeveloped	Half of distance required based on zoning district, or planned future land use if known
	Single-family detached or attached, or multi-family	500 feet
	Commercial uses or institutional uses (regardless of size)	125 feet
	Industrial uses of any size except for heavy or special heavy industrial uses	125 feet
	Heavy or special heavy industrial uses	50 Feet
* Required buffers for single-family detached and attached uses must be contained within a common area maintained by a Home Owners Association and not on private lots.		

Step 2: Reduce the required buffer width if one or more of the following circumstances apply:

A. Intervening Road: A road is located between the existing use and the proposed use.

INTERVENING ROAD	BUFFER WIDTH REDUCTION
Local Road: \leq 60 ft. R/W	Up to 20 feet
Arterial/Collector Road: \leq 100 ft. R/W	Up to 30 feet
Arterial/Collector Road: $>$ 100 ft. R/W	Up to 40 feet

B. Screen Fence or Berm: Reduce the required buffer by 10 feet if a screen fence or berm is provided that is at least 6 feet tall. This reduction is not eligible if the adjacent property has already provided a screen fence or berm that meets this standard and is good repair.

When a fence is used, it must be placed on the inside of the buffer, with the required vegetation planted outside of it so the plantings are visible from the adjacent property and not the subject property. However, on buffers that are 20 feet wide or greater, the fence may be placed 5 feet from the interior edge of the buffer, and up to 25% of the required shrubs may be planted on the inside of the fence.

C. Buffer Already Exists: If the adjacent use has already provided a buffer that complies with the standards of this section and is contained within a dedicated buffer area, the proposed use may reduce its required buffer width by the width of the existing buffer. Where all or part of a land-use buffer exists, but the buffer does not fully comply with the standards of this section, the developing parcel is responsible for providing all the additional planting material necessary to meet the standards of this section.

Step 3: Determine the required number of plantings according to this chart:

BUFFER WIDTH AFTER REDUCTIONS FROM STEP 2 TAKEN INTO ACCOUNT	CANOPY TREES (PER 100 FT.)	UNDERSTORY TREES (PER 100 FT.)	SHRUBS (PER 100 FT.)
10 feet	2	4	20
20 feet	3	6	30
30 feet	4	8	30
50 feet	6	12	40
75 feet	8	16	50
100 feet	10	20	50
125 feet	12	25	50
250 feet	16	30	50
500 feet	30	50	50

- D. **Locations of Land-Use Buffers:** Land-use buffers must be located along the outer perimeter of the parcel and must extend to the parcel boundary line or right-of-way line; however, the land-use buffer may be located along shared access easements between parcels in non-residential developments.
- D. **Grading and Development Within Land-Use Buffers:** For projects that seek preliminary plat or major site plan approval after August 8, 2022, no grading may take place within the buffer. Proposed grades must be tied out along the inside of the buffers, with an exception for perpendicular utility crossings.

The required buffer also cannot contain any development, impervious surfaces, or site features that do not function to meet the standards of this section or that require removal of existing vegetation, unless otherwise permitted in this ordinance.

However, sidewalks and shared use paths may be placed in land-use buffers if damage to existing vegetation is minimized to the maximum extent practicable.

Overhead and underground utilities, if allowed by the City, are permitted to cross buffers, but must minimize the impact to vegetation to the maximum extent practicable. In cases where required landscaping material is damaged or removed due to utility activity within a required buffer, the landowner will be responsible for replanting all damaged or removed vegetation necessary to ensure the buffer meets the standards in the ordinance.

- E. **Land-use Buffers Supersede Setbacks:** If the width of the buffer is required to be larger than the required setback area (see *Chapter 6: Community Design Standards*), the buffer width supersedes the required setback area.

8.7.7 LANDSCAPING FOR SINGLE-FAMILY USES

- A. **Foundation landscaping:** The following must be planted in groupings, with at least 25% along the building foundation. The remainder may be planted in landscape beds away from the building foundation if desired.
 - 1. Single-family detached; also, senior residential if lot is 65 feet wide or wider:
 - i. For non-corner lots:
 - 1. 2 understory trees
 - 2. 2 shrubs per 10 linear feet of front façade area
 - 3. Flowerbeds/groundcover areas: 1 square foot per linear foot of front façade area
 - ii. For corner lots:
 - 1. In front yard: Same as above
 - 2. In the side yard that is adjacent to the secondary road:
 - a. 1 understory tree
 - b. 2 shrubs per every 20 linear feet of side façade area
 - 3. Flowerbed/groundcover areas: 5 square feet per every 10 feet of side façade area
 - b. Single-family attached:
 - i. For non-corner units:
 - 1. 2 shrubs per unit
 - 2. Flowerbeds/groundcover areas: 1 square foot per linear foot of front façade area
 - ii. For corner lots:
 - 1. In front yard: Same as above
 - 2. In the side yard that is adjacent to the secondary road:
 - a. 1 understory tree
 - b. 2 shrubs per every 20 linear feet of side façade area
 - 3. Flowerbed/groundcover areas: 5 square feet per every 10 feet of side façade area
 - c. Senior residential if lot is narrower than 65 feet wide:
 - i. For non-corner lots:
 - 1. 2 shrubs per every 10 linear feet of front façade area

2. Flowerbed/groundcover area: 1 square foot per linear foot of front façade area
- ii. For corner lots:
 1. In front yard: Same as above
 2. In the side yard that is adjacent to the secondary road:
 - a. 1 understory tree
 - b. 2 shrubs per every 20 linear feet of side façade area
 3. Flowerbed/groundcover areas: 5 square feet per every 10 feet of side façade area

B. Other landscaping: In addition to providing façade landscape according to the above, builders also must provide one of the following:

1. **Streetscape landscaping:** If this option is selected, builders must plant the following within 20 feet of the road right-of-way. See street cross diagrams in Chapter 6 for a visual representation of the required location. The types of trees selected must be shown to be suitable for street areas on the Landscape Materials List in Appendix 8-A.
 - a. Single-family detached; also, senior residential if lot is 65 feet wide or wider:
 - i. For non-corner lots: 1 canopy tree
 - ii. For corner lots: 1 canopy tree per road (2 total)
 - b. Single-family attached:
 - i. For non-corner lots: 1 understory tree per unit and 1 understory tree between each building
 - ii. For corner lots: Same as above along the front; on the side with the road, 1 additional understory tree
 - c. Senior residential if lot is narrower than 65 feet:
 - i. For non-corner lots: 1 understory tree
 - ii. For corner lots: 1 understory tree per road (2 total)

2. **Street trees:** If this option is selected, builders must plant trees with an average on-center spacing of no less than 30 feet; however, the location of street trees may be modified to accommodate underground utilities, drainage structures, or existing power lines or other vertical obstructions. The planting strips must have a minimum width of 8 feet between the back of the curb and the sidewalk, with street trees located a minimum of 4 feet from the back of the curb. Permitted street trees are those recommended as street trees under the canopy tree list in *Appendix 8-A, Landscape Materials List*.

When more narrow planting strips are being proposed due to site constraints or when planting in an urban environment, alternative planting methods using root barrier technologies or alternative plant materials, such as understory trees, may be considered.

3. **Tree save area:** If this option is selected, the lot must contain a tree save area of at least 20% of the area of the lot. Note that this is in addition to the amount of open space that is required for an overall development to provide in common areas.

8.7.8 STREET TREES FOR NON-RESIDENTIAL AND MULTI-FAMILY USES

Street trees are required for non-residential and multi-family in addition to streetscape landscaping when non-residential developments are constructing new roads, are extending roads that have street trees (such as in large shopping centers and business and industrial parks), or are adjacent to areas that have street trees (such as in downtown).

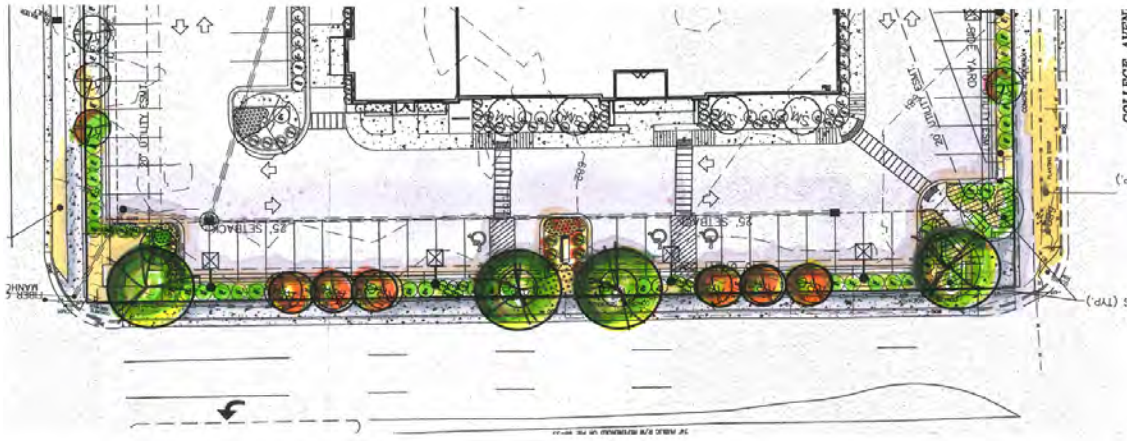
The street trees must have an average on-center spacing of no less than 30 feet; however, the location of street trees may be modified to accommodate underground utilities, drainage structures, or existing power lines or other vertical obstructions. The planting strips must have a minimum width of 8 feet between the back of the curb and the sidewalk, with street trees located a minimum of 4 feet from the back of the curb. Permitted street trees are those recommended as street trees under the canopy tree list in *Appendix 8-A, Landscape Materials List*.

When more narrow planting strips are being proposed due to site constraints or when planting in an urban environment, alternative planting methods using root barrier technologies or alternative plant materials, such as understory trees, may be considered.

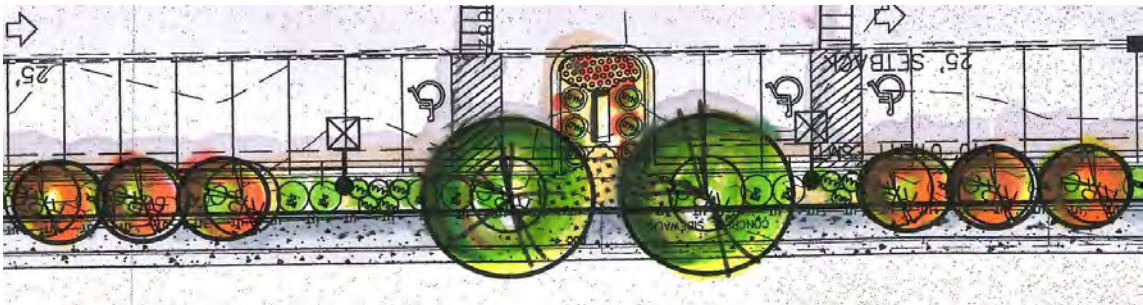
8.7.9 STREETScape LANDSCAPING FOR NON-RESIDENTIAL AND MULTI-FAMILY USES

- A. Design Intent:** Plantings must be provided to enhance the appearance of all street frontages with features in scale for both the driving and walking public. While certain goals such as tree coverage and parking lot screening must be met, overall design should use masses of material to provide a varied, rather than a regimented look and to highlight entrances, signs, and other unique features.

The following image illustrates a landscape plan that shows how trees and shrubs can be grouped to allow a view of the building from adjacent roads, as well as how creative placement of vegetation can enhance a site.



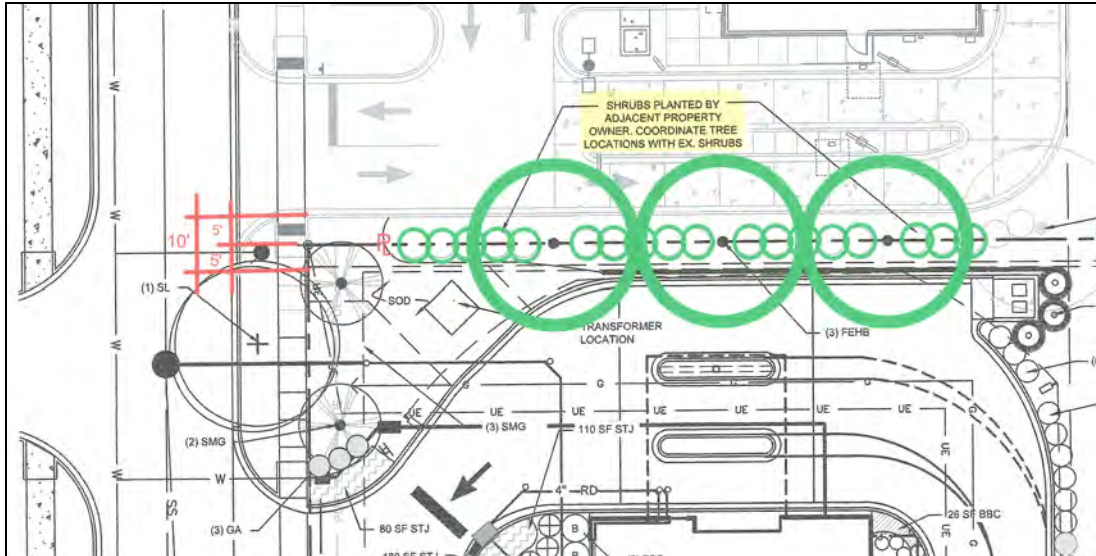
The following image illustrates how landscaping around a sign can enhance rather than obscure it.



The following image illustrates landscaping that blocks visibility of the building and lacks creativity in design.

When a shared driveway lies on a property boundary, the property boundary landscaping must be installed adjacent to the driveway.

The following image illustrates how internal property boundary landscaping works.



8.7.11 BUILDING LANDSCAPING FOR NON-RESIDENTIAL AND MULTI-FAMILY USES

- A. Design Intent:** Multi-layered plantings must be provided adjacent to buildings to enhance architectural features, provide a visual transition from the building to the site, and define and enhance building entrances and other pedestrian features. Material should generally be massed at corners, entrances, and other features, rather than rigidly lined up around the building. The majority of the required flowerbed/groundcover areas should specifically be oriented to pedestrian paths and other high-visibility areas.
- B. Foundation Plantings:** The following minimum foundation plantings must be installed within the maximum distance from the building as specified below.

PLANTING REQUIREMENTS PER 10 FEET OF PUBLIC AREA BUILDING PERIMETER				
BUILDING TYPE	UNDERSTORY TREES	SHRUBS	FLOWERBED/ GROUNDCOVER AREA	MINIMUM WIDTH OF PLANTING AREA*
Multi-family	1	4	20 square feet	15 feet
Office/Institutional/Office Facades of Industrial Buildings	0.5	4	10 square feet	10 feet
Retail/Mixed Use	0.25	4	10 square feet	5 feet
Industrial	0.2	4	1 square foot	5 feet

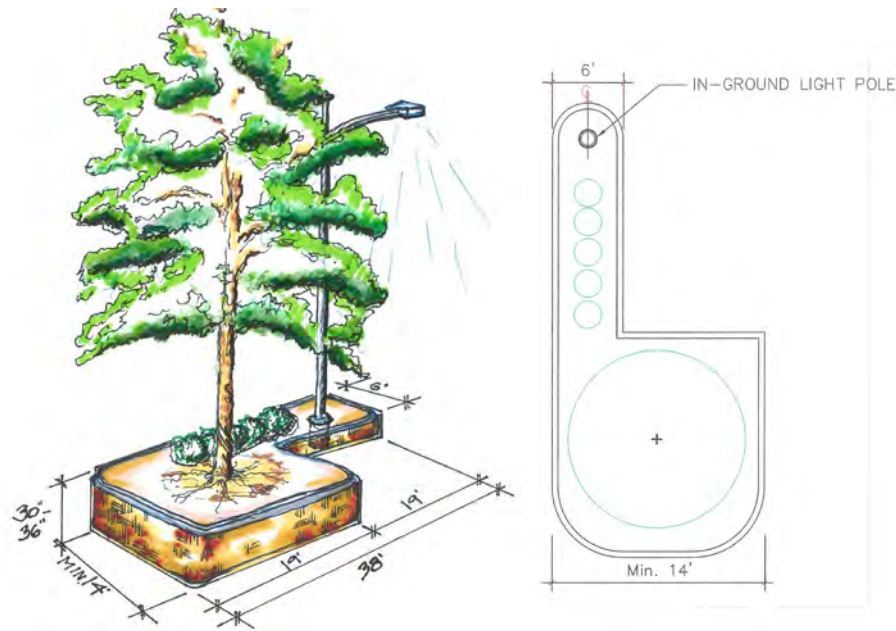
*Some variation may be allowed based on specific layout constraints.

- 1. How to Measure Building Perimeter:** Building perimeter is measured along the major plane of the façade, not including minor architectural off-sets. The measurement does not include loading and service areas, building facades adjacent to permanent natural or wooded areas, or other areas not normally visible to the public visiting the site, from other buildings on the site, or from public areas off-site.
- 2. Flowerbed/Groundcover Areas:** At least one-third of flowerbed/groundcover areas must be planted in low-flowering shrubs or other annual or perennial flowering plants.
- 3. Existing Material:** The above standards do not apply where existing material fulfills the general design intent of this ordinance.

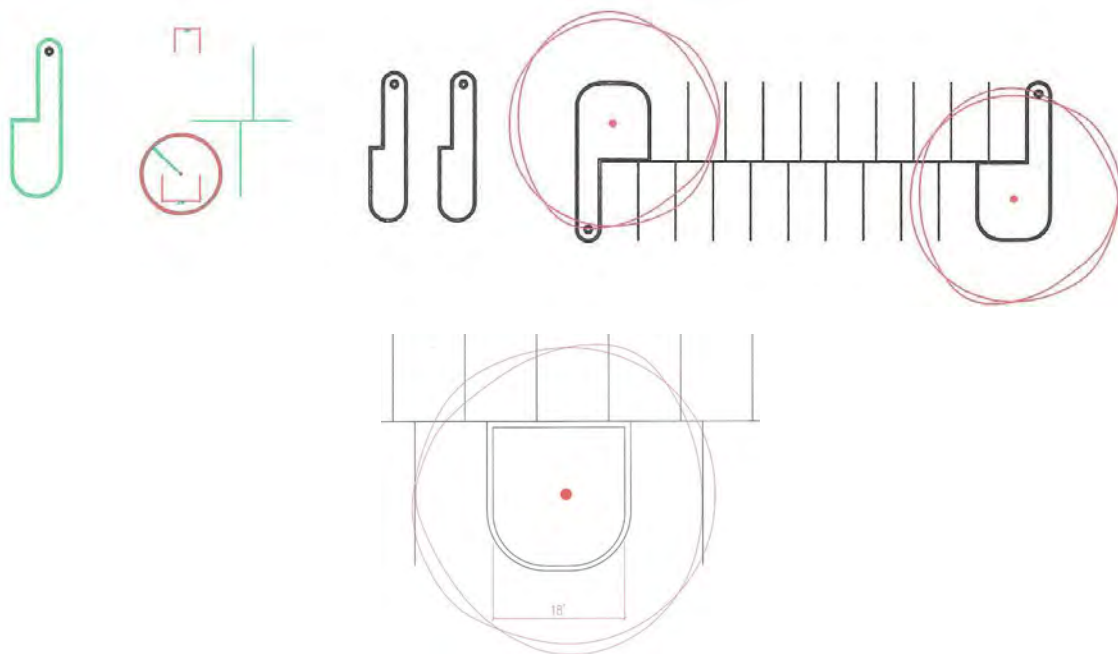
8.7.12 PARKING LOT LANDSCAPING

- A. Design Intent:** Landscaping is required to provide for shade for the majority of spaces in a parking lot, while providing visual relief from large expanses of pavement. Tree plantings should be relatively formal, while required shrub plantings should be located and massed for effect at key visible locations. The impact of mature plantings on access to vehicles, driver sight visibility, and parking lot lighting should be carefully considered.

The following images illustrate how parking lot islands can be used for both landscaping and lighting, without conflict. It also illustrates the appropriate dimensions and depth of parking lot islands.



The following are images that show how parking lot islands should be designed when a tree is not included.



B. Internal Parking Lot Landscaping: The following minimum landscaping is required for all parking lots, except those used for vehicle sales and display.

1. **Parking Aisle End Islands:** Planting islands must be provided at the end of all parking rows. The dimensions in the image above are the minimum if a tree is provided.
2. **Internal Parking Islands:** Planting islands must be provided within all parking rows such that no more than 15 spaces are located in a row before the insertion of an island. The 15-space requirement may be modified to an average of 15 spaces in limited areas where layouts, connecting pedestrian paths, or other features dictate the need for an island at a specific location not meeting that criterion.
3. **Divider Islands:** Divider islands running perpendicular to the end of parking spaces must be provided in the following locations:
 - between parking bays and main drive aisles;
 - between parking bays and restricted driveway entrance areas; and
 - to divide large parking lots into areas with no more than six parking bays (three double bays).

Divider islands must be at least 15 feet in width and have a minimum planting area of six feet in width that is clear of any planned vehicle overhang area. When divider islands include pedestrian paths, a minimum of three feet must be provided between the path and the edge of the planting area or vehicle overhang area.

4. **Planting Requirements:** A minimum of one canopy tree must be provided at each end of internal island (two for double islands), and one canopy tree for every 40 linear feet of divider island, or 500 square feet of divider island area, whichever is greater. Five shrubs must be provided per required tree. Two understory trees may be substituted for each required canopy tree in areas constrained by overhead utility lines, or in limited cases at the discretion of the City to provide visibility to certain signs or architectural features.

C. Parking Lot Screening Landscaping: All parking lots, including vehicle sales and display areas, must provide continuous screening from all streets and adjacent residential uses not already protected by a land-use buffer. Such continuous screening can be accomplished by evergreen shrubs or understory trees, low walls, berms, or other landscape or hardscape features. Walls and hardscape features must be architecturally compatible with other improvements on the site, and designed as part of an overall plan.

1. Minimum Width of Parking Lot Screening Strip

- For development in Old Town, the screening landscaping strip must have a minimum average width of five feet measured at 10-foot intervals along the property lines, with the minimum width for any screening landscaping strip being no less than two feet.
 - For development outside of Old Town, the minimum average width for any screening landscaping strip must be 10 feet measured at 10-foot intervals along the property lines, with the minimum width for any perimeter landscaping strip being five feet.
 - The screening landscaping strip must be protected from vehicular intrusion by the installation of curbing, wheel stops, extra width, or other methods approved by the Planning & Development Director.
2. **Location:** Landscape strips for screening parking lots must be located on the property, and must be placed to assure visibility and safety of pedestrians on the public street, as well as those within the parking lot.
 3. **Minimum Height:** Plant materials must be maintained at a minimum height of 36 inches above the surface elevation of the adjacent vehicular use area, provided the installation meets all state and/or federal highway sight distance standards.

8.7.13 SERVICE AREA SCREENING

The service functions of the building and site must be screened by compatible landscaping or structural features as follows:

A. Dumpsters/Refuse Areas:

1. A solid screen must be provided to match the height of the receptacle(s) made of durable architectural materials used in the primary building's façade. When the dumpster is placed in public view, such as on a side of a building facing a street or driveway, it must have an opaque, non-wooden gate, such as vinyl or metal. When the dumpster is placed outside of public view, such as behind a building in a service area, an opaque, non-wooden gate still must be used, but it may consist of chain link with vinyl or metal slats.
2. The following plantings are required around the dumpster enclosure: For a single-dumpster, two understory trees at each corner away from the opening and six shrubs (two on each side without the opening and two along the rear); for a double dumpster, three understory trees (one at each corner away from the opening and one in the middle of the rear wall) and six shrubs (two on each side without the opening and four along the rear).
3. For legally nonconforming, developed sites (where dumpsters were not required to be screened at the time of the site development), the Planning & Development Director may approve alternative screening materials based on the location of the dumpster and the age of the development.
4. All dumpster/refuse area screening must be maintained in good repair in perpetuity.

B. Truck Loading and Service Areas: Landscaping or a solid screen made of durable architectural materials used in the primary building's façade must be provided to ultimately create an opaque screen to at least 10 feet in height. The screening must be designed to obscure views from on- and off-site public areas except for necessary access penetrations.

C. Mechanical, Electrical, and Other Equipment: Landscaping or a solid screen made of durable architectural materials used in the primary building's façade must be provided to ultimately screen all ground-mounted mechanical, electrical, and other equipment, such as HVAC units, transformers, and storage tanks. Foundation plantings based on the type of primary building on the site are required along screen walls greater than four feet in height.

D. Utility Meters: Landscaping or a solid screen made of durable architectural materials used in or similar to those of the primary building's façade must be provided to ultimately screen all wall-mounted utility meters installed in banks of more than four meters.

E. Alternative Materials and Methods: The Planning & Development Director may approve alternative materials or methods where they are part of a unified architectural or landscaping design for the site and they meet the design intent of the ordinance as expressed in this section.

8.7.14 ALTERNATIVE LANDSCAPE PLAN

A. Intent: An alternative landscape plan may be used where unreasonable or impractical situations would result from application of this ordinance. Alternative plans, materials, or methods may be justified due to natural conditions, such as streams, wetlands, natural rock formations, topography, easements, lot configuration, and other physical conditions related to the site.

B. Allowable Deviations: The Planning & Development Director will approve an alternative landscape plan if it meets the purpose and intent of the landscaping standards. Allowable deviations from the standards of this section include but are not limited to the following:

1. **Reduced Planting Rates Due to Public Facilities:** An adjustment to planting locations or reduction in the type or total number of required caliper inches when underground connections to public facilities or public utilities, or public easements or right-of-way, are located upon or in close

proximity to the parcel, or whenever a fewer number or small size of trees would be more desirable in terms of good landscape planning practice.

2. **Reduction in Standards Due to Nature of Parcel:** A reduction in the count, spacing, or species diversity standards is more desirable in terms of good landscape planning practice considering the nature of the parcel and adjacent parcels.
3. **Redevelopment of Nonconforming Sites:** The installation of required landscaping during redevelopment of existing nonconforming sites must occur in accordance with *Chapter 10.8, Site Feature Nonconformities*.
4. **Payment Into Designated Tree Fund:** The Planning & Development Director may determine if a payment-in-lieu into the City's designated tree fund is an appropriate form of compliance with the landscaping standards of this ordinance. When a payment-in-lieu is identified as an option, the payment amount must be proportional to the impact that is being mitigated. Payment-in-lieu will only be considered after every reasonable attempt has been made to meet landscape standards and intent on the site.
5. **Unique Design Concept:** A landscape designer may propose an alternative landscape plan as a method to provide a unique design concept that provides an appropriate level of landscape quality that meets the intent of the various requirements of this ordinance.

8.8 PARKING STANDARDS

8.8.1 PURPOSE AND INTENT

The following parking standards are provided in order to:

- Relieve traffic congestion in the streets;
- Minimize any detrimental effects of off-street parking areas on adjacent lands;
- Ensure the uniform development of parking areas throughout the City; and
- Encourage appropriate infill and reinvestment within established areas.

8.8.2 APPLICABILITY

- A. **General:** The off-street parking and loading standards of this section apply:
 1. To all new development in the City.
 2. When an existing structure or use is expanded, enlarged, or otherwise increased in capacity.
 3. When there is a change in use, and such expansion or change in use will result in increased vehicle trips to the existing structure or use.
- B. **Nonconforming Structures:** Parking related to the expansion, enlargement, or remodeling of a nonconforming structure must comply with the requirements of the *Correction of Other Nonconformities'* section of this ordinance.
- C. **Parking in the Downtown Parking Management Plan District:** Uses located in the Downtown Parking Management Plan District (which is different from the Downtown zoning district) may meet their parking demand in one of the following ways:
 1. Provide the required number of parking spaces according to Section 8.8.6 entirely on site. (For non-residential uses, the 20% Old Town discount explained in Section 8.8.6.B would apply.)
 2. If proximately located public parking spaces are available within the Downtown Parking Management District, the City and developer may decide to enter a license agreement so that the

developer will have access to a portion or all of the required number of spaces through that public parking system. Please note that the City is under no obligation to enter into a license agreement with any property owner/developer regarding the use of public parking spaces for any project. Information on the Downtown Parking Management Plan can be found by contacting the City's General Services Department.

- D. Parking outside of the Downtown Parking Management Plan District:** Businesses outside of the Downtown Parking Management Plan District must provide the required number of parking spaces on their own property unless an Alternative Parking Plan is approved that allows for shared parking with another land use. Businesses outside the Downtown Parking Management Plan District cannot use the public street for the regular parking of employee or customer vehicles.

8.8.3 GENERAL STANDARDS

- A. Responsibility of Developer to Construct:** The responsibility for providing the off-street parking and loading areas required by this section is that of whomever develops the land that requires parking and loading areas.
- B. Parking Plan Required:** A parking plan must be submitted with every application for any development that is required to provide more than three off-street parking spaces. The plan must accurately designate the required parking spaces, access aisles, driveways, and relation of the off-street parking facilities to the uses or structures such facilities are designed to serve.
- C. When Parking is Reviewed:** Review for compliance with the standards of this section must occur at the time of review of site plan, preliminary plat for subdivision, master plan, or zoning permit, as appropriate.
- D. Completion Required Prior to Zoning Approval:** All off-street parking and loading areas must be completed prior to the issuance of zoning approval for the use or uses they serve. In the case of phased development, off-street parking and loading areas should only be provided for the portions of the development that have been issued zoning approval, whether through a site plan, preliminary plat, or otherwise.
- E. Use of Parking Area, Stacking Area, or Loading Space:** All vehicular parking areas, stacking areas, and loading spaces required by this section can be used only for those purposes. Any other use, including but not limited to vehicular storage, vehicle sales, vehicular repair work, vehicle service, or display of any kind is prohibited unless allowed under a *Temporary Use* permit.
- F. Identified as to Purpose and Location When Not Clearly Evident:** Off-street parking areas of three or more spaces and off-street loading areas must include curbs, painted lines, or other methods of identifying individual parking spaces and loading areas, and distinguishing such spaces from aisles. In addition, motor vehicle stops (commonly referred to as "wheel stops"), or similar devices must be provided when necessary to protect vehicles from overhanging on or into public rights-of-way, sidewalks, walkways, adjacent land, or landscape areas.

G. Surfacing

1. **General:** Regardless of the use type, all off-street parking, loading areas, and private driveways must be:
 - Surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent material (unless a different material is allowed for single-family detached residential development as explained in *Chapter 9: Site and Building Design Standards* or through an alternative parking plan as explained later in this Chapter); and
 - Built to the minimum parking standards listed in the *Construction Standards'* section.

Concrete curbs are required; however, alternative plans may be approved for low-impact drainage designs where there is low visibility, low traffic, alternative physical protection of pavement edges, or other measures that replicate the normal function of the curb.

2. **Spaces Exceeding Minimum Standards:** Where the number of off-street parking spaces added exceeds the maximum number allowed by the *Minimum Off-Street Parking Standards* table, such spaces must comply with the standards of the *Alternative Parking Plan* section.

H. Arrangement

1. **Convenient Access:** All off-street parking and loading areas must be arranged for convenient access and safety of pedestrians and vehicles.
 2. **Backing onto Public Streets:** All off-street parking and loading areas, except on lots used for single-family detached and attached dwellings, must be arranged so that no vehicle is required to back from such facilities directly onto public streets. Residential lots on collector or arterial roads are strongly encouraged to provide an on-site turn-around area to avoid backing. This may be made a condition of newly subdivided lots on such roads.
- I. **Drainage:** All off-street parking and loading areas must be designed to facilitate proper drainage and avoid nuisance on adjacent land.
- J. **Exterior Lighting:** When lighted, off-street parking and loading areas must comply with the *Exterior Lighting Standards*.
- K. **Landscaping:** Except for parking areas serving single-family detached dwellings, all off-street parking and loading areas must comply with the *Parking Lot Landscaping* section standards.

L. Maintained in Good Repair

1. **Maintained at All Times:** All off-street parking and loading areas must be maintained in perpetuity in a smooth, well-maintained and safe condition at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land.
2. **Periodically Restored:** All off-street parking and loading areas must be periodically restored to maintain a clear identification of separate parking stalls and other traffic markings.
3. **Parking Lot Signage and Markings Required to be Maintained at All Times:** All parking lot signage, such as road name signs and stop signs, and markings, such as parking space stripes, must be maintained in good repair at all times.

8.8.4 PLACEMENT OF PARKING AREAS ON LOTS

- A. Within the Mixed Use Corridor (MUC), Neighborhood Office (NO) and Master Planned-Residential (MP-R) zoning districts, no off-street surface parking shall be located between the building and any adjacent street.
- B. Within the Neighborhood Commercial (NC) zoning district, up to 60 feet depth of parking and drive surface may be located between a building and any adjacent street.
- C. In the Office and Institutional (OI), Limited Commercial (LC), Community Commercial (CC), General Commercial (GC), Master Planned-Commercial (MP-C), and Master Planned-College or University (MP-CU) districts, no more than 60 feet depth of parking and drive surface shall be located between a building and any adjacent street. This may be increased to 120 feet for buildings of more than 50,000 square feet, and to 180 feet for buildings of more than 100,000 square feet.

8.8.5 CROSS ACCESS

- A. **General:** All development must be designed to allow for cross-access to adjacent compatible sites in accordance with the following standards:
 1. Future stubs are required to all adjacent lands when a clear transportation benefit exists.
 2. To the maximum extent practicable, a minimum distance of 100 feet is required between a cross-access way and an intersection or driveway entrance.

An exception exists for projects with more than four dwelling units (whether single-family detached, single-family attached, or multiple family).

B. Waiver: The Planning Commission may waive the cross-access requirement if the applicant demonstrates that it is impractical to provide cross-access due to:

- Topography, or natural features;
- The size and configuration of the site;
- Vehicular safety factors;
- The presence of incompatible uses; or
- Existing development patterns on adjacent developed sites that make cross access impossible.

When cross-access is waived in accordance with this section, bicycle and pedestrian connections must be provided between adjacent developments or uses to the maximum extent practicable.

3. Recording Required: Where provided, a cross-access easement must be recorded by the owner/developer.

8.8.6 REQUIRED NUMBER OF PARKING SPACES

A. Computation of Required Off-Street Parking Spaces

1. **Areas Counted:** Hallways, restrooms, storage closets, and similar areas that are not considered to be part of the main activity areas of the building are not counted when calculating the minimum off-street parking requirement.
2. **Fractions:** When the calculation of the minimum number of required parking spaces results in a fraction, the number of spaces will be rounded to the nearest whole number, with 0.5 being the rounding-up point.
3. **Different Use Areas:** Except as provided for in this section, parking will be calculated separately for each different use area in a building or on a site, including all accessory uses. For example, if a distribution warehouse is 100,000 square feet with 1,000 square feet being dedicated to office space, the parking for the two uses is calculated separately. This also applies to multi-tenant buildings.
4. **Mix of Uses:** Unless otherwise approved, lots containing more than one use must provide parking spaces in an amount equal to the total of the standards for all individual uses. This provision will not limit the ability to submit an alternative parking plan to reduce the minimum number of required off-street parking spaces in recognition of different operating hours or peak business periods.
5. **On-Street Parking:** Except in areas where adequate parking is available through the Downtown Management Parking Plan, or as part of an alternative parking plan, on-street parking on public or private streets, driveways, or drives will not be used to satisfy the off-street parking standards of this section.
6. **Parking Based on Seating:** When the standards use seating as a unit of measurement, all calculations are based on the design capacity of the areas used for seating, provided that fixed seating is used.
7. **Parking Based on Floor Area:** Except as provided for in this section, when the standards use amount of square footage in buildings as a unit of measurement, all calculations are based on gross floor area.
8. **Parking Based on Students, Staff, and Occupants:** Except as provided for in this section, when the standards use number of students, staff, or occupants as a unit of measurement, all calculations are based on the maximum enrollment (for students), the largest number of persons working on any single

shift (staff), or the maximum occupant load based on the adopted Building Code, whichever is applicable and results in the greater number of required spaces.

B. Required Minimum Number of Parking Spaces: Off-street parking spaces must be provided according to the following table unless explicitly stated otherwise in this ordinance.

However, non-residential development in Old Town is required to provide only 80% of the minimum number of required off-street parking spaces identified in the table as long as:

1. The project is located in an area where it can be reasonably expected that 20% of the use's customers will walk or bike to the use from their residence, their office or other work location, such as within a couple of blocks of Winthrop University or within the Downtown zoning district; OR
2. The project includes more than one land use, and the land uses have different peak parking demand hours such that they can share the available parking. As an example, residential uses and office uses have peak parking demands that are often complementary to each other in a shared parking scenario.

For this exception to apply, the parking spaces for both the subject land use and the nearby land uses with different peak parking demand hours must be publicly available at all times of the day. (Any spaces that are designated for exclusive use by a particular land use would not count.)

Please note that shared parking between different land uses that are not part of the same project may be formalized through an Alternative Parking Plan; see Section 8.8.13.B.

A project would be allowed to provide a number of parking spaces between 80% and 100% of the required number of parking spaces if it can demonstrate that an equal proportion of parking spaces meets one of these two requirements.

REQUIRED MINIMUM NUMBER OF PARKING SPACES		
USE CATEGORY	USE TYPE	PARKING STANDARD
RESIDENTIAL USES		
Household Living	Single-family detached	See parking requirements in the <i>Neighborhood Design Standards</i> section of <i>Chapter 6: Community Design Standards</i>
	Single-family attached	See parking requirements in the <i>Neighborhood Design Standards</i> section of <i>Chapter 6: Community Design Standards</i>
	Multiple-family	1 per efficiency unit; 1.5 per 1 or 2-bedroom unit; and 2 per 3+ bedroom unit. However, the Planning Commission may allow a lesser amount as part of the major site plan review process for projects that are targeted to students or the affordable housing market where the applicant can show justification for a reduction.
	Residential Infill	See <i>Chapter 9.4: Design Standards for Residential Infill Uses</i> for the parking standards for this use type. Two spaces per unit are required unless the applicant can justify through the special exception process that a lesser amount is needed to serve the project.
Group Living	Dormitories/student housing	1 per every 2 resident beds
	Fraternity or sorority house	1 per every 2 resident beds
	Group home (Type A)	2 spaces + 1 per every 4 clients
	Group home (Type B)	
	Halfway house	2 spaces + 1 per every 2 beds
Elder Care	Assisted living facility; nursing home facility; continuing care facility	1.5 spaces per every 4 beds
	Independent living apartments for seniors	1 per efficiency unit; 1.5 per 1- or 2-bedroom unit; and 2 per 3+ bedroom unit. However, the Planning Commission may allow a

REQUIRED MINIMUM NUMBER OF PARKING SPACES		
USE CATEGORY	USE TYPE	PARKING STANDARD
		lesser amount as part of the major site plan review process where the applicant can show justification for a reduction.
Other	Live/work; upper-story dwelling(s) over commercial use	1.5 per dwelling unit
PUBLIC AND COMMERCIAL		
Agriculture	Farming	See <i>Variable Parking Demand Characteristics</i>
	Plant nursery (production)	1 per every 250 square feet of office + 1 per every 2 employees
Animal services	Animal care (limited)	1 per every 250 square feet
	Animal care (general)	1 per every 250 square feet
	Equine stable	1 space + 1 per stall
Cemeteries, columbaria, and mausoleums	Cemetery; columbaria; mausoleum	2
Community services	Community center, youth center; senior center	1 per every 250 square feet
	Museums and libraries	1 per every 300 square feet
	Community garden	See <i>Variable Parking Demand Characteristics</i>
Day care	Adult day care center	1 per every 5 clients up to 50, then 1 per every 50 clients
	Child day care center/preschool	1 per every 5 children up to 50, then 1 per every 50 children
Educational Facilities	College/university campus	See <i>Variable Parking Demand Characteristics</i>
	School, elementary	1 per every 2 classrooms + 1 per employee
	School, middle/junior or senior high	Middle/Junior: 1 per every 2 classrooms + 1 per employee
		Senior High: 1 per classroom + 1 per every 5 students
Vocational/trade school	1 per every 250 square feet	
Event and entertainment	Adult entertainment	1 per every 50 square feet including outside seating and activity areas, but excluding restrooms, access hallways, and dedicated storage or mechanical rooms
	Bar/nightclub	1 per every 50 square feet including outside seating and activity areas, but excluding restrooms, access hallways, and dedicated storage or mechanical rooms
	Conference center/convention center	1 per every 3 fixed seats or 1 per every 50 square feet for non-fixed seats in the assembly area
	Event venue	1 per every 3 fixed seats or 1 per every 50 square feet for non-fixed seats in the assembly area
	Teen club	1 per every 50 square feet including outside seating and activity areas, but excluding restrooms, access hallways, and dedicated storage or mechanical rooms
	Theater/indoor concert hall/auditorium	1 per every 3 fixed seats or 1 per every 50 square feet for non-fixed seats in the assembly area
	Fraternal organization or lodge	1 per every 50 square feet including outside seating and activity areas, but excluding restrooms, access hallways, and dedicated storage or mechanical rooms
Food service	Commissary/catering kitchen/food production	1 per 500 square feet
	Restaurant (without alcohol sales)	1 per 75 square feet, including outside seating and activity areas, but excluding restrooms, access hallways, and dedicated storage or mechanical rooms
	Restaurant serving alcohol	
	Extended hours restaurant	
	Specialty eating establishment	
	Craft brewery	For the manufacturing and warehousing spaces, see <i>Off-Street Parking for Selected Industrial and Related Uses</i> . For the tasting room/brewpub spaces as well as any outside seating or activity areas, park as a restaurant.
Government facilities	Detention center	See <i>Variable Parking Demand Characteristics</i>
	Emergency response facilities (fire, EMS, police)	See <i>Variable Parking Demand Characteristics</i>

REQUIRED MINIMUM NUMBER OF PARKING SPACES		
USE CATEGORY	USE TYPE	PARKING STANDARD
	Government operations center	See <i>Variable Parking Demand Characteristics</i>
	Post office (regional or headquarters)	1 per every 300 square feet
Health care	Hospice	2 per patient bed
	Hospital	2 per patient bed + 1 per every 300 square feet of administrative area
	Mental health treatment facility	2 per patient bed
Offices	Business or professional office	1 per every 250 square feet
	Contractor's office (Type A)	
	Contractor's office (Type B)	
Parking & Transportation	Airport/helicopter facilities	See <i>Variable Parking Demand Characteristics</i>
	Fleet maintenance and storage yard	See <i>table off-street parking standard for selected Industrial and related uses</i>
	Passenger bus terminal	1 per every 200 square feet
Recreation	Indoor recreation uses of \leq 3,000 square feet	See <i>Variable Parking Demand Characteristics</i>
	Indoor recreation uses of \geq 3,000 square feet	See <i>Variable Parking Demand Characteristics</i>
	Commercial outdoor recreation (Type A)	See <i>Variable Parking Demand Characteristics</i>
	Commercial outdoor recreation (Type B)	See <i>Variable Parking Demand Characteristics</i>
	Indoor firing range	1 space + 1 per lane
	Public parks and neighborhood common areas	2.5 spaces per every 1,000 square feet
Religious institution	Religious institution (small)	1 per 3 fixed seats or 1 per 50 square feet for non-fixed seats in the assembly area, plus 1 per classroom
	Religious institution (medium)	1 per 3 fixed seats or 1 per 50 square feet for non-fixed seats in the assembly area, plus 1 per classroom
	Religious institution (large)	1 per 3 fixed seats or 1 per 50 square feet for non-fixed seats in the assembly area, plus 1 per classroom
Retail	Alternative financial services	1 per every 200 square feet
	Bank/credit union	1 per every 200 square feet
	Flea market	See <i>Variable Parking Demand Characteristics</i>
	Funeral home	1 per every 3 fixed seats or 1 per every 50 square feet for non-fixed seats in the assembly area
	Gasoline store, or convenience store selling gasoline	1 per every 150 square feet
	Liquor store	1 per every 250 square feet
	Personal instruction	See <i>Variable Parking Demand Characteristics</i>
	Personal Services (Type A)	1 per every 200 square feet
	Personal Services (Type B)	1 per every 250 square feet
	Retail sales or services (indoor)	1 per every 250 square feet
	Retail sales or services (outdoor); outdoor storage (as a principal use)	See <i>Off-Street Parking for Selected Industrial and Related Uses</i>
Self-storage	Self-storage	1 per 100 units + amount required for accessory uses
Utilities	Minor utilities	See <i>Variable Parking Demand Characteristics</i>
	Major utilities (Type A)	See <i>Variable Parking Demand Characteristics</i>
	Major utilities (Type B)	See <i>Variable Parking Demand Characteristics</i>
	Wireless communication tower and/or antenna (freestanding)	See <i>Variable Parking Demand Characteristics</i>
	Collocation of antenna on existing wireless communications tower	See <i>Variable Parking Demand Characteristics</i>
	Antenna placement on existing structure outside of public right-of-way	See <i>Variable Parking Demand Characteristics</i>
	Small-cell/DAS freestanding telecommunications pole in right-of-way	See <i>Variable Parking Demand Characteristics</i>

REQUIRED MINIMUM NUMBER OF PARKING SPACES		
USE CATEGORY	USE TYPE	PARKING STANDARD
	Small-cell/DAS telecommunications equipment attached to existing pole in right-of-way	See <i>Variable Parking Demand Characteristics</i>
Vehicle sales and rentals	Automobile sales	1 per every 300 square feet of enclosed floor area + 1 per every 5,000 square feet of outdoor display area
	Automobile rentals	
	Boat sales	
	Commercial truck or equipment rental or sales	
	Recreational vehicle rental and sales	
Vehicle services	Aircraft parts, sales, and maintenance	1 per 500 square feet
	Automobile repair	3 spaces per service bay, and 1 for every vehicle stored overnight
	Automobile painting/body shop	1 per every 400 square feet, and 1 for every vehicle stored overnight
	Automotive wrecker service	1 per every 400 square feet, and 1 for every vehicle stored overnight
	Car wash	1 per every two washing bays
	Truck stop	1 truck parking space per every 10,000 square feet of site area plus 1 passenger vehicle parking space per every 250 square feet of building area
Visitor accommodations	Bed and breakfast	2 spaces + 1 per sleeping room
	Campground	See <i>Variable Parking Demand Characteristics</i>
	Hotel or motel	1 space per guest room
INDUSTRIAL		
Extractive industry	All uses	See <i>Off-Street Parking for Selected Industrial and Related Uses</i>
General industrial	Crematory	1 per every 1,000 square feet
	Equipment repair	1 per every 300 square feet
	Fuel oil/bottled gas distributor	See <i>Off-Street Parking for Selected Industrial and Related Uses</i>
	Heavy equipment sales, rental, repair or storage	1 per 300 for sales office and 1 per 5,000 square feet of outdoor storage/display area
	Laundry, dry cleaning, carpet cleaning plants	1 per every 500 square feet
	Solar installations	If the site has no commercial or office building component, the only parking spaces that must be provided are those needed for any service and visitor vehicles
	Taxidermist	1 per every 400 square feet
Manufacturing and production	Machine shop	See <i>Off-Street Parking for Selected Industrial and Related Uses</i>
	Maker space	See <i>Off-Street Parking for Selected Industrial and Related Uses</i>
	Research and development	See <i>Off-Street Parking for Selected Industrial and Related Uses</i>
	Manufacturing, limited	See <i>Off-Street Parking for Selected Industrial and Related Uses</i>
	Manufacturing, general	See <i>Off-Street Parking for Selected Industrial and Related Uses</i>
	Manufacturing, heavy	See <i>Off-Street Parking for Selected Industrial and Related Uses</i>
	Manufacturing, special heavy uses	See <i>Off-Street Parking for Selected Industrial and Related Uses</i>
	Printing and publishing	See <i>Off-Street Parking for Selected Industrial and Related Uses</i>
Wholesaling, warehouse, and freight movement	Parcel services terminal	See <i>Off-Street Parking for Selected Industrial and Related Uses</i>
	Truck or freight terminal	See <i>Off-Street Parking for Selected Industrial and Related Uses</i>
	Flex space	See <i>Variable Parking Demand Characteristics</i>
	Wholesale and Warehouse (limited)	See <i>Off-Street Parking for Selected Industrial and Related Uses</i>
	Wholesale and Warehouse (general)	See <i>Off-Street Parking for Selected Industrial and Related Uses</i>
Waste-related services	Recycling drop-off center	See <i>Off-Street Parking for Selected Industrial and Related Uses</i>
	Municipal/commercial recycling facility	See <i>Off-Street Parking for Selected Industrial and Related Uses</i>
	Landfill	See <i>Variable Parking Demand Characteristics</i>
	Solid waste composting facility	See <i>Variable Parking Demand Characteristics</i>
	Tire/disposal/recycling facility	See <i>Variable Parking Demand Characteristics</i>

REQUIRED MINIMUM NUMBER OF PARKING SPACES		
USE CATEGORY	USE TYPE	PARKING STANDARD
	Junkyard	See <i>Variable Parking Demand Characteristics</i>
	Energy recovery plant	See <i>Variable Parking Demand Characteristics</i>
	Hazardous waste collection site	See <i>Variable Parking Demand Characteristics</i>
	Incinerator	See <i>Variable Parking Demand Characteristics</i>

- 1. Off-Street Parking Standards for Selected Industrial and Related Uses:** Uses subject to the alternative off-street parking standards must provide the minimum number of spaces identified in the following table:

OFF-STREET PARKING STANDARDS FOR SELECTED INDUSTRIAL AND RELATED USES	
USE OR ACTIVITY	REQUIRED NUMBER OF SPACES
Office or administrative area	1 per every 250 square feet
Assembly/Manufacturing	
≤3,000 square feet	1 per every 250 square feet
3,001-5,000 square feet	1 per every 500 square feet
5,001-10,000 square feet	1 per every 750 square feet
>10,001 square feet	1 per every 1,250 square feet
Storage/Warehousing	
<2,000 square feet	1 per 1,000 square feet
2,001- 20,000 square feet	1 per 2,000 square feet
20,001- 100,000 square feet	1 per 4,000 square feet
≥ 100,001 square feet	1 per 5,000 square feet
Outdoor Storage/Warehousing	1 per every 5,000 square feet

- 2. Uses with Variable Parking Demand Characteristics:** Certain uses have widely varying parking and loading demand characteristics, making it difficult to establish a single off-street parking or loading requirement. In these cases, the Planning & Development Director will examine the specific activity and programming of the space. An off-street loading and parking standard will be assigned to the proposed use based upon the gathering of this information and any information required to be provided by the applicant. Such information must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Planning & Development Director, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The information that is provided must document the source of data used to develop the recommendations.

C. Maximum Number of Spaces Permitted

- 1. Provision Limited to 125% of Minimum:** For any use categorized as a public or commercial use, except for business office uses, off-street vehicle parking spaces must not be provided in an amount that is more than 125% of the minimum standards established in the *Minimum Off-Street Parking Standards* section above. Any off-street parking spaces provided in excess of the maximum number of off-street parking spaces required in *Minimum Off-Street Parking Standards*, must comply with the standards of *Provision Over the Maximum Allowed* and may require the use of *Alternative Materials*.

- D. Compact Spaces:** Up to 25% of the minimum number of required parking spaces identified in the *Minimum Off-Street Parking Standards*' section may be provided as compact car spaces, provided the following standards are met:

- 1. Minimum Dimensions:** Each compact car parking space must be at least 8 feet wide and 16 feet long, with a total area of at least 128 square feet.

- 2. **Location:** Compact spaces should be dispersed throughout the lot, on the outer edges of parking lots, or ends of rows, avoiding areas near the main entrances.
- 2. **Designated:** All compact car spaces must be designated by pavement markings, and may also include signage.

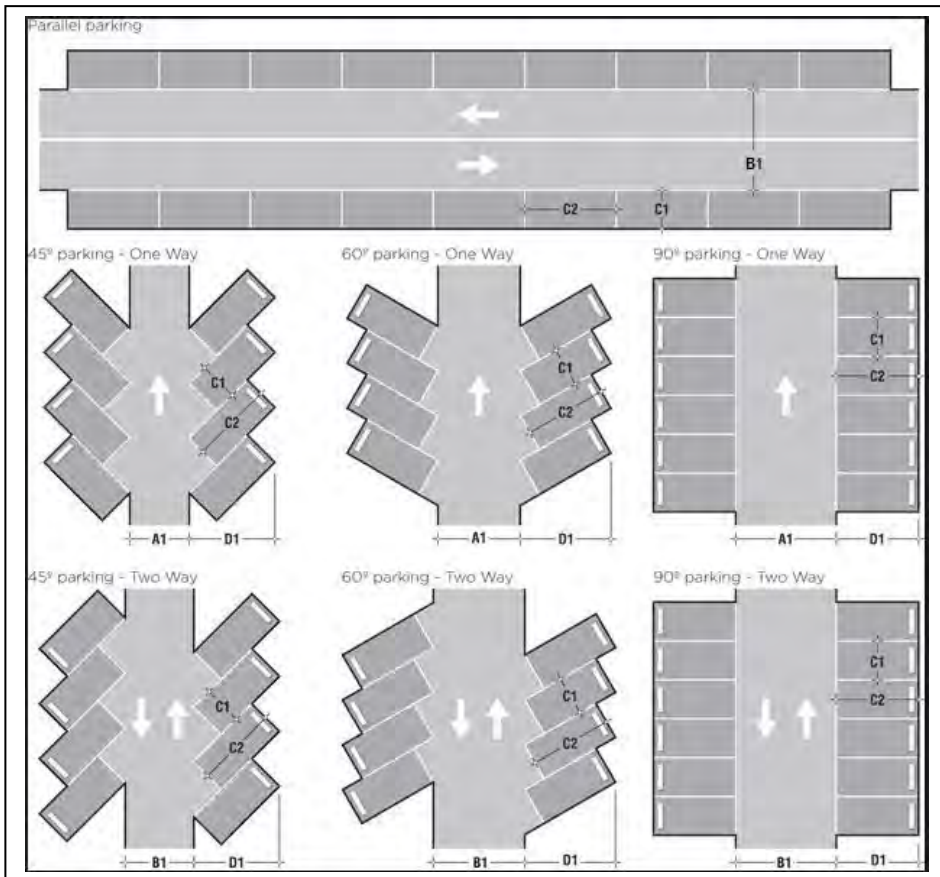
F. Accessible Parking Spaces for Disabled Persons: A portion of the total number of required off-street parking spaces in each off-street parking area must be specifically designated, located, and reserved for use by persons with physical disabilities, based on the requirements of the adopted Building Code and Americans with Disabilities Act guidelines.

8.8.7 DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

A. Required Dimensions: The minimum dimensions for standard car parking spaces and parking lot aisles are as follows:

DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES (Measured in Feet)					
PARKING ANGLE	STALL WIDTH (C1)	STALL LENGTH (C2)	PERPENDICULAR DEPTH (D1)	AISLE WIDTH TWO-WAY TRAFFIC (B1)	AISLE WIDTH FOR ONE-WAY TRAFFIC (A1)
Parallel	8	22	8	22	12
45 degrees	8.5	19	20	22	13
60 degrees	8.5	19	21	22	18
90 degrees	9	19	19	22	22
Compact	8	16	16	22	22

B. Dimensional Adjustment: Parking spaces within parking structures may be subject to dimensional adjustments based on utilization, but in no case may the standard space width be less than eight feet. Reduction in design standards is subject to approval by the Planning Commission.

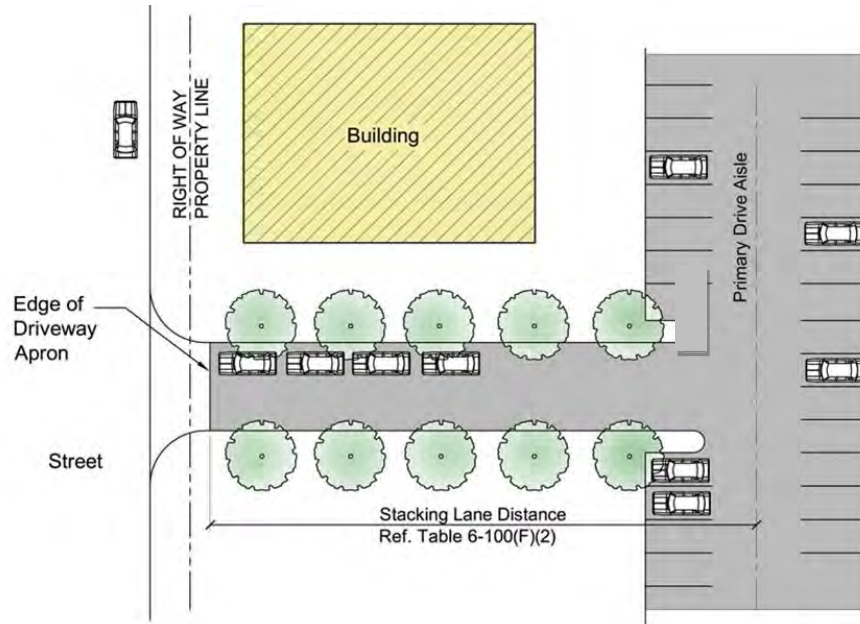


- C. **Medians in Driveway Entrances:** Medians may be provided within driveway entrances provided the minimum aisle width is maintained for each travel and turning lane.
- D. **Primary Drive Aisles:** Primary drive aisles within off-street parking lots of 350 or more spaces must be designed to appear as an extension of the public street network extending from the public right-of-way along the full length of the primary façades of structures being served by the drive, and must meet the following standards:
 1. Primary drive aisles must have a maximum cross section of 38 feet, which is intended to serve two travel lanes and accommodate parallel parking spaces along both sides of the drive aisle in areas not needed for turning movements. In cases where no parallel spaces are proposed, drive aisles must have a maximum of 26 feet.
 2. Street trees must be provided along both sides of the primary drive aisle in accordance with the *Street Trees* section of this ordinance, although understory trees may be used adjacent to the building façade within 40 feet of building entrances.

8.8.8 STACKING SPACES

- A. **Stacking for Parking Lots:** Stacking lanes between the edge of the street right-of-way and the centerline of the first drive aisle are required for non-residential uses in accordance with the following standards.
 1. When a parking lot is served by more than one driveway, each driveway must be sized based on the proportionate share of the parking field which it logically serves.
 2. Entrances into parking structures may be credited towards the stacking lane space requirement provided the parking structure entrance occurs from the driveway and not the primary drive aisle.
 3. Stacking lane distance is measured from the edge of the driveway apron adjacent to the street right-of-way to the midpoint of the intersection of the stacking lane and the primary drive aisle.
 4. In cases where the driveway has a median separating ingress and egress, access ways providing egress from the parking areas to the driveway are not required to maintain the stacking lane distance. Signalized driveways may be required to provide additional stacking area depending upon projected volumes and signal timing.

STACKING LANES FOR PARKING LOTS	
NUMBER OF OFF-STREET PARKING SPACES	MINIMUM STACKING LANE DISTANCE
1-49	25 linear feet
50-249	50 linear feet
250-449	100 linear feet
500 or more	100 linear feet, plus 15 linear feet for every additional 50 spaces beyond 500 spaces



B. Stacking for Drive-Through Uses: In addition to meeting the off-street parking standards in *Minimum Off-Street Parking Standards*, uses with drive-through facilities or similar design elements must comply with the following:

REQUIRED STACKING/STANDING SPACES [1]		
TYPE OF USE	MINIMUM STACKING SPACES	MEASURED FROM
Automated Teller Machine (stand-alone)	3	Teller machine
Automobile Repair; Automobile Painting/Body Shop	3 per bay	Bay entrance
Bank/Credit Union, teller lane [2]	4 per lane	Teller window
Gasoline Station/Convenience Store with Gasoline Sales	30 feet from each end of outermost island	
Car Wash, automatic	5	Bay entrance
Car Wash, self-service	2 per bay	Bay entrance
Car Wash, full service	10	Bay entrance
All Elder Care use types	3	Building entrance
Restaurant, with drive-through	12 (4 spaces may block parking spaces)	Pick-up window
Restaurant, with drive-through with two lanes	6	Pick-up window
Specialty Eating Establishment	8	Pick-up window
Retail Sales or Services (Indoor) such as pharmacy; Personal Services (Type A) such as dry cleaning	3 per lane	Agent Window
Public schools	Public schools must meet the State's requirements for on-site stacking/loading, except when the requirements of this subsection are greater.	
Notes:		
[1] All required stacking spaces must be designed as to not block required parking spaces or traffic flow on the site, except as noted.		
[2] The fourth stacking space for a teller lane may block required parking, which can be designated as employee parking; however, no more than 25% of the required parking may be blocked by such stacking spaces.		
[3] Restaurants with drive-through ordering must provide for a minimum four-vehicle queue between the order box and the pick-up window, four vehicles past the order box, and an additional four vehicle queue on-site which may block parking spaces but not site through-traffic, entrances, or exits.		

8.8.9 LOADING SPACE STANDARDS

A. Minimum Number of Loading Spaces: The minimum number of loading spaces or berths must be provided on-site for all developments as follows.

REQUIRED OFF-STREET LOADING BERTHS		
LAND USE	GROSS FLOOR AREA	MINIMUM NUMBER OF BERTHS
Multiple family uses with more than 50 units	N/A	1 per each 50 units, plus 1 per each 200 units or major fraction thereof
Offices and personal services establishments	<10,000 square feet	Not required
	≥10,000 square feet	1
Space used by, designed for, or adaptable to retail use	3,000 – 14,999 square feet	1
	15,000 – 49,999 square feet	2
	50,000 – 99,999 square feet	3
	≥100,000 square feet	4, plus 1 for each 100,000 above 100,000 gross square feet
Wholesale and manufacturing uses	<15,000 square feet	1
	15,000 – 49,999 square feet	2
	≥50,000 square feet	3, plus 1 for each 50,000 above 50,000 gross square feet
All other commercial and industrial uses	<40,000 square feet	1
	40,000 – 100,000 square feet	2
	100,000 – 160,000 square feet	3
	160,000 – 240,000 square feet	4
	240,000 – 320,000 square feet	5
All other commercial and industrial uses	320,000 – 400,000 square feet	6
	>400,000 square feet	1 per each 90,000 above 400,000 gross square feet

B. Minimum Dimensions

- Each loading berth or space required by this section must be at least 10 feet wide by 50 feet long (or deep), with at least 15 feet of overhead clearance. Each off-street loading space must have adequate, unobstructed means for the ingress and egress of vehicles.
- Multi-family uses of fewer than 150 units, and office and retail uses with between 3,000 and 10,000 square feet of floor area that are required to provide an off-street loading space, may provide a space that is 10 feet wide by 30 feet long (deep), with at least 15 feet of overhead clearance.

C. Location: Where possible, loading areas must be located to the rear of the use they serve. In addition, the loading area must be located adjacent to the buildings' loading doors, in an area that promotes their practical use. A loading space may block a dumpster location, but may not block a required parking space.

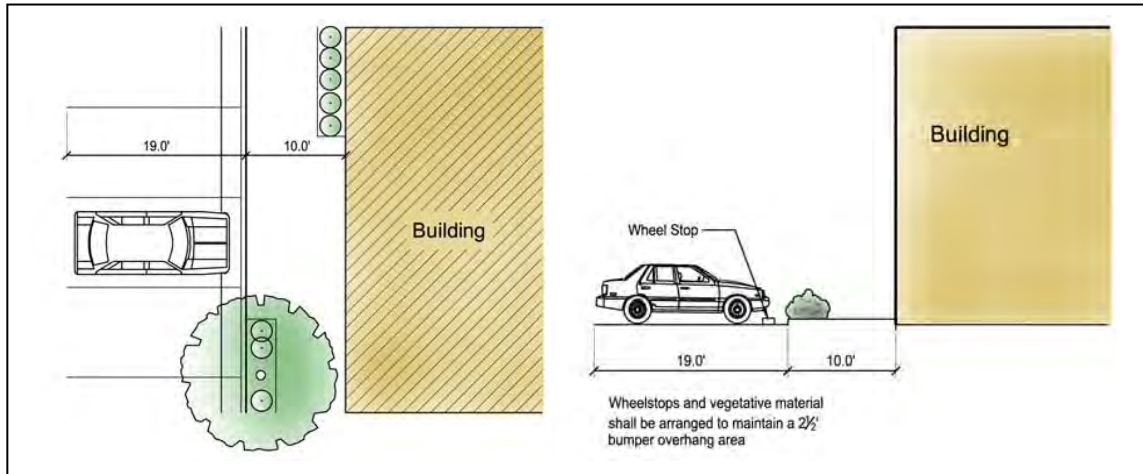
D. Delineation of Loading Spaces: All loading spaces must be delineated by signage and striping and labeling of the pavement.

E. Access to a Street: Every loading area must be provided with safe and convenient access to a street, but in no case may the loading space extend into the required aisle of the parking lot. No loading space may be designed so as to require backing from or into a public street.

F. Paving: The ground surface of loading areas must be paved with a durable, dust-free and hard material, such as surface and seal treatment, bituminous hot mix or Portland cement, concrete, or some comparable material. Such paving must be maintained for safe and convenient use at all times.

8.8.10 DISTANCE BETWEEN BUILDINGS AND PARKING

All parking areas and associated driveways must be separated from buildings in order to allow room for sidewalks or landscaping, and other plantings between the building and the parking area. This separation may be eliminated in the rear of buildings in areas designed for unloading and loading of materials. If parking areas are directly adjacent to sidewalks, wheel stops must be used to prevent vehicle overhang, or the minimum separation must be 12.5 feet to allow for a wider sidewalk.



8.8.11 PEDESTRIAN PATHWAYS

Except for development in Old Town, fully separated pedestrian pathways must be provided within or adjacent to surface parking lots, as follows:

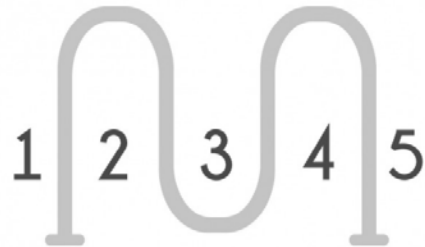
- A. Connect Important Pedestrian Destinations:** Pedestrian pathways must connect building entrances, site amenities, and connections to the public sidewalk system to each other, including through landscaped areas in parking lots when necessary to provide a reasonably direct path.
- B. Provide a Network Appropriate to the Use:** For all non-residential uses with more than 350 parking spaces, a pedestrian network must be provided to connect parking areas to building areas. A pedestrian path leading to the building entrance(s) must be provided within 200 feet of all parking spaces.
- C. Paving Required:** Be paved with asphalt, cement, or other comparable material.
- D. Contrasting Color When Crossing Drive Aisles:** Be of contrasting color or materials, such as but not limited to brick pavers, stamped concrete or asphalt, when crossing drive aisles. Painted or striped crosswalks do not satisfy this requirement. Speed tables or textured surfaces creating a “rumble” effect may be required at high-volume crossings.
- E. Minimum Width:** Be at least six feet in width that is clear of any planned vehicle overhang area when located within planting strips. See the *Landscaping* section above for more information about divider islands that include pedestrian pathways.
- F. Cross Connections:** Be connected at regular intervals to the parking areas they serve with cross connections allowing access without walking through parked cars.
- G. Positive Drainage Required:** Be positively drained.
- H. Provide Safe and Efficient Access:** Provide safe and efficient pedestrian access to the use they serve.

- I. **Connection to Public Sidewalks:** Where possible, pedestrian pathways should connect to public sidewalk systems.

8.8.12 BICYCLE PARKING

All development with surface parking areas with 50 or more spaces must provide bicycle parking facilities according to the following standards:

- A. **Location:** Bicycle parking spaces must be conveniently located, and in no case may they be located more than 100 linear feet from the primary building entrance(s). In multi-building or multi-tenant complexes, bicycle parking must be distributed in proportion to the parking demand for each building or group of tenants.
- B. **Rate of Provision:** For the first 100 parking spaces, bicycle parking must be provided at a rate of one bicycle space per every 20 parking spaces. For parking spaces in excess of 100, bicycle parking must be provided at a rate of one bicycle space per every 40 parking spaces.
- C. **Securing Device:** A rack or other device to enable bicycles to be secured is required. Examples include the following.



8.8.13 ALTERNATIVE PARKING PLAN

The Planning & Development Director is authorized to approve an alternative parking plan that proposes one or more of the below alternatives to providing the number of required off-street parking spaces required by *Minimum Off-Street Parking Standards*, in accordance with the standards listed below.

- A. **Provision Over the Maximum Allowed:** Requests to provide more than the maximum number of off-street parking spaces required by *Maximum Number of Spaces Permitted* must be requested in writing, along with documentation describing why the use must exceed maximum number of spaces. Such documentation must be either a letter from the user that demonstrates the demand based on previous locations, a parking study, or other valid documents that describe the unique characteristics of this use.
- B. **Shared Parking:** Requests for shared parking by more than one development site must comply with all of the following standards:
 1. **Located Within 500 Linear Feet:** Shared parking spaces must be located within 500 linear feet of the primary entrance of all uses served. Shared parking spaces must not be separated from the use they serve by an arterial or collector road. In addition, adequate and safe pedestrian access must be provided from and to the shared parking areas.
 2. **Same or More Intensive Use:** A shared parking area must be located on a site with the same or a more intensive zoning district classification than required for the primary uses served.
 - Those wishing to use shared parking as a means of satisfying the off-street parking standards must submit a shared parking request that justifies the feasibility of shared parking. Justification must include information on the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

- The maximum reduction in the number of parking spaces required for all uses sharing the parking area is 50%.
- Directional signage that complies with the standards of this ordinance must be added to direct the public to the shared parking spaces. It is preferable for the employees of an establishment to utilize these spaces.
- A shared parking plan must be enforced through written agreement among all owners of record. Failure to maintain the agreement voids the Certificate of Occupancy.

However, for residential rental properties in Old Town on adjacent parcels under common ownership, a shared parking plan will be enforced through the approved site plan for the project. As part of this approval, the owner of the properties may eliminate one or more driveways that previously served the single-family residences. However, the associated curb cuts onto the adjacent street must remain so that if the parcels are ever sold independently from one another in the future, the new owners may re-establish the driveways.

3. **Less Intensive Use:** A shared parking area may be located on a site with a less intensive zoning district classification than required for the primary uses served, provided that both of the following are met.
 - The proposal receives a special exception permit. The special exception analysis must include consideration of any appropriate buffering from adjacent uses.
 - Vehicular access to the shared parking area is limited to the use(s) it serves.

C. Off-Site Parking for Non-Residential Uses: All off-street parking areas for any non-residential use must be provided on the same parcel of land as the use it serves; however, if there are practical difficulties in the location of the parking area, whether it be public safety or public convenience, the use may be located on another parcel of land. Off-site parking for non-residential uses must comply with the following standards. This provision is not intended to apply when the off-street parking is publicly available spaces within the Downtown Parking Management Plan District.

1. **Same Ownership:** The parking area is located on land under the same ownership or the use it serves.
2. **Pedestrian Way Required:** A pedestrian way, not more than 600 feet in length, is established from the parking area to the use to be served. If crossing an arterial or collector road, a crosswalk must be provided of an appropriate design to the road section, and at an appropriate location to the use meeting accepted standards.
3. **No Undue Hazard:** The parking area is convenient to use without causing unreasonable hazard to pedestrians or vehicular traffic, traffic congestion, interference with commercial activity or convenient access to other parking areas in the vicinity, or detriment to the appropriate use of business lands in the vicinity or any abutting residential neighborhood.

D. Deferred Parking: An applicant may submit a request to defer the construction of up to 35% of the required parking spaces specified in the *Minimum Off-Street Parking Standards* section if the request complies with the following standards:

1. **Fewer Spaces Needed:** It is demonstrated that because of the location, nature, or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum required by the *Minimum Off-Street Parking Standards* section.
2. **Reserve Parking Plan:** The request is accompanied by a reserve parking plan identifying the amount of off-street parking being deferred and the location of the area to be reserved for future parking, if future parking is needed. The reserve parking plan must show the layout and conceptual grading and drainage for the deferred parking area.

- 3 **Future Development of Deferred Parking:** If at any time after the initial Certificate of Occupancy is issued, the Planning & Development Director determines that the existing parking is not satisfying the needs of the site, the current owner may be required to develop all or part of the deferred parking area pursuant to the originally approved layout. In addition, the owner may initiate development of the deferred parking at any time, upon securing the appropriate permits.
- 4 **Limitations on Reserve Areas:** Areas reserved for future parking must be brought to the approximate finished grade in order to minimize disturbance necessary to complete the construction. Limited non-required tree preservation or maintenance of natural grade may be permitted where there is only a minor impact on future constructability. Reserve parking areas must not be used for buildings, storage, loading, or other business purposes.
- 5 **Landscaping Required:** Whether or not the area is ultimately developed for off-street parking purposes, areas reserved for future parking must be landscaped with an appropriate ground cover, and must comply with all relevant landscaping standards of this ordinance.

E. Parking Structures: See the *Non-residential Design Standards* section of this ordinance.

F. Valet and Tandem Parking: An off-street parking program utilizing limited tandem parking for commercial, and industrial and related uses must comply with the following standards:

1. The development served must provide 75 or more parking spaces;
2. No more than 30% of the total number of spaces may be designated as tandem; and
3. A valet parking attendant must be on duty during hours of operation.

G. On-Street Parking: The use of on-street parking to meet a portion of the minimum off-street parking requirements may be considered for projects that construct new roads within the project area. When on-street parking is allowed in that situation, it must comply with the following:

1. Adequate on-street or structured parking exists within 500 linear feet from the primary entrance of the proposed use;
2. The proposed development includes mixed-uses, or is located in an area where residential and non-residential uses are within 500 feet from one another;
3. No more than 25% of the off-street parking space requirement is met through the use of on-street parking; and
4. There is no negative impact to existing or planned traffic circulation patterns.

H. Alternative Materials: The use of pervious or semi-pervious parking area surfacing materials, including but not limited to grass, mulch, "grass-crete," or recycled materials such as glass, rubber, used asphalt, brick, block, and concrete may be approved for up to 25% of the required vehicular surface area on a site provided that such areas are properly maintained. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices.

8.9 LIGHTING STANDARDS

8.9.1 PURPOSE

All site lighting must be designed and installed to maintain adequate lighting levels on site and provide security for persons and land, with durable fixtures, that avoid unnecessary light and glare to surrounding lands, especially residentially-zoned property.

8.9.2 APPLICABILITY

These exterior lighting provisions apply to the installation of new exterior lighting fixtures or the replacement of existing lighting fixtures at all use types. Replacement of a lighting fixture is defined as a change of fixture type, or change to the mounting height or location of the fixture, or replacement of lamps or light bulbs with a higher lumen level than the existing fixture.

Routine fixture maintenance, such as changing lamps or light bulbs of the same or lesser lumen levels, ballast, starter, photo control, housing, lenses, and other similar components, does not constitute replacement and is allowed provided that such changes do not result in higher light output.

8.9.3 EXEMPTIONS

The standards of this section do not apply to City-owned, operated, or maintained street lights located within a street right-of-way or other easement granted to the City, private lights that meet similar standards, or to exit signs or other illumination required by the adopted Building Code.

8.9.4 WHEN TO SUBMIT PLANS

A lighting plan must be submitted with an application for a civil plan or site plan, as appropriate. Additionally, site lighting information may be required at the time of a master plan for projects where the impacts of lighting are important to the overall evaluation of the proposal, such as uses with sports fields or significant non-residential areas adjacent to existing residential areas.

For existing buildings that were constructed prior to the adoption of these lighting standards, a lighting plan may be required prior to any changes or replacement of existing lighting.

8.9.5 REQUIRED PLAN COMPONENTS

The lighting plan must:

- A. Show the location of all site lighting, including lights mounted on buildings that are intended to illuminate spaces adjacent to the building.
- B. Include specifications and details of all fixtures.
- C. Include a photometric plan, except for small or infill sites where compliance with this ordinance and compatibility can be determined through other data.

8.9.6 DESIGN

- A. In all districts, lighting of non-residential development must be directed downward. Only lighting used to accent architectural features, landscaping, or art may be directed upward, provided the lighting meets the shielding standards of this section.
- B. Lighting of entire building facades is generally discouraged. Instead, architectural lighting should highlight entrances and prominent architectural features, emphasize rhythm and order on a façade, and/or strategically integrate the lighting into the design of the building to further articulate the façade through use of light and shadow.
- C. The style, material, and color of lighting standards and fixtures must be harmonious and in keeping with the predominant architectural style and character of the building.
- D. Lighting standards and fixtures must be in proper scale with the building, and must meet all standards of this section.

8.9.7 MAXIMUM LIGHT LEVELS

All outdoor lighting and indoor lighting visible from outside the building must be designed and located so that the maximum illumination measured in foot-candles at property lines do not exceed the following standards:

- A. **When Subject Property is Used Residentially:** When the use of the subject property is residential, the maximum illumination at the property line is 0.5 foot candles, regardless of the light type.

- B. When Subject Property is Used Non-Residentially:** When the use of the subject property is non-residential, the maximum illumination at the property line is 2.5 foot candles, regardless of the light type.

8.9.8 UNIFORMITY RATIOS

In order to maintain uniformity in light levels across a development, and to prevent or minimize dark areas, the ratio of maximum to minimum lighting levels on a given site or parcel of land, as measured in foot-candles at ground level, must not exceed 15 to 1 in the residential zoning districts or 10 to 1 in all other districts. Parking lots must maintain the same uniformity ratios as the principal use they serve. In the cases of mixed uses, the uniformity ratio is 10 to 1.

8.9.9 HUE

Lighting sources must be consistent, non-distracting, non-flashing, and non-changing color-neutral types such as LED, halogen or metal halide. Light types of limited spectral emission such as low-pressure sodium or mercury vapor lights are prohibited.

8.9.10 SHIELDING

- A. Exterior:** Light fixtures in excess of 1,000 lumens must use full cut-off lenses or hoods to prevent glare or spillover from the project site onto adjacent lands and streets.
- B. Canopies:** No light source or lens in a canopy structure may extend downward farther than the lowest edge of the canopy ceiling, unless the fixture is of a full cut-off design.
- C. Awnings:** Internally illuminated awnings or canopies used for building accents over doors, windows, etc., are prohibited (i.e., from underneath or behind the awning), except for awning or canopy signs. Internal lighting of awning or canopy signs must be limited to the immediate message area of the sign.
- D. Architectural Accent Lighting:** Lighting used to accent architectural features, style of buildings, materials, colors, landscaping, flag poles, or art must be located, aimed and shielded so that light is directed only on those features, with the light source not visible. LED or neon strip lighting that is intended to outline a building, canopy, or parapet does not meet this standard and is prohibited. Furthermore, upward-directed architectural lighting must not be visible above the building roof line, and illumination values must not exceed 10 foot candles as measured at grade.

Exception: The Planning Commission may approve alternative lighting design elements that are otherwise prohibited in this section, such as illuminated awnings and LED/neon strip lighting, provided that they are part of an overall architectural design that would enhance the appearance of the building, and not intended only as an attention-seeking feature. Nothing in this subsection is intended to limit or prohibit lighting allowed for signage, as allowed in the *Signage* section of this ordinance.

8.9.11 LOCATION

- A. Distance from Property Line:** All exterior lighting fixtures must be located at least five feet away from all external property lines. Furthermore, they must not be located within a required buffer area unless they are located at the buffer's interior edge.

However, if all attempts to meet this setback have been unsuccessful, light fixtures may be located closer than 5 feet to a property line for infill development within Old Town, as long as the fixtures maintain the maximum light levels as outlined in this section.

- B. Conflicts with Landscaping:** Lighting layout must be arranged in a manner where landscaping features will not shade or limit the exterior lighting. For instance, where parking lot islands are required to have trees, lighting plans must take into consideration the location and type of landscaping in the area to limit any potential conflicts.

Example of how an island can accommodate both a tree and a light pole



8.9.12 MAXIMUM LIGHTING HEIGHT

SIZE OF SITE	MAXIMUM HEIGHT* (includes mounting structure, pole, base or wall)
<ul style="list-style-type: none"> Commercial and institutional sites with ≤100 parking spaces Industrial sites with parking areas of more than ≤30,000 square feet 	22 feet
<ul style="list-style-type: none"> Commercial and institutional sites with 100 to 250 parking spaces Industrial sites with parking areas of 30,000 to 75,000 square feet 	32 feet
<ul style="list-style-type: none"> Commercial and institutional sites with >250 parking spaces Industrial sites with parking areas of more than 75,000 square feet 	42 feet
<p>*Notes:</p> <ul style="list-style-type: none"> An exception exists for outdoor sports fields or performance areas. Parking lot lighting for areas within 50 feet of a residential property line must be accomplished with maximum 22-foot height poles along the edge of the parking area, with light directed back into the site. 	

8.9.13 HOURS OF OPERATION

Non-residential uses located within 100 feet of an existing residential structure must turn off all exterior lighting between 10 p.m. and 6 a.m., or during non-operating hours, except lighting that is necessary for security or emergency purposes. Such lighting may be activated by motion sensor devices. For the purposes of this section, lighting “necessary for security or emergency purposes” will be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry into or exit from a structure, to illuminate exterior walkways, or to illuminate outdoor storage areas.

8.9.14 SIGN LIGHTING

Lighting fixtures illuminating signs must comply with the standards of this section, and such fixtures must be aimed, located, maintained, and shielded so that direct illumination is focused exclusively on the sign face to prevent glare that would affect passing drivers and pedestrians. For additional information, see the *Signage* section of this ordinance.

8.9.15 SOLAR-POWERED LIGHTING

Solar panels up to a maximum of 20 square feet may be used as a power source for lighting fixtures when mounted on the same pole as the fixture. Solar panels larger than 20 square feet must meet the requirements of the *Design Standards*’ section for roof-mounted solar installations, and the *Accessory Uses and Structures*’ section for ground-mounted solar installations.

8.9.16 ILLUMINATION OF OUTDOOR SPORTS FIELDS AND PERFORMANCE AREAS

Lighting of outdoor sports fields and performance areas must comply with the following standards:

- A. **Glare Control Package:** All lighting fixtures must be equipped with a glare control package (e.g., louvers, shields, or similar devices), and the fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.
- B. **Hours of Operation:** The hours of operation for the lighting system for any game or event must not continue more than 30 minutes after the end of the game or event.

8.9.17 EXEMPTIONS FOR A SECURITY PLAN

Government facilities, parks and open areas, public safety, and other uses where there is a threat of theft or vandalism may submit to the Planning & Development Director a site security plan requesting exterior lighting that deviates from the standards in this section. The Planning & Development Director must approve the site security plan, or approve it with conditions, upon a finding that:

- A. The requested deviations from the standards of this section are necessary for the adequate protection of the public;
- B. The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding land; and
- C. The requested deviations from the standards of this section are the minimum required, and will not have a significant adverse effect on neighboring lands.

8.9.18 MAINTENANCE

All exterior lighting must be maintained in perpetuity according to the approved site lighting plan.

8.10 SIGNAGE STANDARDS

This section establishes the standards for the design, location, and characteristics of signs that are permitted as principal or accessory uses.

8.10.1 PURPOSE

The purposes of these sign regulations are to:

- A. **Encourage Effective Communication:** Encourage the effective use of signs as a means of communication in the City;
- B. **Maintain a Pleasing Appearance:** Maintain and enhance the pleasing look of the City, which attracts major events of local, regional, and statewide interest;
- C. **Attract Business:** Preserve Rock Hill as a community that is attractive to business;
- D. **Improve Safety:** Improve pedestrian and traffic safety;
- E. **Minimize Adverse Effects:** Minimize the possible adverse effects of signs on nearby public and private property; and
- E. **Ensure Compatibility:** Ensure that signs in the community are compatible with the high-quality image that the City seeks and in which the City continuously invests.

8.10.2 GENERAL

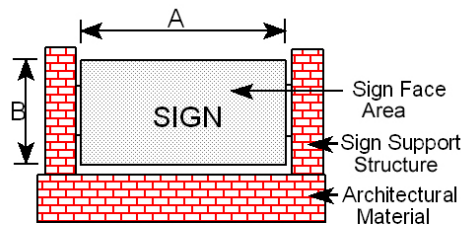
- A. **Compliance Required:** All signs must comply with the relevant standards of this section. No sign shall be erected, repaired, altered, relocated, maintained, or displayed without first being issued a sign permit, unless exempted from permitting as specified below.
- B. **Conflict with Other Regulations:** Where other regulations affect the size, placement, amount, and type of signage, the more restrictive regulation will apply.
- C. **Sign Owner Responsibility:** All signs erected, used, or maintained must be the responsibility of the sign owner, who must hold the City harmless from all such damage arising and resulting from the construction, use, and maintenance of such signs.
- D. **Damage to Street Signs:** When existing street signs are damaged during construction or on-site activities, the owner/developer is required to replace or repair the street signs.
- E. **Nonconforming Signs:** Nonconforming signs are regulated under *Chapter 10: Nonconformities*.

8.10.3 STANDARDS FOR ALL SIGNS

All signs must comply with the following standards:

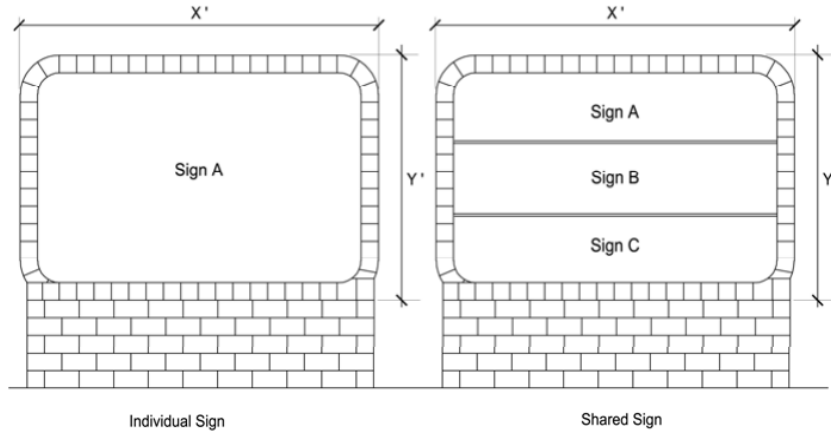
A. Sign Measurement—Area

1. **General:** The sign face area is the advertising display surface of the sign. In the case of freestanding signs, the sign face area consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign is not counted as part of the sign face area unless such structure or bracing is made a part of the sign's message.
2. **Two-sided Signs:** Where a sign has two display faces back-to-back, the area of only one face will be considered the sign face area. Where a sign has more than one display face, all areas that can be viewed simultaneously will be considered the sign face area, as depicted in the following figure.

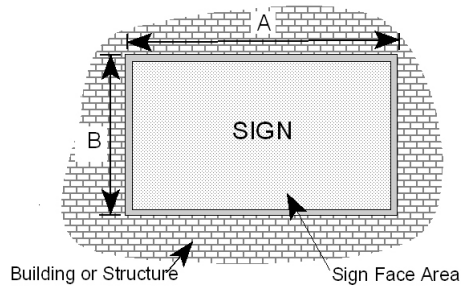


$$\text{Sign Area} = (A) \times (B)$$

3. **Collocation:** Individual uses on adjoining lands may place their individual freestanding signage on a single sign support structure provided the combined sign face area does not exceed the amount of sign face area permitted for a sign with one user. Sign support structures must comply with the height limits in section 8.10.5.3, *Freestanding Signs*, regardless of the number of collocated signage.

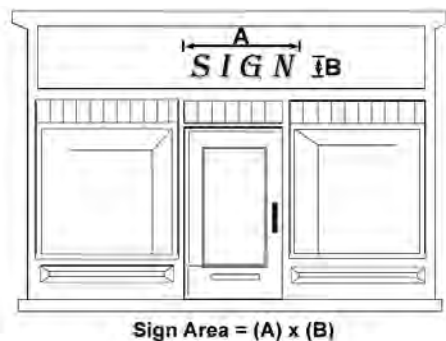


4. **Signs With a Background:** In the case of a sign whose message is fabricated together with the background which borders or frames that message, the sign face area will be the total area of the entire background as depicted in the following figure.

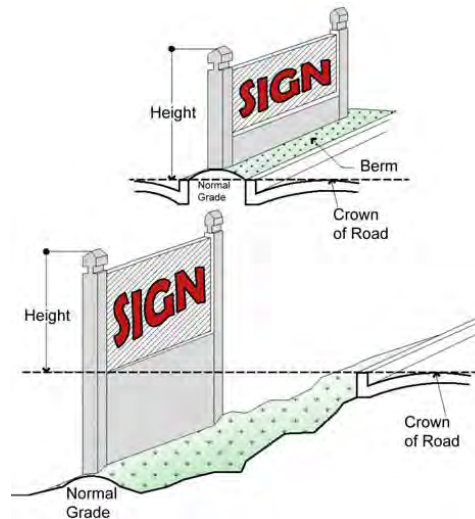


$$\text{Sign Area} = (A) \times (B)$$

5. **Signs with No Border or Frame:** In the case of a sign whose message is applied to a background which provides no border or frame, such as a building wall, retaining wall, or decorative wall, sign face area will be the area of the smallest rectangle that can encompass all words, letters, figures, emblems, and other elements of the sign message as depicted in the following figure.



- B. Sign Measurement—Height:** Sign height is measured from the base of the sign at normal grade to the highest point of the sign support structure, or sign face, whichever is higher. For the purposes of this subsection, “normal grade” means the newly established grade after construction, not including any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade is below the grade of the street to which the sign is oriented, sign height will be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the crown of the adjacent street as depicted in the following figure.



C. Placement of Signs:

1. All signs must conform to both the sight distance and the sight triangle standards (see the *Sight Obstruction* section of *Chapter 6: Community Design Standards*). No sign will be allowed to be erected so it obstructs vision or sight distances at driveway entrances and exits.
2. Signs must not be placed where they pose a hazard to pedestrians or vehicular traffic.
3. Freestanding temporary signs must be set back at least five feet from the right-of-way and property lines.
4. Freestanding permanent signs must be located outside of utility easements, unless the utility provider grants an encroachment permit. In many cases, this will require a 10-foot setback. If a larger utility easement does not exist in the proposed sign location, freestanding permanent signs must be located at least 5 feet back from the right-of-way lines and property lines, except those along the interstate must be placed at least 10 feet back from the interstate right-of-way line.

D. Sign Lighting: Sign illumination must be in accordance with the following:

1. **Signs in Residential Districts:** Freestanding signs may be lit through spotlights or the general illumination of the site through permitted parking lot, building, and site lighting. Spotlights must be aimed and shielded so as to prevent the light source from being visible off of the site (including to passing vehicles), and focus the light on the sign itself minimizing glare or light overspill. All other signs in residential districts must only be lit by the general lighting of the site.
2. **Signs in Business Districts:** Signs in business districts may be lit using spotlights, internal lights, back lights, electronic lighting, or general lighting, meeting the standards of this section.
3. **Glare and Distracting Lights Prohibited:** Sign lighting and fixtures must be effectively aimed, located, shielded, and maintained to prevent beams or rays of light from being directed off-site and

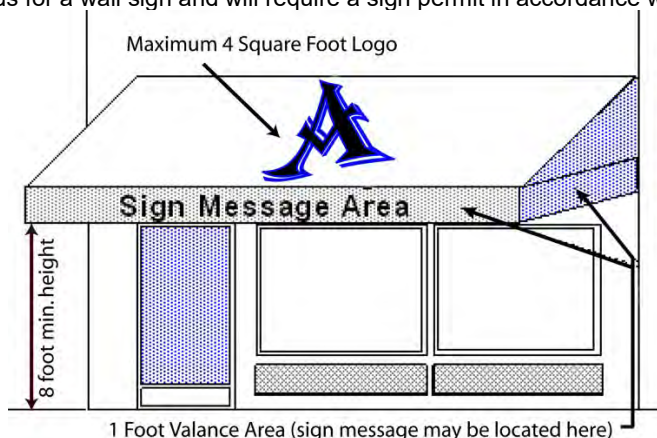
especially at the main-traveled way of the street and that are of such intensity or brilliance as to cause glare or to impair the vision of any driver of any motor vehicle, or which may otherwise interfere with any driver's operation of a motor vehicle or pose a hazard to traffic safety.

8.10.4 SIGNS EXEMPT FROM PERMITTING REQUIREMENTS

The following types of signs are not required to obtain a sign permit prior to installation unless they are illuminated, in which case an electrical permit is required. However, they must meet the general standards for signs described above.

- A. **Traffic Signs, Public Directional Signs, Public Banners, Historical Markers, Signs Required by Government:** Official traffic signs, publicly-erected directional signs, publicly-erected banners on light poles, electronic traffic message boards, historical markers, provisional warning signs or other sign structures when erected or specifically required or approved by the City or South Carolina Department of Transportation (SCDOT) within the highway right-of-way, and temporary signs indicating danger.
- B. **On-Site Directional Signage:** Signs indicating the location of a driveway, drive-through lane, or building entrances or exits, if they do not exceed 4 square feet. On-site directional signs may include business names and logos.
- C. **Signs on Awnings and on Window or Door Canopies:** Business signs on awnings and on canopies located above windows or doors provided they meet the following standards:

- 1. **Message Area:** Up to 80% of a maximum one-foot-tall valance area of an awning or canopy over a view glass door or window may be used as a message area and does not count towards the allowed sign allotment. The remaining area of the awning or canopy sign must not be used as a sign message area, however, up to a four square foot logo may be placed on each primary awning surface. An awning or canopy sign having a message area in excess of the amount outlined above will be considered part of the wall sign allotment, and the sign is required to comply with the standards for a wall sign and will require a sign permit in accordance with this section.



- 2. **Lighting:** The type of lighting allowed for awning or canopy signs must comply with the signage section of the ordinance. However, internal lighting of awning or canopy signs will be limited to the immediate message area of the sign. Fully illuminated internally lit awnings are prohibited.
- D. **Site-oriented Menu Boards and Directory Signs:** Menu boards or directory signs designed to be read by on-site pedestrians or motorists in parking lots or drive-through lanes, of a maximum size of 48 square feet and 8 feet in height.
 - E. **Window Signs:** Window signs in commercial zoning districts or commercial areas of mixed-use or planned zoning districts that are painted on or affixed to the inside or outside of the glass so as to be fully visible from off of the property. The total area of exempt window signs must not exceed the area allowed for permitted wall signs for the same façade or 50% of the window area, whichever is less. This exemption is not intended to allow prohibited sign types, such as flashing signs or lights, to be placed inside a window in order to draw attention to the business.

The name of a business and other identifying information placed on a window counts toward the business's wall sign allocation.

Window signs are not allowed to be placed on spandrel glass.

- F. **Special Notice Placards:** Special notice placards attached to a building or to a freestanding sign indicating credit cards which are accepted on the premises; group affiliations of which the business is a member; or clubs or groups which utilize, recommend, inspect, or approve the business for use by its members, if they do not exceed two square feet.
- G. **“Now Hiring” Signs:** One sign not exceeding 4 square feet on the property where an employer has a job vacancy.
- H. **Public Health Signs:** Signs not exceeding 4 square feet (or 6 square feet in multi-building developments) including restrooms or similar amenities, potable water supply, sewage station for recreational vehicles, or other notices related to public health or safety (the sign must be adjacent to the facility).
- I. **Signs on Vehicles Used in Normal Course of Business:** Signs painted on or affixed to the body of a truck, bus, or other vehicle while in use in the normal course of business. Use in a normal course of business means driving the vehicle on any street, parking the vehicle at the place of business or overnight at the residence of the owner or an employee of the business except as prohibited by Chapter 18 of the Code of Ordinances of the City of Rock Hill, *Motor Vehicles and Traffic*, and not utilized as a sign as prohibited in the section called *Signs on Vehicles not Used in the Normal Course of Business*.
- J. **Sidewalk Signs:** During its business hours, each business with a separate external entrance may utilize one movable freestanding sign of up to 6 square feet per side and up to 4 feet in height, provided that the following standards are met:
 - 1. The sign must be located along a sidewalk, no more than 30 feet from the primary entrance to the business. The sign must be oriented towards pedestrians, not to vehicular traffic. The sign must be placed in a location that does not obstruct exits or pose a hazard to pedestrian or vehicle traffic.
 - 2. The sign must be professionally designed, constructed and lettered. Up to 75% of the sign may feature a chalk board, tack board, or other changeable copy area.
 - 3. The sign may be placed on public sidewalks based on a City-approved management plan. If this is the case, the sign must meet any additional City licensing requirement.
- K. **Temporary Banners for Certain Institutional Uses:** In recognition of the diverse community services provided by many institutional uses, the following temporary signs are made available to community services facilities, hospitals, and religious, educational, and governmental institutions. Institutions with significant needs for conveying temporary messages are strongly encouraged to consider the installation of a permanent sign with changeable copy capability.
 - 1. **Special Events:** Each facility may utilize a temporary banner or sign for up to 14 days prior to and during a non-recurring event of 7 days or less. There is no limit on the number of banners or signs that can be used for such events, within the restriction of no more than two event banners or signs being displayed at one time.
 - 2. **Non-Special Events:** In addition to the special events banners or signs described above, each facility may utilize one temporary banner or sign for a cumulative total of up to 60 days per calendar year in support of on-going activities on the site.
 - 3. **Total Allowance:** No more than three temporary banners or signs may be displayed at the same time.
 - 4. **Size and Height:** The above-described banners or signs are limited to a size of up to 32 square feet each, and a maximum height of 6 feet.

- L. Banners on Private Light Posts:** For properties of over one acre, up to four fixed vertical banners mounted to light posts may be installed for every acre of land. Banners must be no more than 16 square feet and a minimum ratio of two-to-one (2:1) height to width, installed at a minimum height of 9 feet above grade, and no higher than 25 feet above grade. Banners may be grouped in pairs flanking a light pole, but no banner or pair of banners will be allowed to be installed within 75 feet from any other banner or pair of banners on the property.
- M. Flags:** Every property may have up to three flagpoles to display up to six total flags (two per pole) with non-commercial messages, such as flags or emblems of any nation, organization of nations, state, or city; or the flags or emblems of any fraternal, religious, or civic organization, provided that the following standards are met:
1. Flagpoles must be located outside of utility easements, unless the utility provider grants an encroachment permit. In many cases, this will require a 10-foot setback. If a larger utility easement does not exist in the proposed flagpole location, flagpoles must be located at least 5 feet back from the right-of-way lines and property lines.
 2. Flagpoles must not exceed these heights:
 - In residential zoning districts, flagpoles must not exceed 35 feet in height.
 - In non-residential zoning districts, flagpoles also must not exceed 35 feet in height, unless the primary building is taller, in which case the flagpoles must not exceed the height of the primary building or 60 feet, whichever is less.
 3. A flag's hoist side dimension must not exceed 20% of the height of the flagpole.

There is no limit on the number of national or state flags that can be flown on national or State holidays, respectively. Flags with commercial logos, messages, or statements are considered signs requiring permits and are not to be flown from flagpoles.

- N. Temporary Non-illuminated Real Estate Sign:** One temporary non-illuminated sign for each street frontage, advertising real estate for sale or lease, or showing the owner or manager of the property, located on the premises, meeting the following criteria:
1. For attached or detached single family homes, a maximum of 6 square feet and 4 feet in height;
 2. For other residential sites, or non-residential sites of one acre or less, a maximum of 24 square feet and 6 feet in height;
 3. For non-residential sites over one acre, a maximum of 32 square feet and 8 feet in height.
- O. Temporary Real Estate Accessory Signs:** Up to four temporary real estate accessory signs, such as to advertise open houses, displayed during business hours, not more than 6 square feet each. Such signs must be located on the site of the property for sale, or in the case of new development, may be located at the project entrance or elsewhere on the overall project site. Non-illuminated warning signs warning trespassers or announcing land as posted are not considered temporary real estate accessory signs.
- P. Temporary Non-illuminated Construction Signs:** One temporary non-illuminated sign for each street frontage, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, meeting the following criteria:
1. For attached or detached single family homes, a maximum of 6 square feet and 4 feet in height;
 2. For other residential sites, or non-residential sites of one acre or less, a maximum of 24 square feet and 6 feet in height;
 3. For non-residential sites over one acre, a maximum of 32 square feet and 8 feet in height.

Q. Non-illuminated Warning Signs: Non-illuminated signs warning trespassers or announcing land as posted that meet the requirements below:

SIZE OF SUBJECT PARCEL	ALLOWED NUMBER OF SIGNS	MAXIMUM ALLOWED SIZE OF EACH SIGN	LOCATION RESTRICTIONS
More than one acre	Any number as long as size and location requirements are met	4 square feet	Each warning sign must be 100 linear feet away from another warning sign
One acre or less	4	1 square foot	No more than one sign is allowed to be placed along each property line, and each sign must be placed at the approximate center of each property line.

R. Home Occupation Signs: A one-square-foot wall sign may be affixed adjacent to the entrance identifying a home occupation within.

S. Mailboxes and Signs Identifying Private Residential Dwelling: Mailboxes and similarly located signs identifying a private residential dwelling.

T. Political, Ideological, Religious, Social, or Governmental Message Signs: Signs conveying political, ideological, religious, social, or governmental messages unrelated to the businesses or the goods or services connected with them, provided the signs do not exceed 32 square feet.

8.10.5 PERMANENT SIGNS

8.10.5.1 GENERAL

A. Permits Required: The following types of signs are required to obtain permits prior to installation, including for the replacement of sign faces.

B. Construction Standards for Permanent Signs:

1. All signs must comply with the provisions of the adopted Building Code and other applicable construction codes.
2. All permanent signs must be constructed of permanent materials and must be attached using permanent fasteners following customary professional sign practices. The use of banners, sign covers, and other temporary materials for permanent signage is prohibited, except as permitted herein.
3. All signs must be maintained in sound structural condition. This includes the replacement of broken faces or parts, replacement of bulbs to assure complete illumination as designed, securing of sign panels in their designed positions on a surface or in a cabinet or other structure, maintenance of a sign in its intended upright position, and painting of surfaces that have deteriorated beyond the state of customary minor wear or fading.
4. If a permanent sign that is conforming to the standards of this Ordinance is not used for 60 days or more, blank panels must be installed to conceal the internal components of the sign.
5. See *Chapter 10: Nonconformities*, for the circumstances that require a nonconforming sign to be replaced.

C. Sign Categories for Road Corridors: Some aspects of signs described below are controlled by the type of road on which the sign is located. The document entitled “Sign Categories for Road Corridors” and its subsequent amendments are hereby adopted by reference. The Planning Commission may amend this document from time to time in order to assign sign categories to new roads, or roads that were inadvertently

left off the list.

D. Signs in Historic Overlay District: All permanent signs located on property within the City's Historic Overlay District (HOD) must meet the standards of the City's Historic Design Review Manual in addition to those within this section of the Zoning Ordinance, and they must receive a Certificate of Appropriateness prior to installation. Note that this means that designs of a type not otherwise allowed by this Ordinance may be approved; specifically, the following two alternative designs may be allowed:

1. A center pole style sign consisting of a decorative pole supporting a small decorative sign. The overall height of the sign must not exceed 8 feet, and the sign must be a maximum of 10 square feet.
2. A lantern-style sign consisting of a decorative pole or vertical support with a decorative sign hanging from a horizontal arm. The vertical support arm must not exceed 10 feet in height, the horizontal arm must not be at a level greater than 8 feet in height, and the sign must not exceed 10 square feet.

Additionally, the Board of Historic Review may approve the continuation of nonconforming signs within the Historic Overlay District that otherwise would be required to be removed under the provisions of *Chapter 10: Nonconformities*, if the Board determines that the sign in question has historic value to the community.

See *Chapter 2: Administration* for more information about the Certificate of Appropriateness process.

E. Variances: Applicants for permanent signs located in non-residential zoning districts may apply to the Zoning Board of Appeals for a variance in sign face area size, height, or setbacks.

8.10.5.2 WALL SIGNS AND PROJECTING SIGNS

Wall signs and projecting signs that meet the following provisions will be allowed.

A. In Non-Residential Zoning Districts:

1. **Wall Signs on Primary Façade:** On the primary façade, the maximum wall sign face area is one square foot per building front linear foot, or 5% of the façade area, whichever is greater, up to the maximums listed below:

USE TYPE	MAXIMUM AREA OF ANY SINGLE WALL SIGN ON FAÇADE	MAXIMUM AREA OF ALL WALL SIGNAGE ON FAÇADE
All except for large retail establishments	300 square feet	400 square feet
Large retail establishments ¹	400 square feet	500 square feet

¹ For the purposes of this section, a large retail establishment is defined as a single business establishment engaged in retail sales activities that is located in a stand-alone, single-tenant building larger than 20,000 square feet in size.

For shopping centers and similar multi-tenant buildings with individual entrances, wall sign area will be calculated independently for each distinct tenant space.

2. **Wall Signs on Secondary Façades:** For parcels with secondary façades that are architecturally-finished with similar materials and details, the wall sign area and maximum size of any single wall sign will be the same as the primary façade.

For multi-tenant buildings, only a business that is located on an endcap with a secondary façade that meets the standard described above may have a sign as described on the secondary façade.

3. **Wall Sign Vertical Dimension:** Wall sign vertical dimension will be a maximum of 50% of the height of the first floor façade, or 10 feet, whichever is less. An additional two feet may be allowed for a logo figure, capital letter, or letter ascender or descender of a registered trademark.

4. **Projecting Signs:** All projecting signs must be installed with a minimum clearance of 8 feet above the finished grade. Projecting signs may be used in conjunction with wall signs. Projecting signs are permitted based on the functional classification of the adjacent road shown in this chart:

TYPE OF ROAD CORRIDOR	MAXIMUM AREA	MAXIMUM HEIGHT
Interstate Frontage	50 square feet	35 feet or building height, whichever is less
Type A Corridor	40 square feet	25 feet or building height, whichever is less
Types B and C Corridor	30 square feet	20 feet or building height, whichever is less
Type D Corridor	20 square feet	15 feet or building height, whichever is less

A vertical projecting sign (or projecting signs with a vertical element) that projects no more than three feet from the building face must have a maximum height of no greater than 40 feet, or the building height, whichever is less.

B. In Residential Zoning Districts:

1. **Non-Residential Uses:** Non-residential uses are permitted one wall sign of one-half square foot per building front foot up to a maximum of 64 square feet for each street frontage.
2. **Multi-family and Group Living Facilities:**

SIZE OF FACILITY	MAXIMUM AREA
Up to 24 units or 48 beds	20 square feet
More than 24 units or 48 beds	32 square feet

3. **Public and Institutional Uses** (schools, religious institutions, and similar): These use types are allowed walls signs of one-half square foot per building front foot for each street frontage, up to the maximums listed below:

PROPERTY SIZE	MAXIMUM AREA
< 1 acre	32 square feet
1 to 5 acres	48 square feet
≥ 5 acres	64 square feet

4. **Live/Work Units:** Each live/work unit in a building that is predominantly residential in character will be permitted one non-illuminated sign of no more than 6 square feet. Live/work units with storefronts and separate commercial entrances may have one square foot of wall sign per unit front foot, up to a maximum of 32 square feet on the commercial frontage.

8.10.5.3 FREESTANDING SIGNS

A. General Standards

1. **Freestanding Sign Bases:** Freestanding signs must be mounted on the ground or a monument structure equal to or greater than two-thirds the width of the sign itself.

Monument structures must be constructed of brick, stone, or stucco, materials that have the appearance of brick, stone, or stucco, or other durable architectural materials consistent with the design of the primary building on the site. (For example, if the building uses architectural metal, a base of architectural metal would be allowed.)

Two exceptions to this exist:

- Properties within the City's Historic Overlay District may be approved for alternative styles as

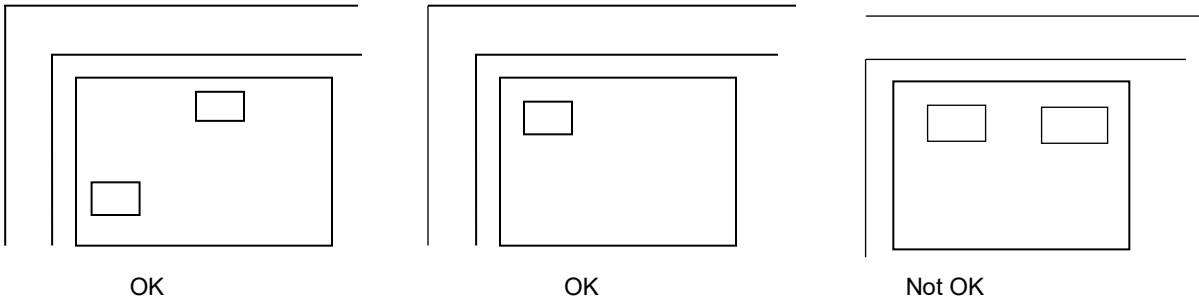
specified in the City's Historic Design Review Guidelines.

- Properties in any zoning district may choose to use a wood or painted metal sign of 20 feet or less on posts of the same materials with an open area between them with no greater than 30 inches between the ground and bottom edge of the sign.

2. Electronic Message Boards: Freestanding signs in the non-residential zoning districts are allowed to have an electronic message board (EMB), provided that the following standards are met:

- The percentage of sign area that can be used for an EMB will be limited to 50% of freestanding, project, or directory signs; and 75% of signs for event venues such as theatres, auditoriums, stadiums, convention centers, and banquet halls.
- The message must change no more frequently than every five minutes, and both the message itself and the transition to a new message must include no scrolling, animation, or other movement.
- All EMBs must have ambient light monitors to automatically adjust the sign's brightness level so as not to exceed 5,000 nits during daylight hours and 500 nits from dusk to dawn.

3. Properties with More than One Road Frontage: If a use is located on more than one road, it can have one freestanding sign per road frontage. However, if the sign is located at the corner of both roads, it will count as the sign for both roads. Examples:



B. Freestanding Signs In Non-Residential Zoning Districts:

1. For Individual Uses: Each individual business site will be permitted one freestanding sign per street frontage, as shown in this chart:

TYPE OF ROAD CORRIDOR	MAXIMUM SIZE	MAXIMUM HEIGHT
Interstate Frontage ¹	164 square feet	24 feet
Type A Corridor	48 square feet	10 feet
Type B Corridor	40 square feet	10 feet
Type C Corridor	32 square feet	8 feet
Type D Corridor	24 square feet	6 feet

¹ Other requirements for interstate frontage signs:

- The property must have at least 200 feet of interstate frontage.
- Each interstate sign must be located at least 200 feet away from any other interstate frontage sign.
- Interstate frontage signs must be located at least 10 feet from the interstate right-of-way line.

Additionally, each property that does not qualify for an interstate frontage sign but that is located within 1,500 feet of the centerline of Interstate 77 with frontage on S.C. Highway 161, U.S. Highway

21 (N & S), S.C. Highway 122, Porter Road, or S.C. Highway 901 may double the size of its permitted individual freestanding sign and increase its height by 50%.

2. For Multi-Tenant Sites: Projects with four or more tenants or distinct uses that are part of a single building or site, or part of a unified development project are allowed the following types of signs:

- **Project Signs:** Project signs identify a multi-tenant or multi-building project such as a subdivision, office park, business park, or shopping center. Project signs identify the name of the overall development, versus the individual tenants or businesses. A project sign may be utilized at every public road or shared access drive entrance into a project, except those entrances where a directory sign is utilized. In lieu of a standard two-sided sign, two one-sided project signs may be approved on either side of a project entrance as part of an overall landscaped entry feature design. Project sign size and height are dictated by both project size and road classification as specified in the below table.

2. Directory Signs: Directory signs are project signs that identify both the overall development and some or all of the individual entities within the development. Directory signs will be permitted as specified in the below table, with the following additional specifications:

- **Project Identification:** A minimum of 25% of the sign area must be used to identify the name and/or address of the overall development.
- **Location and Number of Directory Signs:** Directory Signs may be located at project entrances in lieu of a project sign; however, directory signs on the same road frontage for the same project must be a minimum of 300 feet apart.

SIGN TYPE	INTERSTATE		TYPE A		TYPE B		TYPE C		TYPE D	
	SIZE (square feet)	HEIGHT (feet)	SIZE (square feet)	HEIGHT (feet)	SIZE (square feet)	HEIGHT (feet)	SIZE (square feet)	HEIGHT (feet)	SIZE (square feet)	HEIGHT (feet)
<ul style="list-style-type: none"> • Residential 0-100 Units • Office/Business Park under 5 Acres • Retail Center under 20K SF 	164	24	96	12	72	12	48	10	32	6
<ul style="list-style-type: none"> • Residential 101-499 Units • Office/Business Park 5-15 Acres • Retail Center 20K – 100K SF 	196	30	112	16	88	12	64	10	40	8
<ul style="list-style-type: none"> • Residential 500-999 Units • Office/Business Park 16-50 Acres • Retail Center 101K – 250K SF 	228	30	144	16	112	16	80	12	48	8
<ul style="list-style-type: none"> • Residential 1,000 or More Units • Office/Business Park over 50 Acres • Retail Center over 250K SF 	260	36	160	20	128	16	96	12	64	10

NOTE: For mixed-use project entrances, the size will be determined by aggregating the percentages of the minimum project size in each land use category. The total of the percentages must exceed 100%. For example, on a given project size, if the project has 75% of the required dwelling units and 40% of the required retail space, 75% + 40% = 115% > 100%, which means it qualifies for that size.

C. Freestanding Signs in Residential Zoning Districts: Each site is allowed to have one freestanding sign per street frontage as follows. For project and directory signs, follow the specifications in the above chart.

1. Non-Residential Uses:

PROPERTY SIZE	TYPE OF ROAD CORRIDOR	MAXIMUM SIGN AREA	MAXIMUM HEIGHT
< 1 acre	Type A, B, or C	24 square feet	8 feet
	Type D	16 square feet	6 feet
≥ 1 acre	Type A, B, or C	32 square feet	8 feet
	Type D	24 square feet	6 feet

2. Multi-family and Group Living Facilities:

SIZE OF FACILITY	TYPE OF ROAD CORRIDOR	MAXIMUM SIGN AREA	MAXIMUM HEIGHT
Up to 24 units or 48 beds	Interstate frontage ¹	144 square feet	16 feet
	Type A, B, or C	16 square feet	8 feet
	Type D	16 square feet	6 feet
More than 24 units or 48 beds	Interstate frontage ¹	144 square feet	16 feet
	Type A, B, or C	32 square feet	8 feet
	Type D	32 square feet	6 feet
¹ Other requirements for interstate frontage signs: <ul style="list-style-type: none"> • The property must have at least 200 feet of interstate frontage. • Each interstate sign must be located at least 200 feet away from any other interstate frontage sign. • Interstate frontage signs must be located at least 10 feet from the interstate right-of-way line. 			

3. Public and Institutional Uses (schools, religious institutions, and similar uses):

SIZE OF FACILITY	TYPE OF ROAD CORRIDOR	MAXIMUM SIGN AREA	MAXIMUM HEIGHT
<5 acres	Interstate frontage ¹	144 square feet	16 feet
	Type A, B, or C	32 square feet	8 feet
	Type D	32 square feet	6 feet
≥5 acres	Interstate frontage ¹	144 square feet	16 feet
	Type A, B, or C	48 square feet	8 feet
	Type D	48 square feet	6 feet
¹ Other requirements for interstate frontage signs: <ul style="list-style-type: none"> • The property must have at least 200 feet of interstate frontage. • Each interstate sign must be located at least 200 feet away from any other interstate frontage sign. • Interstate frontage signs must be located at least 10 feet from the interstate right-of-way line. 			

Note that uses in this category may utilize an Electronic Message Board, as permitted under the section called *Electronic Message Boards*, for up to 50% of the permitted sign area.

8.10.5.4 SPECIAL TYPES OF PERMANENT SIGNS

- A. Signs on Architectural Towers or Other Architectural Features:** Wall signs are permitted on towers or other architectural features that are an integral part of the building’s aesthetic design and are not installed to obtain signage that is higher on the façade than otherwise would be allowed. For the amount and number of signs located on towers or other architectural features, see the *Wall Signs*’ section.
- B. Structural Canopies:** Wall signs are permitted on gas station, car wash, and similar types of structural canopies. One sign is allowed per road frontage. The maximum size of each sign is one-half square foot per linear foot of canopy length. These canopy signs are in addition to any wall or freestanding signs for the associated business.
- C. Signs on ATMs (Automated Teller Machines):** Signage is allowed on ATMs in an amount that does not exceed one square foot per linear foot of the ATM.
- D. Kiosks:** Signage is allowed on kiosks in an amount that does not exceed one square foot per linear foot of the kiosk.

E. Neon Lighting, LED Light Strips, and Similar Technology on Signs:

1. Neon lighting, LED light strips, and similar lighting technology is allowed as part of a sign or sign face, provided that the light source is fully enclosed or diffused, and is at least six inches in height/width.
2. Additionally, within the Downtown Historic Overlay District, the Board of Historic Review may allow exposed neon lighting and other light technology that is designed to look like neon as part of a sign or a sign face if it determines that the use is in keeping with the historic context of the property in question.
3. City Council may also approve exposed neon lighting and other light technology that is designed to look like neon on signs in other parts of the Downtown zoning district. The intent is to allow these types of signs only in rare circumstances when an older building is being repurposed for a new use.

8.10.6 TEMPORARY SIGNS

A. Permit Requirements: See the *Exempt Signs* section above for information about temporary signs that do not require a permit. The temporary signs listed in this section are allowed but do require a permit.

B. Appearance Standards:

1. Temporary signs must be repaired or replaced when ripped, shredded, or otherwise damaged or deteriorated beyond minor fading or customary minor wear.
2. Banners must be installed in a fashion so as to present a professional appearance held taut across the wall surface or between sturdy standards so as to maintain readability and avoid sagging and flapping in the wind.

C. Allowed Temporary Signs: In addition to any exempt temporary signs listed above, all use types are allowed to have temporary signs according to the following.

1. **Regular Temporary Signs:** Non-residential uses are allowed to have temporary signs outside of a grand opening event or a special event period according to the following.
 - **Size:** For each individual tenant in its own building, or for individual tenants with outside entrances in a multi-tenant building, one temporary banner or sign is permitted with a maximum size of 32 square feet.
 - **Height:** Freestanding banners or signs will have a maximum height of 6 feet.
 - **Number of Days:** Each individual business may be issued a permit for a temporary banner or sign for up to 90 days per calendar year. These days may run consecutively or be broken into no more than 10 separate display periods; however, a maximum of 30 days may be used at one time, with a waiting period of one week when the banner or sign is posted for 30 consecutive days. For the purposes of administering this yearly allotment, any documented use of a banner or sign without a permit will be considered to have been in effect for a minimum of seven days.
 - **Number Allowed:** Only one freestanding banner oriented towards motorists will be allowed per 300 linear feet of road frontage. If a business is located in a multi-tenant building or retail center and wishes to place a freestanding banner oriented towards motorists, but another business on the property already has one in place, the second business will only be allowed to place its banner along the wall of its tenant frontage.
2. **Grand Opening Events:** In addition to the above, a new business may utilize the following for a period not to exceed 45 total days. The business may choose to utilize the 45 total days within the

time frame of up to 30 days prior to opening and up to 90 days after opening.

- One temporary banner that may be ground mounted or placed on a wall with a maximum size of 32 square feet, and if ground mounted, a maximum height of 6 feet.
- Streamers, pennants, flags, balloons, and similar exhibits that do not exceed five total displays. Each 20 feet of streamers and pennants counts as one display. Each inflatable of a non-balloon variety counts as one display. Each balloon or bouquet of balloons counts as one display, with a maximum of 64 cubic feet per balloon display (for example, one 64-cubic-foot balloon or 4x4x4 bouquet).

For businesses that are located in multi-tenant buildings or commercial centers, all displays except for the banner must be displayed immediately adjacent to the business's space or in the adjacent portion of the parking lot of the parcel.

This temporary sign allotment is independent from other permitted temporary sign allowances. The business may elect to begin utilizing temporary signage allowed under the section called *Temporary Banners or Signs for Individual Businesses*, immediately after terminating use of the banner that is allowed under this section.

For the purposes of this section, a change of ownership, of type of ownership, or of management does not constitute a new business.

No permit fee will be charged for the grand opening signage allowed under this section.

3. **Special Event Signage:** For special events permitted under the *Special Events'* section of this ordinance, one temporary banner may be permitted per street frontage of a special event site during the special event permit period, with a maximum size of 32 square feet for each sign.
- D. Temporary Use of Banners in lieu of Permanent Signage:** A banner may be used while awaiting installation of permanent signage, to temporarily cover existing signage in the event of a business name or logo change, or similar circumstance, as follows:
1. The banner meets the sign area requirements of the sign it is designed to temporarily obscure or replace.
 2. The banner is securely fastened to the wall or permanent sign structure to draw the banner material taut and prevent flapping.
 3. A permit for such use may be issued for up to 60 days after the City has issued zoning compliance approval for the business. As part of the permit application, the applicant must describe the details and intended date of installation of the permanent signage.

8.10.7 PROHIBITED SIGNS

The following signs are prohibited:

- A. Flashing, Animated, or Moving Signs:** Flashing, animated, non-stationary, or rotating signs, or appurtenances to signs, or signs that are lighted in violation of the standards of the *Sign Lighting* section below.
- B. Electronic Message Boards:** Electronic message boards (EMB) except as specifically permitted or exempted herein.
- C. Simulation of Warning Lights:** Displays of intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger, such as are customarily used by police, school, fire or ambulance vehicles, or for navigation purposes.

- D. **Signs Obscuring Official Signage/Signals:** Signs located or illuminated to interfere with the effectiveness of or obscure an official traffic sign, device, or signal, such as by providing a background of colored lights blending with traffic signal lights or that might otherwise reasonably confuse a motorist when viewed from a normal approach position of a vehicle at a distance of up to 400 feet.
- E. **Signs Inside Sight Triangles:** Signs located in places that would conflict with required sight distance triangles or other standards of applicable traffic ordinances, including signs placed within public street rights-of-way and required sight triangles at street intersections.
- F. **Signs in the Public Right-of-Way:** Signs placed in public rights-of-way unless otherwise allowed and specifically permitted.
- G. **Roof Signs:** Signs that are not an integral part of the building design but fastened to and supported by (or on) the roof of a building, or projecting over or above the roof line or parapet wall of a building. This includes business signs and merchandise such as but not limited to boats and automobiles that are used as attention-attracting devices by placement on a roof by a business.

However, City Council may approve roof signs in the Downtown zoning district. The intent is to allow these types of signs only in rare circumstances when an older building is being repurposed for a new use.
- H. **Signs Attached to Trees or Utility Poles:** Signs, posters, placards, or other advertising material attached to trees, utility poles, or on other unapproved supporting structures outside of the public right-of-way.
- I. **Banners Inconsistent with Standards:** Banners, unless attached in accordance with the standards of this section to the façade of the business using them, to the face of an existing sign structure, or to temporary supports allowed for Temporary Signs. Placement of banners on or between buildings, utility poles, or otherwise outside of the allowed sign face is prohibited.
- J. **Obscene Materials:** Obscene pictures or other such advertising matter posted or exhibited on any structure or in any show window or other public place within the City.
- K. **Pole or Pylon-mounted Freestanding Signs:** Pylon or pole-mounted on-premise or off-premise freestanding signs.
- L. **Billboards:** New billboards in all areas.
- M. **Off-premise Advertising Signs:** All off-premise advertising signs not specifically permitted herein, including off-premise real estate signs.
- N. **Pennants, Streamers, Inflatable Devices, and Other Attention-Attracting Devices:** Individual or strings of pennants, streamers, flags, balloons and other inflatable devices, searchlights, or other attention-attracting devices, except as specifically permitted herein.
- O. **Use of Neon or Similar Materials as an Attention-Attracting Device:** The use of neon tubing, LED light strips, or other lighting technology that gives the appearance of neon to outline buildings, windows or parts of buildings, freestanding signs or other structures is a prohibited attention attracting device. The use of certain neon and LED lighting elements are allowed under the *Special Types of Permanent Signs* section below.
- P. **Internally Illuminated Awnings:** The overall internal illumination of awnings is prohibited; however, permitted sign messages on awnings may be internally illuminated as long as such illumination is limited to the immediate sign message area.

- Q. Signs on Vehicles not Used in the Normal Course of Business:** Except as provided for *in Section 8.10.4(G)*, vehicles with signs in excess of 10 square feet per side parked so as to specifically function as a freestanding sign, specifically including vehicles with signs parked within 50 feet of a right-of-way line during business hours. Also specifically prohibited is the parking of vehicles with signs constructed and attached to the roof, truck bed, or other parts of the vehicle which are added to the customary body of the vehicle. This will not preclude the otherwise permitted overnight or weekend parking of regularly used marked company vehicles in parking lots.

APPENDIX 8-A

LANDSCAPING MATERIALS LIST

Following is a list of the plants that can be counted toward meeting the landscaping requirements of this ordinance. Property owners may plant other varieties if desired, but they will not count towards the requirements.

Tree and shrub names marked with an asterisk are ones to try to avoid using due to overuse in the City.

CANOPY TREES

NAME/ COMMON NAME	CULTIVAR	RECOMMENDED USE					COMMENTS
		Streets	Streetscape, Perimeter, and buffer yards	Heritage Tree Mitigation	Parking areas	Screening	
DECIDUOUS CANOPY TREES (TALLER THAN 30 FEET IN HEIGHT)							
<i>Acer barbatum</i> / Southern sugar maple			✓	✓			Best sugar maple for the South
<i>Acer rubrum</i> / Red Maple*	Many excellent cultivars		✓	✓	✓		Not for parking lot islands
<i>Acer saccharum</i> / Sugar Maple	'Green Mountain'		✓	✓			
<i>Acer x freemanii</i> / Freeman maple	Several excellent cultivars		✓	✓	✓		
<i>Betula nigra</i> / River birch	Several excellent cultivars		✓	✓			Prefers moist locations
<i>Carpinus betulus</i> / European hornbeam	'Fastigiata,' and sometimes 'Pyramidalis'	✓	✓				Formal, columnar habit
<i>Cladastris kentukea</i> / American Yellowwood			✓				Drought tolerant once established. Protect from winter winds.
<i>Fagus grandifolia</i> / American beech			✓	✓			For natural areas with good soil
<i>Fraxinus pennsylvanica</i> / Green ash	Several good cultivars		✓				Discouraged due to Emerald Ash Borer (EAB). Large surface roots
<i>Ginkgo biloba</i> / Ginkgo	Use named cultivars only – no seedling grown trees	✓	✓	✓	✓		Extremely tough once established
<i>Gleditsia triacanthos inermis</i> / Thornless Honey Locust	'Shademaster', 'Skyline', 'Sunburst', 'Christie'	✓	✓		✓		Fast growing, highly adaptable, hardy, pest and disease-free, and thornless

NAME/ COMMON NAME	CULTIVAR	RECOMMENDED USE					COMMENTS
		Streets	Streetscape, Perimeter, and buffer yards	Heritage Tree Mitigation	Parking areas	Screening	
<i>Halesia tetraptera</i> / Carolina Silverbell	'Arnold Pink'		✓				Drought sensitive in full sun
<i>Koelreuteria bipinnata</i> / Chinese flametree			✓				
<i>Koelreuteria paniculate</i> / Golden raintree			✓				
<i>Liquidambar styraciflua</i> / Fruitless sweetgum	'Rotundiloba'		✓	✓	✓		No sweetgum balls; marginally successful
<i>Liriodendron tulipifera</i> / Yellow poplar, tulip poplar			✓		✓		For natural areas with good soil
<i>Nyssa sylvatica</i> / Blackgum		✓	✓	✓	✓		
<i>Ostrya virginiana</i> / American hophornbeam, Ironwood			✓		✓		
<i>Platanus acerifolia</i> / London plane tree	Avoid the cultivar 'Bloodgood'	✓	✓	✓	✓		Cultivar 'Bloodgood' severely susceptible to ozone damage
<i>Platanus occidentalis</i> / American Sycamore			✓				Prefers moist locations
<i>Quercus acutissima</i> / Sawtooth oak			✓				Fast growing and very tough
<i>Quercus alba</i> / White oak			✓	✓			For natural areas with good soil
<i>Quercus bicolor</i> / Swamp white oak			✓				
<i>Quercus falcata</i> / Southern Red Oak			✓	✓			Urban tolerant
<i>Quercus imbricaria</i> / 			✓				

NAME/ COMMON NAME	CULTIVAR	RECOMMENDED USE					COMMENTS
		Streets	Streetscape, Perimeter, and buffer yards	Heritage Tree Mitigation	Parking areas	Screening	
Shingle oak							
<i>Quercus laurifolia</i> / Laurel oak			✓	✓	✓		Could be planted in planting strips or pits with root barriers or engineered soil structures
<i>Quercus lyrata</i> / Overcup oak			✓		✓		Could be planted in planting strips or pits with root barriers or engineered soil structures
<i>Quercus macrocarpa</i> / Bur oak			✓	✓			
<i>Quercus michauxii</i> / Swamp chestnut oak			✓	✓			Tolerates moist locations
<i>Quercus nigra</i> / Water oak			✓	✓			
<i>Quercus palustris</i> / Pin oak			✓	✓	✓		Not for use in high pH soils Could be planted in planting strips or pits with root barriers or engineered soil structures
<i>Quercus phellos</i> / Willow oak*			✓	✓	✓		Could be planted in planting strips or pits with root barriers or engineered soil structures
<i>Quercus robur</i> / English oak	'Fastigiata'		✓				Formal, columnar habit
<i>Quercus shumardii</i> / Shumard oak			✓	✓			
<i>Quercus stellata</i> / Post oak			✓				
<i>Sophora japonica</i> / Japanese Pagoda tree	Several good cultivars	✓	✓				
<i>Tilia tomentosa</i> / Silver linden	'Green Mountain',	✓	✓	✓			Cultivars are tolerant to drought

NAME/ COMMON NAME	CULTIVAR	RECOMMENDED USE					COMMENTS
		Streets	Streetscape, Perimeter, and buffer yards	Heritage Tree Mitigation	Parking areas	Screening	
	'Sterling Silver'						and heat.
<i>Ulmus Americana/</i> American Elm	'Jefferson,' 'Princeton', 'New Harmony', 'Valley Forge'	✓	✓		✓		Cultivars are highly resistant of Dutch Elm Disease
<i>Ulmus parvifolia/</i> Lacebark elm*	Many excellent cultivars	✓	✓		✓		
<i>Ulmus sp./</i> Elm	'Autumn Gold,' 'Frontier,' 'Homestead,' 'Patriot,' 'Pioneer,' 'Regal,' 'Sapporo,' 'Urban'	✓	✓		✓		Elm hybrids or cultivars that are resistant to Dutch Elm Disease
<i>Zelkova serrata/</i> Zelkova	Several good cultivars	✓	✓	✓	✓		Drought and urban tolerant once established
EVERGREEN, SEMI-EVERGREEN AND CONIFEROUS CANOPY TREES (TALLER THAN 30 FEET IN HEIGHT)							
<i>Cedrus deodora/</i> Deodar cedar*			✓			✓	
<i>Cryptomeria japonica/</i> Japanese cryptomeria*	'Yoshino' and other cultivars		✓			✓	
<i>Cupressocyparis leylandii/</i> Leyland cypress*			✓			✓	Not for wet areas.
<i>Ilex opaca/</i> American holly*			✓			✓	
<i>Juniperus virginiana/</i> Eastern red cedar*			✓			✓	Tough evergreen tree
<i>Magnolia grandiflora/</i> Southern magnolia*	Many excellent cultivars		✓	✓		✓	Spreading habit
<i>Magnolia Virginiana</i>			✓				May also be used in some larger building offset areas.
<i>Metasequoia glyptostroboides/</i> Dawn redwood*			✓	✓			Requires lots of space; tolerates wet areas
<i>Pinus strobus/</i> Eastern white pine	'Fastigiata'		✓			✓	

NAME/ COMMON NAME	CULTIVAR	RECOMMENDED USE					COMMENTS
		Streets	Streetscape, Perimeter, and buffer yards	Heritage Tree Mitigation	Parking areas	Screening	
<i>Quercus myrsinifolia</i> / Chinese evergreen oak		✓	✓				Spreading habit
<i>Quercus virginiana</i> / Live oak*			✓	✓	✓		Spreading habit
<i>Sabal palmetto</i> / Cabbage palm			✓				Needs irrigation until established as all cut roots die back. Needs to be in a protected location.
<i>Taxodium ascendens</i> / Pond cypress*		✓	✓		✓		Prefers wet, acidic soils
<i>Taxodium distichum</i> / Bald cypress*		✓	✓		✓		Prefers wet, sandy acidic soils
<i>Trachycarpus fortunei</i> / Windmill Palm			✓				Protect from wind. Drought tolerant once established.

UNDERSTORY TREES

NAME/ COMMON NAME	CULTIVAR	RECOMMENDED USE				COMMENTS
		Streets	Streetscapes, Perimeters, and buffer yards	Parking Areas	Screening	
DECIDUOUS UNDERSTORY TREES (30 FEET IN HEIGHT OR LESS)						
<i>Acer buergerianum</i> / Trident maple		✓	✓	✓		
<i>Acer campestre</i> / Hedge maple		✓	✓	✓		
<i>Acer palmatum</i> / Japanese maple	Hundreds of cultivars	✓	✓	✓		
<i>Carpinus caroliniana</i> / American hornbeam		✓	✓	✓		
<i>Cercis Canadensis</i> / Eastern redbud	Several good cultivars	✓	✓			
<i>Cercis reniformis</i> / Oklahoma redbud	'Oklahoma'	✓	✓	✓		'Oklahoma' is the only redbud suitable for parking areas
<i>Chionanthus retusus</i> /		✓	✓	✓		Prune to tree form

NAME/ COMMON NAME	CULTIVAR	RECOMMENDED USE				COMMENTS
		Streets	Streetscapes, Perimeters, and buffer yards	Parking Areas	Screening	
Chinese fringetree						
<i>Cornus florida</i> / Flowering dogwood	Hundreds of cultivars	✓	✓	✓		
<i>Cornus kousa</i> / Kousa dogwood	Many cultivars	✓	✓	✓		
<i>Cotinus coggygria</i> / Common smoketree			✓	✓		
<i>Crataegus viridis</i> / Winter King hawthorn	'Winter King'	✓	✓	✓		Large thorns; consider location carefully
<i>Lagerstromia sp.</i> / Crepe myrtle*	Many good cultivars	✓	✓			Minimum size for multi-stem: 7-foot height
<i>Magnolia x soulangiana</i> / Saucer magnolia, Tuliptree	Late-blooming cultivars preferred		✓	✓		Minimum size for multi-stem: 7-foot height
<i>Malus baccata</i> / Jackii crabapple	'Jackii'	✓	✓	✓		
<i>Malus floribunda</i> / Floribunda crabapple		✓	✓	✓		
<i>Malus sargentii</i> / Sargent crabapple		✓	✓	✓		
<i>Malus sieboldii</i> / Sprenger crabapple	'Professor Sprenger'	✓	✓	✓		
<i>Malus sp.</i> / Apple	'Adirondack,' 'Baskatong,' 'Calloway,' 'Centurion,' 'Indian Summer,' 'Louisa,' 'Molten Lava,' 'Prairifire,' 'Sentinel,' 'Sugar Tyme,' 'White Cascade'	✓	✓	✓		Only cultivars listed are highly disease-resistant
<i>Ostrya virginiana</i> / American hophornbeam, Ironwood		✓	✓			
<i>Oxydendron arboretum</i> / Sourwood			✓			Not for wet areas
<i>Parrotia persica</i> / Persian parrotia		✓	✓			Not for wet areas
<i>Pistacia chinensis</i> / Chinese pistashe		✓	✓	✓		
<i>Prunus x autumnalis</i> / Autumnalis cherry			✓			Most cherries and plums are short-lived
<i>Prunus x bliereiana</i> / Bliereiana plum			✓			

NAME/ COMMON NAME	CULTIVAR	RECOMMENDED USE				COMMENTS
		Streets	Streetscapes, Perimeters, and buffer yards	Parking Areas	Screening	
<i>Prunus cerasifera</i> Flowering plum, Purpleleaf plum	Many good cultivars		✓			
<i>Prunus caroliniana</i> Carolina cherrylaurel	Several good cultivars	✓	✓			
<i>Prunus x okame</i> /Okama cherry		✓	✓			
<i>Prunus serrulate</i> Japanese flowering cherry	Several cultivars	✓	✓			
<i>Prunus x yedoensis</i> Yoshino cherry	'Yoshino'	✓	✓			
EVERGREEN, SEMI-EVERGREEN AND CONIFEROUS UNDERSTORY TREES (30 FEET IN HEIGHT OR LESS)						
<i>Camellia japonica</i> Camellia*			✓		✓	Prefers shade/partial shade; attractive flowers; many good cultivars
<i>Ilex aquilifolium</i> English holly*			✓		✓	
<i>Ilex x attenuata</i> Foster holly*	'Fosteri'		✓	✓	✓	Tough, once established
<i>Ilex latifolia</i> Lusterleaf holly*			✓	✓	✓	Coarse textured foliage
<i>Ilex x emily brunner</i> Emily Brunner holly*	'Emily Brunner'		✓		✓	
<i>Ilex x nellie r. stevens</i> / Nellie R. Stevens holly*	'Nellie R. Stevens'		✓	✓	✓	Medium textured foliage
<i>Ilex vomitoria</i> Yaupon holly	Several good cultivars	✓	✓	✓	✓	Fine textured foliage
<i>Magnolia grandiflora</i> Little Gem magnolia*	'Little Gem'		✓	✓	✓	Only 'Little Gem' is under 30 feet at maturity
<i>Myrica cerifera</i> Waxmyrtle*			✓		✓	
<i>Pinus nigra</i> / Austrian pine*			✓		✓	
<i>Pinus sylvestris</i> Scotch pine*			✓		✓	
<i>Pinus taeda</i> / Loblolly pine	'Nana' (Dwarf variety)		✓		✓	
<i>Pinus thunbergia</i> Japanese black pine*			✓		✓	
<i>Pinus virginiana</i> Virginia pine	'Wates Golden'		✓		✓	
<i>Thuja occidentalis</i>	'Degroot's Spire,'		✓		✓	

NAME/ COMMON NAME	CULTIVAR	RECOMMENDED USE				COMMENTS
		Streets	Streetscapes, Perimeters, and buffer yards	Parking Areas	Screening	
American Arborvitae*	'Ellwangeriana,' 'Hetz Wintergreen,' 'Lutea,' 'Rheingold,' 'Smaragd' (a.k.a. 'Emerald Green'), 'Techny,' and 'Wareana'					

SHRUBS AND GROUNDCOVERS

NAME/ COMMON NAME	CULTIVAR	RECOMMENDED USES					COMMENTS
		Ground cover	Hedge /screen	Shrub border	Naturalistic design	Erosion control	
DECIDUOUS SHRUBS – SMALL (UP TO FOUR FEET IN HEIGHT)							
<i>Cotoneaster apiculatus/</i> Cranberry Cotoneaster	'Tom Thumb'	✓		✓			Spreading foliage that turns brilliant red in fall
<i>Cotoneaster horizontalis/</i> Rock Cotoneaster		✓					Attractive foliage; spreading habit; draught tolerant
<i>Deutzia gracilis/</i> Slender Deutzia			✓	✓	✓		
<i>Fothergilla gardenia/</i> Dwarf Fothergilla				✓	✓		Sun/part shade; attractive foliage/flowers; prefers moist, but well drained, acidic soil
<i>Hydrangea macrophylla/</i> Big Leaf Hydrangea	'All Summer Beauty,' 'Masja,' 'Dooley,' 'Harmony'			✓	✓		Compact, rounded shrub; prefers moist, well-drained soil; partial sun/shade
<i>Hydrangea serrata/</i> Mountain Hydrangea	"Blue Billow,' 'Tuff Stuff"			✓	✓		Compact, rounded shrub; prefers moist, well-drained soil; partial shade/shade
<i>Jasminum nudiflorum/</i> Winter Jasmine		✓		✓			Adapts to wide range of conditions
DECIDUOUS SHRUBS – MEDIUM (BETWEEN FOUR AND SIX FEET IN HEIGHT)							
<i>Buddleia davidii/</i> Butterfly-bush				✓			Well-drained soils
<i>Callicarpa Americana/</i> French Mulberry or American Beautyberry					✓		Coarse open shrub; massing

NAME/ COMMON NAME	CULTIVAR	RECOMMENDED USES					COMMENTS
		Ground cover	Hedge /screen	Shrub border	Naturalistic design	Erosion control	
<i>Callicarpa dichotoma</i> / Purple Beautyberry			✓	✓	✓		Attractive foliage, form
<i>Callicarpa japonica</i> / Japanese Beautyberry			✓	✓	✓		
<i>Chaenomeles japonica</i> / Japanese Flowering quince			✓	✓			Thorny; good barrier plant
<i>Clethra alnifolia</i> / Summersweet Clethra	'Ruby Spice,' 'Hummingbird'		✓	✓			Requires shade
<i>Hydrangea arborescens</i> / Smooth Hydrangea	'Annabelle,' 'Grandiflora'			✓	✓		Tends to spread rapidly; tolerates variety of conditions
<i>Hydrangea macrophylla</i> / Big Leaf Hydrangea	'Carmen,' 'Nikko Blue,' 'Blue Prince,' 'Snowflake,' 'Snow Queen'				✓		Tends to spread; attractive flowers
<i>Itea virginica</i> / Virginia Sweetspire	'Henry's Garnet,' 'Little Henry,' 'Merlot'			✓	✓		Prefers moist soils; nice fall color
<i>Kerria japonica</i> / Kerria			✓	✓	✓		Tolerates wide range of conditions
<i>Spiraea cantoniensis</i> / Reeves Spirea	'Lanceata'		✓	✓	✓		Heat tolerant
<i>Spiraea prunifolia</i> / Bridalwreath Spirea	'Plena'		✓	✓	✓		Tolerates wide range of soils
<i>Spiraea thunbergia</i> / Thunberg Spirea			✓	✓	✓		Requires pruning; tolerates wide range of soils; nice fall foliage
<i>Weigela florida</i> / Old Fashioned Wiegela			✓	✓	✓		Tolerates pollution; requires pruning
DECIDUOUS SHRUBS – LARGE (SIX FEET AND ABOVE IN HEIGHT)							
<i>Calycanthus floridus</i> / Sweetshrub				✓	✓		Adaptable to many soils; disease and insect resistant; very fragrant; native
<i>Chimonanthus praecox</i> / Wintersweet				✓			Residential scale; fragrant blooms; winter bloomer; prefers moist, well-drained soil
<i>Deutzia scabra</i> / Fuzzy Deutzia			✓		✓		Coarse texture
<i>Forsythia x intermedia</i> /	'Happy Centennial,' 'Gold Tide'			✓	✓		Requires pruning; tolerates wide variety of

NAME/ COMMON NAME	CULTIVAR	RECOMMENDED USES					COMMENTS
		Ground cover	Hedge /screen	Shrub border	Naturalistic design	Erosion control	
Forsythia							soils
<i>Hamamelis virginiana</i> / Virginia Witch-hazel					✓		Somewhat tolerant of urban conditions
<i>Hydrangea quercifolia</i> / Oakleaf Hydrangea					✓		Prefers shade; nice fall color
<i>Ilex verticillate</i> / Winterberry				✓	✓		Thrives in boggy soils; Showy berry display in winter
<i>Philadelphus x virginialis</i> / Mock Orange	'Minnesota Snowflake'				✓		Attractive flowers
<i>Spiraea x vanhouttei</i> / Vanhoutte Spirea			✓		✓		Tough plant; attractive flowers
EVERGREEN SHRUBS – SMALL (UP TO FOUR FEET IN HEIGHT)							
<i>Azalea hybrida</i> / Glenn Dale Azalea					✓		Attractive flowers
<i>Azalea Kurume</i> (<i>Rhododendron obtusum</i>)/ Kurume Azalea	'Coral Bells,' 'Hinodegiri,' 'Pink Pearl,' 'Snow'				✓		Attractive flowers, form
<i>Ilex crenata</i> / Dwarf Japanese Holly	'Helleri,' 'Hetzii'	✓		✓			
<i>Ilex glabra</i> / Dwarf Inkberry	'Compacta'		✓	✓			Fine textured foliage; can be sheared to form hedge; prefers moist locations
<i>Ilex vomitoria</i> / Dwarf Yaupon Holly	'Nana'			✓			Withstands sun, drought
<i>Loropetalum chinensis</i> / Dwarf Loropetalum	'Daruma' 'Purple Daydream,' 'Purple Pixie,' 'Snow Muffin,' 'Carolina Moonlight,' 'Emerald Snow'	✓		✓			Low mounding, compact grower; attractive foliage
<i>Nandina domestica</i> / Harbor Dwarf Nandina	'Harbor Dwarf'			✓	✓		Low growing; graceful form; attractive foliage
<i>Nandina domestica</i> / Dwarf Nandina	'Harbor Dwarf,' 'Nana' 'Lemon Lime,' 'Woods Dwarf,' 'Fire Power,' 'Gulfstream,' 'Seika,' 'Monfar'			✓	✓		Low growing; attractive foliage

NAME/ COMMON NAME	CULTIVAR	RECOMMENDED USES					COMMENTS
		Ground cover	Hedge /screen	Shrub border	Naturalistic design	Erosion control	
EVERGREEN SHRUBS – MEDIUM (BETWEEN FOUR AND SIX FEET IN HEIGHT)							
<i>Abelia x grandiflora</i> / Glossy Abelia*			✓				Attractive flowers, foliage
<i>Aucuba japonica</i> / Japanese Aucuba			✓	✓			Requires shade; tolerates pollution
<i>Azalea kaempferi</i> (<i>Rhododendron Kaempferi</i>)/ Kaempferi Azalea	'Johanna,' 'Daimio,' 'Semperflorens,' 'Eastern Fire,' 'Othello'				✓		Attractive flowers; other cultivars
<i>Berberis Juliana</i> / Wintergreen Barberry	'Spring Glory'		✓	✓			Attractive foliage; evergreen
<i>Buxus sempervirens</i> / Boxwood			✓				Can be pruned; several cultivars
<i>Ilex cornuta</i> / Dwarf Burford Holly*	'Burfordii Nana'		✓	✓			Drought tolerant; tolerates wide range of conditions
<i>Juniperus chinensis x phitzeriana</i> / Pfitzer Juniper	'Sulfer Spray,' 'Old Gold,' 'Sea Green'		✓	✓			Prefers well-drained soils; other cultivars
<i>Loropetlum Chinese v rubrum</i> / Loropetlum	'Darkfire,' 'Ever Red,' 'Purple Diamond,' 'Red Diamond,' 'Ruby,		✓	✓			Very attractive foliage; once established very tolerant of drought conditions
<i>Osmanthus heterophyllus</i> / Holly Tea Olive/False Holly	'Rotundifolius,' 'Variegatus'		✓	✓			Tolerates heavy pruning, urban conditions, drought and clay soil
<i>Pieris floribunda</i> / Mountain Pieris				✓			Needs shade; slow growing
<i>Prunus laurocerasus</i> / Cherry Laurel	'Otto Luyken', 'Zabel Laurel', 'Schipka Laurel'		✓				Withstands heavy pruning; prefers moist well drained soils
EVERGREEN SHRUBS – LARGE (SIX FEET AND ABOVE IN HEIGHT)							
<i>Azalea indica</i> / Indian Azalea	'George L. Tabor,' 'Formosa,' Mrs. G. G. Gerbing,' 'Judge Solomon,' 'Pride of Mobile'				✓		Partial shade; attractive flowers
<i>Bambusa multiplex</i> / Hedge Bamboo	'Alphonse Karr,' 'Golden Goddess'		✓				Tends to spread
<i>Berberis julianae</i> / Wintergreen Barberry	'Nana,' 'Spring Glory'		✓				Attractive foliage
<i>Camellia japonica</i> / Camellia*			✓		✓		Prefers shade/partial shade; attractive flowers; many good

NAME/ COMMON NAME	CULTIVAR	RECOMMENDED USES					COMMENTS
		Ground cover	Hedge /screen	Shrub border	Naturalistic design	Erosion control	
							cultivars
<i>Camellia sasanqua</i> / Sasanqua Camellia			✓		✓		Smaller than C. japonica; sun/partial shade; prefers moist, well drained, acidic soils
<i>Cleyera japonica</i> / Cleyera			✓				Accent plant; tolerates pruning; shade/partial shade; intolerant of wet sites
<i>Euonymus japonicus</i> / Japanese Euonymus			✓				Withstands heavy pruning; disease prone
<i>Fatsia japonica</i> / Japanese Fatsia					✓		Specimen; prefers full shade
<i>Ilex aquifolium</i> / English Holly*			✓				Dense foliage; attractive fruit
<i>Ilex comuta</i> / Chinese Holly			✓				Adapts to wide range of conditions; drought tolerant
<i>Ilex comuta</i> / Burford Holly *	'Burfordii'		✓				Adapts to wide range of conditions; drought tolerant
<i>Ilex crenata</i> / Convex Japanese Holly	'Convexa'		✓				Hardy; tolerates urban conditions/pruning
<i>Ilex crenata</i> / Hetzi Japanese Holly	'Hetzii'		✓				Attractive form
<i>Ilex crenata</i> / Roundleaf Japanese Holly	'Rotundifolia'		✓				Upright, rounded form; tolerates pruning
<i>Ilex x/ Emily Brunner Holly*</i>	'Emily Brunner'		✓				Attractive foliage; pyramidal form
<i>Ilex glabra</i> / Inkberry			✓				Withstands heavy pruning
<i>Ilex latifolia</i> / Lusterleaf Holly			✓				Requires light shade
<i>Ilex pernyi</i> / Perny Holly			✓				
<i>Ilex vomitoria</i> / Yaupon Holly *			✓				Adaptable to variety of conditions
<i>Juniperus chinensis</i> / Hetzi Juniper	'Hetzii'		✓				Tolerates wide range of soils; rapid growth
<i>Laurus nobilis</i> / Sweet Bay Laurel			✓				Highly aromatic foliage, once established

NAME/ COMMON NAME	CULTIVAR	RECOMMENDED USES					COMMENTS
		Ground cover	Hedge /screen	Shrub border	Naturalistic design	Erosion control	
							drought tolerant
<i>Leucothoe populifolia</i> / Florida Leucothoe					✓	✓	Needs shade
<i>Ligustrum japonicum</i> / Japanese Privet			✓				Adaptable to wide variety of conditions; can also be grown in tree form
<i>Ligustrum x vicaryi</i> / Golden Privet			✓				Golden foliage
<i>Loropetalum chinense</i> / Loropetalum	'Blush,' 'Burgundy', 'Little Rose Dawn', 'Pizazz', 'Plum Delight', 'Zhuzhou Fuchsia'		✓	✓			Tolerates pruning; tolerates heavy shade
<i>Mahonia bealei</i> / Leatherleaf Mahonia							Prefers shade; coarse foliage
<i>Michelia figo</i> / Banana Shrub			✓		✓		Attractive form, foliage; can also be grown in tree form; prefers partial shade
<i>Myrica cerifera</i> / Wax Myrtle			✓	✓	✓		Attractive foliage; native plant
<i>Nandina domestica</i> / Nandina							Needs pruning; adaptable; minimal care needed
<i>Osmanthus x fortune</i> / Fortune's Osmanthus			✓				Tolerates heavy pruning, drought and clay soil
<i>Osmanthus fragrans</i> / Fragrant Tea Olive			✓				Tolerates heavy pruning, drought and clay soil
<i>Osmanthus heterophyllus</i> / Holly Tea Olive/False Holly	'Goshiki', 'Gulftide', 'Sasaba'		✓	✓			Tolerates heavy pruning, urban conditions, drought and clay soil
<i>Photinia x fraseri</i> / Fraser Photinia	'Red Robin'		✓				Attractive foliage; drought tolerant
<i>Pieris japonica</i> / Japanese Pieris	'Mountain Fire', 'Purity'			✓	✓		Prefers shade; well-drained, organically rich soil
<i>Pittosporum tobira</i> / Pittosporum/Japanese Mockorange			✓				Tolerates wide range of conditions
<i>Podocarpus macrophyllus</i> maki/ Podocarpus/Japanese			✓	✓			Intolerant of wet sites

NAME/ COMMON NAME	CULTIVAR	RECOMMENDED USES					COMMENTS
		Ground cover	Hedge /screen	Shrub border	Naturalistic design	Erosion control	
se Yew							
<i>Prunus caroliniana</i> / Carolina Cherry Laurel			✓		✓		Tolerant of heat and drought
<i>Pyracantha coccinea</i> / Scarlett Firethorn			✓				Requires pruning
<i>Viburnum Awabuki</i> / Chindo Sweet Viburnum	'Chindo'		✓				Excellent glossy-leaved, large, evergreen shrub
<i>Viburnum rhytidophyllum</i> / Leatherleaf Viburnum			✓				Attractive foliage; tolerates heavy shade
<i>Viburnum tinus</i> / Laurestinus Viburnum			✓				Attractive foliage; tolerates heavy shade
GROUNDCOVERS							
<i>Ajuga reptans</i> / Ajuga		✓					Prefers part shade; intolerant of foot traffic
<i>Aspidistra elatior</i> / Cast-Iron Plant		✓					Prefers part shade; large foliage; tolerates wide range of soils and dry conditions
<i>Cotoneaster dammeri</i> / Bearberry Cotoneaster		✓	✓				Attractive foliage; rapid growth
<i>Cotoneaster salicifolius</i> / Willowleaf Cotoneaster							Attractive foliage; rapid growth
<i>Cyrtomium falcatum</i> / Holly Fern		✓			✓		Shade
<i>Helleborus orientalis</i> / Lenten Rose		✓					Shade; intolerant of sun/drought
<i>Hemerocallis spp.</i> / Daylily		✓				✓	Sun; low maintenance; many good cultivars are available
<i>Hypericum calycinum</i> / Aaronsbeard		✓					Sun; rapid growth; wide range of soils
<i>Juniperus conferta</i> / Shore Juniper		✓					Sun; wide range of soils; drought tolerant
<i>Juniper procumbens</i> / Juniper		✓					Feathery foliage on widespread, stiff branches; prefers sun;

NAME/ COMMON NAME	CULTIVAR	RECOMMENDED USES					COMMENTS
		Ground cover	Hedge /screen	Shrub border	Naturalistic design	Erosion control	
							wide range of soils; slow growth
<i>Juniper horizontalis/</i> Creeping Juniper	“Bar Harbor,’ ‘Plumosa,’ ‘Blue Rug’	✓					Low spreading grower; attractive foliage; prefers sun; tolerates urban conditions and drought
<i>Liriope muscari/</i> Liriope		✓					Sun/shade; wide range of soils; several clumping cultivars are available
<i>Ophiopogon japonicus/</i> Mondo Grass		✓				✓	Sun/shade; wide range of soils
<i>Santolina chamaecyparissus/</i> Lavender Cotton		✓					Sun; drought tolerant; attractive foliage
<i>Sedum acre/</i> Stonecrop		✓					Sun/part shade; rapid growth
<i>Trachelospermum asiaticum/</i> Asiatic Jasmine		✓					Sun/part shade; needs pruning to keep in bounds
<i>Vinca major/</i> Bigleaf Periwinkle		✓					Shade; rapid growth; wide range of soils; requires pruning to keep plant in bounds
<i>Vinca minor/</i> Littleleaf Periwinkle		✓					Shade; rapid growth; wide range of soils; several cultivars; requires pruning to keep plant in bounds

APPENDIX 8-B ASSOCIATED DEFINITIONS

RIPARIAN BUFFER

Best Management Practices (BMP)

A wide range of management procedures, schedules of activities, prohibitions on practices, and other management practices that have been demonstrated to effectively control the quality and/or quantity of stormwater runoff, and that are compatible with the planned land use or other land disturbing activity.

Impervious surface

Buildings; parking areas; driveways; streets; sidewalks; areas of concrete, asphalt, gravel, or other compacted aggregate; and areas covered by the outdoor storage of goods or materials that do not absorb water.

Low-impact development (LID)

The use of site and subdivision design techniques in coordination with stormwater management engineering to mimic the hydrologic conditions associated with an undeveloped site to the greatest extent practicable.

Riparian

Relating to or located on the bank or shoreline of a natural watercourse or other body of water.

Riparian buffer

The area of natural or planted vegetation adjacent to a natural watercourse as measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams, rivers, lakes, ponds, or wetlands that is intended to remain undisturbed.

Streams

- **Ephemeral:** A stream channel that generally has a defined natural watercourse but flows only in direct response to rainfall or snowmelt and in which discrete periods of flow persist no more than 29 consecutive days per event.
- **Intermittent:** A stream that generally has a defined natural watercourse that does not flow year round, but flows beyond periods of rainfall or snowmelt.
- **Perennial:** A stream or other channel that holds flowing water 365 days a year.

Wetlands

Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Wetlands generally include swamps, marshes, bogs, and similar areas.

TREE AND VEGETATION PROTECTION / LANDSCAPING

Arborist

A qualified arborist means any International Society of Arboriculture (ISA) Certified Arborist, ISA Board Certified Master Arborist, or current member of the American Society of Consulting Arborists.

Berm

An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

Caliper

A horticultural method of measuring the diameter of a tree trunk for the purpose of determining size. The caliper of the trunk is measured 6 inches above the ground for trees up to and including 4 inches in diameter, 12 inches above the ground for trees greater than 4 inches, and up to 10 inches in diameter, and at breast height (4 ½ feet) for trees 10 inches or greater in diameter.

Canopy tree

A tree that has an expected height at maturity greater than 30 feet and that produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

Critical root zone

An underground area extending laterally in all 4 cardinal directions from the base of a tree's trunk to a distance the greater of 1½ times the perimeter of the tree's drip line, or a distance of 9 inches in radius from the trunk for each inch of trunk diameter at breast height.

Deciduous tree

A tree that drops its foliage annually before becoming dormant.

Diameter at breast height (DBH)

The measurement of the diameter of a tree trunk more than 10 inches in diameter taken at a height of 4½ feet above the ground. Trees with multiple trunks should be treated as multiple trees and the DBH for each trunk added to aggregate diameter measurement.

Drip line

A vertical line that extends from the outmost branches of a tree's canopy to the ground around the circumference of the tree.

Evergreen tree

A tree with foliage that is not dropped, or that remains green throughout the year.

Heritage tree

A tree that has a trunk of 32 inches or more in diameter at 4½ feet above normal ground level, or if of a horticultural or ornamental variety, a trunk of 10 inches or more in diameter at 4½ feet above the normal ground level.

High risk tree

Any tree with structural defects sufficient to render the tree or part of the tree likely to fail and cause damage to persons, property, or significant vegetation (the crowns of all healthy self-supporting canopy trees with a diameter of 10 inches or greater, and understory trees with a caliper size of four inches or greater) as determined by a qualified professional (i.e., an ISA Certified Arborist, ISA Board Certified Master Arborist, or a member of the American Society of Consulting Arborists).

Groundcover

Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Hedge

A group of shrubs planted in line or in groups that forms a compact, dense, living barrier that demarcates an area from onsite or offsite views.

Landscape architect

A person who is registered by the State of South Carolina pursuant to Chapter 28, Title 40, Code of Laws of South Carolina, 1976, as amended.

Opaque/opacity

A measurement indicating the degree of obscuration of light or visibility.

Perimeter buffer

Vegetative material and structures (i.e., walls, fences) that are used to separate uses from each other as required by this Ordinance.

Perimeter landscape strip

Vegetative material associated with the perimeter landscaping required for a vehicular use area.

Severe pruning

The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system is removed (i.e., 25% of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), and/or if more than 1/3 of the overall circumference of a tree is exposed by pruning cuts.

Shrub

A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

Street tree

A canopy tree planted or existing within or along either side of a street right-of-way.

Streetscape

An area along a street that may be required by this ordinance to provide special landscape plantings or other treatment.

Tree canopy

The canopy or tree cover composed of crowns of healthy, self-supporting, significant vegetation that exists on a parcel or lot.

Tree protection zone

The portion of a development site located under a tree canopy area to be retained during the development process.

Understory tree

A tree that has an expected height at maturity of no greater than 30 feet.

Urban forester

The City Forester of the City of Rock Hill. In lieu of the City Forester, an arborist with the following credentials: A member of the American Society of Consulting Arborists or South Carolina Registered Forester or International Society of Arboriculture (Southern Chapter) Certified Arborist.

Vegetation

All plant growth, including trees, shrubs, mosses, and grasses.

- **Native:** Any indigenous tree, shrub, groundcover, or other plant adapted to the soil, climatic, and hydrographic conditions occurring on the site.
- **Non-native invasive:** A species of vegetation is regarded as invasive if it has been introduced by human action to a location, area, or region where it did not previously occur naturally (i.e., is not native), becomes capable of establishing a breeding population in the new location without further intervention by humans, and becomes a pest in the new location, threatening the local biodiversity.

Vehicular use area landscaping

- **Interior:** Vegetative material, structures (walls or fences), berms, and associated groundcover located within the interior of a parking lot, or other vehicular use area for the purposes of providing visual relief and heat abatement.
- **Perimeter:** Vegetative material, structures (walls or fences), berms, and associated groundcover located around the perimeter of a parking lot, or other vehicular use area when such areas are adjacent to a street right-of-way or land in a residential district or residentially developed lands for the purposes of screening the vehicular use area from offsite views.

OPEN SPACE

Greenway

Linear greenbelts linking various types of development by such facilities as bicycle paths, footpaths, and bridle paths. Greenways are usually kept in a natural state except for the pathway and areas immediately adjacent to the pathway.

Multi-use trail

An accessway, whether paved or unpaved, that is intended to serve multiple modes of travel including walking, jogging, bicycling, or other forms of non-motorized transport.

PARKING

Accessible parking space

A space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress to and egress from the vehicle by a disabled person and any equipment needed for that purpose.

Cross access

Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.

Crosswalk

A right-of-way within or connecting blocks generally 10 feet in width or greater that is intended for public use primarily by pedestrians.

Deferred parking

A portion of the required off-street parking associated with a use that is not installed at the time of construction but delayed or deferred until a parking demand study can be completed to determine if the additional required parking is needed.

Drive aisle

A vehicular accessway located within an off-street parking or vehicular use area that serves individual parking stalls and driveways.

Driveway entrance

A vehicular accessway or series of accessways providing ingress to and egress from a use or development from a public street, private street, or vehicular use area associated with another use. Such accessway may be the primary drive aisle, or may be a separate driveway.

Loading space

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.

Motor vehicle stop (“wheel stop”)

Curbing, wheel stop, or other ground-mounted device located at the head of an off-street parking space that is intended to prevent the front or back end of an automobile from interfering with required vehicular use area landscaping or pedestrian access.

Off-site parking

An off-street parking area provided on a different parcel than the use it is intended to serve.

Off-street parking space

A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.

On-street parking

A location or area within the right-of-way of a public or private street that is reserved for the parking of vehicles. Such areas may or may not be formally designated with signage, striping, or parking meters.

Parking bay

The parking module consisting of one or two rows of parking spaces or stalls and the aisle from which motor vehicles enter and leave the spaces.

Parking demand study

An analysis of the total number of parking spaces required in order to accommodate the maximum number of vehicles for parking purposes by a particular use or site at any given time, including the parking requirements for all employees, occupants, clients, and visitors.

Parking lot

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

Peak business period

The portion of the day when a business receives most of its vehicular traffic from customers.

Pedestrian pathways

Interconnected paved walkways that provide a pedestrian passage through blocks running from street to street, vehicular use areas, or other locations.

Primary drive aisle

The main aisle(s) that extends from the street right-of-way, or from the driveway entrance(s) serving a development along the front of the building it serves.

Shared parking

Off-street parking facilities shared by two or more uses that are in close proximity to one another and the parking area, and that have different operational characteristics such that use of the parking facilities by one use will not generally overlap with the use of the parking area by the other use(s).

Stacking area

A portion of the vehicular use area on a site that is dedicated to the temporary storage or "stacking" of vehicles engaged in drive-through use of the site or development. Parking or storage of vehicles is not permitted within the stacking area.

Tandem parking

A parking space within a group of two or more parking spaces arranged one behind the other.

Vehicular use area

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

LIGHTING

Awning

A structure made of wood, cloth, vinyl, or other flexible 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 a canopy).

Canopy

A permanent, but not completely enclosed, structure that may be attached or adjacent to a building for the purpose of providing shelter to people or automobiles, or a decorative feature on a building wall. A canopy is not a completely enclosed structure.

Foot candle

The amount of light that falls onto a surface as emitted by an exterior lighting device.

Full cut-off lens

An artificial outdoor lighting fixture designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

Glare

The reflection of harsh, bright light and the physical effect resulting from high luminance or insufficiently shielded light sources to cause annoyance, discomfort, or loss in visual performance and visibility.

Hue

The visible color emitted from an artificial source of exterior lighting.

Lumen

A unit of luminous flux. One foot candle is one lumen per square foot. Lumen output values are the initial lumen output ratings of a lamp.

Uniformity ratio

A measurement of the relative difference in illumination values, at ground level, between differing exterior lighting sources on a single parcel of land.

SIGNAGE

Abandoned sign

A sign that has either not been maintained, or a sign that refers to a business, activity, product, or other entity that is no longer conducted or sold, or no longer exists on the premises.

Billboard

An advertising sign that exceeds the maximum height and/or sign message area limitations of this ordinance and directs the attention of the public to a commodity, product, service, activity, or any other person, place, or thing that is not located, found, or sold on the premises upon which such sign is located.

Bulletin board

A changeable 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.

Campaign or election sign

A sign that advertises a candidate for political office, or issue to be voted on, on a definite election day.

Commercial sign

Any sign that advertises or otherwise draws attention to a particular business. It may or may not include the business name, logo, slogan, or products, or services offered for sale.

Copy

Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

Directional sign

A sign used to guide vehicular and/or pedestrian traffic by using such words as “entrance,” “exit,” “parking,” “one-way,” or similar directional instructions, but not including any advertising message except business names or logos.

Directory sign

A ground or building sign that lists individual tenants or occupants of a building or development project, often with unit numbers, arrows, or other directional information.

Electronic message board (EMB)

A sign or portion of a sign that uses a series of bulbs or light emitting diodes (LEDs), or a video display to create a changeable message.

Flashing or animated sign

Any sign that, by method or manner of illumination, moves, flashes on or off, winks, or blinks with varying light intensity, shows motion or animation, or creates the illusion of motion.

Freestanding sign

A self-supporting sign resting on, or supported by, means of poles, standards, a monument base, or any other type of base on the ground.

Monument sign

A ground mounted sign in which the area between the bottom edge of the sign and the ground is substantially filled with a solid architectural material. Solid architectural materials include wood, brick, stone, masonry, or hard-coat stucco but do not include aluminum or similar materials.

Off-premise advertising sign

A sign or advertising display that attracts attention to, advertises, or directs persons to a product, service, or business activity located on other than the premises where the sign is erected.

Projecting sign

Any sign other than a wall sign that is attached to and projects from the wall or face of a structure more than 18 inches, including an arcade/marquee sign.

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 projection.

Sight triangle

The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the curb or a driveway).

Sign

Any surface or object that is used to display or that is fabricated to create words, numerals, figures, devices, designs, trademarks, or logos, and that is sufficiently visible to persons located outside of any building to attract the attention of such persons or to communicate information to them. Signs do not include:

- (1) Merchandise and pictures or models of products or services incorporated in a window display;
- (2) Works of art that in no way identify a product;

- (3) Scoreboards located on athletic fields; or
- (4) Buildings constructed to generally resemble a product.

Sign face

The advertising display surface area of a sign that includes the copy or message. In the case of freestanding signs, consists of the entire surface area of the sign on which copy could be placed. Where a sign has two display faces back to back, the area of only one face is considered the sign face area. Where a sign has more than one display face, all areas that can be viewed simultaneously is considered the sign face area. In the case of a sign where the message is fabricated together with the background that borders or frames that message, sign face area is the total area of the entire background. In the case of a sign where the message is applied to a background that provides no border or frame, sign face area is the area of the smallest rectangle that can encompass all words, letters, figures, emblems, and other elements of the sign message.

Sign height

The vertical distance as measured at the highest point of the sign to the elevation of the principal grade of the road or street to which the sign is oriented.

Sign lighting

- **Back lit:** Illumination of a sign face where the letters are raised beyond the sign's background and lighting sources that illuminate the background. The lighting sources are covered so that these are not visible and only the sign's background is illuminated.
- **Electronic:** Sign illumination where the sign uses light emitting diodes (LEDs), liquid crystal display (LCD), or other analog or digital electronic display medium, or individual bulbs to spell out or form the message.
- **General:** Illumination of sign face where the sign face is neither lit internally nor subject to an external source of light specifically directed at it. The sign depends on the general illumination of the area (e.g., parking lot, traffic, or pedestrian areas) for its illumination.
- **Internal:** Illumination of a sign where the sign face is transparent or translucent and the sign contains internal lights.
- **Spot lit:** Illumination of a sign where the sign's face is lit by spot lights specifically directed at it. The light may not be placed so that it interferes with the safe operation of motor vehicles.

Sign permit

A permit reviewed and approved, approved with conditions, or denied by the Planning & Development Director in accordance with Section 2-300(M), *Sign Permit*.

Sign support structure

For freestanding signs, the poles or bracing to which the sign is attached or mounted.

Temporary sign

A sign or advertising display designed to be displayed for a short period of time. Included in this category are banners and retailer's signs temporarily displayed for the purpose of informing the public of a sale or special offer.

Wall sign

A sign mounted parallel to or painted on a building façade or other vertical building surface that does not project more than 18 inches from the wall surface.

SITE AND BUILDING DESIGN STANDARDS

9

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9.1 PURPOSE AND INTENT

The purpose of this chapter is to provide guidance and parameters for the design of buildings throughout the City of Rock Hill that meet the following objectives:

- Design buildings that address the street and create a pedestrian-friendly environment in locations where that is appropriate.
- Promote original and distinctive building design.
- Utilize building materials that convey a sense of quality and permanence.
- Incorporate sustainable development practices.
- Demonstrate respect for historic areas and resources.

9.2 RESIDENTIAL DESIGN STANDARDS—SINGLE-FAMILY DETACHED DEVELOPMENT

9.2.1 APPLICABILITY

In addition to the design standards of the following sections, also see the use-specific standards for single-family detached uses in Chapter 4 for related requirements.

The following design standards apply to all new single-family detached development in the City, unless one of the following exemptions exist:

- A. Single-family detached dwellings on five or more acres that are located farther than 100 feet from a public street.
- B. Single-family detached dwellings that have a modern or contemporary architectural design. These designs have unique or irregular forms, clean lines, and are constructed particularly with the use of glass, architectural grade metal panel systems, wood, and reinforced concrete. Examples include the following.



- C. All new single-family detached residential development in existing neighborhoods that were approved prior to 2006 must show general compatibility with homes in the surrounding area of the neighborhood by using the same or similar design elements, features, and construction style. Enough of the following elements must be compatible with homes within the existing development such that the new residence does not stand out as being out of place within the context of its surroundings.
 - 1. Foundations (whether raised or not, and materials used)
 - 2. Roof slopes
 - 3. Front and side façade materials
 - 4. Windows and doors
 - 5. Front porches (whether they exist or not)
 - 6. Garage/carport (whether they exist or not, and location and design)

7. Location and visibility of parking areas and access drives
8. Size of structure (overall mass compared with other residences in the area as well as the amount of land taken up by the residence on the lot)
9. Height of structure (number of stories)
10. Width and length of residence
11. Setbacks and building placement on the parcel

An exception exists for properties that are within a Historic Overlay District, in which case the City's Historic Design Guidelines would apply.

Additionally, when a plat or lot of record in Old Town is proposed for recombination with a plat outside of Old Town, single-family residential development on the recombined plat must comply with the above.

9.2.2 BUILDING MATERIALS

- A. **Applicability:** The following standards apply to all building plans that are submitted after August 8, 2022. Building plans that were approved based on prior regulations may be built as approved.
- B. **Allowed Materials:** The following exterior materials are allowed on any façade:
 1. Brick or brick veneer;
 2. Stone or stone veneer;
 3. Stucco or synthetic stucco (EIFS) except within two feet of the grade level or within two feet of any exterior door jamb;
 4. Wood; and
 5. Cementitious siding (e.g., Hardiplank).
 6. Vinyl siding, provided that the panels are standard residential grade or higher as evidenced by being at least 0.44 millimeters thick; the panels are at least 16.7 feet long except in areas that are shorter than that (such as at the end of a row); the panels are pre-insulated; and if used on the front façade, at least 50% of the exterior materials on the front façade other than garage doors must be brick, brick veneer, stone, stone veneer, or stucco.
- C. **Prohibited Materials:** The following materials are prohibited on all facades:
 1. Metal siding and exposed smooth-finished concrete block for all building elevations; and
 2. Synthetic stucco (EIFS) within two feet of the grade level and within two feet of any exterior door jamb.

9.2.3 ARCHITECTURAL VARIABILITY

- A. **Façade Variation Required:** For all development involving four or more contiguous lots, any given house façade must be distinctly different than those of the two lots on either side and the house most directly across the street. "Distinctly different" means that a single-family detached dwelling's elevation differs from the other evaluated house elevations in at least three of the following four ways:
 1. The use of different surface materials;
 2. Variations in roof lines, pitches, or the use of dormers;
 3. Variation in the location and/or proportion of front porches; or

4. Variation in the location and/or proportion of garages or carports and garage doors. See the next section for standards related to garage locations and garage doors.

If the neighborhood has all-brick homes (i.e., full brick on all sides), they are required to meet only two of numbers 2 through 4 above.

- B. **Front Porches:** At least 50% of the dwellings on all blocks must include a front porch with a minimum depth of six feet and a minimum width of eight feet.

9.2.4 FRONT FACADES

- A. All single-family detached dwellings with front façade widths of 40 feet or more must incorporate wall offsets in the form of projections and/or recesses in the façade plane. Offsets must have a minimum depth of two feet, so that no single wall plane exceeds 25 feet in width.
- B. The provision of a front porch in accordance with the *Front Porches*' section above can serve as an alternative.

9.2.5 SIDE FACADES

- A. The following standards apply except when the house is located on an infill lot according to section 9.2.1.C or when a side has a side-loaded garage.

Where the side of a residence will be visible due to facing a road (as with a corner lot), common space, a neighborhood amenity area, or another reason, the side façade must include at least two windows of standard egress size (e.g., 48 inches by 20 inches) with trim that is at least 3.5 inches, and one of the following:

1. Wrap-around porch or side porch that is at least 48 square feet on the side façade; and/or
2. Substantial façade line changes, such as through varying number of stories, dormers, architectural additions, bay windows, roof styles and chimneys.

To show the intent of this provision, examples of homes that meet this standard include:



The above house has multiple windows, dormers, and different roof styles on the side façade.



This house has multiple windows, a wrap-around porch, and façade line changes through different roof styles and number of stories on the side.



This house has multiple windows, a side porch, and varying levels of stories.



This house has multiple windows, a wrap-around porch, and roof changes.



This home has a wrap-around porch and a side porch, multiple windows, varying stories, and roof line changes.

The Planning & Development Director may consider other methods of achieving architectural variability that meets the intent of this section when unique circumstances exist.

- B.** The following standards apply except when the house is located on an infill lot according to section 9.2.1.C., or it is located in the Senior Residential zoning district, or it has a side-loaded garage.

When the side of a residence faces the side of another residence, either one of the above or one of the following must be provided.

1. Homes with a gable roof must include a contrasting band of trim with a different color or shape of siding or material in a gable area.



These three homes have a band of contrasting color at the bottom of the gable area, and the area within the gable contains siding of different material or shape.

2. Homes with a hip roof or similar roof style must provide banding between floors and corner trim boards in a contrasting color, coupled with a different material or color of siding on each floor. One-story homes may provide at least two egress windows that are at least 48 inches by 20 inches and trim that is at least 3.5 inches instead or an architectural addition instead.



These homes have a band of contrasting color between the stories and at the corners, and the upper story is different from the lower story in terms of materials or color.



This home has an architectural addition on a side wall.

The Planning & Development Director may also consider other methods of achieving architectural variability that meets the intent of this section.

9.2.6 PARKING DESIGN

For parking design requirements for single-family detached dwellings, see the Subdivision Configuration Standards of *Chapter 6: Community Design Standards*.

9.2.7 GARAGES AND CARPORTS

A. Applicability:

1. The following standards apply to all building plans that are submitted after August 8, 2022. Building plans that were approved based on prior regulations may be built as approved.
2. Garages and carports may be attached or detached. While the below standards apply to both attached and detached garages and carports, additional standards related to detached accessory structures of all types are located in the *Accessory Structures* section of Chapter 5.

B. Locational standards:

1. At least 30% of the houses in a development phase must have garages or carports that are located at least 18 feet behind the front façade, or side-loaded or rear-loaded garages.

Also note that when rear alleys are required under section 6.3.3, the garage or carport must be non-street-facing and accessed from the alley.

2. All front-loaded garages and carports must be located at least two feet behind the front façade.

C. Design standards--front-loaded garages and carports:

1. The exterior materials, design features, and roof form of garages must be consistent with the building it serves. Metal is an allowed material for detached carports, provided that they are screened from view of adjacent roads.
2. Front-loaded garages and carport façades are limited to 50% of the width of the front façade of the residence unless they are set back at least 18 feet behind the front plane of the primary portion of the structure.
3. The following house design is not allowed, with the entryway to the home recessed between the garage and a conditioned room, even if the conditioned room is located two feet in front of the plane of the garage.



3. Front-loaded garage doors must not exceed 12 feet in width per door unless the garage is set back at least half the distance of the length of the home from the front plane of the primary part of the structure or in limited cases to make a reasonable accommodation for wheelchair van access or similar special needs.
4. Front-loaded garages must have at least two of the following architectural features on the side: trellis, columns, portico treatment, windows, dormers, overhangs, eaves, and roof line changes.
5. A maximum of three doors may front the street and be visible from the street for each dwelling, and a minimum separation of at least one foot must be provided between the doors.

D. Design standards—side-loaded garages and carports:

1. The exterior materials, design features, and roof form of garages must be consistent with the building it serves. Metal is an allowed material for detached carports.
2. Attached side-facing garages must have architectural details and windows that mimic the features of the living portion of the dwelling on the side of the garage facing the street.

3. The width of the conditioned spaces that faces the street must be at least 35% larger than the width of the garage or carport façade that faces the street.

In the following example, this standard is met. The width of the conditioned spaces that faces the street is 27 feet, and the width of the garage façade that faces the street is 20 feet.



However, in the below two examples, this standard is not met. In both cases, the width of the garage façade that faces the street is nearly equal to the width of the main conditioned space that faces the street.



A maximum of three doors may front the street and be visible from the street for each dwelling, and a minimum separation of at least one foot must be provided between the doors.

9.2.8 BUILDING FOUNDATIONS

- A. The following standards apply to all building plans that are submitted after August 8, 2022. Building plans that were approved based on prior regulations may be built as approved.
- B. An 18-inch crawl space is required except for age-restricted homes in the Senior Residential zoning district, homes designed or intended for occupation by persons with physical disabilities, and homes being

constructed on infill lots under section 9.2.1.C. The crawl space must be clad with brick, brick veneer, stone, stone veneer, stucco or other masonry material on the front and side facades.



Example of residence with an 18-inch crawl space clad in brick.

A basement foundation may also be used on the sides and/or rear facades.

- C. Homes being constructed on infill lots under section 9.2.1.C. must use one of the following:
1. An 18-inch crawl space that is clad with brick, brick veneer, stone, stone veneer, stucco or other masonry material on the front and side facades.
 2. A slab foundation, provided that the foundation supporting the floor framing on the front façade is an average of at least 18 inches above grade on the front and side facades and is clad with brick, brick veneer, stone, stone veneer, stucco or other masonry material on the front and side facades.



This house has a slab foundation that is raised an average of 18 inches from the ground, and the foundation is clad with brick.

A basement foundation may also be used on the sides and/or rear facades.

- D. Age-restricted homes in the Senior Residential zoning district and homes designed or intended for occupation by persons with physical disabilities may use either of the foundations described above or a slab-on-grade foundation, provided that an average of 18 inches from the ground level is clad with brick, brick veneer, stone, stone veneer, stucco, or other masonry material on the front and side facades.



This residence has a slab-on-grade foundation, and the first 18 inches from the ground are clad in brick.

Alternatively, a basement foundation may also be used on the sides and/or rear facades.

9.2.9 EAVES

Flush roof lines are not allowed on the sides and rear of homes with building plans submitted after August 8, 2022—eaves must extend beyond plane of façade by at least 6 inches. Building plans that were approved based on prior regulations may be built as approved. Similar treatments such as coping on top of a brick façade or a stucco parapet wall also are allowed.

9.2.10 ENTRIES

All entries must be sheltered with an overhang, portico, or porch.

9.2.11 IMPROVED OUTDOOR AREAS

Rear yard areas in new single-family detached neighborhoods that seek preliminary plat approval after August 8, 2022, are required to have at an improved outdoor area that is at least 400 square feet in size for all homes other than those built under the Senior Residential zoning district, which are required to be at least 100 square feet. Options include a patio, which may be concrete or other materials, screened porch, deck, or similar feature.

9.2.12 ROOF PENETRATIONS

All roof vents, pipes, antennas, satellite dishes, solar installations, and other roof penetrations and equipment (except chimneys) must be located on the rear elevations or otherwise configured to the degree practicable to have a minimal visual impact as seen from the street. Solar installations that are visible from the street must be either composed of building-integrated components (such as solar shingles) that are not readily evident, or be designed and mounted to match the shape, proportions, and slope of the roof. The following are examples of acceptable and unacceptable visible residential solar installations.



9.3 RESIDENTIAL DESIGN STANDARDS—SINGLE-FAMILY ATTACHED

9.3.1 APPLICABILITY

In addition to the standards of this section, also see the use-specific standards for single-family attached uses in Chapter 4.

The following design standards apply to all new single-family attached development in the City.

For projects that were built under older standards but that have space for additional buildings, those new buildings would be expected to meet the current design standards unless it is determined that:

1. The location is not on an arterial or collector road or other highly visible location where strict compliance is crucial to meeting overall City aesthetic goals; and
2. The likelihood of surrounding non-conforming buildings changing use, being redeveloped, or otherwise being brought into greater conformance with these design standards within the foreseeable future is low.

9.3.2 ALLEYS AND PARKING

The alley and parking standards for single-family attached products are found in the *Neighborhood Design Standards* section of *Chapter 6: Community Design Standards*.

9.3.3 PEDESTRIAN WALKWAYS

- A. **Connection to Public Sidewalk System:** At least one internal pedestrian walkway with a minimum width of five feet must be provided from the primary building entrance to the public sidewalk system at a major connection point.
- B. **Connection to Shared Use Path Network:** Where a shared use path network runs through or adjacent to the property, the pedestrian walkways must connect to it. Some of the required active amenities may need to be oriented towards the shared use path.

9.3.4 ORIENTATION OF BUILDINGS

The following apply to projects that seek preliminary plat approval after August 8, 2022.

- A. Buildings must be oriented so that the primary entrances of the units face either a public street, whether internal or external to the development, or a central courtyard area with at least one side of the courtyard containing no units.
- B. When buildings face a public street, whether internal or external to the development, no buffer is required between the units and the road. When the sides or rears of buildings face a public street, a buffer is required according to the buffer section in Chapter 8.
- C. Buildings must be oriented so that the fronts of units do not face the sides or rears of other buildings.

9.3.5 BUILDING MATERIALS

- A. **Applicability:** The following standards apply to all building plans that are submitted after August 8, 2022. Building plans that were approved based on prior regulations may be built as approved.
- B. **Allowed Materials:** The following materials are allowed on any façade:
 1. Brick or brick veneer;
 2. Stone or stone veneer;
 3. Stucco;

4. Wood; and
 5. Cementitious siding (e.g., Hardiplank).
- C. Prohibited Materials:** The following materials are prohibited on all facades:
1. Metal siding (unless architectural grade in limited application as a design accent or feature only); and
 2. Exposed smooth-finished concrete block; and
 3. Synthetic stucco (EIFS) within two feet of the grade level and within two feet of any exterior door jamb;
 4. Plywood; and
 5. Vinyl siding.

9.3.6 ARCHITECTURAL VARIABILITY

- A. Applicability:** The following standards apply to all building plans that are submitted after August 8, 2022. Building plans that were approved based on prior regulations may be built as approved.
- B. Massing:** A maximum of six units may be attached in one building.
- C. Roof Lines:** Each building with more than two units must have roof line changes of at least 16 inches either vertically or horizontally between each unit, or gables or dormers on each unit.
- D. Other:** Each building with more than four units must have at least three of the following on the front façade of the building (upstairs or downstairs) on one or more units:
1. A porch;
 2. A bay window;
 3. A gable;
 4. A dormer; or
 5. A shed roof.

9.3.7 SIDE FACADES

The side facades of single-family attached homes must meet the standards of section 9.2.5.

9.3.8 GARAGES AND CARPORTS

- A.** Garages/carports serving single-family attached buildings must be located behind the rear façades of such buildings.
- B.** Garage doors cannot face a street.
- C.** Side-facing garages must not face existing single-family detached dwellings unless a perimeter buffer is provided between the garage and the existing single-family detached dwelling in accordance with the *Foundation Plantings* section of *Chapter 8: Development Standards*.
- D.** The exterior materials, design features, and roof form of garages and carports must be compatible with the building it serves.

- E. Garage doors facing a public street or public open space must be recessed within the façade and include detailing elements to create visual interest and add to the overall architectural character of the building. This does not apply to garage doors facing an alley, service area, or otherwise non-public area.

9.2.9 BUILDING FOUNDATIONS

- A. The following standards apply to all building plans that are submitted after August 8, 2022. Building plans that were approved based on prior regulations may be built as approved.
- B. One of the following is required on all homes except for homes designed or intended for occupation by persons with physical disabilities:
 - 1. An 18-inch crawl space that is clad with brick, brick veneer, stone, stone veneer, stucco or other masonry material on the front and side facades; or
 - 2. A slab foundation, provided that the foundation supporting the floor framing on the front façade is an average of at least 18 inches above grade on the front and side facades and is clad with brick, brick veneer, stone, stone veneer, stucco or other masonry material on the front and side facades.



These units have a slab foundation that is raised at least 18 inches and is clad in brick.

A basement foundation may also be used on the sides and/or rear facades.

- C. Homes that are age-restricted to citizens ages 55 and older, and homes that are designed or intended for occupation by persons with physical disabilities may use either of the foundations described above or a slab-on-grade foundation, provided that an average of 18 inches from the ground level is clad with brick, brick veneer, stone, stone veneer, stucco, or other masonry material on the front and side facades.



These units have a slab-on-grade foundation but each unit is clad with at least 18 inches of brick from the ground.

Alternatively, a basement foundation may also be used on the sides and/or rear facades.

9.3.10 EAVES

Flush roof lines are not allowed on the sides or rears—eaves must extend beyond plane of façade by at least 6 inches. Similar treatments such as coping on top of a brick façade or a stucco parapet wall also are allowed.

9.3.11 ENTRIES

All entries must be sheltered with an overhang, portico, or porch.

9.3.12 OUTDOOR AREAS

In addition to the common open space for the entire project, each unit must have an outdoor living area for the residents to use for recreation. Specific standards include:

- A. **Types:** The outdoor area may take forms such as but not limited to a yard, balcony, covered or screened porch, rooftop area, patio or deck.
- B. **Location:** The private outdoor area must be fully contained on the individual parcel, outside of all required utility easements.
- C. **Size:** The private outdoor living area must be at least 200 square feet per unit. This area may be physically broken into up to two separate areas, but neither area may be smaller than 48 square feet, and the total of both must be at least 200 square feet.
- D. **Separation:** Private outdoor living areas must have physical separation from adjacent units through building walls, fences, hedges, or similar. The physical separation is not required to provide a full screen; for example, a three-foot hedge or decorative fence would be allowed.
- E. **Surfacing:** Private outdoor living areas must have an appropriate surface for the use.
- F. **Parking Areas:** Parking areas that are provided to meet the parking standards of this ordinance and driveways that access a garage do not count towards this requirement.

9.4 RESIDENTIAL DESIGN STANDARDS—MULTIPLE-FAMILY DEVELOPMENT

9.4.1 APPLICABILITY

These standards apply to all multiple-family development in the City.

For projects that were built under older standards but that have space for additional buildings, those new buildings would be expected to meet the current design standards unless it is determined that:

3. The location is not on an arterial or collector road or other highly visible location where strict compliance is crucial to meeting overall City aesthetic goals; and
4. The likelihood of surrounding non-conforming buildings changing use, being redeveloped, or otherwise being brought into greater conformance with these design standards within the foreseeable future is low.

9.4.2 DESIGN INTENT

The following design standards are intended to create high-quality, walkable urban environments based on time-tested urban design principles. These principles, along with the careful location of these buildings and communities in high-amenity, mixed-use locations, are intended to create long-term value that allows buildings to become even more coveted addresses over time. Architectural details, the design quality and functionality of open spaces, and the design and functional integration of these buildings and communities with their surrounding mixed-used environment are the important public interests that are reflected in these guidelines.

9.4.3 ORIENTATION OF BUILDINGS TO STREETS AND OPEN SPACE

- A. All multiple-family dwellings must be oriented so that the primary entrance(s) and street-level unit entries face the street. In the case of corner lots, the primary entrance(s) must face the street from which the building derives its street address. It is acceptable to have two primary entrances, but no secondary entrance may face a street. A primary entrance is defined by the entrance's function, scale, and/or design detail.
- B. When a required open space area is included within the development, at least 10% of the dwelling units must front onto the open space area, this includes lots where a street is located between dwelling units and the open space. This percentage may be reduced where the open space is designed to preserve specific natural features, or extend existing open space or pedestrian corridors and such a percentage cannot be reasonably met.
- C. To the maximum extent practicable within the context of other design requirements, streets and buildings should be arranged to frame the open space as depicted in the figure below.



9.4.5 OPEN SPACE

Required open space must be functional space that enhances the resident or visitor's experience and include special paving, enhanced landscaping, trellises, and other features that promote outdoor recreation, scenic amenity, and/or shared exterior space for people to gather.





Open space examples

9.4.6 PARKING

Multi-family projects must comply with the following, in addition to any related standards elsewhere in this Ordinance:

1. Off-street surface parking lots associated with multiple-family dwellings cannot be located between any structures and the street.
2. Off-street surface parking lots located next to a building must not occupy more than 25% of the parcel's street frontage. Associated driving areas must be included as part of such off-street surface parking.
3. Any podium parking or structured parking should be adequately screened and integrated into the overall design of the building through the use of metal screens, louvers, grilles, and/or green screens.

9.4.7 PEDESTRIAN WALKWAYS

- A. **Continuous Pathways Required:** In addition to the standards of the *Internal Pedestrian Access* section in *Chapter 6: Community Design Standards*, continuous internal pedestrian walkways must be provided to connect to off-street surface parking areas with primary building entrances and the public sidewalk system.
- B. **Connection to Public Sidewalk System:** At least one internal pedestrian walkway with a minimum width of five feet must be provided from the primary building entrance to the public sidewalk system at a major connection point. In the case of corner lots, a connection must be made to the sidewalk of both streets.
- C. **Connection to Trail Network:** Where a trail network runs through or adjacent to the property, the pedestrian walkways must connect to it. Some of the required active amenities may need to be oriented towards the trail.
- D. **Distinguished from Driving Surfaces:** The crossings at major entrances, major internal routes, and major pedestrian pathways must be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways

9.4.8 BUILDING SIZE

Individual building footprints are limited to 15,000 square feet, or in cases where at least 25% of the ground floor is reserved for neighborhood commercial uses served by their own exterior entrance, to 25,000 square feet. A larger building footprint may be approved by the Planning Commission for special purpose facilities such as student- or senior-exclusive housing, or for developments of an urban design when located in Knowledge Park, a key redevelopment area of the City, or an established mixed-use area when compatible with the scale of surrounding development.

9.4.9 BUILDING MASSING

- A. All building facades of multi-family uses must include a distinguishable and distinct base, middle, and top such that the base of the building relates to the pedestrian scale.
- B. All building elevations must be treated in a consistent manner regarding the design, materiality, color, and complexity, unless the elevation exclusively fronts a service area or alley, or is otherwise not visible to the general public.



Base, middle, and top examples

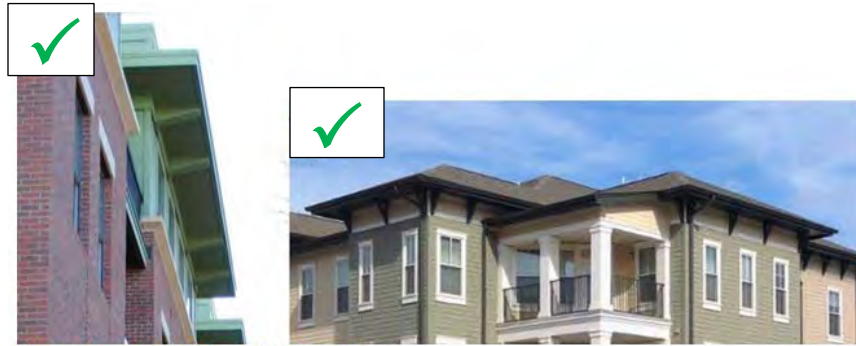
9.4.10 DESIGN OF FRONT FAÇADES

- A. Façades must incorporate wall offsets in the form of projections and/or recesses in the façade plane a minimum of every 30 feet of façade frontage.
- B. Wall offsets, resets, and projections must have a minimum depth of two feet.
- C. The building façade must express the module of the actual residential unit in order to scale down the overall building massing relating to the pedestrian scale to create a façade that has depth, visual interest, and rhythm.
- D. In addition to wall offsets, façades of multi-family buildings must provide a minimum of four of the following design features in a cohesive manner for each residential unit fronting onto a public street or public space unless there are unique and challenging circumstances that would otherwise make the implementation of these features not feasible, such as incompatibility with an established building aesthetic, lack of public visibility, or demonstrated physical constraints of the site:
 - 1. One or more dormer windows or cupolas above the corresponding residential unit
 - 2. A projecting or recessed balcony for at least 50% of the units facing a street or public space and a covered porch for each unit at the ground-level facing a street or public space
 - 3. Ornamental pilasters, columns, or other similar architectural features integrated into the overall architectural design
 - 4. One or more bay windows with a minimum 12-inch projection from the façade plane
 - 5. Eaves with a minimum of six-inch projection from the façade plane
 - 6. A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form



Modulation of façade example

7. Multiple windows grouped together to establish a design feature that can be either recessed or projecting with a minimum four-inch wide trim
 8. Windows that have dimensional window surrounds or trim
 9. Windows that incorporate ornamental elements such as shutters, an arched window, a transom window, or any other design feature that would otherwise add ornamental characteristics to a window or group of windows
 10. Other prominent design details that are consistent with the overall architectural character and scale of the building
- E. Pitched roofs must have multiple planes and elements including hips, gables, and dormers reflecting required wall offsets or other architectural features of the building, with at least one additional roof plane or feature for every 60 feet of façade frontage.



Flat roof and pitched roof examples

- F. Flat roofs should include elements that act as a prominent visual termination for the building, such as projecting architectural features, cornices, and eaves. Where a flat roof is used, a parapet should extend above the roof plane and include an element that provides a visual termination of the façade. The parapet should extend far enough above the roof plane that any mechanical equipment is concealed from public view at street level.

9.4.11 CONSISTENCY OF FAÇADE DESIGN

Each façade must receive similar treatment to the façades that are oriented towards the street. They should have a variation in massing, similar pattern of openings, at least one projection or recess, or one bay window or covered porch meeting the standards of the *Design of Front Façades*’ section above. This requirement may be waived for adjacent building sides or facades otherwise oriented with minimal public visibility.



Consistency of façade design

9.3.12 DESIGN OF BUILDING ENTRIES

- A. At any building entry, whether a common entry or access to an individual unit at ground level, a canopy, awning, balcony, or other significant architectural feature combined with the entry itself being either recessed or projecting from the primary façade must be provided to promote pedestrian safety and orientation to the building by creating a well-defined and welcoming building entry.



Building entry design

- B. Shared or common building entries should provide a transition from the street to the entry itself to create a unique sense of entry that provides a defensible space, therefore generating a sense of pride and ownership. This can be accomplished by changes in grade, stairs, low masonry walls, ornamental railing, a change in paving material, and/or landscaping.



Building entry design

- C. Exterior, open corridors (breezeways) designed to provide primary, street-side access to dwellings are prohibited. This is the case whether the breezeways are ground level or elevated.
- D. All residential units, other than units that are accessed individually directly from the exterior, should be accessed through enclosed, shared common access points that are monitored by a security system and/or on-site security/management staff and be accessible to emergency responders. Building access must be provided via a keypad entry, card access, or similar secured system equipped with the ability to provide on-demand access to emergency responders.

9.4.13 BUILDING FOUNDATIONS

- A. The following standards apply to all building plans that are submitted after August 8, 2022. Building plans that were approved based on prior regulations may be built as approved.
- B. A slab foundation is allowed, provided that the foundation supporting the floor framing on the front façade is an average of at least 18 inches above grade on the front and side facades and is clad with brick, brick veneer, stone, stone veneer, stucco or other masonry material on the front and side facades.
- C. Buildings that are age-restricted for citizens ages 55 and older, and buildings that are designed or intended for occupation by persons with physical disabilities may use the foundation described above or a slab-on-grade foundation, provided that an average of 18 inches from the ground level is clad with brick, brick veneer, stone, stone veneer, stucco, or other masonry material on the front and side facades.

Alternatively, a basement foundation may also be used on the sides and/or rear facades.

9.4.14 BUILDING MATERIALS

- A. Buildings must have a minimum of 50% brick, stone, or stucco on façades facing a public street or public open space, and 30% brick, stone, or stucco on façades that front service areas or alleys, or are otherwise not visible to the general public.

Synthetic stucco (EIFS) may only be placed above the first building level on all façades, except for detailed design elements which may extend to the ground level.



Metal siding examples

- B. The following materials are prohibited for all building elevations:
1. Metal siding (unless architectural grade in limited application as a design accent or feature only)
 2. Vinyl siding
 3. Plywood
 4. Exposed smooth-finished concrete block
- C. Changes in material and color should correspond to the building modulation and other architectural features of the building.

At a recess, projection, or change in material, the material should return to meet the primary façade.



Material return

9.4.15 WINDOWS, DOORS, BALCONIES, PATIOS AND PORCHES

- A. Windows and doors should be recessed within the façade in which they are located or have dimensional surrounds/trim a minimum of four inches wide.
- B. False balconies (or Juliet balconies) should not be used unless the depth is at least 12 inches from the façade on which it is placed.

9.4.16 GARAGES AND CARPORTS

Instead of the locational and design standards for accessory structures in *Chapter 5: Land Use: Accessory and Temporary Uses*, the following apply to garages and carports in multiple-family projects.

- A. **Location:** Garages/carports serving multi-family buildings must be located to the side or rear of such buildings.
- B. **Design**
 - 1. Garage doors are prohibited from fronting a street.
 - 2. Side-facing garages must not face existing single-family detached dwellings unless a perimeter buffer is provided between the garage and the existing single-family detached dwelling in accordance with the *Foundation Plantings* section of *Chapter 8: Development Standards*.
 - 3. The exterior materials, design features, and roof form of garages and carports must be compatible with the building it serves.
 - 4. Garage doors facing a public street or public open space must be recessed within the façade and include detailing elements to create visual interest and add to the overall architectural character of the building. This does not apply to garage doors facing an alley, service area, or otherwise non-public area.

9.4.17 ROOF PENETRATIONS AND EQUIPMENT

- A. To the degree practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) must be located on the rear elevations or configured to have a minimal visual impact as seen from the street.
- B. Where wall mounted equipment is visible from the street or any public area, it should be of similar color to the façade on which it is located and be integrated into the overall design.

9.4.18 UNIQUE CONDITIONS AND EXCEPTIONS

In situations where the applicant can show that building orientation, building layout, adjacent land use, or other determining factors preclude adherence to the standards, the Planning & Development Director may reduce the applicable standards of this section after all reasonable efforts have been made to incorporate them in their entirety.

9.5 DESIGN STANDARDS FOR RESIDENTIAL INFILL USES

9.5.1 APPLICABILITY AND INTENT

These standards apply to all residential infill uses. However, this section recognizes that each residential infill use situation will be unique. Therefore, not every standard below must be met in every situation, but instead, the Zoning Board of Appeals must determine that enough of the standards below are met for the use to be compatible with its surroundings during the Board's review of special exception requests for the use at a particular location. The intent of these design standards is to collectively help ensure that the residential infill use will be carefully designed to complement the surrounding neighborhood in terms of scale, architecture, site design, and other features.

When the request for a residential infill use is located within a Historic Overlay District, the Historic Design Guidelines must be applied as well as these.

Examples of structures that meet the intent of this section are shown in *Appendix 9-B: Design Intent for Residential Infill Uses*.

9.5.2 FORM OF STRUCTURE

Residential infill structures may take several forms, which are explained below.

Structures must be designed to mimic the architecture of a single-family detached dwelling or a single-family attached dwelling with a small number of units. This design intent is shown in the photographs of this section as well as in those within *Appendix 9-B: Design Intent for Residential Infill Uses*.

- A. Single-family detached dwellings:** Residential infill uses may consist of a single-family detached dwelling that is located on a lot with other single-family detached dwelling units or with other types of dwelling units. All of these dwelling units may be approximately the same size; neither is required to be accessory to another.



Two single-family dwellings on one lot

Multiple single-family detached dwellings on one lot also may take the form of a “bungalow court,” which contains several such dwellings built around a common courtyard, with vehicles parked in a common parking area.



Bungalow court

- B. Accessory dwelling unit (ADU):** The residential infill use allows accessory dwelling units on a lot with other dwelling units of any type. The difference between an accessory dwelling unit and having multiple single-family detached dwelling units on one lot is that an accessory dwelling unit is subordinate to and smaller than the primary residence. The difference between an accessory dwelling unit and a duplex is that the accessory dwelling unit is not attached to the primary structure.

Note that a property with a single-family detached residence on it may have one accessory dwelling unit as a conditional accessory use provided that the standards in *Chapter 5: Land Uses: Accessory and Temporary Uses* are met.

When the use of the property is residential infill instead of single-family residential detached, the standards for accessory dwelling units in *Chapter 5* must be met, with the following exceptions:

1. The property owner is not required to live on the property.
2. Any number of accessory dwelling units can be built, provided that the overall density of this section is met.
3. The required number of parking spaces must follow the standards set forth in this section.
4. Accessory dwelling units are not required to comply with all other applicable standards for the principal dwelling unit in the zoning district in which the accessory dwelling is located.



C. Duplexes: Two units per structure. A residential infill use may consist of one or more duplexes located on a lot, and the lot may contain other types of dwelling units as well. Each duplex may be side-by-side, in which case the dwelling units are located next to each other, or stacked, in which case one dwelling unit is located on top of another. The units typically are about the same size, but that is not required.



Side-by-side duplex



Stacked duplex

D. Triplexes: Three units per structure. A residential infill use may consist of one or more triplexes located on a lot, and the lot may contain other types of dwelling units as well. The units may all be the same sizes, or of difference sizes. Due to sprinkling requirements in the building code that apply when more than two units are involved in a stacked formation, triplexes are most commonly designed with the units adjacent to each other.



E. Quadruplexes (also called fourplexes): Four units per structure. A residential infill use may consist of one or more quadruplexes located on a lot, and the lot may contain other types of dwelling units as well. The units may be all the same sizes, or of different sizes. Due to sprinkling requirements in the building code that apply when more than two units are involved in a stacked formation, quadruplexes are most commonly designed with the units adjacent to each other.



9.5.3 ARCHITECTURAL STANDARDS

The building architecture should show a high level of architectural design, evidenced through use of high-quality building materials and detailed architectural features. The building should be designed to mimic a general appearance of a single-family dwelling, or a single-family detached dwelling with a small number of units.

The buildings should be generally compatible with surrounding residential structures with respect to general architectural style and individual architectural components such as but not limited to foundations (whether raised or not, and materials used on them), roof slopes, front and side façade materials, and front porches (whether they exist or not).

9.5.4 ORIENTATION OF BUILDINGS TO STREETS

Residential infill buildings that front a street must be oriented so that a primary entrance of buildings that are adjacent to the street face the street. A primary entrance is defined by the entrance's function, scale, and/or design detail.

An exception exists for buildings that are placed behind the front plane of a street-facing structure. In that case, the buildings to the rear are not required to face the street.

9.5.5 BUILDING SCALE

Except for accessory dwelling units, the residential infill buildings should generally be in scale with residential structures on the same block face, particularly those closest to the residential infill location, with respect to height and number of stores, and overall square footage and building footprint.

9.5.6 SETBACKS

Residential infill buildings should generally be consistent with residential structures on the same block face, particularly those closest to the residential infill location, with respect to setbacks from property lines (front, sides, and rear).

9.5.7 OFF-STREET PARKING

The general parking standards of *Chapter 8: Development Standards* apply to this use in addition to the following standards. Two spaces per unit are required unless the applicant can justify through the special exception process that a lesser amount is needed to serve the project.

The specific design criteria for parking for infill residential uses include the following:

- A. Parking spaces should be placed according to the predominant location of existing parking spaces along the block. For example, if the existing structures predominantly have parking that is located to the rear of the structures, then the residential infill use should also locate the parking to the rear of any street-facing structures. However, if the existing structures predominantly have parking that is located to the side or to the front of the structures, then the residential infill use also may locate the parking to the side or front of any street-facing structures, respectively.
- B. Parking spaces for this use cannot be used to store trailers, boats, recreational vehicles, or other major recreational equipment, as well as box trucks, cabs from tractor trailers, trailer beds from tractor trailers, and other specialized commercial vehicles.

9.5.8 PEDESTRIAN WALKWAYS

Pedestrian walkways must be provided to the public sidewalk(s) or street(s) that are adjacent to the structure.

9.5.9 GARAGES AND CARPORTS

Garages and carports should be placed according to the predominant location of existing garages and carports along the block. For example, if the predominant pattern on the block is for residences to either not have garages/carports or to place them to the rear of the structures, then the garages/carports on any street-facing residential infill structure should also be placed to the rear of the structure. If the predominant pattern on the block is for garages/carports to be located along the side or rear of the primary structure, then the residential infill use also should locate garages/carports to the side or rear of any street-facing structure, respectively.

9.5.10 OUTDOOR AREAS

Instead of meeting the standards for open space in Section 8.6, residential infill uses must provide at least 50 square feet per unit of functional outdoor space for residents' recreation and enjoyment. This space may consist of areas shared by others in the project, or they may be private to each unit. The areas may include features such as but not limited to an outdoor lounge area with a fire pit and grills or an outdoor kitchen, a residential-grade children's play set, a community vegetable and flower garden, or balconies, patios, or porches. The Planning & Development Director also may approve alternative spaces, whether indoor or outdoor, that meet the intent of this section.

9.5.11 LANDSCAPING

Unless they already exist on the property, foundation plantings meeting the multi-family standards of Section 8.7.8 must be provided on street-facing facades. Service areas must also be screened according to the standards of Section 8.7.9. Additional landscaping should be provided of a scale and type that is characteristic of the surrounding area.

9.5.12 FENCING

Fences are required between residential infill uses and existing single-family detached dwellings on adjacent lots. These fences must be at least six feet tall and solid unless a significant natural buffer exists between the uses. They must be constructed of a material other than wood. Otherwise, they must meet the fencing standards of *Chapter 5: Land Use: Accessory and Temporary Uses*.

9.5.13 OUTDOOR STORAGE

The storage of items outside units except for items traditionally stored outside, such as bicycles, grills, and outdoor furniture, is not allowed. Outdoor items that are allowed must be located to the unit's patio or balcony area and not on adjacent grass, sidewalks, or other areas. Developers are encouraged to build storage capacity for items traditionally kept outside (such as, but not limited to, outdoor toys and bicycles) into the design of each unit to ensure that this requirement is met.

9.5.14 ROOF PENETRATIONS AND EQUIPMENT

- A. To the degree practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) must be located on the rear elevations or configured to have a minimal visual impact as seen from the street.
- B. Where wall mounted equipment is visible from the street or any public area, it should be of similar color to the façade on which it is located and be integrated into the overall design.

9.5.15 SIGNAGE

Residential infill uses are allowed only the types of signs that are allowed for individual single-family residential detached residences.

9.6 NON-RESIDENTIAL DESIGN STANDARDS

9.6.1 APPLICABILITY

- A. These non-residential design standards apply to all new public, institutional, commercial, and industrial development.
- B. In addition to new non-residential development, these standards also apply to any existing non-residential buildings if any expansion or alteration exceeds 50% of structure's gross square footage at the time of expansion or alteration.
- C. Non-residential buildings may be exempt from any or all of these standards if the Planning & Development Director has determined that they are using modern or contemporary architectural design. These designs have unique or irregular forms and clean lines, and are constructed particularly with the use of glass, architectural grade metal panel systems, wood, and reinforced concrete. Examples of these designs are below:



- D. The approving authority for a site plan, subdivision plat, or other permit may modify or waive any or all of these standards for industrial uses when they conflict with the covenants or design scheme of an existing business park or master planned development. Modification or waiver must consider the following criteria:
1. The surrounding area is substantially developed with buildings not meeting any or all of these standards;
 2. The location is not on an arterial or collector road or other highly visible location where strict compliance is crucial to meeting overall City aesthetic goals; and
 3. The likelihood of surrounding non-conforming buildings changing use, being redeveloped, or otherwise being brought into greater conformance with these design standards within the foreseeable future is low.
- E. **Exemptions:** Accessory buildings that are not visible from public roads or the public areas of adjacent properties are exempt from these standards.

9.6.2 ORIENTATION OF BUILDINGS TO STREETS

- A. **Fronting a Street and the Location of Building Entrances** The front façade of all non-residential buildings is the façade that faces a public street, unless the development is designed around a “campus” or “town center” that will be the focal point for the development. The front façade must meet all of the design standards of this section.

The following determines whether the front façade must have an operable primary building entrance. An operable primary building entrance is defined by the entrance’s function, scale and/or design detail.

7. In pedestrian-oriented areas such as within the Downtown (DTWN) zoning district and in mixed-use developments, an operable primary building entrance must face the street.
8. In automobile-oriented transportation corridors, the operable primary entrance is considered the main customer entrance and may face a street or the parking lot.
9. In the case of corner lots, only one operable primary entrance is required, but it is acceptable to have more than one primary entrance.

9.6.3 FAÇADE MASSING

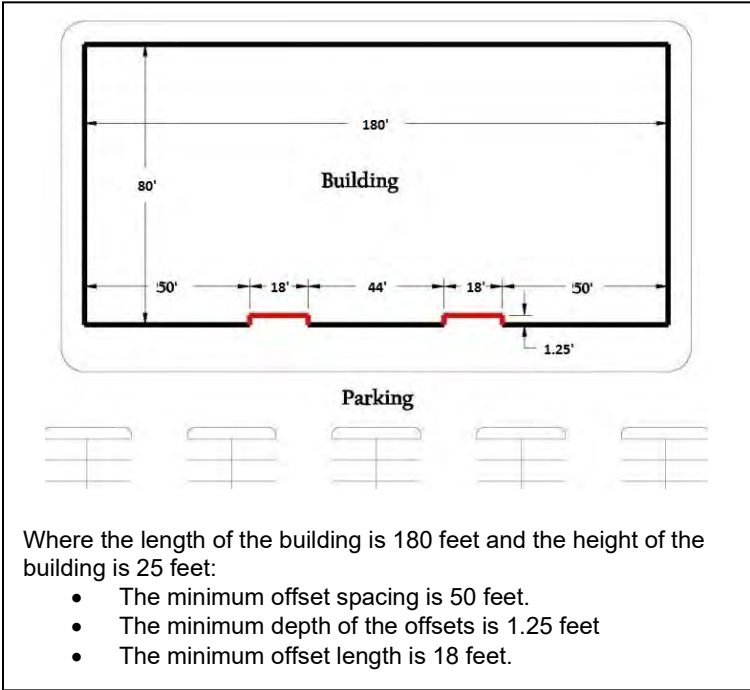
- A. **Building Articulation Required:** In order to provide building articulation and interest in design and human scale to the façade of a building, a variety of building techniques are required. The purpose of this section is to ensure that the front of non-residential structures have a variety of offsets, relief, and insets to provide a more interesting façade appearance. Front façades 60 feet wide or wider must incorporate the following articulation requirements:

1. Horizontal Articulation

- A wall must have a perpendicular offset after a horizontal span of two times its average height, or more frequently if desired.
- The offset depth must be at least 5% of the average building height. Offsets can be of varying depth as long as this minimal standard is satisfied.
- The offset must extend laterally for a distance equal to at least 10% of the entire façade, up to a maximum of 40 feet.
- For calculation purposes, the façade will be considered the total distance of the building façade.

Exception: Industrial buildings may use a change of materials, color, or texture to meet the horizontal articulation offset requirements. Buildings must still meet the distance and length requirements listed above.

The following are examples of these requirements.

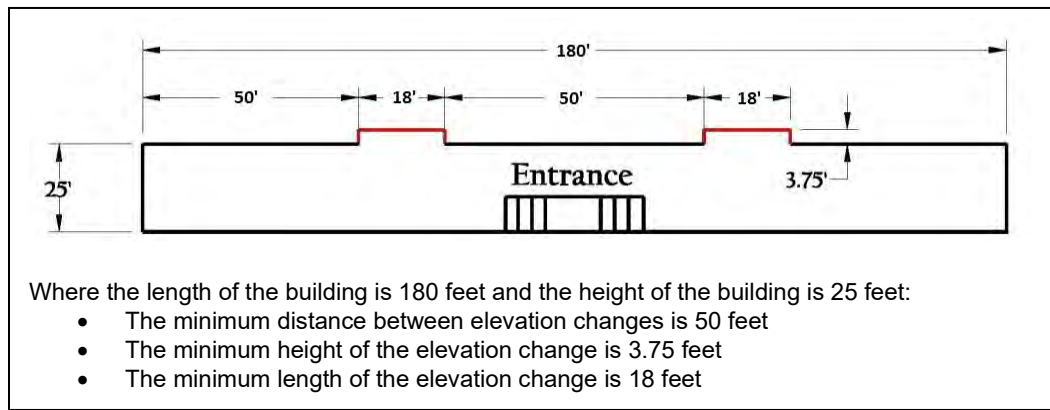


2. Vertical Articulation

- A wall must change elevation after a horizontal span of two times its average height, or more frequently if desired.
- The change in height must be at least 15% of the average building height.
- The elevation change must continue to extend laterally for a distance equal to at least 10% of the entire façade, up to a maximum of 40 feet.
- Elevation changes can be of varying heights as long as the minimal standard is satisfied.

- For calculation purposes, the façade will be considered the total distance of the building façade.

The following are examples of these requirements.



B. Prominent Entry: All non-residential buildings must have at least one prominent entry. Prominent entries are created through the use of some of the following features:

1. Canopies, porticos, or roof overhangs above the entrance;
2. Entry recesses/projections, with raised parapets, gabled roof forms, arcades, or arches above the entrance;
3. Architectural details, such as tile work and moldings, that are integrated into the building structure and design, and are above and/or directly adjacent to the entrance; or
4. Integral planters or wing walls that incorporate landscaped areas or seating areas. A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.

The required number of above treatments varies based on building use.

1. All non-residential uses other than industrial uses must use at least two of the features. Secondary entrances to smaller tenants in multi-tenant buildings should also feature at least one of the features, unless covered by the features provided for the primary entrance.
 2. Industrial uses must have at least one of the features.
- C. Parking Structure Design:** Parking structures facing a public street, public areas of adjacent sites, or property that is zoned for single-family residential uses, must use materials that are complimentary to the principal structure(s) to which it serves. To be complimentary, the materials must be of a similar material, color, and design. In the event that the structure serves a general area, such as Downtown, the materials should be consistent with the surrounding buildings on the same block face. In addition, the ground-floor parking provided in the parking structure must be screened to 50% opacity or greater, from surrounding uses and public view either architecturally or with landscaping as required in the *Parking Lot Landscaping* section of this Ordinance.
- D. Pedestrian Zones in Front of Buildings:** A pedestrian zone including sidewalks, landscape planters, and amenities such as benches, fountains, or public art, must be provided at the primary entrance, or along the entrance side(s) of every non-residential use in scale with the size of the building. The size of the pedestrian zone must comply with the following standards:

USE CLASSIFICATION	SIZE OF PEDESTRIAN AREA
Retail and Linear Multi-entrance Office	While the width may vary, the area must average 60% of façade height and average between 10 and 25 feet.
Large Single Tenant Retail (single tenant with more than 20,000 square feet)	While the width may vary, the area must average 50% of façade height and average between 10 and 25 feet.
Other Non-residential Uses (except industrial)	250 square feet or 5% of the building floor area, with a maximum of 5,000 square feet
Industrial Buildings with Less than 35% Office	250 square feet or 1% of the building floor area, with a maximum of 1,000 square feet
Industrial Buildings with Greater than 35% Office	250 square feet or 2% of the building floor area, with a maximum of 2,000 square feet
Linear Multi-entrance Industrial Flex Buildings	While the width may vary, the area must average 40% of façade height and average between 8 and 15 feet.

- E. Side Façade Design:** Side façades must comply with the façade massing standards of the *Façade Massing* section if they face vacant land that is zoned residentially, or if they face lands containing existing residential uses. This provision does not apply where views from residential properties are obscured by required land-use buffers or service area screening.

9.6.4 GLAZING ON THE PRIMARY FAÇADE

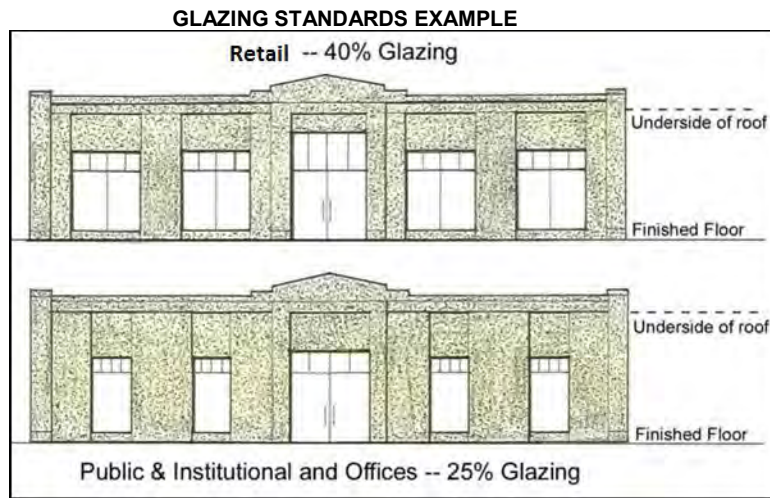
- A. Determination of Primary Façade:** The primary façade is the one that faces the street from which the building obtains its street address unless the Planning & Development Director determines that another building side is the primary façade, based on a greater amount of architectural prominence or visibility. The glazing area is calculated by measuring the applicable primary façade area between the finished ground floor and the underside of the roof or floor structure above.

B. Glazing Standards

1. Glazing located on the ground floor of the primary façade must be provided in the following amounts.

USE CLASSIFICATION FOR GROUND FLOOR USES	MINIMUM AMOUNT OF GROUND-FLOOR PRIMARY FAÇADE TO BE GLAZED (%)	
	WITHIN 25 FEET OF RIGHT-OF-WAY	EQUAL TO OR BEYOND 25 FEET OF RIGHT-OF-WAY

Retail/Restaurant	40	35
Large Single Tenant Retail (single tenant over 20,000 square feet)	35	30
Commercial (other than retail, restaurant, and office)	30	25
Public and Institutional	25	20
Office	25	20
Office Uses within Industrial Buildings	20	20
Manufacturing/Warehouse	0	0



2. The glazing must consist of view glass (able to be seen through) for at least 75% of the requirement on each façade, unless one or more of the following situations exists:
- The building has more than one front;
 - The surrounding area is not pedestrian-oriented; or
 - The building's elevation is so much higher or lower than the road elevation that a pedestrian would not be able to see into the building through the windows.

If one or more of the above situations exists, the following options are allowed to meet the entire glazing requirement instead of view glass on the "back of house" side of the building.

- Spandrel glass (reflective or heavily-tinted glass that obstructs views into the building) can be used; or



- Architectural detail and landscaping can be added in lieu of glazing through changes in brick pattern or other ornamentation that mimics a windows pattern; or



- Display or show windows can be used that protrude inward approximately 12 to 18 inches for the display of merchandise.



Please note that when spandrel is used, window signs are not allowed to be placed on the spandrel. See the signage section of *Chapter 8: Development Standards*.

3. When buildings are located on a corner, glazing must be continued along the side elevation adjacent to a street for a minimum distance equal to 10% of the building's side elevation. An exception exists when the side of a building faces the service area or side of another building where customers are not expected to be.
4. Glazing is also required on the customer entrance side of a building if not already required above (such as when the primary customer entrance faces a parking lot). The amount of glazing is the same as in the chart above for the primary façade in the category for "equal to or beyond 25 feet of right-of-way."
5. Glazing standards do not apply to warehouse or manufacturing areas of the building. When office areas extend out from the primary warehouse or manufacturing space, the glazing standard applies to all sides of the office portion of the building.

9.6.5 HEIGHT

For buildings located within 100 feet of vacant land classified as single-family residential, or lands containing single-family detached, single-family attached, or multi-family development, building heights must not exceed two stories or 30 feet. Cupolas, steeples, and other similar decorative elements are excluded when determining maximum building height.

9.6.6 BUILDING MATERIALS

A. Prohibited Materials

1. Metal siding and exposed smooth-finished concrete block are prohibited for all building elevations visible from a public street, public areas of adjacent sites, any residential use, any undeveloped residential zoning district, and any undeveloped portions of a Master Planned (MP) zoning district designated for residential use.
2. Metal siding may be approved on a side or rear of an industrial building along walls planned for a future expansion shown and detailed on the site plan.
3. Use of architectural-grade metal panel systems may be approved, if the Planning & Development Director has determined that the building is using modern or contemporary architectural design. These designs have unique or irregular forms and clean lines, and are constructed particularly with the use of glass, architectural grade metal panel systems, wood, and reinforced concrete.



10. **Lap Siding:** Lap siding is only permitted on office and commercial buildings of less than 10,000 square feet, and above the ground floor of multi-story mixed use buildings. For office and commercial buildings under 10,000 square feet, lap siding is limited to 40% or less of any single building façade visible from a public street, public areas of adjacent sites, any residential use, any undeveloped residential zoning district, and any undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

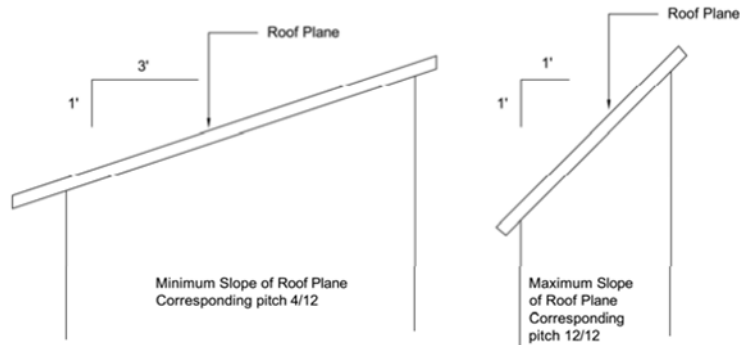
All vinyl lap siding must have a smooth surface with no visible grained pattern.

11. Synthetic Stucco: Synthetic stucco (EIFS) is prohibited on buildings larger than 10,000 square feet, within two feet of the grade level and within two feet of any exterior door jamb.

B. Colors: Façade colors must be low reflectance, subtle, neutral and/or earth tone colors, while high-intensity colors, bright colors, metallic colors, or black or fluorescent colors are prohibited except for building trim constituting no more than 10% of the façade.

9.6.7 ROOFS

A. Roof Planes: Except for mansard roofs, cupolas, and steeples, sloped roofs must include two or more sloping roof planes with greater than or equal to one foot of vertical rise for every three feet of horizontal run, and less than or equal to one foot of vertical rise for every one foot of horizontal run.



B. Flat Roofs: When flat roofs are used, parapet walls with three-dimensional cornice treatments must conceal them. The cornice must include a perpendicular projection a minimum of four inches from the parapet façade plane.

1. Roof Penetrations and Equipment: All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, solar installations, and other roof penetrations (with the exception of chimneys) must be located, to the degree practicable, on the rear elevations or screened with a parapet or screen wall having a three-dimensional cornice treatment. The cornice of a parapet wall must include a perpendicular projection a minimum of four inches from the parapet façade plane. This standard is intended to minimize visual impact as seen from a public street, public areas of adjacent sites, any residential use, any undeveloped residential zoning district, and any undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

C. Modern or Contemporary Designs: When flat roofs are used, alternative cornice or parapet treatments may be approved or waived, if the Planning & Development Director determines the building is using modern or contemporary architectural design. These designs have unique or irregular forms and clean lines, and are constructed particularly with the use of glass, architectural grade metal panel systems, wood, and reinforced concrete.

E. Solar: Solar installations that are visible from the street must be either composed of building-integrated components (such as solar shingles) that are not readily evident, or designed and mounted to match the shape, proportions, and slope of the roof, or to serve as a feature of the building (such as awnings). See below examples of acceptable commercial solar installations.





9.7 ACCESSORY STRUCTURES DESIGN STANDARDS

9.7.1 STORAGE BUILDINGS AND EQUIPMENT SHEDS

A. Materials When Primary Use of Property is Residential:

1. Any type of metal (architectural or corrugated) is allowed as a material for storage buildings and equipment sheds that are less than 120 square feet.
2. For larger storage buildings and equipment sheds, architectural metal roofing and siding materials are allowed but corrugated metal is not, unless the structure is screened from view of adjacent roads or the structure is located on a single-family detached lot of five or more acres in the Rural zoning district, where the structure is located farther than 100 feet from all public streets.

B. Materials When Primary Use of Property is Non-Residential: When the primary use of the property is non-residential:

If accessory structure <500 square feet	Corrugated or architectural-grade metal is allowed, provided that the storage building, equipment shed, or garage is screened with landscaping or is within a fenced outdoor storage area.
If accessory structure ≥500 square feet	The accessory structure must match the architecture of the primary structure.

9.7.2 CARPORTS AND GARAGES

A. Materials When Primary Use of Property is Non-Residential: When the primary use of the property is non-residential:

If accessory structure <500 square feet	Corrugated or architectural-grade metal is allowed, provided that the storage building, equipment shed, or garage is screened with landscaping or is within a fenced outdoor storage area.
If accessory structure ≥500 square feet	The accessory structure must match the architecture of the primary structure.

B. Materials When Primary Use of Property is Residential: See section 9.2.7, *Garages and Carports*.

APPENDIX 9-A: ASSOCIATED DEFINITIONS

Awning

A structure made of wood, cloth, vinyl, or other flexible 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 a canopy).

Block

A group of parcels entirely surrounded by streets or by any combination of streets, parks, or railroad right-of-way.

Block face

The lands abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, watercourse, or un-subdivided land.

Building frontage

The linear distance of a building, measured along the exterior wall that faces a public right-of-way abutting the parcel of land on which the building is located. For the purposes of computation of number and area of signs permitted on buildings, in cases where lineal feet of building frontage is a determinant, the frontage of a building is computed as the horizontal distance across the front as nearly at ground level as computation of horizontal distance permits. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance, or where two or more sides of a building have entrances of equal importance and carry approximately equal amounts of pedestrian traffic, the Planning & Development Director will select building frontage on the basis of the interior layout of the building, traffic on adjacent streets, or other indicators available.

Canopy

A permanent, but not completely enclosed, structure that may be attached or adjacent to a building for the purpose of providing shelter to people or automobiles, or a decorative feature on a building wall. A canopy is not a completely enclosed structure.

Cupula

A domelike structure on top of a roof or dome, often used as a lookout or to admit light or air.

Eave

The projecting lower edges of a roof that overhangs the wall of a building.

Elevation

The front, side, or rear of a structure.

Façade

The exterior wall of a building parallel to the frontage line or the street that fronts the parcel on which the building is located. Façades may be on the front, side, or rear elevation of the building.

Glazing

The portion of an exterior building surface occupied by glass or windows.

Parapet

A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

Parapet wall

A low protective or decorative wall or railing along the edge of a raised structure, such as a roof or balcony.

Pilaster

A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.

Porch

A projection from an outside wall of a dwelling that is covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached) for the purpose of providing shade or shelter from the elements.

Primary entrance

The place of ingress to and egress from a building, parcel, or development used most frequently by the public.

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 projection.

APPENDIX 9-B DESIGN INTENT FOR RESIDENTIAL INFILL USES

Examples of structures that meet design intent

These examples are provided in addition to the photographs in *Section 9.5: Design Standards for Residential Infill Uses* to show architectural designs that would meet the design standards for the residential infill use type. Whether a particular design would be approved for a particular location depends on the architectural styles of the surrounding properties and the other compatibility criteria listed in Section 9.5.

A. Duplexes



- Structure positioned close to street
- Multiple roof planes and angles
- Both entrances off center stoop as focal point under primary central architectural feature of structure
- Landscaped entrance
- Parking to rear
- No visible garages
- Footpath to sidewalk



- Structure positioned close to street
- Architectural detailing in columns, transoms, windows, shingles, and porch lights
- Parking to rear
- No visible garages



These are images of the same design from different angles. The floorplans are about 1,500 square feet on each side.

- Multiple rooflines
- Masonry detailing on chimneys and portion of façade
- Separate entry porches with architectural detailing
- Parking to rear



- This floorplan is about 1,125 square feet on each side.
- Multiple rooflines
 - Masonry detailing on focal point (feature window) and other areas of the facade
 - Columns setting off separate entry areas
 - Abundant windows

B. Triplexes



- Mimics modern suburban single-family residence
- Individual entrances on different sides of structure
- Parking to rear
- No visible garages



- Modern design
- Multiple materials repeated for cohesion of design
- Individual balconies (two per unit)
- Parking in front and garages visible, but garage doors have architectural interest

C. Fourplexes



- Mimics traditional single-family detached residence
- Architectural interest through varied rooflines and story height
- Architectural detailing present in features such as porch columns



- Modern townhouse-style design
- Varied architectural materials create visual interest
- Cohesive overall appearance

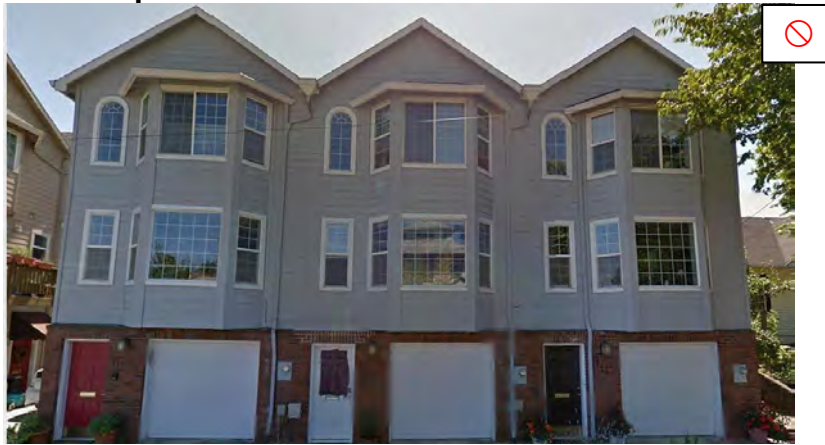
Examples of structures that do not meet design intent

A. Duplex



- Plain architectural design
- Pillars are visually insubstantial given mass of above structure
- No landscaping in front of structure
- Doors to sides of structure; uninviting in this context
- Parking in front
- Visible garages with no architectural detail

B. Triplexes



- Plain architectural design
- No integration of the materials
- Few architectural details
- Streetscape view dominated by garage doors
- Bay windows make structure appear top-heavy



- Garage doors and parking pads dominate front façade—front door gets “lost” to the sides of the units instead of being their primary focal points
- Minimal landscaping area to soften the appearance of the abundant driveway area

C. Quadruplexes



- Units positioned side-by-side and back-to-back in this layout offers little architectural variability
- No material changes to create interest
- No entry features
- Little landscaping



- Overall mass of structure too large for use type
- Plain architectural design
- Stoops appear insubstantial given the mass of the structure overall
- Large commercial-looking parking area in front
- No landscaping in front of structure



- Mass of structure too large for use type
- Changes in material for each unit creates inconsistent overall appearance
- Garages in front, with parking pad too small to be very useful
- Little landscaping



- Overall mass of structure too large for use type; four stories is too tall

NONCONFORMITIES

10

SECTIONS

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10.1 PURPOSE AND INTENT

The purpose of this section is to regulate and limit the continued existence of land, structures, lots, site features, and signs that were lawfully established before this Ordinance was adopted or amended that no longer conform to its terms and requirements.

These regulations are intended to:

- Permit most of these nonconformities to continue until they are removed but not to encourage their survival except under the limited circumstances established in this chapter;
- Curtail substantial investment in nonconformities; and
- Preserve the purpose, intent, and integrity of this Ordinance.

10.2 APPLICABILITY

This Chapter applies to all land in the City regardless of zoning district or whether the property is located in Old Town or not.

10.3 GENERAL PROVISIONS

10.3.1 AUTHORITY TO CONTINUE

A nonconforming use of land, structure, lot, site feature, or sign may continue subject to the provisions of this Chapter so long as it remains otherwise legal.

Changes of tenancy, ownership, or management of an existing nonconformity are permitted, and in such cases the nonconforming situation will continue to be subject to the requirements of this chapter.

10.3.2 BURDEN OF PROOF

In all cases, the burden of establishing the legality of a nonconformity under the provisions of this ordinance is the responsibility of the property owner or the operator of the nonconforming use, structure, lot, sign or site feature.

10.3.3 AUTHORITY TO DETERMINE STATUS

- A. Planning & Development Director:** The Planning & Development Director is authorized to determine that a property owner or operator has not met the burden of establishing that a nonconformity has been legally established.
- B. Zoning Board of Appeals:** The Zoning Board of Appeals is authorized to determine the correctness of this decision of the Planning & Development Director through the appeals process set forth in *Chapter 2: Administration*.

10.3.4 SAFETY REGULATIONS APPLY TO NONCONFORMITIES

All police power regulations enacted to promote public health, safety, and welfare including but not limited to all building, fire, and health codes apply to nonconformities.

10.3.5 MINOR REPAIRS AND MAINTENANCE ALLOWED

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots, site features, and signs in safe condition are permitted, provided the minor repair or maintenance does not create any new nonconformity or increase the degree of the existing nonconformity. For the purposes of this section, "minor repair or normal maintenance" means:

- A. Maintenance of Safe Condition:** Repairs that are necessary to maintain a nonconforming use, structure, lot, site feature, or sign in safe condition;
- B. Correction of Damage or Deterioration**
Repairs that are necessary to correct any damage or deterioration to the structural soundness or interior appearance of the structures without altering the structure;
- C. Maintenance of Land for Safety**
Maintenance of land areas to protect against health hazards and promote the safety of surrounding uses; and
- D. Limited Sign Repairs and Maintenance**
Repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, where costs do not exceed 25% of the replacement cost of the sign.

10.4 NONCONFORMING USES

10.4.1 DEFINITIONS

- A. Conforming Use:** A use that has been approved at a specified location in accordance with the standards in *Chapter 4: Land Use: Primary Uses* for permitted, conditional, and special exception uses.
- B. Nonconforming Use:** A nonconforming use is the use of a structure or land that pre-dated the enactment of the Zoning Ordinance; that was an allowed use in a York County zoning district upon annexation into the City but is not allowed in the City of Rock Hill zoning district upon annexation; or that at one time was an allowed use within a City of Rock Hill zoning district but because of subsequent amendments to the ordinance is no longer allowed in that zoning district.

A use is not considered non-conforming for the inability to meet use-specific standards listed in *Chapter 4: Land Use: Primary Uses* that do not relate to its location. Additionally, the fact that a conforming use is located on a non-conforming parcel or has other types of nonconformities, such as nonconforming structures, nonconforming site features, or nonconforming signs associated with it does not make the use itself non-conforming.

Example 1

A use would be considered a nonconforming use if it cannot meet required separation distances from other types of uses.

Example 2

A use would be considered a nonconforming use if it is required to be located on a road with a certain classification but is located on a road with a different classification.

Example 3

If a use-specific standard for a use requires the building to be a certain size, and the building is smaller, that deficiency does not make the use a nonconforming use. (However, the structure would be a nonconforming structure.)

Example 4

If a building does not meet a setback requirement, that alone does not make the use a nonconforming use. (However, the structure would be a nonconforming structure.)

Example 5

If a business has a sign that does not comply with current standards, that does not make the use nonconforming. (However, the sign would be nonconforming sign.)

Nonconforming uses are declared generally incompatible with the permitted uses in the district in which these are located and with the provisions of this Ordinance. Nonconforming uses are subject to the following standards.

10.4.2 CHANGES TO NONCONFORMING USES

A. Non-residential Uses:

1. **Prohibited Actions:** The following are prohibited actions for nonconforming non-residential uses:

- The expansion, extension, or relocation of a non-conforming use, in whole or in part, to any other structure or location on the lot that has not previously been used by the nonconforming use;
- The devotion of additional floor area within a structure to the non-conforming use, unless such floor area was built and designed for such use prior to the date the use became a nonconforming use;
- The enlargement or structural alteration of a structure devoted to a nonconforming use; and
- The intensification of a nonconforming use, which may include but is not limited to increasing hours of operation, increasing the number of parking spaces, reducing total land area through a subdivision, or increasing the seating or occupancy capacity of any use.

2. **Exceptions:** The Zoning Board of Appeals may consider a request for a special exception to allow any of the above otherwise prohibited actions, and may approve it upon a finding that the proposed action has no adverse impacts and that the proposed action makes the situation more conforming or otherwise improved in any respect. If the Board determines that these criteria are met, it may require conditions that mitigate any impacts of the request or other improvements to the building or property that are related to the request.

A mortgage company that issues small loans and provide debt consolidation services but does not offer title loans, deferred presentment, nor check cashing services, and that has been in existence since before the Zoning Ordinance regulated small loan companies, and that as of

November 2019 is located in the Downtown zoning district, may relocate from its current location to another location that is zoned for office use, provided that it does not expand to more than one business location in the City.

- B. Residential Uses:** It is not the intent of this Ordinance to prohibit residential uses from conducting any of the activities that are listed above for nonconforming non-residential uses. For example, they are explicitly allowed to renovate or structurally alter the interior and/or exterior of the dwelling unit(s) and to expand into new areas of the site.

10.4.5 WHEN CHANGE OF USE TYPE IS ALLOWED

- A. Definition of Change of Use:** A change of use exists when one use type in the *Table of Primary Uses* in *Chapter 4: Land Use: Primary Uses* changes to another.

When a change of use requires additional parking, the new parking area must meet all current standards in the landscaping and parking sections of this ordinance (*Chapter 8.7 and 8.8*).

- B. Change from Nonconforming Use:** A nonconforming use cannot be changed to any other nonconforming use, unless the Zoning Board of Appeals deems the proposed use to be less intensive than the existing use after an evaluation of the standards for special exception uses in *Chapter 2: Administration*.

A nonconforming use may be changed to a conforming use, which is one that is allowed in the zoning district assigned to the property.

Once a non-conforming use is changed to a conforming use, a non-conforming use cannot be re-established on the property except under the limited circumstances explained in the next section.

10.4.6 DISCONTINUANCE OF NONCONFORMING USE

- A. What Constitutes Discontinuance of Nonconforming Use:** Except for the exceptions listed below, if a nonconforming use is discontinued for a continuous period of six months or more, the nonconforming use cannot be reestablished or resumed. Any subsequent use or occupancy of such land or structure must comply with all regulations of the zoning district in which the structure or land is located, including but not limited to all use-specific standards.

For the purposes of administering this provision, discontinuation or abandonment exists when the legal use of the property ceases as shown by a totality of the circumstances. If the totality of the circumstances indicates that the legal use of the property has ceased for a continuous period of six months or more, the property owner or operator of the nonconforming use is presumed to have abandoned or discontinued the nonconforming use. For example, the mere continuance of utilities on an otherwise unused property does not constitute a use being in operation during a specific timeframe. Intent to abandon or discontinue the use is not required.

The fact that a use has existed in violation of zoning or other municipal ordinances, or state or federal law, does not mean that the use has been legally established. For example, the failure to obtain proper zoning permits, business licenses, and/or required state licenses is *de facto* evidence that the use of the property is not legal.

- B. Circumstances When A Nonconforming Use May Be Reestablished After a Period of Discontinuance:** The following are circumstances when a nonconforming use may be reestablished after a period of discontinuance:
 - 1. Fire or Natural Disaster:** An involuntary interruption of a nonconforming use, such as by fire and natural catastrophe, is not considered discontinuance or abandonment provided that a building permit for such repair or restoration is obtained within 6 months, and repair or restoration is actually begun within 12 months after the date of such partial damage or destruction and is diligently pursued to completion.
 - 2. Nonconforming Extended Hours Restaurants Serving Alcohol:** Any extended hours restaurant serving alcohol lawfully established and existing on May 27, 2013, but not meeting the required separation from a residential zoning district is permitted a period of 12 months (instead of the ordinary 6 months for other types of uses) during which it may be re-established after discontinuance or abandonment.

3. Certain Nonconforming Uses in Residential Districts: A nonconforming use in an established residential district may be permitted to be reestablished by a special exception under the following criteria. The ordinary standards for special exception uses in *Chapter 2: Administration* do not apply.

- The proposed use is permitted by right, conditional use, or special exception in the Neighborhood Office (NO) or Neighborhood Commercial (NC) zoning district, and the proposed use is no more intense than the historical use of the property.
- The existing structure is specialized to nonconforming use such that conversion to the conforming use would not be economically feasible. Historical nonconforming uses in converted residential structures would generally not be seen as meeting this standard.
- No functional expansion of the use is permitted. Modifications for code compliance and aesthetic enhancement are permitted.
- There is a demonstrated history of compatibility with the surrounding neighborhood including, but not limited to, a lack of documented complaints, calls for police service, or other operational concerns such as traffic, parking, or other similar impacts.
- Reestablishment of use may be permitted for a trial period to determine if impacts are mitigated to the extent anticipated.

10.4.7 NONCONFORMING MOBILE HOME PARKS

- A. General:** All mobile home parks that had an active zoning compliance and/or business license for a mobile home park on September 10, 2017, but that became a nonconforming use on September 11, 2017, due to a change in the zoning district of the property are subject to the provisions of this Chapter, with differences as stated below.
- B. Prohibited Actions:** These mobile home parks cannot add mobile/manufactured homes to the park beyond those that were in use on September 10, 2017, nor can they add more land to the mobile home park area than that which existed on that date.
- C. Allowed Actions:** Mobile home parks are allowed to move manufactured homes into and out of the park according to the following. This is regardless of whether the manufactured homes are owned by a single property owner/company that rents them out or whether different individuals own the homes. The location of the homes within the park can change as well because the entire site is considered nonconforming, not just some areas of the land.
- D. Standards:** All manufactured homes that are moved into a mobile home park after September 11, 2017, must meet the following standards:
1. They must have a roof pitch on the main roof of not less than one foot of rise for each four feet of horizontal run, and a roof overhand of at least six inches on all sides.
 2. They must be less than 30 years old.
 3. At least 4,000 square foot of space for each dwelling unit (counting building, parking, and yard areas) must be provided.
 4. They must be set back at least 20 feet from the property boundary of the park, including any street abutting the park.
 5. They must be set back from any other dwelling unit, park driveway, or common building (e.g., laundry facilities) at least 15 feet.
 6. They must provide at least two parking spaces for each dwelling unit space, located within or adjacent to the dwelling unit space served. Parking may occur on one side of the park driveway when the pavement width is at least 32 feet, and on both sides of the park driveway when the pavement width is at least 40 feet.

10.5 NONCONFORMING STRUCTURES

10.5.1 DEFINITION

A nonconforming structure is a principal or accessory structure, or portion thereof, that does not comply with the dimensional standards in *Chapter 6: Community Design Standards* due to being constructed prior to the enactment of the Zoning Ordinance; prior to annexation into the City of Rock Hill; or prior to subsequent ordinance amendments such that it no longer conforms to the density, intensity, or dimensional standards of its assigned zoning district.

10.5.2 EXPANSIONS PROHIBITED

A nonconforming structure cannot be enlarged or expanded in a way that increases the degree of nonconformity.

Example 1

For example, a structure that has a five-foot side yard setback where the Ordinance requires a 10-foot side yard setback cannot be enlarged so as to further encroach into the side yard setback such as by extending the building an additional two feet towards the setback line.

Example 2

This also means that a structure with a five-foot side yard setback where the Ordinance requires a 10-foot side yard setback cannot be expanded further along that plane of the structure, such that a larger portion of building area is now nonconforming.

10.5.3 RELOCATION PROHIBITED

A nonconforming structure cannot be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless upon relocation it conforms to the requirements of this Ordinance.

10.5.4 WHEN STRUCTURAL ALTERATIONS ARE ALLOWED

Structural alterations are allowed in the following situations:

- A. When necessary to restore the structure to a safe condition upon order of the building official.
- B. When the alteration will eliminate or decrease the nonconformity.
- C. When the alteration will not create any new nonconformity or increase the degree of any existing nonconformity.

Example 1

For example, if a structure is nonconforming in terms of the required front setback (i.e., does not meet the required minimum), the structure may add a rear addition if it meets all other district regulations.

10.5.5 WHEN RECONSTRUCTION AFTER DAMAGE IS ALLOWED

- A. **Destruction or Damage Greater than 75% of Value:** In the event the nonconforming portion of a structure is damaged or destroyed, by any means, to the extent of more than 75% of its structural replacement cost at the time of damage or destruction, it can only be restored in a manner that conforms to the provisions of this Ordinance. Structural replacement cost means the cost of replacing the structure the day prior to its destruction, based on a market appraisal performed by a certified appraiser at the landowner's expense.

For multi-family uses, all new construction must meet the standards of the Zoning Ordinance in place at the time of damage or destruction only if 75% of the entire complex is damaged or destroyed. Additionally, the Zoning Board of Appeals may consider variance requests for the standards allowed as described in the variance section of *Chapter 2: Administration*.

- B. 75% or Less of Value:** In the event a nonconforming structure is damaged or destroyed, by any means, to an extent of 75% or less or its structural replacement cost at the time of damage or destruction, it may be rebuilt to its previous form if a building permit for such repair or restoration is obtained within six months, and repair or restoration is actually begun within 12 months after the date of such partial damage or destruction and is diligently pursued to completion. Structural replacement cost means the cost of replacing the structure the day prior to its destruction, based on a market appraisal performed by a certified appraiser at the landowner's expense.

10.6 NONCONFORMING LOTS

10.6.1 DEFINITION

A nonconforming lot is a recorded parcel of land that does not comply with the dimensional standards in *Chapter 6: Community Design Standards* due to it being platted prior to the enactment of the Zoning Ordinance; prior to annexation into the City of Rock Hill; or prior to subsequent ordinance amendments such that it no longer conforms to the dimensional standards of its assigned zoning district.

10.6.2 NONCONFORMING LOTS FOR SINGLE-FAMILY RESIDENTIAL USES

- A. When a Residential Structure Can Be Built On a Nonconforming Lot:** Notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory structures may be developed on a nonconforming lot according to the following.
1. The zoning district of the lot must be a residential zoning district, Neighborhood Commercial (NC), Neighborhood Office (NO), Office and Institutional (OI), or MUC (Mixed Use Corridor); and
 2. The predominant development pattern in the area is not the use of multiple lots for the construction of one residence, resulting in conforming widths if the lot widths are added together; and
 3. One of the following must be true:
 - The lot is not owned by the same person who owns one or more immediately adjacent lots along the same side of a public road; or
 - The lot is owned by the same person who owns one or more immediately adjacent lots along the same side of a public road, but is at least 50 feet in width and 5,000 square feet in area.

Development of a nonconforming lot must meet all applicable dimensional regulations of the district in which it is located with the exception of any dimensional requirement that renders it nonconforming.

- B. Changes to Make Lots More Conforming Are Allowed:** Nonconforming lots may be made less non-conforming, for example by adding more land to them, without prejudice to the rights of the owner of such lots pursuant to the provisions of this section.
- C. When Lots are Considered Merged:** If two or more nonconforming lots are owned by the same person, they are considered merged, unless it would result in the having more than one principal building on one lot. These lots cannot be used or sold in such a way that does not comply with the lot area standards in *Chapter 6: Community Design Standards*, nor can they be subdivided such that any of the lots fails to comply with the lot area standards.

10.6.3 NONCONFORMING LOTS FOR NON-RESIDENTIAL USES

- A. When a Non-Residential Use Can Be Developed on a Nonconforming Lot:** Notwithstanding limitations imposed by other provisions of this Ordinance, the Zoning Board of Appeals may consider a request for a special exception to develop a permitted or conditional use on any single nonconforming lot in a business zoning district. This is allowed even though the nonconforming lot may fail to comply with the standards for lot area that are applicable in the business district.

In considering the application for the special exception, the Zoning Board of Appeals (ZBA) must evaluate the use based on the standards in the special exception section in *Chapter 2:*

Administration, with special emphasis on whether the design and location of the proposed use are compatible with surrounding uses.

Development of the permitted use on the nonconforming lot must comply with the other standards in *Chapter 6: Community Design Standards* to the maximum extent practicable.

- B. Changes to Make Lots More Conforming Are Allowed:** Nonconforming lots may be made less non-conforming, for example by adding more land to them, without prejudice to the rights of the owner of such lots pursuant to the provisions of this section.

10.7 NONCONFORMING SIGNS

10.7.1 DEFINITION

A nonconforming sign is a sign or sign structure that does not comply with the signage standards in *Chapter 8: Development Standards* because it was constructed prior to the enactment of the Zoning Ordinance; prior to annexation into the City of Rock Hill; or prior to subsequent ordinance amendments such that it no longer conforms to the City's signage standards.

A note about billboards: All billboards and associated support structures located in the City are considered nonconforming structures and are subject to the provisions of this Chapter to the extent allowed by federal and state law. Billboard is defined as an advertising sign that exceeds the maximum height and/or sign message area limitations of this Ordinance and directs the attention of the public to a commodity, product, service, activity, or any other person, place, or thing that is not located, found, or sold on the premises upon which the sign is located.

10.7.2 WHEN NONCONFORMING SIGNS MAY CONTINUE

- A. Continue in Operation and Maintenance:** Nonconforming signs may continue in operation and maintenance, provided that they are not:
- Changed or replaced with another nonconforming sign (this provision does not prohibit a change in copy or graphics on the sign face of the sign);
 - Structurally altered so as to extend useful life;
 - Expanded;
 - Relocated, except in compliance with this Chapter; or
 - Re-established after damage or destruction of more than 50% of the replacement value at the time of such damage or destruction. Any damage to a nonconforming sign that is not repaired constitutes damage or destruction for purposes of this subsection. Damages are cumulative.

This section does not prevent the repair or restoration to a safe condition of any part of a nonconforming sign or sign structure, or normal maintenance operations performed on a nonconforming sign or sign structure.

- B. When Nonconforming Signs Must be Removed:** When any of the following occurs, all elements of the nonconforming sign must be removed within 60 days:
- The use has ceased operating at the location.
 - The structure that is being advertised has been demolished.
 - The sign has been abandoned.
 - The sign has fallen into a state of disrepair such that the repairs or renovations exceed 50% of the replacement value.

Note that these requirements exist regardless whether the use of the property itself is a conforming or a nonconforming use.

Exception: The Board of Historic Review may approve signs that are located in a historic overlay district and determined by the Board of Historic Review to have historic value to remain when they otherwise would be required to be removed based on the above.

- C. **Removal Not Required for Conforming Signs:** Conforming permanent on-premises freestanding signage support structures and cabinets may be retained even when no use exists on the site, but if the sign is not used for 60 days or more, blank panels must be installed to conceal the internal components of the sign.

10.7.2 SIGNS MADE NONCONFORMING DUE TO CONDEMNATION

When a sign is located on land condemned for road right-of-way acquisition, the following standards apply:

- A. **Not Located In or Overhang Right-of-Way:** Any sign not located in or which does not overhang into the land acquired for right-of-way may remain in place.
- B. **Comply with State Standards:** Any sign relocated off the new right-of-way for a state or federal highway must, at a minimum, comply with state standards for such relocation.
- C. **Relocated Off Right-of-Way for City Street:** Any sign relocated off the right-of-way acquired for a City street or for other purposes must comply, to the maximum extent practicable, with the setbacks for signs established in this Ordinance.

10.7.3 AMORTIZATION OF NONCONFORMING SIGNS ON ANNEXED PROPERTY

All nonconforming signs installed on property prior to annexation into the City of Rock Hill that are located on Saluda Street or Cherry Road within the following boundaries must be brought into compliance with the standards of this Ordinance within four years of the date of annexation. On Saluda Street, the boundary is the beginning of Saluda Street at Main Street and where Saluda Street turns into Saluda Road at Country Club Drive. On Cherry Road, the boundary is the Catawba River and where Cherry Road turns into McConnells Highway at Heckle Boulevard.

10.7.4 CORRECTIONS TO NONCONFORMING SIGNS REQUIRED WHEN REMODELING OR EXPANDING

If either of the following situations exists, all associated signs must be brought up to 100% compliance with the signage standards of this Ordinance:

- A. Remodeling in any continuous 12-month period that costs more than 25% of the current assessed value of the structure.
- B. Any expansion of more than 50% of the structure's gross square footage during any continuous 5-year period.

10.8 SITE FEATURE NONCONFORMITIES

Remodeling or expansions of a structure of a certain scope require nonconforming elements of the site to be brought up to current standards.

10.8.1 SITE FEATURE CORRECTIONS REQUIRED WHEN REMODELING

When a building is remodeled, certain improvements to the site are required according to the following.

For purposes of determining when a correction is required, the cost of the remodeling is that shown on the approved building permit application; however, required repairs to meet International Building Code standards do not count towards the cost of remodeling. Assessed value will be based upon York County Property Appraiser information.

- A. **≤25% of Structure Value:** Remodeling in any continuous 12-month period that costs 25% or less of assessed value of the structure does not require any correction to nonconforming elements of the site.
- B. **25% to 75% of Structure Value:**

- 1. Required Improvements:** Remodeling in any continuous 12-month period that costs more than 25% but less than 75% of the current assessed value of the structure requires that a corresponding percentage of the following elements be installed or upgraded on the site:

- Landscaping (*Chapter 8.7*)
- Parking (*Chapter 8.8*)
- Lighting (*Chapter 8.9*)

This also requires complete compliance with the standards of the Signage section (*Chapter 8.10*).

Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions must comply to the maximum extent practicable as determined by the Planning & Development Director.

- 2. Priority of Improvements:** Improvements must be made using the following priority system:

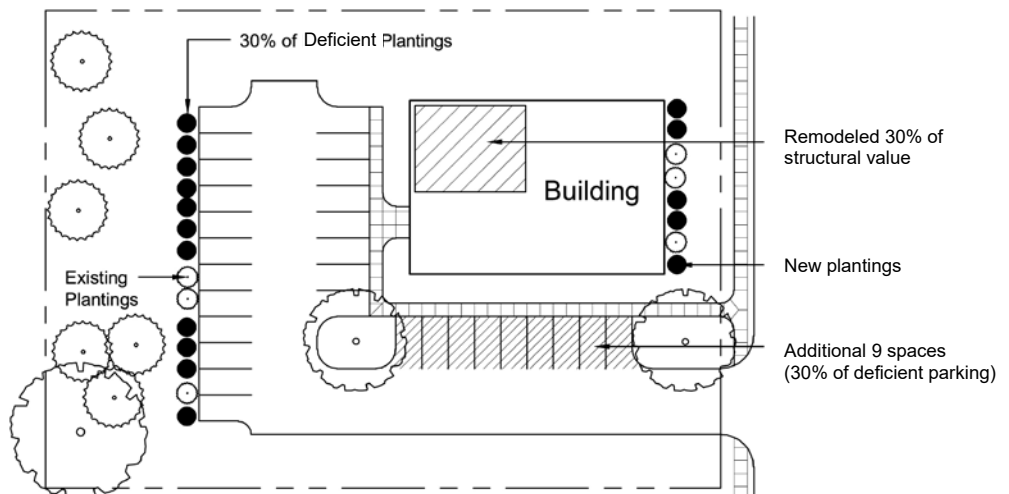
- First, improvements that would improve impacts to off-site properties (such as stormwater drainage problems);
- Second, improvements that would enhance the appearance from the public view, such as from adjacent roadways; and
- Last, improvements that would enhance the site otherwise. This may include paving some or all areas of an existing parking lot.

- 3. Examples**

Example 1

For example, if a site has 20 of 30 required parking spaces (66% of the required parking) and the cost of the remodeling is 30% of the value of the building, then 30% of the total amount of required off-street parking must be provided, or 9 spaces, bringing the parking to 96% of the total amount of off-street parking required under this Ordinance.

Example 2



- C. >75% of Structure Value:** Remodeling projects that cost 75% or more of the current assessed value of the structure require 100% compliance with the following standards:

- Landscaping (*Chapter 8.7*)

- Parking (*Chapter 8.8*)
- Lighting (*Chapter 8.9*)
- Signage (*Chapter 8.10*)

Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions must comply to the maximum extent practicable as determined by the Planning & Development Director.

SUMMARY OF REQUIRED CORRECTIONS WHEN REMODELING	
Cost as percentage of assessed value of existing structure in any continuous 12-month period	Required corrections
≤25%	None
26%-75%	Corresponding percentage of improvements according to the standards in these sections of this Ordinance: <ul style="list-style-type: none"> • Landscaping (<i>Chapter 8.7</i>) • Parking (<i>Chapter 8.8</i>) • Lighting (<i>Chapter 8.9</i>) Complete compliance with the standards in this section of this Ordinance: <ul style="list-style-type: none"> • Signage (<i>Chapter 8.10</i>)
>75%	Complete compliance with the standards in these sections of this Ordinance: <ul style="list-style-type: none"> • Landscaping (<i>Chapter 8.7</i>) • Parking (<i>Chapter 8.8</i>) • Lighting (<i>Chapter 8.9</i>) • Signage (<i>Chapter 8.10</i>)

10.8.2 SITE FEATURE CORRECTIONS REQUIRED WHEN EXPANDING

When a building is expanded on a nonconforming site, certain improvements to the site are required according to the following.

For purposes of determining when a correction is required, the cost of the expansion is that shown on the approved building permit application. Assessed value is based upon York County Property Appraiser information.

A. Expansion of ≤50% of Gross Square Footage Over 5 Years:

1. **Required Improvements:** Expansions in any continuous 5-year period that result in 50% or less increase in the gross square footage of the existing structure (measured at the beginning of the 5-year period) require that a corresponding percentage of the following elements be installed or upgraded on the site:
 - Landscaping (*Chapter 8.7*)
 - Parking (*Chapter 8.8*)
 - Lighting (*Chapter 8.9*)

Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions must comply to the maximum extent practicable as determined by the Planning & Development Director.

2. **Priority of Improvements:** Improvements must be made using the following priority system:
 - First, improvements that would improve impacts to off-site properties (such as stormwater drainage problems);
 - Second, improvements that would enhance the appearance from the public view, such as from adjacent roadways; and

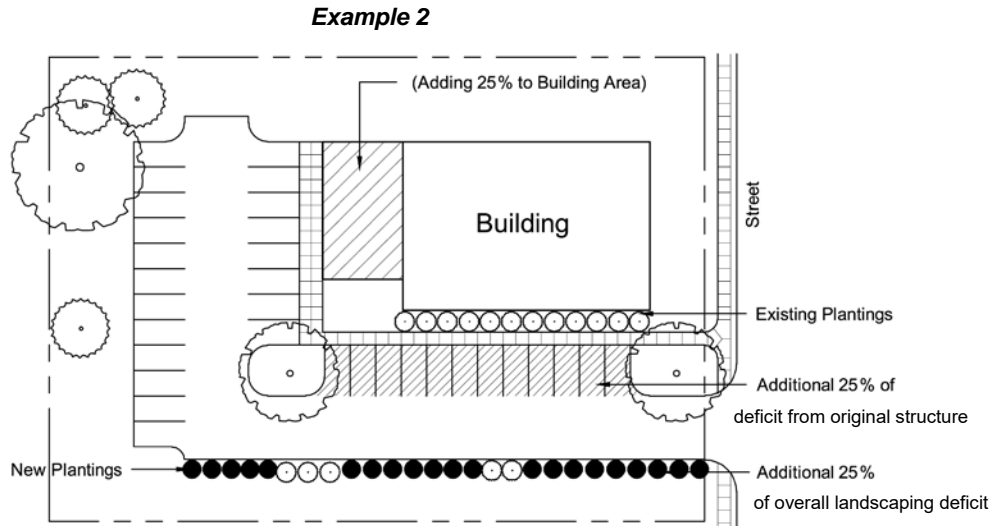
- Last, improvements that would enhance the site otherwise. This may include paving some or all areas of an existing parking lot.

3. Examples

Example 1

As an example, if the addition is 25% of the area of the existing structure and the site contains 50% of the required landscaping, 25% of the required landscaping for the entire site must be provided, thereby bringing the landscaping on the site to 75% of the total required.

Existing landscaping on the site must be retained or replaced but will not count toward the required percentage of new landscaping.



B. Expansion of >50% of Gross Square Footage Over 5 Years: Expansions over any continuous 5-year period that result in a greater-than-50% increase of the gross square footage of the existing structure (measured at the beginning of the 5-year period) require the entire property to meet 100% of the standards of the following sections:

- Landscaping (*Chapter 8.7*)
- Parking (*Chapter 8.8*)
- Lighting (*Chapter 8.9*)
- Signage (*Chapter 8.10*)

Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions must comply to the maximum extent practicable as determined by the Planning & Development Director.

C. Addition of Outdoor Storage Area Only: When only outdoor operations/storage/display areas are being added or increased on a site, that action requires a corresponding increase in the perimeter buffers and screening subsections of the landscaping standards of *Chapter 8.7*, with priority given to screening the impacts of outdoor operations.

SUMMARY OF REQUIRED CORRECTIONS WHEN EXPANDING	
Percentage increase in gross square footage in any continuous 5-year period	Required corrections
≤50%	Corresponding percentage of improvements according to the standards in these sections of this Ordinance: <ul style="list-style-type: none"> • Landscaping (<i>Chapter 8.7</i>) • Parking (<i>Chapter 8.8</i>) • Lighting (<i>Chapter 8.9</i>)
>50%	Complete compliance with the standards in this section of this Ordinance: <ul style="list-style-type: none"> • Landscaping (<i>Chapter 8.7</i>) • Parking (<i>Chapter 8.8</i>) • Lighting (<i>Chapter 8.9</i>) • Signage (<i>Chapter 8.10</i>)
Outdoor Operations, Storage, or Display	Corresponding percentage of improvements in the perimeter buffers and screening subsection sections of the landscaping standards in <i>Chapter 8.7</i> .

ENFORCEMENT

11

SECTIONS

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11.1 PURPOSE

This chapter establishes procedures through which the City seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this chapter are intended to encourage the voluntary correction of violations, where possible.

11.2 VIOLATIONS

Full compliance with the provisions of this ordinance and all other applicable City, state, and federal regulations is required before any land can be used or any structure can be used, located, erected, moved, reconstructed, extended, converted, demolished or structurally altered.

11.2.1 GENERAL

- A. Failure to Comply with Ordinance or Term or Condition of Approval Constitutes Ordinance Violation:** Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Ordinance, or the terms or conditions of any permit or other permit approval or authorization granted in accordance with this Ordinance shall constitute a violation of this Ordinance punishable as provided in this chapter.
- B. Permits or Permit Approvals Only Authorize Development Approved:** Permits or permit approvals issued on the basis of applications approved by the City Council, Planning Commission, Zoning Board of Appeals (ZBA), Board of Historic Review (BHR), Planning & Development Director, or other officials authorize only the use, arrangement, location, design, density or intensity, and development set forth in such permits or permit approvals, and no other use, arrangement, location, design, density or intensity, and development.
- C. Violations Run with the Land:** Violations of this Ordinance shall run with the land where the violation occurred, and shall not be voided by sale or transfer.

11.2.2 SPECIFIC VIOLATIONS

It is a violation of this Ordinance to do any of the following:

- A.** Develop land or a structure without first obtaining the appropriate permit or permit approval.
- B.** Occupy or use land or a structure without first obtaining the appropriate permit or permit approval.
- C.** Develop land or a structure without complying with the terms or conditions of the permit or permit approval required to engage in development.
- D.** Occupy or use land or a structure in violation of the terms or conditions of the permit approval.
- E.** Subdivide land without first obtaining the appropriate permit or permit approvals required to engage in subdivision.
- F.** Subdivide land without complying with the terms or conditions of the permit or permit approval required to engage in subdivision.
- G.** Excavate, grade, cut, clear, or undertake any land-disturbing activity without first obtaining all appropriate permits and permit approvals, and complying with those terms and conditions.
- H.** Remove existing trees from a site or parcel of land without first obtaining appropriate permits and permit approvals, and complying with those terms and conditions.
- I.** Install, create, erect, alter, or maintain any sign without first obtaining appropriate permits and permit approvals, and complying with those terms and conditions.
- J.** Fail to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the permit has lapsed.
- K.** Create, expand, replace, or change any nonconformity, except in compliance with this Ordinance.
- L.** Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this Ordinance.
- M.** Increase the intensity or density of development, except in accordance with the standards of this Ordinance.
- N.** Through any act or omission, fail to comply with any other provisions, procedures or standards, as required by this Ordinance.

11.3 ENFORCEMENT GENERALLY

11.3.1 COMPLIANCE REQUIRED

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the City.

11.3.2 RESPONSIBLE PERSONS

Any person who violates this Ordinance is subject to the remedies and penalties set forth in this chapter. The word "person" includes any individual, corporation, business trust, partnership, government agency or official, two or more persons having a joint interest, or any other legal entity. Persons subject to the remedies and penalties established for violating this Ordinance include any person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this Ordinance; or an owner, any tenant or occupant, or any other person who has control over, or responsibility for, the use or development of the land on which the violation occurs.

11.3.3 RESPONSIBILITY FOR ENFORCEMENT

The Planning & Development Director is responsible for enforcing the provisions of this Ordinance.

11.3.4 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint with the Planning & Development Director. The Planning & Development Director will promptly investigate the complaint, and if a violation of this Ordinance is found, will take enforcement action as necessary according to the below.

11.3.5 INSPECTIONS TO ENSURE COMPLIANCE

Upon presentation of proper credentials, the Planning & Development Director may enter upon land or inspect any structure to ensure compliance with the provisions of this Ordinance. These inspections must be carried out during normal business hours unless the Planning & Development Director determines there is a need to inspect at another time.

11.3.6 NOTICE OF VIOLATIONS

Unless exempted below, the Planning & Development Director must notify, in writing, the party responsible for violating this Ordinance, as well as the property owner, if different. The responsible party may include the business owner or manager, a residential or commercial tenant of land, the person listed on the application that was approved, the contractor or other person undertaking the activity, or any other person who is believed in good faith to be responsible for the violation.

This notice must include the nature of the violation, the necessary action that must be taken to correct the violation, and the deadline for correction.

Notice must be made through at least one of the following ways:

1. Personal service (hand delivery of a written notice);
2. By certified mail; or
3. Through posting of the notice in a prominent location at the place of violation.

No land use, development, or construction can proceed after the revocation notice has been served.

11.3.7 EACH DAY IS A SEPARATE OFFENSE

For all remedies and penalties listed below, each day of the violation is considered a separate offense.

11.3.8 PENALTIES CUMULATIVE

The penalties provided for violations of this Ordinance, whether civil or criminal, are cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

11.4 REMEDIES AND PENALTIES AVAILABLE TO THE CITY

Following the identification of a violation of this Ordinance, the City may use any combination of the following enforcement actions, remedies, and penalties in any particular order to correct, stop, abate, or enjoin a violation of this Ordinance.

11.4.1 CITATION

Preceding the Notice of Violation as described above, the Planning & Development Director may, at his/her discretion, issue a correction notice to the responsible party and/or property owner that explains the violation, how to correct it, and by what date the violation must be corrected in order to avoid further code enforcement action.

If the violation is not corrected within the specified time, the Planning & Development Director may issue a Notice of Violation according to the above provisions. If the violation is still not corrected within the specified time, the Planning & Development Director may issue a citation of the Zoning Ordinance and a summons to municipal court to the responsible party and/or property owner. Additionally, if the violation is a repeated issue that has been before the court before, the Planning & Development Director may move directly to the issuance of another citation and court summons without providing an additional Notice of Violation.

If the court finds the responsible party guilty of the misdemeanor of violating this Ordinance, the maximum penalty may consist of a \$500 fine per day, plus court costs, and/or imprisonment for 30 days. Each day of the violation constitutes a separate offense.

11.4.2 STOP WORK ORDER

The Planning & Development Director or City Attorney may issue and serve upon a person violating this Ordinance a stop order requiring that the person stop all actions in violation of this Ordinance, including illegal occupation of a building or structure, illegal work being done, or any other action in violation of this Ordinance. The Stop Work Order will serve as the Notice of Violation.

11.4.3 PERMIT REVOCATION

Any type of permit, approval, or other form of authorization required under this Ordinance may be revoked if the Planning & Development Director determines that:

1. There is a failure to comply with the approved permit, permit approval, plans, specifications, or terms or conditions required under the permit or permit approval;
2. The permit or permit approval was procured by false representation; or
3. The permit or permit approval was issued in error.

This specifically includes all types of permit, approval, or other form of authorization listed in *Chapter 2: Administration*, but also any other type of permit, approval, or other form of authorization that is not listed there.

The permit revocation notice will serve as the Notice of Violation.

11.4.4 REFUSAL TO ISSUE PERMITS

The Planning & Development Director may refrain from issuing any further permits to any person having outstanding violations or on any site having outstanding violations until those violations have been remedied.

11.4.5 REFUSAL TO PERFORM OTHER TYPES OF INSPECTIONS

The City may refuse to perform inspections on other types of work related to the project, such as all types of building permit inspections.

11.4.6 REFUSAL TO ISSUE CERTIFICATE OF OCCUPANCY

When any violation occurs, the City may refuse to issue a certificate of occupancy until the violation is corrected.

11.4.7 ORDER TO REMOVE OR DEMOLISH ILLEGAL STRUCTURES

The Planning & Development Director may order the removal of illegal buildings or structures, including additions, alterations, or structural changes thereto that have been made in violation of this Ordinance.

11.4.8 CIVIL REMEDIES

In addition to all other remedies and penalties outlined in this chapter, the Planning & Development Director or City Attorney may institute an action or proceeding for injunction or mandamus or other appropriate action or proceeding to prevent, abate, or correct a violation of this Ordinance, or to prevent the occupancy of a structure or land that is in violation of this Ordinance. Each day a person violates this Ordinance shall be considered a separate offense.

11.4.9 ADDITIONAL REMEDIES AVAILABLE FOR SIGN VIOLATIONS

- A. Impoundment:** In addition to the remedies and penalties listed above, signs that are in violation of the provisions of this Ordinance are subject to impoundment according to the following.

If the sign is located in the right-of-way, the Planning & Development Director does not have to give notice of the impoundment. If the sign is located on private property, the Planning & Development Director must give notice of the impoundment, stating that the sign has been impounded, the reason for the impoundment, and the process for claiming the sign.

An impounded sign must be held for 10 calendar days, during which time the sign owner may recover the sign. If the sign is not claimed within the 10-day period, the Planning & Development Director may dispose of the sign without compensation to the sign owner.

- B. Fines:** A fine of may be levied for repeat offenders of the signage section of this Ordinance according to the following table.

VIOLATION	FINE AMOUNT (PER DAY OF VIOLATION)
Second offense within the same calendar year	\$25
Third offense within the same calendar year	\$50
Fourth offense within the same calendar year	\$100
Fifth or subsequent offense within the same calendar year	\$250

These fines may be levied without a Notice of Violation or a citation and summons to municipal court.

- C. Refusal to Issue Permits:** Specifically included in the City's ability to refuse to issue permits section above as it relates to violations of the signage provisions of this Ordinance, is that the City can refuse to issue approval for permits related to a temporary use or structure when the business or organization's owner, manager, or employees have been found to have violated the signage regulations of *Chapter 8: Development Standards*.

11.4.10 ADDITIONAL REMEDIES FOR STORMWATER MANAGEMENT OR SEDIMENT CONTROL VIOLATIONS

In cases where stormwater management and sediment control activities are not properly permitted and completed in accordance with the standards in this Ordinance, the following remedies are available to the City in addition to the general remedies available for all types of violations.

- A. Fines:** A fine may be levied in accordance with the following table. These fines are cumulative; if multiple violations occur, the fine for each will be added together.

VIOLATION	MAXIMUM FINE AMOUNT (PER DAY OF VIOLATION)
Failure to submit "as-built" plan	\$100
Failure to record deed of easements	\$100
Failure to follow approved Stormwater Management and Sediment Control Plan or the notes on a it	\$250
Failure to comply with Notice of Violation	\$250
Failure to protect off-site areas from sedimentation or other stormwater-related damages	\$250
Failure to comply with a stop work order	\$1,000

- B. Restitution:** In addition to imposing a fine under this Ordinance, the City is entitled to restitution from the violating party for all costs incurred by the City in abating violations. Representatives of the City have the right

to enter the property upon which the violation is occurring or is about to occur and abate any such violation by appropriate action.

11.4.11 ADDITIONAL REMEDIES FOR TREE CLEARING VIOLATIONS

In cases where tree clearing has occurred in clear violation of the standards of this Ordinance, the following remedies are available to the City in addition to the general remedies available for all types of violations:

- A. Outside of Riparian and Land-use Buffer Areas:** For clearing outside of riparian or land-use buffer areas, the following remedies will apply:
- 1. A fine of \$2,000 per acre.** This fine will go into the City's designated tree fund, which will go towards planting trees in any area of the City.
 - 2. Delay in Subsequent Approvals:** The City will not review or approve development permit applications for the site for a period of three years from the date that the violation is discovered, and all proposals must be reviewed by the Planning Commission. City Council may waive this delay if it finds that extenuating circumstances exist that warrant the waiver.

If documented heritage trees were removed, upon development of the property, the City may require additional or larger trees to be planted than what is required under the standards of *Chapter 8: Development Standards* to replace what was removed. Documentation may be shown through aerial photographs, photographs of the site from mapping databases and websites, existing tree surveys of the land, or otherwise.

- B. Inside of Riparian and Land-Use Buffer Areas:** If the clearing has taken place in a riparian or land-use buffer area, replanting is required within 30 days from the date that the violation is discovered. A replanting plan must be provided that re-establishes the removed trees on an inch-per-inch basis. Canopy trees must be at least three inches in caliper at the time of planting, while shrubs and understory trees must be mature specimens in order to mitigate the clearing activity as fully as possible.

If clearing has taken place on a site with an approved grading plan past the limits of disturbance as shown on the approved plan, the same remedy applies. (Land-use buffers may be disturbed and replanted according to approved plans.)

In all areas, if stumps are removed and/or land disturbance has occurred as well, the additional remedies in the above section regarding violations of stormwater management and erosion control apply as well.

11.4.12 ADDITIONAL REMEDIES AVAILABLE FOR PROPERTIES LOCATED WITHIN THE HISTORIC OVERLAY DISTRICT

The Planning & Development Director has the right to require the restoration of the property to the original condition if violations respect modifications made to a building or property that is located within the Historic Overlay District.

11.5 PRIVATE CIVIL RELIEF

In case a structure or land is or is proposed to be developed or used in violation of this Ordinance, an adjacent or neighboring landowner or tenant who would be specially damaged by the violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful development or use, or to correct or abate the violation, or to prevent the occupancy of the structure or use of the land.