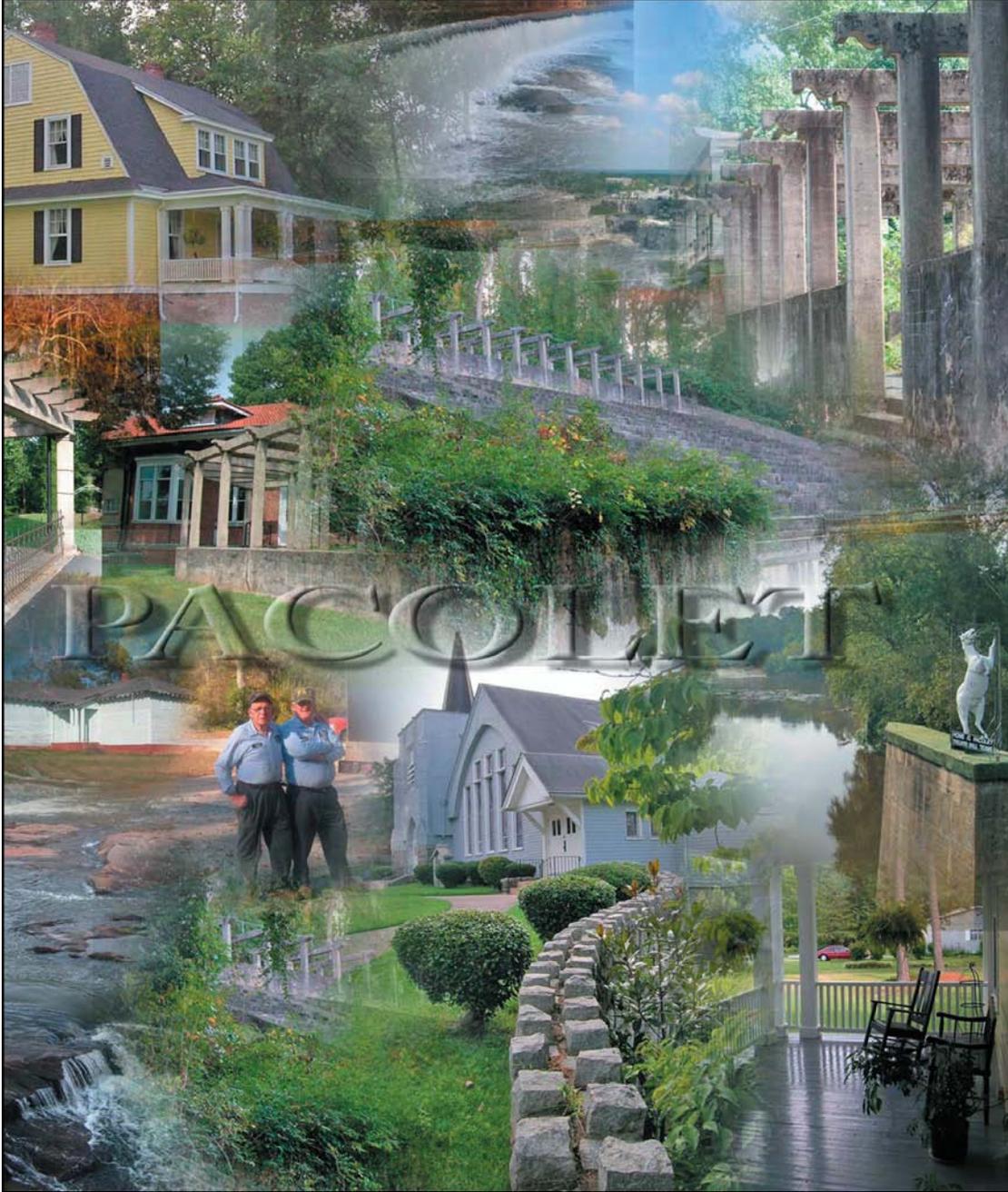


Town of Pacolet Zoning Ordinance



Prepared for the
Town of Pacolet, September 2007
Amended May 5, 2011
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Amended October 6, 2011

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Chapter 1: PURPOSE AND APPLICABILITY

1 Purpose

The purpose of this ordinance is to guide development in accordance with the existing and future needs and to protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity and general welfare of the Town of Pacolet. The regulations set forth herein are designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote the public health and general welfare; provide adequate light and air; to prevent the overcrowding of land; avoid undue concentration of populations; protect scenic areas, facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; promote desirable living conditions and the sustained stability of neighborhoods; protect property against blight and depreciation; secure economy in governmental expenditures; conserve the value of land and buildings, and encourage the most appropriate use of land and buildings and structures.

2 Scope

From and after the effective date of this ordinance, the use of all land and all buildings or portions thereof erected, altered with respect to area, added to, or relocated, and every use within a building or use accessory thereto, in the Town of Pacolet, shall be in conformity with the provisions of this ordinance. Any existing building or structure and existing use of building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming, but may be continued subject to the regulations herein provided in respect to nonconforming buildings or uses.

3 Authority and Enactment Clause

The provisions of this ordinance are adopted under the authority granted by the South Carolina Code of Laws, 1976, et.al, Title 6, Chapter 29.

4 Short Title

This ordinance is officially titled “The Zoning Ordinance of the Town of Pacolet, South Carolina” and shall be known as the “Zoning Ordinance.” The official map designating the various zoning districts shall be titled, “Town of Pacolet Zoning Ordinance Map” and shall be known as the “Zoning Ordinance Map.”

5 Interpretation

The provisions of this ordinance are minimum requirements and where conflicts with other laws occur, the stricter shall apply.

6 Jurisdiction

The regulations set forth in this ordinance shall be applicable within the corporate limits of the Town of Pacolet.

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7 Separability

If any section or specific provision or standard of this ordinance or any regulating district boundary arising from it is found by a court to be invalid or unenforceable for any reason, the decision of the court shall affect the validity or enforceability of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

8 Effective Date

This ordinance shall take effect and all regulations included herein shall be in full force from and after the date of its adoption by the Town of Pacolet Town Council. Adoption of this ordinance will effectively repeal all regulations in any previous version of the Town of Pacolet Zoning Ordinance.

Chapter 2: GENERAL PROVISIONS

1 Establishments of Districts

The Town is hereby divided into the following Zoning Districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon is hereby adopted by reference and declared part of this Chapter. The zoning districts are:

- NE - Neighborhood Edge
- NG - Neighborhood General
- NV - Neighborhood Village
- VC - Village Center
- UC - Urban Center
- MH – Manufactured Home

2 Overlay Districts

An overlay district extends on top of more than one base zoning district and is intended to protect certain critical features and resources or modifies the base zoning district in some specific manner. It may grant additional uses, restrict permitted uses, or impose development requirements differing from those in the underlying zoning district. The underlying zoning districts and overlay districts together will control development. Overlay district designations are established below: if the two conflict, the overlay district takes precedence over the underlying zoning area. Overlay districts are:

Riparian Preservation Overlay: Areas adjoining the Pacolet River are designated for protection through the overlay regulations to mitigate the effects of storm water runoff.

Historic District Overlay: The Historic Mill Village is designated on the National Register of Historic Places, and the Town of Pacolet seeks to preserve this unique collection of arts and crafts homes.

3 Zoning Ordinance Map Interpretation

The map entitled Town of Pacolet Zoning Map as adopted by the Town of Pacolet Town Council and certified by the Town Clerk establishes the official zoning areas and overlay districts. The following rules shall apply in the interpretation of zoning boundaries shown on the Zoning map.

- A. Boundaries delineating the centerline of streets, highways, or alleys shall follow such centerlines.
- B. Boundaries delineating lot lines shall follow such lot lines.
- C. Boundaries delineating the corporate limits shall follow such corporate limits.
- D. Boundaries indicated as following railroad lines shall be midway between the main tracks.

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- E. Boundaries shown parallel to or extensions of features indicated in this section shall be construed as such. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
- F. Where the actual location of existing physical or natural features vary with those shown on the zoning map, or in other circumstances not covered by this section, the Zoning Administrator or his/her designee shall have the authority to interpret the district boundaries.

4 Divided Lot

Where a district boundary divides a lot which was in single ownership at the time of passage of the ordinance, the Planning Commission may permit the extension of the regulations for either portion of the lot, not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot. The extension of regulations may be approved provided the request will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The 50-foot extension of regulations may be granted only once per lot and does not constitute an amendment to the Official Zoning Map. Thereafter, the existing zoning district boundary lines shall govern all sections of newly created approved lots of record without extension considerations.

5 Zoning of Annexed Properties

Where Town boundaries change by virtue of annexation or some other means, the following provisions shall apply:

- A. The new land areas incorporated or otherwise annexed shall be assigned a zoning classification at the time of annexation by Town Council. The ordinance to annex the territory will establish a zoning classification for the property based on a recommendation from the Town Planning Commission. Consideration of the current use of the property, the Town's Comprehensive Plan, and the current zoning of neighboring properties.
- B. In all cases, where additions or deletions in the Town of Pacolet's total land area require adjustments in the Zoning District boundaries, said amendments shall be made on the Zoning Map sixty (60) days of the date of Council action and the date shall be noted.

6 Streets, Generally

Streets shall be built to the standards used by Spartanburg County and found in the Spartanburg County Standard Specification for Construction of Roads (1993), as amended, and any additional requirements found in the Spartanburg County Unified Land Management Ordinance.

Chapter 3: ZONING CLASSIFICATION

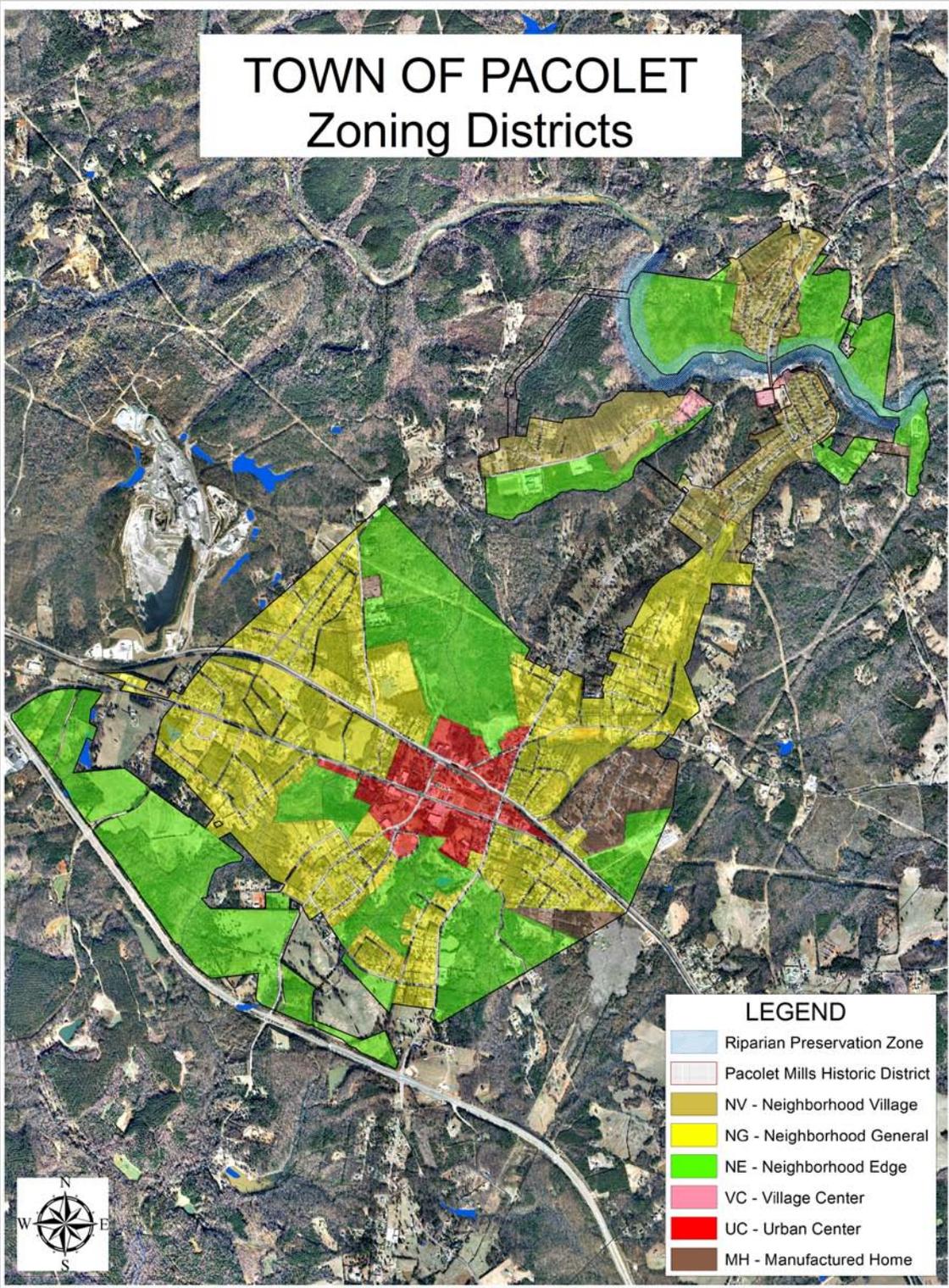
The following regulations pertain to the districts established by this ordinance.

1 Zoning Districts and Overlays

- A. Neighborhood Edge (NE)** zone is the least dense, predominantly residential zone of the Town. It accommodates single and two-family uses. It can also consist of lands in open or cultivated state or sparsely settled. These include woodland, agricultural and grass lands. The Neighborhood Edge will accommodate scattered business uses that are not compatible with the more densely-populated residential zones.
- B. Neighborhood General (NG)** zone is a mixed function, principally residential in character. The Neighborhood General Zone consists of low density suburban residential areas, differing by allowing home occupations. Planting is naturalistic with setbacks relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.
- C. Neighborhood Village (NV)** zone is comprised of small lot, village-style housing, home occupations, small boarding houses, religious institutions, small bed and breakfast inns, and small-scale recreational facilities. Parts of this zoning district are included in the Historic District Overlay Zone and all changes, additions to structures, new construction, and demolitions are subject to review by the Historic and Architectural Review Board in accordance with the Design Guidelines for the Pacolet Mill Village.
- D. Village Center (VC)** zone is comprised of business, service, and institutional uses that are in keeping with the characteristics of the historic village. This Village Center serves as a gathering place with civic and institutional uses, while allowing compatible business and service uses. The Village Center may have larger blocks, but typically streets have steady street trees lining the streets, and buildings set close to the frontages.
- E. Urban Center (UC)** zone is the public core of the community. Main Street shops and public uses define this area. A variety of redevelopment and infill opportunities exist here. Infill sites along Main Street and the downtown are perfect sites for mixed-use buildings. The urban center should provide higher density, balanced growth of workplaces, commerce, and residences at all income levels. New development in the urban center should be multi-story and multi-use. The area should balance the needs of pedestrians and automobiles. Increased street connectivity and accessibility in this area is important since it is the community's commercial and civic hub.
- F. Riparian Preservation Zone** is used to preserve the corridor along the Pacolet River with vegetation such as native grasses, flowers, shrubs and trees that line the stream banks. A healthy riparian area is evidence of wise land use management.
- G. Pacolet Mills Historic District Overlay Zone** is used to protect the character of the historic Mill Village. Any changes to district structures, including renovations, additions, demolitions, new construction, etc. must be reviewed by the Historic and Architectural Review Board in accordance with the Design Guidelines for the Pacolet Mill Village.

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Manufactured Home (MH) district is established to provide a residential district which allows manufactured homes, as well as other types of homes, that are situated on individual lots as the principal use. Recognizing that manufactured housing is a specific form of affordable housing, this district sets aside areas to accommodate this housing choice.



Zoning Map

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2 Zoning Provisions Table

Setbacks: front yard and side yard setbacks for structures on infill lots shall generally be equal to the average setbacks for all principal structures within 300 feet or one block length (whichever is greater). Where no frontage condition currently exists, the build-to-line and/or setbacks shall be as follows:

Table 1 - Zoning Provisions						
	<i>Neighborhood Edge</i>	<i>Neighborhood General</i>	<i>Neighborhood Village</i>	<i>Village Center</i>	<i>Urban Center</i>	<i>Manufactured Home</i>
LOT DIMENSIONS³						
Area and Dimensions	See Table 2	See Table 2	See Table 2	See Table 2	-	See Table 2
Front Setback (min/max)	15 ft min	10 ft min	5 ft/15 ft	0 ft/15 ft	0 ft/10 ft	15 ft min
Side Setback (includes corner lot) (min)	8 ft	6 ft	6 ft	0 ft	0 ft	10 ft
Rear Setback (no alley) (min)	25 ft	20 ft	20 ft	20 ft	0 ft	20 ft
Rear Setback (with alley) (min)	-	15 ft from alley centerline	15 ft from alley centerline	15 ft from alley centerline	15 ft from alley centerline	15 ft from alley centerline
BUILDING FOOTPRINT						
Maximum (commercial)	100,000 sf	50,000 sf	6,000 sf	15,000 sf	None	Not Allowed
HEIGHT (COMMERCIAL) ABOVE GROUND LEVEL						
Minimum/Maximum	< 3 Stories	< 3 Stories	< 3 Stories	< 3 Stories	20 ft/3 Stories	Not Allowed
PARKING REQUIREMENTS, (Min)²						
On-Street Parking	Parallel or Diagonal	Parallel or Diagonal	Parallel or Diagonal	Parallel or Diagonal	Parallel or Diagonal	Not Allowed
Residential (SF)	1 space min/ 2 spaces max per unit off street	1 space min/ 2 spaces max per unit off street	1 space min/ 2 spaces max per unit off street	1 space min/ 2 spaces max per unit	None	2 spaces off street
Residential (MF)	2 spaces/unit	2 space/unit	2 spaces/unit	2 spaces/unit	None	Not Allowed
Commercial and Civic	3 spaces/1000 sf	1 space/500 sf	1 space/500 sf	1 space/500 sf	None	1 space/500 sf
Retail Use	5 spaces/ 1000 sf	5 spaces/ 1000 sf	3 spaces/ 1000 sf	3 spaces/ 1000 sf	None	Not Allowed
Warehouse	1 spaces/ 1000 sf	1 spaces/ 1000 sf	-	-	-	Not Allowed
PLANTING STRIP SPECIFICATIONS⁴						
Planting Strip Type	Wells or Continuous Strip	Wells or Continuous Strip	Wells or Continuous Strip	Wells or Continuous Strip	Planting Wells	Wells or Continuous Strip
Planting Strip Width (Min)	6 ft	6 ft	6 ft	6 ft	N/A	6 ft
Tree Spacing (Average)	40 ft	40 ft	40 ft	40 ft	50 ft	40 ft
SIDEWALK REQUIREMENTS						
Sidewalk Width (Min)	8 ft - Retail 4 ft - All Other Uses	8 ft - Retail 5 ft - All Other Uses	8 ft - Retail 5 ft - All Other Uses	8 ft - Retail 5 ft - All Other Uses	12 ft	5 ft - All Other Uses

Note: In addition to these charts, refer to noted Sections and other areas of text within this ordinance.

1 Encroachments: Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback. Upper story balconies may encroach into the right-of-way up to 3 feet with permission from the Town.

2 See General Design Guidelines for parking below, Section 3.3.

3 Front setbacks shall be measured from street right of way.

4 Does not apply to single-family dwellings and duplexes.

3 Dimensional Requirements Table

The requirements outlined in this section shall apply to development in the NE, NG, NV, VC and MH districts.

Table 2 – Dimensional Requirements

	Neighborhood Edge		Neighborhood General		Neighborhood Village		Village Center		Manufactured Home
	Low Density Residential	Cluster Development	Medium Density Residential	Cluster Development	Medium Density Residential	High Density Residential	Medium Density Residential	High Density Residential	Medium Density Residential
LOT AREA									
Single-Family Detached	8000 sf min, 10000 sf max	See Chapter 5	8000 sf min, 12000 sf max	See Chapter 5	8000 sf min, 12000 sf max	4000 sf min	8000 sf min, 12000 sf max	2500 sf min	8000 sf min
Multi-Family	Not Allowed	See Chapter 5	2500 sf min for 1st unit, 2000 sf min for each add'l unit	See Chapter 5	2500 sf min for 1st unit, 2000 sf min for each add'l unit	2500 sf min for 1st unit, 1000 sf min for each add'l unit	2500 sf min for 1st unit, 2000 sf min for each add'l unit	2500 sf min for 1st unit, 1000 sf min for each add'l unit	Not Allowed
Non-Residential	10,000 sf min, no max	-	10,000 sf min, 2 acres max	-	10,000 sf min, 1 acre max	10,000 sf min, 1 acre max	10,000 sf min, 2 acres max	10,000 sf min, 2 acres max	10,000 sf min, 2 acres max
LOT WIDTH/ DEPTH									
Single-Family Detached	100 ft min, 100 ft depth	See Chapter 5	30 ft min, 80 ft depth	See Chapter 5	30 ft min, 80 ft depth	30 ft min, 80 ft depth			
Single-Family Attached	-	See Chapter 5	20 ft min at front prop line, 80 ft depth	See Chapter 5	20 ft min at front prop line, 80 ft depth	30 ft min at front prop line, 80 ft depth	20 ft min at front prop line, 80 ft depth	30 ft min at front prop line, 80 ft depth	Not Allowed
Two-Family (Duplex)	-	See Chapter 5	30 ft min	See Chapter 5	30 ft min	30 ft min	30 ft min	30 ft min	30 ft min
Multi-Family	-	See Chapter 5	30 ft min at front prop line, 80 ft depth	See Chapter 5	30 ft min at front prop line, 80 ft depth	30 ft min at front prop line, 80 ft depth	30 ft min at front prop line, 80 ft depth	30 ft min at front prop line, 80 ft depth	Not Allowed

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4 Permitted Uses Table

Note: Permitted uses in the Overlay Districts shall be per the underlying District provisions.

Table 3 – Permitted Uses							
<i>Use</i>	<i>NE</i>	<i>NG</i>	<i>NV</i>	<i>VC</i>	<i>UC</i>	<i>MH</i>	<i>Special Regulations</i>
RESIDENTIAL							
Dwelling, Single Family	P	P	P	P	-	P	
Dwelling, Duplex	P	P	P	P	-	P	
Dwelling, Multifamily 4 units/bldg or less	-	P	P	P	P	-	
Dwelling, Multifamily 5 units/bldg or more	-	P	P	P	P	-	
Dwelling, Accessory	PS	PS	PS	PS	PS	PS	SECTION 3.6
Family Care Home, (6 or less residents)	-	-	PS	PS	PS	PS	
Home Occupation	PS	PS	PS	PS	PS	PS	SECTION 3.6
Housing Service for the Elderly	-	P	P	P	P	-	
Live-Work Units	-	PS	PS	PS	PS	-	SECTION 3.6
LODGING							
Bed & Breakfast Inns	PS	PS	PS	PS	PS	-	SECTION 3.6
Hotels/Motels/Inns	-	-	P	P	P	-	
Rooming or Boarding House	-	PS	PS	PS	PS	-	SECTION 3.6
OFFICE / SERVICES							
Animal Services, except kennels	-	-	P	P	P	-	
ATM	-	P	P	P	P	-	
Banks, Credit Unions, Financial Services	-	P	P	P	P	-	
Business Support Services	-	-	P	P	P	-	
Child/Adult Day Care Home (Less than 6 persons)	PS	PS	PS	PS	PS	PS	
Child/Adult Day Care Home (6 or more persons)	-PS	-	-	PS	PS	-	
Community Service Organization	-	-	-	P	P	-	
Drive Thru Service	-	-	-	-	P	-	
Equipment Rental	-	-	-	C	P	-	
Funeral Homes	-P	-	-	-	P	-	
Group Care Facility (More than 6 residents)	-	-	-	PS	PS	-	SECTION 3.6
Government Services	P	P	P	P	P	P	
Laundry Services (Laundromat)	-	-	-	P	P	-	
Medical Services - Clinic, Urgent Care Center	P	-	-	P	P	-	
Medical Services - Doctor Office	P	-	-	P	P	-	
Outdoor Kennels	P	-	-	-	-	-	
Post Office	P	P	P	P	P	-	
Professional Services	-	-	-	P	P	-	
Residential Treatment Facility	-	-	-	P	P	-	
Studio - Art, dance, martial arts, music	-	-	-	P	P	-	

Zoning Ordinance

<i>Base District</i>	<i>NE</i>	<i>NG</i>	<i>NV</i>	<i>VC</i>	<i>UC</i>	<i>MH</i>	<i>Special Regulations</i>
Vehicle Services - Major Repair/ Body Work	P	-	-	-	-	-	
Vehicle Services - Minor Maintenance/Repair	P	-	-	PS	PS	-	
RETAIL / RESTAURANTS							
Alcoholic Beverage Sales Store	PS	-	-	PS	PS	-	
Auto Parts Store	P	-	-	P	P	-	
Bar/Tavern/Night Club	PS	-	-	P	P	-	
Gas Station	PS	PS	-	PS	PS	-	SECTION 3.6
General Retail - 2,000 sf or less	-	-	P	P	P	-	
General Retail - 2,001 sf - 15,000 sf	-	-	-	P	P	-	
General Retail - 15,000 sf - 50,000 sf	P	-	-	-	-	-	
General Retail - Greater than 50,000 sf	P	-	-	-	-	-	
Restaurants	P	-	-	P	P	-	
Vehicle/Heavy Equipment Sales	P	-	-	-	-	-	
ENTERTAINMENT / RECREATION							
Adult Establishment	SE	-	-	-	-	-	
Amusement, Indoor	P	-	-	P	P	-	
Amusement, Outdoor	PS	-	-	-	-	-	SECTION 3.6
Cultural or Community Facility	-	-	-	P	P	P	
Meeting Facilities	-	-	-	P	P	-	
Recreation Facilities, Indoor	-	-	-	P	P	-	
Recreation Facilities, Outdoor	-	-	-	P	P	-	
Theater, Movie	-	-	-	P	P	-	
Theater, Live Performance	-	-	-	P	P	-	
MANUFACTURING / WHOLESALE / STORAGE							
Agriculture	P	-	-	-	-	-	
Junk Yard	PS	-	-	-	-	-	SECTION 3.6
Laundry, dry cleaning plant	-	-	-	-	-	-	
Manufacturing, Light	PS	-	-	-	-	-	
Manufacturing, Neighborhood	PS	-	-	-	-	-	
Manufacturing, Heavy	PS	-	-	-	-	-	
Media Production	PS	-	-	-	-	-	
Mini-Warehouses	PS	-	-	-	-	-	
Research and Development	PS	-	-	-	-	-	
Storage - Outdoor storage yard primary use	PS	-	-	-	-	-	
Storage - Warehouse, Indoor Storage	PS	-	-	-	-	-	
Wholesaling and distribution	PS	-	-	-	-	-	
CIVIC/INSTITUTIONAL							
Campground	P	-	-	-	-	-	
Cemetery	P	P	P	-	P	P	

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<i>Base District</i>	<i>NE</i>	<i>NG</i>	<i>NV</i>	<i>VC</i>	<i>UC</i>	<i>MH</i>	<i>Special Regulations</i>
College/Universities	PS	PS	PS	PS	PS	PS	SECTION 3.6
Hospital	-	-	-	-	-	-	
Public Safety Station	P	P	P	P	P	P	
Religious Institutions	P	P	P	P	P	P	
Schools	PS	PS	PS	PS	PS	PS	SECTION 3.6
Schools - Vocational/Technical	PS	-	-	-	-	-	SECTION 3.6
INFRASTRUCTURE							
Airport	P	-	-	-	-	-	
Recycle Collection Center	PS	PS	PS	PS	PS	PS	
Wireless Telecommunication Facility - Stealth	PS	-	-	-	-	-	
Wireless Telecommunication Facility - Tower	PS	-	-	-	-	-	
Utilities - Class 1	PS	PS	PS	PS	PS	-	
Utilities - Class 2	PS	-	-	-	-	-	
Utilities - Class 3	PS	-	-	-	-	-	
OTHER							
Temporary outdoor sales of seasonal agricultural products (i.e. farmers' market, Christmas tree and pumpkin sales)	PS	PS	PS	PS	PS	PS	SECTION 3.6
Temporary Uses and Structures	PS	PS	PS	PS	PS	PS	SECTION 3.6
Open Air Storage	PS	-	-	-	-	-	SECTION 3.6
Flea Market	-	-	-	PS	PS	-	SECTION 3.6
Keeping of Large Animals	PS	PS	-	-	-	-	SECTION 3.6

Note: In addition to these charts, refer to noted Sections and other areas of text within this ordinance.

P Permitted
 PS Permitted subject to Special Regulations
 C Conditional Use Permit Required
 SE Special Exception

5 Use Definitions

Interpretation of Use Matrices

- A. Any use not listed in the Use Matrix is prohibited unless the Administrator determines that it falls within the same class as a listed use as set forth below.
- B. Uses not listed as a permitted (P), permitted with Special Regulations (PS) or requiring a conditional use permit (C) are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the Use Matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Administrator shall determine whether a materially similar use exists in this Chapter. Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator's decision shall be recorded in writing. Should the

Administrator determine that a materially similar use does not exist, this Chapter may be amended to establish a specific listing for the use in question.

C. The Administrator may determine that a use is materially similar if:

1. The use is listed as within the same Structure or Function classification as the use specifically enumerated in the Use Matrix, as determined by the Land-Based Classification Standards (“LBCS”) of the American Planning Association [Reference: <http://www.planning.org/lbcs/index.html>]. The use shall be considered materially similar if it falls within the same LBCS classification and meets the requirements of subsection D below.

D. In order to assist in interpretation of the Use Matrix, the LBCS numbers where applicable are enumerated. In interpreting the Use Matrix, the following rules of construction shall apply:

1. If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all districts where the uses coded to the general classification are permitted simply because they share a similar LBCS code number. The numbers increase as the classifications get more specific.
2. Some uses are listed separately, but fall within the same LBCS classification. The uses within one such classification are not permitted in all of the zoning districts as the others simply because they fall within the same LBCS classification.

6 Special Regulations

A. Approved Structures

All structures built, moved, or brought into the Town of Pacolet will comply with applicable International Building Code requirements for construction and occupancy before a certificate of occupancy is granted to the owner.

B. Accessory Structure

1. The principal use of the lot shall be a detached or attached dwelling built to the standards of the International Building Code and local ordinances.
2. No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.
3. The accessory dwelling shall be owned by the same person as the principal dwelling.
4. The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling, unless the accessory dwelling is accessed from a rear alley, and the principal dwelling is accessed from a street.
5. A minimum of ten (10) feet must be maintained between the principal residence and an accessory structure.
6. The size of the accessory structure must be in proportion to the principal building, with a first floor area of not more than 650 square feet or not to exceed 30% of

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the size of the first floor of the principal building to a maximum of 900 square feet.

7. A detached accessory structure shall be located in the rear yard, and conform to the required setbacks.

C. Bar/Tavern/Night Club/Pub

1. Any lounge shall be located at least three-hundred (300) linear feet from a Residential (R) zoning district; hospital; public or private elementary, junior high, or high school facility; church or other house of worship facility.
2. Lounges shall be at least two-hundred (200) feet from any existing dwelling unit.
3. No two lounges shall be located within two-thousand (2,000) linear feet of each other, an adult use, or any other establishment with amplified music.
4. Subsections 1-3 shall not be applicable to a "teen club" or to a fraternal organization facility which is not licensed to dispense alcohol.
5. All applicable ABC permits shall be required. Adherence to such permits shall at all times be required.
6. ~~No unreasonable sounds shall be audible from outside the structure.~~

D. Bed & Breakfast Inns

1. One car parking space shall be provided per bedroom. Permitted on-street parking along frontage of the property may count towards this total. The full requirements for landscaping and buffering of off-street parking in Chapter 6 shall not apply to bed and breakfast inns with less than six (6) rooms. In these cases, off-street parking must be screened from adjacent residential uses by a six (6) foot high wall or fence, or by evergreen shrubs at six (6) feet on center and a minimum three (3) feet high at planting with a maturity height of not less than six (6) feet, or by a combination of these options.
2. None of these requirements apply to such development in the Urban Center if there is public parking available within 400 feet of the property.

E. Car Wash

A car wash is permitted as an accessory structure to a gasoline service station. The facility shall be placed and screened in accordance with the standards for parking, Chapter 11.

F. Campers and Trailers

Campers and trailers are only allowed in designated campgrounds when occupied. One camper or trailer is allowed in the rear yard of a residence for storage.

G. Carnivals and Circuses

These are permitted only on the condition that their operation shall be temporary in nature, not to exceed one week at any one time, and is sponsored by a local non-profit or organization or the Town of Pacolet. Hours of operation shall be limited to between 8 am and 10 pm.

H. College and Educational Buildings (see Schools and Universities)

I. Commercial Outdoor Kennel

The outdoor containment of animals shall be at least 250 feet from abutting property.

J. Dwelling - Secondary: Secondary dwelling units **within single-family houses** shall be encouraged and designed to meet housing needs. The accessory dwelling unit shall be subordinate to the primary living quarters.

1. Any secondary dwelling unit shall be located in the rear yard of any residential use lot subject to the requirements of this Section.
2. Secondary dwelling units may be created as a second story within detached garages provided that the height of the accessory unit and/or garage does not exceed the height of the principal structure on the lot. Not more than one (1) secondary dwelling unit is permitted. There shall be a two (2) story height maximum.
3. The secondary dwelling unit may not be larger than twenty-five (25) percent of the gross floor area of the principal structure with a minimum habitable area of not less than 500 square feet.
4. At least one (1) parking space shall be provided per unit. Parking spaces shall be located in the rear yard or side yard of the principal dwelling unit or may be located on-street in front of the principal dwelling unit.
5. No exterior changes shall be made to the existing foundation, unless the Administrator, when the secondary dwelling unit is a permitted use finds that such changes are warranted by the specific circumstances of a particular building.
6. Secondary dwelling units shall be located, designed, constructed, landscaped and decorated in such manner to match the appearance of the principal building.
7. The property owner(s) on which the accessory dwelling unit is to be located shall occupy at least one (1) of the dwelling units on the premises.

K. Gasoline Service Station

1. Gasoline pumps, canopies, and associated service areas are prohibited in any established front yard abutting a street in the Urban Center District.
2. All areas where vehicles are stored temporarily shall be considered parking lots and must comply with the provisions of Chapter 11, Parking.
3. All such vehicle storage areas shall be located at the rear of the building.

L. Group Care Facility (More than 6 persons)

1. Any structure used for such facility **in the DN district** shall maintain an appearance of a residence which is compatible with the surrounding neighborhood.
2. Such facilities shall have an enclosed rear yard by a fence or wall.
3. Indoor space must be at least 25 square feet of floor area per person excluding bathrooms, hallways and other similar areas unsuitable as activity space.
4. Outdoor leisure space must be at least 500 square feet per person, 100 square feet of which shall be in lawn (as opposed to woodlands) of well drained area enclosed on all sides by building, and/or permitted types of walls or fences; it

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may not include driveways, parking areas, or land otherwise unsuitable for leisure space; this space may not be in the established front yard.

5. The minimum lot size requirement shall be increased by seven hundred fifty (750) square feet for each person in excess of six (6) people for which care is provided.
6. No more than one facility may be located within a one half (1/2) mile radius of another similar facility, nursing home, adult or childcare facility.

M. Home Occupation

1. The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
2. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure that meets the requirements of this ordinance.
3. The use shall employ no more than one person who is not a resident of the dwelling.
4. A house occupation housed within the principal dwelling unit shall occupy no more than 25 percent of the total floor area.
5. There shall be no display of stock in trade which is sold on the premises visible from outside the building.
6. There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, unless the equipment or materials are of a type and quantity that could reasonably be associated with the principal residential use.
7. Operation of the home occupation shall not be visible from any dwelling on an adjacent lot, nor from a street.
8. Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation.
9. The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.
10. Home occupation shall be limited to those uses which do not draw multiple clients to the dwelling at the same time on a regular basis.
11. No business identification or advertising signs are permitted.

N. Keeping Of Large Animals

Where permitted, large animals may be kept inside the Town Limits. No more than one animal per two acres shall be allowed. Hogs shall not be permitted. Predatory animals shall be prohibited.

Sanitation must be maintained. This means that droppings must not be allowed to accumulate, and odor, dust and flies must be controlled.

Animals the size of goats and smaller, including Vietnamese potbelly pigs, shall be addressed under the Town of Pacolet's Nuisance Ordinance.

O. Live / Work

Construction shall meet requirements of the International Residential Code, and the following:

1. Non-residential use areas shall meet accessibility requirements of the South Carolina Accessibility Code (including site access and parking).
2. The maximum total size of Live-Work unit is 3000 square feet and three stories in height.
3. The work area must occupy less than 50% of total unit.
4. The same tenant must occupy the work area and living area.
5. There shall be a maximum of five non-resident worker/employees allowed in the Live-Work unit at one time.
6. Each room of the work area must have access to two remotely located exits or have a direct exit to the outside, one of which is accessible.
7. Stairs when enclosed or separated at the top or bottom must be one-hour construction.

P. Manufactured and Mobile Homes

A manufactured or mobile home existing outside of the Manufactured Home (MH) district on the effective date of this ordinance may continue to be used as a non-conforming dwelling structure. However, once removed, neither a mobile home nor a manufactured home will be allowed to locate or be replaced with an alternate mobile home or manufactured home outside the MH District.

All manufactured or mobile homes within the MH District shall be required to comply with the following:

1. No Certificate of Occupancy shall be issued for any home in the MH District unless a Certificate of Zoning Compliance has been issued by the Zoning Administrator to certify that the home is in full compliance with this ordinance.
2. All manufactured housing shall meet or exceed the most current construction and safety standards promulgated by the U.S. Department of Housing and Urban Development pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 72 U.S.C. 5401 et. seq., as amended.
3. All manufactured housing must be installed in accordance with the manufacturer's installation manual. In the absence of the manual, the home must be installed in accordance with the requirements of Section 19-425.42 of the South Carolina Manufactured Housing Board regulations.

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4. A permanent landing and steps with handrails are required for each outside doorway. The structure must include steps which lead to ground level. The landing, handrails, and steps must meet the requirements below:
 - a. A minimum 3ft. by 3ft. landing shall be required outside of each exit door.
 - b. The landing shall not be more than 8 1/2 inches below the threshold.
 - c. Steps shall be 8 1/4 inches maximum in height. Treads shall be a minimum of 9 inches wide.
 - d. All wood components in contact with the ground must be treated and approved for ground contact.
 - e. If steps are 30 inches or greater in height, permanent handrails are to be installed.
6. The pitch of the roof must have a minimum vertical rise of 2 1/2 feet for every twelve feet of horizontal run, and the roof must be finished with a type of material that is commonly used in conventional residential site-built dwellings.
7. The exterior siding shall consist of wood, hardboard, metal or vinyl comparable in composition, appearance and durability to the exterior siding commonly used in conventional residential site-built dwellings.
8. Skirting or a curtain wall, unpierced except for required ventilation and access door, must be installed and maintained so that it encloses the area under manufactured multi-section homes and modular porches, decks or other additions to ground level. The foundation skirting or curtain wall may be of brick, masonry, or vinyl or similar materials designed and manufactured for permanent outdoor installation. Materials used for skirting should be erected so as not to create a fire hazard and shall be maintained in a state of good repair. The skirting or curtain wall and porches must be installed before power is permanently connected to the residence and before a Certificate of Occupancy may be issued.
9. The tongue, axles, transporting lights and towing apparatus must be removed from the manufactured home after placement on the lot and before occupancy.
10. No mobile home or manufactured home shall be used for any purpose other than that for which it was designed.
11. No recreational vehicle or travel trailer shall be used or permitted for permanent residential use. These vehicles are not built in compliance with the HUD standards or the International Building Code and, as such, shall not be allowed for permanent residential use.
12. All manufactured housing shall be served by a separate meter. It shall be unlawful for any such home to receive electricity except by this meter. Any existing home not in compliance with this Section upon the effective date of this amendment shall be served by a separate meter within 180 days of the effective date or be declared in violation.
13. All manufactured homes must be oriented with the front of the home facing the street.
14. One manufactured home shall be allowed on a lot.
15. Manufactured homes shall have direct access on a publicly maintained street.

Q . Outdoor Sale of Goods

Merchandise stalls for the outdoor sale of goods are permitted if items for outdoor sales are returned inside the building at end of each business day; goods not brought in at the close of business day are considered outdoor storage. Items may not be displayed or sold on public property.

R . Outdoor Storage

1. Where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any building setback area abutting a street.
2. Where permitted as a principal use on a lot, the area of storage shall be no closer than 40 feet from an abutting street right-of-way way.
3. All areas established for outdoor storage shall be screened from view from any street and from all abutting properties by an opaque screen. The screen may be a natural (landscape) screen. Wherever security fencing is desired, it shall be placed on the interior side of the opaque screen.

S . Temporary Uses and Structures, Including Seasonal Markets

The establishment of temporary sales lots for farmers markets, Christmas trees, and other seasonal agricultural products, plus related goods, is permitted for up to a maximum of three (3) months upon the issuance of a temporary use permit by the Zoning Administrator. The following conditions apply:

1. Storage of goods in or sale of goods form trailer(s) on the site is prohibited.
2. The use may only be located on a vacant lot or on a lot occupied by a nonresidential use.
3. Signs on the premises of a temporary use shall comply with Section 8.11

Temporary accessory structures, including but not limited to school mobile classrooms and temporary construction or sales offices placed on development sites during construction and sale of buildings, are permitted for up to a maximum of two (2) years, renewable thereafter in one year increments, upon the issuance of a temporary use permit by the Zoning Administrator. Temporary structures associated with construction projects shall be removed upon completion of construction. Temporary structures associated with sales within construction projects shall be removed upon the first sale of 90% of the project.

For temporary buildings or structures directly related to the development of a lot, tract, or parcel, building permits may be issued for periods of one year, or until issuance of a final certificate of occupancy, whichever is less. Building permits may be renewed annually for a period not to exceed one year, or until occupancy, whichever is less, on application and subject to approval by the Zoning Administrator. Prior to issuance of a final certificate of occupancy, or upon expiration of an un-renewed building permit, such temporary buildings or structures must be removed by the developer. Temporary buildings or structures directly related to the development of a lot, tract or parcel may not be occupied except by construction or sales personnel.

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7 Prohibited Uses

Adult Establishments

No adult establishment can be located within Town Limits of Pacolet.

Chapter 4: RIPARIAN BUFFER

1 Intent and Purpose

The Town Council of Pacolet, South Carolina finds that the protection of the streams and water bodies of the Town of Pacolet is vital to the health, safety and economic welfare of its citizens. Streams with natural vegetation maintained along their banks in the form of a Riparian Buffer reduce the negative effects of erosion and sedimentation on properties within the Town and further downstream. Riparian buffers also trap and remove harmful contaminants before they enter streams, thus protecting the water quality of streams within the Town of Pacolet. Riparian buffers add to the aesthetic enjoyment of streams within the Town, to the overall appearance of the Town and to the property values of properties within the Town. It is the intent of this ordinance to ensure that streams within the Town are protected by Riparian Buffers.

Note: A Riparian Buffer is the simplest and most cost effective way of reducing the negative effects of storm water runoff on the streams and water bodies within the Town of Pacolet, and consequently, the negative effect on properties along these streams. A Riparian Buffer functions by leaving existing vegetation along existing streams: the existing trees, shrubs and groundcover reduce the harmful effect of erosion and trap and remove pollutants before they enter streams. Riparian Buffers protect the water quality of streams within the Town, add to the appearance of the Town and help maintain property values for properties along the streams and water bodies. Riparian buffers protect a valuable resource and also reserve open space that can allow for the development of future greenways, trails and recreational space for the citizens of the Town.

This Section does the following: it provides for the protection of existing plant buffers along the streams and water bodies within the Town of Pacolet; it provides a standard (the Revegetation Standard) for replanting along streams in order to achieve effective plant buffers where through human action, the existing buffer is removed and a violation results; and it provides for the preservation or creation of open space that may form the basis for the creation of trails or other recreational uses of benefit to the citizens of the Pacolet.

2 Definitions

Note: The following definitions apply specifically to the administration of this Section. The definitions define important concepts used in this Section, such as the Revegetation Standard, which is the amount and type of vegetation approximating the natural buffer found along streams in this area.

Existing land use means a land use which, prior to the effective date of this ordinance, is either:

- A. completed; or
- B. ongoing, as in the case of agricultural activity; or
- C. under construction; or
- D. fully approved by the governing authority; or

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- E. the subject of a fully completed application, with all necessary supporting documentation, which has been submitted for approval to the governing authority or the appropriate government of official, for any construction related permit.

Impervious surface means any paved, hardened or structural surface which does not allow for complete onsite infiltration of precipitation. Such surfaces include but are not limited to buildings, driveways, streets, site parking lots, swimming pools, dams, tennis courts and any other structures that meet the above definitions.

Land disturbing activity means any grading, scraping, excavating or filling of land, clearing of vegetation and any construction, rebuilding, or significant alteration of a structure.

Protected area means any land and vegetation that lies within the riparian buffer, as defined herein.

Riparian Buffer Zone or RBZ is an overlay zone that encompasses all land within 150 feet on either side of the centerline in the Pacolet River, measured as a line extending perpendicularly from the stream centerline of the stream (see figure 1 and 2).

Stream or River means all of the following:

- A. any perennial stream or river (or portion thereof) that is portrayed as a solid line on a United States Department of Agriculture Soil Survey Map of the most recent edition; and
- B. any intermittent stream or river (or portion thereof) that is portrayed as a dashed line on a United States Department of Agriculture Soil Survey Map of the most recent edition; and
- C. any lake or impoundment that does not lie entirely within a single parcel of land; and
- D. any other stream as may be identified by the Town of Pacolet or Spartanburg County.

Water body means any body of water associated with the streams within the Town as defined above, including lakes and ponds but not including storm water retention or detention facilities.

3 District Use and Application

The Riparian Buffer District is an overlay zoning district that encompasses all land within the Town of Pacolet. Riparian Buffers must be maintained in a naturally vegetated state. Any property or portion of property that lies within the Riparian Buffer is subject to the restrictions of the Riparian Buffer as well as any and all zoning restrictions that apply to the property.

Note: The Riparian Buffer District is an overlay zoning district, which means that its requirements overlay (add to) the existing requirements of the Zoning Ordinance for any piece of property to which it applies. The map in Figure 1 shows the properties affected by the Riparian Buffer District. All other requirements of the Zoning Ordinance are in effect for these properties, in addition to the requirements of the Riparian Buffer District.

The following land uses are prohibited within the protected area:

- A. any land-disturbing activity;
- B. septic tanks and septic tank drain fields;
- C. buildings, accessory structures, and all types of impervious surfaces;
- D. hazardous or sanitary waste landfills;
- E. receiving areas for toxic or hazardous wastes or other contaminants; and
- F. storm water retention and detention facilities, except those built as constructed wetlands that meet the approval of the Town of Pacolet.

4 Reservation Standard for Riparian Buffer Ordinance

A. 150 foot wide buffer shall be applied to the RBZ for the Pacolet River. Development along the stream that involves clearing or alteration of land within the Buffer Zone will have to meet the following requirements to return the stream buffer to an adequately vegetated state. For development that does not alter the buffer zone and preserves the current natural state no additional measures will be required to provide buffering.

1. 24 caliper inches of canopy/ever evergreen trees per 100 linear feet of 100 foot wide green buffer: this equals: 24 – 1 inch caliper or 12 – 2 inch caliper trees;
2. 48 shrubs per 100 linear feet of 100 foot wide buffer;
3. Groundcover shall cover all ground area not associated with the planting of trees and shrubs. Groundcover may be sod or grass seed, pots or plugs of suitable native grass or other groundcover; All planting areas shall be mulched.

B. Diversity:

1. A minimum of three (3) species of trees for buffer area; typically each three species should be present in each 100 linear foot segment of buffer;
2. A minimum of three (3) species of shrubs for buffer area; typically each three species should be present in each 100 linear foot segment of buffer;

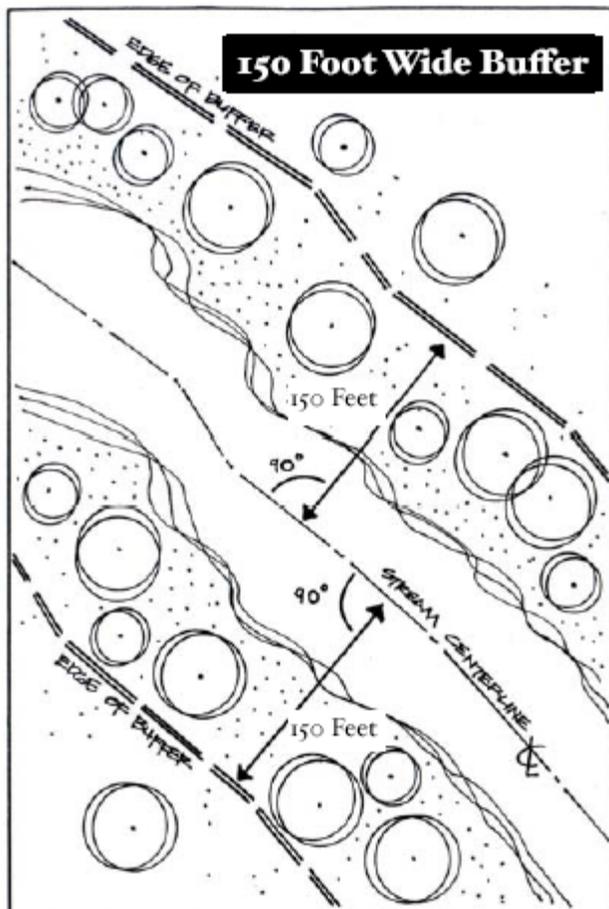


Figure 1: Graphic Illustration of Riparian Buffer

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3. The majority of plants (50% +) must be native species;
4. Invasive or trouble prone trees or shrubs (thornless honey locust, Bradford pear, mimosa, silver maple, red tipped photinia) will not count toward required trees or shrubs.

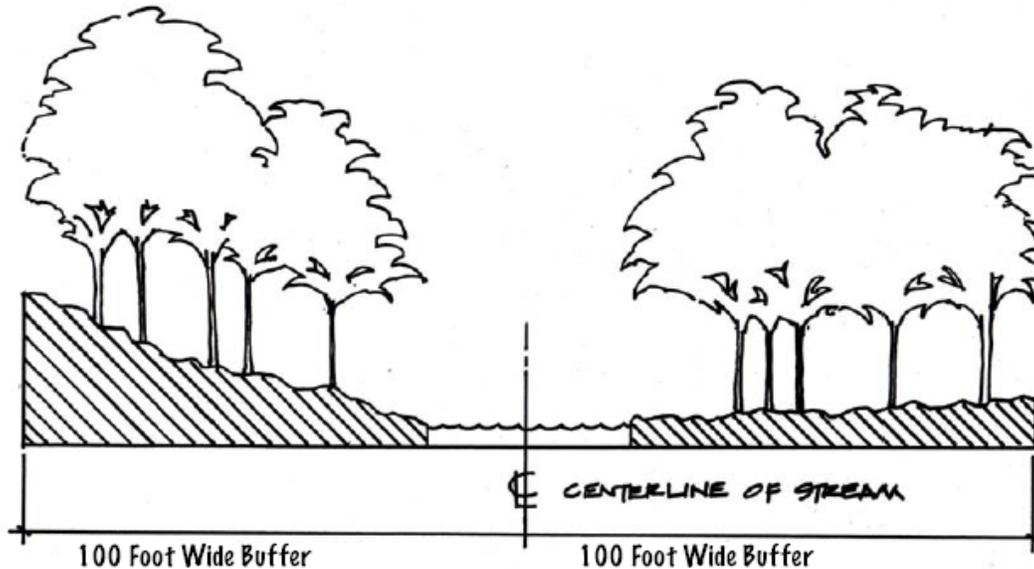


Figure 3: Section Through Typical Stream Showing Riparian Buffer

C. Size:

1. Canopy trees: minimum 1 inch caliper; 8 feet in height;
2. Shrubs: minimum 12 inch height and spread or 1 gallon;
3. Groundcover: sod, seed, pots or plugs.

D. Layout:

1. Layout shall be flexible and respond to the characteristics of each individual site, but shall: generally resemble a random and natural placement of plants rather than an ornamental landscape approach with plants placed in an orderly fashion; trees and shrubs shall generally be spaced to provide coverage over the entire area of the buffer rather than being grouped in one portion.
2. Where the width of the Buffer is some number other than either 100 feet (for instance, as a result of approval of a Minor or Major Variance), then the Revegetation Standard shall be reduced proportionally by the same percentage represented by the reduction in width of the Buffer below 100 feet. In other words, if the Buffer is 75 feet wide, then this represents 75% of the 100 foot Buffer width. Accordingly, the Revegetation Standard for a 75 foot wide, buffer would be 75% of 24 caliper inches of trees for every 100 linear feet of Buffer (the Revegetation Standard shall be expressed in whole numbers rounded up from fractions). Trees shall be a minimum of 1 inch caliper, 8 feet in height for deciduous canopy trees, and 5 feet in height for

evergreen trees when green planted. When existing trees are counted toward the Revegetation Standard, deciduous trees shall be a minimum of 1" caliper and 8 feet in height, and ever evergreen trees shall be a minimum of 5 feet green in height.

5 Exceptions

In order to protect existing property rights, existing uses will be "grandfathered", as described in this section, and not required to meet the buffer requirements as long as there is no change or expansion of the encroachment into the designated buffer zone. Any proposal to alter the current grandfathered use that will change or expand the non-conformity will require plans be submitted to meet the buffer requirements before receiving approval for construction.

Necessary public uses, such as streets, utility lines, public access trails, public recreational facilities, and stream bank restoration projects are also permitted based on appropriate criteria. Existing single family homes are permitted, regardless of the presence of the Riparian Buffer. New single family homes are permitted within the Riparian Buffer as well, if there is reasonable justification provided by the property owner that a home could not otherwise be built on the property except with the granting of either a Minor or a Major Variance.

The following land uses within the Riparian Buffer area are exempted from the provisions of this Section:

A. Existing land uses, except as follows:

1. When the existing land use, or any building or structure involved in that use, is enlarged, increased, or extended to, occupy a greater area of land; or
2. When the existing land use, or any building or structure involved in that land use, is moved to any other portion of the protected area; or
3. When the existing land use ceases for a period of more than one year.

B. Commercial logging or other agricultural harvesting which meet the following criteria:

1. The property is assessed as agricultural for tax purposes at the time of the adoption of this ordinance;
2. The logging or agricultural harvesting practices comply with the best management practices of the South Carolina Forestry Commission;
3. All disturbed property within the Riparian Buffer is replanted according to the best management practices above, and such that the vegetative cover at the time of replanting meets or exceeds the tree planting requirements contained in the Revegetation Standard, above.

C. Public open space except for structures or impervious surfaces (with the exception of those noted below);

D. Public use recreational trails or pathways no wider than eight (8) feet, and which are surfaced with, porous or pervious materials; public use recreational trails or pathways surfaced with impervious materials where the width of the buffer is increased by the width of the trail or pathway;

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- E. Temporary stream, stream bank, and vegetation restoration projects, the goal of which is to restore the stream or protected area to an ecologically healthy state.
- F. Structures that, by their nature, cannot be located anywhere except within the Riparian Buffer. These include docks, boat launches, public water supply intake structures, facilities for natural water quality treatment and purification, and public wastewater treatment plant sewer lines and outfalls.
- G. Construction of a new single family residence, providing that:
 - 1. Based on the size, shape or topography of the property, as of the effective date of this ordinance, it is not reasonably possible to construct a single family dwelling without encroaching upon the Riparian Buffer;
 - 2. The dwelling conforms to all other zoning requirements; and
 - 3. All applicable requirements of the South Carolina Standards for Stormwater Management and Sediment Reduction are met;
- H. Existing single family homes or other structures (or those portions of structures) which do not comply with the above exemptions, but which are within the Riparian Buffer area at the time of the enactment of this Section may in perpetuity be restored to the height, bulk and placement existing at the time of enactment. Any proposed expansions shall be subject to the provisions of this Section. Likewise, any uses (roads, streets, parking lots, etc.) which do not comply with the above exemptions, but which are within the Riparian Buffer area at the time of the enactment of this Section may in perpetuity be restored to the extent existing at the time of enactment.

6 Variances

In order to permit flexibility for property owners to utilize their properties for the uses permitted under the Zoning Ordinance while meeting the intent of the Riparian Buffer District, two types of variances are permitted. A Minor Variance may be approved administratively, and permits some flexibility in the width of the buffer so long as the amount of area covered by the buffer remains the same. A Major Variance requires approval by the Board of Zoning Appeals and deals with those situations where there is a legitimate hardship for the property owner based on unique characteristics of the individual site. The following are the criteria that apply to each type of variance:

- A. **Minor Variances** are a reduction in buffer width over a portion of the property in exchange for an increase in buffer width elsewhere on the same property such that the average buffer width remains 150 feet. No Minor Variance can decrease width by less than 25% of the required width at any point. Minor Variances may be approved administratively by filing an application with the Planning Commission if reductions in the width of the Riparian Buffer on a property are balanced by corresponding increases in the Riparian Buffer elsewhere on the same property, such that the total area included in the Riparian Buffer for that property is the same as if it were the full width across its entire length.
- B. **Major Variances** are a reduction in the width of the Riparian Buffer that are not balanced by a corresponding increase in buffer width elsewhere on the same property, or a reduction in buffer width of more than 25% of the required width. A property owner may request a major variance by filing an application with the Planning Commission to be heard by the Board of Zoning Appeals (BZA), subject to the filing and scheduling procedures for variances.

Chapter 5: CLUSTER DEVELOPMENT GUIDELINES

1 Intent

This section is intended to serve as guidelines for the Town of Pacolet in their review of subdivisions requesting to be considered under the Cluster Development Regulations. The Town shall determine if the preliminary plat(s) is consistent with the purpose and intent of the Cluster Development guidelines:

- A.** Home sites are clustered to preserve open space for recreational, environmental, or ecological reasons;
- B.** The development preserves open space, tree cover, scenic vistas, natural drainage ways, and outstanding natural topography, whenever possible; and
- C.** Within an existing subdivision, the proposed clustered lots should have the least impact on other properties within the same subdivision.

2 Procedures

At the time of submittal of the application for Preliminary Subdivision Plan the applicant shall file an additional application for special clustering permit to the Planning Commission for review and approval.

3 Content of the Application

In addition to the requirements for a Preliminary Subdivision Plan for plans prepared in accordance with the subdivision rules and regulations of the Town of Pacolet, the following information must be provided at the time of submittal for consideration for preliminary approval of cluster development:

- A.** The size of the tract as measured in acres.
- B.** The number of proposed dwelling units and the net living area of each in square feet.
- C.** The proposed location and height of all proposed structures.
- D.** Topographic plan, including a clear and accurate disclosure of the grades of the existing terrain. Large trees, natural water courses, and existing buildings together with fences and walls, shall be shown. Approximate proposed grades shall also be shown.
- E.** The acreage of the proposed open space and location and acreage of any wetlands on the tract.
- F.** A description of the intended uses of the proposed open space, and an evaluation of its value to the Town with respect to natural resources preservation, environmental protection, and accessibility by residents of the Town of Pacolet or residents of the proposed development.
- G.** A description of the proposed ownership and maintenance of the proposed open space.
- H.** A description of all dwelling units on properties abutting the tract.

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- I. A description of the neighborhood in which the tract lies, including utilities and other public facilities and the impact of the proposed plan upon them.

4 General Requirements

- A. A cluster development shall contain a minimum of five (5) acres.
- B. Except when utilizing provisions of Section 4 (C) below, the number of dwelling units in the cluster development shall be equal to the number of buildable lots which the Planning Commission finds would be permitted by normal zoning requirements in the district. Wetlands, water bodies, and land prohibited, from development by legally enforceable restrictions, easements or covenants shall be excluded from the calculation of permissible building lots.
- C. The applicant may apply for inclusion of additional units in the cluster development, not to exceed an increase of fifteen (15%) percent over the number of units established under Section 4 (B) when an amenity such as the following is offered to the community: public access to open land for passive recreation, granting of land to the Town of Pacolet for conservation purposes, and public availability of recreational facilities,
- D. In parcels located partly in more than one (1) district, no more than the total number of lots which would be permitted by normal zoning requirements in the combined districts and complying with the Subdivision Rules and Regulations shall be permitted.
- E. The frontage of each lot on a street within the cluster development shall not be less than thirty (30) feet.
- F. No dwelling shall exceed two-and one half stories nor be greater than 35 feet high.
- G. No dwelling shall be located less than 25 feet from any boundary of the clustered development.
- H. The maximum size of each lot shall be 10,000 square feet.

5 Requirements for Open Space

- A. All land shown on a plan for which a special permit is granted under this section which is not included in building lots, streets or easements shall be established by conservation restriction or conservation easement as open space for conservation and/or recreation purposes, or by conveyance to the Town of Pacolet for conservation purposes.

The total area of open space parcel(s) shall comprise at least 30% of the total area of the tract.

At least 80% of the open space shall be preserved by easement or restriction for conservation purposes only.

Each dwelling in the tract shall have direct access to one or more portions of the open space unless the Planning Commission finds that, due to topography or other conditions; this requirement can be modified, and further finds that the lack of direct access will be offset by other mitigating factors.

Some interim protection of open land must be provided by recorded covenant of the landowner, where a large cluster will be development in phases.

The covenant must be submitted to the Planning Commission for review and approval prior to recording.

6 Condition

No special permit for a cluster development shall be issued unless the requirements enumerated in this section, and other sections of this ordinance are met, and the Planning Commission finds:

- A.** Preservation of the open space will be beneficial to the Town and/or residents of the tract, by virtue of the creation of usable open space for passive recreation, preservation of scenic areas or views, preservation of natural resources, contribution to a network of open space as part of an overall Town Conservation Plan, or other Town wide benefit.

The cluster development will result in a development superior to the proposed conventional subdivision of the tract, from the standpoint of location of units, topography of the site, efficient provision of public services, and reduction in the amount of roadway and driveway construction.

The cluster development will have no more adverse impact on nearby developed neighborhoods, by virtue of increased traffic, impairment of privacy and views, than would conventional subdivision of the tract.

The cluster development will have no adverse impact on the quality or supply of groundwater.

Proper arrangements have been made for access to the open space by residents of the tract, emergency vehicles of the Town, and, if the open space is to be held by the Town, by the public.

The conservation easement or conservation restriction shall be acceptable as to both content and form. At the minimum, the instrument must comply with the provision of M.G.L. Ch. 184, Sect. 31-33, or Internal Revenue Code Section 170 (h) as may be amended.

Suitable arrangements for management and maintenance of the open space have been made.

Where application has been made for the inclusion of additional units in exchange for provision of an amenity as provided in Section 4(C), the amenity to be provided is sufficiently beneficial to the Town of Pacolet, and the additional units are appropriate to the neighborhood.

Chapter 6: TREE PRESERVATION AND LANDSCAPING

1 Intent

The landscaping regulations apply to both public and private property excluding the development of individual single family or duplex residences. The purpose and intent of these regulations is to establish minimum standards for preservation of existing and the planting of new trees and shrubbery in order to:

- Better control soil erosion
- Reduce the hazards of flooding
- Stabilize ground water tables
- Absorb carbon dioxide
- Provide shade for cooling
- Screen noise, dust, and glare
- Enhance property values
- Provide architectural interest and human scale
- Preserve, protect, and enhance the natural environment
- Maintain and/or improve aesthetic values

2 Tree Preservation

A. Preservation of Existing Vegetation

Existing vegetation shall be preserved whenever feasible. The decision to preserve trees shown on the tree survey or site plan shall be made jointly by the Planning Commission, developer and design team during the project approval process.

1. When selecting which trees to preserve, the following shall be considered: existing and proposed grading; age, condition and type of tree; and location of site improvements and utility connections.
2. Trenching, placing backfill in the critical root zone (CRZ), driving or parking equipment in the CRZ, and dumping of trash, oil, paint or other materials detrimental to plant health in close proximity of the trees to be preserved is prohibited.
3. Should any tree designated for preservation in the landscape plan die, the owner shall replace it within 180 days with landscaping equal to what would be required in this ordinance.

B. Preservation of existing vegetation during construction

Protective barricades shall be placed around all trees designated to be saved, prior to the start of development activities or grading. These barricades shall consist of 2"x 4" posts with 1"x 4" rails or orange safety fence. Protective barricades shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, stockpiled soil or other

construction debris. Construction traffic, storage of vehicles and materials, and grading shall not take place within the protective areas of the existing trees. Barricades shall be erected at a recommended minimum distance from the base of protected trees according to the following standards:

1. For trees 10" or less diameter at breast height (DBH): Protective barricades shall be placed a minimum distance of 10' from the base of each protected tree, or outside the dripline, whichever is greater.
2. For trees greater than 10" DBH: Protective barricades shall be placed at a minimum distance equal to 10' from the base of a protected tree plus an additional 1' for each additional 1" DBH greater than 10" DBH, or outside the dripline, whichever is greater.

Construction access to a site should occur where an existing or proposed entrance/exit is located. Except for driveway access points, sidewalks, curb and gutter, land disturbance within a tree dripline is strongly discouraged. Where grading within a tree dripline cannot be avoided, cut and fill shall be limited to 1/4 to 1/3 of the area within the dripline, tree roots must be pruned with clean cuts at the edge of the disturbed area, and no fill shall be placed within the dripline of a tree without venting to allow air and water to reach the roots. Trees and undergrowth in designated open space in an approved plan shall remain growth undisturbed, except for permitted pathways.

3 Landscaping

Tree Removal

A permit shall be required for the removal or destruction of a large or small mature tree or trees. The permit shall be issued when the Zoning Administrator has determined that 1) the mature tree or trees to be removed are dead, diseased, irreparably damaged, hazardous, or creating or potentially creating damage to the property or injury to person, or 2) an approved landscape plan has been issued.

A permit is not required for the area of an approved plan designated as single family or duplex residence exclusive of open space.

Trees to be removed from the public rights-of-way by electric utilities and other utilities must be replaced by such entity in equal quantity with an approved species.

Chapter 7: URBAN OPEN SPACE

All development should provide usable urban open space. Examples of usable public open space include: a park or green, outdoor café or restaurant seating, a plaza with seating, a tot lot, a picnic area, or a wide arcade for strolling along store fronts. Public right-of-way, landscaping filled in around buildings and parking lots, and simple paths are not considered usable urban open space. The character and size of the public open space should be influenced by the surrounding uses (e.g. residential, retail, office) as well as by the prospective user groups) (e.g. workers, shoppers, and youth).

1 Urban Open Space Dedication Requirement Table

Table 4 - Open Space Dedication				
	<i>Urban Center</i>	<i>Village Center</i>	<i>Neighborhood Edge</i>	<i>Neighborhood Village</i>
Minimum Dedication Requirement				
For Residential-Only Units	-	150 SF/ bedroom unit	250 SF/ bedroom unit	250 SF/ bedroom unit
For Non-Residential Only Development	-	2% of Total Development Area	2% of Total Development Area	2% of Total Development Area

Dedication Standards: For the purposes of this calculation, developers should make a good faith estimate at the time of Development Plan submission. In general, Single-Family Homes are calculated at a rate of bedrooms per unit, unless otherwise specified. Greenways are credited towards this requirement at a rate equal to the length of the path times 16 feet in width.

2 Urban Open Space Standards:

Note: Except for 1 & 2 below, the standards of this section do not apply to Greenway paths.

Significant stands of trees, streambed areas, and other valuable topographic features shall be preserved within the required open space areas where practical. Areas noted on The Master Plan as open space should be preserved and dedicated where practical and feasible and may be left unimproved in accordance with the Plan.

Required public open space shall be separately deeded to either a homeowner's association, a non-profit land trust or conservancy, profit conservancy or otherwise permanently protected through deed restriction.

A. Location: The design and location of public open space on a site is perhaps the most important determinant in a successful pedestrian environment. To ensure that public open space is well-used, it is essential to locate and design it carefully.

1. Public open space should be fronted by streets and buildings to encourage their use and patrol their safety.



A public space that is enclosed by building frontages around its perimeter is more likely to be safe and well-used.

2. The space should be located where it is visible and easily accessible from homes and public areas (building entrances, streets, sidewalks).
3. The space should be well buffered from moving cars so that users can enjoy and relax in the space.
4. The space may be visible from streets or internal drives but should not be wholly exposed to them.
5. Partially enclose the space with building walls, freestanding walls, landscaping, raised planters, or on-street parking to help buffer it and create a comfortable "outdoor room".



Public open space may be raised from the street grade and/or have on-street parking along its perimeter to help define its edges.

B. Public Seating: Publicly accessible places to sit in the public realm are important not only as basic amenities, but also in sponsoring casual social interaction. Seating can be both formal and informal, including both park benches on the tops of garden walls or monumental stairs at the entrance to public buildings. Planter walls should be set at a maximum height of 2 feet to allow for their use as seating. Moveable chairs and sidewalk cafes are strongly encouraged.

C. Minimum Amenities:

1. 1 tree (3 inch caliper minimum measured 6" above the ground at installation) for every 1,000 square feet of provided open space to be planted in at least 350 square feet of soil.
2. A minimum of 25 linear feet of seating should be provided for every 1,000 square feet of urban open space. Seating should be more than 12 inches and less than 30 inches in height and not less than 16 inches in depth. Seating more than 28 inches in depth and accessible from two sides should count double. Moveable chairs are encouraged and each count as 2 linear feet of suggested seating.
3. At least half of the open space should be at street level.
4. Playground equipment, statues, and fountains, if provided, should be located toward the interior of squares and parks.
5. One water tap for each 5,000 square feet of each landscaped open space.
6. One garbage receptacle for each 5,000 square feet of each physically separated open space.



Provide amenities in the Urban Open Space to encourage its use such as landscaping and seating

D. Public Art: Property owners are encouraged to provide outdoor public art on the property or in the adjacent public right-of-way way, to enrich the pedestrian experience and create a stronger sense of place.

Chapter 8: SIGNAGE

1 General

This section establishes the standards for the design, location, and characteristics of signs that are permitted as principal or accessory uses. Signs in Pacolet are to be designed and installed in a manner that's:

- A. Encourages Effective Communication** - Encourage the effective use of signs as a means of communication in the Town;
- B. Maintains a Pleasing Appearance** - Maintain and enhance the pleasing look of the Town, which attracts events of local, regional, and statewide interest;
- C. Attracts Business** - Preserve Pacolet as a community that is attractive to business;
- D. Improves Safety** - Improve pedestrian and traffic safety;
- E. Minimize Adverse Effects** - Minimize the possible adverse effects of signs on nearby public and private property; and
- F. Ensures Compatibility** - Ensure that signs in the community are compatible with the high quality image that the Town seeks and in which the Town continuously invests.

2 Sign Permits

A permit is required for the erection, painting, posting, reposting, placing, replacing or hanging of any sign except where specifically noted below. A fee shall be charged for this permit in accordance with the schedule of fees approved by Town Council.

3 Wall Signs

Wall mounted signs are permitted subject to the following:

- A.** Size may be up to 5% of ground floor façade area on which the sign is located or 24 square feet, whichever is less.
- B.** A permitted wall sign may be divided into two separate signs on the same building facade as long as the total area of the two signs does not exceed the maximum permitted.
- C.** Notwithstanding any other provision, the total area of all wall signs on any building facade shall not exceed the maximum permitted area set out above. Additionally, no building facade shall contain more than two separate wall signs.
- D.** Wall signs cannot be located on windows or doors.
- E.** Metal applied letter signs may substitute for wall signs. The sign size is calculated by drawing one parallelogram around the text and images, adding a two inch border on all sides, and calculating the size of the resulting box.
- F.** Wall signs may not contain more than six square feet of neon copy area. See applied letter signs for all calculation method.

4 Projecting Signs

Signs which project from the face of a building will be permitted subject to the following:

- A.** Maximum sign area is 12 square feet per side in the Urban Center and Village Center, and 9 square feet per side in the remaining districts.
- B.** Distance from lower edge of the signboard to the ground shall be seven feet or greater.
- C.** Height of the top edge of the signboard shall not exceed the height of the wall from which it projects for single story buildings, or the height of the sill or bottom of any second story window for multi- multistory buildings.
- D.** Distance from the building to the signboard shall not exceed 6 inches.
- E.** Projecting signs outside of the historic district may include neon.

5 Freestanding (Ground Mounted) Signs

Where a building is setback at least 5 feet from the front sidewalk, freestanding signs are permitted subject to the following:

- A.** Maximum sign area is 16 square feet per side. Ground mounted signs identifying civic buildings may be a maximum of 20 square feet of copy area per side. Freestanding signs on Town-owned property own-may exceed the height and copy area restrictions, with approval of the Design Review Board.
- B.** The height of the top of the signboard, or of any posts, brackets, or other supporting elements shall not exceed 7 feet.
- C.** In the case of a group of buildings or shops that act as a unit, one freestanding sign may be erected to advertise all of the businesses.

One (1) sign per shall be permitted at each entrance of a residential subdivision, provided that such signs do not exceed a total of seventy-five (75) square feet at any subdivision or mobile home park entrance. Provided further that such signs shall have a maximum height of six (6) feet. If illuminated, only indirect lighting shall be permitted. If such subdivision entrance sign is built into a decorative wall or fence, the maximum copy area requirements will apply and setback requirements shall comply with regulations for fences contained herein.

- D.** No neon is allowed on freestanding signs.

6 Awning Signs

Where awnings are provided over windows or doors, awning signage is permitted with the following provisions:

- A.** Maximum 8 square feet in signage area on an awning.
- B.** No backlit awnings are allowed.
- C.** No neon is allowed on awnings.

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7 Window/Door Signs

Signs directly adhered to windows or doors are permitted with the following conditions:

A. Maximum size is 25% of the window or door area or 4 square feet, whichever is less.

Must be silk-screened, hand painted, vinyl, or etched.

If a window sign is utilized, 2 square feet of signage may be also be placed on the door's window.

8 Sidewalk Signs

Sidewalk signs are permitted subject to the following:

A. Easel signs of 6 square feet or less are allowed, one per building.

B. The sign location may not interfere with pedestrian or vehicular circulation or sightlines.

C. The signboard does not exceed 6 square feet per side.

D. The sign is constructed of durable materials.

E. Sidewalk sign placement must leave at least 5 feet of sidewalk clearance.

F. Letter height shall not exceed 4 inches.

G. A-frame signs are allowed for businesses located in the rear of buildings or buildings located 50 feet or more behind the right-of-way way.

H. All sidewalk signs must be located in front of the building.

9 Project Construction Signs

One project construction sign is permitted at a construction site with the following provisions:

A. A. The sign does not exceed 32 square feet.

B. The sign is removed within 15 days of the completion of the project.

C. The sign location shall not interfere with pedestrian or vehicular circulation or sightlines.

10 Other Signs

A. Building directory signs, identifying the occupants of a building, must be wall-mounted, must be located next to the entrance, must be a maximum of 3 square feet, and must not project more than 6 inches from the wall.

B. Service entrance signs may not exceed 2 square feet.

C. Parking directional signs may be either wall-mounted or freestanding and are limited to 2 square feet.

11 Exempt Signs

The following signs do not require a permit:

- A.** Signs erected for orderly traffic control and other municipal or governmental purposes will be permitted, including historical monuments, markers, and signs erected by a public authority.

One temporary on-site freestanding sign at each public street that provides access to the development shall be permitted for new subdivisions and mixed-use developments. The following standards must be met:

1. The signboard does not exceed 32 square feet in area per side.
2. The height of the letters and numbers shall not exceed 6 inches.
3. The height of the top of the signboard, or of any of the posts, brackets, or other supporting elements shall not exceed 9 feet from the ground.
4. The sign location shall not interfere with pedestrian or vehicular circulation or sightlines.
5. The sign must be located outside of the public right-of-way on property within the subdivision or mixed-use development.
6. The signs shall be removed when 75% of the lots owned by the developer or builder are sold.

Signs advertising agricultural products produced on the premises that do not exceed 4 square feet in area. There shall be a limit of 1 such sign for each street abutting the lot. Such signs shall be taken down during the seasons the agricultural products are not being sold.

For sale or for rent signs pertaining to realty, on the premises offered for sale or rent, not exceeding 4 square feet per side in area. 1 sign will be allowed for each street abutting the lot.

Temporary civic, cultural, and public service window posters, when located inside commercial establishments.

Temporary promotional or special sales window signs, when posted inside commercial establishments, for up to 14 days. (No more than 6 square feet per tenant.)

Temporary campaign signs, not to exceed 4 square feet per side, located only on private property with the permission of the property owner. May be erected not more than 30 days prior to an election and must be removed no more than 7 days after the election.

Commercial copy signs on ball fields shall only be mounted on outfield fences, facing toward the infield.

12 Prohibited Signs

The following signs are prohibited:

- A.** Signs that are dilapidated or in disrepair.
- B.** Internally illuminated signs (not neon).
- C.** Signs on roofs, chimneys and balconies.

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- D. Billboards.
- E. Off-site advertising signs except for those allowed in Section 9.
- F. Flashing, blinking or moving signs.
- G. Mobile signs.
- H. 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. Advertising banners and displays unless attached to the facade of the business using them or to the face of an existing sign structure allowed in accordance with the standards of this section. Placement of banners on or between sign supports, buildings, utility poles, or otherwise outside of the allowed sign face is prohibited.

13 Urban Center And Village Center¹

Table 5 - Signs					
	<i>Permitted Sign Type</i>	<i>Specific Applicability</i>	<i>Maximum Area</i>	<i>Maximum Height</i>	<i>Maximum Number</i>
Building Mounted	Wall ²	Front Facades	2 sf for each linear foot of wall frontage or 5% of wall, whichever is greater	NA	NA
	Wall ²	All Other Facades	5% of wall	NA	NA
	Window	Businesses and Live/Work Units	25% of window and/or door area	NA	NA
	Projecting ^{3,4}	Businesses (excluding Home Occupations)	12 sf (total of 24 sf)	7 ft	1
	Arm	Businesses (excluding Home Occupations) located in high pedestrian traffic areas	4 sf (total of 8 sf)	18"	1
	Awning	Businesses (excluding Home Occupations)	Copy area of the sign is limited to the drip flap. Logos may be placed on the awning itself.	---	1
	I.D. Plaques	Identifies tenants in a building	4 sf (total of 8 sf)	NA	1
Free Standing ⁵	Monument	Civic Buildings. Buildings with setback greater than 30 ft	16 sf (total of 32 sf)	7 ft	1

1 Combined square footage of all signs shall not exceed 100 square feet.

2 Wall Signs may project a maximum of 12" from the wall to which it is mounted.

3 Sign may not protrude above soffit, parapet, or eave line of the building to which it is attached.

4 Minimum 8 feet above ground; no portion of the sign may extend within 3 feet of street pavement.

5 Sign must be placed no closer than 10' from back of curb/pavement.

14 Neighborhood General And Neighborhood Edge²

Table 6 - Signs					
	Permitted Sign Type	Specific Applicability	Maximum Area	Maximum Height	Maximum Number
Building Mounted	Wall ²	Front Facades	1 sf for each linear foot of wall frontage or 5% of wall, whichever is greater	NA	NA
	Wall ²	All Other Facades	5% of wall	NA	NA
	Window	Businesses (excluding Home Occupations)	15% of window and/or door area	NA	NA
	Projecting ^{3,4}	Businesses (excluding Home Occupations)	9 sf (total of 18 sf)	7 ft	1
	Arm ^{3,4}	Businesses (excluding Home Occupations)	5 sf (total of 10 sf)	16"	1
	Awning ^{3,4}	Businesses (excluding Home Occupations)	Copy area of the sign is limited to the drip flap.	---	1
	I.D. Plaques	Identifies tenants in a building	4 sf	NA	1
Free Standing	Monument ⁵	Civic Buildings. Buildings with setback greater than 30'	16 sf (total of 32 sf)	7 ft	1

1 Combined square footage of all signs shall not exceed 100 square feet.

2 Wall Signs may project a maximum of 12" from the wall to which it is mounted.

3 Sign may not protrude above soffit, parapet, or eave line of the building to which it is attached.

4 Minimum 8 feet above ground; no portion of the sign may extend within 3 feet of street pavement.

5 Sign must be placed no closer than 10' from back of curb/pavement.

15 Non-Conforming Signs

- A. Maintenance Permitted: Nothing in this chapter shall prevent the ordinary maintenance repair of a nonconforming sign or replacement of a broken part of a nonconforming sign. The nonconforming condition of a sign shall not be increased or cause a previously conforming sign to become nonconforming. Whenever any nonconforming sign, or part thereof (including the copy) is altered, replaced, converted or changed, the entire sign must immediately comply with the provisions of this Chapter.
- B. Excessive Damage or Destruction: Non-conforming signs which are destroyed or damaged by twenty-five (25) percent or more of their value shall not be rebuilt or repaired except in conformance with this Chapter.
- C. Vacancy: When the establishment to which a sign is related ceases or is vacated, the sign shall be classified as 'obsolete', and such sign, including all of its attendant supports, frames, and hardware, shall be removed within ninety (90) days of the

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cessation or vacating of the use or establishment unless such sign is used by a new use or establishment on the premises in accordance with all other provisions of this Chapter.

Expansions: If there is an expansion of the heated square footage of an existing business, or a change in use to an existing building (except multi-tenant buildings), and there were one or more on-premise nonconforming signs which advertised the former or current business or use, any new signs and all new sign faces for the new use or business must meet all sign requirements for the district.

16 Administration And Enforcement Of Sign Permits

Sign Permit Required

A. Except for those signs specifically mentioned in Section 12 above, it shall be unlawful, after enactment of this Ordinance, for any person to erect or place a sign within the corporate limits of the Town of Pacolet unless a permit is secured.

In the event that the owner wishes to alter an existing sign for which a permit has been issued, a new permit must be submitted.

The existence of a permanent sign at the time of passage of this article which does not conform with the standards of this Ordinance or other Ordinances of the Town Of Pacolet shall constitute a vested right.

The existence of a temporary sign at the time of passage of this article shall not constitute a vested right.

Any nonconforming temporary sign, (i.e. not permanently mounted), shall be removed or brought into conformity no later than sixty (60) days after the date of the adoption of this Ordinance.

When any sign is removed, or whenever any renovation, change or repair becomes necessary, other than routine painting, such sign shall not be replaced or renovated except in conformity with the regulations of this and other Ordinances of the Town of Pacolet.

Application for Sign Permit:

An application for a permit required by this article shall be filed with the Zoning Administrator, who shall mark such applications as received and filed as of the date of such receipt and filing.

The application form for a sign permit shall contain the following, at a minimum:

1. Name, address, and phone number of the property owner;
2. Name of persons or firms, as well as its Town business license number thereof erecting the sign and all structures;
3. Written consent of the owner of the building or lot, if different from the applicant, where such sign is to be erected or attached.
4. Time limitations on the sign, if it is a Temporary Sign.
5. Zoning District and Tax Map number.
6. Type of sign proposed.

7. Height, width, and area (square footage) of the sign.

All sign permit applications shall be accompanied by a Site Plan, containing the following information, at a minimum:

1. Two (2) copies of a site plan must be submitted, showing the specific location of all the existing and/or proposed sign(s) on the applicable site, with each sign labeled as existing or proposed.
1. Distances from the proposed sign to the nearest adjacent property line(s) and right(s)-of-way shall be shown.
2. All applicable setbacks shall be shown and listed on the site plan. The proposed sign shall obey its applicant setback, unless a variance from the Board of Zoning Appeals is requested, with the appropriate fee and application form.
3. Distances from the proposed sign to the nearest structure on the lot must be shown, unless the sign is attached to the structure.
4. The number of proposed sign faces must be listed and shown.
5. The dimensions of the proposed sign(s), including the height, width, and square footage per sign face, shall be provided.
6. Where applicable, provide the dimensions of the wall surface of the building or window to which the sign is to be attached.
7. When the sign is to be attached to an existing building, a current photograph of the face of the building to which the sign is to be attached shall be provided with the Sign Plan.
8. Two (2) copies of a photograph or drawing depicting the proposed sign with the wording to be contained on the sign, along with any emblems, insignias, and other adornments, shall be provided with the Sign Plan.

Fees: All sign permit applicants shall be required to pay an administrative fee, as determined by the Town Administrator, unless expressly waived in the Sections above.

A sign permit shall become null and void if construction has not begun within three (3) months of the date of issuance of the permit.

Action on Sign Permit Application:

The Zoning Administrator shall reply to such application in writing within fourteen (14) calendar days.

Sign Permit Issuance, Refusal, or Appeal:

1. If the Zoning Administrator authorizes the erection or alteration of a sign pursuant to an application filed under this article, the Zoning Administrator shall issue to the applicant a permit. If the Zoning Administrator does not authorize the erection or alteration of the sign as applied for in the application, the Zoning Administrator shall write a letter to the applicant, advising that the request in the application is refused.
2. Appeals of refused applications shall be made to the Board of Appeals within thirty (30) days after the sign permit is refused.

Enforcement:

1. In the event that a sign is erected or altered without an approved permit, the lot owner will be notified and given fifteen (15) days to remove the sign or secure a permit. If after fifteen (15) days the sign is not removed and/or a sign permit is not secured, a fine will be charged to the lot owner for the violation. The fine shall be charged for each day (after the fifteen (15) day warning period) that the violation exists, until the sign is removed or a sign permit is secured. Such fine shall be determined by the Town Administrator and shall be uniform for all signs in violation. Each day that a violation continues shall be considered a separate offense and an additional violation.
2. If it is determined by the *Zoning Administrator* or by Code Enforcement, that a sign is abandoned, is not being maintained, or not being used for purposes under which the original permit was issued, the lot owner will be notified and given thirty (30) days to remove the sign. After thirty (30) days the Town will have the sign removed and the property owner will be charged for costs of removal incurred by the Town.

Sign Inspection

All signs for which a permit is required shall be subject to inspection by the Zoning Administrator. These officials will be authorized to enter at all reasonable times upon any property or premises to ascertain whether the provisions of the code are being obeyed. In the event that maintenance is deemed necessary, the sign owner will be notified by letter. The sign owner will then have thirty (30) days in which to have the maintenance completed, or a fine will be charged to the lot owner for the violation. The fine shall be charged for each day (after the thirty (30) day warning period) that the violation exists, until the sign is fixed or removed. Such fine shall be determined by the Town Administrator and shall be uniform for all signs in violation.

VariANCES

Sign variances are intended to allow flexibility the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs which enhance the overall character of an area or allow for mitigation of unusual site conditions. Variances typically pertain to the height, width, area, or location of a sign.

1. Procedures: An application for a variance from the specific sign requirements set forth in this Ordinance may be made to the Town of Pacolet Board of Zoning Appeals. The application shall be submitted to the Zoning Administrator thirty (30) days before the meeting at which the request will be heard.
2. Approval Criteria: Sign variances may be approved if the Board of Zoning Appeals finds that the applicant has shown that the criteria below have been met. The applicant must meet the following criteria:
 - a. The particular physical surroundings, shape, or topographic conditions of the specific property involved that would result in an exceptional hardship upon the owner as distinguished from an inconvenience.
 - b. The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.
 - c. The hardship has not been created by any person having an interest in the property.

- d. Financial returns only shall not be considered as a basis for granting the variance.
- e. The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of this ordinance.
- f. The variance does not confer a special privilege to the applicant that is denied to others.
- g. Under no circumstances shall the Board grant a variance to allow a sign type which is not permitted by this ordinance, nor a sign that not expressly permitted in the specific zoning district in question.
- h. The Board may impose such conditions and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any injurious effect upon adjoining uses or property, and to better carry out the general intent of this ordinance.

Chapter 9: LIGHTING

1 Intent

The purpose of this section is to provide direction in controlling exterior lighting so as not to adversely affect motorists, pedestrians, and adjacent properties. Lighting intensities should be controlled to assure that light spillage and glare are not directed at adjacent properties, neighboring areas, motorists, or the sky. Exterior lighting shall be integrated with the architectural character of the building. Downcast or cutoff type lighting fixtures shall be used to illuminate pedestrian or traffic circulation corridors and signage.

2 Standards For Outdoor Lighting

All outdoor area lighting shall conform to the following standards:

1. Outdoor lighting shall not shine directly into the yard or windows of a residence.
2. Outdoor lighting shall be designed, located and mounted at heights no greater than 12 feet above grade for non cut-off lights, or 20 feet above grade for cut-off lights.
3. All lighting fixtures must be located at least ten feet from property lines defining rear and side yards. Light sources should not be located within any perimeter perimeter-landscaped areas except on -pedestrian walkways.
4. All outdoor lighting shall be designed and located such that the maximum illumination measured in footcandles at the property line shall not exceed 0.3 for non cut-off lights and 1.5 for cut-off lights. The average intensity illumination for outdoor lighting shall not exceed 6 footcandles in intensity as measured at grade.
5. The maximum light level shall be 0.3 maintained footcandle at any property line in a residential area, and 2.0 maintained footcandles at any street right-of-way. Fixtures should be placed to provide uniform distribution of light and to avoid intense lighting that produces excessive glare.
6. Parking lot lighting fixtures of more than 2,000 lumens shall be cutoff fixtures.
7. Light fixtures used to light buildings and landscaping shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, or other site features and away from adjoining properties and the street right-of-way.
8. Lighting fixtures in scale with pedestrian activities shall provide for uniform distribution of lighting to produce minimal shadows.
9. No flickering or flashing lights shall be permitted.

3 Outdoor Recreational Lighting

Because of their unique requirements for nighttime visibility and limited hours of operation, the lighting of active recreation areas, such as for ball fields and tennis courts, are not considered in this Section. Lighting conditions for such uses shall be approved by the Zoning Administrator in accordance with approved standards and specifications.

4 Design Procedures

- A. The maximum permitted illumination shall be measured in average footcandles from ground level in accordance with the standards in the section. The following standards are required of all exterior lighting with the exception of street lighting. Developers have the option of providing a lower light post with a non-cutoff type of luminary or a higher pole with a luminary that totally cuts-off spill-over at an angle smaller than 90°.
- B. The quantity of fixtures to be provided shall be based upon the desired level of uniform illumination as established by the current standards of the Illuminating Engineering Society.
- C. Fixture locations should be chosen to minimize the hazards of glare.
- D. The level of illumination shall be based upon the primary activity in each area to be lighted. The following standards for various activities prescribed by the Illuminating Engineering Society chart represent a number of exterior lighting uses for general reference. Foot-candle measurements represent measurements for the average intensity at grade.

Illuminating Engineering Society Chart

Table 7 - Lighting		
<i>Use - Utility Lighting</i>	<i>Footcandles Maximum</i>	<i>Footcandles Minimum</i>
Minimum Visibility	-	0.5
Driving	1	0.5
Pedestrian Ways	1	0.5
General landscaped areas	2	1
<i>Use - Area Lighting</i>	<i>Footcandles Maximum</i>	<i>Footcandles Minimum</i>
Parking Lots	4	1
<i>Use – Building Exteriors</i>	<i>Footcandles Maximum</i>	<i>Footcandles Minimum</i>
Entrances (frequent use)	6	2
Entrances (infrequent use)	1	0.5
Vital Locations or Structures	6	2
Building Surroundings	2	1

5 Prohibitions

The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited. The operation of searchlights for advertising purposes is prohibited.

6 Street Lighting

The owner, developer, or subdivider of property shall be required to install street lighting via underground distribution along all proposed streets and along all adjoining existing streets in accordance with the following:

- A.** All underground and other electrical distribution systems for street lighting within the corporate limits ground of the Town of Pacolet shall be installed in conformance with Duke Power and Town of Pacolet standards at the developer's expense.
- B.** The placement of street lighting fixtures in residential areas shall be at 160 to 200 foot intervals and at each intersection unless:
 - 1. the roadway length is less than 200 feet, a street light is placed at the intersection, and no natural features create a problem, in which case a street light will not be required at the end of the street; or
 - 2. the vertical and horizontal street alignment or natural features necessitate shorter spacing intervals.
- C.** The Town will accept responsibility of the lights at the time streets are accepted for maintenance and onetime decorative fees have been paid to the Town or light provider.

Chapter 10: STREETScape DESIGN

Street designs should permit the comfortable use of the street by cars, bicyclists, and pedestrians. Pavement widths, design speeds, and the number of vehicle lanes should be minimized without compromising safety. The specific design of any given street should consider the context of the buildings that front on the street and the relationship with the Town's overall street network.

1 Connectivity:

Streets shall interconnect within a development and with adjoining development. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets shall be planned with due regard to the designated corridors shown on the Master Plan.

2 Streetscape Design

All new development (except individual single family homes) or expansions to existing development shall be required to upgrade their street frontage in accordance with the standards outlined in Section 10.3 and below.

3 General Provisions

A. On-Street Parking: All on-street parking provided should be parallel. Angle parking is permitted in front of high traffic retail locations and where the posted traffic speed is 20 mph or less.

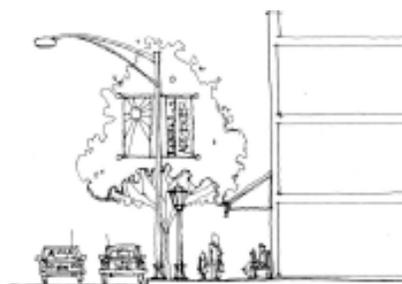
B. Curb-Return Radii: Curb radii shall be designed to reduce pedestrian crossing times along all streets requiring sidewalks. In general, curb radii should not exceed 20 ft.

C. Curbs and Drainage: Curbs shall be constructed in accordance with SC DOT Standards. Standard curbing is required along all streets with on-street parking and around all required landscaping areas and parking lots. Rolling curbing is permitted around center medians, roundabouts, and other features in order to facilitate the infrequent use by vehicles with larger turning radii. Drainage shall be provided using curb and gutter piped systems along all streets. All drainage grates, if provided, must be safe for bicyclists (grating must be perpendicular or diagonal to the street centerline).

D. Traffic Calming: The use of traffic calming devices such as raised intersections, landscaping bulbouts, horizontal speed bumps, and traffic circles are encouraged as alternatives to conventional traffic control measures.

E. Street Trees/Planting Strips:

1. Planting of large maturing trees shall occur in accordance with an adopted streetscape master plan that specifies tree type and location.
2. Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets shall have trees which compliment the face of



A typical streetscape in the Downtown Area with on-street parking, lighting, street trees, seating, and sidewalks.

Town of Pacolet

the buildings and which shade the sidewalk. They should therefore be planted at property lines or at side property lines along the frontage.

3. Where overhead utilities preclude the installation of large maturing trees, small maturing tree may be substituted.

F. Sidewalks: Sidewalks shall be constructed along both sides of all streets using brick pavers, concrete, or a similar material. Residential sidewalks shall be a minimum of 5 feet in width. Sidewalks serving mixed-use and commercial areas shall be a minimum of 8 feet in width (or wider as required). A wider sidewalk may be required for buildings with outdoor seating.

G. Outdoor Seating: Where uses such as outdoor seating for cafés and restaurants use the public sidewalk, there shall be a minimum of 4 feet of clearance for adequate passing distance by pedestrians.



Opportunity planting of trees between buildings maintains clear visibility of storefronts.



a consistent appearance but can conceal storefronts.



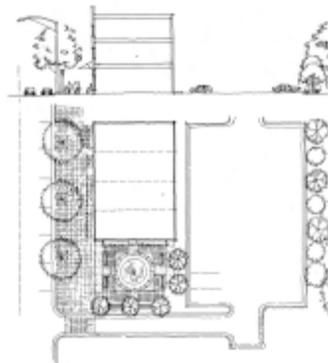
Typical sidewalks in the Urban Center should be 8-12 feet wide to encourage outdoor seating while providing adequate passing clearance.

Chapter 11: SITE DESIGN

A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets lined by buildings rather than parking lots are more interesting to move along, especially for pedestrians and provide a safer environment.

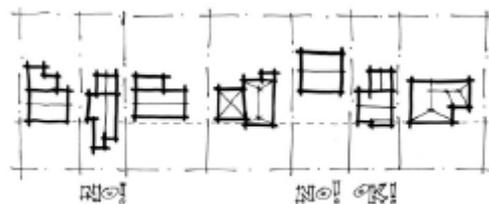
1 Building Placement

- A. Building Frontage:** All buildings shall share a frontage line with a street or public open space. Buildings should be located close to the pedestrian street (generally within 15 feet of the curb), with off-street parking behind and/or beside buildings.
- B. Corner lots:** If the building is located at a street intersection, place the main building, or part of the building, at the corner. Parking, loading or service should not be located at an intersection.
- C. Street Vistas:** Important street vistas (such as along Town gateways and primary pedestrian streets) should terminate in a focal point, such as a building or other architectural or landscaped feature.
- D. Setbacks:** Front and side setbacks shall be consistent with those of surrounding buildings. An outdoor “room” may be placed between the building and sidewalk where the building serves as the termination of a pedestrian street, necessitating a larger setback. This type of outdoor “room” serves to open the business to the street and pedestrians and should be accessed from the public sidewalk to be used for customers, (e.g. sidewalk café) or for general public seating (e.g. courtyard).



2 Infill Lots

- A. Infill Compatibility:** Buildings on infill lots should generally be setback a distance equal to an average of buildings on either side of the proposed development on the same side of the street. Adjacent buildings shall relate in similarity of scale, height, architectural style, and configuration. Transitions to dissimilar building types (i.e. Detached House to Commercial Buildings) should generally occur at the rear lane/alley, rear property line, or in the next block.
- B. Adjacent Lots:** For similarly zoned properties, try to match the grade of abutting properties where the properties meet. If there is a significant grade difference, create an attractive transition, using creative grading and landscaping or a decorative retaining wall. Be sure to incorporate vehicular and pedestrian cross-access. Avoid using a blank or unscreened concrete retaining wall or a rock-covered slope.



Infill lots should be developed in a manner consistent with its neighbors

3 Parking And Circulation

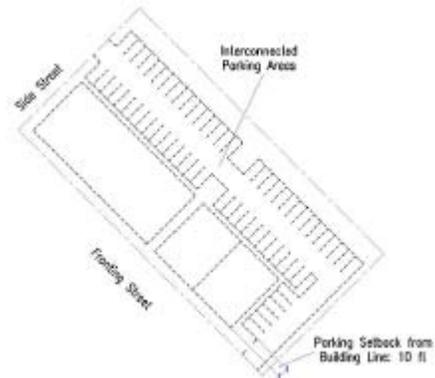
A. Shared Parking Standards: The joint use of shared off-street parking between two uses may be made by contract between two or more adjacent property owners. Adjacent lots shall be interconnected where practical. Developments that operate at different times may jointly use or share the same parking spaces with a maximum of one-half (1/2) of the parking spaces credited to both uses if one use is a church, theater, assembly hall or other use whose peak hours of attendance will be at night or on Sundays, and the other use or uses are ones that will be closed at night or on Sundays or upon the normal hours of operation.

B. Location of Parking Areas:

1. Parking lots should be located to the side or behind buildings or in the interior of a block whenever possible. Parking areas in the side yards shall be located a minimum of 10 feet behind the frontage line of the building.
2. Whenever practical, no off-street parking area should be located within any front yard except for single- family residential uses,
3. Whenever practical, all off-street parking spaces for multi-family buildings shall be in the rear yard only and access to any garages shall be from the rear.

C. Connectivity: Adjacent lots should be interconnected except in the case of existing steep topography between the sites.

D. Parking Area Screening: All parking areas visible from the right-of-way should be screened from view. Parking areas located in the side yard shall have the portion of the lot that fronts the street screened up to a height of 4 feet using shrubs, brick walls (using brick that matches the adjacent building), wrought iron fencing, or any combination thereof. If landscaping is used, the minimum planting area width should not be less than 4 feet.



E. Circulation Drives: Along West Main Street and Highway 9, a circulation drive may be permitted around the front of the building but may not encroach into the front setback or any required landscape area. If provided, this drive shall be designed to be the minimal width required (not to exceed 10 feet in width) and shall be constructed using alternative paving treatments such as pavers or stamped concrete.

F. Parking Space Dimensions:

1. Parking space dimensions (other than those designed for the disabled) shall be a minimum of 18 feet long and 9 feet wide. Parking spaces shall be dimensioned in relation to curbs or aisles, so long as their configuration, area, and dimensions satisfy the requirements of this Section.
2. Parallel parking space dimensions shall be a minimum of 20 feet by 8 feet. Parallel parking spaces along higher traffic streets should be at least 22 feet long.

G. Parking Area Landscaping:

1. Maximum Distance from a Parking Space to a Shade Tree Trunk: 60 feet
2. Required Plantings: 1 Shade Tree per 10 spaces
3. Planting Island Requirements: Required trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows or parking spaces. The minimum planting area for Parking Lot Shade Trees shall be 200 square feet with a minimum inside dimension of nine (9) feet and a minimum prepared depth of 18 inches.

H. Parking Structures:

1. The ground-level of a parking structure should be wrapped by retail, office or some other active use along at least the primary façade. All levels of a structured parking facility shall be designed and screened in such a way as to minimize visibility of parked cars.
2. Along pedestrian-oriented streets, parking structure facades should be treated with high quality materials and given vertical articulation and emphasis compatible to the principal structure. The façade should be designed to visually screen cars. In no instance will rails or cabling alone be sufficient to meet this screening requirement.
3. Pedestrian entries should be clearly visible. The vertical circulation should not be located in the center of the structure so that it is difficult or circuitous to locate.
4. In addition to the above requirements, in the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building façade, then they shall be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances shall be designed to minimize visibility of parked cars. The remainder of the street level frontage shall be either commercial space or an architecturally articulated façade designed to minimize the visibility of parked cars.

4 Pedestrian And Bicycle Amenities

A. Pedestrian and Bicycle Network: Provide a complete network of pedestrian and bicycle paths that interconnect building entrances, parking, transit stops, public sidewalks and crossings, adjacent properties, adjoining off- street paths, and other key destinations on or adjacent to the site. Avoid steps; provide curb ramps to accommodate wheelchairs, bicyclists, and baby strollers. If no immediate benefit can be derived from the pedestrian link, maintain the potential at-grade link and provide a construction easement to the adjoining property.

B. Pedestrian Pathways: Pedestrian pathways should be provided from the street to the parking area between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. To aid pedestrian navigation and comfort, provide the following elements along paths:

1. Landscaping, such as rows of trees and shrubs, flower beds, and planters
2. Pedestrian scaled lighting, such as lighted bollards
3. Small, color-coded way-finding signs, or a directory
4. Vertical architectural elements, such as markers or arches

5. Seating and resting spots
6. Special paving

Crosswalks: Whenever pathways cross internal drives, curb cuts, and streets, provide a highly-visible crosswalk, made of a material that provides strong contrast with the vehicular surface (e.g. concrete in asphalt, unit pavers in concrete). Crosswalk stripes are acceptable, but require frequent repainting. Consider elevating the crosswalk to the level of the connecting walk.

C. Bicycle Parking: For lots where more than 19 spaces are provided, provide 1 bike parking space for every 50 car spaces. Inverted U or "Cora"-type racks are suggested though others of similar durability and ease of use may be approved. Bike racks should be located close to the main building entrance(s) so they are highly visible and convenient. To facilitate access, install a curb ramp in any drive near the bike parking.

5 Parking Design Guidelines

Off-street parking areas should be designed to minimize breaks in the pedestrian environment along the public street and create safe and comfortable passage for pedestrians. The following standards shall therefore be met.

- A.** Curb cuts must be minimized in width and number.
- B.** Parking lots shall be placed behind buildings in the Urban Center and Village Center, and other districts when practical; Parallel parking is allowed on one side of the access drive to the rear parking area. Off-street parking is not permitted in front of the primary building façade, except where in the Neighborhood Center and Neighborhood Edge, or detailed as a public plaza or square.
- C.** Uninterrupted areas of parking lot shall be limited to 18 spaces. Large parking lots shall be broken by buildings and/or landscape features.
- D.** Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the building. On small lots (eighteen spaces or less), this may be achieved by providing a sidewalk at the perimeter of the lot. On larger lots, corridors within the parking area should channel pedestrians from the car to the perimeter of the lot or to the building. These corridors are delineated by a paving material that differs from that of vehicular areas and are planted to provide shade. Small posts or bollards may be included.
- E.** To maintain pedestrian comfort and calm the speed of entering traffic, driveways to parking areas should not exceed 24 feet in width (2 lanes) or 12 feet in width (1 lane) except those with turn lanes required by the Town of Pacolet.
- F.** Adjoining parking lots serving non-residential buildings shall be interconnected.
- G.** Parking, loading, and other vehicular access should occur at mid-block or alley.
- H.** Parking areas shall not abut pedestrian-oriented street intersections or civic buildings, be adjacent to squares or parks, or occupy lots which terminate a vista.
- I.** Off-street parking areas shall be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles without posing a danger to pedestrians or impeding the function of the parking area.

- J.** Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
- K.** All paved parking areas shall be curbed using a standard curb with a minimum width of 1'-6". All parking lots, regardless of surfacing, shall retain stormwater on site or drain to a catch basin in a public street.
- L.** Residential driveways shall be 10 to 12 feet in width at street, widening, if necessary to 20 feet at the garage. Only one curb cut is allowed per dwelling unit.

6 Exceptions

Where vehicular access is provided between adjoining non-residential sites and the operating hours of adjoining uses do not overlap, the uses may share up to 50% of required parking spaces. Shared use of parking shall be guaranteed by a contract or other legally binding document.

7 Bicycle Parking

All non-residential and multi-family residential buildings shall include an area for parking bicycles. This area may be a designated parking space within the parking lot near the building or an area outside the parking lot adjacent to the building. The bike parking area must include a bike rack.

8 Structured Parking

When above-ground structured parking is located on a road right-of-way, the first floor adjacent to the right-of-way shall be storefront building type. All structured parking should be screened in such a way that cars are not visible from adjacent buildings or the street. Locating structured parking at the interior of the block, surrounded by buildings, is the preferred method.

9 Parking Space Dimensions

Dimensions for standard parking spaces, parallel parking spaces, and spaces designed for the disabled shall be designed in accordance with the Town of Pacolet's Land Development Regulations.

10 Parking Lot Landscaping

See Chapter 6 Section 2 & 3, Tree Preservation and Landscaping for parking lot landscaping requirements.

11 Supplemental Landscaping

The appropriate use of existing and supplemental landscaping fosters unity of design for new development and blends new development with the natural landscape. Quality landscaping is an essential component of the built form of the Town.

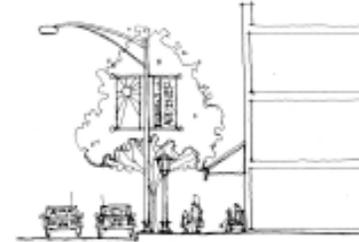
The corners of street intersections, particularly gateways and site entries (entries from both street and sidewalk) should be distinguished by special landscape treatments: flower displays, specimen trees and shrubs, accent rocks, low walls, signage, decorative

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lighting, sculpture, architectural elements, and/or special paving. Features for vehicular entry points must meet the Town's sight triangle requirements.

12 Lighting

Decorative lighting should be provided in the Urban and Village Center as a means of providing a safe and visible pedestrian realm as well as establishing a theme or character for a street. The use of decorative light fixtures along with a coordinated signage and banner program create a lively pedestrian environment.



Lighting should be provided for the street, the sidewalk, and the storefront.

- A. A. Use a low intensity of high-quality light, which will provide good, uniform visibility while avoiding light pollution. All fixtures should be partial or full-cutoff only.
- B. Use decorative bases, posts, luminaries, and bollards in lieu of standard wood poles.
- C. A lighting program should consider the illumination of sidewalks and other multi-use pathways using low intensity fixtures that provide an even distribution of light while avoiding areas of intense shadows.
- D. To consolidate the number of fixtures placed within the right-of-way, consider the co-location of light fixtures along with other streetscape elements on single poles (i.e. street lighting, pedestrian lighting, and banners).
- E. A substantial amount of lighting for pedestrians should be provided from the storefronts using either indirect illumination from within the building or direct illumination under canopies or awnings.

13 Utilities And Trash Containment

A. Underground Wiring: To reduce the visual impact of overhead wiring, utility services shall be located underground.



Enclose trash handling areas with a masonry wall or wood fence

B. Trash Containment Areas: All trash containment devices, including compactors and dumpsters, shall be located and designed so as not to be visible from the view of nearby streets and properties. If the device is not visible from off the site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the trash containment area, existing site conditions, and the type and amount of existing and proposed vegetation on the site.

C. Mechanical and Utility Equipment: Mechanical and utility equipment shall be screened from view from nearby streets and properties in the same manner as trash containment areas. Ground mounted equipment shall be located in the rear or side yard and screened. Such equipment located on the roof of the building shall also be made invisible from nearby streets and properties, through the use of setbacks from the edge of the roof or through the use of a screen exceeding the height of the equipment and using building materials and design which are compatible with those used for the exterior of the building. If the equipment is not visible from off the site,

then it need not be screened. The type of screening used shall be determined based on the proposed location of the equipment, existing site conditions, and the type and amount of existing and proposed vegetation on the site.

14 Screening & Buffering

A. For Industrial Development: New development shall be responsible for the installation of adequate screening and buffering of industrial uses existing at the time of the adoption of this Code.

1. Minimum Development Setback from Existing Industrial Use Lot: 100 feet.
2. Minimum Buffer Dimension: 20 feet

Chapter 12: BUILDING DESIGN STANDARDS

The rich, architectural vocabulary of the Town of Pacolet presents a wide variety of development opportunities using traditional forms while avoiding any perception of monotony. Residential development shall comply only with the standards in 12.1 (General Principles), 12.8 (Roofs), 12.9 (Residential Facades), and 12.10 (Residential Entrances).

1 General Building Design Principles

- A. Scale:** Building design shall emphasize a human scale at ground level, at entryways, and along street frontages through the creative use of such features as windows, doors, columns, canopies, arcades, and awnings.
- B. Massing:** A single, large, dominant building mass shall be avoided. Where large structures are required, mass shall be broken up through the use of setbacks, projecting and recessed elements, and similar design techniques.
- C. Height:** Infill structures shall conform to the average height of surrounding structures, with taller portions of the new building set back in order to maintain the established street pattern and access to light.
- D. Avoiding Monotony:** Monotony of design in single or multiple building projects shall be avoided by varying detail, form and siting to the maximum extent practicable, within the standards set forth in these requirements.
- E. Varying Architectural Styles:** In developments with multiple structures of varying architectural styles, buildings shall be compatible by such means as a pattern of architectural features, similar scale and proportions, and consistent location of signage.
- F. Additions and Renovations:** Building additions and facade renovations shall be designed to reflect existing buildings in scale, materials, window treatment, and color. A change in scale may require a transitional design element between the new development and existing buildings. The Secretary of the Interior's Standards for Rehabilitation shall be a guideline in renovating historic buildings.
- G. Infill Development:** New infill development shall either be similar in size and height or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures on the same and adjoining blocks. (Note: For example, an adjacent building shall not exceed 1 additional story directly adjacent to an existing building).

2 Building Entrances

A primary entrance facade shall be oriented toward the street, be designed for the pedestrian, and be distinguishable from the rest of the building. Such entrances shall be designed to convey their prominence on the fronting façade. Use building massing, special architectural features, and changes in the roof line to emphasize building entrances. Additional entrances may be oriented toward side or rear parking lots. Service entrances for shipping and receiving shall be oriented away from the public street.

3 Ground Floor Treatment

The first floor of all buildings should be designed to encourage and complement pedestrian-style interest and activity by incorporating the following elements:

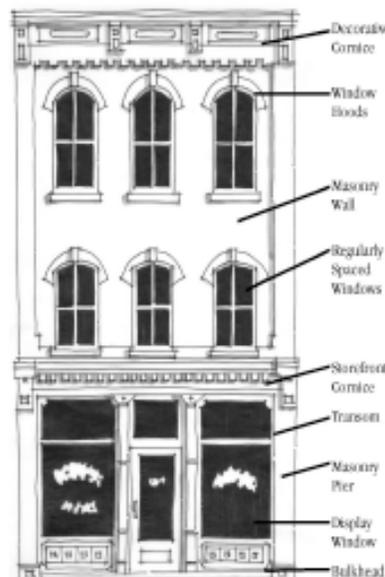
- A. The ground level of the building must offer pedestrian interest along sidewalks and paths. Blank walls at the street level are not permitted. This includes windows, entrances, and architectural details. Incidental signage on buildings, awnings, and ornamentation is encouraged.
- B. Windows, entryways, awnings, and arcades shall total at least sixty percent (60%) of the facade length abutting a public street. Windows and glass doors shall be clear, transparent glass. No window or door shall be horizontally separated by more than fifteen (15) feet from the nearest other window or door in the same facade visible from any public street.
- C. Differentiate the entrance to commercial use of the ground floor from the secondary entrance, if any, to the upper levels.
- D. Ventilation grates or emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, shall be decorative.

4 Wall Detailing

- A. Architectural elements like windows and doors, bulkheads, masonry piers, transoms, cornice lines, window hoods, awnings, canopies, and other similar details shall be used on all facades facing public rights-of-way.
- B. Building wall offsets, including projections, recesses, and changes in floor level shall be used in order to: add architectural interest and variety; relieve the visual effect of a single, long wall; and subdivide the wall into human size proportions. Similarly, roofline offsets should be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- C. Consider the use of cornices to provide a separation between the storefront and the upper stories.

5 Doors And Windows (Fenestration)

- A. A. New storefronts shall always incorporate a display window or large windows when no display is required.
- B. The rhythm and placement of windows in a new facade shall relate to the surrounding buildings.
- C. The proportions of the windows shall be compatible with those on the surrounding buildings.
- D. The wall to window ratio of new buildings shall be compatible with and relate to that of nearby structures. The wall to window ratio is the balance of openings in a building with the rest of the facade.
- E. Maintain the pattern on adjacent buildings established by details such as recessed windows, wide sills, window boxes, and bay windows. Avoid windows that are flush to the wall.



Town of Pacolet

F. Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically proportioned wherever possible. Also, to the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level.

G. Consider the use of transoms to provide light to the interior.

6 Awnings And Canopies

When used, awnings and canopies shall be placed at the top of window or doorway openings and shall relate to the shape of the top of the window. Awnings shall be made of canvas, treated canvas, or similar material. Metal or vinyl (or plastic) awnings are prohibited. No awning shall extend more than the width of the sidewalk or nine (9) feet, whichever is less. Awnings must be self-supporting from the wall. No supports shall rest on or interfere with the use of pedestrian walkways or streets. In no case shall any awning extend beyond the street curb or interfere with street trees or public utilities. Canopies shall be of solid materials and complement the color of the building to which they are affixed or associated. In some cases canopies may have supports separate from the building, such as at gas stations, but such canopies must be setback from the property and right-of-way lines a minimum of the required setback of accessory buildings, as required in the zoning district where located, and must not interfere with street trees or public utilities.

7 Materials

A. **Wall Materials:** Predominant exterior building materials shall be high quality materials, including brick, stucco, wood clapboard, fiber cement board, and stone and, or other materials similar in appearance and durability. Under no circumstances shall unfinished concrete block or metal buildings be permitted.

B. **Material Configuration:** Two wall materials may be combined horizontally on one facade. The heavier material should be below.

C. **Accent Materials:** Tinted/textured decorative concrete masonry units, shingles, EIFS, and other minority elements may be used as an accent material only.

D. **Roof Materials:** Pitched roofs should be clad in wood shingles, standing seam metal, terne, slate, dimensional asphalt shingles or similar material.

E. **Foundation Materials:** Foundation walls (except those under porches) shall be finished with brick or stone. The crawlspace of porches may be enclosed with brick, stone, or wood lattice, or any combination thereof.

8 Roofs

A. Roofline offsets shall be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

B. Roof pitches less than 3/12 and flat roofs will require a parapet wall and decorative cornice as appropriate. A pitched roof shall be profiled by eaves a minimum of 12 inches from the building face or with a gutter. Roof forms should be architecturally compatible with existing, adjacent, or surrounding structures.



Roof lines should be varied to break up wider building facades.

- C. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch between 6:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall be less than 6:12.
- D. Roof lines, type (such as flat, hip, mansard, or gable), and materials shall be architecturally compatible with facade elements and the rest of the building and with other buildings on the same and adjoining blocks.

9 Residential Facades

A. Garage Doors:

1. Lots less than 60 feet wide and multi-family: Garage doors are not permitted on the front elevation. Garages may be turned 90 degrees (side loaded) or detached and placed in the rear yard.
2. Lots 60-80 feet wide: Garages with front loading bays shall be recessed a minimum of 4 feet from the front facade of the house and visually designed to form a secondary building volume. All garages with more than two bays shall be turned such that the bays are not visible from the street. At no time shall the width of an attached garage exceed 40% of the total building facade.
3. Lots greater than 80 feet wide: Garages with front loading bays shall be recessed from the front facade of the house and visually designed to form a secondary building volume.

B. All building elevations visible from the street shall provide doors, porches, balconies, and/or windows. This standard applies to each full and partial building story.

C. All residential buildings shall provide detailed design along all elevations with street frontage. Detailed design shall be provided by using at least three (3) of the following architectural features on all elevations as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

1. Dormers
2. Gables
3. Recessed entries
4. Covered porch entries
5. Cupolas or towers
6. Pillars or posts
7. Eaves (minimum 6 inch projection)
8. Off-sets in building face or roof (minimum 16 inches)
9. Window trim (minimum 4 inches wide)
10. Bay windows
11. Balconies
12. Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features)



13. Decorative cornices and roof lines (for flat roofs)

10 Residential Building Entrances

Residential building entrances within 20 feet of the sidewalk should be raised above the sidewalk a minimum of 1 foot to reinforce a privacy zone for its occupants and distinguish them from the commercial entrances.



Raise residential building entries above street level to create privacy.

11 Historic Renovations

The Secretary of the Interior's Standards for Rehabilitation shall be adhered to in renovating historic buildings. The following guidelines are intended to ensure compliance with these Standards.

A. Storefronts:

1. Original storefronts shall be maintained, repaired, and preserved with as little alteration as possible. Extensively deteriorated or missing elements shall be replaced with parts based on surviving details or other evidence.
2. When completely missing, a new facade will be designed which is compatible with the size, scale, materials, and color of similar structures, old records or photographs, intact portions of the building, or other design appropriate to the period.
3. Decorative detail shall be retained and restored whenever possible.

B. Doors: The original doors of a building shall be retained, repaired, and refinished, as needed, if possible. Replacement doors shall be compatible with the historic character and design of the building.

C. Exterior Wall Cladding: During renovations in existing buildings brick, stone, or wood facades shall not be covered or replaced with artificial siding or panels, including decorative concrete masonry units. Fiber cement siding, such as the brand name "Hardiplank", may be used to replace wood clapboard siding.

D. Awnings:

1. Flat, metal awnings or other awnings that are inappropriately related to the character of the building shall not be permitted.
2. The use of signage on upper facade awnings shall not be permitted.

E. Windows:

1. Retain the original fenestration pattern (window opening proportions).
2. If the original window openings have been altered, restore them to their original configuration and style, if known, or to something appropriate to the period.
3. If the ceiling has been lowered pull the dropped ceiling back from the original window to allow light to enter.
4. Do not block or fill window openings.

5. Do not use shutters on the first floor except where clear evidence indicates their presence historically. If shutters are to be used, they shall be functional unless the windows are fixed.
6. Do not replace windows with tinted glazing on major facades.
7. When possible, save and restore the original windows and frames. Replace missing or rotting parts with similar material.

F. Signage:

1. Signage shall be placed on the sign board or on the space above the storefront lintels.
2. Lettering style, materials, and colors shall complement the building.
3. Nationally distributed signs not compatible with the style and character of the building and with the sign board space shall not be allowed.

G. Exterior Treatment:

1. If brick, stone, or decorative concrete masonry unit surfaces are unpainted they shall be left that way unless painting is approved. If they are painted repaint with an appropriate color.
2. Avoid sandblasting and other abrasive cleaning methods, unless all alternatives have failed.
3. Masonry repair shall use an approved mortar mix that matches the compressive strength, color, and texture of the original.
4. Do not use waterproof coatings that do not breathe.

12 Renovations/Additions Subject to the Pacolet Mills Historic District Guidelines

Further requirements apply in the Pacolet Mills Historic District Overlay Zone as found in the Pacolet Mills Historic District Guidelines, adopted on November 5, 2009.

Chapter 13: DEVELOPMENT PROPOSAL REVIEW PROCESS & SUBMITTAL

1 Development Proposal Review Process

It is the intent of this section to provide a clear and comprehensive development process that is fair and equitable to all interests including the petitioners, affected property owners, citizens, Town staff, the Planning Commission, and the Town Council.

2 Applicability

The provisions of this section shall be applicable to all minor subdivisions, site plans, master plans, and individual buildings in an approved plan, and overlay districts. In general, this review process shall be used for all development other than individual detached homes and their accessory structures on a single lot (as permitted). The Zoning Administrator may waive the required development review process only in the following cases when she/he determines that the submission of a development proposal in accordance with this section would serve no useful purpose:

- A. Accessory structures for all building types; or
- B. change in principal use where such change would not result in a change in lot coverage, of off-street parking access or other site characteristics.

3 Types Of Development Proposals

For the purposes of this section, the following terms shall apply:

- A. **Site Plan:** Development proposal for one or two individual detached buildings, which may include multiple units, or additions to existing buildings, on individual lots, without dedication of a new street.
- B. **Minor Subdivision:** The subdivision of land into not more than seven (7) single-family lots without creation of a new street.
- C. **Master plan:** Any development proposal subject to this section not clearly falling under one of the above categories.
- D. **Individual buildings in an approved plan:** Development proposal for approval of individual buildings in a previously approved master plan, or special use permit.

4 Minor Subdivision Review Process

Minor subdivisions may be approved administratively by the Zoning Administrator following a public workshop conducted by the applicant and the Planning Commission. The first step is the submission of a general statement of development intent to the Planning Commission for discussion. The Planning Commission will review with the applicant all the appropriate planning documents that are relevant to the project, including the Comprehensive Plan and any pertinent small area plans. The Zoning Administrator will visit the site with the applicant to determine general site conditions. The Planning Commission and the applicant will then schedule and hold a public workshop.

Following the workshop, the applicant will submit the resulting site schematic design to the Planning Commission for review. The Planning Commission will require that the site schematic design be circulated to the relevant Town, County, and State agencies and officials for comment as to the proposed development's conformance to all applicable standards and requirements.

The applicant may then submit site plans. Once the Zoning Administrator deems them complete in information provided and in compliance with all provisions of this ordinance, they will be approved as a preliminary plat. Final plats will be reviewed by the Zoning Administrator for conformance and approved administratively.

Inspection of all improvements will be made periodically by Zoning Administrator and/or authorized representatives of the Town during the construction process. Following completion of the project, the developer shall request final inspection.

Minor Subdivision Review Process



5 Site Plan Review Process

Site plans must be approved by the Planning Commission following a public workshop conducted by the applicant and Planning Commission.

The first step is the submission of a general statement of development intent to the Planning Commission for discussion. The Planning Commission will review with the applicant all the appropriate planning documents that are relevant to the project, including the Comprehensive Plan and any pertinent small area plans. The Zoning Administrator or his /her designee will visit the site with the applicant to determine general site conditions. The Planning Commission and the applicant will then schedule and hold a public workshop.

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Following the workshop, the applicant will submit the resulting site schematic design to the Planning Commission for review. The Planning Commission will require that the site schematic design be circulated to the relevant Town, County, and State agencies and official for comment as to the proposed development's conformance to all applicable standards and requirements. The applicant may then submit site plans and once the Planning Commission deems them complete in information provided and in compliance will all provision of this ordinance, they will be approved. Inspection of all improvements will be made periodically by Zoning Administrator and/or authorized representatives of the Town during the construction process. Following completion of the project, the developer shall request final inspection.

Site Plan Review Process



6 Master Plan Review Process

Master plans must be approved by the Planning Commission and Town Council following a public workshop conducted by the applicant and the Planning Commission.

The first step is the submission of a general statement of development intent to the Planning Commission for discussion. The Planning Commission will review with the applicant all the appropriate planning documents that are relevant to the project, including the Comprehensive Plan and any pertinent small area plans. The Zoning Administrator, or his/her designee, will visit the site with the applicant to determine general site conditions. The Planning Commission and the applicant will then schedule and hold a public workshop. Following the workshop, the applicant will submit the resulting site schematic design to the Planning Commission for review. The Planning Commission will require that the site schematic design be circulated to the relevant Town, County, and State agencies and official for comment as to the proposed development's conformance to all applicable standards and requirements.

When the Planning Commission determines that the development proposal is complete and compliant with the ordinance it shall be forwarded to the Planning Commission at their next regularly scheduled meeting for review and recommendation. Following the

Planning Commission review and recommendation, the master plan schematic design shall be submitted to Town Council for their review and approval.

The Planning Commission shall have 60 days from the date of their first review to send a recommendation to Town Council. If they send a recommendation to deny, they shall state their reasons for denial in writing. Town Council shall have 60 days from the date of their first review to approve or deny the master plan schematic design. If they deny, they shall state their reasons in writing. Following denial, the applicant may file a new development proposal and associated fee. Unless Town Council explicitly states conditions that must be met prior to the resubmission of an application, the applicant shall not submit a new application for the same property within one (1) year of the date of denial unless the application is significantly different from the previously denied application.

Following approval of the master plan schematic design by Town Council, the applicant shall submit the site plan for review by the Planning Commission. The Zoning Administrator may require that they be circulated to the relevant Town, County, and State agencies and officials for comments as to the proposed development's conformance to all applicable standards and requirements. The applicant may then submit site plans. Once the Planning Commission deems them complete in information provided and in compliance will all provision of this ordinance, they will be approved. Inspection of all improvements will be made periodically by Zoning Administrator and/or authorized representatives of the Town during the construction process. Following completion of the project, the developer shall request final inspection.

Master Plan Review Process



Step 7:
Review and approval of Preliminary Plat and Site Plan by Planning Staff

Step 8:
Review and approval of Final Plat by Planning Staff

7 Termination Of Approvals

A plan which has been approved by Town Council or the Planning Commission as provided for in this section shall terminate not less than one year nor more than five years after the approval date, the precise term being set by the approving body and noted on the plan in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycle, and market conditions. These determinations shall be in the sound discretion of the approval body. If no termination date is, the plan shall terminate one year after the approval date.

8 Approval Of The Preliminary Plat

Approved preliminary plats are valid for 18 months from the date of approval by the Town of Pacolet. All required infrastructure improvements for the preliminary plat shall be in place within 18 months of preliminary plat approval or the final plat must have been approved by the Planning Commission within one year of preliminary plat approval. If circumstances beyond the control of the developer do not allow for the completion of the required work within the 18 month period or the size of the phase is such that 18 months is insufficient time to complete all required work, then the developer may file a written request for an extension with the Planning Commission no later than forty-five (45) days prior to the 18 month anniversary of preliminary plat approval by the Town as provided above. If infrastructure work is not completed within 1 year and/or no extension request is filed with the Planning Commission and approved, preliminary plat approval becomes null and void on the day of the 1-year anniversary and a new application will be required.

Approval of a preliminary plat constituting an individual phase of a multi-phase project does not constitute approval by the Town of any remaining phases. Preliminary plats will be considered for one phase at a time.

9 Review And Approval Of Final Plat

The developer shall initiate the final subdivision plat approval process by submitting the final plat and copies of any required improvement guarantees to the Planning Commission. The Planning Commission will then approval or deny the final plat. During the review period, the Zoning Administrator will confirm the accuracy of the final plat. If substantial errors are found including inconsistencies with the approved preliminary plat, the plant shall not be approved and the review period suspended until the applicant has corrected such errors.

Once complete, the final plat shall be approved or denied by the Planning Commission. The final plat shall constitute all portions of the approved preliminary plat. No final plat shall be approved unless and until the developer has installed in that area all

improvements required by this ordinance or has posted any required improvement guarantees as prescribed by this ordinance. Approved final plats must be filed by the applicant for recording with the Register of Deeds of Spartanburg County within 30 days of the date of approval by the Planning Commission; otherwise, such approval shall be null and void.

10 Amendments To Approved Plans

All proposed changes to approved plans must be approved by the Zoning Administrator.

Substantial changes proposed to an approved master plan, site plan, or minor subdivision shall be reviewed and approved or denied by the Planning Commission or agency which approved the plan originally.

Substantial changes that require such amendments are:

- A.** Additional or deletion of streets, or pedestrian ways fronted by buildings leaving the site.
- B.** A residential density transfer of more than 20% between phases.
- C.** Reduction of more than 15% of the non-residential square footage.
- D.** An increase or decrease in the number of residential units of 10% of the total number of units.

11 Master Plan Schematic Design Submittal Requirement

The master plan schematic design shall show the proposed layout of streets, lots, buildings, public and private open spaces and other features in relation to existing conditions. It shall also include the following information:

- A.** The boundary, as determined by the survey, of the area to be developed with all bearing and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, water courses, easement or other significant features of the tract.
- B.** Scale denoted both graphically and numerically with north arrow and declination.
- C.** A vicinity map at a scale no smaller than 1 inch equals 1,200 feet showing the location of the development with respect to adjacent streets and properties.
- D.** The location of proposed buildings, parking and loading areas, streets, alleys, easements, lots, parks or other open spaces, property lines and building setback lines with street dimensions, tentative lot dimensions, the location of any building restriction areas (i.e., flood hazard areas, stream buffers and/or watershed protection districts). Site calculations shall include total acreage of tract, acreage in parks, public and private open space and other non-residential uses, total number of acreage of parcel, and total number of housing units. Publicly accessible open space must show access points, trail and greenway locations, and any improvements proposed.
- E.** The street names, the owner's name and address, the date of plan preparation, and the zoning classification of the tract to be developed and of adjoining properties.

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- F. Typical cross-sections of proposed streets. Where a proposed street is an extension of an existing street, a cross section of the existing street will be provided. Where a proposed street within the development abuts a tract of land that adjoins the development and may be expected to extend into the adjoining tract of land, the profile shall be extended to include 300 feet of the adjoining tract.
- G. A timetable for estimated project completion for each phase proposed.
- H. Original contours at intervals of not greater than five feet for the entire areas to be subdivided.
- I. Illustrative renderings of proposed buildings, including views from the public rights-of-way, illustrating the character of the neighborhood.
- J. Intended conservation easements, deed restrictions prohibiting further subdivision or development, or instruments reducing development rights.
- K. Landscape schematic design.
- L. Current uses on-site.

12 Building Schematic Design

A building schematic design submittal should include, as a minimum:

- A. A location map with north arrow, dimensions of site boundaries, acreage, information about ownership and uses, and existing or potential uses of adjacent property.
- B. Scaled drawings of the floor plans. Include square footage figures for each floor. Show all proposed door and window locations.
- C. Rendered elevations of each facade indicating heights, floor levels, and materials.

13 Landscape Schematic Design

A landscape schematic design must include, as a minimum, the following information:

- A. General location, type and quantity of existing plant materials.
- B. Existing plant materials and areas to be left in natural state.
- C. Locations, size and labels for all proposed plants in rights-of-way.
- D. Locations of other landscape improvements, such as walls, paving, courtyards, and walks.
- E. Plant lists with common name, botanical name, quantity, spacing, and size of all proposed landscape material at the time of planting.

14 Site Plan Submittal

The site plan schematic design shall be submitted at a scale no smaller than 1 inch equals 50 feet. It must be drawn to the following specifications and must contain or be accompanied by the information listed below. No processing or review of a site plan will proceed without all of the following information:

- A. The boundary, as determined by the survey, of the area to be developed with all bearing and distances shown and the location within the area, or contiguous to it, of

any existing streets, railroad lines, water courses, easement or other significant features of the tract.

- B.** Scale denoted both graphically and numerically with north arrow and declination.
- C.** A vicinity map at a scale no smaller than 1 inch equals 1,200 feet showing the location of the development with respect to adjacent streets and properties.
- D.** A timetable for estimated project completion for each phase proposed.
- E.** Original contours at intervals of not greater than five feet for the entire areas to be subdivided.
- F.** Illustrative renderings of proposed buildings, including views from the public rights-of-way, illustrating the character of the neighborhood.
- G.** Intended conservation easements, deed restrictions prohibiting further subdivision or development, or instruments reducing development rights.
- H.** Landscape schematic design.

15 Site Construction Documents (Preliminary Plat)

The site construction documents constitute the complete submittal requirements for preliminary plats. The site construction documents shall be submitted at a scale no smaller than 1 inch equals 50' for preliminary plats. No processing or review of preliminary plat will proceed without all of the following information:

- A.** The boundary, as determined by the survey, of the area to be developed with all bearing and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, water courses, easement or other significant features of the tract.
- B.** Scale in feet denoted both graphically and numerically with north arrow and declination.
- C.** A vicinity map at a scale no smaller than 1 inch equals 1,200 feet showing the location of the development with respect to adjacent streets and properties.
- D.** Existing topography and finish grading with contours drawn at two foot intervals. At the Zoning Administrator's discretion, the use of County topographic data in five foot intervals on a site-specific basis may be permitted. This requirement may be waived for developments smaller than one acre or where the Zoning Administrator determines that there is insufficient topographic changes to warrant such information.
- E.** The street names, the owner's name and address, the date of plan preparation, and the zoning classification of the tract to be developed and of adjoining properties.
- F.** A Statement from Spartanburg Water System regarding the availability of adequate water and sewer capacity for the proposed development.
- G.** Landscape and Lighting Plant in accordance with sections of the zoning ordinance.
- H.** The plans for utility layouts, including sanitary sewer system, storm sewer system, waterlines and hydrants, illustrating connections to existing systems.
- I.** The location and size of all utility lines, easements, and rights-of-way including water, sewer, storm sewer, natural gas, and electric.

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- J.** The location of proposed buildings, parking and loading areas, streets, alleys, easements, lots, parks or other open spaces, property lines and building setback lines with street dimensions, tentative lot dimensions, the location of any building restriction areas (i.e., flood hazard areas, stream buffers and/or watershed protection districts).
- K.** Site calculations shall include total acreage of tract, acreage in parks, public and private open space and other non-residential uses, total number of acreage of parcel, total number of housing units, and area of all mixed-use and non-residential buildings, and gross project density per acre.
- L.** Any and all easements shall be shown such as: utility, drainage, landscape, public access, and existing.
- M.** The location and dimensions of off-street parking and loading spaces, and walkways indicating the type of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces provided.
- N.** The location, size, height, and orientation of proposed signs.
- O.** The location and dimensions of proposed recreation areas, open space, and required amenities and improvements including the calculated area of all required open space dedications.
- P.** The location and dimensions of any sidewalks, curb and gutters to be installed along public street frontages, and other required street improvements.
- Q.** Typical cross sections of proposed streets showing rights-of-way, pavement widths, grades, and design engineering data for all corners and curves. Where a proposed street is an extension of an existing street the profile of the street shall include 100 feet of the existing roadway, with a cross section of the existing street. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include 300 feet of the said adjoining tract.
- R.** Final proposed elevations of all non-single-family residential buildings proposed for construction as part of this site plan approval. Subsequent buildings within the development may be handled as separate site plans. Such elevations shall include all facades visible from public streets.
- S.** Intended conservation easements, deed restrictions prohibiting further subdivision or development or instruments reducing development rights.

16 Final Plat

The final plat shall be prepared by a registered land surveyor, licensed to practice in the State of South Carolina and must be drawn to a scale no smaller than one (1) inch equals one-hundred (100) feet, and shall meet the requirements of the Spartanburg County Register of Deeds Office. The final plat shall constitute all portions of the preliminary plat site, which the subdivider proposes to record at the time.

No final plat shall be approved unless and until the subdivider has installed in the platted area all improvements required by this ordinance or has posted improvement guarantees in accordance with Town Policy.

The final plat shall contain the following:

- A.** The exact boundary of the tract of land being subdivided showing clearly the disposition of all portions of the tract.
- B.** Scale denoted both graphically and numerically with north arrow and declination. A vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
- C.** As-built drawings and plans of all water, sewer, and storm drainage system facilities, illustrating their layouts and connections to existing systems. Such plans shall show all easements and rights-of-way, to demonstrate that the facilities are properly placed and the locations of all fire hydrants, blow-off valves, manholes, pumps, force mains, and gate valves are indicated. This information shall not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.
- D.** Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street, alley line, lot line, building line, easement line, and setback line.
- E.** The lines and names of all streets, alley lines, lot lines, lot and block numbers, lot addresses, building setback lines, easements, and areas dedicated to public purpose with notes stating their purposes.
- F.** All lots subject to flooding shall be noted with the following statement: "Any construction or use within the areas delineated as floodway is subject to the restrictions imposed by the Floodplain Ordinance."
- G.** The accurate locations and descriptions of all monuments, markers, and control points.
- H.** Underground and aerial utility easements shall be shown.
- I.** The name of the owner, the name, registration number, and seal of the registered surveyor, and the date of the plat.
- J.** Conservation easements, deed restrictions prohibiting further subdivision or development instruments reducing development rights.

Chapter 14: NONCONFORMING

1 Purpose And Intent

- A. General:** In the provisions established by this Ordinance, there exist uses of land, structures, lots of record, and signs that were lawfully established before this Ordinance was adopted or amended, that now do not conform to its terms and requirements. The purpose and intent of this article is to regulate and limit the continued existence of those uses, structures, lots of record, and signs that do not conform to the provisions of this Ordinance, or any amendments thereto.
- B. Permit Nonconformities to Continue Until Removed, But Not Encourage Survival:** It is the intent of this Ordinance 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. The provisions of this chapter are designed to curtail substantial investment in nonconformities to preserve the integrity of this Ordinance.

2 Authority To Continue

Nonconformities are allowed to continue in accordance with the requirements of this chapter.

3 Determination Of Nonconformity Status

In all cases, the burden of establishing that the nonconformity lawfully exists shall be on the owner of the land on which the purported nonconformity is located.

4 Minor Repairs And Normal Maintenance

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, and signs in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, lot of record, or sign. For the purposes of this section, "minor repair or normal maintenance" shall mean:

- A. Maintenance of Safe Condition:** Repairs that are necessary to maintain a nonconforming use, structure, lot of record, or sign in a 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 a structure 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, whose costs do not exceed twenty-five percent (25%) of the replacement cost of the sign.

5 Change Of Tenancy Or Ownership

Changes of tenancy, ownership, or management of an existing nonconformity are permitted, and in such cases the nonconforming situation shall continue to be subject to the requirements of this chapter.

6 Nonconforming Uses

A. General: Nonconforming uses are declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the following standards.

B. Change of Use: A nonconforming use shall not be changed to any other nonconforming use.

C. Expansion and Enlargement

1. *Area Occupied by Nonconforming Use:* A nonconforming use shall not be enlarged, expanded in area occupied or intensified, except a nonconforming use may be enlarged into any area of the same structure in which it is located which was manifestly arranged or designed for such use prior to the date the use became a nonconformity.

2. *Structure Devoted to Nonconforming Use:* A structure devoted to a nonconforming use shall not be enlarged, extended, moved, or structurally altered unless the area enlarged, extended, moved, or structurally altered contains a use permitted in the zone district in which the structure is located.

D. Abandonment and Re-establishment

General: A nonconforming use shall not be re-established after vacancy, abandonment, or discontinuance for any six (6) consecutive months. Efforts to renovate or repair the use is not considered a vacancy, abandonment, or discontinuance, if the renovation or repair is completed within six (6) consecutive months from commencement, and the use is re-established within three (3) months from the time the renovation or repairs are completed.

7 Nonconforming Structures

A. Enlargement: A nonconforming structure shall not be enlarged or expanded in a way that increases the degree of nonconformity. (For example, a structure that has a five- (5) foot side yard setback where the Ordinance requires a ten- (10) foot side yard setback cannot be enlarged so as to further encroach into the side yard setback.) Expansion of the structure in a way that complies with applicable dimensional standards or that decreases the degree of nonconformity is permitted.

B. Reconstruction after Damage

1. *Destruction or Damage Greater Than 75 Percent of Value:* In the event the nonconforming portion of a structure is damaged or destroyed, by any means, to the extent of more than seventy-five percent (75%) of its structural replacement cost at the time of damage or destruction, it shall only be restored in a manner that conforms with the provisions of this Ordinance.

2. *75 Percent or Less of Value:* In the event a nonconforming structure is damaged or destroyed, by any means, to an extent of seventy-five percent (75%) or less of

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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 (6) months, and repair or restoration is actually begun within twelve (12) months after the date of such partial damage or destruction and is diligently pursued to completion.

Relocation

A nonconforming structure shall not 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.

8 Nonconforming Lots Of Record

A. Residential Lots

1. *General:* In the residential area, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory structures may be developed on any single lot of record existing on August 1, 2007. The lot of record shall be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision applies even though the lot of record fails to comply with the standards for area or width in Article 5: Area Lot and Dimensions. Development of a single-family dwelling on the lot of record shall comply with the other standards in Article 5: Area Lot and Dimensions, to the maximum extent practicable.
2. *Combination of Lots:* If two (2) or more lots of record or combination of lots of record and portions of lots of record with continuous frontage are in single ownership on August 1, 2007, or on the date they become non-conforming, and if all or part of these lots do not comply with the lot area standards in Article 5: Area Lot and Dimensions, the lots involved shall be considered to be an individual lot for the purposes of this Ordinance, and no portion of these lots shall be used or sold which do not comply with the lot area standards in Article 5: Area Lot and Dimensions, nor shall any division of the lots be made that leaves remaining any lot that fails to comply with the lot area standards.

B. Commercial Lots

In the business area, notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be developed on any single nonconforming lot of record existing on August 1, 2007, or the date the lot of record became nonconforming. This provision shall apply even though the lot of record fails to comply with the standards for lot area that are applicable in the Village Center and Urban Center. Development of the permitted use on the lot of record shall comply with the other standards in Article 5: Area Lot and Dimensions, to the maximum extent practicable.

9 Nonconforming Signs

A. *Continue in Operation and Maintenance:* Subject to the conditions set forth in this section, nonconforming signs may continue in operation and maintenance, provided they are not:

1. Changed to or replaced with another nonconforming sign (this provision shall not prohibit a change in copy or graphics on the sign face of the sign);
2. Structurally altered so as to extend useful life;

3. Expanded;
 4. Relocated, except in compliance with this article; or
 5. Re-established after damage or destruction of more than twenty-five percent (25%) 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 shall be cumulative.
- B. Maintenance, Repair, and Restoration of Non-Conforming Signs:** With the exception of Section 9.A above, this section shall 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.
- C. Signs Associated with Vacated or Abandoned Nonconforming Use:** Signs advertising a nonconforming use shall not remain after the use has vacated the site and/or structure, or if the use has been abandoned. The land owner shall remove the sign within sixty (60) days following the vacation or abandonment of the nonconforming use.
- D. Nonconforming Signs Associated with a Demolished Structure:** All elements of a nonconforming sign or signs that advertise a structure that has been demolished shall be removed by the owner within sixty (60) days of the structure's demolition.
- E. Nonconforming Signs Associated with a Conforming Use or Structure:** All elements of a nonconforming sign or signs that advertise a conforming use or structure shall not remain after the use being advertised has ceased, or after the structure has been abandoned. The landowner shall be responsible for removing or correcting all nonconforming elements of the sign within sixty (60) days following the cessation of the use or abandonment of the structure.

Chapter 15: ADMINISTRATION, ENFORCEMENT, APPEAL, COMPLAINTS AND REMEDIES

1 Zoning Administrator

The provisions of this ordinance shall be administered and enforced by the Town of Pacolet through an officially designated administrator.

2 Zoning Permit

No building, sign, or other structure (except as otherwise provided for in this Ordinance) shall be erected, moved, extended, enlarged or structurally altered, nor shall the use conducted within the building change, nor shall any excavation or filling of any lot for the construction of any building be commenced, nor shall any change in the use of a property be commenced until the Zoning Administrator has issued a zoning permit for such work in accordance with a fee schedule established by the Town Council.

3 Expiration Of Zoning Permit

Any zoning permit issued in accordance with this Ordinance will lapse and become invalid unless the work for which it was issued is started within one hundred and eighty (180) days of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year. The use, arrangement, or construction of any structure that differs from that authorized shall be deemed a violation of the Ordinance and punishable as set out in Chapter 15, Section 12.

4 Records

The Zoning Administrator shall maintain a record of all zoning permits on file at the Town Hall office, and copies shall be made available on request to interested parties.

5 Conditions For Approval

Zoning permits issued on the basis of dimensional plans approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction that differs from that authorized shall be deemed a violation of this Ordinance and shall be punishable as indicated under Chapter 15, Section 12 of this Ordinance.

6 Zoning Permit Not Required

Notwithstanding any other provisions of this Ordinance, no zoning permit is necessary for the following uses:

- A. Street construction or repair
- B. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way
- C. Specific signs exempted in Chapter 8 of this Code

- D. Mailboxes, newspaper boxes, birdhouses, flag poles, pump covers, and doghouses
- E. Interior alterations and renovations which do not alter the footprint or height of an otherwise conforming use and/or structure

7 Temporary Uses

Notwithstanding any other provisions of this Ordinance, The Zoning Administrator is authorized to issue a Certificate of Zoning Compliance, not to exceed one year, for temporary uses. All Certificates of Zoning Compliance for temporary uses may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and will not create a nuisance to surrounding uses.

8 Application For Certificates Of Zoning Compliance

In all cases, where a building permit is required, and in all other cases of construction or use where any provision of the Zoning Ordinance is involved, appropriate plans shall be filed subject to the provisions of the Building Code and to such other rules as the Zoning Administrator shall prescribe, sufficient in scope and character to determine that all relevant requirements of this Zoning Ordinance have been met.

All applications should include plans drawn to scale showing the actual dimensions and shape of the lot to be built upon; location and dimensions of the proposed building(s) or alterations, the set back lines of buildings on adjoining lots, off-street parking spaces, and such additional information as may be necessary to determine conformance and provide for the enforcement of this Ordinance. The sketch or diagram need not be professionally drawn. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed buildings or alterations, existing or proposed uses of buildings and land, the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

9 Certificate Of Occupancy

No structure hereafter erected, moved, structurally altered or changed in use shall be used or occupied until the Building Official, as designated by the Town of Pacolet, has issued a certificate of occupancy. Any certificate of occupancy issued shall state that the structure or portion of a structure is in compliance with the information stated on the zoning permit and with all applicable provisions of this Ordinance. A record of all certificates of occupancy shall be kept on file in the office of the Building Official and copies shall be furnished, on request, to all interested parties. If a certificate of occupancy is denied, the reasons for such denial shall be specified in writing and provided to the applicant. Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance, and be punishable under Chapter 15, Section 12 of this Ordinance.

A temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during the alterations or partial occupancy of a building pending completion, provided that such temporary permit may require such

conditions and safeguards as needed to protect the safety of the occupants and general public.

10 Right Of Appeal

If a request for a zoning permit is disapproved or if a ruling of the Zoning Administrator is questioned, any aggrieved party may appeal such ruling to the Zoning Board of Appeals in accordance with Article X of this Ordinance.

11 Complaint Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator who shall properly record such complaint, investigate within a reasonable time, and take action as provided by this Ordinance.

If the Zoning Administrator shall find that any provision of this ordinance is being violated, they shall notify in writing the person responsible for such violations, indicate the nature of the violation, and order the action necessary to correct it. They shall order discontinuance of any illegal use of land, buildings, or structures, illegal work being done, or take any other action authorized by this Ordinance to ensure compliance with or prevent violations of its provisions. The person responsible for such violations must comply within 30 days of such notice or be subject to the penalties detailed in Chapter 16.

12 Penalties For Violation

In case any structure or use is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this Ordinance as herein provided, an action for injunction, or mandamus, or other appropriate action or proceeding to prevent such violation may be instituted by the Zoning Administrator, any other appropriate Town authority; or any person who may be damaged by such violation.

A. Criminal

Any person, firm, or corporation convicted of violating the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed five hundred dollars (\$500) and/or imprisoned for a period not to exceed thirty (30) days. Each day of violation shall be considered a separate offense, provided that the violation of this Ordinance is not corrected within ten (10) days of receipt of the warning citation as provided herein.

B. Injunction

Enforcement of the provisions of this ordinance may also be achieved by injunction. When a violation occurs, the Zoning Administrator may, either before or after the institution of other authorized action, submit a request to the Town Attorney for institution of a civil action seeking an injunction prohibiting violation of this ordinance when appropriate for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

C. Order of Abatement

In addition to an injunction, the Zoning Administrator may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:

1. Buildings or other structures on the property be closed, demolished, or removed;
2. Fixtures, furniture or other moveable property be moved or removed entirely;
3. Improvements, alterations, modifications or repairs be made; or
4. Any other action be taken that is necessary to bring the property into compliance with this ordinance.

D. Execution of Court Decisions

If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The Zoning Administrator may execute the order of abatement and will have a lien on the property in the nature of a mechanic's and material man's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given in an amount approved by the judge before whom the matter was heard and shall be conditioned of the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

E. Stop Work Order Issuance and Revocation of Permits

Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this Ordinance, the Zoning Administrator may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work. The Zoning Administrator may revoke any permit (e.g. Building Certificate of Occupancy) by written notification to the permit holder when violations of this Ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Ordinance, or a permit has been mistakenly issued in violation of this Ordinance.

F. Civil Penalty

In addition to the other remedies cited in this Ordinance for the enforcement of its provisions, the regulations and standards in this Ordinance may be enforced through the issuance of civil penalties by the Zoning Administrator. Subsequent citations for the same violation may be issued by the Zoning Administrator if the offender does not pay the citation (except as otherwise provided in a Warning Situation) after it has been issued unless the offender has sought an appeal to the actions of the Zoning Administrator through the Zoning Board of Appeals.

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Once the ten-day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the Zoning Administrator.

The following penalties are hereby established:

- Warning Citation Correct Violation Within 30 Days

- First Citation \$50.00

- Second Citation For Same Offense \$100.00

- Third And Subsequent Citations For Same Offense \$500.00

If the offender fails to pay the civil penalties within three (3) days after having been cited, the Town may recover the penalties in a civil action in the nature of debt.

Chapter 16: ZONING BOARD OF APPEALS

1 Membership

The Zoning Board of Appeals shall consist of seven (7) members, who shall be citizens of the Town of Pacolet and shall be appointed by Town Council for terms of three (3) years, staggered so that one-third of the members shall have terms expiring each year. Members shall serve until their successor is appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. The appointing governing body may remove a member for cause by a majority vote of the Town Council upon written charges and after public hearing. Members cannot hold any other public office or position in the appointing local government.

2 Proceedings Of The Zoning Board Of Appeals

The Board of Zoning Appeals shall elect a chair and a vice-chair from its members who shall serve for one (1) year until re-elected or until their successors are elected. The Board shall appoint a secretary who may be an employee of the Town or a member of the Board. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his absence or failure to vote, indicating such fact, and also keep records of its action. Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine. All meetings of the Board shall be open to the public, and all evidence and testimony shall be presented publicly. The chair, or in his absence, the vice-chair, shall preside at all meetings, may administer oaths, and compel the attendance of witnesses. A majority of the membership shall constitute a quorum.

3 Decisions Of The Zoning Board Of Appeals

The concurring vote of three (3) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to affect any variation of this ordinance. Upon taking any official action, the Board shall file all of its proceedings and accompanying materials with the Town Clerk. These materials shall become public record and a copy of all materials and findings shall be sent to the Zoning Administrator. On all appeals, applications and matters brought before the Zoning Board of Appeals, the Board shall inform in writing all parties involved of their decisions and the reason(s) for their decisions.

4 Appeals, Hearings And Notice

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality or county. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals, notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies that by reason of facts stated in the certificate of stay would, in their opinion, cause imminent peril to life and property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal or other matters referred to it, and give at least fifteen (15) days public notice thereof in a newspaper of general circulation, as well as due notice to the parties in interest, including all property owners within 200 feet of the affected property, and decide the same within a reasonable time. At the hearing any party may appear in person, by agent, or by attorney.

5 Powers And Duties Of The Board Of Zoning Appeals

- A.** The Board of Zoning Appeals is empowered to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
- B.** The Board of Zoning Appeals may grant a variance only under exceptional circumstances, where practical difficulty or unnecessary hardship is so substantial, serious, and compelling that relaxation of the general restrictions should be granted as long as the applicant shall show and the Board shall find that:
 - 1. The particular property, because of size, shape, topography, or other physical conditions, suffers singular disadvantage through the operation of this ordinance, which disadvantage does not apply to other properties in the vicinity; and
 - 2. Because of the disadvantage, the owner is unable to make reasonable use of the affected property; and
 - 3. This disadvantage does not exist because of conditions created by the owner or applicant; and
 - 4. Grant of the variance (1) will not be contrary to the public or neighborhood interest, (2) will not adversely affect other property in the vicinity, and (3) will be in harmony with the spirit, intent, and purpose of this Ordinance.
 - 5. The variance granted shall be the minimum variance that will make possible the legal use of the land, building, or structure.
- C.** In passing upon an appeal or variance, the Board shall not consider prospective financial loss or gain to the owner or applicant, nor shall the Board by variance permit to be established or carried on in any district an activity, business, operation which is not otherwise allowed in such district by a specific provision of this ordinance.
- D.** In granting a variance, the Board of Zoning Appeals may impose such reasonable and additional stipulations, conditions, or safeguards that may or may not be elsewhere prescribed in this or any ordinance that, in its judgment, will better fulfill the purposes of this ordinance; and, to that end, shall have all the powers of the officer from whom the appeal is taken and may direct the issuance

of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the circuit court in and for the County of Spartanburg.

- E. The Board of Zoning Appeals can hear and decide special exceptions according to the conditions set out in the applicable zoning district regulations.

6 Appeals From Decisions Of Board Of Zoning Appeals

Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal any decision of the Board to the circuit court in and for the County of Spartanburg by filing with the clerk of court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty days after the decision of the Board is rendered.

7 Application Fee For Appeals Of Decisions By The Zoning Administrator

An application fee in accordance with a fee schedule established by the Town Council will be levied in order to partially defray expenditures associated with application processing for each application for a variance or appeal, due upon submission of an application.

Chapter 17: PLANNING COMMISSION

1 Establishment Of A Planning Commission

The Town Council shall create a Planning Commission to advise the council of planning, land use, zoning, community development, and other matters as referred by council, as well as to review subdivision plats, if applicable. Duties will include:

1. To review and make a recommendation on the schematic design of all master plans.
2. To render opinions and make recommendations on all issues and petitions related to the zoning ordinance and other land use plans which may be adopted from time to time which require approval by Town Council.
3. A subcommittee of the Planning Commission shall review the zoning ordinance and make recommendations for changes to the full Planning Commission for its consideration and recommendation prior to the end of each calendar year.

2 Planning Commission Membership, Terms Of Office

The Planning Commission shall consist of seven (7) members, to be appointed by the Town Council for terms of four (4) years. Prospective Planning Commission members shall be nominated by a Town Council member and approved by a majority vote of those Town Council members present and voting. All Planning Commission members must be legal residents of the Town of Pacolet and shall not hold any other elected or appointed public office in Spartanburg County. Any Planning Commission member whose term has expired shall continue to serve until the Town Council appoints a replacement.

3 Initial Appointments Of Planning Commission Members

The Town Council shall make its initial appointment of Planning Commission members within ninety (90) days of the adoption of this ordinance. For the initial appointment, three (3) members shall serve for terms of four (4) years, two (2) members shall serve for terms of three (3) years, and two (2) member shall serve for a term of two (2) years. It shall be at the determination of the Mayor as to which initial terms Planning Commission members are assigned.

4 Function And Powers Of The Planning Commission

It shall be the function of the Planning Commission to prepare and update the town's comprehensive plan and program for the physical social, economic growth of the town in order to promote the public health, safety, morals, convenience, prosperity, or general welfare, as well as the efficiency and economy in the development of the municipality. Specifically, the Planning Commission shall have the authority and responsibility to;

1. Prepare and revise periodically a comprehensive plan and program for the development of the town.
2. Prepare and recommend for adoption to the Town Council a zoning ordinance (to include text and maps), subdivision regulations, and an official map. The

Commission may also prepare a landscape ordinance and capital improvements plan.

3. Study and report on other planning, community development, economic development, and land use matters, as assigned by Town Council.
4. If a comprehensive plan containing at least a major street element shall have been adopted, and if subdivision regulations shall have been adopted, then the Planning Commission shall have review and approval/disapproval authority over subdivision plats.

5 Organization, Rules, Staff, And Finances Of The Planning Commission

The Planning Commission shall organize itself electing one of its members as chairman, one as vice-chairman, and one as secretary, whose terms shall be for one (1) year. Officers may serve an unlimited number of successive terms. The Planning commission shall meet at the call of the chairman and at such times as the chairman or commission may determine. The Planning commission shall adopt Rules of Procedure for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. A majority of the Planning Commission shall constitute a quorum.

6 Finances

The Planning Commission is authorized to spend money or to commit to financial obligations only as budgeted and appropriated by the Town Council. Upon the approval of Town Council, staff or consultants may be employed, as it deems necessary to fulfill its responsibilities. It may also purchase equipment and supplies and expend money for conferences or other educational programs or materials. The Planning Commission shall not enter into any contractual agreement obligating the Town of Pacolet to any action, except upon the formal approval of the Town Council through the adoption of a resolution or ordinance.

Chapter 18 AMENDMENTS

1 Authority

This ordinance, including the official zoning map of Pacolet, South Carolina, may be amended from time to time by the Town Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review or recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have recommended approval of the proposed amendment.

2 Requirements For Change

When the public necessity, convenience, general welfare, or good zoning practice justifies such action, and after the required review and report by the Planning Commission, the Town Council may undertake the necessary steps to amend the zoning ordinance.

3 Procedure For Amendments

Requests to amend the zoning ordinance shall be processed in ordinance format with the following requirements:

A. Initiation of Amendments

A proposed amendment to the zoning ordinance may be initiated by the Town Council, the Planning Commission or by application filed with the Zoning Administrator by the owner(s) of the property proposed to be changed, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property, or any part thereof, and requesting the same change in district classification by a property owner or owners more often than once every twelve (12) months.

B. Application Procedure

Application forms for amendment requests shall be obtained from the Zoning Administrator. Completed forms, together with an application fee in accordance with a fee schedule established by the Town Council to cover administrative costs, plus any additional information the applicant believes to be pertinent, will be filed with the Zoning Administrator. Any communication purporting to be an application for an amendment shall be regarded as mere notice until it is made in the form required.

Application for amendments must be submitted, in proper form, at least twenty-five (25) days prior to a Planning Commission meeting in order to be heard at that meeting.

Application fees shall be forwarded by the Zoning Administrator to the Town Clerk who shall supervise the application of same to the costs of advertising and other administrative expenses.

4 Review By The Planning Commission

All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Planning Commission.

The Planning Commission, at its regular meeting shall review the application, take comment from any interested party and prepare a report, including its recommendation, for transmittal to the Town Council.

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

No member of the Planning Commission shall participate in a matter in which they have any pecuniary or special interest.

Following action by the Planning Commission, all papers and data pertinent to the application shall be transmitted along with the Planning Commission recommendation to the Town Council for final action.

5 Public Hearing By The City Council

Before enacting an amendment to this ordinance, the Town Council shall hold a public hearing thereon. At least fifteen (15) days public notice of the time and place of the hearing shall be published in a newspaper of general circulation for the town.

6 Changes In The Zoning Map

Following final action by the Town Council, any necessary changes shall be made in the Zoning Map. A written record of the type and date of such change shall be maintained by the Town Clerk. Until such change is made, no action by the Town Council on map amendments to the Zoning Ordinance shall be considered official, unless the Town Clerk fails to make the change within seven (7) days after formal action by the Town Council. In the latter event, action by the Town Council shall be considered official seven (7) days after the date of action even if the Town Clerk has failed to make the appropriate changes.

Chapter 19: DEFINITIONS

Change in Use-Minor

The conversion of a use in a structure such as a change in a tenant that necessitates a new certificate of occupancy.

Change in Use-Major

The conversion of an existing use in a structure that changes the category of use within as enumerated in the table of uses (i.e. retail to office).

Frontage

The lot boundary which coincides with a public thoroughfare or space. Also, the facade of a structure facing the street.

Frontage Line

The portion of lot frontage which has a building or wall running parallel to it.

Live-Work Unit

Small commercial enterprises with the ground floor occupied by commercial uses and a residential unit above. Commercial space may be a home-based business or may be leased independently.

Pedestrian-Oriented Street

A street that is intended to serve as a primary pathway for pedestrians in both use and design. Such streets are typified by continuous uses along their primary frontages that maintain a pedestrian entrance. These are differentiated from auto-oriented streets where the posted speeds of the fronting thoroughfares, or the parking and/or loading requirements of the buildings (such as in the alleys) discourage pedestrian activity.

Story

That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area of the roof. The under roof area with dormers does not count as a story.

RESIDENTIAL

Dwelling-Single Family: A free standing building designed for and/or occupied by one household. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974. (LBCS F1100 and S1100)

Dwelling-Duplex: Generally a two-unit building that is divided horizontally, and each unit has a separate entrance from the outside or through a common vestibule. Buildings are typically under one ownership. (LBCS F 1100 and S1121)

Dwelling-Multifamily (4 or less units/building): A dwelling unit that is part of a structure containing more than one but less than four units. Each unit has a separate entrance from the outside or through a common vestibule. Multi-family dwellings may include duplexes and triplexes (buildings under one ownership with two or three dwelling units in the same structure), as well as town houses (a type of structure that has at least three or more separate dwelling units divided vertically, and each unit has separate entrances to a front and rear yard). (LBCS S1121 and S1140)

Dwelling-Multifamily (5 or more units/building): A dwelling unit that is part of a structure containing more than four units. Each unit has a separate entrance from the outside or through a common vestibule. These structure may include fourplexes (buildings under one ownership with four dwelling units in the same structure); apartments (five or more units under one ownership in a single building); and, townhouses (a type of structure that has at least three or more separate dwelling units divided vertically, and each unit has separate entrances to a front and rear yard). (LBCS S1121 and S1140)

Dwelling-Secondary: A dwelling unit either detached or non-detached, such as a garage apartment or cottage, designed for occupancy by one or two persons, not exceeding 750 square feet of gross floor space and located on a lot with an existing single-family dwelling. Said units shall not exceed one per lot.

Home Occupation: An occupation or profession conducted within a dwelling unit by a residing family member that is incidental to the primary use of the dwelling as a residence. Home Occupations are small and quiet non-retail businesses generally invisible from the frontage, seldom visited by clients, requiring little parking, little or no signage, and having only one or two employees and provide services such as professional services, music instruction, and hair styling. Home Occupations include day care centers where daytime care is provided to less than 6 children who are not the legal wards or foster children of the attendant adult within an owner-occupied residence.

Family Care Home: A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident handicapped persons. (NCGS 168-21)

Housing Services for the Elderly: Establishments that offer a wide range of housing services for those who cannot care for themselves, such as the elderly such as retirement housing, congregate living services, assisted living services, continuing care retirement centers, and skilled nursing services. (LBCS F1200)

Live-Work Unit: An attached residential building type with small commercial enterprises on the ground floor and a residential unit above or behind with a common tenant in both spaces (no dual occupancy is permitted).

Manufactured Home: A dwelling unit, other than a modular home, fabricated in an off-site manufacturing facility for installation or assembly on the building site, which is at least eight feet in width and at least 32 feet in length, which bears a seal certifying that it was built to the standard adopted pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. Sec 5401 et seq., which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the S.C. Commissioner of Insurance, but which is not

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constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. (LBCS S1150)

Mobile home: A factory built home produced prior to June 15, 1976. No mobile homes are allowed outside the MH District. Existing mobile homes in place prior to the adoption of the ordinance will be considered legal nonconforming structures.

Modular home: A factory built home that is built to the construction codes and referenced as the International Residential Code. Modulares are transported to the residential site and installed.

LODGING

Bed and Breakfast Inn: Establishments primarily engaged in providing short-term lodging in facilities known as bed-and breakfast inns. These establishments provide short-term lodging in private homes or small buildings converted for this purpose. Bed-and-breakfast inns are characterized by a highly personalized service and inclusion of a full breakfast in a room rate. (LBCS F1310)

Hotels/Motels/Inns: Establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including, overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended- stay hotels are included in this category. (LBCS F1300 and F1330)

Rooming or Boarding House: Short or long-term accommodations that serve a specific groups or membership such as a dormitory, fraternity or sorority house, youth or adult hostel or similar tourist accommodations, or single room occupancy units that provide a number of related services including, but not limited to housekeeping, meals, and laundry services. (LBCS F1320, S 1320, and S1340)

OFFICE / SERVICE

Animal Services: Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming. (LBCS F2418 and F2720)

Automated Teller Machines (ATM): Computerized, self-service machines used by banking customers for financial institutions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

Banks, Credit Unions, Financial Services: Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, lending and thrift institutions, securities/ commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies. (LBCS F2200 and F2210)

Business Support Services: These establishments provide any of the following: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site PC rental, and office product sales. (LBCS 2424)

Child Day Care Home: Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for less than 6 children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

Child Day Care Center: An individual, agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; designed and approved to accommodate 6 or more children at a time; not an accessory to residential use.

Community Service Organization: A public or quasi- public establishment providing social and/or rehabilitation services, serving persons with social or personal problems requiring special services, the handicapped, and the otherwise disadvantaged such as counseling centers, welfare offices, job counseling and training centers, vocational rehabilitation agencies, and community improvement and neighborhood redevelopment, but does not include any services providing on-site residential or accommodation services. (LBCS F6560)

Drive Thru Service: A facility where services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, etc. Does not include: Automated Teller Machines (ATMs), gas stations or other vehicle services, which are separately defined.

Equipment Rental: Establishments renting or leasing: a) office machinery and equipment, such as computers, office furniture, copiers, or fax machines; b) heavy equipment without operators used for construction, mining, or forestry, such as bulldozers, earthmoving equipment, etc.; c) other non-consumer machinery and equipment, such as manufacturing equipment; metalworking; telecommunications, motion picture, or theatrical equipment; institutional (i.e. public building) furniture; or, agricultural equipment without operators. (LBCS F2334)

Funeral Homes and Services: Establishments for preparing the dead for burial or internment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise). (LBCS F6700-6702)

Group Care Facilities: A facility that provides resident services to more than 6 individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, [or] are undergoing rehabilitation, and are provided services to meet their needs. This category includes uses licensed or supervised by any federal, state, or county health/welfare agency, such as group dwellings (all ages), halfway houses,

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nursing homes, resident schools, resident facilities, and foster or boarding homes. (LBCS F6520)

Government Services: Includes federal, state, and local government agencies that administer, oversee, and manage public programs and have executive, legislative, and judicial authority. (LBCS F6200)

Medical Clinic: Facilities that provide ambulatory or outpatient health care such as physician offices and dentists; emergency medical clinics; outpatient family planning services; and blood and organ banks. (LBCS F6510, F6512, and F6514)

Outdoor Kennels: A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. (LBCS F2700)

Post Office: Establishments conducting operations of the National Postal Service. (LBCS F4170).

Professional Services: Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services; and, medical services such as physician's and dentist's offices. (LBCS F2230, F2240, F2300, F2410-2417, and F6511)

Studio-Art, Dance, Martial Arts, Music, etc.: Small facilities, typically accommodating one group of students at a time, in no more than one instructional space. These establishments may include: individual and group instruction and training in the arts; production rehearsal photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

Vehicle Services – Major Repair/Body Work: The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes Major Repair and Body work which encompasses towing, collision repair, other body work and painting services, and tire recapping.

Vehicle Services-Minor Maintenance & Repair: The repair, servicing, alteration, restoration, towing painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Minor facilities providing limited repair and maintenance services. Examples include: car washes, attended and self-service; car stereo and alarm system installers; detailing services; muffler and radiator

shops; quick lube services; tire and battery sales and installation (not including recapping).

RETAIL / RESTAURANTS

Alcoholic Beverage Sales Store: The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use. (LBCS F2155)

Auto Parts Sales: Establishments selling new, used, or rebuilt automotive parts and accessories. Examples include parts and supply stores, automotive stereo stores, speed shops, truck cap stores, and tires and tube shops. (LBCS F2115)

Bar/Tavern/Nightclub: A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music, and/or dancing, comedy, etc. may also be included.

Drive-Thru Retail/Restaurants: A facility where food and other products may be purchased by motorists without leaving their vehicles. Examples include: fast-food restaurants, drive-through coffee, dairy product, photo stores, pharmacies, etc.

Gas Station: Establishment that primarily retails automotive fuels. These establishments may further provide services such as automotive repair, automotive oils, and/or replacement parts and accessories. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. Bays for car washes may also be included. (LBCS F2116 and S2270)

General Retail-10,000 sf or less: A use category allowing premises to be available for the commercial sale of merchandise and prepared foods, but excluding manufacturing. Ranging in size of 10,000 square feet or less. (LBCS F2100)

General Retail-10,001 sf – 50,000 sf: A use category allowing premises to be available for the commercial sale of merchandise and prepared foods, but excluding manufacturing. Ranging in size between 10,001 square feet and 50,000 square feet. (LBCS F2100)

General Retail-Greater than 50,000 sf: A use category allowing premises to be available for the commercial sale of merchandise and prepared foods, but excluding manufacturing. Greater than 50,000 square feet.

Restaurant: A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant); at their tables (full-service restaurant); and, at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars). (LBCS F2510, F2520, and F2530)

Vehicle/Heavy Equipment Sales: Establishments which may have showrooms or open lots for selling vehicles or heavy equipment. May include car dealers for compact

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automobiles and light trucks, bus, truck, mobile homes, bicycle, motorcycle, ATV, or boat and marine craft dealers. (LBCS F2110, F2111, F2112, F2113 and F2114)

ENTERTAINMENT / RECREATION

Adult Establishment: Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital areas, or the female breast.

Amusements, Indoor: Establishments that provide commercial recreation activities completely within an enclosed structure such as pool halls, arcades, movie theaters, skating rinks, roller rinks, and bowling alleys. (LBCS F5320, F5380, F5390 and S3200)

Amusements, Outdoor: Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go- cart facility; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water rides. (LBCS F5310 and S4440)

Assembly/Meeting Facilities: Meeting/conference facilities that include room(s) or space(s) used for assembly purposes by 50 or more persons including fraternal halls (VFW lodges, etc) and banquet facilities. (LBCS S3800)

Cultural or Community Facility: Facilities designed to promote cultural advancement and serve the community such as live theater, dance, or music establishments; art galleries, studios and museums; non-profit civic or fraternal organizations; museums, exhibition, or similar facility; libraries; and community centers, such as the YMCA and YWCA. (LBCS S3800, S4400, F5110, F5210, and FS6830)

Recreation Facilities, Indoor: Uses or structures for active recreation including gymnasiums, natatoriums, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations.

Recreation Facilities, Outdoor: Parks and other open space used for active or passive recreation such as ball fields, playgrounds, greenway trails, tennis courts, riding stables, campgrounds, and golf courses and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

Theater, Movie: A specialized theater for showing movies or motion pictures on a projection screen. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance. (LBCS S3120)

Theater, Live Performance: Includes concert halls and other structures with fixed seats arranged on a sloped or stepped floor; may seat 300 to 3,000 people. (LBCS S3110)

MANUFACTURING / WHOLESALE / STORAGE

Agriculture: These establishments grow crops, raise animals, harvest timber, and harvest fish and other animals from a farm, ranch, or their natural habitats. They may be

described as farms, ranches, dairies, greenhouses, nurseries, orchards, or hatcheries. A farm, as an establishment, may be one or more tracts of land, which may be owned, leased, or rented by the farm operator. Farms may hire employees for a variety of tasks in the production process. Subcategories in this dimension differentiate establishments involved in production versus those that support agricultural production. For agricultural research establishments administering programs for regulating and conserving land, mineral, wildlife, and forest use, apply the relevant institutional or research and development categories. (LBCS F9000 and S8000)

Laboratory-Medical, Analytical, Research, & Development: A facility for testing, analysis, and/or research. Examples of this include medical labs, soils and materials testing labs, and forensic labs.

Laundry, Dry Cleaning Plant: A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; commercial laundries; and linen supply. These facilities may include customer pick-up but do not include coin-operated laundries or dry cleaning pickup stores without dry cleaning equipment.

Manufacturing, Light: A non-residential use that requires a NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Facilities are typically designed to look and generate impacts like a typical office building, but rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building, insofar as practical. (LBCS S2613)

Manufacturing, Neighborhood: The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated from an office building. This includes medical and testing laboratories but shall not include uses that require frequent deliveries by truck with more than one axle. (LBCS S2610)

Manufacturing, Heavy: A non-residential use that requires a NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Typically the largest facilities in a community which have complex operations, some of which may be continuous (24 hours a day/ 7 days per week). (LBCS S2620)

Metal Products Fabrication, Machine or Welding Shop: An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these include:

1. Blacksmith and welding shops
2. Plating, stripping, and coating shops

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3. Sheet metal shops
4. Machine shops and boiler shops

Mini-Warehouses: A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

Research and Development (R&D): A facility for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Includes pharmaceutical, chemical, and biotechnology research and development.

Storage-Storage Yard: The open storage of various materials outside of a structure other than fencing, as a principal use.

Storage-Warehouse, Indoor Storage: Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

Wholesaling and Distribution: Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include:

1. Agents, merchandise or commodity brokers, and commission merchants;
2. Assemblers, buyers and associations engaged in the cooperative marketing of farm products;
3. Merchant wholesalers;
4. Stores primarily selling electrical plumbing, heating, and air conditioning supplies and equipment.

CIVIC / INSTITUTIONAL

Campground: Establishments accommodating campers and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles. Facilities and services such as cabins, washrooms, food services, recreational facilities, recreational equipment, and organized recreational activities.

Cemetery: A parcel of land used for internment of the dead in the ground or in mausoleums. (LBCS S4700)

Colleges/Universities: Comprise junior colleges, colleges, universities, and professional schools. These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels. (LBCS F6130)

Hospital: A health care facility and related facilities the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes. (LBCS F6530 and S4110)

Public Safety Facility: A facility operated by a public agency including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including incarceration facilities.

Religious Institution: Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a nonprofit organization and their customary related uses for education (pre- schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, soup kitchens, and bookstores. (LBCS F6600 and S3500)

School, Elementary & Secondary: A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary and secondary education. (LBCS F6100)

School, Vocational/Technical: A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification. (LBCS F6100 and F6140)

INFRASTRUCTURE

Airport: Establishments that provide air transportation for passengers or cargo using aircraft, such as airplanes and helicopters. This subcategory includes scenic and sightseeing air transportation establishments, which may involve local departure and same-day return. (LBCS F4110, S3920 and S5600)

Utilities: Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water, the collection and disposal of sewage or refuse; the transmission of communications; of similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities, provided no transmitter or antenna tower exceed 180 ft in height. Utilities are divided into 3 classes:

Class 1 Transmission lines (above and below ground) including electrical, natural, gas, and water distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 sq. ft).

Class 2 Elevated water storage tanks; package treatment plants, telephone switching facilities (over 200 sq. ft), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

Class 3 Generation, production, or treatment facilities such as power plants, water and sewage plants, and landfills.

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Wireless Telecommunication Facility: Equipment constructed in accordance with Section 332(c)(7) of the Communications Act at a single location by a private business user, governmental user, or commercial wireless service provider to transmit, receive, or relay electromagnetic signals (including microwave). Such facility includes antennas or antenna arrays, wireless telecommunication towers, support structures, transmitters, receivers, base stations, combiners, amplifiers, repeaters, filters, or other electronic equipment; together with all associated cabling, wiring, equipment enclosures, and other improvements.

Stealth: Equipment that is unobtrusive in its appearance such as the collocation on existing tower facilities; and the placement of equipment on flagpoles, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards and electric transmission towers.

Tower: The construction of new free-standing facilities or facilities that extend more than 20 feet above the normal height of the building or structure on which they are placed. The following shall not be included in this definition:

1. Amateur radio facilities with antennas mounted on supporting structures less than 100 feet in height;
2. Residential antennas for receiving television or AM/FM radio broadcasts;
3. Residential satellite dishes; or,
4. Commercial or industrial satellite dishes that are less than 20 feet in height.

GENERAL DEFINITIONS

Accessory Use: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

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

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

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

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

Building, Principal: A building in which is conducted the principal use of the lot on which said building is situated.

Building Wall: The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this Ordinance, the area of a wall will be calculated for only the first three (3) stories, or fifty (50) feet in height of a building, whichever is less.

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

Church: A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services and whose site may include an accessory area for the interment of the dead.

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

Conditional Use Permit (CUP): A special authorization for a specific use - other than a permitted use within the zoning district - which is subject to any special restrictions or conditions on its location, size, extent or character of use as determined by the Town Council in order to insure consistency with the intent and character of the zoning district in which the use is located.

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

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

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

Dry Cleaning and Laundry Plant: A commercial facility at which clothes are brought to be dry cleaned and/or laundered from individual dry cleaning service outlets. Such a facility may be a free-standing use or may be combined with a dry cleaning service outlet.

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

Farmers' Market: A market (normally conducted outdoors) on pre-established dates at which locally and regionally grown fruits and vegetables are sold on a retail basis. Baked good items, hand-made crafts, and produce items not native to this region may also be sold but may not constitute a majority of total sales.

Flea Market: An open-air market for new and/or second-hand articles and goods sold by one or more merchants which is conducted on an open nonresidential lot. Yard sales conducted by individuals shall not be considered flea markets.

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Floor Area Ratio: The gross floor area of all buildings on a lot divided by the lot area. When computing this figure, the gross floor area of all enclosed parking deck buildings shall be excluded.

Free-Standing Sign: Any sign that is not affixed or attached to a building and is securely and permanently mounted in the ground. Such sign may be a ground-mounted sign, pole sign, or monument sign.

Grade: The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the sign.

Gross Floor Area: The sum of the gross horizontal areas of each floor of a building measured from the interior surfaces of exterior walls or from the center line of party walls, including the floor area of all accessory buildings. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access such as stairs, escalators, elevator shafts, other shafts, utility rooms, mechanical rooms and maintenance crawlspaces. This term also excludes pedestrian corridor areas and malls within enclosed shopping areas.

Ground-Mounted Sign: A sign which extends from the ground or which has a support which places the bottom thereof less than two (2) feet from the ground.

Illuminated Sign: A sign either internally or externally illuminated.

Impervious Surface: Any material which reduces and prevents absorption of storm water into previously undeveloped land.

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

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

Lot: A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use or combination of uses, together with the customary accessories and open spaces belonging to the same. Easements located within the lot shall be construed to be a part of that lot.

Lot Area: The total area within the lot lines of a lot exclusive of any public street rights-of-way.

Lot, Corner: A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less than one-hundred and thirty-five (135) degrees with each other.

Lot Depth: The average horizontal distance between the front and rear lot lines.

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

Lot Line, Front: The lot line separating a lot from a street right-of-way.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot of Record: A lot or combination of contiguous lots described pursuant to the most current plat or metes and bounds description or description recorded in the office of the Spartanburg County Register of Deeds.

Lot Width: The distance between side lot lines measured at the minimum front yard line.

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

Monument Sign: A monolithic sign in which the bottom of the sign is flush with the ground and the vertical dimension of the sign is greater than the horizontal dimension.

Open-Air Storage: An unroofed area or a structure with a roof but no walls used for the storage of bulk materials or discarded items but not including items and non-bulk materials openly displayed for the purpose of retail sale.

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

Pole Sign: A detached sign erected and maintained on a free-standing frame, mast, or pole and not attached to any building but not including ground-mounted signs.

Portable Sign: Any free-standing sign that is not permanently affixed to the ground and can freely and easily be removed from one location to another. A sign is permanently affixed to the ground if its supporting elements are set in such a manner as to manifestly indicate that the sign is intended to remain in one location for an indefinite period. Without limiting the generality of the foregoing, portable signs shall include any sign mounted on a trailer or on wheels as well as "V-shaped" or "Sandwich" signs that can with little difficulty be moved from place to place.

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

Real Estate Sign: Sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Recycling Collection Center: An area containing one or more "recycling containers" operated by a unit of local Government, or its designee, which is set aside and used by members of the public, including business entities, to collect recyclable materials.

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

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Sign: Any object, device, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious or civic organizations, works of art which in no way identify a product; or scoreboards located on athletic fields.

South Carolina Manufactured Housing Board: The Board authorized by State Statute to regulate the construction, repair, modification, installation, tie-down, hook-up, and sale of manufactured homes in South Carolina, which the Board has adopted for regulation of manufactured homes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the Board's Manufactured Housing Regulations, May 26, 1990.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above or below the surface of land or water.

Structure, Accessory: A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

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

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

Yard, Front: An open space between a building or structure and the street line of the lot on which the building or structure is located, unoccupied and unobstructed from the ground upward, except by fences or as otherwise provided in these regulations. In measuring a front yard, the horizontal distance between the street line and the closet projection of the building shall be used. Every required front yard shall be measured in a parallel manner from the street line.

Yard, Rear: A yard extending the full width of the lot on which a principal building is located and situated between the rear lot line and a line parallel thereto and passing through the point of the principal building nearest the rear lot line.

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