

Article IV. Conditional Uses

157.038. APPLICATION

The requirements of this subchapter shall apply to all conditional uses listed in § 157.029(D) – *Table of Permitted Uses*, as applicable. An application for a conditional use shall be submitted to the Zoning Administrator who shall approve the use if all the conditions and requirements herein are satisfied.

157.039. MANUFACTURED HOUSING

Manufactured housing is allowed only in Manufactured Home Parks.

A. Setup. Manufactured housing, where permitted by this Zoning Ordinance, shall:

1. Be installed in accordance with the manufacturer's installation manual. In the absence of such a manual, the home must be installed in accordance with the requirements of *Chapter 79, section 42* of the South Carolina Manufactured Housing Board Regulations.
2. Be under skirted around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.
3. Have permanent landing steps at each exterior doorway installed or constructed and attached firmly to the home and anchored securely to the ground, in accordance with applicable Building Codes.
4. Have all moving or towing apparatus removed or concealed including hitch, wheels and axles.
5. Be provided with a sanitary sewer system approved by SCDHEC. Evidence of such approval shall accompany each and every permit request to install a manufactured home.
6. Be served by a separate electric meter.
 - a. It shall be unlawful for any such home to receive electricity except by use of a separate meter.
 - b. It shall be unlawful for any public utility or electrical supplier to connect service to any manufactured home in the absence of an approved permit issued by the Zoning Administrator to establish said home.
 - c. It shall be the duty and responsibility of each supplier of electricity to render a monthly report to the Zoning Administrator as to connections and

disconnections made to manufactured homes.

- d. The Zoning Administrator may, at his or her discretion, issue a temporary permit to secure electrical service for a valid reason such as the construction of a power pole to aid in the installation of the unit. A temporary permit shall be valid for 15 days unless otherwise specified on the permit. This provision shall not be construed to exempt the applicant from the requirement for a regular permit within the 15 day period. If a permit is not obtained as required, the Zoning Administrator may direct that the electricity be disconnected. Any additional fee to reconnect would be the responsibility of the owner or applicant.

- B. **Utilities.** No manufactured home shall be permitted, used or occupied, nor shall public utilities be extended to or activated in any such home until the utility and electric connection to the home has been inspected and found to be in accordance with all applicable codes by the Building Official.

157.040. MOBILE HOMES

Mobile homes, as defined by this chapter, shall not be permitted, established or reestablished within the jurisdiction of this chapter. Where in existence at the time of adoption of this chapter on April 27, 1999, the date of the initial adoption of this Zoning Ordinance, such uses may be continued in accordance with the provisions of § 157.193 – *Nonconformities*; provided such uses are maintained in habitable condition, as defined by and subject to the conditions of § 157.039(B).

157.041. MANUFACTURED HOME PARKS (NAICS 53119)

The establishment and operation of a manufactured home park shall comply with the following design and development standards:

- A. The park site shall be not less than 10 acres, and shall not have less than 200 feet frontage on a publicly dedicated and maintained street.
- B. The park shall be served by public water and sewer systems, a system of storm drainage, and refuse disposal facilities, plans of which shall be approved by local SCDHEC officials.
- C. All dwelling spaces shall abut upon an asphalt or concrete driveway of not less than 18 feet in width which shall have unobstructed access to a public street.
- D. A description of the procedures of any proposed home owners association or other group maintenance agreement must be submitted to and approved by the Planning Commission.

- E.** All on-site roadway intersections shall be provided with a street light and interior lights shall be provided at not less than 400-foot intervals.
- F.** Lots in manufactured home parks shall be sized and arranged so that:
 - 1. There will be at least 35 feet of space between manufactured homes;
 - 2. All structures, including manufactured homes, are at least 25 feet from the right-of-way of any street or drive providing common circulation; and
 - 3. All structures, including manufactured homes, are at least 10 feet from rear lot line.
- G.** Not less than 10 percent of the park site shall be set aside and developed for common open space and recreation usage.
- H.** Space Numbers: permanent space numbers shall be provided on each manufactured home space and shall be located so as to be visible from the street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection. Address numbers as required for E911 service shall be used to denote space numbers.
- I.** No manufactured home space shall have direct access to a public street, but shall instead access an internal driveway system.
- J.** The maximum number of mobile or manufactured home spaces shall not exceed six per acre, not including roads and other required infrastructure and required open space.
- K.** Two parking spaces shall be provided for each designated manufactured home space. Parking may be provided at the designated space or in community parking areas.
- L.** Buffers and landscaping shall be provided on the perimeter of the park or court in accord with the requirements of § 157.137 – *Landscaping* and § 157.138 – *Buffers*.
- M.** Business license required.
 - 1. A business license must be acquired prior to the opening or operation of a manufactured home park and shall be subject to annual renewal.
 - 2. The business license for any manufactured home park may be revoked by the City Council for a violation of this chapter or other applicable ordinances and regulations governing the operation of such uses.
- N.** The site plan for any proposed manufactured home park must be approved by the Planning Commission per the applicable requirements of *Chapter 156 – Land Development Regulations* of the City of Camden Code of Ordinances.

157.042. TOWNHOUSES

Due to the unique design features of townhouses, the dimensional requirements of this Zoning Ordinance contained in *Article V – Area, Density, Dimensional and Height Requirements* are hereby waived and the following design requirements imposed for all such projects:

- A. Not more than eight nor fewer than three townhouses may be joined together, with approximately the same (but staggered) front line. The minimum distance between buildings in the project area shall be 20 feet.
- B. Buildings must be set back 20 feet from adjacent side and rear property lines that do not abut a street, and must meet buffer and landscaping requirements provided in § 157.137 – *Landscaping* and § 157.138 – *Buffers*.
- C. Minimum lot width/building width shall be 18 feet.
- D. Sidewalks not less than five feet in width shall be provided along the front property line of each project or building.
- E. Maximum height of buildings shall not exceed 35 feet.
- F. Streets, water, sewer, etc. shall conform to the design and construction standards required by *Chapter 156 – Land Development Regulations* of the City of Camden’s Code of Ordinances.
- G. Rear yards shall be enclosed by a six-foot wall or fence, unless used for parking, and may include one accessory building no greater than 500 square feet in Gross Floor Area (GFA).
- H. Maximum Density for Townhouses is 10 units per acre.
- I. The site plan for any proposed townhouse development must be approved by the Planning Commission per the applicable requirements of *Chapter 156 – Land Development Regulations* of the City of Camden Code of Ordinances.

157.043. PATIO HOMES AND ZERO LOT LINE HOUSING

Due to the unique design features of patio and zero lot line housing, the dimensional requirements of *Article V – Area, Density, Dimensional and Height Requirements* are hereby waived and the following requirements imposed on such projects:

- A. Such projects shall have a minimum of 2.0 acres, with a maximum density of 8 units per acre.
- B. Minimum lot area shall be 3,000 square feet per unit.

- C. Minimum lot width shall be 40 feet.
- D. Maximum height of buildings shall not exceed 35 feet.
- E. Where a unit is to be constructed at or on the property line, a five-foot maintenance easement shall be provided on the adjoining lot.
- F. At least one side yard extending not less than five feet from the property line shall be provided. Though not required, where a second side yard is provided it shall have a minimum width of five feet.
- G. The side yard of the exterior units shall be five feet from the "outside" property line. A 20 foot setback shall be required along the perimeter of all property lines with trees and shrubs planted as required by *Article IX - Landscaping, Buffers, Open Space and Tree Conservation*.
- H. Buildings must be set back 35 feet from property lines which are adjacent to streets.
- I. Streets, water, sewer, etc. shall conform to the design and construction standards required by the City of Camden's Code of Ordinances, *Chapter 156 – Land Development Regulations*.
- J. The site plan for any proposed patio home or zero lot line development must be approved by the Planning Commission per the applicable requirements of *Chapter 156 – Land Development Regulations* of the City of Camden Code of Ordinances.

157.044. BED AND BREAKFAST HOMES (NAICS 721191)

Bed and breakfast homes are intended to provide a unique lodging experience in predominantly residential environs. As a result, care should be taken to protect the environment that contributes to the experience of such lodging while promoting their use. The use of year-round dwellings for overnight accommodations is permitted under the following conditions:

- A. The primary purpose of the dwelling is for use as a personal residence currently occupied by the owner as his or her home.
- B. No more than seven guestrooms may be rented for overnight use. Accessory buildings may be used as guestrooms provided each accessory building is limited to one guestroom and each such guestroom in accessory buildings is included within the seven total guestrooms permitted for the property.
- C. Off-street parking requirements shall be provided in *§ 157.123 – Parking Requirements*. Parking areas must not be located within the front, side or rear setback areas. If surfaced,

parking areas must be surfaced with a pervious material. On-street parking for a bed and breakfast home is prohibited.

- D. No regularly scheduled meals may be served other than breakfast. An afternoon social or tea service may also be served to guests if included in the room rate.
- E. The bed and breakfast home shall not be used for any party, gathering, meeting, reception or other similar event for a fee or consideration of any kind.
- F. No on-site advertising shall be permitted other than one sign stating the name of the bed and breakfast home. The sign must not be larger than four square feet in area, and must be placed flush-mounted on the building or a fence.
- G. Retail sales shall be limited to postcards, shirts and other small items directly associated with the use for purchase by registered guests only.
- H. An application for a bed and breakfast inn must be filed with the Zoning Administrator.
- I. The residence cannot be occupied as a bed and breakfast home until it has a city business license, passed an inspection by the Fire Marshal, and received a Certificate of Occupancy.
- J. A notice of the application shall be mailed to all contiguous property owners. The existence of a road or right-of-way will not be considered to determine contiguity.

157.045. ACCESSORY APARTMENTS

- A. Accessory apartments, where permitted as conditional uses, shall meet the following conditions:
 - 1. The principal structure (dwelling) must be occupied by the property owner or a member of his family as defined by this Zoning Ordinance.
 - 2. The apartment, whether attached or detached, cannot exceed 50% of the gross floor area of the principal dwelling.
 - 3. The apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.
 - 4. An accessory apartment may be accessory only to a site built, single-family dwelling.
 - 5. The apartment shall meet all yard setback requirements. When detached from the principal dwelling, it shall be setback not less than 10 feet from the principal dwelling and shall not extend past the side yard of the principal dwelling.

6. Accessory apartments shall be of a similar and complementary design to the principal structure. The accessory apartment shall meet the design criteria established in the City of Camden Residential Design Guidelines.
 7. Two additional off-street parking spaces shall be required for accessory apartments.
 8. Neither the primary residence nor the accessory apartment shall be a manufactured home.
 9. A tiny house, as defined by this Zoning Ordinance, may be used as an accessory apartment.
- B.** For all districts except R-E, accessory apartments shall meet all conditions provided for in §157.045(A) of this section, in addition to the following conditions:
1. The apartment shall not contain more than three bedrooms.
 2. No more than one apartment shall be allowed per principal structure (dwelling).
 3. The accessory apartment and land associated with the accessory use shall not be subdivided from the primary parcel unless the proposed lot meets the minimum lot size requirement for the zoning district and the subdivision requirements of the Land Development Regulations.
- C.** In the R-E District, a guest cottage/apartment shall meet all conditions provided for in §157.045(A) as well as the following conditions:
1. The accessory apartment/cottage cannot contain more than four bedrooms.
 2. One apartment shall be allowed per principal structure (dwelling). An additional apartment may be allowed per additional 66,000 square feet in lot area.

157.046. MANUFACTURING USES (NAICS 311-339), PUBLISHING INDUSTRIES (511), MINING (NAICS 211-213), AND WASTE COLLECTION, TREATMENT, DISPOSAL AND REMEDIATION USES (NAICS 5621, 5622 AND 5629).

- A.** To ensure that all manufacturing uses (NAICS 311-339) and waste treatment, disposal and remediation systems (NAICS 5621, 5622 and 5529) produce no injurious or obnoxious conditions related to the operation of such uses sufficient to create a nuisance beyond the premises, such uses must comply with the requirements set forth in *Article X – Performance Standards*.
- B.** Waste collection, treatment, disposal and remediation systems, including landfills, must be in compliance with SCDHEC requirements.

- C. The Zoning Administrator may require that an engineer certify that the proposed project will not violate these restrictions and the requirements set forth in *Article X - Performance Standards*.

157.047. MINI-WAREHOUSES (NAICS 53113)

Due to the need to better integrate mini-warehouses into the urban fabric of the community, the following standards shall be observed:

- A. Mini-warehousing sites shall not exceed two acres.
- B. Lot coverage of all structures shall be limited to 50 percent of the total area.
- C. Vehicular ingress-egress shall be limited to one point for each side of property abutting any street lot line.
- D. No business activities other than rental of storage units shall be conducted within or from the units.
- E. The storage space or gross floor area of any single unit shall not exceed 300 square feet.
- F. Outdoor storage shall be limited to licensed boats on trailers and licensed recreational vehicles. If such storage is to be provided, adequate parking must be provided to accommodate such vehicles.

157.048. COMMUNICATION TOWERS AND ANTENNAS (NAICS 5172)

- A. Free standing towers will be prohibited in the CBD, RE, R-15, R-10, and R-6 Districts or within 1,000 feet of Broad Street or Dekalb Street. However, antennas may be installed on existing towers, buildings, etc. in these areas.
- B. Communication towers and antennas shall adhere to the following regulations.
 - 1. All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements or anticipated co-location requirements.
 - 2. All applicable safety code requirements shall be met.
 - 3. The tower or antenna shall not be painted or illuminated unless otherwise required by state or federal regulations. Warning lights on the tower shall be red when illuminated.

4. No tower or antenna shall be located within 1,000 feet of an existing tower antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.
5. Communication towers and antennas and water tanks shall be separated from any adjoining property line of a single-family residential zoning district or existing single-family use by a distance equal to one foot for each one foot in height, measured from the nearest residential property line. Maximum height for a communications tower or antenna shall be 300 feet in the CMU zoning district and 200 feet in the other zoning districts that allow such uses.
6. Landscaping. A vegetative screen expected to reach a minimum of eight feet in height at maturity shall be planted around the perimeter of the area occupied by the tower, security fencing, and auxiliary uses such as parking. Such screen shall be planted so as to be largely opaque. In addition, existing onsite trees and other vegetation shall be preserved to the extent practicable to maintain the entire site of the tower (including any anchoring devices) in its pre-construction appearance. Such landscaping shall meet the requirements of § 157.137 – *Landscaping Standards*.
7. Security fencing. There shall be minimum eight foot high fence installed and maintained by the owner of the telecommunications tower around the perimeter of the tower compound, except that security fencing shall not be required for accessory communication facilities
8. Permit applications for the erection or placement of a tower or antenna shall be accompanied by the following:
 - a. Processing fee as provided in the City's adopted fee schedule.
 - b. One copy of typical specifications for proposed structures and antenna including description of design characteristics and material.
 - c. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property; however a site plan is not required if antenna is to be co-located on an approved existing structure.
 - d. A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property.

- e. A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.
- f. Identification of the owners of all antennae and equipment to be located on the site.
- g. Written authorization from the site owner for the application.
- h. Evidence that a valid FCC license for the proposed activity has been issued.
- i. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
- j. A written agreement to provide notification of abandonment within 30 days after cessation of use and to remove the tower and/or antenna within 180 days after cessation of use.
- k. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file annually a written indemnification of the City of Camden and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the City of Camden, in form approved by the city attorney.
- l. Applicant will supply additional information to determine if other zoning requirements are satisfied.

157.049. SCRAP, WASTE AND RECYCLABLE MATERIALS (NAICS 42393, 42511, 42512) AND USED MOTOR VEHICLE PARTS (NAICS 42314, 44131)

The location of these uses shall be regulated by the following:

- A. No property line of a lot containing such use shall be located closer than 500 feet, measured in a straight line, of the closest point of the property line(s) of any residential use, church, school, historical place or public park.
- B. No scrap, waste or recyclable material or used motor vehicle parts shall be placed in open storage or otherwise stored in any manner where any such material is capable of being transferred out by wind, water or other natural causes.
- C. All paper, rags, cloth and other fibers, and activities involving these items, other than

loading and unloading, shall be within fully enclosed buildings.

- D.** All materials and activities not within fully enclosed buildings shall be enclosed by an opaque fence or wall or vegetative material, excluding no more than two points of ingress or egress, at least eight feet in height.

157.050. TATTOO PARLORS (NAICS 812199)

A. Location.

1. Owing to the negative secondary effects of tattoo parlors as evidenced by studies performed in other locations, and the deleterious effect of such negative secondary effects on existing businesses and/or residential areas around them, the location of such uses where permitted shall be tempered by the supplemental siting criteria of this section.
2. No property line of a lot containing such use shall be located within 1,000 feet, measured in a straight line, from the closest point of the property line(s) of any:
 - a. A residence or a Residential Zone;
 - b. A church or religious institution;
 - c. Public or private elementary and secondary schools, daycare centers, museums;
 - d. Public parks and recreational facilities; or
 - e. U.S. Highways 1, 601 and 521, S.C. Highways 34 and 97, Springdale Drive and Interstate 20 and Ehrenclou Drive.
 - f. Any other tattoo parlor. In addition, no more than one tattoo parlor shall be allowed in the same building.

- B. Expiration of permit.** Each zoning permit shall expire at the end of each calendar year and may be renewed only by making application as provided herein.

- C. Fees.** The annual fee for a zoning permit to operate a tattoo parlor shall be as determined by applicable zoning fees.

D. Inspection.

1. An applicant or permittee shall permit the Zoning Administrator and representatives of the police, health and fire departments or other governmental departments or

- agencies involved in code enforcement to inspect the premises of a tattoo parlor for the purpose of ensuring compliance with the law at any time it is occupied or open for business.
2. A person who operates a tattoo parlor, or their agent or employee is in violation of this Zoning Ordinance if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

157.051. SEXUALLY ORIENTED BUSINESSES (NAICS 812199)**A. Location.**

1. Owing to the negative secondary effects of sexually oriented or adult uses as evidenced by studies performed in other locations, and the deleterious effect of such negative secondary effects on existing businesses and/or residential areas around them, the location of such uses where permitted shall be tempered by the supplemental siting criteria of this section.
2. No property line of a lot containing such use shall be located within 1,000 feet, measured in a straight line, from the closest point of the property line(s) of any:
 - a. A residence or a Residential Zone;
 - b. A church or religious institution;
 - c. Public or private elementary and secondary schools, daycare centers, museums;
 - d. Public parks and recreational facilities; or
 - e. U.S. Highways 1, 601 and 521, S.C. Highways 34 and 97, Springdale Drive and Interstate 20 and Ehrenclou Drive.
 - f. Any other adult or sexually oriented business. In addition, no more than one sexually oriented business shall be allowed in the same building.

B. Expiration of permit. Each zoning permit shall expire at the end of each calendar year and may be renewed only by making application as provided herein.

C. Fees. The annual fee for a zoning permit to operate a sexually oriented business shall be as determined by applicable zoning fees.

D. Inspection.

1. An applicant or permittee shall permit the Zoning Administrator and representatives

of the police, health and fire departments or other governmental departments or agencies involved in code enforcement to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law at any time it is occupied or open for business.

2. A person who operates a sexually oriented business, or their agent or employee is in violation of this Zoning Ordinance if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

E Suspension. The Zoning Administrator shall suspend a zoning permit for a period not to exceed 30 days if he determines that a permittee or an employee of a permittee has:

1. Violated or is not in compliance with any section of this Zoning Ordinance.
2. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises.
3. Refused to allow an inspection of the sexually oriented business premises as authorized by this section.
4. Knowingly permitted gambling by any person on the sexually oriented business premises.

F. Revocation.

1. The Zoning Administrator shall revoke a zoning permit in the event that the zoning permit of the sexually oriented business has been suspended two times within any 12 month period.
2. The Zoning Administrator shall also revoke a zoning permit if he determines that:
 - a. A permittee gave false or misleading information in the material submitted to the building department during the application process.
 - b. A permittee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises.
 - c. A permittee or an employee has knowingly allowed prostitution on the premises.
 - d. A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended.
 - e. A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to

occur in or on the permitted premises.

157.052. RECREATIONAL VEHICLE PARKS AND RECREATIONAL CAMPS (NAICS 7212)

Camps and recreational vehicles (RV) parks shall comply with the following site and design standards. Such parks are considered temporary occupancy; therefore no recreational vehicle or trailer will be allowed to remain in a park for more than three consecutive months per year.

- A. The site shall be at least two acres.
- B. The site shall be developed in a manner that preserves natural features and the landscape.
- C. The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
 - 1. Maximum impervious surface ratio shall not exceed 15 percent of the project site.
 - 2. Minimum setbacks for all structures and recreational vehicles shall be:

Street frontage:	50'
All other property lines:	25'
 - 3. Maximum density shall not exceed 12 vehicles per acre.
 - 4. Buffers and landscaping shall be as specified by § 157.138 - *Buffers* and § 157.137 – *Landscaping*.
- D. Areas designated for parking and loading or for travel ways shall be physically separated from public streets by suitable barriers while enabling adequate motor vehicle ingress and egress. All drives shall be located at least 150 feet from any street intersection and shall be designated in a manner conducive to safe ingress and egress.
- E. All streets within RV Parks shall be privately owned and maintained.
- F. Each park site shall be served by public water and sewer systems approved by SCDHEC.
- G. The site plan for any proposed recreational vehicle park must be approved by the Planning Commission per the applicable requirements of *Chapter 156 – Land*

Development Regulations of the City of Camden Code of Ordinances.

157.053. CHECK CASHING ESTABLISHMENTS, TITLE LOAN LENDERS AND DEFERRED PRESENTMENT LENDERS (NAICS 52239)

These uses shall comply with the following standards:

- A.** The property line of a lot containing such a use shall be separated by at least 300 feet, measured in a straight line, from the closest point of any property line in any residential district, and from the closest point of the property lines of any existing residential use, religious institution use, museums, public park, day care or school, and be separated by at least 3,000 feet, measured in a straight line, from the closest point of the property lines of any other check cashing establishment, title loan lender or deferred presentment lender.
- B.** The use shall be located within either a multi-tenant commercial structure with a minimum of 30,000 square feet, or totally within (without separate public access) a grocery store or other large retail establishment with a minimum of 30,000 square feet.

157.054. RESIDENTIAL USES

- A.** Detached single-family residential dwellings, patio homes and duplexes are permitted within the CBD District at the following locations: the 700 through 900 blocks of Market Street, the 1200 and 1300 blocks of Broad Street, 900 block of Church Street and the 400 and 500 blocks of York Street.
- B.** Use of the upper floors of commercial buildings in the District may be converted or used for residential purposes provided that the portion of the ground floor of the building which faces the sidewalk or other public right-of-way continues to be used or dedicated for business or commercial use. The ground floor may be used for residential garage or storage space so long as the garage or storage space is located in the rear of the building and does not face Broad or DeKalb Streets. City parking lots may be used to satisfy the off-street parking requirements for such residential uses.
- C.** Multi-family dwellings conditionally permitted in the EQ District are contingent upon such units being necessary, related to or used in support of equine operations.
- D.** Townhouses are permitted in the CBD except on Broad Street between Dekalb and York Streets, and Dekalb Street between Market and Church Streets and comply with requirements of § 157.042.

- E.** Multi-family residential buildings with units on the ground floor are permitted in the CBD except on Broad Street between Dekalb and York Streets, and Dekalb Street between Market and Church Streets. Multi-family residential buildings shall be designed so that individual dwelling units utilize a common entrance/exit point for the building through an enclosed common area, foyer or patio. The site plan for any proposed multi-family development must be approved by the Planning Commission per the applicable requirements of Chapter 156 - Land Development Regulations of this Code of Ordinances.
- F.** Multi-family residential uses in pre-existing buildings. Multi-family residential uses shall be allowed in pre-existing buildings previously utilized as public, institutional, industrial, commercial, or warehouse uses through adaptive reuse or as new multi-family residential construction meeting the design criteria established in § 157.096 – *Design Standards for Multi-Family Residential Development*.

157.055. OPEN STORAGE AREAS

Open storage as an accessory use to non-residential uses may be conditionally permitted where indicated by § 157.029(D) – *Table of Permitted Uses*; provided such storage area does not occupy over 20 percent of the buildable area, is not located in any required setback area or public right-of-way, and is totally screened from public view by screening or placement on the lot as detailed in § 157.139 – *Screening*.

157.056. COMMERCIAL EQUINE USES (NAICS 11292 and 711212)

Commercial horse operations shall adhere to the following guidelines:

- A.** A buffer area at least 20 feet in width shall be required along the property line to separate and shield residences from parking areas, barns, paddocks, manure stockpile, restrooms, concession stands, truck unloading areas, and other similar uses. The required buffer must be landscaped per the requirements for property buffers as provided in § 157.138 (H) – *Property Buffers*.
- B.** The lot must be designed and maintained to drain so as to prevent ponding and propagation of insects or pollution of adjacent streams.
- C.** The lot must be maintained in a sanitary condition through the use of appropriate measures such as lime and pesticides.
- D.** All grain must be stored in rodent proof containers.
- E.** Signs announcing an event may be installed on subject property 30 days prior to the event

and must be removed one week after the event. Maximum of one sign per road frontage and maximum height of 20 feet and maximum size 40 square feet is allowed.

- F. Directional signs related to specific events are permitted pursuant to the standard sign permitting process. No advertising information shall be allowed on a directional sign. Signs must be removed one week after the event.
- G. The site plan for any proposed commercial equine development must be approved by the Planning Commission per the applicable requirements of *Chapter 156 – Land Development Regulations*.

157.057. TEMPORARY USES

A. Permit required.

- 1. The Zoning Administrator is authorized to issue a permit for temporary uses as specified in this Zoning Ordinance. No temporary use may be established without such permit. A temporary use cannot be used as living quarters, except in conjunction with fairs and carnivals as permitted below.
- 2. Temporary use permits may be renewed no more than twice within one calendar year, provided that said use will not increase traffic congestion or constitute a nuisance to surrounding uses in terms of noise, parking and/or nighttime activity. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Zoning Administrator.

B. Type and location. The following temporary uses and no others may be permitted by the Zoning Administrator, subject to the following conditions.

- 1. Religious meetings in a tent or other temporary structure in the GBD, or CMU District for a period not to exceed 60 continuous days.
- 2. Open lot sales of Christmas trees in the CBD, GBD, LBD, or CMU District for a period not to exceed 45 days.
- 3. Contractor's office and equipment shed, in any district, for a period covering construction phase of a project not to exceed one year; provided that such office be placed on the property upon which the related construction is occurring. Such permits may be extended for a period of up to one year upon application by the permittee.
- 4. Temporary sales of produce and other seasonal goods in the CBD, GBD and CMU Districts for a period not to exceed 30 days, subject to the following conditions.

- a. Structures for temporary sales shall not exceed 100 square feet in floor area nor be closer than 35 feet to a right-of-way or prescriptive easement of a road.
 - b. Entrances and exits to roads shall be clearly delineated.
 - c. Entrances and exits shall be located as to provide safe ingress and egress from roads and shall be channeled to prevent unrestricted access to and from the premises.
 - d. No more than one sign consistent with the sign provisions of this Zoning Ordinance shall be permitted.
5. Temporary office trailers in any commercial or industrial district where the principal building is being expanded, rebuilt, or remodeled for the conduct of business while the principal building is under construction.
6. Fairs and carnivals located no closer than 500 feet to the closest point of any property line in any residential zoning district and operating no later than 11:00 p.m. Such use may be permitted for a period not to exceed seven consecutive days.
- C. Removal.** Temporary uses and structures from which temporary uses are operated shall be removed from the site within 30 days after the temporary permit has expired.
- D. Off-street parking.** Unless specified by §157.123 – *Parking Requirements* for a specific use, a minimum of five off-street parking spaces shall be required, and ingress/egress areas shall be clearly marked.
- E. Temporary use permit for non-profit fund raising event within a residence in a Residential District.**
- 1. An application for such use must be filed at least three months prior to the date of event.
 - 2. The Zoning Administrator must review all applications for such uses.

157.058 ANIMAL PRODUCTION (NAICS 112111, 11212, 11213, 1124, 1129)

Animal production, excluding animal feedlots, and limited to NAICS codes 112111, 11212 and 11213 (beef and dairy cattle); 1124 (sheep and goats); and 1129 (other animal production); and also including 71213 (zoos), shall meet the following requirements:

- A.** Minimum lot size for such use shall be two contiguous acres.
- B.** Such use shall not be located within 1,000 feet of any residential district or existing

residence, as measured in a straight line from any portion or part of the use, including fences, structures, and equipment storage, to the closest point of the property line(s) of any residential district or existing residential use.

- C. Adequate fencing shall be provided to retain livestock on the premises and to protect the required buffer. The required buffer must be landscaped per the requirements for property buffers as provided in § 157.138(H) – *Property Buffers*.
- D. The number of animals kept on the property at any given time per acre shall be in such numbers that they do not present any significant off-site impacts related to noise, odor or stormwater runoff.

157.059. HOME OCCUPATIONS

Home occupations, as defined by this Zoning Ordinance, shall meet the following requirements.

- A. The home occupation shall be carried on wholly within the principal building; attached garages may be used only for the storage of parts and materials.
- B. The floor area dedicated to such use shall not exceed 25 percent of the floor area of the principal building.
- C. No activity shall be conducted outside, nor shall there be any associated outdoor storage, display, or refuse area in any yard of the property.
- D. No signs shall be allowed, except in conformance with the zone district regulations within which the use is located;
- E. No merchandise or articles shall be displayed so as to be visible from outside the building.
- F. No person not residing in the residence shall be employed in the home occupation.
- G. No traffic shall be generated in an amount above that normally expected in a residential neighborhood. Vehicles used by or servicing the home occupation are limited to vehicles normally associated with residential areas.
- H. No parking is needed above that accommodated in residential off-street parking.
- I. There is no alteration whatsoever of the residential character of the building(s) and/or premises.
- J. The occupation, profession, or trade is properly licensed, and generates no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses in excess of normal residential use.

- K. The occupation shall not involve the retail sale of merchandise manufactured off the premises.
- L. The occupation shall not be used for receptions, parties, etc. in which the resident receives a fee or compensation for the use of the facility.

157.060. ACCESSORY STRUCTURES AND USES

- A. **Accessory Structures and Uses to Observe Required Setbacks.** Unless specifically provided herein, all accessory structures and uses shall observe all required setbacks, yard and other requirements applicable to the principal building or use for the district within which they are located. No accessory structure or use may be located in any required buffer area. In no case shall miscellaneous articles associated with such use be stored or displayed for sale closer than 35 feet to any property line having street frontage. In no case shall any accessory use or structure be built or placed within a public right-of-way.
- B. **General Requirements.**
 - 1. The use of mobile or manufactured homes, shipping containers, or similar structures as accessory buildings shall only be permitted in the CMU, GBD, or IND districts provided they are not visible from the street.
 - 2. The number of accessory buildings shall not exceed three on any lot or parcel in the R-15, R-10 or the R-6 Districts. There is no maximum requirement for the number of accessory buildings in other districts.
 - 3. Accessory structures shall collectively not exceed 50 percent of the Gross Floor Area (GFA) of the principal structure(s) in the R-15, R-10, or the R-6 Districts, or 35 percent of the required rear setback area. No maximum area is required for other districts.
 - 4. In all residential districts, corrugated or flat metal or plastic panels and similar materials cannot be used on the exterior walls of an accessory structure which is located in the side yard area. However, corrugated or flat metal or plastic panels and similar materials may be used for the exterior walls of accessory structures if the accessory structure is located in the rear-yard area and is shielded from view by the principal building, fencing, or landscaping so that it cannot be viewed from any street.
 - 5. In the R-15, R-10, and R-6 districts, open storage of materials (i. e., not under a roof) shall not exceed 50 square feet.
 - 6. Accessory buildings in residential districts shall not be used for storage in connection with a trade, except with an approved home occupation permit.

7. Private and decorative fences are permitted along the property line of any lot or parcel in compliance with the visibility requirements of § 157.191 – *Visibility at Intersections; Sight Triangle*.

C. Location. Unless specifically regulated, accessory structures and uses are permitted within the buildable area on the side or in the rear of the primary building, but not in front of the primary building. Under the following conditions; accessory structures and uses are permitted within required yards and setback areas:

1. Off-street parking and loading space. Off-street parking and loading spaces are permitted in required yard and setback areas, but not in required buffer areas.
2. Accessory structures, carports, garages, and other storage buildings. Detached accessory structures may be built within the required side and rear setbacks provided the structure is located no more than three feet from the rear property line. No accessory structure in a residential district shall be built closer than three feet to any side or rear property lines.

D. Specific Requirements and Conditions. The following requirements apply to specific accessory uses.

1. Domestic animal shelters and pens in residential areas for housing small animals.
 - a. Within residential zones, pens and shelters may be constructed in accordance with the following restrictions for the purpose of housing domestic pets and small animals. Commercial training or breeding facilities for small animals are prohibited. Horses, chickens, and dogs are allowed provided they do not exceed the maximum number allowed as stated below.
 - b. Maximum number of animals.
 1. Three dogs or small domestic animals per residential lot.
 2. Ten chickens per residential lot, however no roosters are allowed.
 - c. Pens may be located in the rear yard only.
 - d. Required setbacks.
 1. 10 feet from the side and rear property lines.
 2. 75 feet from any adjacent residence.
 3. 35 feet from any guest house, pool, or recreational use.

- e. The pen must be constructed to allow for proper and sanitary waste disposal and adequate drainage to prevent ponding and propagation of insects. Application of lime and pesticides to control odor and insects will be required.
 - f. All food must be stored in rodent and insect proof containers.
2. Stables and Paddock Fences Accessory to Residential Uses.
- a. Paddock fences allowed in rear yard area only, except that on lots of three acres or more, paddock fences may also be located in front and side yards.
 - b. Paddock fences must be at least five feet from the nearest adjacent property line and at least 50 feet from the nearest portion of any existing residence on an adjacent parcel. Paddock fences may be located on the property line if adjacent to:
 - 1. Permanent right-of-way (highway, wet lands).
 - 2. Another equestrian use.
 - c. Stables are allowed in the rear yard only.
 - d. Each stable must have a fenced paddock area of at least 1,000 square feet.
 - e. Stables must be at least 10 feet from the nearest property line of any adjacent non-residential parcel and at least 100 feet from the nearest property line of any existing adjacent residential use or residentially zoned vacant parcel.
 - f. Maximum four horses per acre of approved paddock area.
 - g. The paddock area must be maintained so as to prevent ponding of water and the propagation of insects and to prevent pollution of adjacent streams.
 - h. The paddock and stable must be maintained in a sanitary condition through the proper use of lime and pesticides.
 - i. Manure must be removed at least twice weekly so as to prevent propagation of flies and creation of odors.
 - j. Manure piles shall be located at least 50 feet from any property line.
 - k. All grain must be stored in rodent proof containers.
3. Portable classrooms. Portable classrooms, as an accessory use to an existing

building, in any district for cultural, community, or educational facilities or religious complexes, for an indefinite period provided all setback requirements for the district in which the structures are to be located and applicable buffer and landscaping requirements are met.

4. Fences and Walls.

a. General. The following standards shall apply to all fences and walls in all zoning districts unless otherwise noted.

1. Fences and walls shall be installed and maintained in compliance with the visibility requirements of § 157.191 – *Visibility at Intersections; Sight Triangle*, and so as not to otherwise interfere with the needs of drivers in parking areas, at entrance and exit locations, and at street intersections.
2. Fences and walls shall be constructed such that the “finished” part of the fence or wall is located to and facing the exterior of the property.
3. Nothing in this subsection shall preclude the installation of temporary fences around construction works, erected or maintained pursuant to the Building Code, soil erosion and sedimentation requirements, or tree conservation requirements.

b. Material and design. The following standards shall apply to all fences and walls in all zoning districts, unless otherwise noted.

1. Chain link fences shall not be permitted in a front setback area, except in the GBD, CMU and IND districts. All chain link fences in residential districts R-E, R-15, R-10, R-6, R-6S must be black or medium to dark green in color, as approved by the Zoning Administrator. This standard shall not apply to tennis courts and ball fields. Wire fences with a minimum grid size of two inches by four inches are allowed provided they are supported by wooden posts and include landscaping.
2. In a commercial district, fences made of chain link or similar material placed in an established yard which abuts a residential or mixed-use district shall provide a semi-opaque vegetative screen on the exterior side of the fence.
3. Security walls and fences, including but not limited to barbed wire, razor wire, concertina wire, and similar high security fencing material shall only be permitted in the IND district.

4. Electric fencing shall only be permitted where it is accessory to a permitted agricultural or equestrian use.
 5. Walls and fences used for landscaping or screening shall be constructed of masonry, stone, wood, vinyl or a material similar in composition and appearance as the principal building. Such walls and fences shall be opaque or shall be of a design approved by the Zoning Administrator. See § 157.139 - *Screening*.
 6. Unfinished concrete block walls (excluding decorative concrete block) shall not be permitted.
 7. Fences constructed of readily flammable material such as paper, cloth, or canvas, but not including wood, shall be prohibited.
 8. Fences or walls topped with or containing metal spikes, broken glass, or similar material shall be prohibited.
- c. Height. The following height limitations shall apply to all fences and walls unless otherwise required by this article.
1. The maximum height of fences and walls shall be four feet above grade when located within a required yard adjacent to a public street and a maximum of eight feet when located within any required side or rear yard not located adjacent to a public street or alley.
 2. Decorative caps or spires which extend above the highest horizontal member of the fence shall not be included in the measurement of height.
 3. In the GBD and IND districts, the maximum height of fences and walls shall be six feet above grade when located within a required yard adjacent to a public street if the fence is setback 10 feet from the front property line and the area between the fence and the property line is landscaped per the requirements of § 157.137 - *Landscaping* and § 157.138 - *Buffers*. Fences shall be a maximum of eight feet when located within any required side or rear yard not located adjacent to a public street.
5. Swimming pools. Swimming pools located on any site, including single family residential sites, shall meet the following requirements.
- a. Located in a side or rear yard only.
 - b. Located a minimum of ten feet from any property line.

157.061. HUNTING

Hunting is allowed on undeveloped tracts of land of at least 100 contiguous acres in size, where permitted as provided in § 157.029(D) – *Table of Permitted Uses*.

157.062. SATELLITE DISHES AND OTHER ANTENNAS ACCESSORY TO RESIDENTIAL USES

Satellite dish antennas measuring 39.97 inches or less in diameter and other antennas designed to receive broadcast satellite service, video programming services via broadband radio service (wireless cable), or local television broadcast signals, and accessory to a residential use as defined by this ordinance and by the *Federal Telecommunications Act of 1996*, shall meet the following requirements, to the extent that such requirements do not impair the installation, maintenance or use of such device:

- A. Such uses may be located on the roof of the structure and in required rear and side yards.
- B. No such use may be located closer than five feet to the nearest property line.
- C. If located within the buildable area of the lot of the residence, the use shall not extend or be located in front of any principal building.
- D. Satellite dishes shall be located to reduce visual impact from surrounding properties at street level and from the public right-of-way.

157.063. MOBILE FOOD VENDING

- A. A valid mobile vending permit issued by the Zoning Administrator is required prior to setting up or selling merchandise. Permit certificates shall be attached to the mobile vending unit where it is readily visible, and shall include the current name, mailing address and valid phone number of the mobile food vending unit owner.
- B. All vendors must obtain a city business license.
- C. Permitted merchandise shall be limited to edibles, hot and cold beverages containing no alcohol, and items related to such merchandise.
- D. Permission to operate must be obtained from the owner of the property on which the mobile vending unit is situated, or an authorized representative of the property owner.
- E. No more than one mobile food vending unit shall be allowed on any given lot at the same time without first obtaining a special event permit.

- F. Required parking for the business(es) located on the lot shall be minimally affected.
- G. Signage shall be permitted on the vehicle only to identify the name of the product, the name of the vendor, and the posting of prices. A separate menu board is allowed, not exceeding 12 square feet in area and 40 inches in height. This sign must be located on the same lot as, and within close proximity to, the mobile food vending unit, and shall not be placed on the sidewalk or the public right-of-way.
- H. The mobile food vendor shall only use single-serve plates and utensils. Garbage and recycling receptacles must be made available for patron use and removed from the site daily by the mobile food vendor.
- I. Mobile food vendors shall meet all applicable DHEC regulations for mobile food vending unit and possess a valid DHEC permit, where applicable.
- J. Any mobile food vendor or mobile food vending unit that has been issued a notice of health violation by any department or agency of the State of South Carolina, which remains uncorrected upon a subsequent inspection, shall have its mobile food vending permit revoked.
- K. Mobile food vendors shall properly store all fat, grease, oil, or waste water and shall dispose of all such waste only at locations designated and authorized to accept and dispose of such waste.
- L. A mobile food vendor shall not:
 - 1. Leave any vehicle unattended;
 - 2. Store, park, or leave any vehicle overnight on any street or sidewalk;
 - 3. Leave from any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by the vendor;
 - 4. Solicit or conduct business with persons in motor vehicles;
 - 5. Sell anything other than that for which a valid license to vend has been issued;
 - 6. Sound or permit the sounding of any device that produces a loud or raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public;
 - 7. Allow any item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property;

8. Change vending location without first notifying the Zoning Administrator and submitting the required permissions and site plan; and
 9. Discharge fat, grease, oil, or waste water into the sanitary sewer or stormwater system.
- M. Catered events, special events and mobile food vendors that fall under a special event permit are exempt from these requirements.

157.064. COTTAGE COURTS

- A. Due to the unique features of cottage courts, the applicable dimensional requirements of this Zoning Ordinance contained in §§ 157.076 through 157.083 - *Area, Density, Dimensional and Height Requirements* are hereby waived and the following design requirements are imposed for all such projects.
1. Individual lots (building sites) within the cottage court development shall be identified within the site plan for individual dwelling units and may be established without direct access to a public right-of-way. Each building site shall be established for no more than one dwelling unit.
 2. A common area shall be established for areas such as yards, parking, buffering, setbacks, and common amenities. Common areas shall be identified for the use of the property owners within the development through a horizontal property regime and related private easements for access for such property owners. All common areas shall be maintained by a homeowners association. A copy of the deed restrictions for the development shall be submitted with the site plan prior to development approval.
 3. The dwelling units shall be connected by sidewalks. At least 50% of the dwelling units shall be grouped around a common open space/community green.
 4. The maximum density of the development shall not exceed the single-family density requirements for the zoning district.
 5. The maximum area for any cottage court shall be three (3) acres. No cottage court shall be adjacent to another cottage court.
 6. Setbacks between structures within the development shall be no less than ten feet.
 7. Setbacks along the exterior of the property shall be 25 feet along the street, ten feet on the side, and ten feet on the rear.
 8. At least two parking spaces shall be provided for each dwelling unit. Parking shall not be allowed on any side of the property that faces a street.
 9. Individual dwelling units shall be designed with a front porch.
 10. The development shall conform to §157.138 (A) *Landscaping for Residential Uses*.

11. The development shall conform to *§157-139 Buffers* for single-family or multi-family residential land uses.
- B. The site plan for any proposed cottage court development must be approved by the Planning Commission per the applicable requirements of *Chapter 156 - Land Development Regulations*.

§ 157.065 SMOKE SHOPS AND TOBACCO STORES (NAICS 459991).

- A. General. Smoke shops and tobacco stores as defined in Section 157.220 are permitted in the Commercial Mixed Use District only as a conditional use subject to the location restrictions set forth in subsection (b) below. Any smoke shop and/or tobacco store wishing to operate in the City after the effective date of this Ordinance shall first apply for and obtain a conditional use permit from the Zoning Administrator. After the effective date of this Ordinance, it shall be a violation of this Ordinance for any person to operate or cause to operate within the City, a smoke shop or tobacco store without first obtaining a conditional use permit pursuant to this Section 157.064.
- B. Location Restrictions.
 1. Distance required from certain uses. No smoke shop or tobacco store shall be operated within one thousand (1,000) feet of a public or private school, daycare, healthcare facility, church or place of religious assembly, library, government office or public park.
 2. Basis of measurement. For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structure or objects, from the nearest property line of the premises where a smoke shop or tobacco store conducts business, to the nearest boundary line or the nearest property line of the premises containing a public or private school, daycare, healthcare facility, church or place of religious assembly, library, government office or public park.
 3. Impact of distance on existing use(s). A smoke shop or tobacco store lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a public or private school, daycare, healthcare facility, church or place of religious assembly, library, government office or public park.