Zoning Ordinance

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ARTICLE I. PURPOSE, SCOPE, AUTHORITY, SHORT TITLE

Sec. 101. Purpose.

The purpose of this chapter 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 City of Wellford. The regulations set forth herein are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of populations; to protect scenic areas; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods; to protect property against blight and depreciation; to secure economy in governmental expenditures; to conserve the value of land and buildings; and to encourage the most appropriate use of land and buildings and structures.

Sec. 102. Scope.

From and after the effective date of this chapter, 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 City of Wellford, shall be in conformity with the provisions of this chapter. 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.

Sec. 103. Authority.

The provisions of this chapter are adopted under the authority granted by the South Carolina Code of Laws, 1976, 1994 Cumulative Update, Title 6, Chapter 29.

Sec. 104. Short title.

This chapter shall be known and may be cited as the "Zoning Ordinance, City of Wellford, South Carolina."

Sec. 105. Interpretation.

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

Sec. 106. Jurisdiction.

The regulations set forth in this chapter shall be applicable within the corporate limits of the City of Wellford.

Sec. 107. Compliance.

This chapter shall take effect and all regulations included herein shall be in full force from and after the date of its adoption by the City of Wellford City Council.

ARTICLE II. ZONING DISTRICTS AND THE OFFICIAL ZONING MAP

Sec. 201. Zoning districts.

The City of Wellford is hereby subdivided into the following districts:

R-1	**Single Family Residential, Low Density**
R-2	Single Family Residential, Medium Density
R-2A	Single Family Residential, Medium Density and Duplex Residential
R-2B	Single Family Residential, High Density
R-3	Multi-Family District
R-3A MH/MHP	Manufactured Homes/Manufactured Home Parks
C-1	Transitional Commercial
C-2	Central Business District
I-1	Light Industrial
I-2	Heavy Industrial
FH-1	Flood Hazard Zone

Sec. 202. Zoning district boundaries and the official zoning map.

The boundaries of the above zoning districts are shown on the Official Zoning Map of the City of Wellford, South Carolina, which together with all explanatory matter thereon is hereby adopted by reference and declared a part of this chapter.

The official zoning map shall be identified by the signature of the mayor and attested by the city clerk, and bearing the seal of the city under the words: "Official Zoning Map, City of Wellford, South Carolina," together with the date of the adoption of this chapter.

If, in accordance with the provisions of this chapter and South Carolina Code of Laws, 1976, 1994 Cumulative Update, Title 6, Chapter 29, Section 760, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly by the city clerk within seven (7) days after the amendment has been approved by the city council. No amendment to this chapter, which involves matter portrayed on the official zoning map, shall become effective until after such change has been made on said map.

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

Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map that shall be located in the office of the city clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

Sec. 203. Interpretation of district boundaries.

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

A. District boundary lines are intended to follow the centerlines of streets, highways, alleys, easements, and other rights-of-way; the centerlines of streams or other water channels; and follow platted lot or other property lines.

B. In the absence of visual district boundaries or specified distances on the official zoning map, dimensions or distances shall be determined by the zoning administrator by scaling the distance on the official zoning map.

C. Properties divided by highways, streets, railroads, streams, rivers, lakes, and other bodies of water shall not be considered adjacent properties.

D. Where distances are not specifically indicated on the official zoning map and/or are not covered within this section, the board of zoning appeals shall interpret the district boundaries.

Sec. 204. Divided lot.

Where a district boundary divides a lot, which was in single ownership at the time of passage of the chapter, the board of adjustment 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 chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The fifty-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.

Sec. 205. Zoning of annexed property.

Where city limit 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. The ordinance to annex the territory will establish a zoning classification for the property based on a consideration of the current use of the property, the municipality's comprehensive plan, and the current zoning of neighboring properties.

B. In all cases, where additions or deletions in the City of Wellford' total land area require adjustments in the zoning district boundaries, said amendments shall be made on the zoning map within sixty (60) days and the date of council action shall be noted.

ARTICLE III. APPLICATION OF DISTRICT REGULATIONS

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided. Except where provisions for relief are set forth elsewhere in this chapter, the following general standards for the enforcement of district regulations shall apply.

Sec. 301. Use of land or structures.

No land or structure shall hereinafter be used or occupied, and no structure or parts hereafter be constructed, erected, altered or moved, unless in conformity with all the regulations herein specified for the district in which located.

A. No structure shall hereafter be erected or altered:

   1. With greater height, size, bulk, or other dimensions;

   2. To accommodate or house a greater number of families;

   3. To occupy a greater percentage of lot area;

   4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this chapter.

B. No part of a setback, or other open space, off-street parking or loading required in connection with any building for complying with this chapter, shall be included as part of a setback, open space, or off-street parking or loading space similarly required for any other building.

Sec. 302. Lot reduction prohibited.

No setback or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Setbacks or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

Sec. 303. Use of substandard lots of record.

Where, at the time of the adoption of this chapter, an existing lot record, that was recorded in compliance with all regulations in effect at the time it was recorded, does not conform to the dimensional requirements of this chapter, it may nonetheless be used as a building site and the zoning administrator is authorized to issue a certificate of zoning compliance for the use of the property. The zoning administrator shall establish setbacks to conform as closely as possible to the dimensional requirements of this chapter, but so as not to prohibit reasonable use of the parcel. If any of two (2) or more adjoining lots under the same ownership do not conform to the dimensional requirements of this chapter, then the lots must be combined to meet more closely, if not completely, the dimensional requirements of this chapter for the issuance of a certificate of zoning compliance.

ARTICLE IV. DISTRICT REGULATIONS

Sec. 401. R-1, Single-family Low Density Residential District.

401.1. The purpose of single-family zoning is to provide a homogeneous and aesthetically harmonious development of single-family dwelling units on a low-density configuration of 15,000 square feet lots or more.

401.2. *Permitted uses.* The following uses shall be permitted in any R-1 Zoning District:

A. Single Family Dwellings that meet International Building Code not to include mobile homes, manufactured homes, or tiny homes. One dwelling per lot.

B. Agriculture and related buildings and structures

C. Community recreational facilities including, but not limited to golf courses, parks, playground, country clubs, wild life reservations, but not including commercial amusement park facilities.

401.3. *Conditional uses.* The following uses shall be permitted in any R-1 Zoning District on a conditional basis, subject to the conditions of this section:

A. Medical facilities to include hospitals and public health facilities as long as these conditions are met:
   i. Sites must be located on major thoroughfares to facilities traffic flow and may not be located on residential streets or collectors
   ii. Sites shall include suitable landscaping to screen the structures from bordering streets and residential property
   iii. Shall provide a buffer strip of at least twenty-five (25) feet from all surrounding residential lots.
B. Libraries and other buildings used by the Federal, State, and Local County and City governments provided they are compatible with residential development.
C. Church, synagogue, temples and other places of worship provided that :
D. Public and private schools including preschools, kindergartens, day care centers, and instruction of higher learning and usual accessory buildings provided that:
   i. Such uses meet the minimum standards set forth for such facilities by the state board of health.
   ii. Such use is located on a lot less than 20,000 square feet in area
   iii. No structure on the lot is closer that twenty-five (25) feet to any abutting residential property line
E. Public utility substation including water towers, provided that:
   i. Such use is enclosed by a painted or chain fence or wall at least six (6) feet in height above finish grade
   ii. There is neither office nor commercial operation nor storage of vehicles or equipment on the premises
   iii. Landscaped strip not less than five (5) feet in width and suitability maintained around the facility.
F. Cemeteries including mausoleums provided that new location confirm to the following:

i. The site shall be no less than five (5) acres
ii. A buffer strip of one hundred feet from the center line of the right of way of bordering streets
iii. A buffer strip from abutting residential property lines containing shrubbery is provided
iv. The facilities include no crematorium
v. The facilities may only include a dwelling unit for the caretaker

G. A nursing home, congregate care or assisted living facility provider that :
i. not to include a mix used development of these uses
ii. Such uses are housed in a permanent structure
iii. Such use is located on a lot not less than 20,000 square feet in area
iv. No structure on the lot is closer than twenty-five (25) feet to any abutting residential property line.

H. Accessory Uses associated with residential uses.
I. Temporary Uses in compliance with the provisions of Article X, Section 1008.

401.4. *Special exceptions.* The following uses shall be permitted in the R-12 Zoning District as a special exception, subject to the conditions of this article and Article X, Section 1014:

The following uses shall be permitted in the R-1 Zoning District as a special exception, subject to the conditions of this article:

A. Bed and breakfast inn, provided that it meets the following conditions:
i. The inn must be operated by members of the household living on the premises.
ii. A maximum of one (1) bed and breakfast inn shall be permitted on any parcel.
iii. The inn must be operated in a structure constructed prior to the passage of this amendment.
iv. The inn shall have no more than eight (8) guest rooms.
v. The inn shall not require any alteration or change in the essential residential character of the dwelling.
vi. The operation of the inn shall involve no exterior storage of materials or supplies.
vii. There shall be no exterior displays or signs, except for one (1) on-site sign no larger than twenty (20) square feet stating the name of the inn.
viii. The inn shall provide at least one (1) paved parking space on the property for each guest room. Parking spaces shall be located behind the front line of the structure.
ix. The resident operator of the inn shall keep a current guest register, including the names, addresses, and occupancy dates of all guests.
x. No guest shall occupy the inn for more than seven (7) consecutive nights.
xi. The inn may serve only a breakfast meal.
xii. The inn may only serve meals to registered guests.
xiii. The Planning Commission must hold a public hearing to determine if the proposed bed and breakfast inn is consistent with a quiet residential neighborhood.

B. Garage apartment/accessory apartments, provided that such use meets the following conditions:
i. There may only be (1) apartment per lot.
ii. An apartment may only be located on a lot with a single-family residence.
iii. A property with an apartment may not have more than two (2) residences on the property.

iv. The owner must reside in either the primary or accessory dwelling at the time of construction.
v. As a residential unit, the district setbacks shall apply.
vi. The proposed apartment will be no larger than eight hundred (800) square feet (decks, patios, and porches without roofs will not be included in the eight hundred (800) square feet) and have no more than two (2) bedrooms.
vii. The apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit, utilizing the same gas, electrical, and water meters as the principal dwelling.
viii. One (1) space, in addition to any parking requirements for the primary unit, shall be required, in the rear yard or in the garage.
ix. The property shall retain a single-family appearance from the street.
x. The accessory dwelling is to be occupied by a person related by blood, marriage or legal adoption to one or more family members living in the other portion of the dwelling.
xi. No apartment shall be used for income purposes.
xii. Prior to construction, a scaled site plan must be submitted, which shows, at a minimum, the location and dimensions of the principal structure, propose accessory dwelling unit, and required off street parking spaces; colors and materials for exterior use; and all applicable setbacks.
xiii. Occupancy of an accessory dwelling unit shall be limited to no more than two (2) persons.
xiv. Neither the primary residence nor the accessory apartments shall be a manufactured home, mobile home, trailer, temporary building, or utility/storage shed.
xv. The planning commission shall hold a public hearing to determine if the proposed apartment meets the above conditions and is consistent with neighborhood design.

401.5. *Prohibited uses.* No activity that does not fall within the parameters of Sections 401.2, 401.3 or 401.4 shall be permitted within the R-1 Zoning District. The following uses are expressly prohibited in order to increase ordinance clarity.

A. Sexually Oriented Businesses
B. Mobile Homes
C. Tiny Homes
D. Campers and RVs as permanent living quarters

401.6. *Dimensional requirements.* Uses permitted in the R-1 Zoning District shall be required to conform to the following standards, except that the use of substandard lots of record as of the effective date of this chapter may be subject to the relief provided in Article III, Section 303 of this chapter.

Minimum Lot Square Footage	15,000 square feet
Minimum Front Lot Setback	40 feet
Minimum Side Lot Setback	15 feet
Minimum Rear Setback	40 feet
Maximum Building Height	35 feet
Minimum Lot Width at Front Building Line	75 feet
Minimum House Square Footage	1200 Square feet

Sec. 402. R-2, Single-Family Medium Density Residential District.

402.1. *Purpose*. The purpose of single-family zoning is to provide a homogeneous and aesthetically harmonious development of single-family dwelling units on a low-density configuration of 8,000 square foot lots or more.

402.2. *Permitted uses.* All permitted uses listed in R-1 are allowed in R-2.

A. Modular/manufactured homes that meet international building codes. They must be placed on permanent foundation and brick underpinning.

402.3. *Conditional uses.* All conditional uses listed in R-1 are allowed in R-2.

402.4. *Special exceptions.* All special exceptions listed in R-1 are allowed R-2.

402.5. *Prohibited uses.* No activity that does not fall within the parameters of Sections 402.2, 402.3 or 402.4 shall be permitted within the R-2 Zoning District. The following uses are expressly prohibited in order to increase ordinance clarity:

A. Sexually oriented businesses.

B. Tiny Homes

C. Campers and RVs as permanent living quarters.

402.6. *Dimensional requirements.* Uses permitted in the R-2 Zoning District shall be required to conform to the following standards, except that the use of substandard lots of record as of the effective date of this chapter may be subject to the relief provided in Article III, Section 303 of this chapter.

Minimum Lot Square Footage	8,000 square feet
Minimum Front Lot Setback	25 feet
Minimum Side Lot Setback	10 feet
Minimum Rear Setback	30 feet
Maximum Building Height	35 feet
Minimum Lot Width from Front Building Line	50 feet
Minimum house square footage	1200 square feet

Sec. 403. R-2A, Medium Density Single-Family and Duplex Residential District.

403.1. *Purpose*. This district is intended to foster, preserve and protect areas of the community in which the principal use of land is low and medium density one-family and two-family residential dwellings and related support facilities. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots on eight thousand (8,000) square feet or more; and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

403.2. *Permitted uses.* The following uses shall be permitted in any R-2A Zoning District:

A. Any use, together with the conditions attached thereto, permitted in the R-1 and R-2 Zoning Districts.

B. One (1) duplex or two-family dwelling unit meeting International Building Code requirements.

403.3. *Conditional uses.* All conditional uses permitted in the R-1 and R-2 Zoning District as shown in Article IV, Section 401.3, shall be permitted in any R-2A Zoning District on a conditional basis subject to the conditions set forth in that section.

403.4. *Special exceptions.* All special exceptions in R-1 and R-2 are allowed in R-2A with the following exceptions:

A. Bed and Breakfast and Garage Apartments are only allowed with Single Family Units, not duplexes.

403.5. *Prohibited uses.* No activity that does not fall within the parameters of Sections 403.2, 403.3 or 403.4 shall be permitted within the R-8 Zoning District. The following uses are expressly prohibited in order to increase ordinance clarity:

A. Sexually oriented businesses.

B. Tiny Homes

C. Mobile Homes, Manufactured Homes, or Trailers

D. Campers and RVs has permanent living quarters

403.6. *Dimensional requirements.* Uses permitted in the R-2A Zoning District shall be required to conform to the following standards, except that the use of substandard lots of record as of the effective date of this chapter may be subject to the relief provided in Article III, Section 303 of this chapter.

Minimum Lot Square Footage	
Single Family Home	8,000 square feet
Duplex	4,500 square feet per building
Minimum Front Lot Setback	
Single Family	25 feet
Duplex	25 feet
Minimum Side Lot Setback	
Single Family	10 feet
Duplex	10 feet (each building must be at least 5 feet from each other)
Minimum Rear Setback	
Single Family	30 feet
Duplex	20 feet
Maximum Building Height	35 feet
Minimum Lot Width	
Single Family	50 feet
Duplex	60 feet
Minimum house square footage	
Single Family	1200 square feet
Duplexes	800 square feet per unit

Sec. 404. R2-B, Single Family Residential, High Density

404.1. *Purpose*. The purpose of single-family zoning is to provide a homogeneous and aesthetically harmonious development of single-family dwelling units with smaller lot sizes of 6,000 square foot lots or more.

404.2. *Permitted uses.* The following uses are permitted in any R-2B Zoning District:

A. Any use, together with the conditions attached thereto, permitted in the R-1, R-2, and R-2A Zoning Districts.

404.3. *Conditional uses.* The following uses shall be permitted in any RM-8 Zoning District subject to the conditions of this section, unless otherwise noted, and Article X, Sections 1006 and 1007.

A. Any use, together with the conditions attached thereto, conditional uses in the R-1, R-2, and R-2A Zoning Districts.

404.5. *Prohibited uses.* No activity that does not fall within the parameters of Sections 404.2, 404.3 or 404.4 shall be permitted within the R-2B Zoning District. The following uses are expressly prohibited in order to increase ordinance clarity:

A. Sexually oriented businesses.

B. Tiny Homes

C. Mobile Homes, Manufactured Homes, and Trailers

D. Campers and RVs as permanent living quarters

404.6. *Dimensional requirements.* Uses permitted in the R-2B Zoning District shall be required to conform to the following standards, except that the use of substandard lots of record as of the effective date of this chapter may be subject to the relief provided in Article III, Section 303 of this chapter.

Minimum Lot Square Footage	Single Family 6,000 square feet Duplex 4,500 saure feet per building
Minimum Front Lot Setback	Single Family 25 feet Duplex 25 feet
Minimum Side Lot Setback	Single Family 10 feet Duplexes 10 feet from Property Lines and 5 feet between each building
Minimum Rear Setback	Single Family 30 feet Duplexes 20 feet
Maximum Building Height	35 feet
Minimum Lot Width	Single Family 45 feet Duplexes 50 feet
Minimum house square footage	Single Family 1000 square feet Duplexes 800 square feet

Sec. 405. R-3 Multi-Family District.

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

405.2. *Permitted uses.* The following uses shall be permitted in any R-3 Zoning District:

A. Any use, together with the conditions attached thereto, permitted in the R-1, R-2, R-2A, and R-2B Zoning Districts.

B. Duplex, townhouses, and apartments.

405.3. *Conditional uses.* The following uses shall be permitted in any R-3 Zoning District subject to conditions of this section, unless otherwise noted, and Article X, Sections 1006 and 1007.

A. All conditional uses permitted in the R-1, R-2, R-2A, and R-2B Districts shall be permitted in any R-3 District on a conditional basis subject to the conditions set forth for that district.

405.4. *Special exceptions.* The following uses shall be permitted in the R-3 Zoning District as a special exception, subject to the conditions of this article and Article X, Section 1014:

405.5. *Prohibited uses.* No activity that does not fall within the parameters of Sections 405.2, 405.3 or 405.4 shall be permitted within the RM-16 Zoning District. The following uses are expressly prohibited in order to increase ordinance clarity:

A. Sexually oriented businesses.

B. Tiny Homes

C. Mobile Homes, Manufactured Homes, and Trailers

D. Campers and RVs as permanent living quarters

405.6. *Dimensional requirements.* Uses permitted in the R-3 Zoning District shall be required to conform to the following standards, except that the use of substandard lots of record as of the effective date of this chapter may be subject to the relief provided in Article III, Section 303 of this chapter.

Minimum Lot Square Footage	
Single Family Home	6,000 square feet
Duplex	4,500 square feet per building
Townhomes	2500 square feet per unit
Multi-Family Units (more than 2 units)	1 acre
Minimum Front Lot Setback	
Single Family	25 feet
Duplex	20 feet
Townhomes	25 feet
Multi-Family Units (more than 2 units)	20 feet
Minimum Side Lot Setback	
Single Family	10 feet
Duplex	10 feet (each building must be at least 5 feet from each other)
Townhomes	15 feet
Multi-Family Units (more than 2 units)	20 feet from property line and 5 feet between each building
Minimum Rear Lot Setback	
Single Family	15 feet
Duplex	15 feet
Townhomes	40 feet
Multi-Family Units (more than 2 units)	40 feet
Minimum Lot Width	
Single Family	45 feet
Duplex	50 feet
Townhomes	*
Multifamily	100 feet
Minimum House Square Footage	
Single Family	1200 square feet
Duplexes	800 square feet per unit

* Minimum lot width shall be twenty (20) feet for interior lots and thirty-five (35) feet for exterior lots.

** The minimum side setbacks for townhouses shall be fifteen (15) feet at the ends of buildings only.

405.7 *Other district regulations.*

405.7.1. *Streets and access*. All private roadways within a multi-family development shall be paved with asphalt or concrete. The wearing surface for asphalt paving shall be one and one-half (1½) inches thick. If concrete is used, it should be a minimum of five (5) inches thick and have expansion joints where it meets driveways, walkways or curbs.

All roadways which are not to be dedicated as public streets shall have a minimum travel width of twenty (20) feet, exclusive of parking.

Roads within a multi-family development that are to be dedicated, as public streets shall conform to the criteria established for Spartanburg County roads.

Access roads to a multi-family development shall be located at least one hundred fifty (150) feet from any public street intersection. The number of entrances and/or exits shall not exceed the ratio of one (1) per one hundred fifty (150) feet of park frontage. Developments with less than one hundred fifty (150) feet of frontage are only allowed one (1) combination ingress and egress road.

Sec. 406. R-3A Mobile Home and Mobile Home Parks

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

406.2. *Permitted uses*.

A. Mobile Homes, subject to the provision of Article IX of this Ordinance.
B. Mobile Homes Parks, subject to the provision of Article IX of this ordinance. R-1, R-2, R-2A, R-2B, R-3 are allowed.
C. Homes must be ten (10) years old or newer and must be placed facing the roadway.

406.3. *Prohibited uses.* No activity that does not fall within the parameters of Sections 406.2 shall be permitted within the MH/MHP District. The following uses are expressly prohibited in order to increase ordinance clarity:

A. Sexually oriented businesses.
B. Cellular towers.
C. Tiny Homes
D. Campers/RVs/Trailers as permanent living quarters

406.4. *Dimensional requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the MH/MHP Zoning District shall be required to conform to the following standards:

Minimum Lot Square Footage	2200 square feet
Minimum Front Lot Setback	25 feet
Minimum Side Lot Setback	10 feet
Minimum Rear Setback	10 feet

Sec. 407.C-1 Transitional Commercial

407.1. *Purpose*. The purpose is to provide a compatible change from residential to commercial uses. The ae shall act as a buffer, containing quiet, low volume businesses that may service the neighborhood, as well as a larger area.

407.2. *Permitted uses.* Any uses permitted in R-1, R-2, R-2A, R-2B and R-3. The following uses shall be permitted in the C-1 Zoning District:

A. General offices.
B. Government offices/buildings.
C. Retail businesses that would be considered low volume retail including but not limited to:
    i. Drug Store
    ii. Small convenience store.
    iii. Florist shop.
    iv. Antique store.
    v. Newsstand or bookstore.
    vi. Bakery.
    vii. Gift store.
    viii. Arts and crafts store.
    ix. Package stores.
    x. Hardware store.
    xi. Hobby or toy store.
    xii. Variety store.
D. Personal services including but not limited to:
    i. Branch bank and other financial institutions.
    ii. Barber or beauty shop.
    iii. Alterations.
    iv. Laundry/dry cleaning.
E. Funeral homes.
F. Jewelry stores and repair.
G. Dance, music, art schools.
H. Locksmith/gunsmith,
I. Professional services including but not limited to:
    i. Lawyers.
    ii. Engineers.
    iii. Architects.
    iv. Accountant.
    v. Real estate.
J. Nursing homes, assisted living facilities, and care homes.
K. Cultural centers including but not limited to:
    i. Libraries.
    ii. Museums.
    iii. Theaters.
L. Parks, playgrounds and other public recreational areas.
M. Medical offices including:
    i. Doctors.
    ii. Chiropractor.

iii. Eye doctor.
iv. Lab.
v. Clinic.

N. Restaurants
O. Child and adult day cares.
P. Radio and TV Stations
Q. Tow Service
R. Garage/Mechanics

407.3. *Conditional uses.* The following uses shall be permitted in any NBD Zoning District on a conditional basis, subject to conditions of this section, unless otherwise noted, and Article X, Sections 1006 and 1007.

A. Commercial parking lots provided they be screened from bordering residential lots.
B. Temporary use in compliance with the provisions of Article X. Section 1008.
C. Animal hospital or animal boarding facility provided all board arrangements are maintained within a building and no noise connected with the operation of the facility is audible beyond the premises.
D. Public utility substation, installation, water towers, and fire towers provided that:
    i. Such use is enclosed by a painted, chain link fence, or wall at least 6 feet in height about finished grade.
    ii. No office or commercial operation are on the premises.
    iii. No storage of vehicles or equipment are on the premises.
    iv. Landscaped strip not less than five (5) feet in width is planted and maintained.
E. Car wash provided:
    i. An off-street paved parking area accommodating at least one-half of the hourly vehicle washing capacity for vehicles awaiting entrance to the washing process is suitably located and maintained on the premises.
    ii. Such space shall contain at least two hundred (200) square feet per waiting vehicle and no safety hazard or impediment to traffic movement shall be created by the operation of such an establishment.
F. Cemetery, provided that such use:
    i. Consists of a site at least five (5) acres in size.
    ii. Includes no crematorium or dwelling unit other than for a caretaker and immediate family members.
G. G. Bed and breakfast inn provided that it meet the following conditions:
    i. The inn must be operated by members of the household living on the premises.
    ii. A maximum of one (1) bed and breakfast inn shall be permitted on any parcel.
    iii. The inn must be operated in a structure constructed prior to the passage of this amendment.
    iv. The inn shall have no more than eight (8) guest rooms.
    v. The inn shall not require any alteration or change in the essential residential character of the dwelling.
    vi. The operation of the inn shall involve no exterior storage of materials or supplies.

vii. There shall be no exterior displays or signs, except for one (1) on-site sign no larger than twenty (20) square feet stating the name of the inn.

viii. The resident operator of the inn shall keep a current guest register, including the names, addresses, and occupancy dates of all guests.

ix. No guest shall occupy the inn for more than seven (7) consecutive nights.

x. The inn may serve only a breakfast meal.

xi. The inn may only serve meals to registered guests.

xii. The board of zoning appeals must hold a public hearing to determine if the proposed bed and breakfast inn is consistent with a quiet residential neighborhood.

xiii. Small functions such as weddings, receptions, teas and baby showers, may be held for groups of up to twenty-five (25) people.

xiv. To ensure compatibility with surrounding residences, functions shall end no later than 8:00 p.m.

xv. The inn shall provide at least one (1) paved parking space on the property for every two (2) possible guests. Parking spaces shall be located behind the front line of the structure.

407.5. *Prohibited uses.* No activity that does not fall within the parameters of Section 407.2, 407.3 or 407.4 shall be permitted within the C-1 Zoning District. The following uses are expressly prohibited in order to increase ordinance clarity:

407.6. *Dimensional requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the C-1 Zoning District shall be required to conform to the following standards:

Minimum lot area	6,000 square feet
Minimum lot width	50 feet
Maximum Building Height	45 feet
Maximum Coverage	50%
Minimum Front Setback	25 feet
Minimum Side Setback	10 feet
Minimum Rear Setback	10 feet

Sec. 408. C-2 Central Business District

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

408.2. *Permitted uses.* Uses permitted in C-1. The following uses shall be permitted in the C-2 Zoning District:

A. Any use, together with the conditions attached thereto permitted in the C-1 Zoning District.

B. Financial Institutions

C. Restaurants and Taverns

D. Hotels and Motels

E. Public Buildings

F. Gas Stations and Convenience Stores

G. Retail Businesses

H. Churches

I. Parking Lots

J. Utility Substations

K. Daycares/Schools

L. Grocery Stores

M. Hardware Stores

408.3. *Conditional uses.* The following uses shall be permitted in any GBD Zoning District, subject to conditions of this section, unless otherwise noted, and Article X, Sections 1006 and 1007.

A. Combination of residential units with any use permitted herein, if all dwelling units have direct access to the outside of the structure. Parking provisions shall be complied with for each use.

B. Car wash provided an off-street paved parking area accommodating at least one-half of the hourly vehicle washing capacity for vehicles awaiting entrance to the washing process is suitably located and maintained on the premises. Such space shall contain at least two hundred (200) square feet per waiting vehicle and no safety hazard or impediment to traffic movement shall be created by the operation of such an establishment.

C. Hospitals or clinics including any functions, which relate directly to the operation of the hospitals or clinics and are contained within the confines of said hospital or clinic.

D. Truck terminal, if:

1. Paved acceleration and deceleration lanes are at least ten (10) feet in width and one hundred (100) feet in length, respectively.

2. Are furnished and maintained where trucks enter at or leave terminal sites, and provided sites for such facilities have direct access to major streets.

E. Cemetery provided that such use:

1. Consists of a site at least five (5) acres in size.

2. Includes no crematorium or dwelling unit other than for a caretaker and immediate family members.

3. Has a front setback of at least forty-five (45) feet from the edge of the street right-of-way. If there is no established right-of-way, the setback shall be at least seventy (70) feet from the centerline of the road.

F. Radio and television stations provided that the requirements for parking, loading, and unloading, conform to those for industrial buildings as set forth in Article V.

G. Single-family residence meeting Southern Standard Building Code requirements provided it was in existence at the time this section was adopted.

H. Multi-family residence provided it be in existence at the time this section was adopted.

I. Cellular towers, subject to the conditions found in Section 925.

408.4. *Prohibited uses.* No activity that does not fall within the parameters of Section 407.2, 407.3 or 407.4 shall be permitted within the NBD Zoning District.

The following uses are expressly prohibited in order to increase ordinance clarity:

A. Sexually oriented businesses.

408.5. *Dimensional requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the C-2 Zoning District shall be required to conform to the following standards:

Minimum lot area	None
Minimum lot width	None
Minimum front setback	None
Minimum side setback	None
Minimum rear setback	10 feet
Maximum building height	35 feet

Sec. 409. I-1 Light Industry

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

409.2. *Permitted uses.* The following uses shall be permitted in the I-1 Zoning District:

A. All uses permitted in C-2.

B. Research or experimental laboratory.

C. Agricultural farm.

D. Horticultural nursery.

E. Noncommercial horticulture/agriculture.

F. Radio and/or television station and/or transmission tower.

G. Office building and/or offices for governmental, professional, or general purposes.

H. Commercial, trade, or vocational school.

I. Off-street commercial parking lot or garage, as well as off-street parking or storage area for customer, client, or employee-owned vehicles.

J. Food preparation establishments for off-premise delivery.

K. Hospitals and clinics.

L. Newspaper publishing plant.

M. Automobile, farm equipment, boat and/or recreational vehicle sales, open yard for the sale, rental, and/or storage of materials or equipment, excluding junk or other salvage as long as all inventory is stored/parked on the same premises as the sales office.

N. Mini-warehouses.

O. Care homes/nursing facilities.

P. Cemetery.

Q. Auto sales.

R. Trucking Terminal

S. Fabricating Shops

T. Textile Plants

U. Parks and Open Spaces

V. Suppliers for industrial equipment and services

409.3. *Conditional uses.* The following uses shall be permitted in any I-1 Zoning District subject to the conditions of this section, unless otherwise noted, and Article X, Sections 1006 and 1007:

A. Drive In theaters as long as the following are met:

i. No part of the theater screen, projection booth, or other building shall be located closer than 400 feet (400) feet to any residential district nor closer that fifty (50) feet to any property line or public right of way;

ii. No parking space shall be placed closer than one hundred (100) feet to any residential district

iii. The theater screen shall not face a way or street or highway

B. Wholesaling, warehousing, supply and distribution in a building or structure shall be:

i. Be screened by a permanent fence, wall earth embankment, or other improved material so as not to be visible from a public street

ii. Screen shall be at least six (6) feet In height or two (2) feet higher than the stored material, whichever is higher

H. Cellular towers, subject to the conditions listed in Section 925.

409.4. *Prohibited uses.* No activity that does not fall within the parameters of Section 409.2 or 409.3 shall be permitted within the RLI Zoning District to include:

i. Sexually Oriented Businesses

409.5. *Dimensional requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the I-1 Zoning District shall be required to conform to the following standards:

Minimum lot area	½ acre
Minimum lot width	75 feet
Minimum front setback	20 feet
Minimum side setback	15 feet*
Minimum rear setback	20 feet**
Minimum building height	35 feet***

* Minimum side setback: Fifteen (15) feet on each side, except that when the property abuts a non-industrial zoning district, at least twenty-five (25) feet on that particular side shall be required. For side setback requirements pertaining to corner lots, see Article IX, Section 905.

** Minimum rear setback: Twenty (20) feet, except that when the property abuts a non-industrial zoning district, forty (40) feet shall be required. For rear yard requirements pertaining to double frontage lots, see Article IX, Section 906.

*** Maximum building height: Thirty-five (35) feet except upon Fire Chief's written approval with conditions stated therein. For other exceptions to height regulations, see Article XI, Section 912.

409.6. *Other district regulations.*

409.6.1. *General and supplemental requirements.* Uses permitted in RLI Zoning Districts shall meet the standards set forth in Article VIII.

409.6.2. *Street planting strips*. In all front setbacks, a strip not less than six (6) feet in width shall be provided along the street line on the property, which shall be planted and maintained in grass with street trees or in shrub planting or as may be required in approval of the site plans. Signs shall not be erected in this area with the exception of official traffic and regulatory signs.

409.6.3. *External storage.* Any external storage of inventory, parts, or machinery shall be established to the rear of the front line of the principal structure and if such storage shall be completely enclosed by a solid fence or wall of at least six feet in height composed of treated wood or brick.

Sec. 410. I-2, Heavy Industry

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

410.2. *Permitted uses.* The following uses shall be permitted in the I-2 Zoning District:

A. Any use permitted in any I-1 subject to the standards set forth in that section.

B. Any industrial use plus operation incidental to such use which involves manufacturing, processing, repair or assembly operations, or the storage and sale of heavy materials, products, or equipment, but not including junk or salvage yards or uses which may cause injurious or noxious noise, vibration, smoke, gas fumes, odor, dust, fire hazards, dangerous radiation or other similar conditions.

C. Bulk storage of petroleum or chemical products.

D. Chemical refineries

E. Manufacturing of cement, lime, and gypsum

F. Explosive manufacturing and storage

G. Slaughter yards

H. Mineral processing plants

I. Stock Yards

J. Dye stuff manufacturing

K. Tar distillation or manufacturing.

410.3. *Conditional uses.* The following uses shall be permitted on a conditional basis in the I-2 Zoning District subject to the conditions of this section.

A. Any use permitted on a conditional basis in any I-2 Zoning District.

B. Any industrial use which may produce significant noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other objectionable conditions, provided that:

i. such objectionable condition does not constitute a nuisance to adjoining properties;

ii. such use is located at least fifty (50) feet from any abutting property line;

iii. such use is located on a site at least five (5) acres in size, except that if such use borders a parcel zoned for residential usage, it shall be located at least seventy (70) feet from such property line. A buffer area in compliance with Article VII of this chapter shall be required.

C. Open yard use for the sale, rental and/or storage of new, used or salvaged materials or equipment, provided that:

i. such use is conducted in a manner that it will be located on a site no less than one (1) acre in size,

ii. provided no burning of materials or products is conducted on the premises except by means approved by the Fire Chief

iii. In the case of external storage of used or salvaged materials and/or equipment, a buffer strip in compliance with Article VII of this chapter shall be required along all property lines.

410.4. *Prohibited uses.* No activity that does not fall within the parameters of Section 410.2 or 410.3 shall be permitted within the I-2 Zoning District and will also include”

i. Sexually Oriented Businesses

410.5. *Dimensional requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the I-2 Zoning District shall be required to conform to the following standards:

Minimum lot area	None
Minimum lot width	100 feet
Minimum front setback	25 feet
Minimum side setback	25 feet*
Minimum rear setback	15 feet** *
Minimum building height	35 feet

* Minimum side setback: Twenty-five (25) feet on each side, except that when the property abuts a non-industrial zoning district, thirty (30) feet shall be required. For side yard requirements pertaining to corner lots, see Article XI, Section 905.

** Minimum rear yard: Fifty (50) feet, except that where the property abuts another zoning district, seventy (70) feet shall be required. For rear yard requirements pertaining to double frontage lots, see Article XI, Section 906.

*** Maximum building height: Thirty-five (35) feet except upon Fire Chief's written approval with conditions stated therein. For other exceptions to height regulations, see Article XI, Section 912.

410.6. *Other district requirements.*

410.6.1. *General and supplemental regulations.* Uses permitted in I-2 Zoning Districts shall meet the standards set forth in Article VIII.

410.6.2. *Street planting strips.* In all front setbacks, a strip not less than six (6) feet in width shall be provided along the street line on the property, which shall be planted and maintained in grass with street trees or in shrub planting or as may be required in approval of the site plans. Signs shall not be erected in this area with the exception of official traffic and regulatory signs.

410.6.3. *External storage.* Any external storage of inventory, parts, or machinery shall be established to the rear of the front line of the principal structure and such storage shall be completely enclosed by a solid fence or wall of at least six (6) feet in height composed of treated wood or brick.

Sec. 411. FH-1 Flood Hazard Zone

411.1. *Purpose*. The purpose is to ensure that adequate openings will be maintained for the passage of floodwaters; to prevent, in areas subject to flood, encroachments that will restrict flood channels and increase flood heights, and to reduced risk of loss of life and excessive damage to property because of floodwaters. The boundary of the flood hazard zone is the boundary defined by the Federal Insurance Administration of the US Department of Housing and Urban Development for insurance of flood insurance and coincides with the one hundred (100) year flood plain area. .

411.2. *Permitted uses.* The following uses shall be permitted in the FH-1 Zoning District:

A. Recreational Uses

B. Open Space

C. Waste Treatment Facilities

411.3. *Conditional uses.* The following uses shall be permitted on a conditional basis in the I-2 Zoning District subject to the conditions of this section.

A. Any use permitted on a conditional basis in any I-2 Zoning District.

B. Any industrial use which may produce significant noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other objectionable conditions, provided that:

iv. such objectionable condition does not constitute a nuisance to adjoining properties;

v. such use is located at least fifty (50) feet from any abutting property line;

vi. such use is located on a site at least five (5) acres in size, except that if such use borders a parcel zoned for residential usage, it shall be located at least seventy (70) feet from such property line. A buffer area in compliance with Article VII of this chapter shall be required.

D. Open yard use for the sale, rental and/or storage of new, used or salvaged materials or equipment, provided that:

i. such use is conducted in a manner that it will be located on a site no less than one (1) acre in size,

ii. provided no burning of materials or products is conducted on the premises except by means approved by the Fire Chief

iii. In the case of external storage of used or salvaged materials and/or equipment, a buffer strip in compliance with Article VII of this chapter shall be required along all property lines.

411.4. *Prohibited uses.* No activity that does not fall within the parameters of Section 410.2 or 410.3 shall be permitted within the I-2 Zoning District which will include:

. i. Sexually Oriented Businesses

410.5. *Dimensional requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the FH-1 Zoning District shall be required to conform to the following standards:

Minimum lot area	None
Minimum lot width	100 feet
Minimum front setback	25 feet
Minimum side setback	25 feet*
Minimum rear setback	15 feet** *
Minimum building height	35 feet

* Minimum side setback: Twenty-five (25) feet on each side, except that when the property abuts a non-industrial zoning district, thirty (30) feet shall be required. For side yard requirements pertaining to corner lots, see Article XI, Section 905.

** Minimum rear yard: Fifty (50) feet, except that where the property abuts another zoning district, seventy (70) feet shall be required. For rear yard requirements pertaining to double frontage lots, see Article XI, Section 906.

*** Maximum building height: Thirty-five (35) feet except upon Fire Chief's written approval with conditions stated therein. For other exceptions to height regulations, see Article XI, Section 912.

411.6. *Other district requirements.*

411.6.1. *General and supplemental regulations.* Uses permitted in I-2 Zoning Districts shall meet the standards set forth in Article VIII.

411.6.2. *Street planting strips.* In all front setbacks, a strip not less than six (6) feet in width shall be provided along the street line on the property, which shall be planted and maintained in grass with street trees or in shrub planting or as may be required in approval of the site plans. Signs shall not be erected in this area with the exception of official traffic and regulatory signs.

411.6.3. *External storage.* Any external storage of inventory, parts, or machinery shall be established to the rear of the front line of the principal structure and such storage shall be completely enclosed by a solid fence or wall of at least six (6) feet in height composed of treated wood or brick.

Section 412. Dimensional Requirements

Zone	Minimum Lot Area (SF)	Minimum Lot Width at Front Property Line (Feet)	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)	Minimum House Square footage (SF)	Maximum Building Coverage
R-1	15,000 SF	75 feet	35 feet	40 feet	15 feet	40 feet	1,200 SF	N/A
R-2	8,000 SF	50 feet	35 feet	25 feet	10 feet	30 feet	1,2000 SF	N/A
R-2A	8,000 Single Family 4,500 Duplex	50 feet Single Family 60 feet Duplex	35 feet	25 feet	10 feet Single Family 10 feet Duplex from Property Line & 5 ft between each building	30 single family 20 Duplex	1,200 Single family 800 Duplex	N/A
R-2B	6,000 Single Family 4,500 Duplex	45 feet Single Family 50 feet Duplex	35 feet	25 feet	10 feet Single Family 10 ft Duplex from Property Line & 5 ft between each building	30 single family 20 Duplex	1,000 Single Family 800 Duplex	N/A
R-3	Single Family 6,000 Duplexes 4,500 per building Townhomes 2,500 per unit Multifamily (more than 2 units) 1 acre	Single Family 45 feet Duplexes 50 feet Townhomes * Multi Family 100 feet	35 feet	Single Family 25 feet Duplex's 25 feet Townhomes 25 feet Multi Family 20 feet	Single Family 10 ft Duplex 10 ft from Property Line & 5 ft between each building Townhomes 15 ft Mulit Family 20 feet from property line with 5 ft between each building	Single Family 15 feet Duplexes 15 feet Townhomes 40 feet Multi Family 40 feet	Single Family 1000 Duplexes 800	N/A
MH/ MHP	2,200 Square feet per lot	N/A	35 feet	60 feet (in parks from exterior property line)	10 feet (in parks from exterior property lines)	10 feet (in parks from exterior property lines)	N/A	N/A
C-1	6,000 sq ft	50 feet	45 feet	25 feet	10 feet	10 feet	N/A	50%
C-2	None	None	35 feet	None	None	10 feet	N/A	N/A
I-1	½ acre	75 feet	35 feet	20 feet	15 feet	20 feet	N/A	N/a
I-2	None	100 feet	35 feet	25 feet	25 feet	15 feet	N/A	N/A
FH-1	None	100 feet	35 feet	25 feet	25 feet	15 feet	N/A	N/A

Section 413. Table of Uses

Residential Districts

	R-1	R-2	R-2A	R-3	MH/MHP
Single Family Houses	P	P	P	P	P
Agricultural Uses	P	P	P	P	P
Community Recreation	P	P	P	P	P
Medical Facilities	C	C	C	C	C
Libraries	C	C	C	C	C
Places of Worship	C	C	C	C	C
Schools	C	C	C	C	C
Substations	C	C	C	C	C
Nursing/Assisted Living	C	C	C	C	C
Bed and Breakfast	SE	SE	SE	SE	SE
Garage Apartments	SE	SE	SE	SE	SE
Sexually Orientated Businesses	X	X	X	X	X
Mobile/Manufactured Homes	X	X	X	P	P
Tiny Homes	X	X	X	X	X
Campers/RVs/Trailers	X	X	X	X	X
Duplex	X	X	P	P	P
Townhomes	X	X	X	P	P
Apartments	X	X	X	P	P

P- Permitted C- Conditional SE- Special Exception – X- Prohibited

Commercial/Industrial Districts

	C-1	C-2	I-1	I-2	FH-1
General Offices	P	P	P	P	
Government Building	P	P	P	P	
Drug Store	P	P	P	P	
Convenience Store	P	P	P	P	
Florist	P	P	P	P	
Antique Store	P	P	P	P	

	C-1	C-2	I-1	I-2	FH-1
Bookstore	P	P	P	P	
Bakery	P	P	P	P	
Gift Store	P	P	P	P	
Arts/Crafts Store	P	P	P	P	
Package Store	P	P	P	P	
Hardware Store	P	P	P	P	
Hobby/Toy Store	P	P	P	P	
Variety Store	P	P	P	P	
Financial Institutions	P	P	P	P	
Barber/Salon	P	P	P	P	
Alternations	P	P	P	P	
Funeral Homes	P	P	P	P	
Jewelry Stores	P	P	P	P	
Schools	P	P	P	P	
Locksmith/Gunsmith	P	P	P	P	
Lawyers	P	P	P	P	
Engineers/Architects	P	P	P	P	
Accountants	P	P	P	P	
Real Estate	P	P	P	P	
Libraries	P	P	P	P	
Museums	P	P	P	P	
Theaters	P	P	P	P	
Doctors	P	P	P	P	
Eye Doctor	P	P	P	P	
Chiropractor	P	P	P	P	
Lab/Clinic	P	P	P	P	
Restaurants	P	P	P	P	
Daycares	P	P	P	P	
Radio/TV Stations	P	P	P	P	
Towing	P	P	P	P	
Garage/Mechanics	P	P	P	P	
Nursing Homes/Assisted Living	P	P	P	P	
Parking Lots	C		P	P	
Substations	C				
Animal Hospital/Kennels	C				
Car Wash	C	C	C	C	
Cemetery	C	C	P	P	
Bed and Breakfast	C				

	C-1	C-2	I-1	I-2	FH-1
Financial Institution		P	P	P	
Taverns		P	P	P	
Hotels/Motels		P	P	P	
Gas Stations		P	P	P	
Retail Businesses		P	P	P	
Churches		P	P	P	
Parking Lots		P	P	P	
Grocery Stores		P	P	P	
Hardware Stores		P	P	P	
Combination of residential and commercial uses		C	C	C	
Truck terminals		C	P	P	
Radio/TV Station		C	C	C	
Single Family		C	C	C	
Multi Family		C	C	C	
Cell Towers		C	C	C	
Research/Labs			P	P	
Ag Farms			P	P	
Plant nursery			P	P	
Radio/TV station towers			P	P	
Office Buildings			P	P	
Commercial/trade/vocational schools			P	P	
Open Space/Parks			P	P	P
Textile plants			P	P	
Fabrication shops			P	P	
Food preparation			P	P	
Hospitals/clinics			P	P	
Auto sales			P	P	
Boat and RVs sales			P	P	
Farm Equipment sales			P	P	
Mini warehouses			P	P	
Drive In Theaters			C	C	C
Wholesaling/warehousing/distribution			C	C	C
Sexually oriented businesses			C	C	C
Any industrial use				P/C	C
Bulk Storage				P	
Chemical Refineries				P	
Explosive manufacturing and storage				P	

Slaughter yards				P	
	C-1	C-2	I-1	I-2	FH-1
Mineral processing plants				P	
Cement plants				P	
Stock yards				P	
Dye Manufacturing				P	
Tar manufacturing				P	
Open yard sales				C	C
Recreational Uses					P
Wastewater Treatment Plants					P
Sexually Oriented Businesses	X	X	X	X	X

P- Permitted C- Conditional SE- Special Exception – X- Prohibited

ARTICLE V. SIGN REGULATIONS

The regulations herein shall apply and govern all zoning districts. No sign shall be erected or maintained unless it complies with the regulations of this Article, except that a nonconforming sign that shall comply with the provisions set forth in Article V, relating to nonconforming uses, may be maintained if in existence prior to the adoption of this ordinance.

Sec. 501. General Provisions.

The following regulations shall apply to all permitted signs in the City of Wellford:

A. A permit shall be required for the erection, alteration, or reconstruction of any sign intended for view from the public right-of-way unless otherwise noted, and shall be issued by the Zoning Administrator in accordance with Article IX of this Ordinance.

B. Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.

C. No part of a freestanding sign, while permitted in required setbacks, shall be located closer than five (5) feet to any property line.

D. No signs, except as otherwise provided, shall exceed the height limitations of the district in which they are located.

E. Sign illumination devices shall be placed and shielded so that rays therefrom or from the sign itself will not be directly cast into any residential district, sleeping room in any district, or in the eyes of an automobile driver. All illumination devices shall be installed in a safe manner.

F. The placement of signs shall ensure visibility at intersections and ingress and egress drives in accordance with Article IX, Section 909, Visibility at Intersections.

Sec. 502. Prohibited Signs.

The following signs are prohibited in the City of Wellford:

A. Signs Imitating Warning Signals. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any sign use the words "stop," "danger," or any other phrase, symbol, or character in a manner that might mislead or confuse the driver of an automobile.

B. Signs within Street or Highway Rights-of-Way. No sign, whether temporary or permanent, except traffic signs, signals, and information signs erected by a public agency approved by the Zoning Administrator, is permitted within any street or highway right-of-way.

C. Certain Attached and Painted Signs. Signs painted on or attached to trees, fence posts, and telephone or other utility poles or signs painted on, attached to rocks or other natural features, or painted on the roofs of buildings are prohibited.

D. Signs placed or painted on a motor vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed by this ordinance.

Sec. 503. Signs for Which a Permit is not required.

A permit is not required for the following types of signs in any zoning district. However, such signs shall conform to the applicable requirements set forth in this Article.

A. Traffic, directional, warning, or information signs authorized by any public agency approved by the Zoning Administrator.

B. Official notices issued by any court, public agency, or public office.

C. Signs erected in connection with elections or political campaigns. Such signs shall be removed within seven (7) days following the election or conclusion of the campaign. No such sign may exceed sixteen (16) square feet in surface area. Signs are not permitted in the public right-of-way.

D. On site directional signs provided such sign bears no commercial message and does not exceed four (4) square feet in area.

E. Identification sign indicating the name and street number or owner or occupant of a parcel, as long as such sign does not exceed four (4) square feet of copy area.

F. Bulletin board, which is defined as a permanent signs that primarily displays the name of a noncommercial place of public assembly and announces the upcoming events of that organization. To not require a permit, such a sign shall not exceed thirty-six (36) square feet of copy area or five (5) feet in height. Signs of this type shall be restricted to one (1) per parcel of land.

G. Sign identifying a project under construction which denote the name of the project, the architect, engineer, contractor, owner, etc., as long as such sign does not exceed twenty-five (25) square feet in residential districts, or one hundred (100) square feet in non-residential zones, is not illuminated, and is removed within seven days of completion of the project.

H. Signs attached or integrated into a gasoline pump, automatic bank teller machine, or drive through component of a fast food restaurant, which give operational instructions to users, the price of the product, the brand name of the product, or descriptive information about the product.

I. Signs on the interior side of window glass.

Sec. 504. Regulations Applying to Specific Types of Signs.

The following regulations apply to the following specified types of signs:

504.1 *Wall Signs.* Signs on the wall of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:

A. *Signs On The Front Surface of A Building.* The total area of signs on the exterior front surface of a building shall not exceed twenty (20%) percent of the front surface of the building, as long as the figure does not exceed the total amount of sign area permitted within the zoning district where the sign or signs are to be located.

B. *Signs On The Side and Rear Surface of A Building.* The total area of signs on a side or rear surface of a building shall not exceed twenty-five (25%) percent of the exterior side or rear surface of the building, respectively, as long as this figure does not exceed the total amount of sign area permitted within the Zoning District where the sign or signs are to be located.

C. *Projecting Signs.* Wall signs attached flat against a wall may extend not more than twenty-four (24) inches from the wall. Signs projecting from a wall may extend outward from the wall of a building not more than six and one-half (6½) feet and may be located no closer than eighteen (18) inches to a vertical plane at the street curb line. A projecting sign shall not extend above the top of the structure. In no case shall signs project beyond property lines except that signs may project over public sidewalks in the CBD district if the minimum height above grade or sidewalk level of such signs shall be at least ten (10) feet.

504.2 *Signs On Work Under Construction.* One non-illuminated sign, not exceeding twenty-five (25) square feet in residential districts, or one hundred (100) square feet in non-residential districts, displaying the name of the building, the contractors, the architects, the engineers, the owners, and the financial, selling, and development agencies, is permitted upon the premises of any work under construction, alteration, or removal. Such sign shall be removed from the site within seven (7) days after the issuance of the final occupancy permit. Such sign shall be set back 10 feet from the front lot line.

Subdivision and Mobile Home Park Entrance Signs. One (1) or two (2) signs shall be permitted at each entrance of a residential subdivision or mobile home park, provided that such signs do not exceed a total of one hundred (100) 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.

504.3 *Private Directional Signs.* Signs indicating the location and direction of premises available for or in the process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agency, may be erected and maintained, provided:

A. the size of any such sign is not in excess of six (6) square feet, nor in excess of four (4) feet in length;

B. not more than one (1) such sign is erected for each five hundred (500) feet of street frontage.

504.4 Freestanding Sign*.* Freestanding signs shall meet Building Code structural provisions and UL (Underwriter's Laboratories) electrical requirements.

504.4 *Temporary Signs.* The following signs shall be allowed in all zoning classifications except Residential, unless specifically designated in this ordinance. They shall require a temporary sign permit issued by the Zoning Administrator or his designee. Temporary Signs shall comply with permitting regulations. A permit fee will be required to cover the processing of the application and the monitoring of the sign placement and time limits, unless otherwise designated in this ordinance. This fee shall be determined by City Council.

A. Length of Stay-

a. Each business located within the city limits shall be allowed two (2) temporary signs every 90 days unless otherwise designated in this ordinance.

b. Each sign may be displayed for a maximum of thirty (30) days during each ninety (90) day period. The thirty (30) days must be consecutive and may not be broken down into smaller increments.

B. Location-

a. No Temporary sign shall be placed less than 5 ft. from any property line or in any state, city or utility right of way.

b. Signs shall not be placed to obstruct the view of another businesses entry way or signage.

d. All Temporary signs must be located on the site for which they are being permitted, unless otherwise designated in this ordinance.

C. Size and Height Requirements-

a. Size requirements are specific to the type of sign and are outlined in Article VI, Section 504.6(D).

b. The overall Height limitation for any temporary sign is 12 ft. unless otherwise designated.

D. Types of Temporary Signs-

a. Banners, Flags, Pennants- A sign or flag made of cloth, vinyl or similar material on a temporary mount or attached to the principle building.

i. The maximum size for a banner is 32 sq. ft.

ii. The maximum size for a flag is 16 in. x 30 in.

b. Five (5) strings of pennants shall count as one temporary sign for the purposes of this ordinance

c. Inflatable- a sign that requires air or other compressed gas, whether contained or blown, to keep and maintain its shape or which causes it to inflate.

i. Only one (I) inflatable is allowed per business per parcel.

ii. There are no size limitations for inflatables.

d. Portable (Specific) - A mobile sign that is mounted on a trailer type frame or portable wood or metal frame not permanently attached to the ground.

i. If illuminated it shall comply with all Southern Standard Building Code and UL Regulations and shall not be placed in a manner as to interfere with driver visibility or neighboring residential areas.

ii. The maximum size allowed is 6 ft. x 8 ft.

iii. It may not employ flashing lights.

e. Sandwich Board- a freestanding A-frame sign used for promotional events.

i. The maximum size allowed is 8 sq. ft.

f. Window- a sign used on the exterior of a non-door window made of vinyl, plastic, foam or other durable material.

i. The maximum size is no more than 50% of the total window surface area.

ii. If illuminated it shall comply with all Southern Standard Building Code and UL Regulations.

E. Temporary Signs which are permitted without a permit fee-

A. Grand Opening Sign- a sign or banner that specifically advertises a Grand Opening or Grand Re-Opening of a business.

i. Sign is allowed for 30 days before the opening and 30 days afterward.

b. Special Event Signs for Non-Profit, Cultural, Religious and Community Organizations and Government, Education and Quasi-Legal Agencies.

i. All types of temporary signs are allowed under this section and can be used for a period of 30 days prior to the special event.

ii. A maximum of two (2) Special Event Signs are allowed every 90 days.

c. Real Estate & Auction Signs- Signs used to advertise a home or business for sale or auction.

i. All Real Estate signs other than an Auction Sign shall be limited to on-site signs where the property is for sale.

ii. A maximum of two off-site directional signs

iii. The maximum size allowed for Residential Properties is 12 sq. ft.

iv. The maximum size allowed for Commercial Properties is 32 sq. ft.

F. Temporary Signs Allowed Off-Site-

a. Off-Site Directional Signs- sign that provide an informational direction to a business located nearby.

i. Directional signs may display the name of the business and a directional arrow only.

ii. Signs may be placed at an off-site location with the approval of the property owner.

iii. Signs may not be placed in any right of way or within 5 ft. of any property line.

Sec. 505. Signs Permitted in Residential Districts.

Permitted Signs and Conditions. The following types of signs are permitted in all residential districts:

A. Signs for which permits are not required.

B. For multiple-family dwellings, group dwellings, and for buildings other than dwellings, one (1) non-illuminated business identification sign or bulletin board per entrance, not exceeding sixty (60) square feet in area. Such sign or bulletin board shall be set back at least ten (10) feet from any street right-of-way line.

C. Subdivision signs and private directional signs, under the provisions of Subsections 504.3 and 504.4.

D. Mobile home park signs and directional signs, under the provisions of Subsections 504.3 and 504.4.

Sec. 506. Signs Permitted in Commercial and Industrial Districts.

Permitted Signs and Conditions. The following types of signs are permitted in the commercial and industrial districts:

A. All signs permitted in residential districts are permitted in commercial and industrial districts.

B. Within the front or side setback area of any parcel in the commercial or industrial districts, a maximum of one (1) permanently mounted detached sign of the type required to secure a permit shall be permitted for each three hundred (300) feet of road frontage for each road fronted, except that only one (1) such sign shall be permitted if total road frontage is less than three hundred (300) feet. The number of signs permitted shall one hundred fifty (150) square feet multiply the maximum allowable sign copy area for signs permitted under this provision. No such sign shall be located closer than ten (10) feet to any street right-of-way. The maximum height of detached signs shall be thirty five (35) feet, as measured from the base of the sign.

C. Wall signs, in no case, shall exceed the requirements of Section 504, Regulations Applying to Specified Types of Signs.

D. On any lot in a GBD or industrial district on which no business enterprise is located, one off-premises freestanding sign structure having a total sign area not exceeding three hundred sixty (360) square feet is permitted. Additional sign structures, each of which does not exceed three hundred sixty (360) square feet in combined total sign area, are permitted provided they are spaced no closer than one thousand (1,000) linear feet from any other sign structure of greater than one hundred fifty (150) square feet. Any off-premises sign of greater than one hundred fifty (150) square feet shall be required to be spaced a minimum of five hundred (500) feet from any residentially zoned parcel or parcel used for a church or public school.

E. Signs in any commercial or industrial district may be illuminated.

Sec. 507. Applications for Sign Permits.

607.1 *General[ly].* Applications for sign permits shall include a scaled drawing of the sign that depicts and describes:

A. Size.

B. Shape.

C. Colors.

D. Materials to be utilized.

E. Copy/wording and designs.

F. Illumination type, and electrical detail.

G. Location on building, if attached.

Detached Signs. In addition, permit applications for detached signs shall be accompanied by a plot plan or sketch of the site, to show:

A. The location of the sign on the lot.

B. Scale.

C. Dimensions of parcel lines.

D. Height of the sign.

E. Any support structure to be utilized.

F. Electrical sources.

G. Base landscaping.

The Zoning Administrator may waive any of the application requirements listed in this Section 507, Application for Sign Permits, which are deemed unnecessary to process an application.

ARTICLE VI. OFF-STREET PARKING AND LOADING REGULATIONS

Sec. 601. Off-street parking requirements.

Off-street automobile storage or parking spaces shall be required in all zoning districts except in the CBD district where the use is nonresidential. Parking requirements shall be considered at the time of initial construction or when there is an increase in dwelling units, guest rooms, floor area, seating or bed capacity, or when a conversion in use occurs. The number of parking spaces provided shall be at least as great as the number specified below for the particular use(s). The parking space requirements for a use not specifically listed shall be the same as for a listed use of similar characteristics of parking demand as determined by the Zoning Administrator. When application of said provision results in a fractional space requirement, the next larger requirement shall prevail. Such off-street parking areas shall have direct access to a street or alley, and shall be provided and maintained in accordance with the following requirements:

Principal Use	Required Off-Street Parking
Athletic fields	One (1) space per 3,000 square feet of field area or one (1) space per six (6) spectator sets, whichever is greater
Auditorium, theater, public assembly	One (1) space for each four (4) seats at maximum capacity
Auto sales	Four (4) spaces for each sales person plus one (1) for every two (2) other employees
Auto service, full service	Two (2) spaces for each pump plus three (3) spaces for each service bay
Auto service, self service	Two (2) spaces for each pump
Auto wash and detailing	One (1) space per 500 square feet of sale, office, and lounge area
Banks/financial institutions	One (1) space per 300 square feet
Bed and breakfast	One (1) space per guest room plus two (2) spaces for owner/operator
Boarding and lodging	One (1) space per bedroom plus three (3) additional spaces
Bowling alleys	Five (5) spaces per each lane
Childcare centers/preschools	One (1) space per four (4) children at maximum capacity
Churches/places of worship	One (1) space per four (4) seats in main auditorium at maximum capacity
Clinics	1.25 spaces per 200 square feet
College or trade school	Eight (8) spaces per classroom plus ten (10) administrative spaces
Convenience store	Two (2) spaces for each pump plus one (1) for each 300 square feet
Cultural/community facilities (art galleries, museums, libraries)	1.25 spaces per 1,000 square feet
Dwellings, single-family	Two (2) spaces per dwelling

Nursing homes/assisted living facilities	One (1) space per three (3) beds
Grocery store (less than 5,000 square feet)	One (1) space for every 150 square feet
Grocery store (more than 5,000 square feet)	One (1) space for every 300 square feet
Funeral homes	One (1) space per four (4) seats in main chapel or parlor
Golf course/country club	Four (4) spaces for each green plus other requirements for other uses at the establishment
Health club/spa	One (1) space per 250 square feet
Personal services (hair salon, barber, etc.)	One (1) space per 200 square feet
High schools	One (1) space for every vehicle operated by the school, two (2) spaces per classroom, two (2) spaces per office, one (1) space for every four (4) seats in main assembly area
Hospital	One (1) space per two (2) patient beds, plus one (1) for space for every 300 square feet of office and administrative areas
Hotel/motel	One (1) space per unit plus other requirements for other uses at the establishment
Industrial, manufacturing, and processing uses	One (1) space per 500 square feet
Junior high school/middle school	Two (2) spaces per classroom plus five (5) administrative spaces
Mobile homes	Two (2) spaces per each mobile home space
Multi-family	1.75 parking spaces for each unit
Office and professional building	One (1) space per 350 square feet
Office-medical and dental	One (1) space per 150 square feet or five (5) space per doctor, whichever is greater
Outdoor recreation area/parks	One (1) space for 5,000 square feet of land
Pools (not ones used as accessory uses)	One (1) space for 100 feet of water are or one (1) space for every four (4) spectator seats, whichever is greater
Restaurants	One (1) space for every four (4) seats plus one (1) space for every two (2) employees on shift of greatest employment
Restaurants with drive thru	One (1) space per 150 square feet plus one (1) space for every two (2) employees on shift of greatest employment
Self-service storage	One (1) space per storage unit
Taverns, bars, clubs	1.25 spaces per 100 square feet
Tennis courts	Four (4) spaces per court or one (1) space per four (4) spectator seats, whichever is greater
Wholesaling, warehousing, and distribution operations	One (1) space per 5,000 square feet
Retail, department or discount store (less than 25,000 square feet)	One (1) space per 500 square feet

Retail, department or discount store (more than 25,000 square feet)	One (1) space per 300 square feet

Sec. 602. Parking space area requirements.

Parking lot design shall conform to the following standards:

Angle of Parking Space	Width of Stall	Depth of Stall	Area of Stall	Minimum Driveway Width	Length of Curb
Parallel	9'	23'0"	207'0"	12'—24'	23'0"
30 degree	9'	17'4"	156'0"	11'—24'	18'0"
45 degree	9'	19'10"	178'6"	13'—24'	12'9"
60 degree	9'	20'0"	189'0"	18'—24'	10'5"
90 degree	9'	20'0"	180'0"	24'—24'	9'0"

Within the NBD, GBD, RLI, and GI zoning districts and in other districts where over ten (10) parking spaces are required, all parking lots shall be paved.

Sec. 603. Reduction of off-street parking space requirement.

Off-street parking facilities provided to comply with the provisions of this chapter shall not be reduced below the minimum amount required for a similar use under this chapter. The city may reduce the parking requirements for a structure if there is a reduction in floor area, capacity or a change in requirements, provided there is a finding that the change would be reasonable and consistent with the public welfare.

From the effective date of this chapter, if uses existing at the time of this chapter are expanded, enlarged or changed, the increase in parking requirements will be based on the area of the expansion as if it were a new structure. When a lot with an existing structure is cleared and a new structure is built, the new structure must comply with the parking requirements contained in this chapter.

Sec. 604. Location of spaces.

All off-street parking spaces required hereunder shall be located on the zoning lot for which they are required or on a parking facility, the title to which and/or easement for the use of which runs with and/or is appurtenant to the title to such zoning lot and is within four hundred (400) feet of the structure or use for which the spaces are required. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner. Parking space arrangement shall insure that there will be no encroachment upon or over rights-of-way, sidewalks or property lines. Maneuvering space for off-street parking shall be located on the zoning lot upon which parking is provided.

Sec. 605. Common off-street parking areas.

Two (2) or more principal uses may utilize a common area in order to comply with off-street parking requirements, provided that the total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses as separately computed in

accordance with the provisions of this section, and provided that the owner of said lot relinquishes his development rights over the property until such time as parking space is provided elsewhere. If activities sharing combined parking are not in operation at the same time, each parking space may be counted for each activity.

Sec. 606. Use of public rights-of-way for maneuvering.

When determining parking area requirements for uses other than residential, portions of the public right-of-way on streets may not be considered as permissible for maneuvering incidental to parking. Parking facilities shall provide space outside the public rights-of-way for maneuvering incidental to parking.

Sec. 607. Extension of parking space into a residential district.

Required parking space may extend up to one hundred twenty (120) feet into a residential zoning district, provided that:

A. The parking space adjoins a commercial or industrial district.

B. Has its only access to, or fronts upon, the same street as the property in the commercial or industrial district for which it provides the required parking space.

C. Is separated from abutting properties in the residential district by a ten-foot wide evergreen buffer strip.

Sec. 608. Design standards.

For the purpose of this chapter, the following design standards shall be deemed as the minimum required and shall be followed when designing a site. Single-family houses and mobile homes on individual parcels shall be exempt from these requirements. While there are no parking requirements in the CBD District, these standards shall apply when parking areas are created.

A. *Minimum area.* For the purpose of these regulations, an off-street parking space is an impervious surfaced area, not in a street or alley, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an asphalt or concrete driveway, which affords ingress and egress.

B. *Drainage and maintenance.* Off-street parking facilities shall be properly graded for drainage to prevent damage to abutting property and/or public streets and alleys and surfaced with asphalt, concrete, bituminous, or other impervious material.

C. *Separation from walkways and street.* Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys, and required setbacks by curbing or other protective device approved by the zoning administrator.

D. *Entrances and exits.* All parking facilities except those serving SF1 and GR1 dwellings shall be designed so that all movements onto a public street are in a forward motion.

E. *Spacing requirements for curb cuts.* Curb cuts for service drives, entrances, exits and similar facilities shall not be located closer than fifty (50) feet to the intersection of any public street right-of-way lines. Private curb cuts shall be no greater than forty (40) feet in width and shall be placed no closer than ten (10) feet to any property or lot line. Entrance and exit driveways

at other locations or at intersections not covered by the above restrictions may be denied if such a location will create an accident hazard for normal traffic.

F. *Marking*. Parking spaces in lots of more than ten (10) spaces shall be marked by painted lines, curbs or other means to indicate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operation on the lot.

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

H. *Landscaping*. Where off-street parking, developed in conjunction with a permitted use or as a separate use occupying an individual lot or lots, comprises twenty (20) or more off-street parking spaces, at least ten (10) percent of the impervious service area shall be open and landscaped in such a manner as to divide and break up the expanse of paving with islands and barriers.

I. The natural landscape shall be preserved in all possible cases. Wherever healthy plant material exists on a site, minimum planting standards may be adjusted for such plant material, if in the opinion of the zoning administrator such adjustment is in the best interest of the city, and preserves all intents of this chapter.

Sec. 609. Off-street loading and unloading spaces.

Every lot on which a business, trade or industry is hereafter established, shall provide space as indicated herein for the loading and unloading of vehicles off the street. Such space shall have access to an alley, or if there is no alley, to a street. For the purpose of this section, an off-street loading space shall have minimum dimensions of twelve (12) feet by forty (40) feet and be clear and free of obstructions at all times. Required space shall be considered as follows:

A. Retail uses: One (1) space for each five thousand (5,000) square feet of gross floor area.

B. Wholesale, industrial, governmental and institutional uses, including public assembly places, hospitals, and educational institutions: One (1) space for the first twenty-five thousand (25,000) square feet of total floor space area. For anything in excess of twenty-five thousand (25,000) square feet, such uses shall provide loading spaces according to the following schedule:

Square Feet	Number of Spaces
25,001—99,999	2
100,000—159,999	3
160,000—239,999	4
240,000—349,999	5
For each additional 100,000 or fraction thereof	1 additional

C. Multi-family residences with ten (10) or more dwelling units: One (1) space.

ARTICLE VIII. BUFFERYARDS

Sec. 801. Purpose.

The purpose of the bufferyard is to improve compatibility and minimize nuisances between adjacent land uses. The bufferyard offers several options, each of which will buffer to an equivalent degree by varying distance [setback and/or density (mass)].

Sec. 802. Location.

Bufferyards shall be located on the outer perimeter of a lot, extending to the lot boundary lines. Bufferyards shall not be located on any portion of an existing public or private right-of-way.

Sec. 803. Determination of bufferyard requirements.

To determine the bufferyard required between two (2) adjacent parcels, the following procedure shall be followed:

A. Identify from Article IV whether the proposed use/district requires a bufferyard;

B. Identify the proposed land use;

C. Identify the use of lands adjacent to the proposed use; and

D. Determine the bufferyard required on each boundary or segment thereof of the proposed land use by referring to the Table 3 of Bufferyard Requirements and Illustrations contained herein which specify the bufferyard options required between a proposed use and the existing adjacent uses.

Sec. 804. Responsibility for bufferyard/screening.

When a use is the first to develop on two (2) adjacent vacant parcels, the first use shall provide the buffer, specified by the Table of Bufferyards Requirements for vacant land.

The second use to develop shall at the time it develops, provide all additional plant material structures and/or land necessary to provide the total bufferyard required between the two uses, as specified by the Table of Bufferyard Requirements.

Sec. 805. Bufferyard specifications.

The attached illustrations specify the type and quantity of plant materials required by each bufferyard. The requirements are stated in terms of width of the bufferyard and the number of plants required per one hundred (100) feet of bufferyard. The requirements of a bufferyard may be met by any of the options illustrated. The "plant unit multiplier" is a factor by which the basic number of plant materials required for a particular bufferyard is determined when there is a change in the width of that yard. Each illustration depicts the total bufferyard required between two uses. Whenever a wall, fence, or berm is required within a bufferyard, these are shown as "structures" in the illustrations wherein their respective specifications also are shown.

The exact placement of required plants shall be the decision of the developer except that evergreen (or conifer) plants shall be planted in clusters rather than singly in order to maximize their chances of survival and increase screening capabilities. All bufferyards shall be seeded with lawn grass or have a suitable ground cover.

Sec. 806. Minimum plant size.

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

Minimum Plant Sizes

Plant Material Type	Planting in Bufferyards Abutting Structures, Fences, Berms	All Other Plants
Canopy tree		
Single stem	1½" caliper	2½" caliper
Multi-stem clump	6' height	10' height
Understory tree	4' height	1½" caliper
Evergreen tree	3' height	5' height
Shrub		
Deciduous	15" height	24" height
Evergreen	12" height	18" height

Sec. 807. Bufferyard substitutions.

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

Sec. 808. Use of bufferyards.

A bufferyard may be used for passive recreation; however, no plant material may be removed and such use shall not be a nuisance to abutting properties.

Sec. 809. Containers and dumpsters/outdoor utility equipment.

An F3 or F4 fence or wall, intensive landscaping, or other suitable opaque enclosure shall screen all exterior dumpsters or exterior garbage containers (excluding containers or groups of containers with a combined capacity of less than six (6) cubic yards) on all but one (1) side. The average height of the enclosure shall be one (1) foot more than the height of the container but shall not be required to exceed eight (8) feet in height. The open side shall not be visible from the street.

Sec. 810. Appearance of fences and walls.

All fences and walls used as part of the bufferyard requirements must have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished as the owner deems appropriate. Where fences or walls are applicable bufferyards, they shall be established along the inside line of the bufferyard, toward the proposed use, except for ornamental fences, which may be built on the property line. Maximum 6' residential 8' commercial.

Sec. 811. Berms.

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

Sec. 812. Required maintenance.

The maintenance of required bufferyards shall be the responsibility of the property owner. All such yards shall be properly maintained to assure continued buffering. Failure to do so is a violation of this chapter, and may be remedied in the manner prescribed for other violations.

Please see bufferyard attachments for tables and uses at the end of the chapter.

ARTICLE IX. GENERAL AND SUPPLEMENTARY PROVISIONS

Sec. 901. Certain public service uses.

Due to the unique nature of certain public service uses and the need to locate such uses in certain areas of the city irrespective of prevailing district regulations, the following list of uses may be established in any zoning district in the City of Wellford, provided such uses meet all dimensional requirements of the district, within which they will be located:

A. Post office.

B. Police and fire stations, and other municipal buildings.

C. Sewerage treatment facilities.

D. Water treatment and water storage facilities.

E. Telephone exchange and repeater stations.

F. Radio and TV station masts.

G. Electric utility facilities.

Post offices, police, fire and telephone exchanges and repeater stations shall observe the bufferyard requirements for office buildings in Table 3, Table of Bufferyard Requirements; all other uses shall observe the bufferyard requirements for research and industrial or institutional uses as determined by the zoning administrator.

Prior to the granting of a building permit for any of the above-listed uses in a residential district or within two hundred (200) feet of a residential district, the board of zoning appeals shall hold a public hearing on the matter. At least fifteen (15) days' notice of time and place of which shall be published in a newspaper of general circulation in the City of Wellford. Based on the hearing and the expected impact of such uses on contiguous uses and conditions, the board of zoning appeals may elect to deny such request in favor of a more acceptable site elsewhere.

Sec. 902. Water and air pollution.

All uses must satisfactorily comply with the requirements of the State Board of Health and the Spartanburg County Board of Health regarding the protection of waterways from pollution by dust, smoke, or other waste materials.

Sec. 903. Street access.

Except as herein provided, no building shall be erected, constructed, moved, or relocated on a lot not located on a publicly accepted, or publicly maintained street with a right-of-way of not less than thirty (30) feet.

Sec. 904. Location of buildings on lots and residential limitations.

Every building or use hereafter erected or established shall be located on a lot of record and every one- and two-family residential structure, except as herein provided, shall be located on an individual lot

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of record. In all cases, the principal buildings on a lot shall be located within the area formed by the building lines at outer boundaries, and in no case shall such buildings infringe beyond the building lines into the respective front, side, or rear yard setbacks or any other setback requirements for the district in which the lot is located.

Sec. 905. Corner lots.

On lots having frontage on more than one street at an intersection, the minimum street side setback requirement shall be equal to the minimum front yard setback.

Sec. 906. Double frontage lots.

On lots having frontage on two (2) streets, but not located on a corner, the minimum front setback shall be provided on each street in accordance with the provisions of this chapter. On lots having frontage on more than two (2) streets, the minimum front setback shall be provided in accordance with the regulations set forth in this chapter on all of the street frontages.

Sec. 907. Preexisting front setbacks.

The setback requirements of this chapter shall not apply to any lot where the average setback on already built upon lots, located wholly or in part within one hundred (100) feet of each such lot and within the block and zoning district fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. However, in no case shall setbacks be less than fifteen (15) feet.

Sec. 908. Measurement of front, side, and rear setbacks; determination of buildable area.

The required front, side, and rear setbacks for individual lots, as set forth for the particular zoning district within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the setback areas of a given lot have been established, the remaining area of the lot, which is not included in any required front, side, or rear lot, shall be known as the "buildable area."

Sec. 909. Visibility at street intersections.

In all zoning districts established by this chapter, except the CBD District, no fence, wall terrace, sign, shrubbery, planting or other structure or object capable of obstructing driver vision between the heights of three (3) and ten (10) feet above the finished street level shall be permitted on a corner lot within twenty-five (25) feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound said lot.

Sec. 910. Visibility at private drives and entrances intersecting with public streets.

At the intersection of any private drive or entrance or exit with a public street, no fence, wall, hedge, or other planting or sign forming a material impediment to visibility between a height of two and one-half (2½) feet and seven (7) feet shall be erected, planted, placed or maintained within fifteen (15) feet of the intersection.

Sec. 911. Street planting strips.

In all front yards in the RM-16, MHP, NBD, CBD, GBD, RLI, and GI Districts, a planting strip not less than six (6) feet wide shall be provided along the street line on the property, which shall be planted and maintained in grass or other suitable ground cover with street trees or in scrub planting or as may be required in approval of the site plans. This is only required in the CBD if there is a front yard.

Sec. 912. Exceptions to height limits.

The height limitations of this chapter shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, silos, chimneys, smokestacks, conveyors, flag poles, masts and aerials, provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport approach zones or flight patterns.

Sec. 913. Public and commercial recreational facilities adjacent to residential uses.

Any recreational facilities when adjacent to lots that are zoned or used for residential purposes shall comply with the following standards:

A. They shall not be closer than fifty (50) feet from the property line.

B. No lighting used in connection with such activities shall be closer than fifty (50) feet from the property line.

Sec. 914. Common open space.

Common open space is land or water bodies used for recreational amenity. It shall be freely accessible to all residents of a development where required by this chapter. It shall not be occupied by buildings or structures, roads, parking or road right-of-way. Required open space shall not include setbacks or many residential units required to meet minimum lot area or parking requirements.

Sec. 915. Parking, storage or use of campers or other major recreational equipment.

No major recreational equipment shall be stored on any lot in a residential or CBD District or in a neighborhood nearer to the street than the principal building of the lot fronting on that street, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. The parking of such equipment shall be in observance of all setbacks, yard, and other requirements set forth within the district in which they are located. No such equipment shall be used for living, sleeping, housekeeping purposes when parked or stored on a residential lot. No such equipment shall be parked in any location not approved for such use. No recreational vehicle over thirty (30) feet in length shall be parked on any lot zoned for residential purposes.

Sec. 916. Parking and storage of certain vehicles.

It shall be unlawful for any person, partnership, corporation, or other legal entity to permit, park or store a truck, automotive vehicle or trailer of any kind or type, on any parcel within the municipal corporate limits except within a completely enclosed building:

A. That is not operable;

B. That does not display a lawful and current license tag;

C. That does not have current liability insurance thereon;

D. That is not a part of a business operation such as an auto mechanics shop with a valid City of Wellford business license.

This chapter excludes bona fide classic automobiles which are currently undergoing restoration, and which are covered with factory-made automobile covers, and trailers not required by law to display a license tag.

If in violation of this chapter, written notice shall be submitted to the owner or permittee of the parked or stored vehicle that such vehicle shall be removed within thirty (30) days from the date of such notice or be subject to the penalties detailed in Section 1011. This section shall be enforced by the City of Wellford Police Department.

Sec. 917. Manufactured home standards.

A manufactured home is defined as any dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site bearing a label certifying it is built in compliance with the federal Manufactured Home Construction and Safety Standards (24 CFR 3280).

No certificate of occupancy shall be issued for any manufactured home originally brought into the City of Wellford or relocated within the city subsequent to the adoption of this section unless a certificate of zoning compliance shall have been issued by the zoning administrator, to certify that the manufactured home is in full compliance with this section.

All new manufactured homes and modular homes will need to be approved by the board of zoning appeals prior to construction and must meet all the following requirements.

All manufactured homes area subject to this section shall meet or exceed the most current construction standards promulgated by the U.S. Department of Housing and Urban Development, as well as the South Carolina Manufactured Housing Board, including:

A. A permanent porch/landing and steps with handrails are required for each outside doorway. The structure must include steps that lead to ground level. The porch/landing, handrails, and steps must meet the following requirements:

    1. A minimum eight-foot by ten-foot porch shall be required for outside the front entrance.

    2. A minimum four-foot-by-four-foot landing shall be required outside all other exit doors.

    3. The porch/landing shall not be more than eight and one-half (8½) inches below the threshold.

    4. Steps shall be eight and one-quarter (8¼) inches maximum in height. Treads shall be a minimum of thirty-six (36) inches wide.

5. All wood components in contact with the ground must be treated and approved for ground contact.

6. If steps are thirty (30) inches or greater in height, permanent handrails are to be installed.

B. Has a minimum width of twenty-four (24) feet and a minimum length of forty (40) feet.

C. Skirting must be installed and maintains so that it enclosed the area under the manufactured multi section homes and modular porches, decks, or other addition to ground level. The foundation skirting or curtain wall may be of brick, masonry, or similar materials designed and manufactured for permanent outdoor installation.

D. Mobile features shall be removed.

E. Each manufactured home shall be anchored according to the HUD regulations of the National Manufactured Housing Construction and Safety Standards Act or the Manufacturer's Installation Manual. Must be placed facing roadway and must be ten (10) years old or newer.

Sec. 918. Nonconforming buildings or uses.

Nonconforming buildings or uses are declared by this chapter to be incompatible with permitted uses in the districts involved. However, to avoid undue hardship, the lawful use of any building or land uses at the time of the enactment of this chapter may be continued even though such use does not conform with the provisions of this chapter except that the nonconforming building or land use or portions thereof, shall not be:

A. Changed to another nonconforming use;

B. Reused or reoccupied after discontinuance of use or occupancy for a period exceeding six (6) months;

C. Reestablished, reoccupied, or replaced with the same or similar building, or land use after physical removal or relocation from its specific site location at the time of passage of the ordinance from which this chapter was derived;

D. Repaired, rebuilt, or altered after damage exceeding fifty (50) percent of its replacement cost at the time of destruction. Reconstruction or repair, when legal, must begin within six (6) months after damage is incurred.

E. Enlarged or altered in a way which increases its nonconformity.

Nothing in this section shall be meant to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official lawfully charged with protecting the public safety, upon order of such official.

Sec. 919. Nonconforming mobile homes.

Where a mobile home exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter, such mobile home may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. A nonconforming mobile home may not, under any circumstances, be enlarged or altered in a way, which increases its nonconformity.

B. An occupied nonconforming mobile home may be replaced by another home either by choice or by the owner or if the existing mobile home is destroyed or substantially damaged at the time of occupancy. Such mobile home may be replaced so long as the replacement mobile home is of more recent manufacture than the existing mobile home. Said replacement mobile home shall bear a seal or label showing certification by the Department of Housing and Urban Development of compliance with the National Manufactured Housing Construction and Safety Standards Act.

C. If a nonconforming home is abandoned for a period of at least six (6) consecutive months, it shall be considered vacant and shall not be allowed occupancy nor shall it be allowed to be replaced by another mobile home. During any time of the six-month period stated above that a moving permit is issued the applicant has six (6) months from date of issuance of the permit to replace the manufactured home with an approved mobile home and occupy the lot in question.

D. Should a nonconforming mobile home be moved for any distance on a lot of record, it should conform to all other applicable provisions of this chapter including parking, maximum lot coverage and front, side and rear yard requirements. Said nonconforming mobile home may be moved to another lot so long as the lot is located in a district where the structure is permitted and so long as other applicable provisions of this chapter are met.

Sec. 920. Home occupation.

A home occupation shall be permitted in any residential district and shall be in conformance with the following requirements:

A. A home occupation shall be conducted entirely within the boundaries of the site and the activities of such home occupation shall not be visible or audible beyond the boundaries of the site.

B. No more than twenty-five (25) percent of the floor area of a dwelling unit may be used in connection with a home occupation. A utility and/or storage shed, garage, or other accessory building may not be used as the main building of the home occupation. It can be used for storage of parts.

C. No person other than a resident of the dwelling unit shall be employed in the home occupation.

D. Storage, other than within the dwelling unit, of goods, materials or products connected with the home occupation shall be limited to a maximum of one hundred (100) square feet and must be completely within an enclosed accessory building or garage.

E. There shall be no exterior indication of the home occupation or variation from the residential character of the principal dwelling. One (1) nonilluminated professional or business name plate not exceeding one (1) square foot in area mounted flat against the wall of a building in which a permitted home occupation is conducted.

F. The home occupation shall not generate vehicular traffic and/or vehicular parking that degrades or is otherwise detrimental to the residential nature of the neighborhood and thus becomes objectionable to neighboring residents and others affected by such parking or traffic.

G. No customer of client may come to the premises except during her hours of 7:00 a.m. and 9:00 p.m.

H. No deliveries may originate from on be made to the premises except during the houses of 8:00 a.m. and 6:00 p.m.

I. The number of clientele at the premises shall be limited to no more than two (2) clients or customers at a time on the premises unless otherwise stated in the table.

J. Home occupations are limited to professional services and retails sales incidental to such services. Professional services are defined as any service offered for a fee. The primary activity of a home occupation shall not be on site retail sales, manufacturing or assembly.

K. The following home occupations shall be permitted. The board of zoning appeals shall review other home occupation uses not listed:

Accounting and bookkeeping	Art and music instruction (no more than four (4) students at time)
Attorney	Barber/beauty parlor
Insurance agent	Chiropractor
Tailor/sewing/alterations	Massage therapist
Notary public	Photographer
Real estate agent	Secretarial services
Tax consultant	Tutoring
Day care (no more than six (6) unrelated children)	

L. In addition to other uses deemed unacceptable by the zoning administrator, board of zoning appeals, and/or city council. The following uses shall not be considered home occupations:

Animal hospitals, kennels, and stables	Adult entertainment/escort services
Food processing and handling	Group instruction of more than four (4) persons
Private clubs	Drive in facilities
Hotels and motels	Retail or wholesale facilities
Eating and drinking establishments	Funeral homes
Medical/dental offices	Medical clinics
Hospitals	Daycare with more than six (6) unrelated children
Nursing home/assisted living facilities	Limousine, taxi or tow truck services
Welding shop/metal fabrication	Repair services related to automobiles, motorcycles, appliances, small engines, garden equipment or other machinery

M. There shall be no home occupation activities that are objectionable due to glare, dust, odor, vibration, noise, or that disturb the peace.

N. Home occupations shall not be conducted in a rental unit without a notarized, written statement from the property owner granting permission.

O. Home occupations are only allowed in single-family detached dwellings (not allowed in apartments, townhomes, duplexes, condominiums, manufactured homes, or mobile homes).

P. Home occupations are valid for only the person and the address approved and non-transferrable.

Q. Review of the original home occupation application and other pertinent information shall be accomplished by the board of zoning appeals with a public hearing. The final approval shall remain effect for one year unless the home occupation permit has been revoked. The home occupation permit shall be subject to review and renewed on an annual basis in conjunction with the issuance of or renewal of the business license.

Sec. 921. Accessory uses.

In addition to the principal uses, each of the following uses is considered a customary accessory use, and as such may be situated on the same lot with the principal use or uses to which it serves as accessory.

821.1 *Uses customarily accessory to dwellings.*

A. Private garage.

B. Open storage space or parking area for motor vehicles provided that such space shall not be used for more than one (1) commercial vehicle licensed as one ton or less in capacity per family residing on the premises.

C. Shed or tool room for the storage of equipment used in grounds or building maintenance.

D. Pet house. Kennels used for commercial purposes are prohibited.

E. Private swimming pool and bathhouse.

F. Structures designed and used for purposes of shelter in the event of manmade or natural catastrophes.

G. Noncommercial flower, ornamental shrub or vegetable garden or greenhouse.

H. Garage apartments.

I. Accessory apartments.

821.2. *Uses customarily accessory to a church.*

A. Religious education buildings.

B. Parsonage or parish house, together with any use accessory to a dwelling as listed under Section 921.

C. Off-street parking area for the use of members and visitors of the church.

821.3. *Uses customarily accessory to retail businesses, office use and commercial recreation facilities.*

A. Off-street parking or storage areas for customer, client, or employee-owned vehicles.

B. Completely enclosed building for the storage of supplies, stock, or merchandise.

C. Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat, or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line or the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.

821.4. *Uses customarily accessory to industry and principal agricultural use in industrial districts.*

A. Watchman or caretaker's one-family dwelling provided that such a dwelling is located on the premises of a permitted use; and, provided a member of the household is employed by the industry as a watchman or caretaker.

B. Dwelling incidental to a permitted agricultural or horticultural use if such related dwellings are occupied by persons employed directly on the premises.

C. Retail or wholesale business or service, provided such business or service is incidental to a permitted industrial use, is located on the same premises, and involves no open storage of junk or salvage materials in conjunction with the operation.

D. Private recreation facilities provided such facility is incidental to a permitted use and located on the same premises.

Sec. 922. Setback and other yard requirements for accessory uses.

The minimum front setback of the zoning district in which the parcel is located shall serve as the minimum front setback for accessory uses. For accessory structures of not greater than six hundred (600) square feet in area, or fifteen (15) feet in height and swimming pools, the minimum rear setback shall be ten (10) feet and the minimum side setback shall be ten (10) feet. The accessory use shall occupy not more than thirty (30) percent of the required rear and side setback. No accessory structure shall be greater than eight hundred (800) square feet.

For any accessory use of greater than six hundred (600) square feet in area or fifteen (15) feet in height, except swimming pools, the minimum setbacks of the zoning district in which the use is located shall apply.

Sec. 923. Principal uses.

Each parcel shall have only one (1) principal use with the exception of shopping centers that are located on parcel. Accessory uses are not considered principal uses and will be allowed where listed in this chapter.

Sec. 924. Cellular towers.

924.1. *Conditions*.

A. *Illumination*. Communications towers shall be illuminated only as required by the Federal Communications Commission (F.C.C.) and/or the Federal Aviation Administration (F.A.A.).

B. *Color*. Communications towers shall not be painted unless otherwise provided for by state or federal regulations.

C. *Signs*. A single sign, two (2) square feet in size which includes the name(s) of the company (ies) operating the equipment and a phone number for emergencies shall be displayed in a visible location on or near the communication tower. No advertising of any type may be attached to a communication tower.

D. *Removal*. A communication tower that is not used for a continuous one-year period shall be removed within one-hundred twenty (120) days. Companies must notify the city within 30 days if telecommunications cease operations at the tower or antenna. The 120-day period begins after the end of the 30-day notification period. All structures, fencing, screening and other improvements must be removed and the site returned to its original condition at the company's expense.

E. *Security*. A fence or masonry wall measuring at least eight (8) feet in height shall secure a freestanding communication tower and associated structures.

F. *Landscaping*. (As applied to communication towers, this section supersedes Article VIIi) Evergreen shrubs capable of creating continuous hedge and obtaining a height of at least five (5) feet shall be planted with a maximum spacing of five (5) feet around the immediate perimeter of the security fence surrounding the communication tower and associated structures. Plants shall be at least three-gallon container plants or twenty-four (24) inches tall at the time of planting. At least one (1) row of evergreen trees with a minimum caliper of 1.75 inches at the time of planting shall be installed at a maximum spacing of twenty-five (25) feet within a fifty-foot radius of the communication tower. A certificate of occupancy shall not be issued until the required landscaping is completed.

G. The owners and their agents shall be responsible for providing, protecting and maintaining all required landscape material in healthy condition, replacing unhealthy or dead plant materials within one year or by the next planting season, whichever comes first. Replacement material shall comply with the approved landscape plan.

H. *Antenna capacity—Wind load.* The communication tower shall be designed to withstand winds in accordance with ANSI/ETA/TIA 22 (latest revision) standards. Certification from a structural engineer registered in South Carolina shall constitute proof that such standard has been met.

I. *License*. The owners of a communication tower shall possess a valid F.C.C. license for the proposed activity.

J. *Design for multiple use.* A new communication tower shall be designed to accommodate additional antennae equal in number to applicant's present and reasonably anticipated future requirements.

K. *Safety codes.* A communication tower shall comply with all applicable health, nuisance, noise, fire, building and safety code requirements.

L. *Distance from existing tower.* A permit for a proposed communication tower site within one thousand three hundred (1,300) feet of an existing communication tower shall not be issued unless the applicant certifies that the existing communication tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.

M. *Setbacks*. Respective zoning district setbacks shall apply, except that in sites bordering residential uses, the bordering side of such sites shall observe setbacks equal to one hundred fifty (150) percent of applicable district setbacks.

N. *Permitted height of freestanding communication towers.*

District	Height
Commercial	180 feet
Industrial	360 feet
Residential	100 feet

O. *Permitted height of building mounted communications tower.* A communication tower shall not exceed twenty (20) feet in height if mounted on a building or any structure other than a freestanding or guyed communications tower.

925.2. *Application requirements.*

A. *Specifications*. One (1) copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.

B. *Site plan.* A site plan drawn to scale showing property boundaries, communication tower location, communications tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land use on adjacent property. A site plan may be required if antenna is to be mounted on an approved existing structure. Prototypical drawings indicating various types of equipment to be located on the communication tower may be submitted at the time of the permit application.

C. *Location map.* A current map, or update for all existing maps on file, showing locations of proposed antennae, facilities, existing communication towers, and proposed communication towers, serving any property within the city.

D. *Antenna owners.* Identification of the owners of all antennae and equipment to be located on the site.

E. *Owner's authorization.* Written authorization from the site owner for the application.

F. *Visual impact analysis.* A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.

G. *Location alternatives.* Satisfactory evidence shall be provided indicating:

1. The proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements without unreasonable modifications on any existing structure or communication tower under the control of applicant; and

2. Available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulation and applicant's technical design requirements.

H. *Indemnity*. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting F.C.C. rules, and must file with the zoning administrator a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to one million dollars ($1,000,000.00) in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in form approved by the municipal attorney.

I. *Application fees.* All applications for approval of a communication tower must be accompanied by a fee of two hundred dollars ($200.00) and, if applicable, any additional fees required by the municipality on applications for special exceptions or variance.

ARTICLE X. ADMINISTRATION, ENFORCEMENT, APPEAL, COMPLAINTS AND REMEDIES

Sec. 1001. Administration and enforcement.

The duly appointed zoning administrator is hereby given authority to administer and enforce the provisions of the zoning ordinance. The duties of the zoning administrator are to:

A. Interpret the zoning ordinance provisions and district boundaries;

B. Approve all building and land improvement permits for zoning compliance;

C. Approve conditional uses provided all the required zoning standards are met;

D. Process applications for zoning variances and special exceptions;

E. Process appeals to the board of zoning appeals and preparing the record for appeal to circuit court;

F. Maintain the current zoning map;

G. Maintain public records related to zoning;

H. Investigate and resolve zoning violation complaints;

I. Enforce the zoning ordinance;

J. Perform other duties assigned by ordinance or the city manager.

If the zoning administrator or other appropriate code enforcement officer determines that any of the provisions of this ordinance are being violated, he shall enforce the requirements of the ordinance by notifying in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it; or by ordering in writing the person responsible to discontinue the illegal use, addition, alteration or structural change; or by ordering in writing the person responsible to immediately discontinue the illegal work being done; or by issuing an ordinance summons; or by taking any other action authorized by law to ensure compliance with or to prevent violation of the ordinance.

The zoning administrator or other appropriate code enforcement officer is not required to warn before the issuance of an ordinance summons. In addition to the institution of criminal process for the misdemeanor violation of the zoning ordinance, the ordinance summons shall also serve as official notice of the zoning administrator's interpretation of the zoning ordinance and determination of the applicability of the ordinance to the land use. The zoning administrator or other appropriate code enforcement officer may invoke a single course of enforcement or parallel courses of enforcement in his discretion as the exigencies of the circumstances demand. Delivery of the written notice of violation and order to correct or discontinue is deemed accomplished by deposit in regular mail with sufficient postage affixed to the last known address; or by hand delivery to a person of suitable age and responsibility at the address; or by affixing the notice of violation to the structure or on a sign at the address.

Sec. 1002. Site plan requirements.

A standard application form available from the zoning administrator's office along with the completed site plans and application fee as required by the zoning administrator are required for any new development. Site plans shall be submitted to and approved by the planning department before the issuance of a building permit. The sketch or diagram need not be professionally drawn. Site plans shall be drawn to a scale of ¼″ = 1′ or ″ = 1′. Three (3) copies must be submitted.

Sec. 1003. Building and sign permits required.

No building, sign, or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the zoning administrator. No building or sign permit shall be issued unless the zoning administrator to indicate that the proposed building or sign is in full compliance with the provisions of this chapter, unless a special exception or variance is granted as provided by this chapter, shall have issued a certificate of zoning compliance.

The zoning administrator shall issue sign permits in accordance with the provisions of the building code in effect in the City of Wellford.

Sec. 1004. Application for certificates of zoning compliance.

All applications for certificates of zoning compliance shall be accompanied by the appropriate permit fee and by plans in triplicate drawn to a scale of ¼″ = 1′ or ″ = 1′, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of building(s) already existing, if any; and the location and dimensions of the proposed building(s) or alteration. 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 chapter.

The zoning administrator, with approval, shall return One (1) copy of the plan to the applicant or disapproval noted and shall be attested to the same by the signature of the zoning administrator on such copy. The zoning administrator shall retain the original copy of the plans, similarly marked.

Sec. 1005. Certificates of occupancy for new, altered, or nonconforming uses.

It shall be unlawful to use, occupy or permit the use of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the building official stating that the proposed use of the building or land conforms to the requirements of this chapter.

The building official shall maintain a record of all certificates of occupancy and a copy shall be furnished upon request to any person.

Failure to obtain a certificate of occupancy shall be a violation of this chapter, and be punishable under Section 1011 of this chapter.

Sec. 1006. Conditional uses.

Conditional uses, as set forth in Article X of this chapter, are declared to possess characteristics, which require certain controls in order to insure compatibility with other uses in the district within which they are proposed for location.

Conditional uses shall be permitted subject to a determination by the zoning administrator that they conform to all regulations set forth herein and elsewhere in this chapter, with particular reference to those requirements established for those districts in which they are proposed for location.

Sec. 1007. Conditional use administration and duration.

Applications for permission to build, erect, or locate a conditional use shall be submitted and processed in accordance with the regulations set forth in this article, prior to the issuance of any permits.

Sec. 1008. Temporary uses.

The zoning administrator is authorized to issue a temporary certificate of zoning compliance for temporary uses, as follows:

A. Carnival or circus for a period not to exceed twenty-one (21) days, subject to the approval of the city council.

B. Religious meeting in a tent or other temporary structure in the GBD, RLI, or GI districts, for a period not to exceed sixty (60) days.

C. Open lot sale of Christmas trees, in the NBD, CBD, GBD, RLI, and GI Districts for a period not to exceed forty-five (45) days.

D. Sale of fireworks in the GBD, RLI, and GI districts for a period not to exceed forty-five (45) days.

E. Real estate sales office, in any district, for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.

F. Contractor's office and equipment sheds, in any district, for a period of one (1) year, if such office is placed on the property to which it is appurtenant.

G. All temporary certificates of zoning compliance may be renewed if 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.

Sec. 1009. Expiration of building permit.

If the work in any building has not begun within six (6) months from the date of issuance thereof, said permit shall expire; the zoning administrator shall cancel it, and written notice thereof shall be given to the persons affected.

Sec. 1010. Complaint regarding violations.

Whenever a violation of this chapter 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 record properly such complaint, investigate within a reasonable time, and take action thereon as provided by this chapter.

Sec. 1011. Penalties for violation.

Any person violating any provision of the ordinance from which this section was derived shall be guilty of a misdemeanor and, upon conviction, shall be fined up to the maximum amount allowed by state law or imprisoned up to thirty (30) days in jail, as determined by a court of competent jurisdiction for each offense. Each day such violation continues shall constitute a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. Fines will be determined and review annually by city council.

Sec. 1012. Appeal from the decision of the zoning administrator.

It is the intent of this chapter that all questions arising in connection with the enforcement of the chapter shall be presented first to the zoning administrator and that such question shall be presented to the zoning board of appeals only on appeal from the decision of the zoning administrator.

Sec. 1013. Application fees.

Fees will be levied in order to partially defray expenditures associated with application processing. These fees are due upon submission of an application and shall be determined by the City of Wellford.

Sec. 1014. Special exceptions.

Special exceptions, as set forth in Article X of this chapter, are declared to possess characteristics that require certain controls in order to insure compatibility with other uses in the district within which they are proposed for location.

Special exceptions shall be permitted only for uses specifically listed as permitted by special exception for each zoning district as described in Article X of this chapter. Approval is subject to a public hearing and a finding by the zoning board of appeals of compatibility with the character of the neighborhood or area in which the proposed use is located, and that it will not impose any undue impact on neighboring parcels.

Article XII. Board of Zoning Appeals

Sec. 1100. Board of zoning appeals; terms of office.

The board of zoning appeals shall consist of five (5) members, to be appointed by the city council for terms of four (4) years. Prospective members shall be nominated by a city council member and approved by a majority vote of those city council members present and voting. All members must be legal residents of the City of Wellford and shall not hold any other elected or appointed public office in Spartanburg County. Board of zoning appeal members shall serve no more than two (2) successive full terms. Any board of zoning appeal member whose term has expired shall continue to serve until a replacement shall have been appointed by the city council.

Sec. 1101. Initial appointments of board of zoning appeal members.

The city council shall make its initial appointment of board of zoning appeal members within ninety (90) days of the adoption of the ordinance from which this section was derived. For the initial appointment, two (2) members shall serve for terms of four (4) years, two (2) members shall serve for terms of three (3) years, and one (1) member shall serve for a term of two (2) years. It shall be at the determination of the mayor as to which initial terms board of zoning appeals members are assigned.

Sec. 1102. Officers.

The officers of the board shall be a chairperson and vice chairperson elected for one-year terms at the first meeting of the board in each calendar year. The board shall appoint a member of the staff as secretary of the board.

Sec. 1103. Chairperson.

The chairperson shall be a voting member of the board and shall:

A. Call meetings of the board.

B. Preside at meetings and hearings.

C. Act as spokesperson for the board.

D. Sign documents for the board.

E. Perform other duties approved by the board.

Sec. 1104. Vice chairperson.

The vice chairperson shall exercise the duties of the chairperson in the absence, disability, or disqualification of the chairperson. In the absence of the chairperson and vice chairperson, the members present shall elect an acting chairperson.

Sec. 1105. Secretary.

The secretary shall:

A. Provide and publish notice of meetings and appeals.

B. Assist the chairperson in preparation of agenda.

C. Keep minutes of meetings and hearings.

D. Properly post property involved in appeals for variance or special exceptions.

E. Maintain records as public records.

F. Attend to board correspondence.

G. Perform other duties normally carried out by the secretary.

H. Contact all applicants who are on the agenda to verify the date of the meeting.

I. Contact all commission members to verify their attendance of each meeting.

Sec. 1106. Meetings.

1105.1. *Time and place.* An annual schedule of regular meetings shall be adopted, published and posted at city hall in December of each year. The chairperson upon twenty-four (24) hours' notice, posted, and delivered to all members and local news media, may call special meetings. Meetings hall be held in city council chambers and shall be open to the public.

1105.2. *Agenda*. A written agenda shall be furnished by the secretary to each member of the board and the news media, and shall be posted at least seven (7) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Applicants that would like to be placed on the agenda must have their completed application and/or information to the secretary no later than seven (7) days prior to the scheduled meeting. Items cannot be added to the agendas of regularly schedule meetings after the seven-day deadline. All applicants must be present at the meeting to have their case heard. If the applicant does not attend the meeting, the commission will table the case until the next scheduled meeting.

1105.3. *Quorum*. A majority of the members of the board shall constitute a quorum. A quorum shall be present before any business is conducted other that rescheduling the meeting.

1105.4. *Voting*. A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decide by the member affected, who shall announce, the reason for disqualification, give it to the chairman in writing, have it placed in the minutes, and refrain from deliberating or voting on the question.

Sec. 1107. Appeals procedures.

1106.1. *Form of appeal.* Appeals from administrative decision, applications for variance and application for special exceptions shall be filed on forms approved by the board and provided to applicants by the secretary. The board may require additional information deemed necessary. The failure to submit adequate information may be grounds for dismissal.

1106.2. *Time for appeal.* An appeal from an administration decision must be filed within fifteen (15) days after the decision becomes a matter of public record by denial or issuance of a permit or the

filing of a written decision at city hall. An appeal shall be filed by delivery of the approved appeal form to the secretary of the board who shall notify the official appealed from.

1106.3. *Withdrawal of appeal.* Any appeal or application may be withdrawn by written notice delivered to the secretary prior to action by the board. An appeal from an administrative decision, which is withdrawn, may not be refiled after the fifteen (15) days time to appeal has expired. Withdrawn application for variance and special exception may be refilled after six (6) months.

1106.4. *Disposition*. The board may deliberate and make final disposition of a matter by majority vote of members present and qualified to vote; provided not less than a quorum are qualified to vote. The vote may be taken at the same or subsequent meetings. A member may not vote on a matter that he or she has not heard. Deliberating and voting shall be done in public.

Sec. 1108. Public hearings.

1107.1. *Notice*. Public notice of a hearing of the board shall be published in a local newspaper and posted on or adjacent to the property affected at least fifteen (15) days prior to the hearing. The notice shall contain a description of each matter to be heard and identify the applicant and property affected.

1107.2. *Witnesses*. Parties of interest may present testimony under oath. Witnesses may be compelled to attend by subpoena request at least ten (10) days prior to hearing and signed by the chairperson. The board may call its own witnesses when deemed appropriate.

1107.3. *Cross examination.* No party shall have the right to cross-examine witnesses; however, the opportunity to examine opposing witnesses may be freely extended when conducted in an orderly matter. Intimidation of witnesses will not be allowed.

1107.4. *Evidence*. Relevant documents, photographs, maps, plans, drawings, etc. will be received in the record. Relevant testimony, which is not cumulative, or hearsay shall be received.

1107.5. *Conduct of hearing.* The normal order of hearing shall be:

A. Statement of matter to be heard.

B. Presentation by applicant (ten-minute limit).

C. Presentation by official appealed (ten-minute limit).

D. Presentation by opponents (ten-minute limit).

E. Rebuttal by applicant (five-minute limit).

F. Unsworn public comment.

G. Board may question participant.

1107.6. *Form of order.* An order shall be issued disposing of a matter by graining or denying relief with such conditions may be deemed necessary; or affirming, modifying, or reversing an administrative decision. Findings of fact and conclusions of law shall be separately stated in an order.

1107.7. *Service of order.* The secretary shall deliver a copy of an order to each party of interest by certified mail immediately upon execution of the order by the chairperson.

1107.8. *Rehearing*. The board may grant a rehearing of an application that has been dismissed or denied upon written request filed with the secretary within fifteen (15) days after delivery of the order accompanied by new evidence, which could not reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.

Sec. 1109. Records.

1108.1. *Minutes*. The secretary shall record all meetings and hearings of the commission on tape, which shall be preserved until final action is taken on all matters presented. The secretary shall prepare minutes each meeting for approval by the commission at the next regular meeting. Minutes shall be maintained as public records.

1108.2. *Reports*. The secretary shall assist in the preparation and forwarding of all reports and recommendations of the commission in appropriate form. Copies of all notices, correspondence, reports and forms shall be maintained as public records.

1108.3. *Attendance*. The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The commission shall recommend to the governing body the removal for cause of any member who is absent from three (3) consecutive meetings without adequate reason.

ARTICLE XII. PLANNING COMMISSION

Sec. 1201. Establishment of a planning commission.

The city 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.

Sec. 1202. Planning commission membership; terms of office.

The planning commission shall consist of five (5) members, to be appointed by the city council for terms of four (4) years. Prospective planning commission members shall be nominated by a city council member and approved by a majority vote of those city council members present and voting. All planning commission members must be legal residents of the city limits and shall not hold any other elected or appointed public office in Spartanburg County. Planning commission members shall serve no more than two (2) successive full terms. Any planning commission member whose term has expired shall continue to serve until a replacement shall have been appointed by the city council.

Sec. 1203. Initial appointments of planning commission members.

The city council shall make its initial appointment of planning commission members within ninety (90) days of the adoption of this chapter. For the initial appointment, two (2) members shall serve for terms of four (4) years, two (2) members shall serve for terms of three (3) years, and one (1) 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.

Sec. 1204. Officers.

The officers of the commission shall be a chairperson and vice chairperson elected for one-year terms at the first meeting of the commission in each calendar year. The commission shall appoint a member of the staff as secretary of the commission.

Sec. 1205. Chairperson.

The chairperson shall be a voting member of the commission and shall:

- Call meetings of the commission.
- Preside at meetings and hearings.
- Act as spokesperson for the commission.
- Sign documents for the commission.
- Transmit reports and recommendations to council.
- Perform other duties approved by the commission.

Sec. 1206. Vice chairperson.

The vice chairperson shall exercise the duties of the chairperson in the absence, disability, or disqualification of the chairperson. In the absence of the chairperson and vice chairperson, the members present shall elect an acting chairperson.

Sec. 1207. Secretary.

The secretary shall:

- Provide notice of meetings.
- Assist the chairperson in preparation of agenda.
- Keep minutes of meetings and hearings.
- Maintain commission records as public records.
- Attend to commission correspondence.
- Perform other duties normally carried out by the secretary.
- Contact all applicants who are on the agenda to verify the date of the meeting.
- Contact all commission members to verify their attendance of each meeting.

Sec. 1208. Meetings.

1208.1. *Time and place.* An annual schedule of regular meetings shall be adopted, published and posted at city hall in December of each year. The chairperson upon twenty-four (24) hours' notice, posted, and delivered to all members and local news media, may call special meetings. Meetings hall be held in city council chambers and shall be open to the public.

1208.2. *Agenda*. A written agenda shall be furnished by the secretary to each member of the commission and the news media, and shall be posted at least seven (7) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Applicants that would like to be placed on the agenda must have their completed application and/or information to the secretary no later than seven (7) days prior to the scheduled meeting. Items cannot be added to the agendas of regularly schedule meetings after the seven-day deadline. All applicants must be present at the meeting to have their case heard. If the applicant does not attend the meeting, the commission will table the case until the next scheduled meeting.

1208.3. *Quorum*. A majority of the members of the commission shall constitute a quorum. A quorum shall be present before any business is conducted other that rescheduling the meeting.

1208.4. *Voting*. A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decide by the member affected, who shall announce, the reason for disqualification, give it to the chairman in writing, have it placed in the minutes, and refrain from deliberating or voting on the question.

Sec. 1209. Public hearings.

1109.1. *Notice*. The secretary shall give the notice for all public hearings conducted by the commission. Members of the public designing to be heard shall give written notice to the secretary prior to the commencement of the hearing. A signup sheet will be available for those wanting to speak.

1209.2. *Procedure*. In matters brought before the commission for public hearing, which were initiated, by an applicant, the applicant, his agent or attorney shall be hear first, members of the public neat and staff next. The applicant shall have the right to reply last. No person may speak for more than five (5) minutes without consent of the commission. No person speaking at a public hearing shall be subject to cross-examination. Members of the commission shall pose all questions. In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received or in such order as the commission shall determine.

Sec. 1210. Records.

1210.1. *Minutes*. The secretary shall record all meetings and hearings of the commission on tape that shall be preserved until final action is taken on all matters presented. The secretary shall prepare minutes each meeting for approval by the commission at the next regular meeting. Minutes shall be maintained as public records.

1210.2. *Reports*. The secretary shall assist in the preparation and forwarding of all reports and recommendations of the commission in appropriate form. Copies of all notices, correspondence, reports and forms shall be maintained as public records.

1210.3. *Attendance*. The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The commission shall recommend to the governing body the removal for cause of any member who is absent from three consecutive meetings without adequate reason.

Sec. 1211. Function and powers of the planning commission.

It shall be the function of the planning commission to prepare and update the city's comprehensive plan and program for the physical, social, economic growth of the city 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:

A. Prepare and revise periodically a comprehensive plan and program for the development of the city.

B. Prepare and recommend for adoption to the city 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.

C. Study and report on other planning, community development, economic development, and land use matters, as assigned by city council.

D. Prepare and recommend to the city council for adoption regulations pertaining to the subdivision of land within the city.

E. 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.

ARTICLE XIII. DEFINITIONS

Sec. 1301. Interpretation of certain terms or words.

Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions. For the purpose of this chapter, certain words or terms used herein are defined as follows:

The word "shall" is mandatory.

The word "may" is permissive.

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

The word "structure" includes the word "building."

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

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words intended, arranged, or designed to be used or occupied.

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

The term "planning commission" refers to the City of Wellford Planning Commission. The term "council," "city council," or "mayor and council" refer to the legally constituted and elected governing body of the City of Wellford. The term "building official" or "zoning administrator" refers to that person or persons designated by the council for the purpose of administering the building and/or zoning codes. The term "board of appeals" refers to the Board of Zoning Appeals of the City of Wellford.

Accessory. A use, structure, or building subordinate to the principal use, structure, or building on a lot and used for purposes customarily incidental to the main or principal use or building and located on the same lot therewith.

Alley. A secondary way which affords access to the side or rear of abutting property.

Alteration of structure. Any change in the supporting members of a building (such as load bearing walls, columns, or girders), any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.

Automobile service station. Buildings and premises on any parcel or lot where gasoline, oils, greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation), where no part of the premises is used for the storage of dismantled or wrecked vehicles parts, and also where the following services may be rendered, and none other:

1. Sale and service of spark plugs, batteries, and distributors;
2. Tire repair and servicing, but no recapping;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades, windshield wipers, grease retainers, and wheel bearings;
4. Washing and polishing;

5. Greasing and lubrication;
6. Exchanging fuel oil pumps and installing fuel lines;
7. Minor servicing and replacing of carburetors;
8. Emergency wiring repairs;
9. Adjusting and repair of brakes;
10. Minor adjustment of engines, not involving removal of the head and/or crank case, or racing the motor;
11. Sale of cold drinks, packaged foods and other products targeted to the traveling public, as accessory only to the principal operation.

Bed and breakfast inn. A use that takes place within a building that prior to such an establishment was a single-family residence, that consists of renting eight (8) or less dwelling rooms on a daily basis to tourists, vacationers, and business people, where provision of meals is limited to the breakfast meal, available only to guests. The resident operator shall reside on site.

Berm. A mound of earth.

Bufferyard. A bufferyard is a permanent unit of land, together with planting, fences, berms, walls, and other screening devices required thereon.

Buildable area. That portion of any lot which may be used or built upon in accordance with the regulations governing the given zoning district, within which the particular lot is located once the various front, side, and rear setback requirements for the district have been subtracted from the total lot area.

Building. A structure, which is completely enclosed by a roof and by solid exterior walls along whose outside faces, can be traced by an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support or enclosure of persons, animals, or property of any kind.

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

Building line. That line which represents the distance from which a building or structure must be set back from a lot boundary line or a street right-of-way line or a street centerline according to the terms of this chapter. In all cases, the building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from street right-of-way lines, street centerlines, or other boundary lines.

Camper. A mobile home, tent, trailer, or other self-contained vehicle, designed for recreational purposes, made of metal or other materials, mounted on two or more wheels and either self-propelled or rigged for towing, provided such vehicle is less than thirty (30) feet in length and is not used for residential purposes within the City of Wellford.

Care home. A rest home, nursing home, convalescent home, home for the aged, or similar use established and operated on a profit or non-profit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill, or convalescent persons.

Clinic. An establishment where medical or dental patients, who are not lodged overnight, are admitted for examination or treatment.

Day care. A service established for the daytime care of persons not related to the operator.

Deciduous. Leaves fall off or are shed each year.

Density. The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this chapter are expressed in dwelling units per net acre, that is per acre of land devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, school ground, or other public uses.

District. The term applied to various geographic areas of the City of Wellford for the purpose of interpreting the provisions of this chapter. The districts are designated on the official zoning map. Regulations controlling land use in the various districts within the City of Wellford are set forth in Article IV of this chapter. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this chapter.

Duplex. See "Dwelling, two-family."

Dwelling. A building or portion of a building arranged or designed to provide living quarters for one (1) or more families.

Dwelling, single-family. A detached dwelling other than a mobile home designed or occupied exclusively by one family on a single lot.

Dwelling, two-family. A duplex or dwelling arranged or designed to be occupied by two (2) families in separate dwelling units living independently of each other on a single lot.

Dwelling, multi-family. A building or series of buildings on the same lot or portions thereof used or designed as dwelling for three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. The terms "multiple-family" and "multi-family" are synonymous and are used interchangeably throughout this chapter.

Dwelling unit. One (1) or more rooms connected together and constituting separate, independent housekeeping establishment for use on a long-term basis, with provisions for cooking, eating, and sleeping and physically separated from any other rooms or dwelling units that may be in the same structure or another structure.

Drive-in. A retail or service enterprise oriented to automobile driving patrons wherein service is provided to the consumer on the outside and/or inside of the principal building. The term "drive-in" includes drive-in restaurants, banks, laundries, food stores, car washes, and other similar retail service activities.

Evergreen. A plant that has green foliage throughout the year.

External storage. Storage of materials, inventory, parts, machinery, or equipment outside of primary building.

Family. One (1) or more persons occupying a single dwelling unit provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic employees serving the residents of the premises may be housed on the premises.

Garage apartment. An accessory dwelling unit located above a detached garage, meeting the primary setback requirements of the district in which it is located.

Garage, private. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.

Garage, public. Any garage other than a private garage which is used for storage, minor repair, rental, servicing, washing, adjusting, or equipping of automobiles or other vehicles.

Garage, repair. Buildings and premises designed or used for purposes indicated under "automobile service station" and/or major commercial repairs; if bodywork and painting shall be conducted within fully enclosed buildings and provided further that self-propelled vehicles in the process of repair shall be stored in a fully enclosed and secluded area.

Gas station. Building and premises on any parcel or lot where gasoline and accessories may be dispensed at retail (or in connection with a private operation), where no part of the premises is used for the storage of dismantled or wrecked vehicle parts, and also where the following services may be rendered, and none other:

1. Sale of cold drinks, packaged foods and other products targeted to the traveling public, as accessory only to the principal operation.

Groundcover. Plants growing close to the ground, which spread to form a dense covering over the ground.

Group housing. A building or structure used as a place of residence by several persons who share the living accommodations and do not occupy separate dwelling units. The following are considered group quarters: institutions, dormitories, rooming and boarding houses, and similar establishments.

Home occupation. Any use conducted entirely within a dwelling, carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes, and does not change the character thereof, and no person who is not a resident of the premises is employed specifically in connection with the activity.

Hotel. A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, which is open to transient or permanent guests. The word "hotel" includes the term "motel."

Impervious surface. Impervious surfaces do not absorb rain. All building, parking areas, driveways, roads, sidewalks, and any areas in concrete and/or asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Zoning Administrator to be impervious within the meaning of this definition will be considered as impervious surface.

Junk or salvage yards. The use of any part of a lot, whether inside or outside of a building, for the storage, keeping, abandonment, sale or resale of junk, salvage, or scrap materials; or the dismantling, demolition or abandonment of automobiles and other vehicles, machinery, equipment, or parts thereof.

Kennel. A commercial operation that is engaged in the breeding of animals for sale, or that provides food, shelter, and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian).

Loading space, off-street. Space logically and conveniently located for pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled.

Lot. An area designated as a separate and distinct parcel of land on a legally recorded deed was filed in the official records of Spartanburg County, as maintained in the Spartanburg County Court House. The terms "lot," "plot," "lot of record," "property," or "tract" whenever used in this chapter, are interchangeable.

Lot, corner. A lot located at the intersection of two (2) or more streets.

Lot, double frontage. A lot which has frontage on more than one (1) street, provided, however, that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three (3) or more streets.

Lot, interior. A lot, other than a corner lot, which has frontage on only one (1) street other than an alley.

Lot depth. The mean horizontal distance between front and rear lot lines.

Lot of record. An area designed as a separate and distinct parcel of land on a legally recorded subdivision plot or in a legally recorded deed was filed in the official records of Spartanburg County, as maintained in the Spartanburg County Court House. The terms "lot," "plot," "lot of record," "property," or "tract" whenever used in this chapter, are interchangeable.

Lot width. The distance between side lot lines measured at the front building line.

Major recreational equipment. Equipment or vehicles used for recreational purposes, including but not limited to motor homes, recreational vehicles, campers, trailers, motorboats, sailboats, boat trailers, all-terrain vehicles, off-road vehicles, and snowmobiles.

Manufactured housing.

Mobile homes. Mobile homes are movable or portable dwellings on wheels or on a permanent foundation of masonry units cemented together and supported on concrete footings; conforming to typical construction standards for the area of location. The unit is constructed to be towed on its own chassis and designed for year-round occupancy, which includes two (2) or more units separately towable but designed to be joined into one (1) integral unit, as well as a portable dwelling composed of a single unit. All mobile homes under the jurisdiction of this chapter shall comply with the standards for mobile homes by the American National Standards Institute, Inc. (ANSI), A119.1-1969.

Modular home. A dwelling unit that is constructed in compliance with the Southern Standard Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Motel. A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, which is open to transient or permanent guests. The word "motel" includes the term "hotel."

Natural material. Wood or other organic matter.

Nonconforming use. A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this chapter or as the result of subsequent amendments to this chapter.

Open space. Open space is land or water bodies used for recreation amenity which is freely accessible to all residents of a development where required by this chapter. Open space is not occupied by buildings or structures, roads, parking or road right-of-way. Open space does not include setbacks or many residential units required to meet minimum lot area or parking requirements.

Parking lot. Any public or private open area used for the express purpose of parking automobiles and other vehicles, with the exception of areas on the premises of single-family dwellings used for parking purposes incidental to the principal use. Otherwise, parking lots may be the principal use on a given lot or an accessory use to the principal use on a given lot.

Parking space. A space within a parking lot or on a single-family dwelling lot expressly provided for purposes of parking an automobile or other vehicle.

Permanently mounted. Attached securely to a building, wall, canopy, or the ground or pavement; by means such as concrete, bolts, metal braces, treated wood, or cedar.

Plot. An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed was filed in the official records of Spartanburg County, as maintained in the Spartanburg County Court House. The terms "lot," "plot," "lot of record," "property," or "tract," whenever used in this chapter, are interchangeable.

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

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

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

Residential district. A geographical area recognized under the city's zoning ordinance as primarily occupied by dwelling units for single-family, two-family, multiple-family, or manufactured home parks or subdivisions and campgrounds. It does not include other zoned districts intended primarily for industrial, service, commercial, or office use but which permit residential use.

Residential use. The lawful utilization of any structure as a dwelling unit for single-family, two-family, and/or multiple-family occupation.

Residence. A building or portion of a building arranged or designated to provide living quarters for one (1) or more families. The terms "dwelling" and "residence" shall be interchangeable.

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

Service station. See definition of "automobile service station."

Setback. A space on the same lot with a principal building, open, unoccupied and unobstructed by building or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

Setback, front. A yard situated between the front building line and the front lot line extending the full width of the lot.

Setback, rear. A yard situated between the rear building line and the rear lot line extending the full width of the lot.

Setback, side. A yard situated between a side building line and a side lot line and extending from the front yard to the rear yard.

Sexually oriented business. An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter center, nude model studio, escorts or escort agencies.

Specified anatomical areas. Means and includes any of the following:

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

Specified sexual activities. Means and includes any of the following:

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

Shrub. A woody plant, usually multi-stemmed or well branched from the base.

Sign. The term "sign" shall mean and include every sign, billboard, poster panel, freestanding ground sign, roof sign, projecting sign, pylon sign, illuminated sign, sign painted on a wall, window, marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, illustration, or insignia used to advertise or promote the interests of any person when the same is placed in view of the general public, traveling along a public street right-of-way.

Sign area. The area of a sign is the area of the face of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. The area of a freestanding sign structure is the area of the face or faces on one (1) side only.

Sign, business identification. A sign that directs attention to a business, commodity, service or other activity conducted on the premises upon which the sign is located.

Sign, freestanding. A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having principal function other than the support of a sign.

Sign, illuminated. A sign in which illumination techniques are used in any fashion to project the message on a sign.

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

Sign, portable. A mobile sign that is mounted on a trailer-type frame or a frame not permanently attached to the ground.

Sign, real estate. Sign advertising exclusively the sale, lease, rental, or development of the premises upon which it stands or directing attention to the opening and location of a new subdivision.

Story. The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no above floor, then the space between the floor and the above ceiling.

Street. A dedicated and accepted public right-of-way for vehicular traffic that affords the principal means of access to abutting properties.

Street centerline. That line surveyed and recorded by the governing body shall be the centerline of a street; or in the event that no centerline has been so determined, it shall be that line running midway between and parallel to the general direction of, the outside right-of-way lines of such streets.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having more or less permanent location on the ground. A "building," as defined in this section, is a "structure."

Tract. See "lot."

Trailer. Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flat beds or other carriers, which is designed or utilized to:

1. Provide temporary or permanent quarters for the conduct of business, profession, trade, or occupation;
2. Serve as a carrier of new or used goods, products, or equipment;
3. Be used as a selling, advertising, or display device. For purposes of this chapter, the term "trailer" shall not include the term "camper," "mobile home," or "house trailer."

Tree, canopy. A tree with a large, broad spreading crown, usually broadleaf and deciduous with a minimum mature height of forty (40) feet.

Understory tree. A small, usually shade tolerant tree, capable of thriving in the lower light intensities found under the canopy of tall trees.

Use, accessory. See "accessory."

Use, principal. The primary purpose for which a lot is occupied and/or used.

Variance. A modification of the strict terms of this chapter granted by the board of appeals where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not as the result of any action on the part of the property owner, a literal enforcement of the chapter would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

Yard. A space on the same lot with a principal building, open, unoccupied and unobstructed by building or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

Yard, front. A yard situated between the front building line and the front lot line extending the full width of the lot.

Yard, rear. A yard situated between the rear building line and the rear lot line extending the full width of the lot.

Yard, side. A yard situated between a side building line and a sideline and extending from the front yard to the rear yard.

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

Zoning district. See "district."

The following definitions apply to the regulation of telecommunications towers.

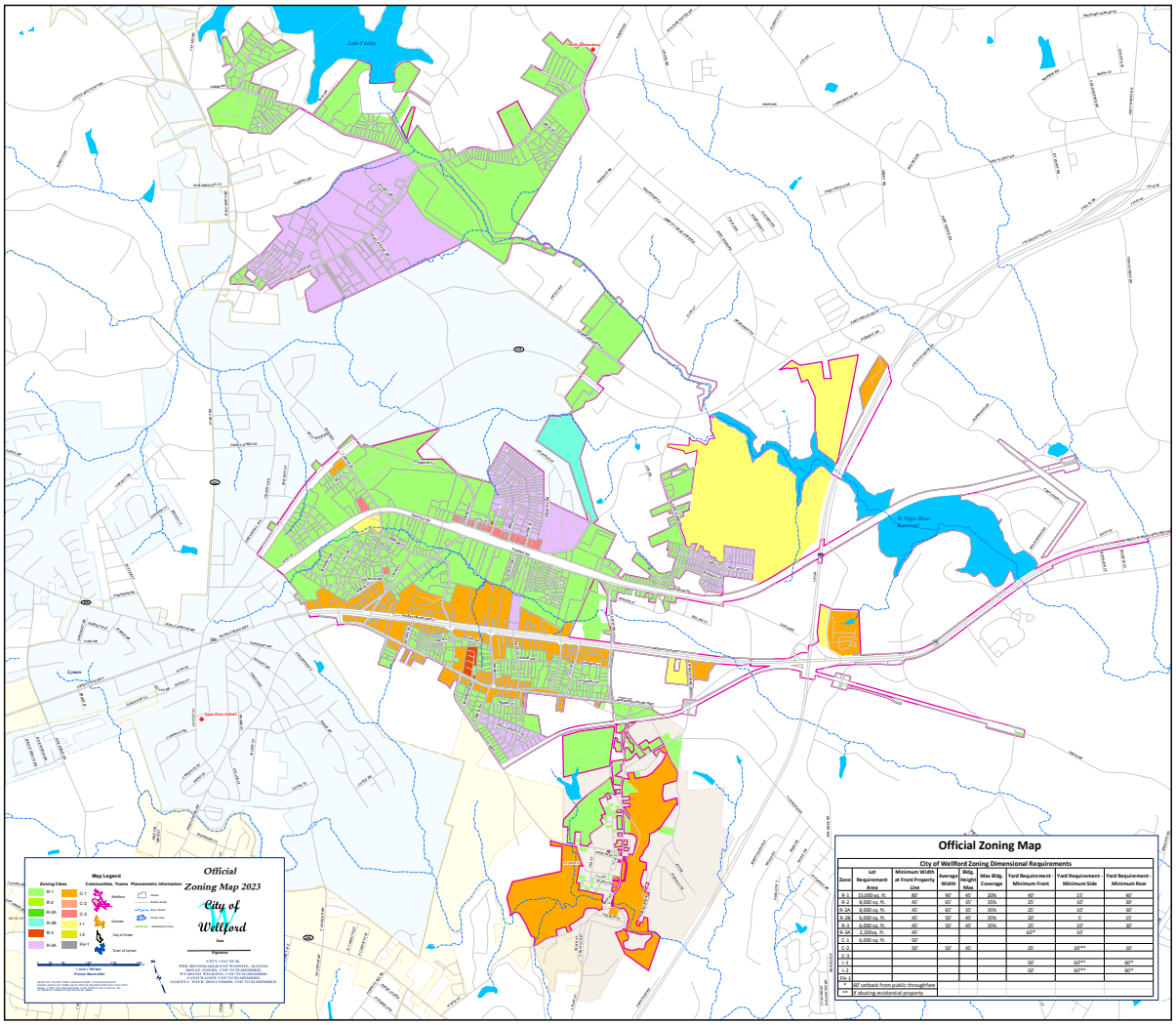
Antenna. A device, dish or array used to transmit or receive telecommunications signals.

Communications tower. As used in this chapter shall mean a tower, pole, or similar structure, which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building.

Height. The height of a communications tower is the distance from the base of the tower to the top of the structure.

Telecommunications. As defined in the Federal Telecommunications Act of 1996, means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

ARTICLE XIV. ZONING MAP



Existing Adjacent Land Uses											
Proposed Land Use	**Single-Family Residential on Local Streets**	**All Other Single-Family Residential**	**Mobile Home Park**	**Multifamily and All Other Residential**	**Religious Recreation and Child Care**	**Office and Commercial**	**Research and Industrial**	**Institutional**	**Vacant Industrial and Commercial**	**Vacant Single-Family Residential**	**Streets**
Single-Family Residences and Duplexes	0	0	0	0	0	0	0	0	0	0	0
Multifamily Residential											
1—3 units per gross acre	2	0	0	0	1	1	1	1	1	2	1
4—11 units per acre	4	1	1	1	1	1	2	2	1	4	1
12 or more units per gross acre	5	2	1	2	1	1	2	2	1	5	1
Mobile Home Park	4	2	0	2	2	1	2	2	2	2	2
Religious, Recreational or Child Care	2	2	2	2	0	0	0	0	0	2	0
Office and Commercial Use											
Less than 0.35 F.A.R.*	4	2	1	2	2	0	0	2	0	2	1
0.35 to 1.00 F.A.R.*	5	3	2	3	3	0	0	2	0	3	1
1.00 F.A.R.* to Shopping Centers	6	5	4	5	4	3	0	6	2	5	2
Research & Industrial	6	5	4	5	4	3	0	6	2	5	2
Institutional Uses	4	2	2	2	1	0	0	0	1	2	1

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

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

Note 1: Post offices, police, fire and telephone exchanges and repeater stations shall observe the buffer yard requirements for office buildings.