

Chapter 21

Zoning

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Article I, Enactment and Jurisdiction

Sec. 21.1 Authority

Pursuant to the authority conferred by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, South Carolina Code 6-29-310, et. Seq. (1994 supp.), the Town of Swansea does ordain and enact into law the following articles and sections.

Sec. 21.2 Purpose

For the purpose of guiding development in accordance with existing and future needs and in accordance with a comprehensive plan, these regulations have been made in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare; to lessen congestion in the streets; to secure safety from fire; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other improvements.

Sec. 21.3 Title

These regulations shall be known and may be cited as The Zoning Ordinance of Swansea, South Carolina.

Sec. 21.4 Jurisdiction.

The regulations set forth herein shall apply to all land and improvements thereon within the boundaries of the Town of Swansea, South Carolina and areas annexed thereto.

Article II Establishment of Districts and Zoning Map

Sec. 21.8 Establishment of Districts.

For the purpose of these regulations, the Town is hereby divided into the following districts:

- RS Single Family Residential District (two, RS-1 and RS-2)
- RG General Residential District
- OC Office Commercial District
- GC General Commercial District
- I Industrial
- RU Rural District
- PUD Planned Unit Development District

Sec. 21.9 District Boundaries Established by Zoning Map.

The boundaries of the above zoning districts are hereby established as shown on the map entitled "Official Zoning Map of the Town of Swansea, South Carolina," in which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

Sec. 21.10 Official Zoning Map.

At least one copy of the official zoning map shall be maintained in the office of the zoning administrator. Such official zoning map shall be attested by the town clerk, and shall be available at all times for inspection by the general public.

If, in accordance with the provisions of this ordinance and the South Carolina Code of Laws, 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 after the amendment has been approved by the town council. No amendment to this ordinance which involves matter portrayed on the official zoning map shall become effective until after such changes have been made on said map.

No change of any nature shall be made on the official zoning map or other matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punished 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 maintained in the office of the zoning administrator plus official records of the town clerk regarding actions of the town council to amend district boundaries shall constitute the only official description of the location of zoning district boundaries and persons having recourse to this ordinance for any purpose are hereby so notified.

Sec. 21.11 Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of any zoning district, the following general rules of interpretation shall apply. It is the duty of the zoning administrator to interpret the location of zoning district boundaries. An appeal from an interpretation or finding of the zoning administrator may be taken as specified in Article IX.

- 21.11.1 Map Symbols: A district or letter number combination on the official zoning map showing that the regulations pertaining to the district so designated extend throughout the whole area bounded by the district boundary line within which the designation appears.
- 21.11.2 Where Boundaries Approximately Follow Man-Made or Natural Features. District boundaries indicated as approximately following (1) the center line of streets, highways, or alleys, (2) platted lot lines, (3) town limits, (4) railroad lines or (5) the center lines of stream beds or other bodies of water, shall be construed to follow said features.
- 21.11.3 Where Boundaries Approximately Parallel or are Extensions of above Features. District boundaries indicated as approximately parallel to or extensions of features listed in Section 21.11 shall be so construed and at such distances therefrom as indicated on the official zoning map. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

Article III Application of Regulations

Sec. 21.14 Regulations Regarded as a Minimum

Within each district, the regulations set forth by this ordinance shall apply uniformly to each class or kind of structure or land. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of public health, safety, morals or general welfare.

Sec. 21.15. Zoning Affects All Lands, Buildings and Structures.

No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with the regulations specified in this ordinance for the district in which it is located.

Sec. 21.16 Zoning Affects Population Density, Lot Coverage, Yards and Open Spaces.

No building or other structure shall hereafter be created or altered:

- 21.16.1 To accommodate or house a greater number of families than permitted;
- 21.16.2 To occupy a greater percentage of lot area than permitted; or
- 21.16.3 To leave a narrower or smaller rear yard, front yard, side yard, or other open space than required herein, or in any manner contrary to the provisions of this ordinance.

Sec. 21.17 Yard or Open Space, Off-street Parking or Loading Space Requirements for One Building Not to Be Included as Such Requirements for Any Other Building.

No part of a yard, or other open space or off street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as a part of a yard, open space, or off street parking or loading space similarly required of any other building or use.

Sec. 21.18 Reduction of Lot Area Prohibited.

No yard or lot existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of these regulations shall meet at least the minimum requirements established by these regulations.

Sec. 21.19 Rights-of-way Not to Be Considered a Part of Lot or Open Space.

Right-of-way easements for streets and roads shall not be considered a part of a lot or open space, or front, rear, or side yard for the purpose of meeting lot dimension or area or yard requirements.

Article IV General Provisions

Sec. 21.22 Non-Conformities.

It is the intent of this ordinance to permit non-conformities to continue until they are removed but not encouraging their survival. Non-conformities are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, reconstructed to continue nonconformity after major damage, or used as grounds for adding other structures or uses prohibited elsewhere in the same district.

- 21.22.1 **Change to Another Nonconforming Use:** A nonconforming use, structure, or characteristic of use shall not be changed to any other nonconforming use, structure or characteristic of use.
- 21.22.2 **Reconstruction:** A nonconforming structure shall not be demolished or removed and rebuilt or replaced as a nonconforming structure.
- 21.22.3 **Extension or Enlargement:** A nonconforming use, structure, or characteristic of use shall not be extended, enlarged, or intensified except in conforming with this ordinance, provided, however, that any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance. No nonconforming use shall be extended to occupy any land outside such building.
- 21.22.4 **Reestablishment:** A nonconforming use or characteristic of use shall not be re-established after vacancy, abandonment, or discontinuance for any period of twelve (12) consecutive months, except where Section 21.22 applies.
- 21.22.5 **Reconstruction After Damage:** A nonconforming structure shall not be rebuilt, altered, or repaired except in conformity with this ordinance after being damaged in excess of fifty (50) percent of the replacement cost of the structure at the time of damage, provided that any permitted reconstruction shall be begun within six (6) months from the time of damage. The provisions of this subsection shall not apply to any owner occupied dwelling.
- 21.22.6 **Repair or Maintenance of Nonconforming Structures:** On any building devoted in whole or in part to any non-conformities, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Sec. 21.23 Prior Building Permits.

Nothing herein contained shall require any change in the plans, construction, or designated use of a structure for which a building permit has been heretofore legally issued and the construction of which shall have actually begun within ninety days of the date of such permit and which entire structures shall be completed, according to such plans as are filed, within one (1) year after the effective date of this ordinance.

Sec. 21.24 Lots in Multiple Districts.

Where a district boundary line as appearing on the official zoning may divide a lot in single ownership at the time of adoption of this ordinance or subsequent amendment into two or more different zoning districts, the district least restrictive in the opinion of the board of appeals shall be deemed to apply to the whole thereof.

Sec. 21.25 Accessibility for Fire Protection.

Access for firefighting equipment shall be provided to all structures hereafter erected.

Sec. 21.26 Annexation.

When annexation is accomplished, the annexed area shall be classified with an interim zoning classification of unzoned as approved by the planning commission with such interim zoning district classifications effective upon the final date of the annexation. Immediately after the effective date of such annexation, the zoning administrator shall initiate zoning amendment proceedings as specified in Article VII for the purpose of confirming the interim zoning classifications for such annexed areas, and the public hearing therefore shall be scheduled to be held not more than sixty (60) days after the effective date of annexation.

Sec. 21.27 Water and Air Pollution.

All uses must satisfactorily comply with the requirements of the South Carolina Department of Health and Environmental Control and the Lexington County Board of Health regarding the protection of waterways from pollution by waste materials and the protection of the atmosphere from pollution by dust, smoke, or other waste materials.

Sec. 21.28 Parking, Storage, or Use of Major Recreational Equipment.

No major recreational equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use, for a period of more than thirty (30) days.

Sec. 21.29 Parking and Storage of Certain Vehicles.

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any property zoned RS-1, RS-3, RG, OC, and GC other than in completely enclosed buildings. Such automotive vehicles or trailers improperly stored prior to the adoption of this ordinance shall be removed within one (1) year of the effective date of this ordinance.

Sec. 21.30 Home Occupation

Occupations, professions, or trades customarily carried on by occupants of dwelling units as secondary uses which are clearly incidental to use of dwelling units for residential purposes are allowed as accessory uses in districts where dwelling units are permitted as permitted uses, subject to the following provisions:

- 21.30.1 No person other than members of the family residing on the premises shall be engaged in such occupation.
- 21.30.2 The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- 21.30.3 There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign.
- 21.30.4 The home occupation shall be conducted only within the principal structure.
- 21.30.5 There shall be no retail sales in connection with such home occupation except for goods produced as part of the home occupation.
- 21.30.6 No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visible or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- 21.30.7 No outdoor storage shall be allowed in connection with any home occupation.
- 21.30.8 Operation of home occupations shall be limited to the hours between 8:00 a.m. and 8:00 p.m.

Sec. 21.31 Day Nurseries and Kindergartens.

Day nurseries and kindergartens where permitted are subject to the following provisions.

- 21.31.1 General requirements: The applicant shall apply to the South Carolina Department of Social Services (DSS) for a license to operate the facility and receive a letter from the regulatory agency (DSS) that the facility in question is suitable to accommodate the maximum number of children to be accommodated.
- 21.31.2 Fencing. A fenced play area shall be provided which meets the requirements of the S. C. Department of Social Services (DSS).
- 21.31.3 Loading and Unloading: An area adequate for loading and unloading of children to be accommodated shall be provided and such area shall not be located within any public right-of-way.
- 21.31.4 Facilities, operation and maintenance shall meet the requirements of the appropriate health department.

Sec. 21.32 Garage Sales, Yard Sales, and Rummage Sales.

Garage sales are permitted in all residential districts provided that the following conditions are met.

- 21.32.1 The maximum period for each sale is two (2) days. The maximum number of sales allowed per year is four (4) per residential unit.
- 21.32.2 No new or used merchandise is purchased or brought in for the sale.
- 21.32.3 All merchandise is that of the immediate family or families conducting the sale.
- 21.32.4 Only one sign is posted advertising the sale and that sign is placed on the private property of the person conducting the sale. The sign must be removed within 48 hours of sale completion.
- 21.32.5 The hours of the sale will be between 8:00 a.m. and 6:00 p.m. No Sunday sales are allowed.
- 21.32.6 No public address system is used.
- 21.32.7 No alcoholic beverages of any type are served or given on or near the premises.

21.32.8

If upon inspection by the zoning administrator or his/her designee, the inspector, or policeman, he/she finds that in his/her opinion this ordinance is being violated, a citation will be issued or the right to continue with the sale will be terminated at once.

Sec. 21.33 Required Separation Between Commercial And/or Industrial and Residential Lots.

When the rear or side lot line of a lot zoned and used for commercial or industrial purposes adjoins the rear or side lot line of a lot zoned for residential purposes, the commercial or industrial development shall comply with the following requirements:

1. The required setback line for buildings on the commercial or industrial lot shall be increased to 15 feet from the property line of the residential lot.

2. A vision screening buffer shall be provided along the rear or side lot line used and zoned for commercial or industrial purposes. This buffer shall consist of a vegetative opaque screen at least four feet deep and six feet tall or a fence at least six feet tall or any combination of the above offering equal protection. Where natural planting is to be used as screening, the planting strip shall be composed of an arrangement of shrubs and trees. The shrubs may be evergreen or deciduous and shall be arranged in one row at a minimum and planted at an initial height of at least three feet. The shrubs shall be of such variety that an average height of at least six feet could be expected as normal growth within no later than two years from the time of planting. Trees which may be either evergreen or deciduous, shall augment the arrangement of shrubs so that there will be created a screening effect of capacity to materially screen the uses within the subject property from the view of the adjacent properties.

The zoning administrator shall decide whether a wall or fence or vegetative screen is appropriate in each instance.

3. In cases of unusual topographic circumstances or size of tract involved, or where there exist screening device comparable of the general screening requirements, and in which the installation and maintenance of walls, fences, or natural planting serve no useful purpose, the zoning administrator is hereby empowered to waive the requirements for screening provided, however, that the spirit and intent of this ordinance, provisions pertaining to screening are adhered to. In no case shall the provisions of this section be construed to negate the necessity for establishing screening for houses which are adjacent to vacant properties.

Sec. 21.34 Special Exceptions.

Existing uses which by the terms of this ordinance would be permissible only as special exceptions are hereby declared existing, conforming uses requiring no further action. Any use for which a special exception is required, or for which a special exception may be granted as provided in this ordinance, in any district in which such use is provisionally permitted, shall be considered in conforming use once approval is granted by the zoning board of adjustment.

Article V District Regulations

Sec. 21.37 RS-1 Single Family Residential District.

- 21.37.1 Intent: To establish low density residential districts and to protect property in the district from the depreciating effects of incompatible land uses.
- 21.37.2 Permitted Principal Uses and Structures.
1. Single family dwellings, excluding mobile or manufactured homes.
 2. Noncommercial horticulture or agriculture, not including the keeping of poultry or livestock.
- 21.37.3 Special Exceptions.
1. Parks, playgrounds and play fields
 2. Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural, or recreational uses.
 3. Churches and other places of worship, including educational buildings related thereto.
 4. Elementary and high schools.
 5. Non commercial uses and structures to serve governmental, educational, religious, and recreational needs.
 6. Bed & Breakfast, Rooming and Boarding houses for temporary stays only.
- 21.37.4 Permitted Accessory Uses and Structures.
1. Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, private swimming pools, and the like.
 2. Home occupations, subject to the provisions of Section 21.30.
 3. Garage sales, subject to the provisions of section 21.32.
 4. Other structures and uses which:
 - a) are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
 - b) do not involve the conduct of trade on the premises; and
 - c) are located on the same lot as the permitted principal uses or structures, or on a contiguous lot in the same ownership.
 5. Signs in accordance with the Town sign ordinance.

Sec. 21.38 RS-2 Single Family Residential District.

- 21.38.1 Intent: To establish a medium density residential district and to protect property in the district from depreciating effects of incompatible land uses.

21.38.2 Permitted Principal Uses and Structure:

1. Single family dwellings, excluding mobile or manufactured homes.
2. Duplex units.
3. Non-commercial horticulture or agriculture, not including the keeping of poultry or livestock.

21.38.3 Special Exceptions.

- 1 Parks, playgrounds, and play fields.
- 2 Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural, or recreational uses.
- 3 Churches or other places of worship, including educational buildings related thereto.
- 4 Elementary and high schools.
5. Noncommercial uses and structures to serve governmental, educational, religious, and recreational needs.
6. Bed & Breakfast, Rooming and Boarding houses for temporary stays only.

21.38.4 Permitted Accessory Uses and Structures.

1. Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, private swimming pools, and the like.
2. Home occupations, subject to the provisions of Section 21.30.
3. Garage sales, subject to the provisions of Section 21.32.
4. Other structures and uses which:
 - a) are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
 - b) do not involve the conduct of trade on the premises; and
 - c) are located on the same lot as the permitted principal uses or structures, or on a contiguous lot in the same ownership.
5. Signs in accordance with the Town sign ordinance.

Sec. 21.39 RS-3 Single Family Residential District.

21.39.1 Intent: To establish a medium density residential district and to protect property in the district from depreciating effects of incompatible land uses.

21.39.2 Permitted Principal Uses and Structure:

1. Single family dwellings, excluding mobile or manufactured homes.
2. Duplex units.

3. Mobile and manufactured homes
4. Non-commercial horticulture or agriculture, not including the keeping of poultry or livestock.

21.39.3 Special Exceptions.

1. Parks, playgrounds, and play fields.
2. Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural, or recreational uses.
3. Churches or other places of worship, including educational buildings related thereto.
4. Elementary and high schools.
5. Noncommercial uses and structures to serve governmental, educational, religious, and recreational needs.

21.39.4 Permitted Accessory Uses and Structures.

1. Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, private swimming pools, and the like.
2. Home occupations, subject to the provisions of Section 21.30.
3. Garage sales, subject to the provisions of Section 21.32.
4. Other structures and uses which:
 - a) are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
 - b) do not involve the conduct of trade on the premises; and
 - c) are located on the same lot as the permitted principal uses or structures, or on a contiguous lot in the same ownership.
5. Signs in accordance with the Town sign ordinance.

21.39.5 Special Requirements for Mobile and Manufactured Homes on Individually Platted Lots, Provided that:

1. No more than one (1) mobile home shall occupy one (1) lot.
2. The wheels and hauling tongue for transporting the mobile home shall be removed.
3. The set up of the mobile home conforms to the provisions for manufactured home tie downs contained in the 1994 Standard Building Code Appendix H and the mobile home is underpinned with brick, concrete block or continuous aluminum or vinyl siding around the perimeter of the structure.
4. The mobile home is located on a lot of standard size for the residential R-3 district and placed on the lot in such a manner as to present the front door of the structure to an official street or roadway contiguous to the lot.
5. The mobile home dimensions are at a minimum of 12 feet by 35 feet for single wide homes and 24 feet by 35 feet for double wide mobile homes, and

6. Permanent front steps or a porch are constructed, installed and attached to the mobile home.

21.39.6

Mobile and Manufactured Home Parks in Accordance with the Provisions of 21.38 and the following:

1. The maximum number of mobile homes per acre shall not exceed eight (8).
2. Sanitary sewage, storm drainage, and water facilities shall be required.
3. Roadways which are not dedicated as public streets shall have a minimum travel width of twenty (20) feet exclusive of parking.
4. All roadways shall be paved with cement or asphalt.
5. All roadway intersections shall be provided with a street light and shall be not less than two hundred (200) feet apart.
6. Each mobile home park shall have a minimum area of twenty thousand (20,000) square feet set aside for common open space; in the case of a mobile home park in excess of five (5) acre minimum, or in the case of the expansion of the mobile home park, two hundred (200) square feet of common open space shall be added for each mobile home unit after the 50th unit.
7. Plans for driveways, drainage, and utilities shall be provided to and reviewed by the city planner, engineer, and building official. The building official, engineer, and planner shall advise the planning commission in writing of any findings of fact prior to the planning commission's decision to recommend or deny the proposal. The building official shall also review all plans for any findings of fact which relate to the proposed mobile home park's compliance with all local and state codes regulating health and environmental sanitation.
8. If spaces for mobile homes are to be offered for sale, lots proposed for sale shall be recorded according to the requirements of the subdivision ordinance of the city. Application for subdivisions may be processed in conjunction with the administrative review procedure required under this ordinance to obtain authorization for development.

21.39.7

Other Requirements for Mobile Homes and Manufactured Homes

1. Other conditional uses may be permitted as required, to serve exclusively, in the opinion of the board of zoning appeals, the residents of that particular district on the condition that each use as proposed shall be in conformance with the current adopted standards for off-street parking and that each proposed use shall submit a landscaping plan, to include a planting plan, which shall be reviewed and approved or denied by the planning commission. The above conditions must be met, plans approved and conditions maintained in compliance with all applicable laws and codes for the duration of the existence of the conditional use.
2. The city council may revoke any license to maintain and operate a mobile home park when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this ordinance. After such conviction, the license may be reissued if the circumstances leading to the conviction have

been remedied and the park is being maintained and operated in a manner consistent with, and in full compliance of, the law.

3. The certification of zoning compliance shall be conspicuously posted in the office or on the premises of the mobile home park.
4. Existing mobile homes not in conformance with these regulations shall be considered nonconforming uses and shall be governed by the regulations set out in the code of ordinances.

Sec. 21.40 RG General Residential District.

21.40.1 Intent: It is the intent of this district: to provide for quiet, livable residential neighborhoods to encourage the use of land for residential purposes; to prohibit any use which would substantially interfere with the development or the continuation of residential development; to encourage the discontinuance of nonconforming uses; to discourage any use which would generate traffic on minor streets other than that required to serve residences on those streets.

21.40.2 Permitted Principal Uses and Structures.

1. Single family dwellings
2. Multi-family residential units.
3. Garage apartments.
4. Mobile or manufactured homes
5. Rooming and boarding houses; bed and breakfast inns.
6. Noncommercial horticulture or agriculture, but not including the keeping of poultry or livestock.
7. Bed & Breakfast, Rooming and Boarding houses for temporary stays only.

21.40.3 Special Exceptions.

1. Parks, playgrounds, and play fields.
2. Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural, or recreational uses.
3. Churches and other places of worship, including educational buildings related thereto.
4. Elementary and high schools.
5. Day nurseries and kindergartens, subject to the provisions of Section 21.31.
6. Rest homes, convalescent homes, homes for orphans, and homes for the aged.
7. Noncommercial uses and structures to serve governmental, educational, religious, and recreational needs.
8. Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, private swimming pools, and the like.
9. Home occupations, subject to the provisions of Section 21.30.
10. Garage sales, subject to the provisions of Section 21.32.

Other structures and uses which:

1. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
2. Do not involve the conduct of trade on the premises; and
3. Are located on the same lot as the permitted principal uses or structures, or on a contiguous lot in the same ownership.
4. Signs in accordance with the Town sign ordinance.

21.40.4

Special Requirements for Mobile and Manufactured Homes on Individually Platted Lots, Provided that:

1. No more than one (1) mobile home shall occupy one (1) lot.
2. The wheels and hauling tongue for transporting the mobile home shall be removed.
3. The set up of the mobile home conforms to the provisions for manufactured home tie downs contained in the 1994 Standard Building Code Appendix H and the mobile home is underpinned with brick, concrete block or continuous aluminum or vinyl siding around the perimeter of the structure.
4. The mobile home is located on a lot of standard size for the residential R-6 district and placed on the lot in such a manner as to present the front door of the structure to an official street or roadway contiguous to the lot.
5. The mobile home dimensions are at a minimum of 12 feet by 35 feet for single wide homes and 24 feet by 35 feet for double wide mobile homes, and
6. Permanent front steps or a porch are constructed, installed and attached to the mobile home.

Sec. 21.41 OC Office Commercial District.

21.41.1

Intent: This district is intended to accommodate office, institutional, and certain types of residential uses in areas whose characteristic is neither general commercial nor exclusively residential in nature. Certain related structures and uses required to serve the needs of such areas are permitted outright or are permissible as special exceptions subject to restrictions and requirements to best fulfill the intent of this ordinance.

21.41.2 Permitted Principal Uses and Structures.

1. Offices (Business, Professional, Governmental)
2. Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for teaching of music, dancing or other performing arts.
3. Nursing homes, rest homes, convalescent homes, homes for orphans, homes for the aged.
4. Auditoriums, libraries, museums, legitimate theaters.

5. Funeral homes.
6. Elementary schools, high schools, business, and vocational schools not involving operations of an industrial or retail nature.
7. Colleges and universities.
8. Churches and other places of worship, including educational buildings related thereto.
9. Private non profit clubs and lodges, fraternities, sororities, denominational student centers.
10. Single family dwellings and two family dwellings, excluding mobile or manufactured homes.
11. Rooming and boarding houses; and bed and breakfast inns.
12. Cemeteries.
13. Day nurseries and kindergartens, subject to the provisions of Section 21.31.
14. Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural or recreational uses.

21.41.3 Permitted Accessory Uses and Structures.

1. Dwelling units in connection with permitted principal uses or structures, located on the same premises therewith, provided that such dwelling units shall be occupied only by the owners or employees or such use.
2. Structures and uses which are:
 - (a) customarily accessory and clearly incidental and subordinate to permitted principal uses and structures; and
 - (b) located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.

Sec. 21.42 GC General Commercial District.

21.42.1 Intent: This district is intended to accommodate a variety of general commercial and residential uses characterized primarily by retail, office and service establishments and oriented primarily to major traffic arteries or extensive areas of predominately commercial usage and characteristics. Certain related structures and uses are permitted outright or are permissible as special exceptions subject to the restrictions and requirements intended to best fulfill the intent of this Ordinance.

21.42.2 Permitted Principal Uses and Structures.

1. Retail establishments.
2. Service and repair establishments.
3. Personal service establishments including such uses as beauty shops, barber shops, shoe repair shop, dry cleaning and laundry dressmaking and tailoring.
4. Offices (business, professional, governmental).
5. Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops.
6. Financial institutions.

7. Eating and drinking establishment, including drive-in eating and drinking establishments, provided the sale of alcoholic beverages account for less than 50% of gross revenues.
8. Wholesaling and distribution establishments not involving over 8,000 square feet of area for storage of wares to be wholesaled or distributed.
9. Commercial recreation and entertainment structures and uses, such as theaters, bowling alleys, miniature golf courses, and the like.
10. Hotels and motels.
11. Commercial parking lots and parking garages.
12. Commercial printing and job printing establishments.
13. Radio stations, television stations, not including towers or dishes over sizes allowed in this ordinance.
14. Passenger terminals.
15. Veterinary establishments, provided that all animals are kept within suitably designed soundproof, air conditioned buildings.
16. Funeral homes.
17. Single and two-family dwellings excluding mobile homes.
18. Business and vocational schools not involving operations of an industrial nature.
19. Non-profit private clubs and lodges, civic and fraternal organizations.
20. Ambulatory and health care related facilities, clinics, laboratories.
21. Parks, playgrounds, and play fields.
22. Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural or recreational uses.
23. Churches and other places of worship, including educational buildings related thereto.
24. Automobile service stations and repair garages including car washes and auto parts shops provided there is no outside storage or parking of vehicles without current license plates and inspection stickers.
25. Automobile sales and service.
26. Cemeteries.
27. Day nurseries and kindergartens are subject to the provision of section 21.31.
28. Laboratories and establishments for fitting, repair, or production of eyeglasses, hearing aids, or prosthetic devices.

21.42.3

Permitted Accessory Uses and Structures. Structures and uses which:

1. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures:
2. Are located wholly on the same lot as the permitted principal use structure, or on a contiguous lot in the same ownership.
3. Do not involve operations not in keeping with the character of the area, or a nature prohibited under "Prohibited Uses and Structures" for this district.

21.42.4

Permitted Special Exceptions. After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit, as special exceptions:

1. Hospitals, sanitariums, nursing homes, rest homes, convalescent homes, homes for orphans, homes for the aged provided that no such facility shall have a lot area of less than one (1) acre, and that no buildings in connection with such facility shall be closer than twenty-five (25) feet to any lot residentially zoned.
2. Temporary borrow pits for fill dirt and topsoil.
3. Mini-warehouses with or without an accessory apartment (one apartment only) for security purposes and parking and storing of retail rental vehicles.
4. Package stores selling alcoholic beverages (i.e. ABC store.)
5. Nightclubs providing food and entertainment.
6. Planned industrial and office parks which have deed restrictions and architectural review requirements which in the opinion of the zoning board of adjustment are sufficient to ensure a quality of development which will be compatible with permitted uses and intent of this district.

21.42.5

Prohibited Uses and Structures.

1. Any use other than as provided under "Permitted Principal Uses and Structures," or "Permitted Accessory Uses and Structures," or as permitted in connection with "Special Exceptions."
2. Yards for storage of used building materials, or for any scrap or salvage operations, or for storage or display or any scrap, salvaged or recyclable materials, auto and scrap junkyards.
3. Truck terminals, warehouses containing over 8,000 square feet of space for storage of wares in connection with wholesale or distribution operations; storage or distribution centers for bulk petroleum products.
4. Mobile homes or manufactured home sale lots.

Sec. 21.43 I Industrial District.

21.43.1

Intent: This district is intended to accommodate wholesaling distribution, storage, processing light manufacturing, and general commercial uses. Certain related structures and uses required to serve the needs of such uses are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this Ordinance.

Permitted Principal Uses and Structures.

1. Research uses to include theoretical and applied research in all the sciences, product development and testing, engineering development, and marketing development.
2. Truck terminals, freight terminals, and passenger terminals.
3. Light manufacturing and processing.
4. When incidental to a permitted use, outdoor storage lots and yards, (except automobile junkyards) scrap yards, salvage yards, or yards used in whole or in part for scrap or salvage operations or for processing storage, display, or sales of junk, scrap, salvaged or recyclable materials (bulk sales, storage or display of lumber or building materials and supplies.)
5. Retail establishments, sales and display rooms.
6. Offices.
7. Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for teaching of music, dancing or other performing arts.
8. Financial institutions.
9. Hotels and motels.
10. Eating and drinking establishments, including drive-in eating and drinking establishments.
11. Personal service establishments.
12. Business service establishments.
13. Service and repair establishments including automobile service stations and repair garages.
14. Amusement, recreational, and entertainment establishments.
15. Laboratories and establishments for fitting, repair, or production of eyeglasses, hearing aids, or prosthetic devices.
16. Radio and television stations, not including towers or dishes over sizes allowed in this ordinance.
17. Veterinary establishments.
18. Commercial printing and job printing.
19. Business schools and vocational schools not involving use of an industrial nature which would not otherwise be permitted in this district.
20. Rehabilitation centers.
21. Parking lots and parking garages.
22. Nonprofit clubs, lodges, civic and fraternal organizations.
23. Parks, playgrounds, and play fields.
24. Utilities substations
21. Churches and other places of worship, including educational buildings related thereto.
26. Community service structures and use such as community service centers, libraries, fire stations, civic, cultural or recreational uses.
27. Wholesaling, warehousing, storage, supply, and distribution.

21.43.3

Permitted Special Exceptions.

1. Planned industrial and office parks which have deed restrictions and architectural review requirements which in the opinion of the zoning board of adjustment are sufficient to ensure a quality of development which will be compatible with permitted uses and intent of this district.

21.43.4.

Permitted Accessory Uses and Structures.

1. Dwelling units in connection with permitted or permissible uses or structures, located on the same premises therewith, provided that such dwelling units shall be occupied only by owners or employees of such uses.
2. Other structures and uses which:
 - a) Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures:
 - b) Are located wholly on the same lot as the permitted principal uses and structures;
 - c) Do not involve operations not in keeping with the character of the area, or of a nature prohibited under "Prohibited Uses and Structures" for this district.
 - d) Day nurseries and kindergartens subject to the provisions of Section 21.31.

Sec. 21.44 RU - Rural District

21.44.1

Intent: This district is intended to (1) protect and encourage agricultural endeavors and promote the wise use of prime agricultural and forest lands, and (2) protect and encourage the integrity of existing rural communities, (3) protect valuable natural and cultural resources, (4) maintain open space and scenic areas contiguous to development areas.

21.44.2

Permitted Principal Uses and Structures.

1. All farm type enterprises, excluding factory farms of all types, either in conjunction with or separate from dwellings.
2. Public buildings and utilities, excluding correctional facilities, and communication towers.
3. Orphanages, children's homes, nursing homes, and similar nonprofit institutions.
4. Hospitals, rest homes for the aged, and sanatoriums.
5. Churches, synagogues, and related uses.
6. Non-profit civic, fraternal, cultural, and social organizations, clubs, lodges, and facilities.
7. Educational facilities including day nurseries and day care centers.
8. Dwellings, one-family, one per lot.
9. Dwellings, two-family, one per lot.

10. Mobile or manufactured homes, one per lot.
11. Cemeteries.
12. Wholesale commercial greenhouses and nurseries.

21.44.3. Permitted Accessory Uses and Structures.

1. Home occupations subject to the restrictions of Section 21.30.
2. Other structures and use which are customarily accessory and clearly incidental and subordinate to permitted uses and structures.

21.44.4. Permitted Special Exceptions. After public notice and hearing, and subject to appropriate conditions and safeguards, the board of adjustment may permit as special exceptions the following, provided however, that all uses in existence at the time of passage of this ordinance which meet the criteria for special exceptions below are automatically deemed approved as special exceptions.

1. Indoor and outdoor amusement facilities for purposes of public recreation, including parks, and playgrounds, provided that the board of adjustment shall find that the characteristics of such uses and the site design thereof will be compatible with nearby uses and further provided that motor vehicle raceways shall be specifically excluded.
2. Commercial uses with a total of no more than five thousand (5,000) square feet of gross floor area, including storage, provided that the board of adjustment shall find that the characteristics of such uses and the site design thereof will be compatible with nearby uses.
3. Group housing developments containing between two (2) and six (6) dwelling units inclusive, at a rate of density of at least one (1) acre per dwelling unit.
4. Television, radio, telephone and fire towers.

21.44.5 Minimum Lot Area.

1. All residential uses: not more than one unit per acre.
2. Other uses and structures permitted outright are permissible with special exceptions: one acre except as needed to meet other requirements herein or state health requirements if either no public water or sewer is available.

21.44.6 Minimum Yard Requirements. The depth of front and rear yards and the width of side yards shall be as follows for all permitted and permissible structures:

1. Front yards: Forty (40) feet.
2. Side yards: Twenty (20) feet.

3. Rear Yards:

- (a) For permitted principal structures: Fifty (50) feet;
- (b) For permitted accessory structures: Twenty (20) feet. when a nonresidential structure adjoins residential unit or development, the side yard and rear side should be increased by an additional ten (10) feet to provide for an undisturbed buffer zone.

- 21.44.7 Minimum Lot Width: The minimum lot width of any lot is one hundred and twenty (120) feet.
- 21.44.8 Maximum Height of Structures. No portion of any building shall exceed thirty five (35) feet in height. Structures associated with farming operations (i.e. silos, barns, windmills, etc.) are excluded from the height requirements.
- 21.44.9 Minimum Off-Street Parking and Loading Requirements. Off-street parking and loading requirements as set forth in Section 21.49 must be met.
- 21.44.10 Signs. Signs are permitted in a rural district only in accordance with the provisions of the town sign ordinance.
- 21.44.11 Drives. Any access drives to all structures must be of sufficient width to permit access by emergency vehicles.
- 21.44.12 Special Requirements for Mobile and Manufactured Homes on Individually Platted Lots, Provided that:
1. No more than one (1) mobile home shall occupy one (1) lot.
 2. The wheels and hauling tongue for transporting the mobile home shall be removed.
 3. The set up of the mobile home conforms to the provisions for manufactured home tie downs contained in the 1994 Standard Building Code Appendix H and the mobile home is underpinned with brick, concrete block or continuous aluminum or vinyl siding around the perimeter of the structure.
 4. The mobile home is located on a lot of standard size for the residential R-6 district and placed on the lot in such a manner as to present the front door of the structure to an official street or roadway contiguous to the lot.
 5. The mobile home dimensions are at a minimum of 12 feet by 35 feet for single wide homes and 24 feet by 35 feet for double wide mobile homes, and
 6. Permanent front steps or a porch are constructed, installed and attached to the mobile home.

Sec. 21.45 Area Yard and Height Requirements

	RS-1	RS-2	RS-3	RG	OC	GC	I
21.45.1 Lot size - residential							
21.45.2 Minimum first unit (sq. feet)	25,000	12,500	7,500	7,500	7,500	7,500	N/A
21.45.3 Minimum each ad'l unit (sq. feet)	N/A	N/A	N/A	2,500	2,500	2,500	N/A
21.45.4 Minimum lot width (feet)	100	75	50	50	50	50	N/A
21.45.5 Lot size--non-resd'l							
21.45.5.1 Maximum coverage of lot (percent)	21	21	21	35	40	60	60
21.45.5.2 Minimum lot width (feet)	60	60	60	60	60	60	60
21.45.6 Minimum set backs							
21.45.6.1 Front yard (feet)	60	60	60	60	60	60	60
21.45.6.2 Side yard (feet)	10	*	*	10	10	**	10
21.45.6.3 Rear yard (feet)	15	15	15	15	15	10 10	10
21.45.7 Maximum height (feet)	35	35	35	35	35	***	35

* Combined 15 feet with a minimum of six feet on one side

** The principal structure may be built on the property line at least three feet distant from the side yard line. See sign ordinance and section 4.11 for additional requirements.

*** To be approved by board of appeals

See Sec. 21.44.5 through 21.44.11 for RU requirements

Sec. 21.46 PUD Planned Unit Development District

21.46.1 Intent: The intent of planned unit development districts is to derive the benefits of efficiency, economy, and flexibility by encouraging unified development of large sites, while also obtaining the advantage of creative site design, improved appearance, compatibility of uses, optimum service by community facilities, and

better functioning of vehicular access and circulation. It is the intent of this Ordinance to allow development of large sites subject to specific regulations concerning lot area, building coverage, yard spaces, and building height in so far as the town council shall deem appropriate to fulfill the intent of this ordinance, upon presentation of certification from the owners, developers, or other parties at interest in the development of such sites that they will adhere to development policies which will fulfill the intent of this ordinance.

21.46.2 Types of Planned Unit Development Districts

Two types of planned unit development districts accommodating primarily residential or nonresidential uses are created as follows:

1. PUD-R Planned Unit Development - Residential:

The PUD-R district is intended to accommodate primarily residential uses, with nonresidential uses integrated into the design of such districts as secondary uses.

2. PUD-C Planned Unit Development - Commercial:

The PUC-C is intended to accommodate primarily nonresidential uses, with residential uses integrated into the design of such districts as secondary uses.

3. Intent: The types of residential dwelling units, and the types of nonresidential uses allowed to be established in such districts increase with increasing site size of such districts, based upon the premise that increased site size will allow proper design including functional interrelations, buffer treatments separating uses with potentially incompatible characteristics of use, design of access patters, and relationships of uses within such planned unit developments with uses in adjacent districts. It is the intent of the Ordinance that such design and planning features be incorporated properly into any PUD district hereafter created, and that the planning commission and town council shall consider the existence and appropriateness of such features before any amendment to the zoning map is adopted to create such district.

21.46.3 Permitted Principal Uses and Structures

Permitted principal uses and structures vary with increasing size and are different for PUD-R and PUD-C districts. Such uses are permitted as per the uses enumerated for specific districts in Section 21.37 through 21.41 above. Where uses for more than one district are permitted, the uses of the less restrictive district shall be permitted. Permitted principal uses and structures for various site sizes and types of PUD districts are as follows:

21.46.4 Maximum Area of Commercial or Industrial Uses in Pud-R Districts.

In PUD-R districts in which commercial or industrial uses are permitted, the total

gross floor area of such commercial or industrial uses shall not exceed the percentages listed below as related to gross floor area of all structures within the PUD at any time. In addition, in PUD-R districts in which commercial or industrial uses are permitted, the area of land devoted to such uses, including land coverage of structures, parking, and related characteristics and accessory uses thereto, shall not exceed the percentage listed below as related to total PUD site size at any time. Provided, however, that these percentages shall apply to commercial and industrial uses, and not to other nonresidential uses, such as schools, parks, community buildings, or public facilities.

21.46.5 Permitted Accessory Uses and Structures

Accessory uses and structures shall be permitted as for the least restrictive districts indicated in Section 21.45.3 for any specific site size

21.46.6 Permitted Special Exceptions: No special exception actions are required to establish any specific use. Uses and structures permitted in the least restrictive districts indicated in Section 21.45 for any specific site size are permitted outright, provided, however, that the planning commission and town council shall ascertain that the effects and benefits usually derived from safeguards and conditions normally imposed upon special exceptions permissible for districts.

21.46.7 Permitted Uses and Structures: Certain uses and structures shall be prohibited as for the least restrictive districts indicated in Section 21.45.3 for any specific site size.

21.46.8 Minimum Lot Area: No minimum lot area is required for any specific structure, however, minimum site size to accommodate specific uses shall be listed in Section 21.45.3.

21.46.9 Minimum Lot Width, Minimum Yard Requirements, Maximum Lot Coverage, Maximum Height of Structures.

Minimum setbacks, minimum lot width, minimum yard sized, maximum lot coverage, and maximum height are not regulated within PUD districts, provided, however, that the planning commission and town council shall ascertain that the characteristics of building siting shall be appropriate as related to structures within the planned unit development and otherwise fulfill the intent of this ordinance.

21.46.10 Minimum Off-Street Parking and Loading: Off street parking and loading requirements as set forth in Article VI shall be met as for the least restrictive districts indicated in Section 21.42.2 for any specific site size.

21.46.11 Sign: Signs are permitted in PUD districts only in accordance with provisions of the Town sign ordinance as for the least restrictive districts

Administrative Application and Review Procedures

1. General: The establishment of a PUD district shall be by amendment to the zoning map accompanied by certain sureties that the development will be in harmony with the intent of this ordinance and that the public interest in adequate site design, access, and community facilities and amenities will be defended. Application for amendment to establish a PUD district shall be subject to the provisions of Article VIII, "Amendments," and in addition, the procedures described below shall apply. It is the intent of this ordinance that the public interest will be served not only by consideration of those specific criteria set forth herein, but also by consideration of the total anticipated effect of the planned unit development upon the community at large. The provisions of the PUD district represent a relaxation of specific site design requirements as applied to other districts herein, and in return for the design flexibility granted thereby, the applicant for amendment to PUD district classification, by requesting the PUD designation and making application therefore shall agree to furnish information about the proposed development, and later to abide by certain conditions and safeguards as may be imposed by the town council in establishing such developments. To that end the regulations set forth herein are minimum requirements, and it is the intent of this ordinance that the town council may impose conditions and safeguards in excess of, or in addition to the specific requirements set forth herein, and that guarantee of meeting the minimum requirements set forth herein should be entitled to such an amendment, and notice is hereby given to that effect.
2. Pre-application Conference: The applicant is encouraged to communicate his intentions to establish a planned unit development, and the proposed characteristics thereof, to the planning commission. These shall be done prior to initiating an application for amendments in order to avoid undue delay in the review process. After initiating such application, preliminary form, and in order to avoid unnecessary expense in preparation of materials in final form which may later be found to be unacceptable or incomplete.
3. Application for Amendments: The applicant shall make application for an amendment to PUD classification as specified by Article VIII herein.
4. Site development plans to be submitted to the planning commission for review: The applicant shall submit site development plans to the planning commission for review, which shall be similar in content and format to preliminary plats required for review by the Subdivision Regulations of the Town, and in addition shall show locations of all buildings, proposed to be constructed in such planned unit development, drawn approximately to scale, and in addition shall contain such other information as may be deemed reasonably appropriate for planning commission review.

5. Descriptive Statement to be submitted to Planning Commission for Review: The applicant shall also submit a descriptive statement describing the characteristics and standards to be followed in developing the proposed planned unit development. The descriptive statement shall generally include, but not be limited to the following:
 - a. Legal description of proposed development boundaries.
 - b. Total number of acres in the development area.
 - c. Number of acres devoted to residential, commercial, industrial, and other nonresidential uses to reflect requirements of this Section.
 - d. Number of dwelling units of various types and overall density thereof.
 - e. Number of off-street parking and loading spaces as needed to meet requirements of individual buildings as required by this Section.
 - f. If commercial development is proposed, indication of economic feasibility and justification for size of facilities.
 - g. Description of open space uses and areas proposed, adequacy thereof to serve anticipated demand, and if dedication of open space is proposed, procedures and conditions thereof in detail.
 - h. If a homeowners' association or other group maintenance of group ownership features are to be included, a detailed description of the proposed procedures and operation thereof.
 - i. An outline of development phasing indicating the timing of development of all proposed facilities and justification of development phasing with respect to nonresidential facilities in relation to residential facilities.
 - j. Design standards, administrative procedures, and other characteristics which will guarantee the development of the project as an integrated functionally operable, well planned whole.
 - k. Other such information or descriptions as may be deemed reasonably appropriate for Planning Commission review.
 - l. Post required bonds required by the planning commission.
6. Planning commission and town council hearing: A public hearing shall be held in accordance with procedures set forth in Article IX, except that such hearing shall be a joint hearing before the planning commission and town council simultaneously.
7. Planning Commission Recommendation: The planning commission shall make a recommendation upon the proposal which shall be advisory to the town council. Requirements of Article VIII are applicable if the planning commission should fail to report within the time limit established by Article VIII.
8. Town Council Approval: The town council may, after fulfilling all applicable requirements of this Section and all applicable requirements of Article VIII, act to either approve or disapprove the Application for Amendment.

9. Issuance of Zoning or Building Permits: The zoning administrator shall not issue any Zoning Permit or Certificate of Occupancy, and the Building Official shall not issue any Builder Permit for work to commence within any PUD district until the applicant for amendment which established such districts shall have:
- a. Filed with the town clerk and recorded with the register of mesne conveyances of the county plats showing all proposed features of the planned unit development as approved by the town council which shall be certified by the town clerk.
 - b. Completed any necessary agreements with the Town that the Town may become a party to deed restrictions and other restrictive covenants related to the planned unit development, and recorded such agreement with the town clerk and with the register of mesne conveyances of the county.
 - c. Recorded with the register of mesne conveyances of the county all required deed restrictions or other restrictive covenants as required by the town council upon approval of the amendment establishing the planned unit development district.
 - d. Recorded with the town clerk and with the register of mesne conveyances of the county the descriptive statement as approved by town council setting forth and committing the developer to certain design standards, development phasing schedules, and other pertinent matters.

21.46.13.

Changes of Plans for Planned Unit Developments: Changes which do not require changes of the boundaries of an established PUD district or establishment of a new PUD district are not considered amendments to the zoning ordinance. Any change in boundary of such PUD district shall be accomplished only following procedures as set forth in Article VIII herein. Changes in the approved characteristics or agreements relating to a PUD district, but not involving change in the boundary thereof shall be classed as either major changes or minor changes and shall be approved or disapproved as follows:

1. Minor changes: Revisions of minor characteristics of the planned unit development, such as relocation of driveways or revision of floor plans of specific structures, may be authorized by the planning commission, provided that such authority is granted to the planning commission by the approved and recorded descriptive statement concerning development of the planned unit district. If the planning commission fails to approve a request for a minor change, the developer or other party at interest may then seek a change by the regular amendment process as outlined below for major changes.
2. Major Changes: Major changes which materially affect the characteristics of the planned unit development shall follow the same procedural requirements as for the amendment originally establishing the planned unit district, including planning commission review, public hearing, and town council determination, as set forth in Article VIII herein.

3. It shall be the duty of the zoning administrator to determine whether any specific request shall be considered a major change or a minor change, provided however, that the applicant for change shall have the right to have any request for change processed as a major change.
4. The zoning administrator shall issue no zoning permit or certificate of occupancy and the building official shall issue no building permit in connection with any action related to such changes until such changes have duly recorded as for the original documents recorded as set forth in Section 21.46.12. above.

21.46.14. Failure to Complete, or Failure to Make Adequate Progress:

The descriptive statement as approved by town council and duly recorded shall set forth the development schedule for the project including phasing of development of nonresidential uses in relationship to residential use. The town council shall require the posting of a bond with a corporate surety to guarantee that the schedule as set forth in the descriptive statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for recertification of improper development spaces. If there is failure to begin, or failure to complete, or failure to make adequate progress as agreed in the descriptive statement, the town council may enforce and collect upon such bonds or sureties as described above, or may change provisions of Article VIII, and thus terminate the right of the applicant to continue development, or may initiate action to charge the developers with specific violation of the zoning ordinance subject to the penalties set forth in Article VII or any appropriate combination of the above remedies may be taken.

21.46.15 Terms of this Section to Prevail: In case of any conflict of the terms of Section 21.46 with terms of other sections of this ordinance, the terms of Section 21.46 shall prevail.

Article VI Supplementary Regulations

Sec. 21.49 Off Street Parking.

Off street automobile storage or parking space shall be provided and maintained on every lot on which any of the following uses are hereafter established. The number of parking spaces provided shall be at least as great as the number specified in section 21.49.1 for the various uses. When applications of said provisions results in a fractional space requirement, the next larger requirements shall prevail. Off street parking facilities for uses existing on the effective date of this ordinance shall not be reduced below the requirements as required in this section. Off street parking facilities shall be provided and maintained as required in this section for any addition to or extension or enlargement of a use of land or building which existed on the effective date of this ordinance. The provision and maintenance of the off street parking facilities herein required shall be the joint and several responsibility of the operator and owner of the use and the operator and owner of the land on which, or the structure in which, is located the use for which off street parking facilities are required herein.

21.49.1 Required Parking

1. Residences: two spaces for each dwelling unit
2. Offices, including banks: one space for each 210 square feet of gross floor area.
3. Retail and service business: one space for each 210 square feet of sales floor area.
4. Shopping centers: one space for each 200 square feet of gross floor area.
5. Wholesaling and warehouses: one space for each three employees on the shift with the highest employment.
6. Industrial: one space for each three employees on the shift with the highest employment.
7. Churches, synagogues, or other places of worship: one space for each four seats in the main assembly room or sanctuary.
8. Places of public assembly, fraternal organization: one space for each four seats of maximum seating capacity in the main assembly room.
9. Schools public and private: one space for each four seats in the main auditorium or assembly room.
10. Rooming and boarding houses, hotels: one space for each room to be let, plus one space for each two employees
11. Tourist houses, tourist courts or motels: one space for each room to be let plus one space for each two employees.
12. Restaurants or other eating establishments: one space for each four seats provided for partial use and one additional space for each two employees on the shift with the highest employment.
13. Automobile service stations: three spaces for each grease rack or similar facility; plus one space for each employee on the shift with the highest employment.

14. Auto sales and repair: one space for each 150 square feet of auto repair or maintenance space.
15. Nursing homes, sanitariums or similar institutions: one space for each two beds intended for patients, plus one space for each three employees on the shift with the highest employment.
16. Funeral home: one space for each four seats in the chapel, one additional space for each two employees, one additional space for each resident family, and one additional space for each funeral vehicle.
17. Hospitals: One space for each bed intended for patients, plus one space for each three employers at the shift with the highest employment.

21.49.2. **Parking Design Standards.** Off street parking facilities shall be designed, constructed, maintained, and operated in accordance with the following specifications:

1. Each off street parking space shall have an area of appropriate dimensions of not less than two hundred square feet net, exclusive of access, maneuvering area, ramps, and other appurtenances.
2. All off street parking and storage spaces, except for single family residential uses, shall be so arranged that vehicles will not be required to back onto a public street, road or highway when leaving the premises.
3. Entrances and exits shall be so located as to minimize traffic congestion.
4. Off street parking facilities shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials, or supplies.

Sec. 21.50 Accessory Structures.

No accessory building may be constructed in any portion of a required front or side yard. No accessory structure may occupy more than thirty (30) percent of a required rear yard. No accessory structure may be closer than five (5) feet from any side or rear property line or building.

Sec. 21.51 Structures in Required Yards.

The general definition of "yards" shall be construed subject to the following exceptions and interpretations:

1. Those objects which are excluded from the definition of a "structure" shall not be subject to regulation under interpretation of the definition of "yard".
2. Steps and open porches without roofs shall be allowed in any required yard.
3. Permitted accessory structures shall be allowed in the required rear yard.
4. Eaves, cornices, gutters, and other minor architectural features projecting less than twenty-four (24) inches from the main portion of a building shall be allowed to project into any yard.
5. Open fire escapes may extend into any required yard not more than three and one-half (3.5) feet.
6. Signs are permitted to encroach upon required yards in certain instances as set forth in

the town sign ordinance.

7. Heat pumps or air conditioning units outside principal or accessory structure shall be placed no closer than five (5) feet from any side or rear property line.

Sec. 21.52 Orientation of Required Yards.

The interpretation of requirements related to establishment or required yards, the zoning administrator shall apply the following interpretation to the orientation of such yards for corner lots and through lots.

- 21.52.1 Through lots in residential districts shall observe front yard requirements for principal and accessory buildings on each street.
- 21.52.2 Minimum front yards for corner lots in residential districts shall meet the minimum front yard requirements on the side adjacent to the more heavily traveled street and the minimum side yard requirements on the sides adjacent to less heavily traveled streets.
- 21.52.3. Minimum side yards for corner lots in commercial and industrial districts shall meet the minimum front yard requirements on the side adjacent to a street.
- 21.52.4 In commercial and industrial zones, the principal front yard on a corner lot shall be designated by the applicant.

Sec. 21.53 Visibility at Intersections.

- 21.53.1 Sight Clearance to be Maintained. At each corner of each street intersection a sight area shall be maintained. Within the sight area no fence, wall, sign, or other structure, no slope or embankment, no parked vehicle, no hedge, foliage or other planting, and no other object or structure shall be placed, erected or maintained which will obstruct visibility within the sight area.
- 21.53.2 Dimensions of Sight Areas. The horizontal dimensions of sight areas are defined as triangular area formed by the intersecting right-of-way lines and a straight line joining said right-of-way lines at points which are fifteen (15) feet distant from the point of intersection of the right-of-way lines in commercial and industrial districts and twenty-five (25) feet distant from the point of intersection of the right-of-way lines in residential districts, measured along the right-of-way lines. Such sight areas shall be established regardless of the angle of intersection of the right-of-way lines. The vertical dimensions of sight areas are defined as that vertical space between the heights of two and one half (2 ½) feet and ten (10) feet in elevation above the nearest edge of street pavement of a paved street or above the nearest edge of riding surface of an unpaved street.

Sec. 21.54 Communication equipment

Communications equipment will be allowed in any district in which an allowed land use requires the equipment to function properly. The equipment can co exist with the allowed conforming land use.

- 21.54.1 Satellite dishes shall be no larger than 24" in diameter and shall be in rear yards or screened sufficiently to limit visibility, at the sole discretion of the zoning administrator.

- 21.54.2 Communications towers will be limited to lots containing a TV or Radio station. Maximum heights will be in conformance with structure heights in Section 21.45 and 21.46

Article VII Administration and Enforcement

Sec. 21.58 Zoning Administrator.

21.58.1 Responsibility for Administration.

The zoning administrator designated by the town council shall administer and enforce this ordinance. It is the intent of this ordinance that all questions of administration and enforcement shall first be presented to the zoning administrator and that recourse from the decision of the zoning administrator shall be to the zoning board of adjustment as provided by law. It is further the intent of this ordinance that the function of the town council under this ordinance shall not include hearing and deciding questions of interpretation and enforcement which may arise, but that the town council shall have only the responsibility for acting on proposals for amendment or repeal of this ordinance.

21.58.2 Duties of the Zoning Administrator. The duties of the zoning administrator shall include:

1. Interpretation of the terms and provisions of this ordinance.
2. Administration of the provisions of this ordinance relating to zoning permits, certificates of zoning compliance; and applications for zoning amendments and special exceptions, the presentation of same to the planning commission and town council, and giving notice of hearings on such amendment and special exception requests as specified herein.
3. The receipt of complaints from persons who allege that violations of this ordinance have occurred, to properly investigate or cause to be investigated such complaints, and to initiate or cause to be initiated action to prevent, enjoin, abate, or remove such violations.
4. The maintenance of complete and accurate records relating to adoption, amendment, interpretation, enforcement and administration of the terms and provisions of this ordinance. Such official records shall be a public record and shall include but not be limited to:
 - a) The maintenance of the official copy of the text of the zoning ordinance and zoning map and other such records and official materials as may relate to the adoption, amendment, enforcement or administration of this ordinance;
 - b) The retention of records relating to applications for zoning permits, plats and plans in connection with said permits, certificates of zoning compliance,

denials of permits and reasons for denying such permits; and complaints and disposition of complaints from persons who allege that violations of this ordinance have occurred.

c) Other such duties as may properly relate to the accomplishment of the spirit and intent of this ordinance.

Sec. 21.59 Zoning Permits.

21.59.1 Zoning Permit Required. No building or other structure shall be erected, moved, added to or structurally altered without a zoning permit therefore issued by the zoning administrator. A zoning permit shall not be issued by the zoning administrator except in conformity with the provisions of this ordinance. If the permit is denied, reasons shall be stated for the denial.

21.59.2 Applications for Zoning Permits All applications for zoning permits shall be accompanied by plans drawn to scale, and shall include existing or proposed uses of the building and land; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance. One copy of the plans shall be returned to the applicant by the zoning administrator, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy.

21.59.3. Expiration of Zoning Permit. If the work described in any zoning permit has not begun within six months from the date of issuance thereof, the permit shall expire and be canceled by the zoning administrator. If the work described in any zoning permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be canceled by the zoning administrator. In the case of work which may reasonably be expected to require more than one year for completion, the zoning administrator may specify a time limit in excess of one year at the time of original issuance of the zoning permit. Written notice of the expiration of any zoning permit shall be given to the persons affected, including notice that further work as described in the canceled permit shall not proceed unless and until a special zoning permit has been obtained.

Sec. 21.60 Certificate of Zoning Compliance.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the zoning administrator stating that the building or proposed use of the building or land conforms to the requirements of this ordinance.

21.60.1 Temporary Certificate. A temporary certificate of zoning compliance may be issued by the zoning administrator for a period not exceeding six (6) months during

alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards in order to protect the safety of the occupants as well as the public.

21.60.2 Failure to Obtain Certificate. Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance, and punishable as provided herein.

Sec. 21.61 Construction and Use to Be as Approved.

Zoning permits or certificates of zoning compliance issued on the basis of plans and applications approved by the zoning administrator and other officials or agencies where additional approval is required authorizes only the use set forth in such approved plans and applications, and no other use. Use at variance with that authorized shall be deemed violations of this ordinance, punishable as provided herein.

Sec. 21.62 Fees.

When an amendment to this ordinance is requested by an individual or parties other than the town council or the planning commission, a fee as indicated below shall be paid by the applicant or his representative for each application at the time the application is filed to cover administration and advertising expenses.

21.62.1 Zoning Map Amendment. A fee of \$125.00 will be paid for the first lot of record or acre, and \$5.00 for each additional lot or acre, whichever is greater, not to exceed \$300.00.

21.62.2 Text Amendment. A fee of \$125.00 shall be charged for requested text amendments.

21.62.3 Special Exception. A fee of \$125.00 shall be charged for requests for special exceptions.

21.62.4 Variance. A fee of \$125.00 shall be charged for requests for variances.

21.62.5 Appeals. A fee of \$125.00 shall be charged for all administrative appeals to the zoning board of adjustment.

21.62.6 Zoning Permits. A fee of \$125.00 shall be charged for zone permits application. Residential applications shall be at no charge.

Sec. 21.63 Violations.

If the zoning administrator shall find that any one of the provisions of this ordinance is being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuances of illegal buildings or structures; of illegal additions, alterations, or structural changes; of any illegal work

being done; or shall take any other action authorized by this ordinance to ensure compliance with or prevent violations of its provisions.

Sec. 21.64 Complaints Regarding Violations.

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

Sec. 21.65 Penalties for Violations.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined, as determined by the court for each offense. Each day such violation continues shall constitute a separate offense. Nothing herein contained shall prevent the governing authority from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 21.66 Appeals.

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

Article VIII, Amendments

Sec. 21.69 Initiation of Proposals for Zoning Amendments.

An amendment to this ordinance may be proposed by the town council, the planning commission, the zoning administrator, any department or agency of the town, or any other individual, corporation, or agency. A request for an amendment to the zoning map, other than a request from the town council or planning commission, including property other than that owned by the applicant, shall include a written certification that the owners or authorized agents of all properties other than that owned by the applicant for amendment are in agreement with the proposed amendment. Requests for amendments shall be submitted in writing to the zoning administrator whose duty it shall be to present such amendments to the planning commission for review and to the town council for determination.

Sec. 21.70 Planning Commission Review.

All proposed amendments shall be submitted to the planning commission for study and recommendation. The planning commission shall study such proposals to determine:

1. The need and justification for the change;
2. When pertaining to a change in the district classification of the property, the effect of the change, if any, on the property and on surrounding properties;
3. When pertaining to a change in the district classifications of property, the amount of land in the general area and in the town having the same district classification as that requested; and
4. The relationship of the proposed amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this ordinance and the comprehensive plan.

Sec. 21.71 Planning Commission Recommendation to Town Council.

Within forty-five (45) days from the date that any proposed zoning amendment is referred to it (unless a longer period shall have been established by mutual agreement between the town council and the planning commission in the particular case) the planning commission shall submit its report and recommendation to town council. The recommendation of the planning commission shall be advisory only, and shall not be binding on town council. If the planning commission does not submit its report within the prescribed time, the town council may proceed to act on the amendment without further awaiting the recommendations of the planning commission.

Sec. 21.72 Public Hearing to Be Held.

Before making a recommendation to town council on any proposed amendment, the planning commission shall hold a public hearing. Such public hearing shall be held at such times as the planning commission shall decide, but in no case shall it be longer than forty-five (45) days from the date the proposed zoning amendment was referred to the planning commission.

Sec. 21.73 Notice of Public Hearing.

In scheduling a public hearing concerning zoning amendments, the planning commission shall publish a notice in a newspaper of general circulation in the Town, at least 15 days prior to the hearing, which notice shall state the time, date and place of the hearing, shall be blocked in, and shall have an appropriate descriptive title. When a proposed amendment made by any one other than the planning commission or town council affects the district classification of a particular piece of property, the zoning administrator shall cause to be conspicuously located on or adjacent to the property affected one (1) hearing notice for every three hundred (300) feet of street frontage or portion thereof. Such notice shall be posted at least 15 days prior to the hearing and shall indicate the nature of the change proposed, identification of the property affected, time, date and place of the hearing.

Sec. 21.74 Reconsideration of Proposed Amendments.

The town council shall not reconsider a proposed amendment to the zoning map if such amendment requests a change affecting the same lot, parcel, or portion thereof, for a period of one year from the date of the amendment fee payment of the prior request unless the planning commission recommends to the town council that such reconsideration be given, after the planning commission has found either (a) that there has been a substantial change in the character of the area, or (b) that evidence of factors or conditions exists which were not considered by the planning commission or the town council in previous deliberations which might substantially alter the basis upon which the previous determination was reached.

Sec. 21.75 Minimum Area for New Districts.

No request from any individual, corporation, or agency other than the town council or the planning commission for a change in zoning classification or creation of a separate district shall be considered which involves an area of less than two acres, except that the following changes may be made to apply to areas of less than two acres:

1. The extension of existing district boundaries or
2. The addition of OC zoning contiguous to existing GC zones.

Article IX Zoning Board of Adjustment

Sec. 21.78 Establishment.

A zoning board of adjustment is hereby established. Said board shall consist of five members, appointed by town council. The members shall serve for overlapping terms of four years or thereafter until their successors are appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. The members shall serve without pay but may be reimbursed for any expenses incurred while representing the board. None of the members shall hold any other public office or position in the Town.

Sec. 21.79 Proceedings.

The board shall adopt rules necessary to the conduct of its affairs in accordance with the provisions of this ordinance. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the zoning administrator and shall be a public record.

Sec. 21.80 Decisions.

The concurring vote of seven (7) members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to affect any variation of this ordinance. On all appeals, applications and other matters brought before the board of adjustment, the board shall inform in writing all the parties involved of its decisions and the reasons therefor.

Sec. 21.81 Powers and Duties.

In exercising its powers, the board of adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determinations, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the circuit court having jurisdiction.

The zoning board of adjustment shall have the following powers and duties.

21.81.1 Administrative Review. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days by filing with the zoning administrator from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. The board of adjustment shall fix a reasonable time for hearing the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator from whom the appeal is taken certifies to the board of adjustment, after notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.

In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application, on notice to the zoning administrator from whom the appeal is taken and on due cause shown.

21.81.2 Variance. Duties of the Board.

1. The zoning board of adjustment shall have the power to authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the zoning board of adjustment that:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- (b) The application of the ordinance on this particular piece of property would create an unnecessary hardship;
- (c) Such conditions are peculiar to the particular piece of property involved; and
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance or comprehensive plan, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district by the ordinance.

2. With respect to uses of land, buildings and other structures, this ordinance is declared to be a definition of the public interest by town council, and the spirit of this ordinance will not be observed by a variance which permits a use not generally permitted in the district involved or any use expressly or by implication prohibited by the terms of this ordinance in said district. Therefore, under no circumstances shall the zoning board of adjustment grant a variance to permit a use not generally permitted in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
3. No nonconforming use of neighboring lands, structures, or buildings in the district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
4. In granting any variance, the zoning board of adjustment may prescribe conditions and safeguards in conformity with this ordinance.

21.81.3.

Procedures.

1. A written application for a variance shall be submitted demonstrating that the applicant meets the provisions of this ordinance.
 - (a) That extraordinary and exceptional conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - (b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - (c) That the extraordinary and exceptional conditions and circumstances do not result from the actions of the applicant;
 - (d) That granting the variance requested would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance or the comprehensive plan; and
 - (e) That the variance, if granted, would not permit a use not generally permitted in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
2. Notice of public hearing shall be posted on the property for which a variance is sought and shall be published at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the Town.
3. The hearing shall be held. Any party may appear in person, or by agent or attorney.

4. The board of adjustment shall make findings that the requirements of Section 21.81.2 have been met by the applicant.
5. The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
6. The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purposes and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
7. The board of adjustment may prescribe a time limit within which the action for which the variance is requested shall be begun or completed, or both.

21.81.4 Effect of Failure to Meet Conditions.

1. Violation of conditions and safeguards prescribed in conformity with this ordinance when made a part of the terms under which the variance is granted shall be deemed as violations of this ordinance, punishable under penalties established herein.
2. Failure to begin or complete, or begin and complete, an action for which a variance is granted, within the time limit specified, when such time limit is made a part of the terms under which the variance is granted shall void the variance.

21.81.5 Duties of the Board.

1. To hear and decide only such applications for special exceptions as the board of adjustment is specifically authorized to pass upon by the terms of this ordinance;
2. To decide such questions as are involved in determining whether special exceptions should be granted;
3. To prescribe appropriate conditions and safeguards in conformity with this ordinance; or
4. To deny special exceptions when not in harmony with the intent and purpose of this ordinance.

21.81.6 Procedures.

1. A written application for a special exception shall be submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested.
2. Notice of public hearing shall be posted on the property for which special exception is sought and shall be published at least 15 days prior to the public hearing in a newspaper of general circulation in the Town.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney.
4. The board of adjustment shall make a finding that it is empowered under the section of this ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.
5. The regulations of this ordinance setting forth specific standards to be met prior to the establishment of any special exception shall be binding upon the board of adjustment and no variance to such requirements shall be granted.
6. The board of adjustment shall grant no special exception for the establishment of any use or structure which necessitates the concomitant granting of a variance.
7. The board of adjustment may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both.

21.81.7 Effect of Failure to Meet Conditions.

1. Violation of conditions and safeguards prescribed in conformity with this ordinance, when made a part of the terms under which the special exception is granted shall be deemed a violation of this ordinance, punishable under penalties established herein.
2. Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

Sec. 21.82. Appeals From The Decisions of The Zoning Board of Adjustment.

Any person who may have substantial interest in any decision of the board of adjustment may appeal any decision of the board to the circuit court in and for the county, filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the board is rendered.

Article X, Definitions

Sec. 21.86. Interpretation of Certain Words And Phrases.

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

Contiguous as applied to lots or districts shall be interpreted as meaning sharing a common boundary of ten feet or more in length

Lot includes the word *plat* or *parcel*.

Person includes a firm, association, organization, partnership, trust, company, corporation or any other entity usually defined in legal usage as a person, as well as an individual

Shall is mandatory; *may* is permissive.

Structure includes the word *building*, and the words *building* or *structure* includes any part thereof.

Used or occupied, as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

Sec. 21.87. Definitions.

Accessory. As applied to a use or structure, means customarily and clearly so or inane or incidental, and on the same premises of such use or structure.

Bed and Breakfast Inns. A single dwelling unit containing less than ten rental lodgings available to the public for accommodation of transient guests in which meals may or may not be provided.

Building. A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced 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, Accessory. A detached building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith.

Uses customarily accessory to dwellings include:

Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or salt house not over eight (8) feet in height

Private garage not to exceed the following storage capacities: one or two family dwelling, 4 automobiles; multiple-family dwelling, 2 automobiles per dwelling unit; group dwelling, 1.5 automobiles per sleeping room.

Private kennel for no more than three dogs or three cats, four months of age or older.

Private swimming pool and bath house or cabana. A swimming pool or cabana for use of the property owner only.

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

Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.

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

Club, Lodge, Civic or Fraternal Organization, Fraternity, Sorority. An incorporate or unincorporated non-profit association for civic, social, cultural, religious, literary, political, or like activities, operated for the benefit of its members and not open to the general public.

Day Nursery. Any agency, institution, center, home, nursery, nursery school, kindergarten, play school, or other place, however styled and whether operated under public auspices, as a private business, or by an established religious denomination, in which are received for temporary custodial care apart from their parents, part of the day or all of the day or night, and upon a number of successive days, one or more children not related to the persons providing such temporary custodial care.

District. One of any number of continuous and contiguous geographic areas within which the provisions and regulations of this ordinance apply uniformly to each class or kind of structure or land.

Dwelling, Dwelling Unit, or Unit. One room or rooms connected together constituting a separate, independent housekeeping establishment physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities, but excluding lodging units located in hotels or motels.

Dwelling, Multiple Family. A building containing three or more dwelling units.

Dwelling, Single Family. A building containing not more than one dwelling unit, and

specifically excluding mobile homes.

Dwelling, Two Family. A building containing no more nor no less than two dwelling units.

Family. One 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 three persons, but further provided that domestic servants employed on the premises may be housed within the single dwelling unit without being counted as a family or families.

Garage Sale, Yard Sale and Rummage Sale. The retailing of merchandise from the yard or garage or principal dwelling of a residence.

Home Occupation. An occupation, profession, or trade customarily and commonly carried out by an occupant in a dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the dwelling unit, and which, for purposes of this ordinance shall in all cases comply with the provisions of Section 408 herein.

Hotels and Motels. A building or part of a building containing ten or more rental lodgings available to the public for accommodation of transient guests in which meals may or may not be provided.

Junk, Salvage, Scrap, or Wrecking Yards. Any use involving storage or processing inoperable, disused, dismantled, or wrecked vehicles, equipment, or machinery or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials or other scrap, salvage, waste, or junk materials.

Lot. An area of land clearly defined by plat or by metes and bounds description.

Major Recreational Equipment. Major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Mobile Home. A movable or portable structure over twenty (20) feet in length and eight (8) feet or more in width, constructed to be towed on its own chassis and designed without a permanent foundation and one which may include one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two (2) or more units separately towable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit.

The term mobile home used in this ordinance shall not include prefabricated, manufactured or unitized dwellings placed on permanent foundations, nor shall it refer to travel trailers, campers or similar units designed for recreation or other short-term uses unless used for a permanent building.

Mobile Home Park. A parcel of land in single ownership used or set apart for the purpose of supplying parking space for two (2) or more mobile homes and which includes buildings, structures, vehicles, or enclosures used or intended for use as a part of such mobile home park. Sales or storage lots for unoccupied mobile homes are not considered to be mobile home parks.

Nonconformity. A term applied to lots, structures, uses of land or structures, and characteristics of uses of land or structures which were lawful before the passage or amendment of this ordinance, but which would be prohibited or regulated and restricted under the terms of this ordinance or future amendment.

Park. An area or facility intended to be used for recreation, exercise, sports, or similar activities, or an area intended to enhance the enjoyment of natural features or natural beauty, but specifically excluding commercially operated amusement parks.

Principal Use. The significant or primary activity carried out within a structure or upon land (such as retail sales within a store or occupancy of a dwelling unit as a residence) as contrasted to accessory uses which are incidental or subordinate to primary uses (such as sale of soft drinks at an automobile service station). Certain uses may be either principal or accessory, depending on their relationship with other uses, as for example a newsstand as an accessory use within a hotel lobby or as a principal use within a separate structure.

Rooming and Boarding Houses. A building containing a single dwelling unit in which 3 or more but not more than 12 nontransient persons, who are not members of the owner's or operator's family, are lodged, for compensation, with or without meals.

Street. A public thoroughfare designed to provide the principal means of access to abutting property, or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.

Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, including for the purposes of this ordinance mobile homes, travel trailers, signs, mobile signs, fences, portable signs, and satellite dishes, but excluding from definition as structures minor landscaping features such as ornamental pools, planting boxes, bird baths, paved surfaces, walkways, driveways, recreational equipment, flagpoles, and mailboxes.

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

Yard, Rear. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building.

Yard, Side and Front. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street or road and the front line of the building.

Yard, Side. An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line and extending from the front yard to the rear yard. Any lot line not a rear or a front line shall be deemed a side line.

Article XI Legal Status Provisions

Sec. 21.90. Separability.

Should any section or provision of this ordinance or application of a provision under this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof, other than the part or application so declared to be unconstitutional or invalid.

Sec. 21.91. Conflict with Other Laws.

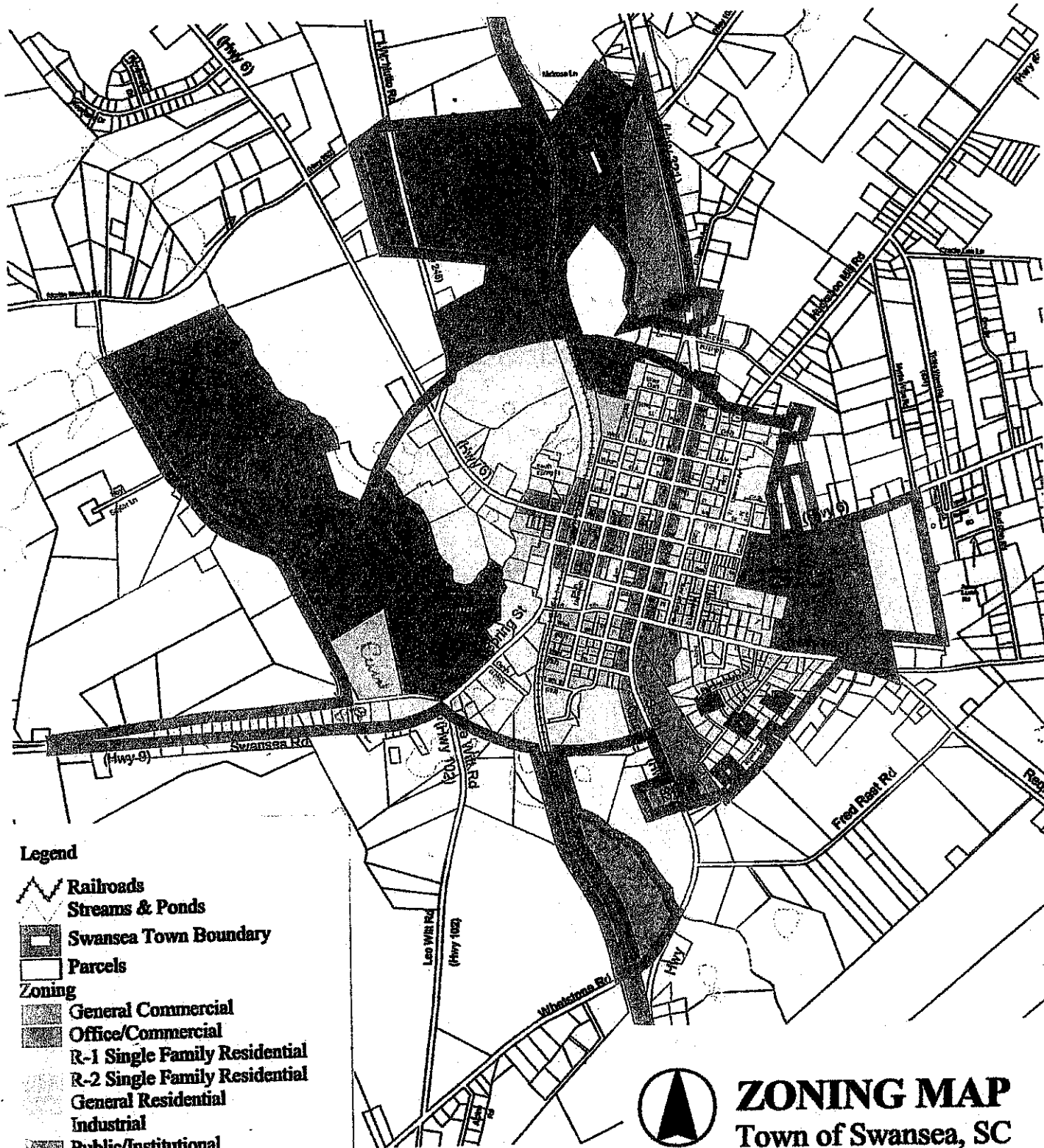
Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern. Unless deed restrictions, covenants, or other contracts directly involve the town as a party in interest, the town shall have no administrative responsibility for enforcing such deed restrictions or covenants.

Sec. 21.92. Effective Date.













This ordinance shall be in full force and effect from and after the date of its adoption by the town council.

Appendix C
Proposed Zoning Ordinance, Chapter 21 of the Code of Ordinances

Appendix B
Plan Map



Legend

-  Railroads
-  Streams & Ponds
-  Swansea Town Boundary
-  Parcels
- Zoning**
-  General Commercial
-  Office/Commercial
-  R-1 Single Family Residential
-  R-2 Single Family Residential
-  General Residential
-  Industrial
-  Public/Institutional
-  Rural



ZONING MAP
Town of Swansea, SC

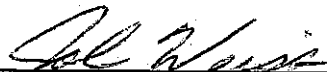
**State of South Carolina
County of Orangeburg**

Personally appeared before me,
John Weiss

Advertising Director
of **The Times And Democrat**,
a division of Lee Publications, Inc.
A newspaper published at Orangeburg,
County of Orangeburg,
State of South Carolina.

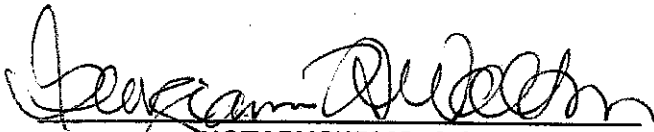
Who declares that the attached
Notice was published in said newspaper
On the following dates:

January 16, 2005



**SWORN TO AND SUBSCRIBED
BEFORE ME**

January 16, 2005



NOTARY PUBLIC, S.C.
My commission Expires: March 20, 2005

**TOWN OF SWANSEA
PUBLIC HEARING**
FEBRUARY 14, 2005, 7:00 PM
320 W. THIRD ST.
SWANSEA MUNICIPAL
BUILDING

The Town of Swansea will hold
a Public Hearing on
February 14, 2005 for the
discussion of the
establishing the first official
zoning map for the town.
The map may be viewed at
the Town Hall between the
hours of 8:00 am and
5:00 pm.

CHAPTER 21, ZONING WAS ADOPTED BY SWANSEA TOWN COUNCIL
ON December 13, 2004.

Ray Spies
MAYOR

William M. Deal

W. V. ~~used~~ Hudson

Linda H. Butler

Woodrow Davis Jr.

Attested by: Lorraine W. Abell

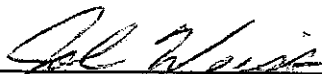
First Reading November 8, 2004

Second Reading December 13, 2004

**State of South Carolina
County of Orangeburg**

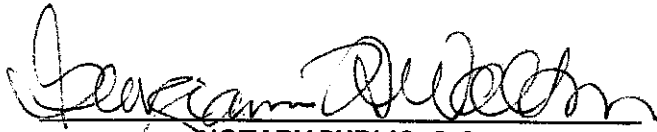
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